

Watchful eyes patrol the quiet of an empty stadium

By R.L. McManus Jr.
Staff writer

Four Albany police officers, white riot helmets held tightly in place with thick black leather chinstraps, stared silently from the city's Blecker Stadium into Clinton Avenue through a locked steel gate about 9 p.m. Monday.

Inside the 47-year-old municipal ballfield, about a dozen other officers — some patrolling in pairs along the top of the steep grassy hill surrounding the playing field, some on the cinder running track — were in evidence.

With nightsticks and flashlights dangling from their creaking Sam Browne belts, they exchanged light banter with youngsters bicycling through a light mist down an Ontario Street sidewalk.

"When they going to play the game, tomorrow? Is this where the rugby is?" the kids asked.

"Yep, sure is," the cops answered. One said he really didn't know what was going on.

"Don't feel left out. They haven't told us anything either. Read the paper, that's what they told us."

Will you be here all night?

"Somebody will," he answered, tugging at a heavy leather glove.

Across the street, at the firehouse at Ontario Street and Clinton Avenue, the firemen were making their preparations.

"They're pulling Ladder 4 out for a triage (emergency medical) center," said a ranking department officer. "They're going to turn Engine 7 into a police command post."

"There'll be spotters on the roof here, and over on Central Towers (at 400 Central Ave.). Of course," he said, "that's all unofficial."

Everything is unofficial. They don't tell us anything."

Emergency no-parking signs, printed on yellow cardboard, were posted all around the stadium. They posed a special hardship on Second Street, where few of the mostly two-story wood-frame homes have driveways.

There, they were ignored, and the patrolling police black-and-whites paid no attention.

Kevin Landers, of 579 Second St., wasn't worried. "The only bad thing is the parking. They put up signs telling everybody to park someplace else."

Mary Apple, of 599 Second, was just a little worried.

"With that amount of people, it's hard to keep things under control. All it takes is one or two incidents, you know, for things to get out of hand."

Barney McDonald, 553 Second St., was just

mad — mad at Mayor Erastus Corning II.

"I don't know if anybody knows what's going to happen. It just goes to show what kind of mayor we have. He sanctioned it. He gave the go-ahead. I know he won't get my vote again."

The black-topped fieldhouse parking lot was all but empty, and the crackle, pop and high-pitched tones of a police radio broadcasting from the thick brick structure could easily be heard 50 yards away.

A single officer patrolled the front of the field house, politely challenging passersby and clearly discouraging small talk.

To the west, in Swinburne Park where the bulk of the demonstrators are expected tonight, a spindly mongrel barked tentatively, then moved away. Otherwise, the park was empty.

9/22/81
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Springboks Beat U.S. All-Star Team As Anti-Apartheid Protesters March

By Bart Barnes
Washington Post Staff Writer

ALBANY, N.Y., Sept. 22—As anti-apartheid protesters marched and chanted outside, the South African national rugby team, the Springboks, easily defeated an Eastern Rugby Union all-star team, 41-0, tonight in the second match of their three-game U.S. tour.

In a driving rainstorm that quickly turned the playing field at the city's Blecker Stadium into a sea of mud and under the protection of more than 150 police and sheriff's deputies, the controversial match was played without interruption before a crowd of about 500.

Although protesters had predicted that as many as 10,000 demonstrators might appear, the rain-soaked crowd outside the stadium numbered no more than 2,500 at its peak. By the time the match ended, it had dwindled to fewer than 1,000.

"It happened just as we planned it. This is wonderful. I look forward to having many more successful rugby matches in Albany," said Tom Selfridge, president of the Eastern Rugby Union and coordinator of the Springboks' tour.

Not until late this afternoon did organizers finally receive word that

the event could take place here as planned.

This morning, the state of New York asked a federal appeals court in Manhattan to overturn yesterday's injunction by a federal judge in Albany barring Gov. Hugh Carey from ordering the match canceled.

Carey had ordered cancellation of the match last week, citing the possibility of violence, but Judge Howard G. Munson ruled the governor's order violated the First Amendment.

When the appeals court declined to overrule Munson this afternoon, the state made a last-ditch appeal to U.S. Supreme Court Justice Thurgood Marshall, but Marshall declined the appeal without comment.

As word of Marshall's ruling reached the organizers, protesters were beginning to assemble on the streets and in a park just outside the stadium. Many protesters were from the Albany campus of the State University of New York.

For the next three hours, they listened to speeches and songs. There were several standoffs and confrontations between groups of protesters and riot-equipped police, but there was no serious attempt to enter the stadium.

Mike Dollard, Albany coordinator of the protest, said, "Our rally is di-

rected against the Republic of South Africa and the concept of apartheid, not against the game or any of the spectators." Selfridge said organizers had been prepared to call off the game if it appeared that crowd violence was imminent on the field.

The day had begun violently when a pipe bomb exploded near the downtown offices of the Eastern Rugby Union in nearby Schenectady shortly after 1 a.m. The blast caused only minor damage to the rugby union offices but severely damaged some adjacent offices.

Police said they had no suspects.

After tonight's game, the Springboks were whisked from the 7,000-seat stadium under heavy guard.

The match here, with its heavy police presence, was in marked contrast to the Springboks' first U.S. game, at a neighborhood field Saturday in Racine, Wis., with one policeman present.

The Springboks' final U.S. match is scheduled Saturday against a U.S. all-star team. Neither the site, somewhere in the Northeast, nor time of that match has been announced.

In Washington today, a House resolution opposing the Springboks' U.S. tour won a bare majority, 200 to 198, but failed to muster the two-thirds majority required for passage.



Investigator James McGrath inspects the site of the blast that heavily damaged offices adjoining the rugby union headquarters.

Wash Post 9/22

Is Rugby 'Speech'?

Constitutional Question Is Presented By Judge's Ruling in Springbok Case

By DAVID MARGOLICK

The legal wrangle that culminated in yesterday's ruling overturning Governor Carey's cancellation of a rugby game involving the South African Springboks brings up a constitutional issue not previously addressed by the courts: whether an ostensibly political sporting event is protected by the right to free speech.

Only when that question is resolved, scholars say, can the courts engage in the more traditional balancing act between the First Amendment's protection and the need to maintain public order that the Springbok case presents.

No one seems quite sure of the political views of the various Springbok players, whose tour of the United States has sparked bitter protests from opponents of apartheid in South Africa.

But according to a friend-of-the-court brief filed yesterday by the New York Civil Liberties Union, the players' preferences are secondary. The union's attorneys asserted that the controversy surrounding the tour has itself turned the game into a political event, thereby cloaking it in the broad protections of the First Amendment.

Judge Backs Argument

The judge in the case, Howard G. Munson of Federal District Court in Albany, agreed with the substance of that argument in ruling against Governor Carey.

The United States Supreme Court has never directly addressed whether sporting events fall under the First Amendment, which states that Congress—and, under subsequent judicial rulings, the states—shall make no law "abridging the freedom of speech."

Nonetheless, the Court has recently shown an inclination to extend constitutional protections to forms of entertainment, as well as political and ideological speech. Earlier this year, for instance, it ruled that nude dancing was a form of expression and could not be prohibited by a local zoning ordinance.

"There is no obvious reason why nude dancing viewed through a coin-operated booth in an adult establishment should be entitled to greater protection" than a highly politicized sporting event, the Civil Liberties Union argued.

In assessing the constitutionality of the Governor's action, scholars disagree over which is more pertinent: the intrinsically political nature of the match between the Springboks and a team of American players or the political controversy that has come to surround the game.

"Neither rugby nor soccer are speech protected by the First Amendment," said Prof. Laurence H. Tribe of the Harvard Law School, echoing arguments made yesterday on the Governor's behalf. "When the state reasonably determines that there is a serious threat of violence, it surely has the authority to withhold access to a municipal facility for the athletic event that poses the threat."

Professor Tribe maintained, in fact, that by allowing the possibility of violence against those lawfully exercising their First Amendment rights at the game, any decision by the Governor to permit the match would "turn freedom of speech inside out."

Nor, say adherents of this view, can the protests of various anti-apartheid groups make a rugby game an expression of speech that should be constitutionally protected. Prof. Geoffrey R. Stone of the University of Chicago Law School asserted that such a match was not "speech" in the constitutional sense, because it was "not designed in any sense to communicate ideas to people."

Law Is Unclear

Others, including Prof. Gerald Gunther of the Stanford Law School, argue that activities at the periphery of a sporting event can raise serious First Amendment questions. Professor Gunther said, too, that even a rugby player who is not consciously seeking to assert a right to free speech could be entitled to constitutional protections.

"You don't have to be a street-corner political orator," he said. While the law is murky on the issue, Mr. Gunther said, even the nonpolitical position of the South African rugby players would not deprive the match of its political overtones, because of the protests that it has prompted and the resulting decision of the state to cancel the game.

"The fact that a South African team is playing on American soil is the communicative thing," the professor said.

"It makes South Africa legitimate in some people's eyes."

Sees 'Real Worries'

He said that the mere possibility that government officials were reacting differently to the rugby match than they might have to a civil-rights demonstration "should trigger real worries for anyone concerned with First Amendment principles."

"At a minimum," he said, "the government is acting in response to a political protest."

"It's not the event that's political so much as the reaction to it," added Prof. A. E. Dick Howard of the University of Virginia Law School. "The protesters are in effect invading it with a public interest, and the First Amendment gets involved, if only through the back door."

Constitutional scholars agree that only rarely may the government suppress speech because of the sensibilities of an audience or the possibility that it may react violently.

A "function of free speech under our

NH time
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of mass violence is an adequate justification for the government to step in, and even there, it would be preferable to keep the event and take the speaker into protective custody rather than end the event altogether.

Others contend, however, that the essence of police protection of participants in controversial public events like the Springbok match should make the courts wary of expanding the definition of free speech too far.

"It's symbolically devastating for the First Amendment to have hecklers shouting down speakers, and if necessary you can bring out tanks and troops to protect them," said Prof. Vincent Blasi of the University of Michigan Law School. "But that's something a legal system can't push too far, particularly when there aren't intrinsic First Amendment activities at issue."

system of government is to invite dispute," Justice William O. Douglas wrote for the Supreme Court in 1969. "It may indeed best serve its high purpose when it induces a condition of unrest, creates dissatisfaction with conditions as they are or even stirs people to anger."

With this in mind, governmental curbs have been subjected to strict facial tests. The courts have disallowed restrictions unless a case can be made that there is imminent danger or that less drastic alternatives are not available. In his ruling yesterday, Judge Munson said that Governor Carey had failed to make such a showing.

