

## Rugby Protesters' Case Delayed by Co. Judge

By PAM SNOOK  
Gazette Reporter

ALBANY — The sitting of evidence concerning two protesters arrested at last September's rugby game won't occur until next month, according to a decision yesterday by County Court Judge John Clyne.

Clyne was to oversee a hearing Tuesday that would determine what evidence could be used against Michael Young, 28, of Brooklyn and John Spearman, 31, of Lawrence, Kan. The men were arrested for unlawful possession of a firearm on Sept. 21, the night before the controversial rugby game between the South African Springboks and an American team at Blecker Stadium.

In related court action, an appellate judge asked for specific reasons why two other rugby protesters arrested for misdemeanors should be tried with Young and Spearman.

Clyne delayed Spearman and Young's suppression hearing until Dec. 21 at the request of Mark Gombiner, an associate of attorney William Kunstler.

Kunstler's law firm will represent the men, but will not be available next week, Gombiner said. The firm is tied up with a murder trial in Pennsylvania, he said.

Spearman and Young told Clyne they wanted Kunstler's firm to represent them despite Clyne's warnings of conflict of interest.

The men are charged with possession of the same weapon. The gun was found in Young's

car while Spearman was sitting in it on Washington Avenue across the street from where rugby players were staying.

"There is no conflict of interest that would cause our defendants any problems," Gombiner said. Young and Spearman agreed.

Meanwhile, Judge T. Paul Kane of the Supreme Court's appellate division asked for reasons why Aaron Estes and Vera Michelson should be considered with Spearman and Young.

Estes and Michelson were arrested for possession of marijuana and firecrackers at Michelson's Central Avenue apartment the morning of the game.

District Attorney Sol Greenberg requested four cases be heard together.

"We're trying to avoid a multiplicity of hearings," Greenberg said. It would take less time and money to use one hearing instead of several, Greenberg said.

Estes and Michelson's lawyers object.

"This is an unheard of procedure. Our clients are charged with petty offenses," said Anita Thayer, Michelson's attorney.

## 2 granted delay in rugby case; say Kunstler firm new defender

By SUSAN SCHULMAN  
Knickerbocker News Reporter

At the request of an attorney from William Kunstler's New York City firm, a hearing for two men arrested on gun possession charges when the South African Springboks rugby team was in Albany has been postponed until Dec. 21.

Michael Young and John Spearman, both of New York City, told Judge John J. Clyne Friday they have dropped the lawyers assigned them by the public defender's office and are being represented by the firm of Kunstler & Mason.

Spearman, 31, was arrested the day before the Sept. 22 rugby game while in a car across from the Best Western Thruway House on Washington Avenue, Albany, where the Springboks were staying. He was charged with possession of a gun after he reached for the weapon under his seat, police said.

Young, 28, a member of the Communist Workers Party and one of the leaders of the protest against the rugby game, was later charged with illegal possession of a weapon because, police said, Young owns the car in which Spearman was arrested. Young was also charged with possession of fireworks, marijuana and ammunition.

Mark B. Gombiner, an attorney with Kunstler & Mason, said Friday the defense of Young and Spearman will raise a "search and seizure ques-

tion." Gombiner said Albany police searched Spearman's car "without reason."

In court Friday, Gombiner asked for a suppression hearing scheduled for Tuesday to be postponed because Kunstler and the lawyers in his firm are involved in a murder trial in Harrisburg, Pa.

Clyne set Dec. 21 for the hearing and noted an attorney representing two others arrested on lesser charges in connection with the Springboks game asked a judge in the Appellate Division of State Supreme Court to prohibit a joint suppression hearing for Young and the other two defendants.

In Albany Police Court Tuesday, Justice Thomas Keegan ruled Clyne would sit as police and county court judge at a single suppression hearing for Young, Vera Michelson, of Albany, and Aaron Espis, of Massachusetts.

Attorneys for the three are questioning the validity of the search warrant police obtained for the raid at Ms. Michelson's Central Avenue, Albany, apartment.

Anita Thayer, who is representing Ms. Michelson, said Appellate Judge Paul Kane issued a show cause order, answerable Monday, on why the suppression hearing for Estes and Ms. Michelson should not be separate from Young's.

