

...the accused... "whipping up the arms race" in a bid for "military superiority; setting up a wide network of military bases; undermining the basic principles of Soviet-American relations" and putting "pressure on other states, particularly in Europe, to curtail their ties with the socialist countries."

Mr. Gromyko did not mention the recent and rapid buildup in Soviet SS-20 missiles, especially in Europe, the chief reason given by the North Atlantic Treaty nations for increasing their defense spending.

Concerning the limiting of nuclear arms in Europe, Mr. Gromyko restated

Continued on Page A15, Column 1

Albany Rain Keeps The Turnout Small For Springbok Game

By PAUL L. MONTGOMERY

Special to The New York Times

ALBANY, Sept. 22 — The disputed rugby match between the Eastern Rugby Union and the touring South African Springboks team got under way here tonight in heavy rain in a small floodlighted stadium surrounded by police officers and a thousand demonstrators.

Huddled under umbrellas and slickers and carrying soggy signs, the demonstrators, protesting South Africa's apartheid policy, shouted "Stop the game, join the march" as they walked behind a cordon of police officers and marshals from their own group. When the game began at 8:40 P.M., 20 minutes ahead of schedule, fewer than 300 spectators were in the stadium to watch the game.

Authorities, meanwhile, searched for the origin of a bomb that damaged the Rugby Union's office in nearby Schenectady early this morning.

This afternoon, a three-judge panel of the United States Court of Appeals for the Second Circuit in Manhattan upheld a Federal court decision that permitted

Continued on Page B2, Column 5

ANNE, HAVE A HAPPY 12ND BIRTHDAY and may you have many, many more. Love Nina, Ned, Guy, Yvonne and Aunt—ADVT.

Polish Trade Union Says Soviet May Cut Key

By JOHN DARNTON

Special to The New York Times

WARSAW, Sept. 22 — A senior member of the Polish Communist Party Politburo warned tonight that the Soviet Union might cut back on shipments of strategic raw materials, including oil, unless "anti-Soviet" activity in Poland stopped.

The warning, delivered by Stefan Olszowski in a speech on national television, lent substance to increasing speculation here that Moscow might now turn to economic sanctions, not military intervention, in an effort to curb the liberalization drive spearheaded by the Solidarity trade union. Such a development

could be catastrophic for the Polish economy, Mr. Olszowski said.

His speech came at a time of high-level meetings to improve Soviet-Polish relations. A Soviet Deputy Prime Minister, Leonid Brezhnev, and a Polish Deputy Prime Minister, Jacek Kuron, are in Warsaw for talks. A Soviet trade mission is also in the city. The Polish trade union has requested more trade agreements.

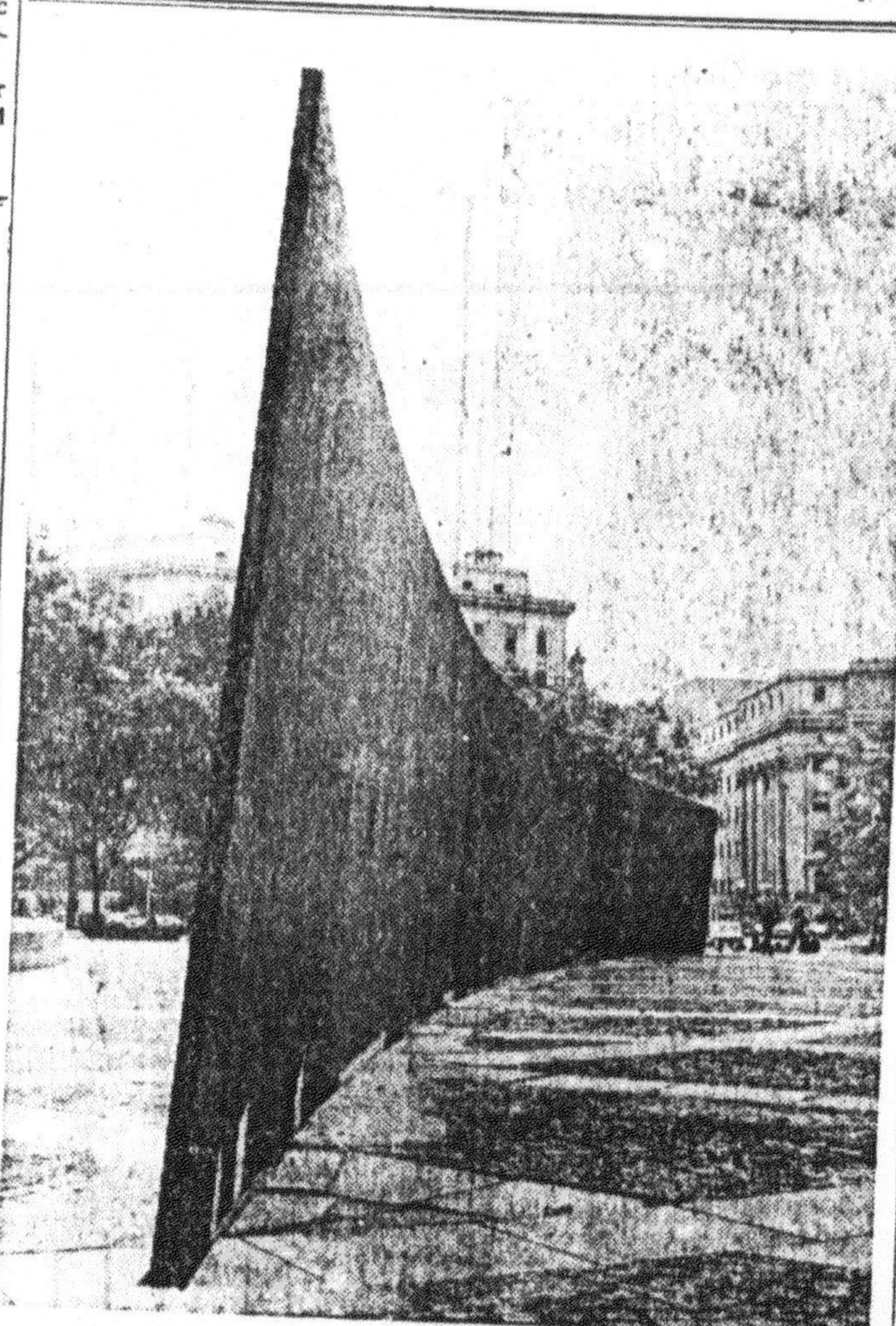
Premier Mieczyslaw Rakowski

At the same time, the Prime Minister, Gen. Jacek Rakowski, met with the chief of the Warsaw Pact military command, Gen. Gribkov of the Soviet Union. The press agency, PRA, said the talks dealt with other than military matters. It also discussed the "readiness" of Warsaw Pact forces.

Mr. Olszowski said that members of the Communist Party Politburo, in a speech, balanced the Government's warning that Communists in Solidarity would cooperate to get Poland out of the crisis.

At one point, the Prime Minister, various groups, and the

Continued on Page B2, Column 5



'TILTED ARC' is the name of this 73-ton steel sculpture by Richard Serra outside 26 Federal Plaza in Manhattan. Commissioned by the General Services Administration, it is an arc 12 feet high and 120 feet long. Yes, it tilts.

Continued on Page B2, Column 5

U.S. Bishop Roman Catholic States will assist investigation of guide church plan

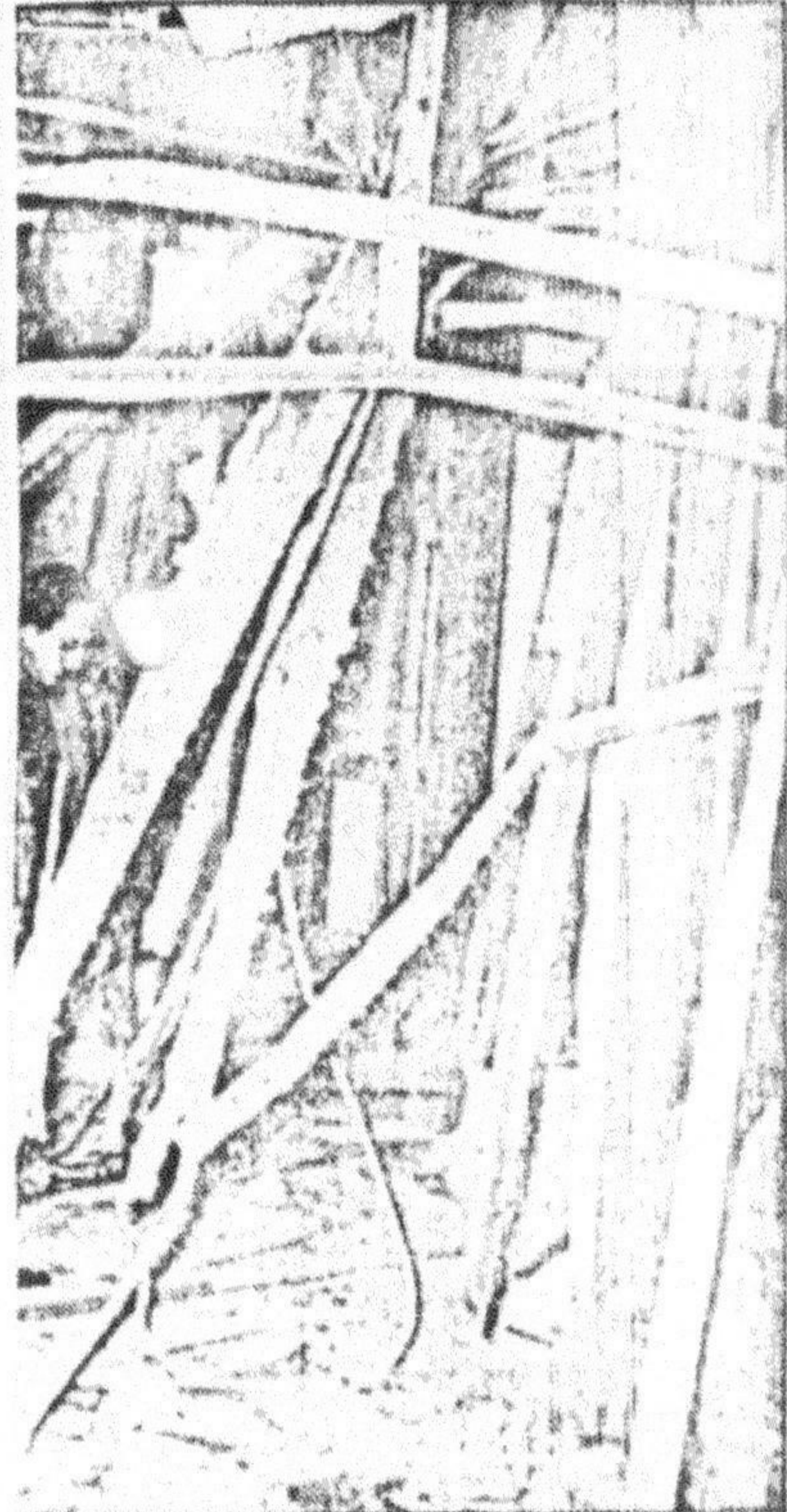
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 Around Nation ...
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 Living Section ...
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 Classified Ads ...

N.Y.T. # 9/23/81

Bomb Shelter
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on gun counts**



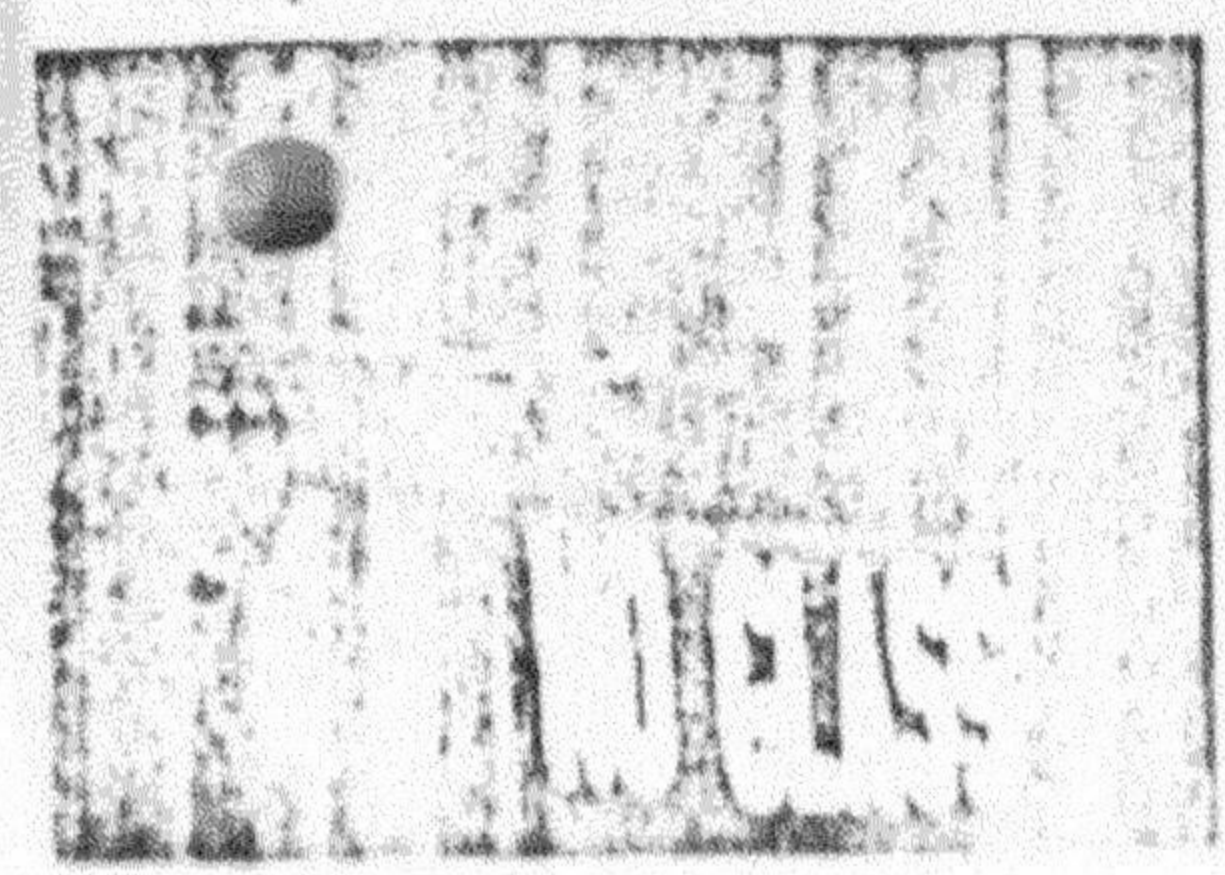
Knickerbocker News/Tom LaPointe
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mb exploded in the hallway at Canal

bomb call

W.D. is only a 1,000 watt station with a limited range, which could mean the caller — if she were a regular listener — lived in the immediate Schenectady area.