"This is an arena where there's some affirmative obligation on the part of the government to go out and protect the speaker to the best of its ability," said Professor Gunther. "Only the prospect

THE NEW YORK TIMES, TUESDAY, SEPTEMBER 22, 1981



As South African rugby team arrived in Albany Sunday, it was greeted by group of anti-apartheid demonstrators.

Associated Press

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N.Y. Times

U.S. Judge Voids Carey's Ban On Springbok Rugby Match

Special to The New York Times

ALBANY, Sept. 21 — A Federal District Court judge ruled today that Governor Carey could not prohibit a South African rugby team from playing an exhibition game scheduled here for 7 P.M. tomorrow.

In lifting the Governor's ban on the

match in Bleecker Stadium, the judge, Howard G. Munson, said Mr. Carey had acted "unilaterally."

Last week, when he ordered the ban, the Governor said that he was acting because of an "imminent danger of riot." Black and civil rights groups had threatened protests, contending that the South African team, the Springboks, represented the apartheid policy of the Government of South Africa.

Judge Munson, in an oral opinion, rejected "the Governor's contention that not enough time exists to call out the National Guard." The judge said:

"By enjoining the scheduled sporting event, the Governor of New York seeks to destroy the very constitutional freedoms which have enabled more than a century-long struggle in this country to ensure racial equality."

Issue of Executive Privilege

"Surely," Judge Munson continued, "the American citizens must realize that the benefits of such a constitutional heritage must not be commanded by executive privilege and extended or withheld on the basis of popular demand."

The sponsor of the rugby match, the Eastern Rugby Union, had asked the Federal judge to enjoin Governor Carey. Richard P. Walsh Jr. of Schenectady, an attorney for the rugby union, argued that Mr. Carey had set a "dangerous precedent" in prohibiting the game, in which the Springboks are to play an all-star group of American players.

Peter L. Yellin, a deputy first assistant attorney general, who represented the Governor, said the state would seek

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cont

Judge Voids Ban on Springbok Game

Continued From Page A1

a reversal of Judge Munson's decision tomorrow in the United States Second Circuit Court of Appeals in New York City.

But Judge Munson refused to stay his ruling pending the higher court review. Noting that the game was to be played tomorrow, the judge said that granting the stay would be equivalent to ruling for the state.

Steven R. Shapiro, an attorney for the New York Civil Liberties Union, argued against Governor Carey's ban, telling the court that it violated "the principles of equal protection and equal access to public facilities."

Saying that "what began as an ath-

letic contest has been elevated into an important test of constitutional principles," Mr. Shapiro declared: "This case is not about apartheid. The South African Springboks could just as well be any other unpopular group."

Lanney E. Thayer of Albany, representing the Capital District's Coalition Against Apartheid, supported the ban, contending that the 14th Amendment prohibition against racial discrimination took precedence over the freedom-of-assembly guarantees of the First Amendment. He told Judge Munson that the Springboks represented the Government of South Africa.

If the game were played in Blecker Stadium, he said, the city of Albany, which owns the stadium, "would be condoning, supporting and sanctioning South African apartheid."

Sport in South Africa, he asserted, "is an arm of the system of apartheid."

Permission Given in February

The Eastern Rugby Union, a Schenectady-based group, received oral permission last Feb. 7 to use the stadium. The game was scheduled originally for 7 P.M. today, but it was canceled last Thursday by Albany's Mayor, Erastus Corning 3d, after Governor Carey, in a

statement, "determined that the rugby game should not be held in Albany."

In addition to what he said was the danger of a riot, the Governor asserted that "the financial cost to the state of the mobilization of forces sufficient to meet reasonably anticipated disorders would be substantial."

Mr. Yellin, the Governor's attorney, told the court that the state police, after an investigation, had informed Mr. Carey that the game would attract "in excess of 10,000 protesters" and that the protest would be infiltrated by "professional agitators."

Judge Asks for Facts

"But who, what — what facts did he have?" Judge Munson asked.

The report contains "much sensitive material," Mr. Yellin replied, and Judge Munson said he would examine it privately.

In an affidavit filed with the court, Governor Carey acknowledged that he had the authority to use the state police and the National Guard to prevent disorders, but he said that "the threat posed by the scheduling and holding of the proposed rugby game may not be adequately countered by such measures."

An affidavit by William G. Connelie, the State Police Superintendent, said that "the physical layout of Blecker Stadium makes it difficult for any law-enforcement agency to effectively police and protect spectators and innocent demonstrators from attacks, such as may be generated by radical violent elements seeking confrontation."

Maternity Shop

Rugby office bombed; game still on

9/22/81
Rochester
Times-Union

**ate appealing
judge's ruling
permitting game**

Times-Union wire services

SCHENECTADY — A bomb extensively damaged a building housing the Eastern Rugby Union's offices early today, hours before the group was to field a team against a South African squad that has been the target of anti-apartheid protests, police said. There were no reports of injuries.

*South Africa prepares itself for a siege —
18A*

No one immediately claimed responsibility for the blast, Patrolman Arthur Zampella said.

Tom Selfridge, president of the ERU, said the blast would have no effect on tonight's game matching the touring Springboks, a South African all-star team, and the ERU squad, at Bleecker Stadium, Albany. Members of the Springboks were reportedly under police protection at their motel. (The team is named after a South African gazelle, the springbok).

Fearful of a riot, New York state officials earlier had tried to stop tonight's scheduled

match. Schenectady is 10 miles from Albany.

The Eastern Rugby Union is the host for the Springboks' visit.

RADIO STATION WWWD reported that a woman had phoned at 1:10 a.m. to say a bomb would go off soon "downtown." Disc jockey Dale Lane said the woman hung up without identifying herself.

The blast, caused by a "high-explosive device," caused heavy damage to the offices of a baby products company next to the ERU headquarters, police investigator James Grath said.

The ERU office was not as extensively damaged.

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continued

Explosion damages Rugby Union building

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damaged, he said. Capt. Victor Pomeroy said there was "substantial damage" elsewhere on the second floor of the four-story building.

Glass blown out by the blast littered State Street in front of the row of renovated buildings known as Canal Square.

McGrath said the bomb had apparently been placed in a closet 2½ feet from the rugby office in an area accessible to the public during business hours.

The blast was reported at 1:17 a.m. EDT by a passerby, Zampella said, refusing to identify the person. He said police have no suspects.

U.S. DISTRICT JUDGE Howard Munson ruled yesterday that Gov. Hugh L. Carey acted improperly when he told Albany Mayor Erastus Corning II last week to stop the game. Carey cited what he said was an "imminent danger of rioting" because of the planned protests.

State officials were to appeal Munson's ruling today in the 2nd U.S. Circuit Court of Appeals in New York City.

Munson said Carey's action "seeks to destroy the very constitutional protections that have enabled a century-long struggle to bring about racial equality."

Jill Schuker, an aide to Carey, said today the governor was aware of the explosion but would have no comment.

MICHAEL DOLLARD, spokesman for the Capital District Coalition Against Apartheid, said last night that the busloads of demonstrators his organization had expected from New York City and elsewhere might not materialize with so little notice. "Enthusiasm tails off very rapidly," Dollard said.

A state police report given Carey last week estimated that up to 15,000 demonstrators could show for the game. Dollard did not say yesterday how many he expected to show up.

The racially mixed Springboks came to the U.S. as an attempt at good will on the part of the white-ruled government in the black-majority nation. Protests have forced the team underground; its whereabouts often kept secret.

DEPUTY ATTORNEY GENERAL Peter Yellin was to represent the state in its court appeal today. Yellin would not comment on Munson's decision and said only that "I feel the governor acted properly" in canceling the match.

Richard P. Walsh Jr., representing the Eastern Rugby Union, argued in court yesterday that the game was "a protected activity under the First Amendment" and contended that Carey lacked the power to cancel the match.

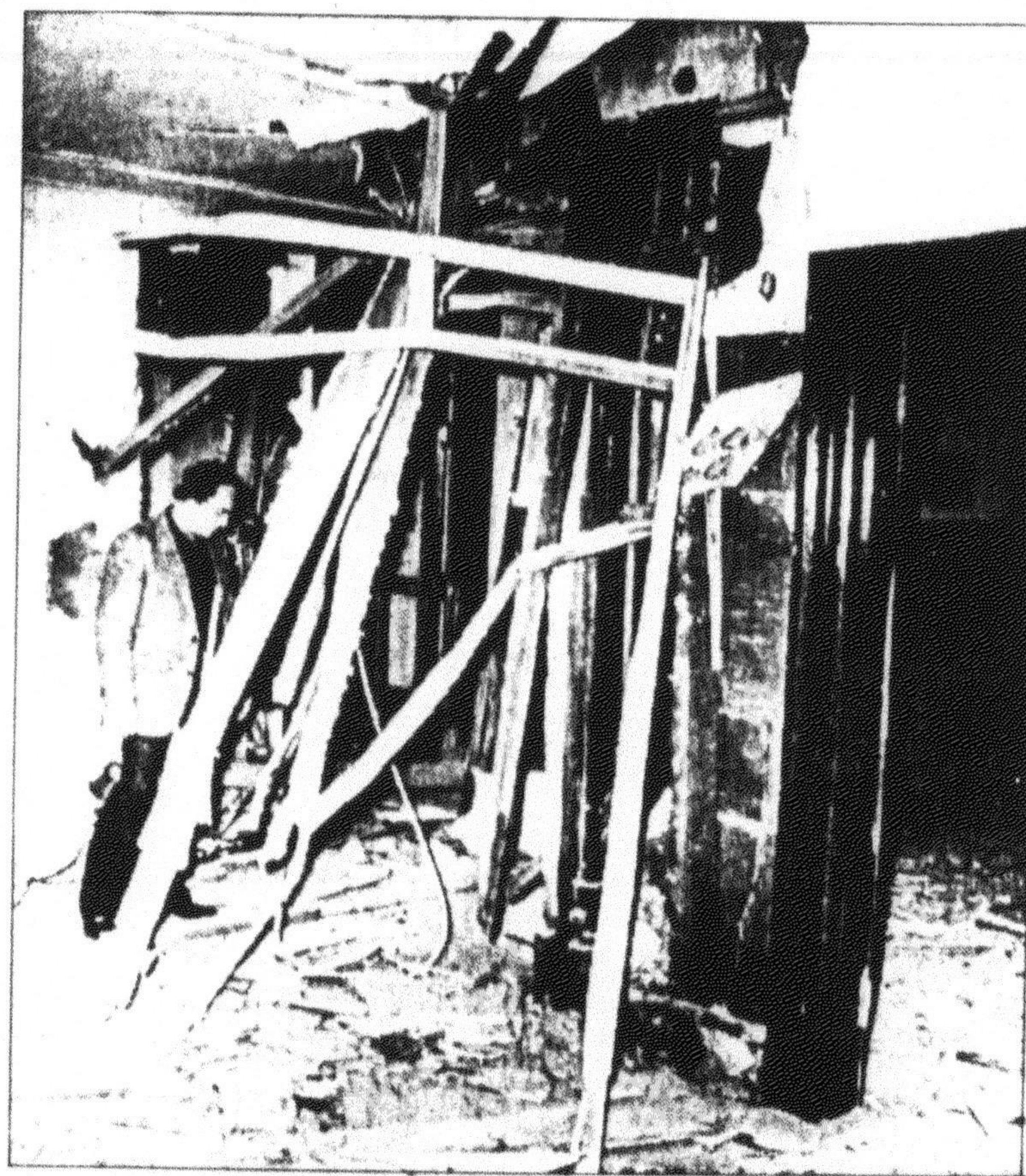
Yellin contended that Carey's "executive determination" was allowed under the "broad authority" given him in the state constitution.