Michelson and Espis were charged with possession of marijuana and fireworks during the raid.

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ALLAN T. FENLEY  
Attorney At Law

## Michaelson, Estis Cleared of Charges

By PHIL BLANCHARD  
Gazette Reporter

ALBANY — Charges against two anti-apartheid organizers arrested the morning before the South African Springboks' Sept. 22 rugby game here were dropped in Police Court yesterday.

In court for an oft-delayed hearing at which their attorneys were to challenge the warrant that led to their arrest, Vera Michaelson, 36, of Central Towers Apartments; and Aaron Estis, 22, of Somerville, Mass., were cleared of violation charges of marijuana and fireworks possession. Their lawyers had subpoenaed a number of state and city officials and documents they hoped would prove that there was no probable cause for the warrant that allowed police to raid Michaelson's apartment around 3:30 a.m. Sept. 22.

The state had been set to challenge one of those subpoenas before the charges were dropped.

But, acting "in the interest of justice," Police Court Judge Thomas Keegan dismissed the charges after Michael Katzer, an assistant district attorney, asked Keegan to grant the part of Michaelson's and Estis' omnibus motions that called for dismissal.

Police went to Michaelson's apartment armed with a warrant that also led to the arrest of Michael Young, 28, of Brooklyn, on a felony weapons charge. Young and Estis were staying with Michaelson during the Springboks' Albany visit.

Young, along with John Spearman, 31, of Lawrence, Kan., were indicted by a grand jury on the weapons charge, which stemmed from Spearman's alleged possession of a .38 caliber handgun when police examined his car Sept. 21 near the motel where the Springboks were staying. Police say they found a "speedloader" for the gun at Michaelson's apartment when they went to arrest Young.

Early yesterday, the state Attorney General's office began legal proceedings to quash a subpoena for a confidential state police report that reportedly predicted violence among anti-Springbok demonstrators. The

report was the same one that contributed to a federal judge's decision to allow the game to go on despite Gov. Hugh L. Carey's order that it not.

Groups opposing the Springboks' visit to Albany charged that the report predicting violence was a fabrication. Michaelson's and Estis' lawyers had hoped to use the report in establishing their case of no probable cause for the warrant.

The matter of quashing the subpoena, though, was dropped when the decision to drop the charges was made, according to Jane Schneider, an assistant attorney general.

"The motion to quash had nothing to do with the decision to drop the case," Schneider said. District Attorney Sol Greenberg agreed.

Young and Spearman are scheduled for a suppression hearing in County Court Dec. 21, Greenberg said. Two weeks ago, he had sought to combine that hearing with Michaelson's and Estis', since the same evidence was expected to be presented at both hearings. But lawyers for Michaelson and Estis won a ruling from the appellate division of state court kicking their hearing back to Police Court, where minor charges like those against them are normally heard.

Meanwhile, the Albany State University Black Alliance has scheduled two concerts by the musician Gil Scott-Heron next Sunday to benefit the so-called Coalition to Defend the Albany Nine. That New York City-based group was formed to support the defense of Young, Spearman, Michaelson, Estis and five other persons arrested in Albany around the time of the Springboks' visit.

A spokesman for the sponsoring group said Heron had agreed to perform for a "reduced rate," and that all proceeds from the concert would be turned over to the coalition to help defray legal costs. The spokesman could not say what Heron's reduced rate was.

The concerts are scheduled for 7 and 10 p.m. next Sunday at ASU's Page Hall on Western Avenue.

# Two rugby protesters still angry as cases against them are dropped

KNICK - 12/9/78

By SUSAN SCHULMAN  
Knickerbocker News Reporter

Charges against two protesters arrested when the South African rugby team was in Albany have been dismissed.

But Albany County District Attorney Sol Greenberg said those two cases won't affect felony charges against two others arrested in connection with the Sept. 22 Springboks game.

Albany Police Court Justice Thomas Keegan Tuesday dismissed, "in the interest of justice," fireworks and marijuana charges against Vera Michelson, 36, a prominent Albany civil rights activist; and Aaron Estis, 22, of Massachusetts, who was in Albany to protest the game.