Lane, who said he has been with the station for about five months, told *The Knickerbocker News* the caller was "very concise" and had "good diction." He said he did not remember the caller's exact words, but this was his paraphrased recollection:

Continued on Page 6-A



Communist Workers Party member seized in Albany

Four persons police identified as members of the anti-apartheid protest movement were arrested this morning in separate incidents in Albany. Two .33-caliber pistols were seized.

Police arrested John Spearman Jr., 31, of Lawrence, Kansas, in the State University parking lot, at about 5 a.m. today. The lot is directly across Washington Avenue from the Best Western Thruway House where the South African rugby team is staying.

Police say Spearman was driving his car through the motel lot frequently so they stopped him to investigate and discovered the car he was driving had been reported stolen. He was charged with illegal possession of a stolen auto and of a weapon, third degree.

Police had also raided 400 Central Ave. at about 3:30 a.m. and arrested and charged three persons.

Michael Young, 26, of Brooklyn, a member of the Communist Workers Party, was charged with illegal possession of a gun, fireworks and marijuana.

Vera Michaelson, 36, of 400 Central Ave., was charged with illegal possession of marijuana and fireworks.

Aaron Estis, 22, of 3 Lee St., Somerville, Mass., was charged with illegal possession of fireworks and marijuana.

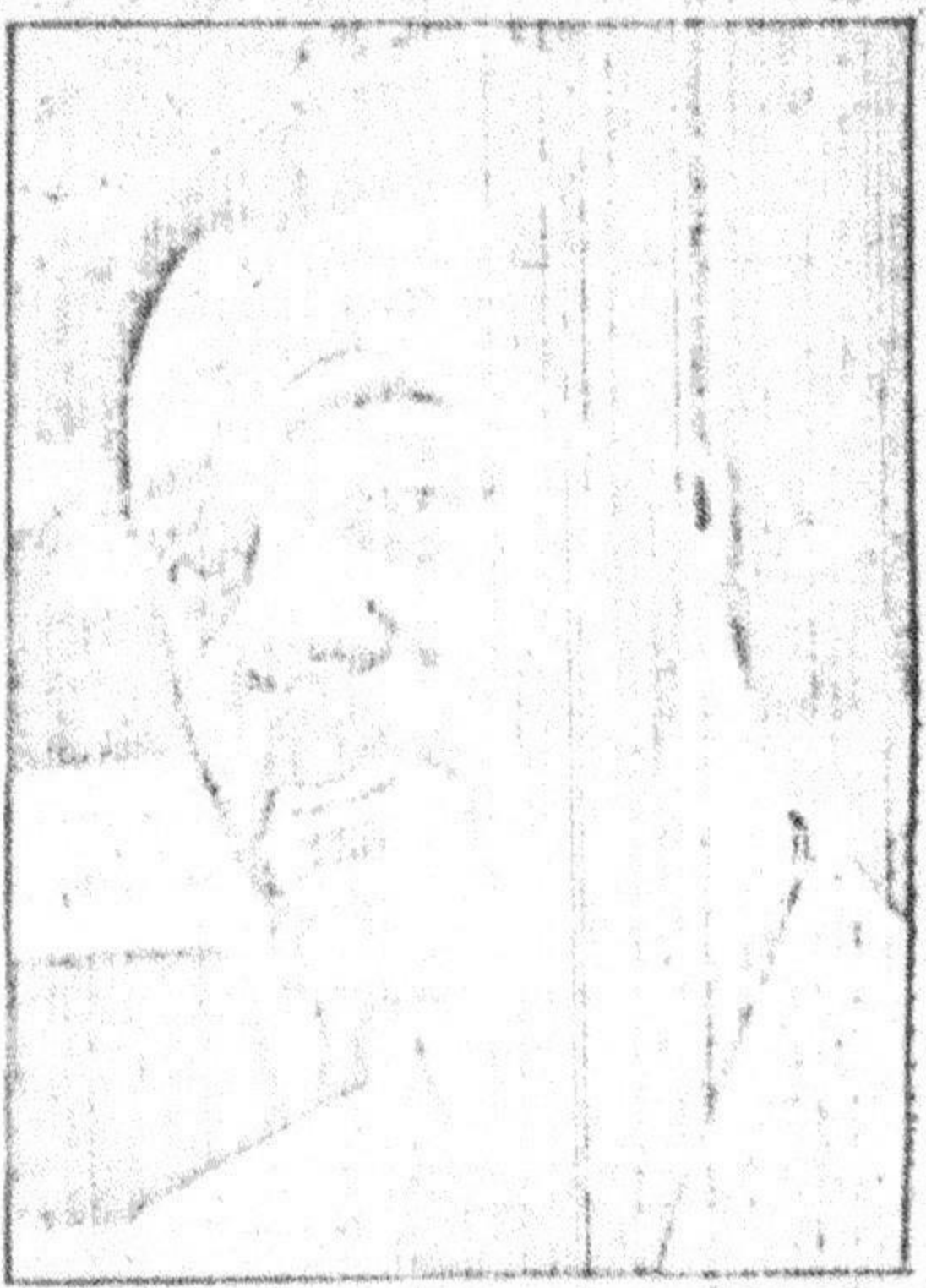
The four were arraigned before Albany Police Court Justice Thomas Keegan and sent to the Albany County Jail pending another court appearance Oct. 6. No bail was set, a court official said.

Peter Porco, an assistant county public defender assigned to handle Young's case, said he expects to file a bail application in county court Wednesday or Thursday.

Because the application will not be filed till then, Porco said it appeared Young, one of the more vocal critics of the game, will miss the demonstration planned for this evening.

Spearman was also assigned a public defender, the court official said. It was not known whether Ms. Michaelson and Estis retained private attorneys.

Army spy case goes



Michael Young arrested in Albany

Plane kills 100 Turks on bivouac

The Associated Press

ANKARA, Turkey — A Turkish air force F-104 jetfighter crashed today into a bivouac area prepared for a scheduled NATO exercise in western Turkey, and first reports from journalists on the scene indicated at least 100 soldiers were killed and another 100 injured. All were believed Turkish.

There were conflicting reports on whether the casualties were the result of the plane having hit an ammunition dump or an explosion when the plane crashed.

Military sources said the pilot was practicing a diving run over the bivouac area and was unable to pull the plane out of its descent. It was not known if the pilot had ejected.

Turkey's ruling generals were meeting in Ankara and there was speculation that the exercise in Turkey might be canceled.

Turkish military sources said the

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Springboks Skunk Opponents in Court, on Field

Rugby Team Wins Right to Play and the Game, 41-0; Riot Fails to Materialize

By DOYLE McMANUS,
Times Staff Writer

ALBANY, N.Y.—South Africa's national rugby team overcame Gov. Hugh L. Carey, an appeal to the U.S. Supreme Court, a pre-dawn explosion and—finally—an American amateur all-star squad Tuesday to win the second match of a controversial U.S. tour.

The South Africans, known as the Springboks, trounced the U.S. Eastern Rugby Union's Colonials, 41-0, in a match that was anti-climatic after a seesaw struggle over whether the game would be played at all.

An estimated 1,500 demonstrators, including folk singer Pete Seeger, marched, chanted and sang in a cold and driving rain outside Albany's Bleecker Municipal Stadium protesting the presence of the Springboks, whom they accused of representing South Africa's racial segregation policy.

One man armed with a knife was arrested inside the stadium, Police Chief Thomas Burke said. But there was no violence outside, and the chilling deluge gradually dispersed the demonstrators with no help from the police, who wore blue riot helmets and ringed the stadium.

No Sign of KKK

The marchers said they came from groups ranging from local churches and the National Association for the Advancement of Colored People to the Communist Workers Party, an extremist faction that has occasionally turned otherwise peaceful demonstrations into bloody confrontations with police. But there was no sign of the white supremacist Ku Klux Klan, which state officials warned might stage a counter-demonstration.

Thomas Selfridge, president of the Eastern Rugby Union, which sponsored the Springboks' tour, hailed the match as a victory of sports over politics. "I think it's a good statement on the United States of America that, inside the stadium, sportsmen are able to do what they want to do, and outside the stadium protesters are able to do what they want to do," he said.

Selfridge's offices in Schenectady, N.Y., only a few miles from Albany, were slightly damaged early Tuesday by a bomb that exploded in a nearby hallway closet.

The evening's horrendous weather did not deter the green-shirted Springboks, the red-jerseyed Colonials and 1,867 rugby af-

No Boycott of '84 Games, Africans Say

From a Times Staff Writer

BADEN-BADEN, West Germany —The president of the Association of African National Olympic Committees formally declared at the World Olympic Congress here Tuesday night that there will be no boycott of the 1984 Los Angeles Olympic Games because of the current U.S. tour of a South African rugby team.

The statement by Anani Matthia of Togo, coming after a four-hour meeting of the group's executive council, confirmed reports Monday that any move toward a boycott had been squelched.

Matthia said the Africans were "extremely happy to hear" leaders of the International Olympic Committee and the U.S. Olympic Committee say Monday that they deplore the rugby tour and had sought to block it.

"We recognize the efforts of men of good will to combat racial discrimination," he said. "The question of a boycott does not arise."

About a dozen African Olympic representatives attended Tuesday's meeting.

tionados from holding the match on schedule.

"In England, we consider this perfect rugby weather," said a correspondent of the British Broadcasting Corp., who journeyed from London to cover the Springboks' tour.

The hundreds of other reporters on hand, who seemed less cheerful than the spectators, included a Japanese television crew and at least one South African reporter.

Outside the stadium's eight-foot wrought-iron fence, the mood of the demonstrators was dogged.

"We are marching for human brotherhood," said Pearl Campbell, 71, an Albany teacher swathed in a bright orange parka, who came with other members of the United Methodist Church.

"We may be wet, but we're dry behind the ears," she said, and

smiled a grandmotherly smile. "And you can see that God is weeping over this match."

As a security measure, no tickets to the match were on sale to the public. Tickets were sold privately, in advance, to members of rugby clubs.

Last week, Carey ordered the match canceled because he said it would create an "imminent danger of riot." But on Monday a federal district court judge ruled that the governor's action was unconstitutional. Lawyers for the state appealed the ruling Tuesday to a three-judge federal court of appeals in Manhattan and then to U.S. Supreme Court Justice Thurgood Marshall, but both agreed with the lower court judge that the match should go on.

No One Hurt in Blast

Detectives investigating the explosion at the rugby union office said it caused more damage to the offices of an ice cream company than to the rugby association. Investigators said they believe the explosives were placed by someone protesting the Springboks' U.S. tour. No one was injured.

Shards of glass littered the sidewalk outside the building as police and officials of the Federal Division of Alcohol, Tobacco and Firearms sifted through debris seeking clues.

A spokesman for the NAACP in Albany said his organization "deplored" the bombing.

The explosion in Schenectady heightened concern in Albany. Before the game was scheduled to begin, police there arrested three men and a woman in an apartment used as the local headquarters of the Communist Workers Party. The Albany Police Department reported that a loaded .38-caliber revolver was found, along with a quantity of drugs.

Members of the all-star team representing the Eastern Rugby Union said they were surprised at the volume of protests surrounding the match but undeterred from their intention to play.

"We would have played no matter what," said George Betzler of Valley Forge, Pa., the U.S. coach. "The Springboks don't represent the South African government. They represent the South African Rugby Union. When the Russians come here to play hockey, do we have to agree with all their policies before we play?"

"I can sympathize with the de-

monstrators," said James Fox, an estate broker from Boston who forward "prop" on the American team. "I hope they do demonstrate and show the people of South Africa how many Americans are against apartheid. They are getting attention with the match going on than they would have if it had canceled. They have a right to protest, but not to prevent. They don't have the right to prevent a match from going on."

The Springboks, widely regarded as the world's best rugby team, played an exhibition match last

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9/23/81

Los Angeles Times

Court, on Field Riot Fails to Materialize

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monstrators," said James Fox, a real estate broker from Boston who is a forward "prop" on the American team. "I hope they do demonstrate and show the people of South Africa how many Americans are against apartheid. They are getting more attention with the match going on than they would have if it had been canceled. They have a right to protest, but not to prevent. They don't have the right to prevent the match from going on."

The Springboks, widely regarded as the world's best rugby team, played an exhibition match last Sat-

urday in Racine, Wis. A final match is scheduled for this Saturday, but both New York City and Rochester, N.Y., have refused to host it. Selfridge said the Eastern Rugby Union will announce a site for the game "when it is appropriate."

While players and police prepared for the Albany match, in Washington the House of Representatives refused to go on record against the Springboks' tour. The resolution won a slim majority on the floor, 200 to 198, but fell far short of the two-thirds vote needed for passage.