Corning reaffirmed his stand that the teams had a constitutional right to play. The mayor asked that if Munson ruled in favor of the game, he also should order Carey to provide extra security on request.

OPPONENTS of the match had claimed that permitting it would, in effect, condone South Africa's apartheid policy.

But Selfridge insisted the teams had a constitutional right to play and the demonstrators had a right to protest.

Munson said that no matter how "repugnant" the situation had become, the Springboks deserved "the protection of the court."



United Press International

A police investigator inspects damage caused when bomb exploded early today just outside offices of Eastern Rugby Union in Schenectady.

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Federal Judge Rules Carey Out of Bounds; Rugby Game Back On

Schenectady Gazette

22401
By PHIL BLANCHARD
and
STEVE NELSON

ALBANY — A federal judge, declaring that tonight's scheduled rugby game at Bleecker Stadium between the South African Springboks and a U.S. all-star team deserves protection under the constitution, yesterday overturned Governor Hugh L. Carey's ban of the game.

The state, though, will go to an appeals court in New York this morning in an attempt to overturn the decision by District Court Judge Howard G. Munson.

Anti-apartheid activists met last night to make final plans for a demonstration they say will converge on the stadium at 7 p.m., the game's announced starting time. Protesters are planning to meet at the state Capitol at 5 p.m., then march up Washington Avenue to Northern Boulevard, then to Clinton Avenue and on to Swinburne Park, adjacent to the stadium.

In deciding to allow the game to go on as scheduled, Munson said: "By enjoining the scheduled sporting event, the governor of New York seeks to destroy the very constitutional freedoms which have enabled (the) more than a century-long struggle in this country to ensure racial equality."

Munson's decision supporting the Eastern Rugby Union, sponsors of the planned game, came in late afternoon after a half-hour morning session of oral arguments that included an extraordinary appearance by Mayor Erastus Corning II, who asked that the court "take the position that the game be played" and that "the governor be ordered to provide additional protection."

Munson made no such order in his verbal decision, but said later, "I would imagine that the governor and the mayor, as responsible public officials, will do what they are supposed to do."

Corning had maintained that the rugby game should be allowed until Carey issued his statement last week. The mayor said he took it as an order to cancel the match.

The judge's decision was based on the contention of Richard P. Walsh, Jr., the ERU attorney, that the rugby game was entitled to first amendment protection as a form of free speech and that Carey had exceeded the authority granted the governor in the state constitution.

"The holding of the rugby match is protected activity under the first amendment and is even more important because of the political impact of the match," Walsh said.

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"If the governor can ban public assembly, that what are the limits of how far he can go?" Walsh asked.

Peter L. Yellin, the assistant state attorney general who represented the governor at the hearing, claimed that the rugby game, as a "sporting event, is not a constitutionally protected activity."

"It is not a political event. It is not a forum to vent political ideas and expression," Yellin told Munson.

Yellin also claimed that the governor, in banning the game, was acting under his "broad authority to ensure the public safety is maintained."

He cited a State Police report that allegedly contained a "strong indication that professional agitators would infiltrate an otherwise peaceful demonstration" and possibly provoke violence.

The police report was given to Munson, who studied it before issuing his decision. Yellin asked that the report be kept secret, claiming that it contained "sensitive material."

Also heard were lawyers for the New York Civil Liberties Union, in support of the rugby union, and the Capital District Coalition Against Apartheid, who backed the governor's action.

Munson, whose written decision in the case will be filed this morning, said, "the constitutional protections that derive from the plaintiffs' freedom of association are under the first amendment of the United States constitution. This right is made more dramatic here because the plaintiffs' public forum has been transformed from a rugby playing field into a political arena which has invoked an outrage of criticisms of American citizens protesting for freedom from racial injustice and for freedom of speech."

"However repugnant the views engendered by these controversies, they deserve constitutional protection by this court."

"This court acknowledges the governor's duty to preserve the peace. His discretionary powers, however, must follow intelligible standards," Munson said.

Immediately after Munson gave his decision, Yellin said the state would be in the Second Circuit Court of Appeals in New York this morning to file an appeal and request a hearing by 10 a.m.

Munson denied Yellin's request for a stay of his decision until the case is considered by the appeals court. "If I grant a stay at this time, I might just

as well have ruled for the state," said Munson.

After he adjourned the court, Munson said he believed the Second Circuit judges would hear the case today.

The losing side would have to resort to the U.S. Supreme Court to appeal the appeals court decision.

The governor's office withheld comment on Munson's decision until after the appeals court rules.

Thomas Selfridge, ERU president, expressed his pleasure at Munson's decision at an impromptu news conference on the steps of the federal courthouse. "The decision of the court is a cornerstone for all sportsmen of the world," Selfridge said.

Selfridge's remarks were at times overpowered by the chanting of demonstrators angry at the court decision.

Meanwhile, the South African rugby players practiced for about an hour and a half at Bleecker Stadium at midday yesterday, then returned to the Best Western Thruway House on Washington Avenue. There were no demonstrators reported at the motel, in contrast to the throng that greeted the Springboks on their arrival Sunday evening at Albany County Airport.

Bishop Howard Hubbard said the court decision did not alter his opposition to the game.

"I'm still opposed to the match being conducted in Albany or in the United States," Bishop Hubbard said. "Regardless of what the court decided, the match still flies in the face of the sensitivities of a majority of the people in this country."

Michael Young and William Robinson, organizers of the local Stop the Apartheid Rugby Tour, were agitated at Munson's decision.

"We're totally outraged that the U.S. Constitution can be used by the most murderous, most racist people in the world," said Robinson. "It only intensifies our efforts to stop the rugby tour."

Michael Young, who is the New York spokesman for the Communist Workers Party, agreed it was "outrageous" that the Eastern Rugby Union was using the constitution to support its right to hold the match in Bleecker Stadium.

Young lashed out at the state police's claim that his group and others such as the Ku Klux Klan would turn what has been a peaceful protest into a violent confrontation.

"First of all, we don't want the Governor to scapegoat us, use us to get out of a sticky situation," he said.

Rochester

Times-Union

9/22/81

Rugby and racism

No doubt it was inevitable that the Eastern Rugby Union would find some upstate backwater like Racine, Wisconsin to host the first exhibition game in America with the South African Springboks rugby team, the cutting edge of pro-apartheid propaganda abroad.

And perhaps it was inevitable that, despite threats of violence, a federal judge would overrule Gov. Carey and permit a scheduled game in Albany to take place tonight.

But it is a bitter moral, if not legal defeat. In Racine, what added insult to moral injury was that the game had to be played, with no advance warning, smack in the middle of a black neighborhood. In New York, the game will be played in our state capital.

For the Springboks, that will be one more triumph. The longstanding barrier against its presence in the U.S. has been decisively broken. Now, international acceptance will be that much easier for South Africa to come by.

At least in New York, Gov. Carey, Mayor Koch of New York City and Rochester police chief Delmar Leach put up a fight. In Racine, officials who helped the game take place and who cooperated in the secrecy surrounding it will have to live with themselves and their constituents.

But after the threats of violence, after the bombing of the offices of the Eastern Rugby Union this morning, we cannot help but feel relieved that Rochester passed up the dubious distinction of being the first to collaborate with the aims of South African racism in this modest, but symbolic, way.

Bail to be sought for two jailed before rugby match

By Joe Picchi

Staff Writer

Bail will be sought today from Albany County Court Judge Joseph Harris for at least two of the persons being held in Albany County Jail following their arrests before Tuesday's anti-rugby demonstration.

The public defender's office will seek bail for John H. Spearman, 31, of Lawrence, Kan., and Michael R. Young, 28, of Brooklyn, a leader of the Communist Workers Party who said he was in Albany to demonstrate against the appearance of the South African Springbok rugby team.

The two were arrested Monday night.

Spearman was charged with criminal possession of a handgun and possession of stolen property. Young was charged with criminal possession of a handgun, possession of fireworks and unlawful possession of marijuana.

Two other persons, Vera Michelson, 36, of 400 Central Ave., Albany, and Aaron A. Espis, 22, of Somerville, Mass., are also in Albany County Jail on possession of fireworks charges.

The cases of all four were adjourned to Oct. 6 after they were arraigned Tuesday before Albany Police Court Judge Thomas Keegan.

Michelson has been involved in civil rights activities in the Albany area for several years.

She was incorrectly identified in Wednesday's editions of *The Times-Union* as president of the Civil Service Employees Association (CSEA) local at the O.D. Heck Developmental Center in Niskayuna.

Judge explains game ruling

By Shirley Armstrong
staff writer

The report to Gov. Hugh L. Carey by State Police Superintendent William Connelie, warning of possible violence during Tuesday night's rugby game, did not provide "a sufficient factual basis" for canceling the match, according to the federal judge who nullified the ban.

In a written decision handed down Tuesday, which elaborated on the ruling issued from the bench Monday, Judge Howard G. Munson said "the factual evidence supposedly substantiating the governor's determination is woefully inadequate."

Connelie's report, which has not been made public, was given to Munson by the attorney general's office for his own inspection as he considered Eastern

Rugby Union's petition for the injunction against cancellation of the event.

Although Munson's decision did not disclose the content of the report, he said neither it nor an affidavit by Carey, which also was submitted to the court, justified the governor's action, which the court said was in violation of the First Amendment of the U.S. Constitution.

Munson said the Carey affidavit "merely parrots his press release."