Michelson, Estis and their attorneys were pleased the charges were dismissed, but were also angry because of the way the dismissal was handled and because issues they say the case raised were never thrashed out in court.

Keegan dismissed the charges after Assistant District Attorney Michael Katzer moved to grant motions of dismissal made by the defendants' attorneys.

But Anita Thayer, Ms. Michelson's attorney, and Lewis Oliver, Estis' lawyer, said they had made no motions to dismiss. And, if a dismissal were to be made, the attorneys said, it should be on the basis that their clients are innocent, not "in the interest of justice."

Thayer and Oliver also objected because the court did not address the validity of the search warrant police used in the raid of Ms.

Michelson's Central Avenue apartment early Sept. 22.

The raid led to Michelson's and Estis' arrests and jailing for two days before bail was set.

"We wanted to establish police had no right to be in the apartment and these people were innocent," Oliver said.

"The only thing in that search warrant was perjury, no proof," Ms. Michelson said after the charges against her and Estis were dismissed. "They (police) didn't have anything on us. They didn't have any right to go in the apartment."

But Greenberg said his decision to agree to dismiss charges against Estis and Michelson had nothing to do with the validity of the search warrant used in the raid.

Since the charges against the two were minor, Greenberg said his office initially offered to adjourn the charges with a promise of dismissal if Estis and Michelson were not arrested for other reasons for a specified period.

Greenberg said the defendants refused the offer. Based on motions for "relief" Thayer and Oliver later filed in the case, Greenberg said his office agreed to dismiss the charges as "just and proper relief."

Greenberg said the issue of the search warrant is expected to be brought up in Albany County Court Dec. 21 when hearings are held for Michael Young and John Spearman, both of New York City.

Spearman was arrested before the raid of Ms. Michelson's apartment. He was charged with possession of a gun found in a

car in which he was sitting across from the Thruway House, where the Springboks were staying.

The car belonged to Young, who was arrested in the raid of Ms. Michelson's apartment.

Young was also charged with possession of the weapon and a speedloader — a device used to load a revolver quickly — found when police raided Ms. Michelson's apartment.

Young's attorney, New York City activist lawyer William Kunstler, has filed motions similar to those filed in the Michelson-Estis case questioning the search warrant police used in the raid.

An affidavit Albany police submitted to obtain the search warrant state they received a call from Clara Satterfield, president of the National Association for the Advancement of Colored People, the night before the rugby game at Bleecker Stadium.

The affidavit claims Ms. Satterfield told police she believed her life was threatened by a militant faction of demonstrators.

Ms. Satterfield has denied making that and other statements police attributed to her.

Because of the similar motions filed in the Estis-Michelson and the Young-Spearman case, Greenberg had requested that both cases be heard at the same time in front of one judge.

Keegan had agreed to the request and moved the case to county court. An appellate judge later overruled Keegan and ordered the cases to be heard separately.

# Judge clears 2 rugby protesters

Marijuana, fireworks charges are dropped in Albany Police Court

By Cliff Lee

Staff Writer

After more than two months of legal maneuvering in the case, Albany Police Court Judge Thomas Keegan Tuesday dismissed marijuana and fireworks possession charges against two persons involved in the September demonstration against the South African rugby team's visit to Albany.

The action came after Assistant Albany County District Attorney Michael Katzer asked Keegan to dismiss the charges against Albany civil rights activist Vera Michelson, 36, and Aaron Estes, 22, of Somerville, Mass.

District Attorney Sol Greenberg said later that defense attorneys Lewis Oliver and Anita Thayer had made "an omnibus motion," which included a request to drop the charges.

Greenberg said his office agreed to that part of the motion "because we never really had any interest in prosecuting" Michelson and Estes on the charges, which are violations.

He said his office had offered adjournments in contemplation of dismissal at the time Michelson and Estes were arraigned on the charges.

"They blew it," Michelson said, referring to her arrest by police and ultimate dismissal of the charges against her.

"It's a travesty and a shame," said Estes, "that the courts can be used to suppress a person's right to free speech."

Oliver and Thayer said civil action against police and city officials is being considered.

12/9/81  
Michelson and Estes, who had been involved in planning the demonstration against the South African Springboks rugby team on Sept. 22, were arrested the morning before the game at Michelson's 400 Central Ave. apartment.