In voting down the resolution, some members said that although they oppose the South African policy of apartheid, the resolution was mistaken in its effort to mix politics and sports.

Woman Sues Toyota for Father's Fiery Death

PINE BLUFF, Ark. (UPI)—A woman whose father was killed in a Toyota that was hit from behind and burst into flames has filed a \$1-million suit against Toyota Motor Sales, USA Inc.

The suit, filed in federal court Monday by Betty Ashley McCoy of Eudora, Ark., contends Toyota was negligent in designing the car.

Her father, Edward Wentworth, was driving the Toyota on U.S. 61 near Port Gibson, Miss., in 1979 when he was hit from behind by a pickup truck and his car burst into flames. The suit said Wentworth burned to death.

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WORLD'S SECURED MONEY PLAN™

16.250%

Annual Rate

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4, 8 OR 12 WEEKS. \$2,500 MINIMUM.

World's Secured Money Plan is backed by U.S. Government, U.S. Government Agency, and U.S. Government Guaranteed securities. Rates are set daily and fixed for the term of your Plan. No penalty is assessed for early termination, although there is a \$10 processing fee.

Because the Plan is not a savings account or a deposit, it is not insured by the Federal Savings and Loan Insurance Corporation.

*Based on the rate in effect this date for the 12-week term and re-investment of principal and interest. Annualized yields for 4 and 8 week terms would be somewhat higher. Rates are subject to changes at renewal.

Two jailed before rugby game say they're 'victims'

By JOHN RUNFOLA

Knickerbocker News Reporter

Two Communist Workers Party members remain in Albany County Jail today in lieu of \$10,000 bail each.

"We are clearly the victims of political charges," said John Spearman, Jr., 31, of Lawrence, Kan., as he and Michael Young, 26, of Brooklyn were led in handcuffs and chains from the Albany County Courthouse Thursday, after appearing before County Judge Joseph Harris for a bail hearing.

Vera Michaelson, 36, of 400 Central Ave., Albany, charged with illegal possession of fireworks and marijuana, was released on her own recognizance.

Spearman and Young, whom police identified as members of the Communist Workers Party, were arrested Tuesday on several charges.

Spearman was arrested by Albany police as he reached under the seat of an auto in a parking lot across from the Thruway House, where the South

African Springboks rugby team was staying, according to Albany County Assistant District Attorney Joseph Donnelly.

Spearman was charged with illegal possession of a loaded .38-caliber automatic handgun and possession of a stolen auto.

Young was arrested when police, who had a search warrant and were looking for weapons, raided Ms. Michaelson's apartment.

Young, who said he was the owner of the car Spearman was driving when arrested, was charged with illegal possession of a gun, fireworks and marijuana. Donnelly said Young was charged with possession of the gun because he owned the auto where it was discovered.

A speed-loader, filled with .38-caliber ammunition and used to rapidly reload handguns of the type seized by police, was found in Young's possession during the raid.

Donnelly asked Harris to set bail at \$25,000 each

because neither man has any ties to Albany County. Harris, however, set bail at \$10,000.

Harris said he saw Young on television prior to his arrest saying he would take "any means available" to stop the rugby game from occurring. Young is a member of Stop the Apartheid Rugby Tour (SART) coalition and one of two SART representatives who came from New York City to help organize Tuesday's protest.

Young already was in jail when the rugby game took place under heavy police protection at Albany's Bleecker Stadium.

Anita Thayer, who represented Ms. Michaelson, said her client had worked for six weeks to make sure the planned protest was peaceful and had no idea Young and Spearman had a weapon.

"She has been accused of crimes of very little significance," said Ms. Thayer of the defendant, who is employed by the foster grandparent program at the O.D. Heck Development Center, Niskayuna.

1 T O

September 28, 1981

The tour of the South African Springbok Rugby Team has ended. There are those who believe that the matter is now closed. There was much more involved than a purported athletic event. It appears that the stage is now set for a change in diplomatic relations between the United States and South Africa. This must be our major concern and every step must be taken and all forces marshalled to prevent this shift.

We now have substantial evidence that proves that the entire tour of the rugby team was paid for by the South African government. We can also establish that the entire project was orchestrated by the same South African government. There are American citizens who received substantial amounts of money to front for the South African government. They were lobbyists and their mission was to create a public groundswell for closer relations with South Africa. Our task is to get all of this information into the public spotlight. The proper forum is the Subcommittee on Africa of the House of Representatives of the United States Congress. The Subcommittee has a legal obligation to closely examine any shifts in the foreign policy of this country. The Subcommittee has the resources and the subpoena power to examine key participants in the travesty. I have been in touch with the staff of the Subcommittee and have discussed all of the matters I have set forth in this letter. It is now imperative that organizations and people with similar concerns initiate similar concerns to the Subcommittee on Africa. That type of pressure will move the members of that committee to act and act promptly.

You can play a major role in prevailing upon the Subcommittee on Africa to move churches, fraternities, sororities, Prince Hall Masons, Orders of the Eastern Star, Elks and other organizations to immediately send telegrams to Congressman Howard Wolpe, Chairman of the committee, calling for an immediate investigation and also to convene a full hearing on the financial dealings surrounding the Springbok Rugby Team tour in the United States. A similar telegram must be sent to the Honorable Shirley Chisholm who is a member of the committee. Deliberate speed is essential in order to prevent the alteration or the destruction of records that are now available.

If you are part of a national organization, please contact your national office and urge it to ask chapters, lodges or churches throughout the country to follow the same course of action. It would also help if individual members send

telegrams. The main thrust is that we want Congress to know that thousands of churches and other organizations are concerned and want immediate action. We want Congress to know that the millions of Black people you represent are watching closely.

The names and addresses of the people to contact are listed below. We would appreciate a copy of your telegram in order to take them to Washington when we meet with the Subcommittee. Thank you for your interest, concern and help.

Sincerely,

Dr. Paul B. Zuber
Professor of Law, Urban Affairs
Director, Center for Urban-Environmental Studies

PBZ:jr

Hon. Shirley Chisholm
Member
House of Representatives
2182 Rayburn Bldg.
Washington, DC 20515

Hon. Howard Wolpe
Chairman, Subcommittee on Africa
Committee on Foreign Affairs
1118 Longworth House Office Bldg.
Washington, DC 20215

thus Sept 29, 1981 9/29/81

Protester calls arrest 'political'

By Shirley Armstrong

Staff Writer

Moments after his Albany County Court arraignment Monday on a gun possession charge, Communist Workers Party chief Michael R. Young told a reporter he is the victim of "political charges" which "show how far the U.S. government will go to try to protect its foreign policy."

Young, 23, of Brooklyn, one of three men and one woman arrested on the eve of the Springboks rugby game and a simultaneous protest demonstration in Albany last Tuesday, said "people from all walks of life" joined in an "effective challenge" to the South African team's tour.

Declaring South Africa's government is a "racist, brutal regime," Young assailed the U.S. government and the administration of President Ronald Reagan for "a whole trend" designed to "thwart resistance . . . similar to the Vietnam days when they got the Teamsters to beat up on demonstrators."

"We are not intimidated by fascist factions," declared Young, adding that "me and my friends were singled out" for political reasons.

Albany County District Attorney Sol Greenberg later commented, "I've



MICHAEL R. YOUNG

never seen a charge for illegal possession of a loaded gun characterized as political under the penal law."

Greenberg said a .38-caliber revolver was found in a car registered to Young, and was loaded with five rounds of ammunition with hollow heads (causing a shot to spread upon impact). Additionally, Greenberg said that, found in Young's belongings in an apartment where he was staying were a speed loader, containing five more rounds, and an additional 35 rounds, all for a .38-caliber revolver.

Young also faces marijuana and fireworks possession charges.

Jailed since his arrest Monday night, Young was released after he was arraigned and posted \$10,000 bail set by Judge Joseph Harris.

Tiger

DEFEND "MIKE" !

DEFEND YOURSELF !



VERA "MIKE" MICHELSON NEEDS AND DESERVES YOUR SUPPORT: "Mike", a long-time local activist who has worked with many of us in our struggles against racism, corporate irresponsibility, nuclear power, militarism, sexism, and for union rights, was arrested on Sept. 22, 1981 for her involvement in the anti-apartheid movement. A dedicated worker for peace and justice, she has over the years helped us with "our" causes. Now "Mike" needs our help, and we, the Coalition Against Apartheid Defense Fund, ask you to support her.

THE GROWTH OF THE COALITION AGAINST APARTHEID: In the weeks before Albany's infamous rugby game, the Coalition Against Apartheid grew rapidly and became a visible, strong, multi-racial, and united voice calling for a stop to the South African rugby tour. By mid-Sept., over 50 local organizations (churches, civil rights groups, unions, etc.) and New York-based SART had joined the Coalition and had directed their energy toward a spirited, peaceful, and legal protest against apartheid and racism. The coalition was so successful that the media predicted over 10,000 protestors would appear on Sept. 22nd.

THE ESTABLISHMENT RESPONDS WITH VIOLENCE-BAITING: As the Coalition grew, the Establishment responded with a campaign of violence-baiting meant to scare off Coalition support. The city canceled all police leaves, ordered new riot gear, initiated special police riot-training courses, and indicated that National Guard help might be requested. The state announced its fear of clashes between out-of-town groups and ensuing uncontrollable violence, while Governor Carey tried to cancel the game in the interest of "public safety". The media enlivened its coverage of the up-coming game with footage of anti-apartheid violence in New Zealand. Protesting apartheid was equated with fomenting violence.

THE STAGE IS SET FOR POLICE SURVEILLANCE AND ATTACK: This violence-baiting set the stage for police surveillance and eventual attack upon the Coalition and the wider community. Like other Coalition leaders, "Mike" was under close police surveillance in the days leading up to the rugby game and protest. The police doubtless knew that her apartment was a major distribution center for Coalition leaflets, that Coalition committees often met there, that she had extensive lists of Coalition members' names and phone numbers, and that her phone was used as a major communication link between the Coalition and SART and among Coalition committees and members.

THE PHONY, VIOLENCE-BAITING WARRANT: The police also doubtless knew that "Mike's" apartment was neither a storehouse for guns and bombs nor a center for planning attacks upon the police nor for planning other types of violence, as their phony, violence-baiting warrant stated. They doubtless knew that "Mike" and the Coalition were preparing for a thoroughly legal and peaceful protest against apartheid and racism.

(OVER)

THE POLITICAL RAID AND ARREST: When the police burst, with shotguns drawn, into "Mike's" apartment at 3:20 AM on Sept. 22nd, we suspect they were not looking for weapons and violent plans but for information on the identity of Coalition members, a way to paralyze "Mike's" apartment as a critical center of Coalition activities, and an excuse to neutralize the organizing efforts of "Mike" and the two other activists who were staying in her apartment. The police arrested "Mike" for violation possession of less than an ounce of marijuana and of eight miniature firecrackers, charges comparable to minor speeding tickets. However, the police confiscated from her apartment all of her keys, her personal telephone books, her telephone bill listing recent long-distance calls, her lists of Coalition members and their telephone numbers, and extensive name and phone lists for other organizations in which she was active.

THE VIOLATION OF "MIKE'S" CONSTITUTIONAL RIGHTS: While the Establishment protected the Constitutional rights of the racist South African rugby team, it trampled on those of "Mike". After the political search of her apartment and her political arrest, "Mike" was not read her rights, was handcuffed to a table while being booked, was refused a phone call for 7 hours, was refused bail for violation charges, was kept in lock-up and isolated from the rest of the prison population for 31 hours, was confined in jail until Sept. 24th, two days after the rugby game and protest.

THE VIOLATION OF YOUR CONSTITUTIONAL RIGHTS: By confiscating the names and phone numbers of Coalition members and of local peace and justice activists from "Mike's" apartment, the Establishment made clear the political nature of its raid. The Establishment clearly violated the Constitutional right to privacy of all those whose names and numbers were taken. It also violated the Constitutional rights of all of you who would like to see the movement for peace and justice grow, rather than dwindle in the face of intimidating threats and acts of police harassment.

DESPITE SUCCESSFUL PROTEST, THE ESTABLISHMENT MISSION WAS ACCOMPLISHED: The Coalition's Sept. 22nd protest against apartheid and racism was, as it has always said it would be, a huge, legal and peaceful success. Millions of Americans were educated about the meaning of apartheid, and millions came to understand the meaning of the South African rugby tour by seeing the Springboks jeered at every stop, forced to play secret games, and welcomed home to South Africa as heroes and ambassadors of apartheid. Yet despite the Coalition's success, the Establishment mission was, we fear, accomplished. "Mike", the other two activists arrested with her, and her apartment were paralyzed; information was gathered on a broad spectrum of local activists; and peace and justice activism was equated with violence.

"MIKE" AND THE REST OF US: SAME PLIGHT, SAME FIGHT: As the Reagan years roll on and the pressures build to unleash the CIA, FBI, and police to monitor, smear, and disrupt peace and justice movements as happened in the 1960s, the Establishment's harassment of all of us will doubtless intensify. To help defend "Mike" now is to defend our future and our fight for a better society. Defend "Mike"! Defend Yourself!

RETURN TO: CAA DEFENSE FUND
PO Box 3002, Pine Hills Sta.
Albany, NY 12203

OR CALL: Maggie Kirwin
438-7041

- Enclosed find my contribution for (circle) \$50, \$25, \$10, \$5, \$ _____
- Have "Mike" or a member of her Defense Committee speak to my group.
Group Name _____ Phone _____
- You may use my name as an endorser of "Mike's" Defense Committee.
Your Name _____ Phone _____
- You may use my group's name as an endorser of "Mike's" Defense Committee.
Group's Name _____ Phone _____

74 10/4/81

Group says police raid was biased

By Stuart Vincent
staff writer

The Albany Coalition Against Apartheid has accused the Albany Police Department of arresting and violating the rights of one of its members on the day of the demonstration against a rugby match featuring the South African Springbok team.