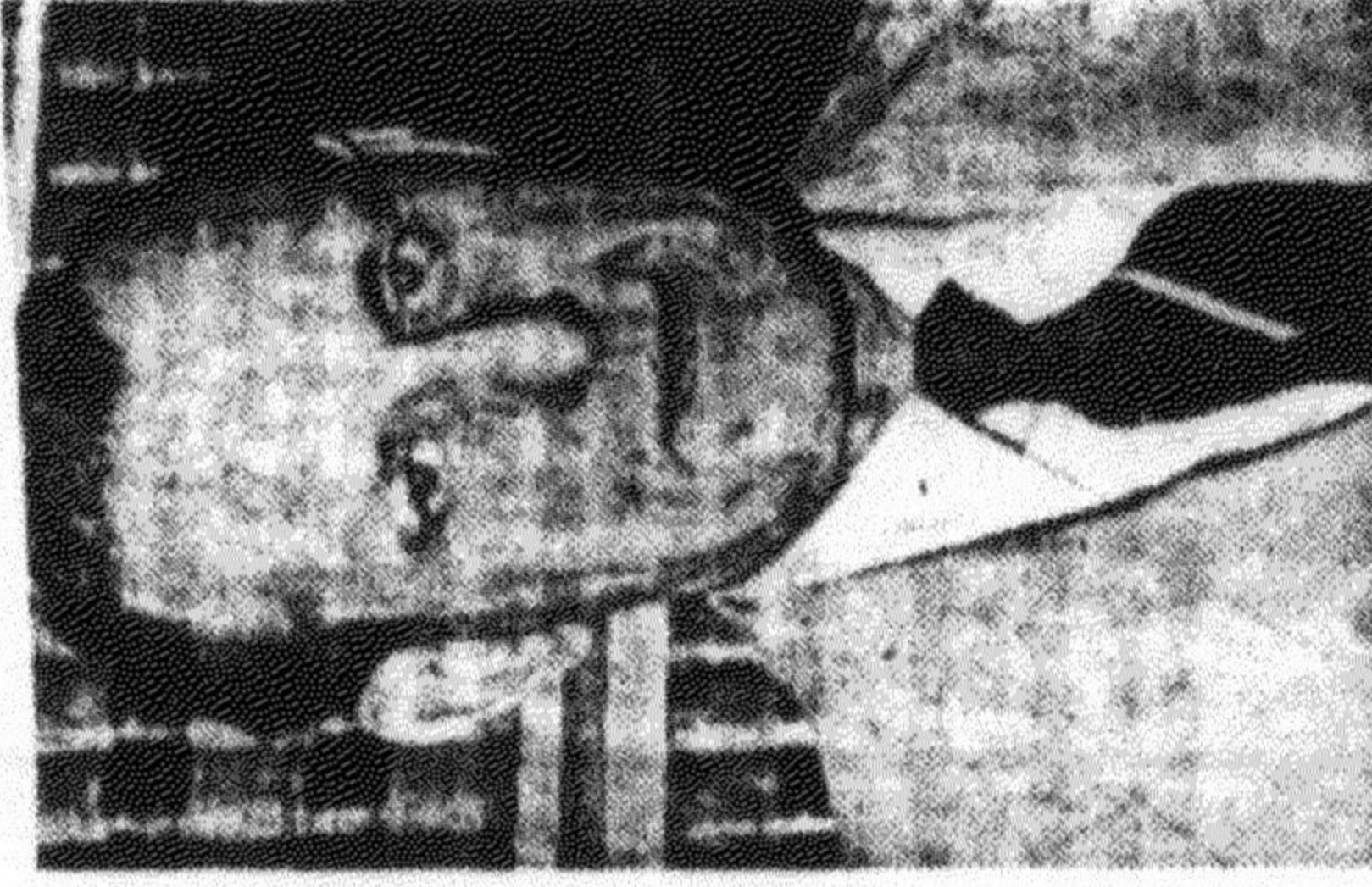
Carey said he had been advised by Connelie that State Police intelligence had uncovered the probability that professional agitators would infiltrate the crowd and a riot could occur. Groups the State Police suggested would be likely to demonstrate included the Ku Klux Klan and the Communist Workers Party, and fear was expressed that the volatile situation could lead to a

confrontation between those two organizations.

However, the leader of the Klan group cited told *The Times-Union* last week there was no plan for a demonstration in Albany and, in fact, he had never heard of South Africa's Springbok rugby team.

Michael Young, spokesman for the Communist Workers Party, held a press conference to deny his group planned a confrontation with the Klan or with any other group.

Munson said that because Carey failed to substantiate the "supposed need for a ban" and had not turned to a less restrictive alternative to prohibition, his action constituted "prior restraint" and prohibited the team's "fundamental First Amendment rights."



HOWARD G. MUNSON
... said evidence inadequate

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Constitutional debate over game settled with one word

By Shirley Armstrong

Staff Writer

"Denied."

That terse order, delivered to a top state lawyer representing Gov. Hugh L. Carey by a lowly law clerk in Washington D.C. late Tuesday afternoon, effectively ended a frantic attempt by the governor to gain legal sanction to cancel the rugby game at Blecker Stadium.

The game went on three hours later. The constitutional question — which had been debated for weeks — had been settled by a Justice of the Supreme Court of the United States.

The governor had lost thrice in court in the issue — first in U.S. District Court in Albany, then, earlier Tuesday, in federal appeals court in Manhattan and, with the clock ticking away, at the highest court in the land.

"Rugby 3, Carey 0!" crowed a jubilant Tom Selfridge, president of the Eastern Rugby Union, when told of the Supreme Court decision.

Marshall in effect said he agreed with the 2nd U.S. Circuit Court of Appeals, which hours before had refused to interfere with a trial judge's ruling that cleared the way for the game.

But the appeals court also said the state was allowed to take steps, "including cancelation or termination of

the game, to prevent any dangerous situation from getting out of control."

The issue had been a muddy one. Carey, in a press release, had said he believed the game should not take place. Albany Mayor Erastus Corning II, who testified that Carey aides on three occasions flatly ordered him to cancel the game, said it would not take place.

Selfridge, joined by the American Civil Liberties Union, said that was unconstitutional. Supreme Court Justice Thurgood Marshall, ironically the only black justice on the high court, did not address the constitutionality. He simply declined to review an appeal of a lower federal court order which, in effect, said it would have been unconstitutional for Carey to ban the game. (For decisions needed in a hurry, each of the justices on the Supreme Court is responsible for a district of the United States, and Marshall is the one for this area.)

Two area authorities on constitutional law contacted by *The Times-Union* agreed that the decision by U.S. District Judge Howard G. Munson — upheld Tuesday by the U.S. Supreme Court — was correct.

Munson ruled that Gov. Hugh L. Carey's did not have the authority to ban a rugby game between the South African Springboks and an American All-Star team, and said the threat to do

so was an attempt to curtail rights protected by the constitution.

The game was played Tuesday night in Albany's Blecker Stadium.

Referring to Munson's decision, Dennis Schlenker of Albany said, "There was no other way he could have gone. He saw the First Amendment as protecting two rights — the right to play

the game and the right to protest peacefully.

"When you have a public facility, it belongs to everyone," said Schlenker. "The mayor (Corning) was correct. You cannot make a distinction.

"I have trouble with people who did not want the game played and wanted the courts to ban it because of apartheid," he said.

Schlenker added that he found it "surprising" that the New York Civil Liberties Union, which intervened in the case as a friend of the court to argue against Carey's ban, had not taken action when New York City Mayor Edward Koch refused to allow use of a public facility for a Springboks game there.

Albany attorney Peter Danziger

agreed with Munson that "the players have constitutional rights in regard to assembly, and if there is a showing of immediate harm to the safety of the public, the least remedy must be applied."

Danziger said the question of "the immediacy and graveness of the harm, and the alternatives to protect safety without restricting rights" must be weighed.

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8/11

How the match became much more than a game

By Jonathan D. Salant

Staff Writer

The eyes of the world have been focused on Albany because of a game that is unknown to most Americans.

The game is called rugby, a sport similar to football — but, like soccer, a game which has its greatest popularity outside the United States.

But Tom Selfridge wanted to change all that.

The Schenectady businessman, upon becoming president of the Eastern Rugby Union last December, invited one of the world's finest teams, the South African Springboks, to play in the United States.

"We want to compete in international competition," Selfridge said. "You do that by bringing in first-class teams like the Springboks."

But at what cost? It has made Albany the focus of international attention and caused a public rift between Gov. Hugh L. Carey and Albany Mayor Erastus Corning II at a time when they both face re-election.

The controversy erupted over South Africa's racial policy of apartheid, a set of laws, governing everything from housing to employment, based on the color of one's skin.

An exiled South African, Boji Jordan, in a speech at the Albany Public Library, called the Springboks "ambassadors of apartheid."

The Springboks, after a tour of New Zealand, were to play three games against American teams — in Chicago, New York City and Albany.

On July 13, the U.S. State Department granted visas to the South African team, allowing them to enter the country.

As the U.S. players prepared for their matches, so did a coalition of groups opposed to apartheid. Called the Stop the Apartheid Rugby Tour, the organization planned protests in the three cities.

In New Zealand, meanwhile, the Springboks set off on their world tour — and were met by thousands of angry protesters at every game. Hundreds were arrested.

On July 27, Mayor Corning routinely approved the Eastern Rugby Union's request to use city-owned Bleecker Stadium for a game between an American all-star team and the Springboks on Tuesday night, Sept. 22. Corning became the only American mayor to allow the South Africans to play in a public facility.

"The Eastern New York Rugby Association has very top notch people," Corning said. "I have been very enthusiastic in supporting them. They informed us this team was on their schedule and they wanted to play this team."

But opposition to the game mounted.

"I haven't organized a march since 1962 but I haven't forgotten how," said Clara Satterfield, president of the Albany chapter of the National Association for the Advancement of Colored People.

On Aug. 7, New York City Mayor Edward Koch reversed his position and denied permission to hold a rugby game at Downing Stadium on Randalls Island. Koch attributed the decision to the chance of violence and the cost of providing security for the match. The game was moved to a municipal stadium in Rochester.

On Aug. 17, the Albany Common Council postponed a vote on a resolution to ask Corning to cancel the game.

Three days later, a coalition of six

Christian denominations, Christians United in Mission, urged that the game be stopped, with this statement: "It will not be just another game when the national rugby team of South Africa plays in Albany this September. The unpleasant reality of international sports tours is that they have become important propaganda tools, and this visit is no exception."

Also opposing the South Africans' use of Bleecker Stadium were the Capital District Board of Rabbis, the Greater Albany Jewish Federation, and numerous other religious and civic organizations.

Selfridge, though declaring his opposition to apartheid, refused to cancel the tour.