Michael Young, 28, and John Spearman Jr., 31, both of New York City, were arrested a few hours earlier by Albany Police on felony weapons possession charges.

Young and Spearman were identified as activists in the rugby demonstration too, and, police said, had been staying in Michelson's apartment.

Greenberg said he agreed to dismiss the charges against Michelson and Estes "in the interest of avoiding duplicity of hearings and in the interest of saving time and money."

The district attorney's office moved in November to combine the suppression hearing for Michelson and Estes in Albany Police Court with the suppression hearing for Young and Spearman in Albany County Court.

Greenberg said then that identical issues and witnesses were involved in all four cases.

Michelson and Estes appealed that motion to the Appellate Division of State Supreme Court and argued their cases would be prejudiced if their hearings were merged with those of Young and Spearman.

The Appellate Division ruled separate hearings should be held and the Michelson and Estes cases were returned to police court, where a defense motion to suppress evidence in the case was to have been heard

Tuesday.

In court Tuesday, Oliver, who was representing Estes, said he would agree to the dismissal as long as it was not granted "in the interest of justice."

Had the cases been dismissed on those grounds, Oliver said, it might be interpreted as meaning the district attorney's office still considered Michelson and Estes guilty but did not want to prosecute the case for reasons other than their innocence, such as the time or expense involved.

"Had the hearing gone forward," Oliver said, "our clients would have been vindicated."

He also said he was disappointed the hearing was not held because it would have given the public an opportunity to hear evidence gathered by police to justify the arrests — something he said did not exist.

Both Oliver and Thayer, who is Michelson's attorney, had subpoenaed Albany Mayor Erastus Corning II, Police Chief Thomas Burke and a confidential State Police report to Gov. Hugh L. Carey about possible violence at the rugby game demonstration.

Michelson said her arrest was "political" and "an attempt to intimidate us and suppress our right to protest and to use us as an example for other civil rights activists in the community."

She said police had no right to search her apartment and the warrant issued for the search contained perjury.

Meanwhile, Greenberg said the suppression hearing for Young and Spearman has been scheduled for Dec. 21 in Albany County Court.

## Rugby president charged in Indiana fire

Combined staff and wire reports

T.U. 12/12/81

EVANSVILLE, Ind. — The president of the Evansville Rugby Club was arrested Friday and charged with arson for setting a fire at the team's clubhouse originally blamed on opponents of a tour by a South African rugby team.

Bernie Bartholome, 37, was charged in a federal complaint with "maliciously destroying property with an explosive." He was taken into custody by U.S. Alcohol, Tobacco and Firearms agents and city police.

The Sept. 25 blaze, which caused \$200,000 damage, originally was believed to be connected with the controversial fall tour of the South African Springboks.

Demonstrators had protested the Springboks' racial policies at every tour site, including Albany, where the team played a game in Bleecker Stadium Sept. 22. Evansville had been mentioned as a possible game site.

On the same day as the Albany Springboks game, a bomb blast rocked the Schenectady office of the Eastern Rugby Union, South African rugby team hosts. Federal agents and Schenectady police are still investigating that explosion. No arrests have been made.

Bartholome's arrest came two days after another Evansville Rugby Club member, Robert Letterbach, signed a plea agreement with U.S. Alcohol, Tobacco and Firearms agents.

Agents said Letterbach said he was approached by Bartholome about burning the building. He said the morning of Sept. 25, they siphoned about 15 gallons of gasoline from vehicles at a local dry cleaners, then drove to the clubhouse and sprinkled gasoline around the building.

Letterbach said Bartholome then left and he set the fire, agents reported.

The clubhouse was purchased by the Evansville Rugby Club 2½ years ago.

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## ARTS & ENTERTAINMENT

### ROCK TALK

# A Message From Gil Scott-Heron

by Donald E. Wilcock

**G**IL SCOTT-HERON COULD TALK your Aunt Mabel out of her tax-sheltered annuity check. He could sell a lemon to a used car-salesman—and make a profit. He's also a sensitive poet whose imagery is rich in African heritage and whose Midnight Band supports his sleek raps with a background of cool rhythmic jazz and hipper-than-hip funk. But it's his politics that gets most of the attention.