The coalition announced at a press conference Saturday that a legal defense fund is being set up for Vera Michelson, who was arrested at her apartment on Sept. 22, the morning of the rally at Bleecker Stadium where the Springboks played a team from the Eastern Rugby Union.

E.J. Josey, vice president of the Albany area National Association for the Advancement of Colored People (NAACP) and a coalition leader, accused Albany police of singling Michelson out for the pre-dawn raid because of her reputation as an outspoken civil rights activist and of violating her civil rights.

"The coalition is concerned that the demeaning search of her apartment was motivated by a desire of the Albany police to find information on its plans for the rally and demonstration," Josey said.

"Ms. Michelson's rights were violated because the police failed to read Michelson her rights, and she was not permitted to make a telephone call until seven hours after her arrest."

Josey also charged that Michelson was held without bail on two violations, was locked in a cell and kept separate from other prisoners, and had a number of her personal items confiscated from her apartment.

No spokesmen for the Albany Police Department was available Saturday to respond to the charges.

Michelson is charged with possession of marijuana and possession of firecrackers, both violations. She is scheduled to appear in Albany Police Court Tuesday on those charges, according to her attorney, Anita Thayer.

Thayer said any legal action Michelson might decide to take against the Albany Police Department will wait until after the charges are resolved.

See ANTI-APARTHEID / B-2

Anti-apartheid group claims Albany arrest violated rights

Continued from B-1

Michelson said the police had a search warrant for her apartment and arrived at there about 4 a.m.

"They never allowed me to make a call until after I was arraigned and processed at the county jail," Michelson said.

According to Thayer, Michelson was first taken to Division II, where she was booked. She was then arraigned and, after bail was denied, was sent to the Albany County Jail, where she was processed. It was only then that she was allowed to call members of the coalition and arrange for a lawyer to represent her, she said.

Clara Satterfield, NAACP president, said the coalition still wants answers to a lot of questions and is pushing for a congressional investigation into the Springbok tour.

Blade ...

Police rugby raid faulted

Protest organizer calls incomplete search warrant charges untrue

By Nancy Connell

A New York City-based organizer of a protest against last month's South African rugby match in Albany said Tuesday an Albany police search warrant in which he was identified as a member of the Communist Workers Party "contained not one shred of truth."

William Robinson, of Stop the Apartheid Rugby Tour (SART), one of the groups active in the protest against the Sept. 22 game, was identified in the warrant as a party member who, along with Michael Young of Brooklyn, had attended a Sept. 21 meeting of the local National Association for the Advancement of Colored People to coordinate the protest.

The warrant, issued by Albany Police Court Justice Thomas Keegan, said an unnamed informant told police members of the Communist Workers Party "were armed and intended to engage in violent activities to disrupt the rugby game and to engage in violence against the Albany Police Department."

The warrant also stated local NAACP President Clara Satterfield called police after the meeting to say she felt her life was threatened by the militant demonstrators and to request police protection from Young and Robinson.

However, Satterfield on Monday said the statement attributed to her in the warrant was untrue.

Robinson said he had never been a member of the Communist Workers Party, and he issued with other statements made in the warrant.

"The only way I not armed (I have never had a gun in my life), but I did not engage or intend to engage in any disruptions of the rugby match or in violence against the Albany Police. As for Miss Satterfield, she

has described the baseless allegations attributed to her in the warrant application as 'an absolute lie.'"

Meanwhile, a department spokesman said Tuesday police did not disclose all the material they seized in the raid of a local civil rights activist's apartment just prior to the rugby match.

The activist, Vera Michelson, was one of three persons arrested when her 400 Central Ave. apartment was raided in the early morning hours of Sept. 22. All three were active in planning the demonstration protesting the team's appearance because of South Africa's racial policy of apartheid.

Michelson's case was adjourned in Albany Police Court Tuesday to give her attorney time to file motions in the case. Michelson was charged with possession of fireworks and marijuana.

The raid was authorized on the basis of the search warrant.

Michelson held a press conference Saturday to claim that her arrest was politically motivated and that her civil rights were violated following her arrest because bail was not granted when she was arraigned and she was held for seven hours before being allowed to make a telephone call.

At the press conference, Michelson said police took lists of telephone numbers and names of protest organizers in the raid.

Capt. John Dale, spokesman for the police department, confirmed Tuesday that there were items seized in the raid on Michelson's apartment not included in the sworn inventory filed with the search warrant after it had been executed.

"There were other documents taken to try and establish the ownership of the apartment and the ownership of things confiscated," Dale said. "I'm not at liberty to say what the documents were."

Asked why the documents were not

included on the inventory, Dale said, "I don't think anyone can answer that. I don't want to discuss anything else in regards to that warrant."

The inventory, signed by Detective John Tanchick, states, "I swear that the following is a true and detailed inventory of all property taken by me on the search warrant filed herewith."

Neither Dale nor Albany County District Attorney Sol Greenberg would answer questions about what documentation may exist to corroborate the statements attributed to Satterfield in the arrest warrant. Both men were asked if police followed the common practice of recording Satterfield's telephone call or if Satterfield signed an affidavit attesting to her reasons for seeking police protection.

Pressed about the existence of a tape recording of the call, Dale replied, "I'll find out if there was one" after her (Michel-son's) case is taken care of."

Greenberg said he believed that Satterfield talked to Deputy Police Chief Jon Reid to ask for protection, and indicated there was no affidavit of her statement. Greenberg declined to comment about the existence of a tape recording.

The warrant was based mostly on information from the unidentified informant. Satterfield's statement accounted for about 20 percent of the warrant.

Also arrested in the raid were Young, 28, a Communist Worker Party member, charged with possessing marijuana, fireworks and a gun, and Aaron Espis of Somerville, Mass., charged with possessing fireworks and marijuana.

The warrant noted that another Communist Worker Party member, John Spearman, was arrested the evening before the raid and charged with unlawful possession of a gun and possession of stolen property.

Angry Local CAA Activist Speaks Out

by Lisa Mirabella

Nearly a month after her arrest on the morning of the South Africa-Eastern Rugby Union rugby game, Coalition Against Apartheid (CAA) activist Vera Michelson is still angry.

NEWS FEATURE

"I consider (the arrest) a frame-up of the Coalition and myself," she said in a recent interview.

Michelson explained she felt, "Anytime people rally in a racial struggle the authorities feel threatened and try to weaken any strong organization of the people." She feels the police as well as other authorities and the media, were guilty of violence-baiting the September 22 Rally Against Apartheid before it was held. "The CAA was on the defensive, trying to answer to charges of violence that were unfounded," Michelson said.

Michelson was charged with possession of marijuana and firecrackers. A controversy pervades not only the search warrant that led to her arrest but also the police handling of the matter.

Michelson has been active in the Albany community for some 12 to 15 years. Among the issues she has worked on are welfare rights and anti-draft, anti-war, and U.S. hands off Iran campaigns. She has also been involved in organizations such as youth groups, an anti-Klan network and her own labor union.

Throughout her career as an activist, Michelson said, she has seen "racism and classism as primary contradictions in the United States." She feels that until recently racism has been a background issue. "This is the first time in a long time that people of different political perspectives have come together to organize against racism," Michelson said.

One of Michelson's concerns at this point is the continuance of a strong force against racism in Albany, and around the world. She said she sees the CAA as "a strong, multi-racial organization that learned to work together very quickly in

a very positive way, and will continue to struggle against racism."

Michelson feels that the fact that the rugby game was played shows how important it is for the government to protect U.S. financial interests in South Africa. She said, "they would protect the South African racist at all costs (to protect financial interests)."

Michelson's attorney Anita Thayer is now questioning the validity of the search warrant, which Michelson called "a total police department fantasy." Two of the sources quoted in the search warrant have stated that the information in the warrant pertaining to them is false. Other information is attributed to a confidential informant who, Thayer noted, may not have had first hand information.

Thayer is also planning to file a complaint with the Albany police about the way the arrest was handled. At the time of the arrest, police confiscated from Michelson's apartment two personal phone books, a recent phone bill, community address lists and a list of members of the CAA.

Captain John Dale, spokesperson for the Albany police, said that



Activist Vera Michelson

"I consider the arrest a frame-up"

some of the items seized by police were not included in the sworn inventory filed with the search warrant. He had no further comment on the search warrant.

Michelson said that she was not allowed to make a phone call until after her arraignment, seven hours after her arrest. And she said she was held without bail for 48 hours for less than misdemeanor charges. She feels both of these are in violation of her civil rights.

Michelson's reaction to the way she feels the police treated her was in some ways positive. "It just makes you stronger, and clarifies things for you politically," she remarked of the incident.

However, she said she is very

continued on page five

Michelson

continued from page three

angry and very upset that "police can take whatever they want in a search." According to Michelson, "The police clearly acted in an illegal fashion and considered themselves above the law."

Michelson is scheduled to appear in court on October 29 for a Suppression Hearing, where Thayer said she will attempt to "quash the search warrant."

The Albany CAA has set up a Defense Fund for Michelson.

ESTIS NEGLECTS DUTY AGAINST SPRINGBOKS

Protester Terms His Arrest 'Political'

A University employee charged yesterday that police in Albany, N.Y., prevented him from attending a demonstration last Tuesday against the controversial South African rugby team, the Springboks, because he had helped organize the protest.

Aaron A. Estis '80, a computer programmer in the registrar's office and a Black Students Association activist as an undergraduate, said he and three other demonstration organizers were arrested and held without bail hours before the demonstration for "political" reasons.

The four protest leaders were charged by Albany police with possession of marijuana and possession of firecrackers—both misdemeanors under New York law. A police spokesman yesterday denied Estis' allegations.

Estis remained in jail six days until his attorney convinced a local judge Monday to set bail at \$250, which Estis promptly paid. The other three leaders—two of whom were arrested with Estis in an Albany apartment at 3:30 a.m. the day of the demonstration—have also been released.

Charging that local police and Federal Bureau of Investigation officials imprisoned the four organizers to insure that the protest would be "peaceful," Estis said that the police "denied us of our rights of freedom of speech and freedom of peaceful assembly."

If he is acquitted of the marijuana and fireworks charges at an October 6 hearing, Estis said he will "definitely" sue the police on motions of false arrest and false imprisonment.

Estis said police found marijuana and eight firecrackers in the apartment, which belonged to a co-organizer, but he said that the items did not belong to him. Estis added that he believes the police planned the early-morning raid to prevent the leaders from attending the 5 p.m. demonstration.

Captain John Dale, a spokesman for the Albany police, said yesterday that Estis "may have been just a victim by being in the apartment" at the time of the raid, but he denied Estis' charges that the organizers were "preventatively detained."

(continued on page 5)



AARON A. ESTIS '80
Crimson/Hisham Yousef

Crimson
10-2-81

Arrest

(continued from page 1)

"We don't detain anyone—he was arrested and charged," Dale said. He said police were led to the apartment because another occupant had been arrested with a .38 caliber revolver the night before and that everyone in the apartment during the raid was routinely charged with the alleged violation.

Detective John Tanchak, one of "ten or so" officers whom Estis said "busted down the door" to the apartment, said yesterday that "I don't recall" the Estis case. He declined to comment further.

Early estimates that the anti-Springbok demonstration would draw 10,000 to 15,000 protesters "really frightened" police, Estis said. Newspaper stories prior to the demonstration had reported that members of the Communist Workers Party (CWP) would attend.

The four leaders who were arrested "all tended to be radical types" and "activists," Estis said, adding that one of the organizers arrested with him works for the CWP. The police "were scared of what could happen if you have radical leadership at an action that brings together a lot of people who are mad about a particular thing," Estis said.

Inclement weather and rumors that the Springboks would not compete in Albany against a United States all-star squad reduced protest attendance to about 2,000, Estis said.

Estis also charged the police with taking keys, notes, phone lists, and papers relating to the demonstration from the apartment after the raid, saying he suspects the documents are under scrutiny now "in Washington D.C., or New York or somewhere."

Dale denied the charge, saying there was "apparently a burglary" several days after the raid.

—P.A.E.

Estis Case

Lawyers for a University employee arrested two weeks ago shortly before the start of an anti-apartheid demonstration he had helped organize agreed yesterday to adjourn preliminary hearings until tomorrow.

The two-day delay will allow district attorneys in Albany, N.Y., to investigate whether Aaron A. Estis '80, a computer programmer in the registrar's office, was aware of the presence of marijuana and fireworks in an apartment he was sleeping in when he was arrested September 22. He was charged with possessing those two items, violations carrying maximum sentences of 15 days.

Estis has charged that police arrested him at 3:30 a.m. solely to prevent him from attending a demonstration he had helped organize against an appearance of the South African rugby team, the Springboks, that afternoon.

John Dorfman, the district attorney who is prosecuting Estis, said last night that if his investigation today reveals that police found the drugs and fireworks in "a place where the average person wouldn't find them," Estis' case might be dismissed.

But if police say the items were in "plain view" during the arrest, Estis could be found guilty under New York statutes that require defendants to "know of and possess" such items, Dorfman said.

Estis, who returned to Cambridge last night, said police have shown him the recovered marijuana and fireworks and have indicated they found it "in closed containers," which he said proves he had not seen the items in the apartment.

"Unless [police] are really bent on fabricating the evidence" at tomorrow's hearing, Estis said, he expects Judge Thomas W. Keegan to hand down an "adjournment in contemplation of dismissal" ruling.

Estis, who had charged last week that police confiscated his lists of people sympathetic to the demonstration, said Albany officers have returned some of his papers to him. That indicates, he said, that the officer's original explanation—that the papers disappeared during a robbery after the arrests—was not true.

—P.A.E.

Arabic 101 (Intermediate Classical Arabic) will meet M.W.F. at 11 a.m. at 6 Divinity Ave., Room 304.