"We take the position that sports and politics do not mix because, if they do, we cannot decide where to draw the line," he said.

But Selfridge may not have been totally isolated from South African affairs. *The Times-Union* reported the Eastern Rugby Union received \$25,000 from a South African industrialist, Louis Luyt, who previously had served as a conduit for government funds.

Selfridge also solicited contributions from 300 U.S. firms that do business in South Africa. None could be found who said they donated.

On Aug. 24, Corning gave final approval to the Springbok game at

'We want to compete in international competition. You do that by bringing in first-class teams like the Springboks.'

— Tom Selfridge

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Blecker Stadium.

"I abhor everything about apartheid," he said. "Our Constitution guarantees an individual the right to publicly espouse an unpopular cause, and the same right to a number of individuals in peaceful assembly. For that reason, it is wrong to prohibit an individual or group from taking part in an athletic event because of their beliefs or the policies of their government."

Corning's decision was immediately attacked by his two opponents in November's election. Independent Charles Touhey said the mayor showed "insensitivity to the issue of apartheid," while Citizens Party candidate Fred Dusenbury called the decision "a total insult to black people."

Four days later, it was official — Albany would be the site of a national protest.

"Albany is the only city where the mayor has publicly said the stadium can be used, and the only place where the opposition is organized," said Richard Lapchick, a SART co-founder. "We feel Albany is the logical site to focus our attention."

On Aug. 30, Rochester Police Chief Delmar Leach urged that the rugby game scheduled for his city be canceled because it posed a threat to the public

safety.

The head of the U.S. Olympic Committee expressed fear that African nations would stay away from the 1984 Olympics in Los Angeles for the same reason. F. Don Miller, a retired U.S. Army colonel and executive director of the USOC, said such a boycott could rival the U.S.-led protest at last year's Moscow Olympics.

Fearing for the Olympics, Los Angeles Mayor Tom Bradley sent telegrams to Corning and Chicago Mayor Jane Byrne, asking that the Springbok games be stopped.

The Rochester game was canceled Sept. 4. Selfridge said the Springboks still would play at a date and place to be determined later.

On Sept. 9, Albany Police Capt. John Dale said all city police officers would be on duty the night of Sept. 22.

The opposition continued to mount. Capitaland labor unions announced their intention to join the anti-apartheid protest. So did the Capital Area Council of Churches.

The Albany Common Council finally voted on a rugby resolution Sept. 10. But this time, the motion was to approve Corning's decision. It passed easily while 50 spectators watched.

Meanwhile, the Springboks' New Zealand tour came to an end as demonstrators threw firecrackers and Molotov cocktails at police and a pilot from a low-flying plane threw smoke bombs on the field during the game. Black African countries said they wanted to move the 1982 British Commonwealth games out of New Zealand because that country hosted the Springboks.

The team arrived in Chicago Sept. 14 as the City Council unanimously voted to denounce apartheid.

A New York State Police report issued Sept. 16 to Governor Carey said that members of the Ku Klux Klan from Connecticut and members of the Communist Workers Party were likely to attend the Albany Springbok game. The two groups have had violent clashes in the past.

The report went on to say hundreds of State Police officers and perhaps the National Guard would be needed to keep order.

Based on that report, Carey Thursday said the game should be canceled. Mayor Corning took that cue and called off the match.

"I don't think the team should be playing anywhere in the United States, and that includes Albany," Carey said.

On Saturday, the Springboks sneaked out of their Chicago hotel rooms, and, with a handful of reporters in hot pursuit, sped 80 miles to Racine, Wis., and defeated the Midwest Rugby Union, 46-12, in a city park in a black neighborhood.

The threat of an Olympic boycott seemed to fade, too, following a meeting with African delegates to the World Olympic Congress.

The Springboks arrived in Albany at 7 p.m. Sunday, to the jeers of 80 protesters. Twelve hours later, Eastern Rugby Union officials were in U.S. Federal District Court, asking Judge Howard Munson to overturn Carey's decision. Munson overruled the governor, the Second Circuit U.S. Court of Appeals upheld Munson, and, when an appeal to the U.S. Supreme Court failed just hours before starting time Tuesday, the game was on.

At 6.45 p.m. in a steady rain at Blecker Stadium in Albany, the South African Springbok rugby team takes the field to play its first officially sanctioned game in the United States, against the Eastern Rugby Union all-star team.

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Springboks' routine went like clockwork

By Carol DeMare

Staff Writer

It went off like clockwork.

At about 20 minutes to 7 Tuesday night two vans carrying a team of South African rugby players and their State Police bodyguards sped out of the Thruway House parking lot for Bleecker Stadium and a 7 p.m. match.

Escorting them were some 10 Albany patrol cars and unmarked detective units and State Police Bureau of Criminal Investigation (BCI) cars.

The 15 Springbok players had dressed for the game in their motel rooms. In the van they wore sweatpants which they pulled off as the vehicles entered the Ontario Street gate.

A State Police investigator rode in each of the vans with the players, the same investigators who were with the players in Chicago and have been with them during their stay in Albany.

The South African Springbok players leaped out of the vans and onto the field to meet their American rivals, the Colonials, an all-star team of the Eastern Rugby Union. The game started seven minutes early.

The 80-minute game went off without an incident, and for security purposes, there was a brief half-time intermission, less than the normal 10 minutes.

After the Springboks clobbered the Americans 41-0 the South Africans, without even shaking hands, ran back to the two vans, jumped in with the bodyguards and the caravan led by police cars sped off to the Thruway House.

There the South Africans showered, put on their green team blazers and joined their American rivals at a beer party in a private room.

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September 23, 1981
WEDNESDAY
Albany, N.Y. 12212

Rugby played without a hitch

Protesters keep rally untroubled

Albany's controversial Springbok rugby game was played without incident in rain-soaked Bleecker Stadium Tuesday night, three hours after a U.S. Supreme Court justice turned aside a last-minute effort by Gov. Hugh L. Carey to block it.

The South African team won handily, 41-0.

The game began in a driving rain at 6:55 p.m., with the American team — in red shirts and white shorts — entering the field at the west, or Field House, entrance. The South Africans, in green shirts and white shorts, entered from Ontario Street.

About 200 city policemen — most on overtime — were on duty in the immediate vicinity of the stadium during the game and the rally that preceded it, with another 100 patrolling the rest of the city, according to the police.

There were five arrests, all on misdemeanor weapons possession charges.

While the governor had agreed to provide State Police crowd-control assistance if asked by Albany Mayor Erastus Corning II, it was not requested.

Neither Carey nor Corning attended the game. The mayor inspected the game site earlier in the evening from the roof of the Central Towers building at 400 Central Ave., then had dinner at Albany's Fort Orange Club.

The game ended at 8:22 p.m., and the South Africans were whisked from the stadium in waiting vans behind a police escort. They arrived minutes later at the Thruway House motel on Washington Avenue in Albany, where they have been staying since their arrival Sunday night.

The security was tight as the South Africans were whisked from the city stadium.

As the match ended, the heavy iron gates at the east end of the field swung open and 12 helmeted police officers hurried onto the sidewalks, one of them carrying a shotgun.

The team and its managers piled into two waiting vans and two cars, and as the caravan sped away the South Africans were taunted as they left by demonstrators shouting, "Death to the Klan, scum of the land."

In a steady cold-rainfall, anti-apartheid speakers and a series of entertainers had begun their protest about 7:05 p.m. in adjacent Swinburne Park and remained on hand, jeering spectators as they left the stadium.

About 10 minutes before the game's end, organizer Tom Selfridge of Scotia, thanked spectators for attending and predicted "more good rugby games" for Albany.

A bit later, Clara Satterfield, president of the Albany chapter of the NAACP, said the demonstration "helped to spread the cause to a lot of people who either didn't know about (apartheid) or who forgot."

See **CONTROVERSIAL**, Page 6

This story was reported by staff writers Carol DeMare, Fredric U. Dicker, David Brown, Cliff Lee, Shirley Armstrong, Stuart Vincent, Nancy Connell, Carol Polsky, Ronald Kermani, and Tom Friedman, and was written by R.L. McManus Jr.

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Albany rugby game kicking up a storm

By Ronald Kermani
Staff writer

A South African rugby team may be grappling with a controversy over playing in Albany against a local rugby club, but it will go ahead with its plans to grapple on the field, the president of the Eastern Rugby Union stressed Saturday.

Thomas Selfridge, president of the union, said the Sept. 22 game with the

Springboks, an all-star, integrated team from South Africa, will be held as planned, whether it be in city-owned Blecker Stadium, surrounded by police and protesters or on an out-of-the-way private field.

"We have no intentions of canceling the games" scheduled in Albany, New York City on Sept. 26, and Chicago later in September, said Selfridge, organizer of the tour.

Since the Springbok tour was announced, dozens of local and national minority, neighborhood and religious groups in Capitaland have urged local officials to withdraw playing permits and cancel the games.

Opponents of the tour have denounced the South African team's visit to the U.S. on the grounds that the players are trying to garner acceptance for the South African government's

policy of apartheid — an official policy of racial separation.

The Springboks were scheduled to play in municipally-owned Downing Stadium in New York City, but Mayor Edward I. Koch reversed his position and withdrew the stadium permit, saying crowd control and police protection would be too expensive.