"We're the most technologically advanced society in the world, but we still lack information on the things most important to keeping our lives in the balance," he said backstage between concerts at SUNYA's Page Hall. "For instance, there is so much pro-nuclear money being spent, there is a responsibility to the community to present the other side."

Scott-Heron did just that in a song called "We Almost Lost Detroit."

*It ticks each night as the city sleeps/Seconds from annihilation/But no one stopped to think about the people/Or how they would survive/And we almost lost Detroit this time.*

That was released two years before Three Mile Island. He released "Johannesburg" in 1975, a year before the Soweto rebellion:

*Well, I hate it when the blood starts flowin'/But I'm glad to see resistance growin'/Somebody tell me what's the word/Tell me, Brother.*

Have you heard from Johannesburg?

His latest commentary is "B-Movie," an indictment of the "Ray-gun" administration voted into office by twenty-six percent of the registered voters, looking for a cheap John Wayne substitute and a false sense of security in a nostalgic B-movie existence directed by "Attila the Haig," produced by "Casper, the Defensive, Weinberg" and starring "Dudley, Goddamned Do-Right."

Needless to say, songs like these do not get massive radio airplay. "If I worried about what people program on the radio, I wouldn't write a song," Scott-Heron quickly pointed out. On the other hand, he does not consider himself basically a political muckraker.

"I think I'm more well rounded. Politics is a part of our lives. I regard politics like a cold. It must be diagnosed, and then you get therapy for it. The same for politics. You must recognize the problems and come to grips with them."

The problem that brought Scott-Heron to SUNYA's Page Hall December 13 was South African apartheid. A group of people collectively known as the Albany Nine had been arrested on what they considered flimsy charges just before the Springboks rugby game. Each was active in organizing demonstrations against the game on the grounds that to let the games be played was to tacitly endorse South Africa's anti-black

apartheid. Scott-Heron performed three concerts, one in Burlington and two in Albany, at a reduced fee to help benefit the defense fund for the Albany Nine. Scott-Heron said he had not come to Albany for the demonstration because he felt that calling attention to the games might play right into the hands of the South African government.

"I was in Washington, D.C., giving a concert at the time, but I got reports periodically. I'm approached by several organizations for national protests. Information on the games was so sketchy it was a piecemeal rugby tour and only three games came off. My getting involved might have generated more attention than those three games were worth, including interest from those who couldn't have cared less otherwise."

A basic theme that runs through most of Scott-Heron's political songs is an anti-big business bias. How does he reconcile that stance with working for a record industry monopolized by conglomerates?

"I can be paid, but I can't be bought. The record company works for me. As such, they give the public what I want to issue. I am a part of, but not a part from, the record industry. They are a convenient vehicle for getting my message to a larger number of people."

He indicts the Reagan administration for robbing the poor to support big-business interests, but does he have a solution to this country's economic ills?

"Yes. Quit supporting foreign governments that don't support democracy. Cut foreign aid and save the economy. We're sending dictators millions of dollars a day. We should call in some of our I.Q.U.s."

Scott-Heron was obviously tired when we talked backstage. His casual conversation was not as sleek as his raps, but his intellect comes through in everything he says. I asked him how he develops his raps.

"There is no pattern. Some songs develop from rhythms. Some simply come from practice sessions. Some come to me while I'm writing letters at airports. There is no pattern." Then he deadpanned: "The band does all the work, and I get all the credit."



Scott-Heron at Page Hall: "I can be paid, but I can't be bought."

"The Bottle" and "Angel Dust" have become rallying cries against substance abuse. "We Almost Lost Detroit" is a powerful anti-nuclear protest. Now "B-Movie" is focusing attention on the effects of the Reagan administration on the poor. His Albany appearance rallied the anti-apartheid forces. Does he write songs with the intent of their becoming rallying cries?

"Each song is a gradual development. You don't know when you write one if it will make a contribution. If you could predict which songs would become a rallying cry, why would you write anything else?"