Crimson
10-7-81

SPRINGBOKS HOUNDED OUT OF U.S. *10/7/81*

By WILLIAM I. ROBINSON

The Springboks brought a clear message home last week when they returned to South Africa: most of the U.S. people do not want anything to do with apartheid. The same message rang clear in Washington.

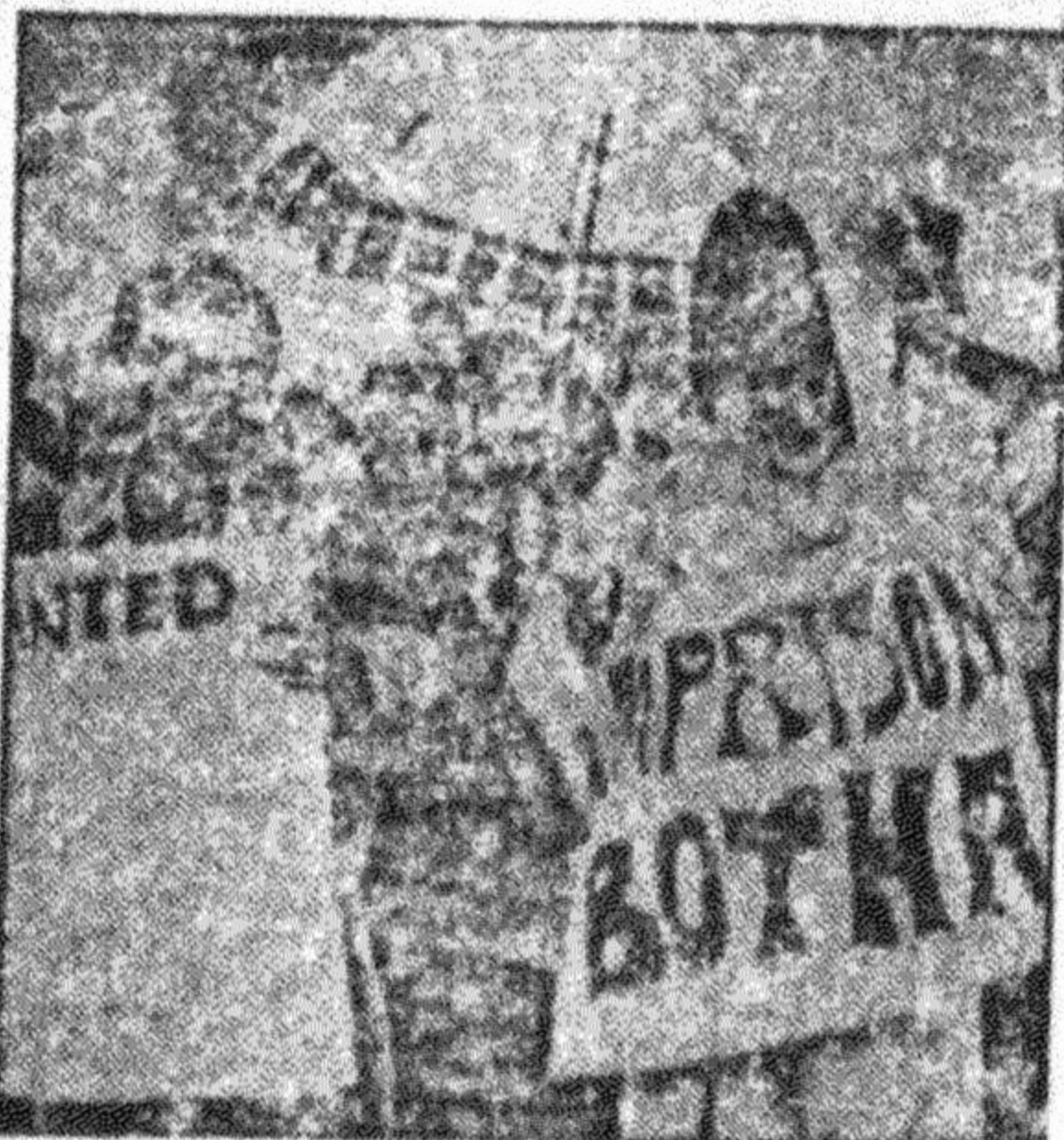
The 3-game tour by the Springboks, South Africa's national rugby team, ignited an unprecedented groundswell of anti-apartheid sentiment in this country, aimed principally at the Reagan administration's pro-apartheid Southern Africa policy.

The pressure of the protests also contributed to the public eruption of apparently long-standing tensions within the Eastern Rugby Union (ERU) administration over its handling of the tour and new charges that it accepted South African money in connection with the tour.

The Springboks were forced to play their final game in complete secrecy Sept. 25 on a farmer's abandoned polo-field in Glenville, N.Y. ERU president and tour organizer Tom Selfridge admitted lying to the press about the date "for security reasons." But he did not explain why he failed to tell other high level ERU officials, pro-tour rugby fans who flew in from the West Coast for the match, and the 3-member South African press contingent, who all missed the game.

Although the racist team was met by protesters at literally every place it showed its face in this country, the Stop Apartheid Rugby Tour (SART) coalition chose not to have a presence at the JFK airport in New York City when the team departed Sept. 28 because of the tense atmosphere at the airport.

"They departed under the protection of at least 150 riot-clad American policemen, but in the absence of the American people who choose to isolate them now that they are leaving," SART spokesman Richard Lapchick told the Guardian. "It is no small irony that American policemen were used and taxpayer



Some 3000 brave rain to slam Springboks in Albany Sept. 22.

money spent to protect the representatives of the most repressive police state in the world today."

As the team departed, a Springboks manager described the players as "fed up" with protesters and ready to go home. One South African correspondent called the tour "the most humiliating tour in the history of South African sport."

Opposition to the tour brought together a broad range of civil rights, religious, sports and left forces in the SART coalition. Games scheduled for New York City, Rochester, N.Y., and Chicago were all blocked. The only game not played in secrecy was met in Albany, N.Y. by a protest of 3000 people.

Just before the last game was played in Glenville, a bomb ripped through the headquarters of the Evansville Rugby Club in Indiana, causing at least \$50,000 in damage. The rugby club had earlier voted to play the Springboks in a game that failed to materialize after spontaneous local protests developed. The incident followed by four days the bombing of the ERU headquarters in Schenectady, N.Y.

In Racine, Wis., where the Springboks

played their first game at a city facility after secretly slipping out of Chicago at dawn to avoid protesters, some 400 outraged local residents called a town meeting last week to protest the match. They are demanding that the local club be banned from ever playing in the city again.

Tensions are high within the ERU, meanwhile, following the revelation that ERU president Selfridge accepted a \$50,000 "gift" from the South African Rugby Board without informing other union officials. This latest "gift" brings to \$75,000 the total known payoff from South Africa to the rugby union. The ERU first invited the Springboks last December after accepting a \$25,000 donation from a well-known white South African conduit of secret government funds.

David Chambers, president of the national umbrella U.S.A. Rugby Football Union, has issued public criticisms of Selfridge's handling of the tour, both in regard to the secret Glenville, N.Y., game, and the \$50,000 "gift." Of the "gift," an embarrassed Chambers said that "he did not know about it and our intention is to pay it back."

The anti-tour campaign fused together anti-apartheid coalitions in a number of cities, which are now planning for more long-term solidarity work with the liberation struggles of South Africa and Namibia. In Albany, for instance, the Capital District Committee Against Apartheid, which united virtually every progressive organization in the region, is scheduling further planning meetings.

From the beginning SART has been consistently violence-baited and red-baited, while every effort was made by the state to defuse protests. In one incident, four people active in organizing for the Albany demonstration were arrested the night before the match.

Three of those arrests came at 3:30 am when a score of police burst into the Albany apartment of Vera Michaelson with pistols drawn and shotguns pointed

at the terrified occupants.

All four were held without bail for 72 hours and denied their constitutional rights. Michaelson and another face trumped-up "possession of fireworks" charges for 8 Fourth-of-July-type firecrackers the police dug out of her closet while ransacking the apartment.

While the other two were charged with illegal possession of a weapon, SART believes the arrests were an act of political repression by the state aimed at intimidating demonstration organizers.

"At a time when the proponents of the Springboks team are crying so loudly about 'First Amendment rights,' we find it extremely hypocritical that the four activists should be held in what amounts to preventive detention," SART spokesman Ron Ashford told the Guardian.

In another incident, protesters who believed the Springboks to be leaving from New York on the night of Sept. 26 clashed with police at JFK airport. SART, which had committed itself to peaceful and nonviolent protest, did not sponsor or participate in the action, in which some 25 people were injured. At the same time, SART spokesman Ron Ashford put the incident in context when he told the Guardian, "Wherever these representatives of apartheid have gone, they have brought with them the climate of violence that permeates their own country."

Summing up the SART organizing, Lapchick said: "Our campaign to stop the apartheid rugby tour has been a tremendous success. After chasing the Springboks and their U.S. sponsors from city to city, we forced the frightened and embarrassed ERU underground, exposing their corruption and internal divisions."

"The anti-apartheid message was spread to millions of Americans. The fact that tens of thousands of people were ready to protest wherever they played is testimony to the American people's rejection of the Reagan administration's reactionary Southern Africa policy."

70/6/81

GAZETTE PHONE 374-4141

SCHENE

Activists' Case Put Off in Albany

By PHIL BLANCHARD
Gazette Reporter

ALBANY — The cases of two anti-apartheid activists arrested the morning before the Sept. 22 rugby game featuring the South African Springboks have been put off in Police Court to allow defense attorneys time to prepare motions.

Vera Michaelson, 36, of 400 Central Ave., and Aaron Estis, 22, of Summerville, Mass., were charged with violation counts of marijuana and fireworks possession. They were arrested when police went to Michaelson's apartment to arrest

other anti-apartheid organizer who had been staying there while in Albany for the rugby match.

Michaelson, who was held at Albany County Jail for more than a day before bail was set, has called her arrest "part of the intent to politically isolate me" while the demonstration against the game went on.

Michaelson's attorney, Anita Thayer, said she asked for a postponement to give her time to study the warrant on which authority police went to her client's apartment. Michaelson is due back in Police Court next Tuesday.

Estis' case was adjourned to Thursday morning by Police Court Justice Thomas Keegan.

The warrant stated, among other things, that NAACP Albany Chapter President Clara Satterfield had called police the night of Sept. 21 to express fears of violence from Michael Young, 28, a Communist Workers Party member who had been active in organizing the protest. Young was arrested at Michaelson's apartment on weapons charge and has since been indicted by an Albany County grand jury.

For Immediate Release,
October 7, 1981

For Further Information,
Contact: William Robinson
(212) 962-1210 - Days
(212) 220-4182 - Evenings

Statement By William Robinson on the Albany Police Department
September 21 Application for a Search Warrant For the Apartment
of Vera Michaelson

The text of the Albany Police Department application for a search warrant filed on Monday, September 21 for the apartment of Vera Michaelson came to my attention today. It was truly shocking to have learned that the Albany Police Department would make such allegations about me as contained in the warrant that entail not one shred of truth.

The warrant application states that I am a member of the Communist Workers Party who accompanied party member John Spearman to Albany, and that I was "armed and intended to engage in violent activities to disrupt the rugby game and to engage in violence against the Albany Police Department." The text also goes on to state that Albany NAACP president Clara Satterfield called the Albany police on the night of September 21 and "indicated" that myself and another had disrupted protest planning meetings and had threatened the life of Ms. Satterfield.

The facts are, despite this very libelous report, that I did not accompany Mr. Spearman to Albany but came from N.Y. on my own on the evening of Sunday, September 20. I met Mr. Spearman for the first time on September 21. I am not now nor have I ever been a CWP party member. And not only was I not armed (I never held a gun in my life), but I did not engage or intend to engage in any disruptions of the rugby match or violence against the Albany police, much less even discuss or consider such actions. And the national Stop Apartheid Rugby Tour (SART) coalition, which I represented in Albany, has been consistent in its policy of strictly peaceful and nonviolent protest. As for Ms. Satterfield, she has described the baseless allegations attributed to her in the warrant as "an absolute lie."

The question raised now in regard to the warrant application is: why such blatant fabrications on the part of the Albany Police Department? Despite its consistent commitment to peaceful and nonviolent protest, SART was continuously violence-baited by the Eastern Rugby Union, mayors of various Northeastern cities, federal agencies, Governor Carey, and also the Albany Police Department. One can only conclude that the Albany Police Department was so committed to sabotaging the organizing for the protests against the racist Springbok team and neutralizing the organizers that they had to resort to vicious lies and civil rights violations against protest organizers.

MILWAUKEE 10/30/81

Anti-apartheid activists framed up in Albany

By Michael Kozak

ALBANY — Four radical activists are fighting frame-up police charges that grew out of a protest here against the presence of South Africa's rugby team in the United States.

On the eve of the national anti-apartheid demonstration held in Albany September 22, police arrested Vera Michelson of Albany, Aaron Estis of Massachusetts, Michael Young of New York City, and John Spearman of Kansas.

Michelson and Estis were charged with possession of fireworks and marijuana. Spearman and Young were arraigned on a weapons charge.

Cops entered Michelson's apartment, kept her on the floor with a sawed-off shotgun to her head, took a mailing list of the Coalition Against Apartheid (CAA), and left the door unlocked when they left with the arrested activists.

The arrests were part of a well-orchestrated campaign of violence-baiting and intimidation by New York Governor Hugh Carey and other state officials to deflect attention from the hated, racist South African regime. They hoped instead to turn people against the anti-apartheid movement and scare potential protesters away from Albany.

During the demonstration, cops and sheriff's deputies, equipped with new helmets and extra-long clubs, marched in military formation around the protesters. They paraded between picket captains and marchers, as if hoping to provoke an incident. Some demonstrators were stopped by cops and asked their names and where they were from.