See RUGBY / B-11

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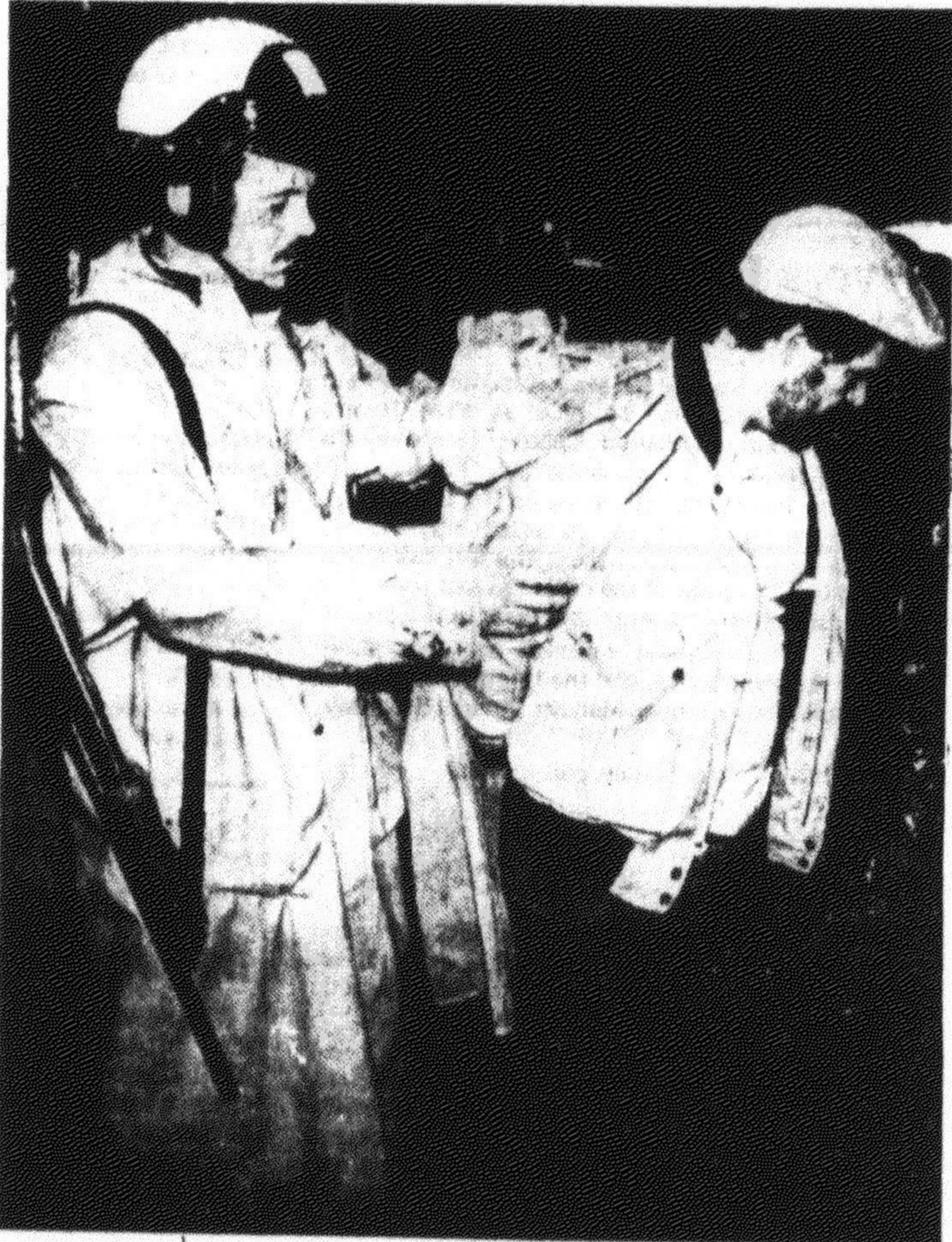
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APPREHENDED — An Albany County sheriff's deputy takes hold of a demonstrator outside Bleecker Stadium where the controversial rugby game between an Eastern Rugby Union team and the South African Springboks took place without disruption.

Staff Photo by Skip Dickstein

...
An Albany police lieutenant traveling along the route of the State University of Albany student march said he knew the reason for Tuesday's weather.

"See what Mayor Corning did," he announced to anyone who would listen. "He went up in the bell tower and asked for rain. And look what it's doing right now."

...
Edward Haggerty, editor of *Rugby* magazine, said the protests unfairly singled out rugby.

"Gary Player (South African golfer) plays here and no one protests," he said. "There are 316 corporations with \$5.6 billion in South Africa, but that's okay. But they go after our game. They are asking us to do what the rest of the country is not asked to do."

...
Mike Sherlock, 33, of New York City, captain of the Colonials — the American all-star team that played the Springboks — said Tuesday the protests against the game could backfire.

"I think the long term effects on the game will be good. We've gotten more publicity than we could ever hoped for if we'd hired a public relations firm," he said.

...
As a security precaution, the colors of the tickets were changed from red to blue sometime late Monday or early Tuesday. Tom Selfridge, president of the Eastern Rugby Union, said the change was prompted by fears that counterfeit tickets were in circulation.

The change caused problems for

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rugby fans who had obtained tickets in advance. Selfridge personally handled problems at the gate resulting from the change.

Each of the new, blue tickets also carried Selfridge's signature.

...

Signs of the protesters outside the stadium carried a variety of messages.

Some read, "Death to Apartheid," and "Defeat White Supremacy."

The chants included, "One, Two, Three, Four, Stop the Springboks, Stop the Tour."

Picketing began at 3 p.m., with police keeping a block distant. By the end of the game, no major incidents had been reported.

...

The Springboks scored their first point at 7:15 p.m., and a great roar went up from the crowd.

...

Upon leaving the Bleecker Stadium area following the game, two demonstrators from New York City exclaimed, "We pulled it off, we pulled it off. With sweat and tears, but no blood."

...
Apparently there was no blood on the spectators. But at least one of the rugby players on the American side left the field with blood streaming down his face — albeit from a playing injury.

...

Another South African rugby squad visited Albany Tuesday. The Old Edwardians, a Johannesburg team, is also touring the United States, according to Haggerty. The club is the fourth South African rugby team to come to the U.S. in the past 18 months, Haggerty said.

...

If only she had thought of it earlier, Bonnie Osterhout of 694 Clinton Ave., could have gotten rich from the rugby controversy.

"We should have put a coffee stand out there in the street or started selling umbrellas," she said. "We would have made \$1,000."

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continued

The rugby controversy

Controversial game played without a hitch

Continued from Page 1

Despite Carey's stated fears of violence, turnout was far below the 6,000 to 8,000 protesters that demonstration organizers had predicted and there was no reported trouble.

Overall, about 1,200 demonstrators attended the protests, according to police Lt. John Dale.

The bulk marched west in the rain to the stadium along Central and Clinton avenues following a Capitol Park rally and were joined at Quail Street by an estimated 200 students from the State University at Albany.

Some 100 protesters had spent the day outside the stadium, chanting "Down with the Springboks, Death to the Klan," as spectators entered the stadium's west gate. Many of the latter had to exchange their color-coded tickets for newly printed ones as a security measure.

Police searched those entering the stadium with metal detectors, and bottles of liquor and fruit were confiscated.

Organizers quizzed those attempting to enter, asking such questions as "What rugby team do you play for?" and "Who is your team captain?"

Depending on the answers, patrons were admitted or turned away.

While organizers said the crowd of spectators totaled some 1,800, other estimates ranged from 500 to 1,200. Since tickets were available only at rugby clubs, most of the spectators were avid rugby fans.

Inside the stadium, Pyramid Security, a private company, had about 20 men on hand. Albany police also were inside the stadium.

After the game, Selfridge said he was "very pleased. I'm glad we were able to hold the game."

The Eastern Rugby Union has scheduled a game for Saturday between the Springboks and another American team, at a location which rugby union officials refused to disclose. It is believed, however, that the game will be held in New York state.

From time to time, patrons of taverns near the stadium shouted derogatory remarks at demonstrators.

Several neighborhood merchants had closed early for the day — several said they did so at the suggestion of police — and a number of shops had their windows covered with plywood sheets.

City police officers patrolled the neighborhood four to a car — shotguns were visible in the back seats of the black-and-whites — and state troopers with bomb-sniffing dogs were on the stadium perimeter.

Those officers on foot patrol wore black rain gear and newly issued white riot helmets.

Meanwhile Tuesday:

● A U.S. District appeals court refused to overturn an earlier decision which permitted the playing of the game. Organizers had sued Carey, who had sought to block it on the grounds that state security forces could not protect participants, spectators or demonstrators.

● Two hours later, U.S. Supreme Court Justice Thurgood Marshall declined to review the appeals court decision, in effect, letting it stand.

● Federal, state and Schenectady officials spent most of the day sifting through the wreckage of six offices in the building occupied by the Eastern Rugby Union following a 1:30 a.m. bomb blast. The explosion slightly damaged the union headquarters, badly damaged adjacent shops, but injured no one.

● Four persons, including an Albany woman and a leader of the New York City-based Communist Workers Party, were sent to the Albany County Jail following their arrests overnight on assorted weapons and narcotics charges. Police said they were associated with the anti-rugby demonstration.

● At the Capitol, hundreds of state workers were sent home from work about 4 p.m. as a precautionary measure and State Police beefed up security outside of Carey's second floor offices — although the governor was expected to be in New York City when the demonstration got under way.

Justice Marshall rejected the last-minute appeal by state officials to block the game about 4:30 p.m.

The state had sought to show the game constituted what Carey called "imminent danger of riot" because of militant opposition to South African racial policies.

Marshall said he agreed with the 2nd U.S. Circuit Court of Appeals, which hours before had refused to interfere with a trial judge's ruling that cleared the way for the game.

Reacting to the decision, Corning said:

"Speaking for myself, it makes me proud to be an American. It's a victory for democracy and a victory for the First Amendment."

Arguments on the motion for a stay were made before the appeals court at midmorning.

While the motion was denied, the panel said the game could be canceled in the event a dangerous situation beyond the control of state and local police developed.

But the decision made it clear that, unless state authorities supplied law-enforcement resources, the game was to go on regardless of the nature of any potential crisis.

"In short," the decision read, "the game may be played, but the defendants (the state) are not prevented from taking steps, including cancellation or termination of the game, to prevent any dangerous situation from getting out of hand."

In anticipation of the ruling, Assistant Attorney General Stanley Camhi was sent to Washington, D.C., Monday night, armed with a legal brief for a final appeal to the U.S. Supreme Court. 176