Memorand -  
Dec 24 (1981) - Jan 6, 1982

## 'Albany 9' Defendants Assail S. Africa Policy

By CARLO WOLFF  
Gazette Reporter

12/14/81  
ALBANY — The "Albany Nine" are trying to break up the "marriage" between the Reagan Administration and South Africa, Vera Michaelson told a group of 300 at Page Hall last night.

Michaelson is one of the Albany Nine, a group of people around the time of the Sept. 22 Springboks game in which the South African rugby group defeated a team fielded by the Eastern Rugby Association.

When she was arrested early on the morning of the game day, security forces treated her Albany apartment like a "warehouse for guns, bombers and terrorists," she said. Instead, she claimed, her apartment was nothing more than a storehouse of information about the Springboks schedule and anti-apartheid literature.

Apartheid is South Africa's system of forced segregation of races.

When it appeared the game would be played as scheduled, despite widespread opposition on the part of political liberals, Augustus Corning II, "our corrupt machine, mayor of 40 years," began to divert attention from the apartheid issue and focus it on a free speech question, Michaelson said.

And when Michaelson and Aaron Estis were finally jailed on charges of marijuana and firecrackers possession, they were locked in the Albany County Jail and not allowed to mingle with other prisoners, she said.

Last Tuesday, Michaelson said, the office of Albany County District Attorney Sol Greenberg "was forced" to drop the charges against herself and Aaron Estis, another person arrested in Michaelson's apartment.

"Two down and six to go," Michaelson said, raising her fist to the cheers of the small audience gathered to hear a concert by the Mayday Singers and Gil Scott-Heron.

The concert was one of three (two last night, and one on Saturday night at the Flynn Theatre in Burlington, Vt.) benefits staged for the Albany Nine.

The cases against Michaelson and Estis have been dropped, as has the case against another person arrested early in the Springboks tour. But two others linked to the Stop the Apartheid Rugby Tour Coalition (SART),

are scheduled to be tried in Albany County Court on weapons charges.

One of those men, Michael Young of New York City, followed Michaelson to the lectern, further postponing the concert, which started late anyway because the bands arrived in Albany late.

Young said the reason SART and other Springboks opponents fought the tour was that the rugby tour was simply a symptom of American foreign policy under President Reagan.

"We're in a life-and-death struggle," Young said. If you're a community worker or political organizer, the Reagan Administration has branded you as "part of this terrorist network," and the administration's attempts to link Libyan terrorism to domestic groups is another example.

There's "not much difference between Hitler and Ronald Reagan," Young said.

## Scott-Heron: Funk and Politics in Albany Show

By CARLO WOLFF  
Gazette Critic

ALBANY — It got off to a shaky start, but the Gil Scott-Heron benefit concert for the "Albany Nine" ultimately treated a third-full Page Hall last night to wonderful political commentary underlined by masterfully funky music.

Scott-Heron's band and the opening act, the Mayday Singers, got to the Albany State University facility late last night, forcing an hour's delay in the scheduled opening and cramming hundreds into a cold lobby while the bands made their soundcheck.

Two shows were scheduled, at 7 and 10 p.m. The music of the first show didn't get started until nearly 8:30.

When the soundcheck was finally over, several speakers linked to the Albany Nine spent more than 20 minutes stating their case, paving the way for a heavily political concert.

The Albany Nine is a group of people arrested for alleged political acts against the Springboks tour.

After Albany Nine members Vera Michaelson and Michael

Young spoke, the five Mayday Singers took the stage to purvey their "struggle in song, revolution in rhythm, and Socialism in syncopation," as leader Mary Trevor put it.

After pledging their allegiance to the Communist Workers' Party, the Mayday Singers performed stiff political transformations of songs by Jimmy Cliff and the Beatles. The half-hour set featured only one interesting work, "Atlanta," sung by dramatic vocalist Bemshee Shira.

Scott-Heron more than made up for the delays and the dogma. When he and his eight-member Midnight Band swung into "B Movie," the audience knew it was in for a unique combination of care and charisma.

"B Movie" is a fantastic song that weaves a contemporary groove based on the premise that since Ronald Reagan was elected President, every resident of the U.S. is living in a B movie.

As Scott-Heron put it: "America didn't know whether they wanted Bob Dylan or Matt Dillon" when 26 percent of the electorate put Reagan in office. The 51 percent who didn't vote Scott-Heron sang-rapped, figured there wasn't a president to vote for.