The violence-baiting campaign, widely publicized in the media in the area, started with Governor Carey's statement that the state police said members of both the Ku Klux Klan and the Communist Workers Party (CWP) were coming to Albany.

The media quickly raised images of fear and violence, portraying Albany as

a potential Greensboro, North Carolina (where the Klan murdered five CWP members in 1979). TV coverage focused on things like emergency units being set up in area hospitals to handle victims of violence.

The day of the demonstration, there was widespread coverage of the arrests, focusing on Young and Spearman's CWP membership and a bomb explosion at the Eastern Rugby Union offices in Schenectady. For all their sources and informants, police still claim to have no leads on the bombing.

The basis for the search warrant under which Michelson, Estis, and Young were arrested is alleged to be an unnamed informant who claimed armed protesters were coming to Albany. Also, the police claimed they received a phone call from a Coalition Against Apartheid spokesperson, in which the latter claimed members of the coalition were planning disruption activities. Use of unnamed, faceless informants has been a favorite police tactic to substantiate otherwise meritless allegations.

The Albany-based coalition, which organized the September 22 protest, announced at a news conference that the coalition deplores the victimization and has set up a defense fund. A defense committee has been formed in Albany to publicize the case, gather endorsements from area organizations, and raise funds for legal expenses.

For more information contact: CAA Legal Defense Fund, P.O. Box 3002, Pine Hills Station, Albany, N.Y. 12203.

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OCT 10 1981
11

Kunstler Takes 'Albany 9' Case

By PHIL BLANCHARD
Gazette Reporter

ALBANY — William Kunstler, the lawyer who built a reputation on his defense of left-wing causes, is scheduled to appear in Albany today on behalf of nine persons arrested during the September visit of the South African Springboks rugby team.

Kunstler's appearance today will not be in a courtroom. He is scheduled to preside at a news conference organized by the newly-organized "Coalition to Defend the Albany Nine." The group, which announced today's event from the New York City offices of the Communist Workers Party, gets its name from the number of persons arrested on a variety of charges before and during the Springboks' Sept. 22 appearance at Bleecker Stadium.

Two local attorneys representing two of the defendants said yesterday they were unaware of the coalition's formation and did not know what Kunstler might have to say today.

It had been previously announced that Kunstler's firm would represent Michael Young, 28, of Brooklyn; and John Spearman, 31, of Lawrence, Kan. The men are charged with unlawful possession of a firearm, the most serious charges lodged against any of those arrested on Springbok-related charges.

Spearman was arrested the evening before the Springboks' game, police said, on the Albany State University campus across Washington Avenue from the motel at which the South African team was staying. He allegedly had a handgun in his car. Early the next morning, police raided the Central Avenue apartment of Vera Michaelson, 36, and arrested Young on the weapons charge. He allegedly had a "speedloader" for the gun found in the car Spearman was driving.

Michaelson, who was an organizer for the local anti-Springbok demonstrations, was arrested on violation charges of marijuana and fireworks possession, as was Aaron Estis, 22, of Somerville, Mass. Michaelson had let the out-of-town protesters stay at her apartment dur-

ing the Springboks' visit.

Four New York City men, Michael Fitzpatrick, 21; Shaun Shearer, 21; Kenneth Williams, 23; and Frank Trowbridge, 21, were arrested in the parking lot of a fast-food restaurant near Bleecker Stadium as they changed their clothes during a downpour. The four face weapons charges. Police said they had tear gas, clubs, hunting knives and metal pipes when arrested.

The ninth person referred to in the coalition's name is Boji Jordan, a native South African who was in town to drum up support for the anti-apartheid cause. He was arrested the weekend before the game at the Albany bus terminal on a disorderly conduct charge, but received an adjournment in contemplation of dismissal in Albany Police Court. Jordan had claimed he was being harassed by youths in the bus station.

Bernard Bryan, who is the attorney of record for Young, said yesterday he was unaware of the coalition's formation. He said he hadn't yet discussed his client's case with Kunstler, whose office announced last week that it was taking on the cases of Young, Spearman, and the four men arrested at the Burger King.

Anita Thayer, the attorney for Michaelson, said she was unaware of the new coalition's plans. Her client, along with Estis, is scheduled to appear next in Police Court next Tuesday for a suppression hearing, at which evidence taken from her apartment the morning of Sept. 22 will be challenged.

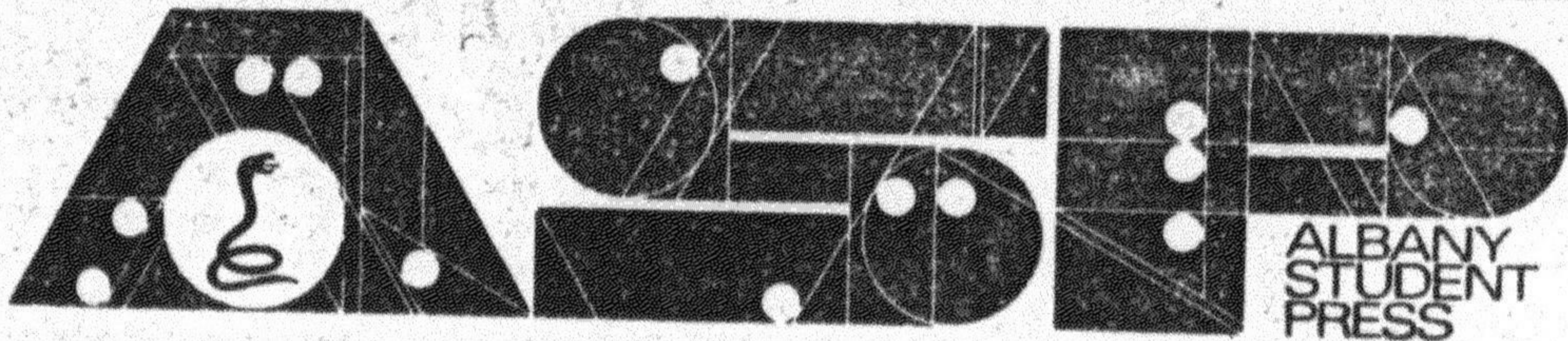
Fuller Road Auxiliary Annual Dinner Tonight

COLONIE — The ladies auxiliary of the Fuller Road Fire Department will hold its annual dinner for 25-year members at 6 tonight at the fire house on Central Avenue. June Hines heads the committee planning the dinner, which will precede a short business meeting.

Committee to Meet

COLONIE — The class size committee of the North Colonie School Board will meet at 8 tonight at the district offices, Route 9 and Fiddlers Lane.

AUGIE'S THE NAME — FOOD IS MY GAME



Tuesday

October 13, 1981

State University of New York at Albany

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Volume LXVIII Number 29

Search Warrant Challenged

by Lisa Mirabella

A controversy has arisen concerning the validity of the search warrant that allowed Albany police to raid the apartment of Albany Coalition Against Apartheid (CAA) activist Vera Michelson on the morning of the South Africa-ERU rugby game.

Two of the sources quoted in the search warrant have publicly stated that the information attributed to them is false. Other information was credited to a confidential informant. Michelson's attorney, Anita Thayer, noted that the search warrant does not say if the information is first hand or not.

Michelson and two others were arrested following the raid at 3 a.m. on September 22. Michelson was charged with possession of marijuana and firecrackers. She was held without bail until Friday, September 25.

Thayer plans to make pre-trial motions stating there was insufficient

information in the search warrant, and that some of the information in the search warrant was perjured.

Clara Satterfield, President of the Albany NAACP and a leader of the Albany Coalition Against Apartheid said last week that the statement attributed to her in the search warrant is an "absolute lie." The warrant claimed she phoned Albany police on the night before the rugby game because she felt her life had been threatened by Communist Workers Party (CWP) members, Michael Young and William Robinson, who were working with CAA.

Satterfield said she called the police to alert them to possible violence at the Rally, but not because she felt her life was threatened.

Robinson said he is not a member of the CWP, and never carried a handgun or threatened to be violent.

Thayer said she hopes to get an affidavit from Satterfield to use in

her defense of Vera Michelson.

At the time of Michelson's arrest, police confiscated two personal phone books, a recent telephone bill, community mailing lists, and a list of members of the CAA.

Last week, Captain John Dale, spokesperson for the Albany police, admitted some of the items seized were not included in the sworn inventory filed with the search warrant after it had been executed. Dale could not be reached this week for further comment on the search warrant.

Other members of the Coalition arrested with Michelson are Michael Young, a leader of the CWP from Brooklyn, and Aaron Espis from Massachusetts. Both were charged with possession of marijuana and firecrackers. Young also faces the felony charge of possession of a handgun.

John Spearman of New York City was arrested on Monday September 21, on the SUNY



CAA Activist Vera Michelson

Her attorney plans to dispute the warrant at a pre-trial hearing

Albany campus for possession of an unauthorized handgun. Charges against him for possession of a stolen car were dropped when it was learned that the car belonged to Young.

Spearman will be represented by

William Kunstler, a leading civil rights lawyer. Kunstler is known for his defense in the Chicago Seven case of 1970. Also aiding Spearman's defense will be Vernon Mason, a leader of the National Conference of Black Lawyers.

... Cause Delay in Defend Cl...

Rugby protest figure challenges search warrant

By Nancy Connell
Staff Writer

D.U. - 12/14/81

A civil rights and labor activist arrested hours before the South African Springbok rugby team played in Albany last month entered a challenge in Albany Police Court Tuesday to the search warrant used to raid her apartment.

The papers, filed on behalf of defendant Vera Michelson, include affidavits from persons who helped organize the protest against the controversial game. Protesters organized against the game because of the South African government's policy of apartheid, or strict racial segregation.

But notably absent among the court papers was any statement from Clara Satterfield, head of the National Association for the Advancement of Colored People. The search warrant used in the raid states Satterfield told police the night before the game that she feared violence against herself from certain members of the protest movement.

When the contents of the warrant became public, Satterfield denied she approached police for protection from protesters, saying she called police for protection against those on the other side of the rugby issue.

Satterfield said Tuesday she was "investigating legal action on that (the warrant) myself. I really don't have anything to say about it."

In the papers, Albany attorney Anita Thayer asked for a suppression of the search warrant and items taken in the search, which included fireworks and

small amounts of marijuana, as well as 40 rounds of ammunition and a speed loader for a .38 caliber handgun.

The fireworks and marijuana are evidence for the charges against Michelson of possession of fireworks and possession of marijuana.

"If the search is no good, my client can't be held," Thayer said to explain the motions.

Police Court Justice Thomas W. Keegan scheduled a suppression hearing for Oct. 29 to give the Albany County District Attorney's office time to respond to Thayer's motions.

The motions also request the identity of the informant who allegedly gave police evidence leading to the search of Michelson's 400 Central Ave. apartment, and ask for access to tape recordings which may exist of telephone calls between Satterfield and the Albany police.

Finally, the papers maintain that the search warrant is invalid because "perjured statements cannot establish probable cause." In explanation, the papers state that Police Detective John Tanchak swore to the contents of the warrant, but that statements in the warrant attributed to Satterfield were incorrect.

The papers include an affidavit from Peter Thierjung, identified as a 28-year-old machine operator from Schenectady, who states that he was in the same room with Satterfield when she called police the night before the game.

"Although I cannot remember every simple detail,

I am certain that Satterfield . . . did not talk about any threats on her life during this phone call," Thierjung states, terming the information his "best recollection" rather than a verbatim recall of a conversation.

The search warrant states that Michelson's apartment had access to a view of Bleecker Stadium, where the rugby match was played Sept. 19, and that it was being used as a base of operations for certain protesters. In addition to Michelson, Michael Young, a member of the Communist Worker Party, was arrested in the raid and charged with criminal possession of a weapon on the basis of items found in the apartment. A third defendant, Aaron Estes, was arrested on the same charges as Michelson.

All three cases are still pending.

The papers maintain that certain items taken from Michelson's apartment, and later returned, were not included on the sworn statement filed by police cataloging what was netted in the search.

An affidavit by Frank T. Fitzgerald, a professor at the College of St. Rose, states that keys, telephone books, a telephone bill and news clippings were taken from Michelson's apartment and not returned to her. Other items, including a clipboard with names of persons protesting the rugby game and various committee assignments and meetings, news clippings and various other papers were returned on Oct. 1, the affidavit states. However, none of the items named in Fitzgerald's affidavit were included on Tanchak's sworn statement listing the items taken, the affidavit states.

Warrant challenged in rugby day arrest

By SUSAN SCHULMAN
Knickerbocker News Reporter

An attorney for civil rights activist Vera Michelson has asked Albany Police Justice Thomas Keegan to dismiss marijuana and fireworks possession charges against her client on the ground police entered Ms. Michelson's apartment with an illegal search warrant.

Papers filed Tuesday by attorney Anita Thayer contend much of the information police submitted to obtain a search warrant was inaccurate, perjurious, overly broad and insufficient to get a warrant.

Keegan set Oct. 29 for a preliminary hearing on the validity of the search warrant.

Police entered Ms. Michelson's apartment at 400 Central Ave., Albany, at 3 a.m. Sept. 22 — the day South Africa's rugby team played in Albany — based on a search warrant Keegan had signed the previous day. The warrant stated Ms. Michelson's apartment was being used as a base for activities to disrupt the rugby game.

The raid resulted in the arrest of Ms. Michelson and Aaron Espis, 22, of Somerville, Mass., on charges of possession of marijuana and fireworks.

At the request of Espis' attorney, Lewis Oliver, Keegan set Nov. 19 for a jury trial on the charges against Espis.

Also arrested in the raid was Michael Young, 28, a Communist Party worker from New York City who was in Albany planning a demonstration against the South African Springboks rugby game.

Police confiscated .38-caliber ammunition they said they found amid Young's possessions in Ms. Michelson's apartment. Young was also charged with possession of a handgun police said they discovered in his car.