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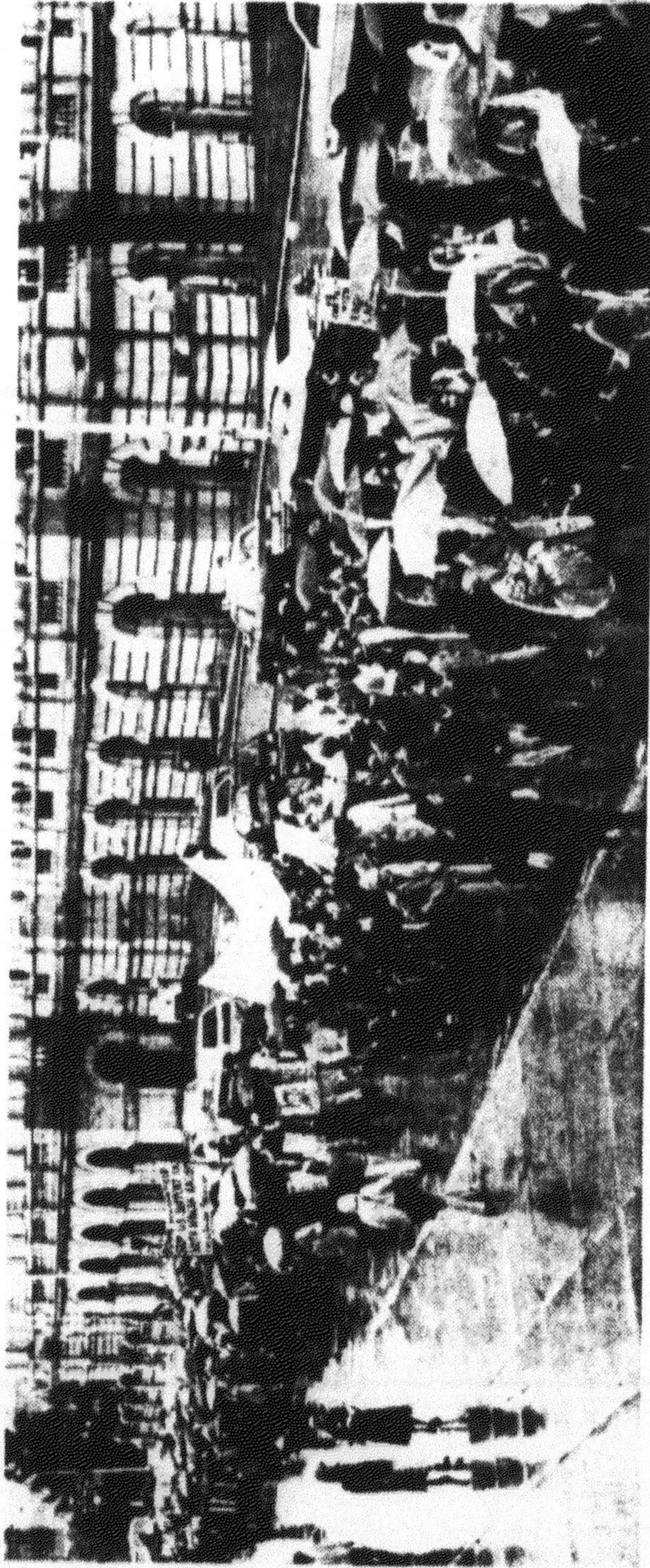


Photo by Paul D. Knibbers Sr.
 Capitol in Albany to Blecker Stadium to demonstrate against a game featuring the South African rugby team, the Springboks.

RALLYING SUPPORT — Protesters brave a steady rain and chilly temperatures Tuesday evening as they begin their march from the state

Camhi brought the state's case to Justice Marshall — who was assigned to hear emergency appeals originating in the second circuit — about 4 p.m.

Marshall took about a half-hour to reach his one-word decision — “denied” — and it was relayed to Camhi by a law clerk.

A state airplane had been waiting at LaGuardia Airport to ferry other officials of the attorney general's office to Washington for the appeal, but the Court of Appeals decision, announced at 2:25 p.m., was deemed too late to make the trip worthwhile.

Jill Schucker, speaking for Carey, said at 5:30 p.m. the governor would do nothing to stop the game.

“We are, as we have been, monitoring situation all day and will continue to do so up until the game takes place. If after the game begins, it is deemed appropriate that the game needs to be

Capitol in Albany to Blecker Stadium to demonstrate against a game featuring the South African rugby team, the Springboks.

In Schenectady, Selfridge said the bomb did about \$50 worth of damage at the rugby union headquarters, breaking two windows and a door. “Who knows who they were aiming at?” he asked. “There are a lot of other businesses in that building. We don't know it was related.”

But police said total damage in the building amounted to more than \$50,000. No organizations claimed responsibility for the blast.

Boyd Morrison of Boston, an American rugby player said of the bombing: “I'm appalled by it. It's absolutely ridiculous.”

The Rev. Tom Berardi of the Albany Roman Catholic Diocese, a member of Clergy and Citizens Concerned About Apartheid said: “We were really appalled by that. We would hope that any other demonstrations would be non-violent.”

“We hope at least there's an impact in terms of the moral concern,” he said. “Whether the game is played or not, the apartheid issue goes on.”

In Albany, Michael Young, 28, of the Communist Workers Party, and Vera Michaelson, 36, of 400 Central Ave., were jailed overnight after police raided the Central Avenue building at 3:30 a.m.

Young was charged with illegal possession of a handgun, fireworks and marijuana, while Michaelson was charged with fireworks and marijuana possession.

Also arrested at the Central Avenue address was Aaron Estis, 22, of Somerville, Mass. He was also charged with marijuana and fireworks possession.

John Spearman Jr. of Lawrence, Kan., was arrested in the Albany State parking lot and charged with possession of a stolen car and a handgun possession.

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All four were denied bail and sent to the county lock-up pending an Oct. 8 court appearance, according to Police Court Justice Thomas J. Keegan.

At the Capitol, State Police Commander Walter Ellis Jr. said, "We're not expecting any problems but it's routine for us to bring in extra men when there is a large demonstration."

Additional Capitol police and building guards were also sent to the Capitol to increase security at the building.

"We are providing whatever extra security may be needed to secure the safety of the Capitol," said Thomas Cooper, a spokesman for the Office of General Services, which is responsible for the building guards and Capitol police.

As early as 1:30 p.m., demonstrators were huddled under trees in Swinburne Park, with 25 or so from Brooklyn trying to stay dry.

Two busloads — 50 people each — had arrived, according to Julie Espinal of Brooklyn and the rest were expected to be back around 2 p.m. after they had lunch.

Termining the game "political," she said she was upset because "every time groups opposed to apartheid, racism etc. try to demonstrate against it, we can't get a permit to demonstrate.

"Their rights are always safeguarded."

She said the tour "is a way of the South African government trying to get out of their political isolation."

John Castillo, also of Brooklyn, said, "We certainly feel they do represent the government (of South Africa). Representatives of South Africa have said that, if they had to use sports to get out of their political isolation, they would use it."

Robert Hoffman, of the Albany Coalition Against Apartheid, said fewer people than expected attended because of the governor's action trying to stop the match than because of the rain.

"Basically, because of the governor's trying to prohibit the match, the planning for this demonstration was cut off for a few days," he said.

By 1 p.m., Albany police began to gather outside the Capitol. Twelve motorcycles and three patrol cars were parked in the rain at the Washington Avenue entrance.

Tuesday morning, about 25 persons attended a so-called "training school" for demonstration marshals school in the Capitol cafeteria.

David Easter, 38, of Albany, who coordinated the session, said Albany State students expected to attend the demonstration would provide their own marshals for crowd control.

Capt. George Houting of the police department's Traffic Division said eight motorcycle officers were assigned to escort marchers from the Capitol to Swinburne Park.

Earlier Tuesday, a group of clergy and Quakers calling themselves Clergy and Citizens Concerned About Apartheid arrived at the Thruway House to appeal to the Springboks to call off the game.

Albany Knickerbocker News 9/23/81

Tear gas, dogs, night sticks...



left, a state police officer leads a German shepherd to the protest area, a city police officer keeps watch, and sheriff's deputies in bright orange slickers line up for action just outside the stadium.

This package of Knickerbocker News photos by staff photographer Skip Dickstein.

Albany Knickerbocker News 9/23/81

Preparing for the worst:



Preparing for an expected crush of thousands of anti-apartheid protestors — which dwindled to less than 2,000, partly because of a steady, daylong rain — Albany County sheriff's deputies and Albany city

police officers pulled out all the security stops. Above: Deputies load up tear gas rifles with pellets. Top right, portable metal detectors are used to frisk fans entering Bleecker Stadium. In smaller photos, from

The rugby controversy

Amid the mud, the play went on...

CONTINUED

private security people encircled the water-logged field which looked more and more like a giant, green sponge. On top of it, the South Africans pushed around an American all-star team called the Colonials.

The cheers all came from the northern side, the questions from the south — "What are they doing now?" was the most repeated sentence from the press. Soon what little interest the 200 or so reporters had in the actual game faded and attention was focused on other matters — such as the chanting throng of demonstrators at the west end of the park.

Television sound trucks and hooded photographers slipped a little deeper into the oozing mud which rose up to swallow shoes and tires.

When Tom Selfridge, president of the Eastern Rugby Union which was playing host to the South Africans, made his grand entrance, 30 or more reporters attacked his footsteps until they caught him by the fence.

"Don't pester me with details. I'm here to watch a rugby match," he said as the media types complained about being isolated. "Security is security," he said. "The arrangements have been made."

Whether Selfridge finally gave the word or the police reconsidered their stand, reporters were allowed to seep into the fan section. Others lugged their cameras outside the gates, evidently figuring at least there they might understand what was going on.

Despite the relentless rain and the discomforting shouts of demonstrators outside the gates, most of the spectators directed their attention to the playing field only.

There were no refreshment stands open, except one selling souvenir T-shirts. There were no rest room facilities, except those past the heavily secured entrance gate. And there were no intermissions, except those which one made for himself.

When it became obvious the Springboks would dominate the game, the few straggling reporters inside turned their atten-



Knickerbocker News/ Jack Pinto

FIT FOR NEITHER ... — A rain-soaked pooch finds a dry place to hide from the rain in a Clinton Avenue garage opposite Bleecker Stadium. He kept his vigil with a crowd of curious people who watched the activities at the stadium and adjacent park.

tion on each other or the security forces.

"How do you like this assignment?" a reporter from the *Hartford (Conn.) Courant* asked a photographer from United Press International.

"I've had worse," was the reply. "I shot a hurricane in Florida once. But at least then I knew what I was doing."

As time on the scoreboard clock ticked off, Selfridge reappeared in front of the press stands, which by now were mostly empty.

"We'll have three or four of the American players available for interviews after the match," he said, "but the Springboks are untouchable."

Selfridge, who said before the match the rain and mud would benefit his American team, now ignored the 41-0 Springbok romp and presented his own estimate of the crowd inside.

"There's 1,846 fans in here. I counted

them myself at the gate," he said. A few of his listeners responded with some "hardy, har, hars" and walked toward the exit. The state police had estimated only 500 inside the stadium.

The game was slipping away, and with it the tension which had built up for so many days before. Nobody knew quite where to go when it was over. A gate on the north side of the stadium was opened for the real fans of rugby to slide back into the murky obscurity in which their sport is mired.

But for one historic night on a rain-swept field in Albany, a rugby match was played.

It was not shouted down or blown away by an executive order or stifled in the courts. It was played by an apartheid nation against one which has long stood for individual liberty.

The Springboks finished first on the electronic scoreboard. It is, perhaps, too soon to assess who and where the losers were

SCHENECTADY, N.Y. 12301, WEDNESDAY MORNING, SEPTEMBER 23, 1981

U.S. Hosts Routed, 41-0—

Rain Douses Rugby 'Rucku

ALBANY PUBLIC LIBRARY

By PHIL BLANCHARD and STEVE NELSON
Gazette Reporters

ALBANY — The South African Springboks rugby team, whose world tour triggered riots in New Zealand and an American political controversy, played in rain-drenched Bleeker stadium last night while 2,500 peaceful demonstrators, outside railed apartheid. The Springboks, considered the world's best rugby team, slogged to a 41-0 victory over a U.S. all-star team.