Although "B Movie" is his strongest song of the year, off the tough *Reflections* album, Scott-Heron more than matched its power with such older tunes as the mordant "Winter in America," the tender "Save the Children" and the bitter anti-drug diatribe, "Angel Dust."

No cows are sacred to Scott-Heron: gun control, drugs, poverty, alcoholism, all are treated to pun-filled, satirically cleansing exposition.

Even though one might expect Scott-Heron's work to be pretentious, it isn't. The reason is Scott-Heron's casual stage presence, his velvety baritone (sometimes he sounds a little like Bill Withers, at times like Barry White) and his terrific band.

Last night's concert marked the end of a Scott-Heron Midnight Band tour that started Oct. 25. Scott-Heron charged \$7,000 for the two Page Hall concerts and one Saturday night in Burlington, Vt.

About 300 people paid \$6.50, \$7.50 and \$8.50 in advance for the Page Hall show.

As of 10 last night, Charlie Campbell, the Burlington man whose promotion agency is Rolling Thunder Media, said it appeared the three benefits had lost money, and it was unclear whether the Albany Nine would benefit at all. But Scott-Heron had been paid, Campbell said.

## Trial Delayed Again <sup>2/17/82</sup>

ALBANY — Lawyer William Kunstler's absence from county court yesterday forced the third postponement of the trial of two Springbok rugby game protesters.

Active in a New York City trial, Kunstler asked, in a signed affidavit, that the trial of Michael Young and John Spearman Jr. be delayed until next month.

Young, 28, of Brooklyn and Spearman, 31, of Lawrence, Kan., were to be tried yesterday on weapon possession charges.

The two are the last of nine protesters to face court action after a series of arrests before and after September's controversial South African/American rugby game at Bleeker Stadium.

Spearman handed Kunstler's affidavit to a seemingly aggravated Judge John Clyne.

Rocking rapidly in his chair and grimacing, Clyne complained that Kunstler asked the trial be put off until today.

But Spearman and Young contended Kunstler sent Clyne a telegram last week explaining he could not try the case this week and asking the case be put off again.

Spearman was arrested the night before the controversial game in Young's car across the street from the hotel where the South African team was staying.

Young was arrested the morning before the Sept. 22

game in a raid of a Central Avenue apartment.



## Arrested Apartheid Foes Cite City, County in Rights Suit

By STEVE NELSON  
Gazette Reporter

ALBANY — Notices of claims were filed yesterday in federal district court, accusing the city and the county violating the civil rights of two anti-apartheid organizers arrested the morning of the South African Springboks' Sept. 22 rugby match in Bleecker Stadium.

Claims were filed on behalf of Aaron Estis, 22, of Somerville, Mass. and Vera Michaelson, 36, of Central Towers Apartments. They were arrested early Sept. 22 on charges of marijuana and fireworks possession after police raided Michaelson's apartment. Those charges, considered violations under the law, were dismissed Dec. 8 after lawyers for the pair subpoenaed state and city officials and documents, they hoped would prove there was no probable cause for the police raid.

The state Attorney General's office was prepared to challenge those subpoenas, particularly the one compelling the state to make available a state police report on the potential for violence posed by the Sept. 22 match. The state denied the motion to quash the subpoenas had anything to do with District Attorney Sol Greenberg's decision to drop the cases against Michaelson and Estis.

Lewis Oliver and Anita Thayer, lawyers for Michaelson and Estis expressed mixed feelings over Police Court Justice Thomas Keegan's dismissal of charges. They felt their clients had not been given the chance to challenge the legality of the warrant that led to the raid.

Yesterday, Michaelson said the federal suit is "the only way I'll ever get my day in court."

The notices filed did not seek

any monetary damages.

"We are not decided on the amount of money," said Oliver, attorney for Estis. Estis charged the city and county with false arrest, false imprisonment, malicious prosecution, denial of bail, slander, libel, civil rights violations and violations of the First, Fourth, Fifth Sixth, Eighth Amendments of the United States Constitution.

The notice claimed the 3:30 a.m. raid was based on "an insufficient and perjurious search warrant." Oliver contended Estis was denied bail illegally and was subjected to full criminal processing despite the fact the charges against him were only violations.