Ms. Thayer asked in her brief to have Albany police identify the unnamed informant quoted in supporting papers submitted to obtain the search warrant. She also asked for police to supply tapes of conversations between police and Clara Satterfield, president of the Albany branch of the National Association for the Advancement of Colored People.

In obtaining the search warrant, Albany police claimed — based on information obtained from an undis-

closed informant — that Ms. Michelson's apartment was being used by John H. Spearman Jr., 31, of Lawrence, Kan., as a base for violent activities to disrupt the rugby match.

Spearman was arrested the night before the raid and charged with possession of a handgun and stolen property.

Police found him in Young's car in a parking lot across the street from the motel where the Springboks were staying.

The warrant also claimed Ms. Satterfield asked police for protection from Young and William Robinson, a 24-year-old Brooklyn man who was active in the anti-apartheid protest during the Springbok stay in Albany.

Ms. Satterfield has subsequently denied making the statement to police.

While Ms. Satterfield has not submitted an affidavit on Ms. Michelson's behalf, a sworn statement from Robinson was submitted Tuesday, stating: "Allegations pertaining to me in the search warrant application are such vicious and total reversals of the truth that I find them not only libelous and defamatory of my character, but must conclude they were stated with the purpose of discouraging me from further political activity and speech."

Police claimed Robinson was armed, a member of the Communist Party and a past acquaintance of Spearman. Robinson denied all the charges.

Another affidavit, submitted by Peter Thierjung, a member of the Albany Coalition Against Apartheid, who claims he heard the conversation between Ms. Satterfield and police, said Ms. Satterfield never mentioned Robinson's or Young's name, but did ask the officer for police protection in light of the heavy police guard given the Springboks.

Ms. Thayer argued in her court papers the search warrant did not present any evidence that weapons existed in Ms. Michelson's apartment and also did not reveal any factual basis for the informant's allegations.

Ms. Thayer said police took newspaper articles, a list of names of coalition members and their committee assignments and plans for the anti-apartheid demonstration held at Swinburne Park during the Springbok rugby game during the raid.

AN EVENING IN DEFENSE OF
THE BILL OF RIGHTS

THE FIRST GREAT CIVIL
LIBERTIES BATTLE OF THE 1980's
Socialists vs. FBI, CIA & INS

This fall, in a New York federal court, legal arguments are being presented in a landmark lawsuit. The defendants are the United States government and its various political police agencies, including the FBI, CIA, and INS. The plaintiffs are the Socialist Workers Party and the Young Socialist Alliance.

The suit was brought as a means of combating these unconstitutional dirty tricks. It has played a major role in forcing into public view the truth about what the political police have done not only against the SWP and YSA, but against the labor movement, women's and civil rights forces, and other progressive movements.

The socialists are seeking \$70 million in damages, an injunction to halt these practices, and a court ruling declaring unconstitutional several federal laws used to undermine the Bill of Rights.

Speakers:

Thabo Ntweng

National Committee, Socialist Workers Party.

Vera Michelson

Coalition Against Apartheid activist framed up for her participation in Springbok Tour protests.

Dr. E.J. Josey

Longtime Civil Rights activist, Vice-President Albany NAACP

Odell Winfield

Local representative: National Black Independent Political Party

AND OTHERS...

Sunday ~ November 15 ~ 7:00 pm
Channing Hall ~ 405 Washington ave.
(across from SUNY's Draper Hall) ALBANY

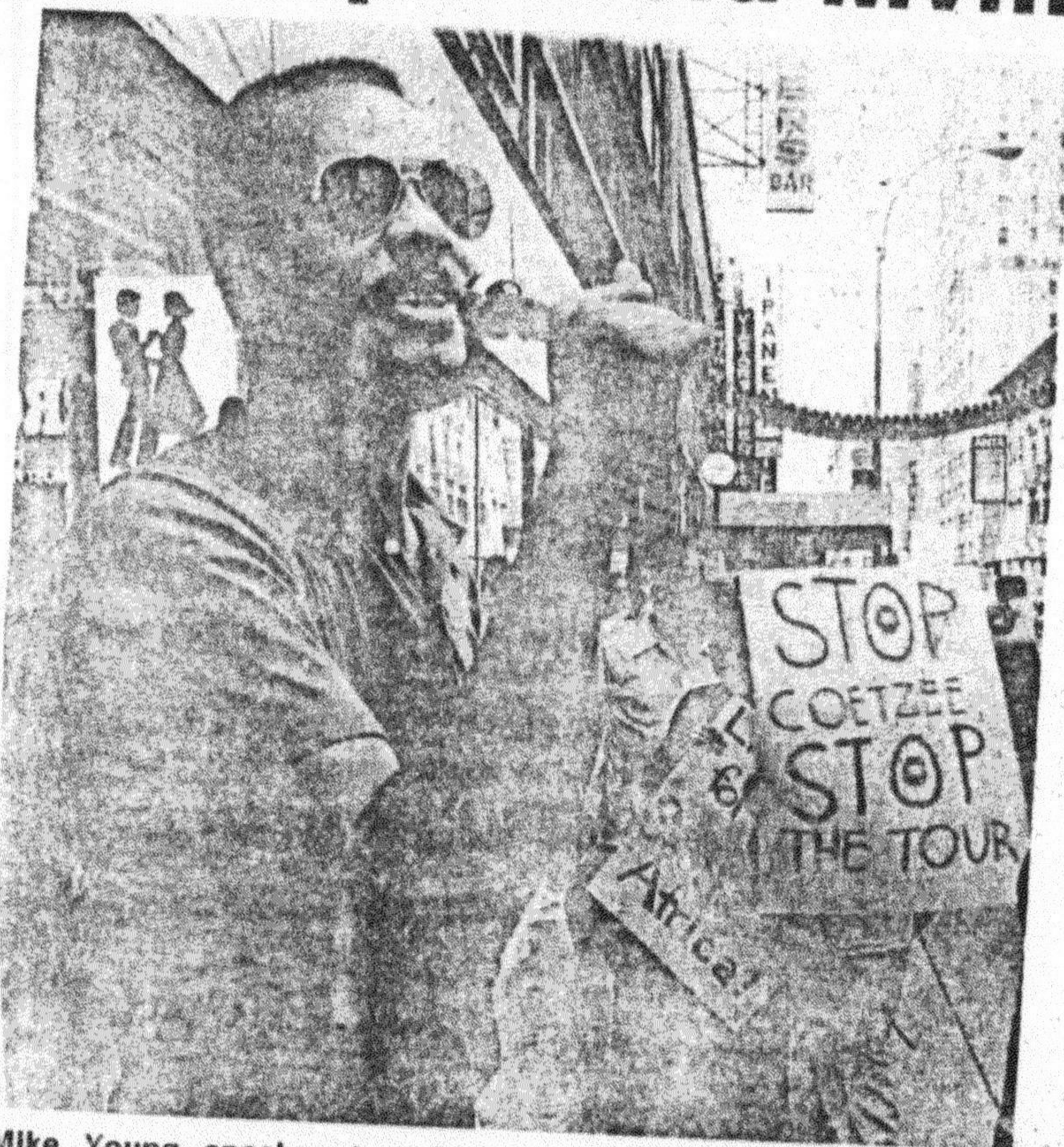
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for more information: 374-1494

Preventive Dentention New Weapon Gov't Threats Won't Shake Anti-Apartheid Mvmt



Mike Young speaks at a SART demonstration.

Anthony LaRusso

The Springboks are long gone now but the tremors that were pulsed from their arrival are not. The three games played here by what is considered the best rugby team in the world haven't stirred any movement to make rugby the next replacement for baseball. A movement that they did stir up was an anti-apartheid steamroller with the broadest cross sections of American people to ever be involved in the same activity. That is precisely why it doesn't surprise me in the least that the bourgeoisie, through its courts, police and politicians, tried everything in its power to dismantle this movement.

To understand the hows and whys a little better, I spoke with Mike Young. Mike is a co-convenor of the leading organization that was formed to stop the South African Springboks, Stop the Apartheid Rugby Tour (SART). He is also a member of the Communist Workers Party, not one of the U.S. government's favorite organizations. Mike told me what happened leading up to his and four other organizers' arrest the morning of the Albany demonstration.

When the police started openly watching and tailing Mike back in July, it wasn't really that surprising. At one point, a man identifying himself as Detective Gauglitz, in charge of intelligence in New York City, approached Mike. He wanted to be kept informed on everything he did, every move he made. For your own protection, you see. The same cop paid a visit to Dr. Richard Lapchick, another of SART's co-convenors, to advise him the department was getting death threats on his life. No mention of protection, just someone wants to kill you. Well, this is nothing new for Dr. Lapchick. Since his active role in the protest of South Africans playing in the 1978 Davis Cup, he has received numerous threats, had his home broken into, had his car tampered with, his family harassed, and never have the police been able to do anything but tell him what he already knows.

Obviously this wasn't going to discourage Richard or Mike. In fact, these planned roadblocks and the opposition let you know you are being effective. But the more effective the coalition was, the more they tried to stop it.

Reflecting on the growth of the movement in Albany, Mike Young said, "As the thing started building, I spoke at the coalition meeting; I was becoming somewhat of a celebrity. As I became a celebrity the police started trailing me. It became obvious they wanted me out. The State started putting pressure on the local organizers to get me out. Basically what the State was trying to do was coopt it, control it any way they could."

The violence-baiting began. First the FBI went to the Mayor's office (in Albany) and told them that the Ku Klux Klan was planning a visit to the demo and a confrontation between the Klan and CWP was fearful. Albany will be round two of Greensboro, they claimed. Pressure was put on locals to dump Mike as one of the co-emcees when the CWP-Klan fabrication became headline news in the Albany papers. (Later, the Klan admittedly knew nothing about it.)

All week long leading up to the September 22 demo, the groundwork was being laid to legitimize the arrests that were reminiscent in style of the Black Panther raids of over a decade ago. The issue was quickly changed from anti-apartheid to violence and anti-communism. Most people involved had the foresight to see through the baloney and keep the attack focused on apartheid. The movement mushroomed. Everyone was going — students, activists, ministers, concerned residents — everyone who hated oppression.

Then on September 18, the Thursday before the scheduled match in Albany, Governor Carey cancelled it. Citing the phoney CWP-Klan confrontation as too dangerous, he attempted to kill two birds with one stone. Turn the city against the Party and SART whose

growing support was not looked upon too favorably by the bourgeoisie and stall the mass movement that was growing like Jack's beanstalk. Of course, after all the out-of-town buses were cancelled, getting the game back on was a snap. There was no worry about ticket holders, there were only a handful anyway. And when the thing went to court, there wasn't too much doubt on the ruling.

The only problem the State had now was getting rid of the key leadership of the protesters. Even though the numbers would be cut significantly, with the right people in charge, the thing could still be overwhelmingly successful.

First John Spearman. While he was moving the car he was driving, four cops converged on him and got out with pistols pointing at him. The charge was driving a stolen car. The car belonged to his friend Mike Young. After illegally searching and tearing apart the car, John was subsequently

charged on a weapons rap. This began at 7:30 pm on the 21st.

Eight hours later on the morning of the demonstration, 20 cops entered the home of Vera Michelson by breaking the door down and with rifles and pistols drawn; arrested the four occupants of the house, among them Mike Young. Three hours later Mike was told the charges: possession of marijuana, possession of eight firecrackers and possession of a handgun, all of which were *not* on Mr. Young's person during the police's illegal entry to Vera's home.

For this Mike Young was advised by the judge no bail until October 6, two weeks later. He was put in semi-isolation, allowed out of his cell one hour a day. On the same block was a man waiting to serve 25 years to life for a murder conviction. And the lifer was told watch out, they are dangerous! This is for a man arrested for the first time in his life.

Continued on page 7

When Mike's first phone call was allowed, the demo had been over. It had been 18 hours since his arrest at this time.

"Not only did they arrest us, they made damn sure we had no contact with the outside."

Well, bail didn't take two weeks. It took six days, set at \$10,000. That's double the bail of the klan/nazi killers in Greensboro in November, 1979.

Besides all the obvious reasons why the U.S. government would like to see South Africa as a legitimate State, such as multi-national corporation ties, I think there's a sense of admiration there, too. The oppressive measures the apartheid regime uses to keep "order" seem to fascinate Reagan and

company. They seem to be following suit.

Mike Young capsulizes, "First they tried to block us by threats, by red-baiting. Then they tried to maneuver the leadership of the movement out of power. Finally, they just had to grab us to prevent us from being out there. Preventive detention. This is the overall direction of where law enforcement is headed. Police violations and atrocities are ignored for the sake of 'law and order.' It's a struggle, I tell you. A hard one."

Mike Young and the four other organizers are awaiting trial at this time. If you wish to express your support in any way, you may do so through this column.

COALITION TO DEFEND ALBANY 9

BOX 21, IKAN ENT., 115 ESSEX ST., N.Y. N.Y. 10002 TELEPHONE: 732-4392

Dear Friends,

The late summer tour of the Springboks - the national rugby team from South Africa - was a catastrophe for South Africa and its backers in the United States. Of the three originally scheduled matches - in New York City, Chicago, and Albany, N.Y. - only the Albany match was actually played, and at that match anti-apartheid demonstrators outnumbered spectators by over 4 to 1. While two other games were eventually played in the United States, the fact that they were both shrouded in secrecy, and that there were virtually no spectators at either, speaks to the humiliating defeat that South Africa suffered on this tour.

The Albany match was significant for another reason also: in the few days leading up to the match a total of 9 anti-apartheid demonstrators were arrested on various trumped up charges. On the weekend before the match, Bojie Jordan of the Pan Africanist Congress of Azania was arrested after being attacked by a local gang supporting the tour. And after the match, 4 youths were thrown out of a car, had their car searched, and were eventually arrested on weapons charges - sticks found in the car's trunk.