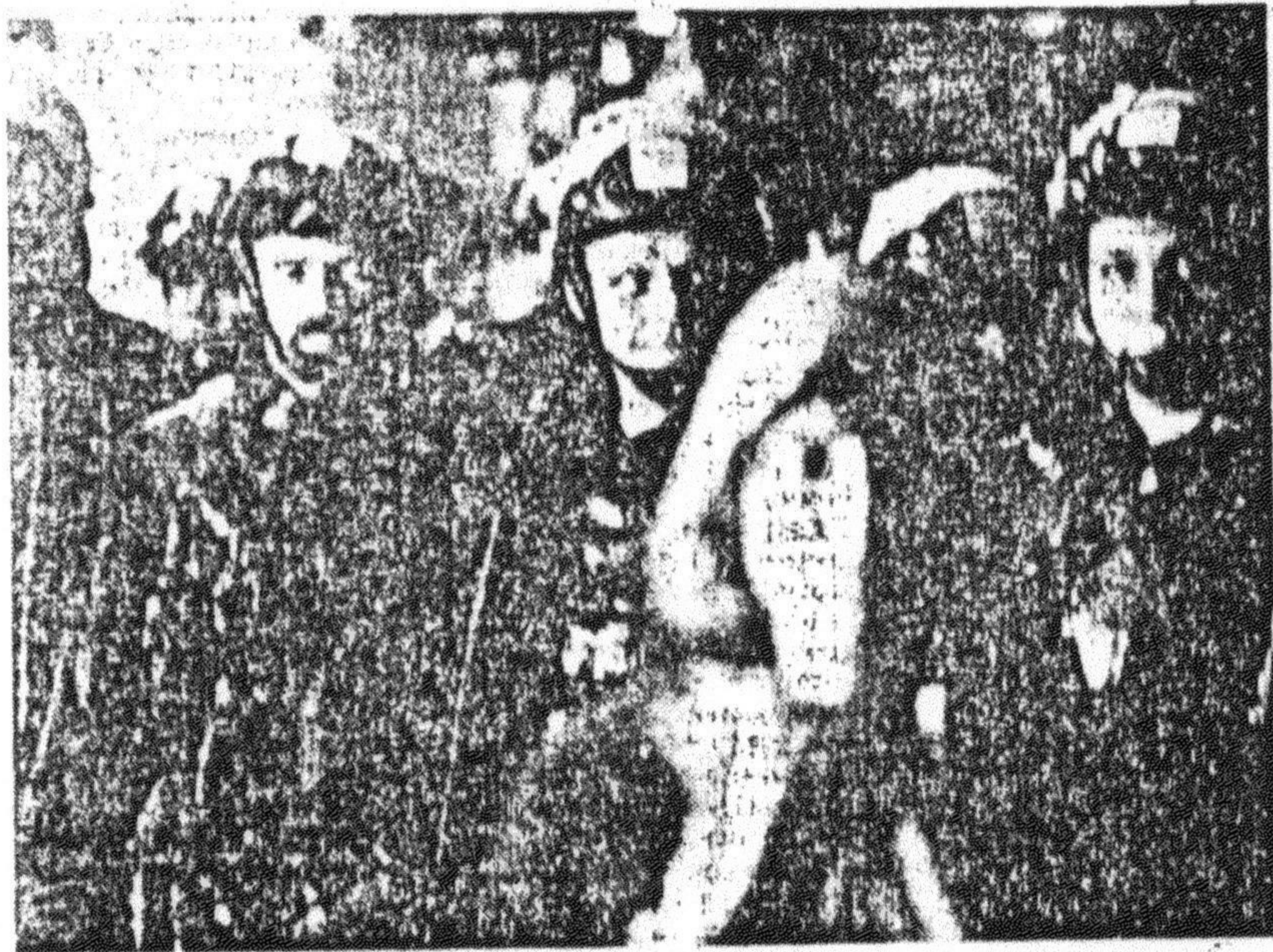
A bomb blast early yesterday at the offices of the Eastern Rugby Union in Schenectady failed to deter the sponsors of the match from going ahead with the controversial appearance of the Springboks.

The game started 11 minutes before the 7 p.m. scheduled time, only a few hours after U.S. Supreme Court Justice Thurgood Marshall had rejected New York's arguments to cancel the game.

Gov. Hugh L. Carey's action last week to prohibit the game was voided by a federal judge in Albany Monday, whose decision was upheld yesterday by the Second Circuit Court of Appeals in New York and, finally, by the Supreme Court.

The 5,000 to 10,000 demonstrators who had been expected to gather at the Capitol around 5 p.m. never materialized.

Organizers blamed the weather and the fear of violence sparked by the explosion for the less than expected turnout. But by the time the protestors began their march to the city-owned Bleeker Stadium, at least 500 persons chanting and carrying



—(Gazette Photo)

THE UNBEATABLE FOES — For the Eastern Rugby Union team it was South Africa's Springboks; for these helmeted and slickered Albany policemen at Bleeker stadium it proved to be a downpour of rain, rather than anti-apartheid demonstrators. The unidentified girl in the foreground was among the demonstrators.

By the time the game had ended 90 minutes later, the demonstrators numbered about 400.

Inside the 7,000-seat stadium, an estimated 2,000 spectators endured the downpour with about 150 reporters and photographers.

Albany Police Chief Thomas Burke said later that officers had arrested one person with a knife inside the stadium and that four others were arrested for disorderly conduct at a fast-food restaurant on Central Avenue. He did not release any names.

More than 300 Albany police officers were also on hand to greet the demonstrators but protest organizers kept the two sides apart. About 40 members of the Albany County Sheriff's department later joined the Albany force in cordoning off the stadium grounds.

Earlier yesterday, Albany police arrested on a weapons charge a Communist Workers Party member, who had taken an active part in organizing the anti-apartheid protest. Michael Young and three others were seized in an Albany apartment at 3:25 a.m. and were in Albany County Jail when the game began.

No one was injured in the 1:17 a.m. bomb blast on the second floor of a Canal Square building on State Street in Schenectady. Ironically, the ERU office,

Related Stories, Photos
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anti-apartheid placards were on hand.

They were greeted on the way by about 500 students who had marched through Albany from the Albany State University campus on Washington Avenue. Another 200 or so demonstrators were already at the stadium when the marchers arrived.

The crowd gathered in Swinburne Park to hear a steady stream of speakers denounce the apartheid policies of South Africa and what they claimed was the United States' tacit support of it.

Deputy Police Chief John Reid estimated that there were 2,500 to 3,000 demonstrators on hand when the match began.

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Continued from page 1.

Several of the speakers linked the rugby team and the South African government to Nazism and the Ku Klux Klan, and blasted the South African policy of land takeovers from black owners and forced relocation of the natives. They denounced South Africa's recent military incursion against Angolan guerillas, and accused Reagan of viewing all world politics on a basis of East versus West, "with no regard to the poor people who are suffering all over the world," said Lapchick.

John Logan, a member of a Boston rugby team, said the Springboks were not the best players in South Africa. "The best players are the 200,000 black rugby players who are not allowed to try out for the Springboks." He said the majority of players in the Eastern Rugby Union were anti-apartheid, and called the players inside the stadium "a small minority of racists."

New York City folk singer Pete Seeger, a veteran of political rallies since the early 1960's, played banjo and sang "If I Had A Hammer," and the 50's hit "A-Weem-A-Wep," which he said was based on a South African tribal melody.

During the rally, seven men who identified themselves as "Albany rugby fans" gathered

near the Swinburne Park tennis courts, about a hundred feet from the crowd, drinking beer from a cooler. "We didn't get in because we didn't have the five bucks," said one. "We think it's great that these guys can play here, no matter what the niggers say." He turned toward the crowd and shouted, "Slavery!" None of the men would identify themselves.

Poet Joyce Clarno read several of her works, one a feminist poem "about man against woman, which must be seen in the larger picture as black against white."

During the speeches, one man paced in front of the crowd, shouting, "What are we doing up here? We gotta get down there and stop the game!" Several of the demonstrators pulled the man aside and spoke to him, and he left the park.

The size of the crowd steadily dwindled as the rain kept coming. By the time the game was over shortly before 8:30, there were less than 300 people in the park.

Dozens of demonstrators lined the walkway as spectators left the stadium, booing and calling the spectators "racists."

"The game was definitely worth it," said spectator Roger Smith, a member of the Siena College Rugby Club. He said he was not bothered by the controversial nature of the game. "I don't think they should mix

politics and sports."

"I saw the first or second best rugby team in the world play tonight. I went because it'll help my rugby game."

"It's not often that a team of this caliber comes into America, let alone this area," said Kevin Drewyer of Williams College, who were not able to get into the game. "I'm really annoyed that these (protesters) are preventing me from seeing them."

Kenneth Stamp of Rochester, who said he was one of 700 state University students who participated in the demonstration, said, "It's obvious that the confusion about whether the game was canceled or not, and the rain, kept some people away. It's really sad that these so-called sportsmen can come here while the U.S. gives lip service to human rights. I see this as Reagan's fault more than Corning's."

As the park continued to empty, Martha Biddle of New York City sat quietly at the entrance to Swinburne Park. Mrs. Biddle, who said she was in her 60's, said "I've been fighting apartheid since the 60's and I'm going to continue until the African people are free."

"I'm soaked, I'm beat, and I'm ready to get out of here, overtime or not," confessed one deputy, as he awaited orders to disband the line.

The board should, tonight, charge its Legal Redress Committee to prepare a news release praising the Coalition Against Apartheid and Racism, attorneys for the defense and the defendants for carrying on their shoulders the plight of all blacks. The statement should publicly denounce the Albany Police Department and the FBI for their illegal tactics. It should also call for a greater black presence in the police department. In addition, the board should call for an investigation of the arresting officers, to determine the extent to which the decision to cover-up a planted gun was made by the police department.

This will help set the record straight. It will also place the police department on notice that we will not tolerate these offenses. It will show convincingly that the branch is on the side of the Coalition Against Apartheid and Racism. This is only consistent with the long established history of this proud and successful international organization.

Several years ago, Harry Hamilton and I met with District Attorney Sol Greenberg and the Chief of Police, to effect an ongoing dialogue between the branch and their offices. This, we thought, would create a continuing sense of trust and eliminate a need to begin all over again when charges of misconduct were made against the police. We simply must return to this.