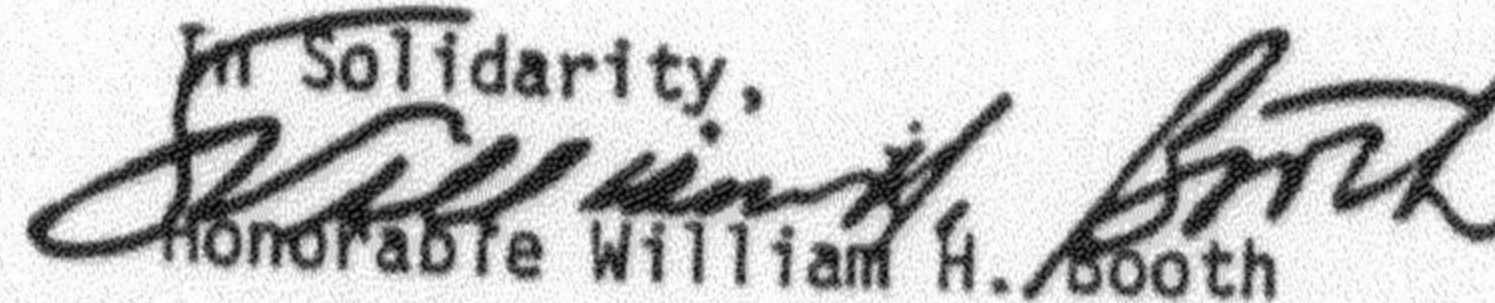
But the most serious arrests occurred on the evening and morning before the match. Four people, including Mike Young, a co-convenor of New York SART (Stop the Apartheid Rugby Tour Coalition), were jailed literally hours before the game and were refused bail until three days later. John Spearman, one of the 4, was arrested for possession of a stolen car - which belonged to Mike Young! The arrests of the other 3 - Vera Michaelson, Aaron Estis, and Mike Young - paralleled many of the arrests that took place in the '60's, as a squad of FBI and policemen broke into Vera's apartment at 3:30 in the morning, with shotguns pointed and pistols drawn. The three of them were eventually charged with possession of marijuana and firecrackers (8 of them), while Mike Young and John Spearman had additional weapons charges put on them.

These arrests - and the fact that the 4 people were held without bail for three days, effectively denying them the right to organize against the Springboks - are very serious. They are very political arrests, and the fact that Mike Young was "banned" from Albany by the judge makes them even more so. It is ironic that while Mayor Corning of Albany, the U.S. State Department and all of the other supporters of apartheid were crying so loudly for "free speech" and "1st amendment rights" that people organizing against apartheid were having their rights so systematically stripped away.

It is clear to those of us who were active in organizing against the Springbok tour that these arrests were aimed at all of us opposed to apartheid. That is why we see the defense of this case as part of the offense against apartheid and the renewed U.S.-South African alliance.

These cases will cost a great deal in legal fees and will necessitate broad publicity on what took place in Albany. We are appealing to you to help out with defense in any way that you can.

In Solidarity,


Honorable William H. Booth

Appeals court: Clyne ineligible in 2 rugby cases

The Appellate Division of state Supreme Court ruled today that Albany County Judge John J. Clyne cannot act as both a county judge and a city police court justice during a single suppression hearing for two people charged in connection with the September Springboks' rugby game.

The appellate court said Clyne is without jurisdiction to preside at the hearing to be held on motions by Vera Michelson, 36, of 400 Central Ave. Albany, and Aaron Estis, 22, of Somerville, Mass., to suppress evidence.

The court today agreed with defense attorney Lewis B. Oliver, who argued before the appeals court Monday that

Clyne should not be allowed to sit as a police court justice in proceedings against Ms. Michelson and Estis, who are charged with possession of marijuana and possession of fireworks, both violations. Clyne has no trial jurisdiction in matters involving a violation, the court said.

Two others, Michael Young, 28, of New York City and John Spearman, 31, of Kansas were arrested and charged with felony possession of a weapon.

"This is a unique situation. We do not want to be associated with people accused of having guns," said Oliver, who represents Estis and spoke during the hearing on a show-cause order for

Ms. Michelson.

Arrangements for Clyne to sit as both county and police court judge were made at the request of Albany County Assistant District Attorney John Dorfman because there were cases pending against at least one of the defendants in both courts.

Oliver argued a county court judge does not have jurisdiction to hear minor violations. He said county court is the court of appeals for police court decisions and one county judge cannot be put in the position of reversing another.

Albany County Assistant District Attorney Michael Katzer had argued the criminal procedure law permits a

county court judge to also act as a superior court judge when non-felony cases are at issue.

A suppression hearing is conducted before a trial to determine what evidence can be used against a defendant.

The arrests occurred Sept. 21 and Sept. 22 before a rugby match which was protested by persons opposed to South Africa's apartheid system of racial segregation.

County court gets 3 'rugby cases'

By Cliff Lee

Staff Writer

The cases of three persons arrested during the South African rugby team visit in Albany were transferred from city police court to Albany County Court Tuesday on a motion filed by the district attorney's office.

Vera Michaelson, 36, a prominent Albany civil rights activist; Aaron A. Espis, 22, of Somerville, Mass.; and Michael R. Young, 28, of Brooklyn, were arrested on the eve of the Sept. 22 rugby game at Bleecker Stadium in Albany and charged with criminal possession of fireworks and criminal possession of marijuana, both misdemeanors.

Young was charged with third-degree

criminal possession of a weapon, a felony, as was John Spearman, 31, of New York City, and a hearing on that charge is pending in Albany County Court.

A hearing on a motion to suppress evidence in the cases of Michaelson and Espis had been scheduled Tuesday in Albany Police Court.

However, Assistant District Attorney John Dorfman told Police Court Judge Thomas Keegan that "an identical proceeding" has been scheduled for next Tuesday in Albany County Court in the cases of Young and Spearman.

He said that, since the same witnesses are to be involved in both hearings and defense attorneys are trying to suppress the same evidence in both

cases, the hearings should be consolidated and County Court Judge John J. Clyne should be allowed to serve as acting police court judge as well as county court judge during next Tuesday's hearing.

District Attorney Sol Greenberg said combining the two hearings is "unusual," but added, "it is practical as a time and money saver."

Lewis Oliver, attorney for Espis, and Anita Thayer, attorney for Michaelson, opposed the consolidation of the hearings, saying their clients were charged with "lesser offenses" than Spearman and Young.

"It would be an injustice to my client to associate him with those (cases) in county court," Oliver said.

Case Moves to County Court

ALBANY — A suppression hearing in the cases of Vera Michaelson and Aaron Estis, arrested the morning before the South African Springboks rugby team's Albany appearance, was moved to county court yesterday by Police Court Justice Thomas Keegan.

Michaelson, 34, of Central Avenue and Estis, 22, of Somerville, Mass., are accused of violations: possessing fireworks and marijuana. They were arrested when Albany police raided Michaelson's apartment, seeking Michael Young, 28, of Brooklyn, on a weapons charge.

Young was indicted along with John Spearman, 31, of Lawrence, Kan. on felony firearms charges. A suppression hearing in their case is scheduled in county court next Tuesday.

In Police Court yesterday, attorneys representing Michaelson and Estis said they were ready for their suppression hearing, in which they were to challenge the warrant that led to their clients' arrest.

John Dorfman, an assistant district attorney, argued that since the facts of the Michaelson-Estis hearing are identical to those of the scheduled Young-Spearman hearing, the cases should be combined in county court for the purpose of determining whether the warrant was valid.

Dorfman said County Court Judge John Clyne has agreed to combine the hearings, at which he would sit as an acting police court justice insofar as Michaelson's and Estis' case is concerned.

Michaelson and Estis go to county court at 2 p.m. next Tuesday.

Court hears arguments in single-hearing appeal

By Shirley Armstrong
Staff Writer

The state Supreme Court Appellate Division may rule today on whether two persons charged with violations and two felony suspects, all arrested before anti-Springboks demonstrations in Albany last September, may be given a single suppression hearing.

The court heard arguments Monday on the application of Vera Michelson of Albany and Aaron Estis of Somerville, Mass., for an order banning the joint county court-police court proceeding with Albany County Judge John J. Clyne presiding.

Michelson and Estis are accused of possessing fireworks and marijuana. Michael Young and John Spearman Jr., both of New York City, face the more serious charge of criminal possession of a weapon, third degree.

Police court has jurisdiction over charges below the felony level while felony cases are processed in county court. But Police Court Judge Thomas Keegan has granted a motion of the district attorney to allow the consolidated proceeding, now scheduled for Dec. 21.

District Attorney Sol Greenberg said the unusual merger, which would place Clyne in the position of serving both as judge of his own court and as acting police court justice, was deemed practical as a saving in time and money. He pointed out that the same issue exists in both cases and the same witnesses will testify.

Michelson's lawyer, Anita Thayer, and Estis' attorney, Lewis B. Oliver, have opposed the joint hearing as

prejudicial to their clients. Both have protested that their clients would be unfairly associated with felony charges against the others.

Arguing for both Michelson and Estis Monday, Oliver declared Clyne has no jurisdiction of a petty offense, once it has gone beyond the arraignment.

Assistant District Attorney Michael Katzer argued that the U.S. Supreme Court has delineated between a suppression hearing and a trial. Since the hearing does not lead to a final disposition of the case, he said, a county court judge may preside in the capacity of acting police justice.

Oliver also protested that the two-in-one hearing would deprive Michelson and Estis of appeal. He pointed out that any appeal from Clyne's decision as acting police justice would have to go to county court, where Clyne presides in his regular capacity.

Katzer suggested that a Supreme Court justice could be appointed to sit as acting county judge should such a situation arise.

Spearman was arrested the night of Sept. 21 near a motel where the South African rugby team, the Springboks, was quartered. He was charged with possession of a gun allegedly found in the vehicle he was driving, owned by Young. A search warrant, under challenge by the defense, was used by police who searched Michelson's apartment on Sept. 22 and allegedly found ammunition for the gun in Young's belongings there.

Police said the search also yielded fireworks and marijuana, which Michelson and Estis are accused of possessing.

Joint rugby hearings opposed

11/21/81
By Shirley Armstrong
Staff Writer

A combined county court and police court suppression hearing for four defendants arrested during protests against the South African rugby team in Albany in September was challenged in the state Appellate Division Friday.

In Albany County Court, meanwhile, the proceeding was adjourned from next week to Dec. 21.

In a related development, attorney Mark Gombiner, an associate of defense lawyer William Kunstler, appeared before County Judge John J. Clyne to record officially that his firm, Kunstler & Mason, has been retained by the two defendants facing felony counts, Michael Young and John Spearman Jr.

After the defendants assured Clyne they were aware that a conflict of interests might exist but still wished to be represented by the same attorney, Clyne allowed withdrawal from the case by Albany attorney Bernard Bryan, who had represented Young, and the county public defender's office, which had been appointed to handle Spearman's defense.

The conflict could arise in a plea bargain agreement should one of the defendants decide to implicate the other in exchange for more lenient treatment.

Gombiner told a reporter he expects that either Kunstler or attorney C. Vernon Mason, or both, will handle the defense of the two.

Young and Spearman were arrested on the eve of the Sept. 22 South African Springboks rugby game in Albany's Blecker Stadium. They were charged with felony weapon possession.

Albany police said they found a .38-caliber revolver in a car owned by Young, which Spearman had been driving near the motel where the South African team was quartered. Young, who said he was a member of the Communist Workers Party, was arrested soon thereafter in the Central Towers apartment of local civil rights activist Vera Michelson on Central Avenue, Albany. Police said ammunition for the weapon was found in Young's luggage there.

Also arrested were Michelson and Aaron A. Estis, 22, of Somerville, Mass., who were in the apartment and were accused of fireworks and mari-

juana possession.

Although charges against the latter two are only violations, to be processed through police court, authorities decided to combine their hearing with that of the two felony suspects. It was scheduled for Nov. 24 before Clyne, who would serve in the dual capacity of county judge and acting police justice. Albany County District Attorney Sol Greenberg said the merged proceeding would save time and money and would be practical since the same witnesses will testify.

But Michelson and Estis disagree. Attorneys Lewis B. Oliver, representing Estis, and Anita Thayer, representing Michelson, went to the Appellate Division Friday in an effort to avert the two-in-one hearing, which they claim would be prejudicial to their clients.

Associate Justice T. Paul Kane signed a show-cause order, returnable Monday at 1:15 p.m., when the full Appellate Division court will hear arguments on the application for a writ of mandamus, banning the proposed single hearing.

Michelson said, "The whole thing is totally bizarre. We have violation charges. They are trying to treat them like felony charges. To me, it's not about firecrackers, it's not about marijuana. It's about stifling people's right to protest."

In any event, the hearing will not be held when originally planned. Gombiner told Clyne Friday that he, Kunstler and Mason will all be in Harrisburg, Pa., next week handling the defense in a murder trial. Clyne then granted the adjournment.

Both Young and Spearman, who are free on bail, stood before the bench during the proceeding before Clyne and expressed a desire to have the Kunstler firm represent them. Gombiner told the court he saw no possibility of any conflict of interests.

Blast probe continues

Federal agents and Schenectady Police said Friday they are still investigating the explosion which rocked the Eastern Rugby Union offices in Schenectady and damaged several adjacent offices Sept. 22.

No arrests have been made and no specific suspects have been identified in the investigation, said Schenectady Detective Capt. Victor Palmo.

Walter Bleyman, supervisor of the Albany office of the federal Alcohol, Tobacco and Firearms Bureau, re-

tained Friday to discuss specifics of his office's probe.

Bomb experts have been unable to determine which specific high explosive was used in the bomb, although agents did recover several clock parts and other items which agents said were used in the device.

No one was hurt in the blast, which occurred the same day the controversial Springboks, a South African rugby team, played at Albany's Blecker Stadium.