Michaelson's claim was similar. Estis was kept in Albany County Jail for six days while Michaelson was kept imprisoned for two days. Neither of them was able to attend the demonstration outside of Bleecker Stadium.

Oliver said if the city and the county don't settle the notice within 30 days, he and Thayer will file formal complaints in federal district court.

Estis and Michael Young, 28, of Brooklyn were staying in Michaelson's apartment during the Springboks' visit to Albany. Young and John Spearman, 31, of Lawrence, Kansas were subsequently indicted by a grand jury on a weapons charge stemming from Spearman's alleged possession of a .38 caliber handgun while sitting in Young's car Sept. 21 near the motel where the South Africans were staying. Police said they found a "speed loader" for the gun during the raid on Michaelson's apartment.

A total of nine persons were arrested on or before the Sept. 22 match on charges relating to the protest and opposition to the

only match the Springboks played in public while in the United States.

The Capital District Coalition Against Apartheid and Racism also filed a notice of claim yesterday. They charge the police raid violated the First, Fourth, and Fourteenth Amendments to the Constitution. They claim police confiscated documents, agendas, lists of names and addresses of members illegally and without just cause.

## 2 to sue in rugby arrests

12/19/81  
Two persons arrested in connection with the Sept. 22 demonstration against the appearance in Albany of a South African rugby team have filed notices of their intent to sue the city and Albany County in federal court.

The notices were filed Thursday on behalf of Vera Michelson and Aaron Estis, who were charged with marijuana and fireworks possession after a police search of Ms. Michelson's 400 Central Ave. apartment the morning of the Springboks rugby match at nearby Bleecker Stadium.

Police Court Justice Thomas Keegan dismissed the charges against the two Dec. 9 at the request of county prosecutors.

Ms. Michelson said a lawsuit was "the only way I'll ever get my day in court."

The lawsuits will claim civil rights violations including false arrest, false imprisonment, and malicious prosecution.

No monetary damages were specified in the notices.

"At this point, \$500,000 sounds good," Ms. Michelson said Friday.

Gary Stiglmeier, assistant city corporation counsel, said a copy of the notices had been served in his office. He had no comment on the allegations they contained.

County Attorney Robert Lyman could not be reached for comment.

## 2 in rugby day arrest file claim on Albany

By Cliff Lee

Staff Writer

12/18/81  
Two persons arrested before last September's rugby match in Albany involving the South African Springboks team have filed a claim for damages against the city, charging false arrest and violation of their civil rights.

Vera Michelson, 36, of Albany and Aaron Estis, 22, of Somerville, Mass., were arrested in the early morning of Sept. 22, the day of the rugby match at Albany's Bleecker Stadium, after a police raid of Michelson's 400 Central Ave. apartment.

They were charged with possession of marijuana and fireworks — both violations — and jailed.

Estis and Michelson, who were leaders of a local protest against the presence of the South African rugby team in the United States, had the charges against them dismissed earlier this month on a motion from the Albany County District Attorney's office moments before a hearing was to begin on whether certain evidence gathered by police in the cases should be suppressed.

Immediately following dismissal of the charges, Michelson expressed re-

gret that the suppression hearing had not been held because, she said, she had hoped it would demonstrate her innocence and what she said were the inappropriate actions of Albany police.

On Friday, notice of claims were filed on behalf of Michelson and Estis. They charge Albany County, the city of Albany, Albany Police Chief Thomas Burke and several Albany Police officers with false arrest, false imprisonment, malicious prosecution, denial of bail, violation of the First, Fourth, Fifth, Sixth and Eighth Amendments of the U.S. Constitution, violation of their civil rights, slander and libel.

Michelson and Estis are seeking an unspecified amount in damages for the six days they were held in the Albany County Jail after their arrests. They cite lost income, illegal seizure of personal property, invasion of privacy, injuries to their reputations, violation of their civil rights, attorney's fees and "general damages."

The parties named in the claims are given a specified amount of time to reply to the claims before any civil action is taken in court, but Michelson said Friday a civil rights lawsuit in federal court is "the only way I'll ever get my day in court."

## After fuss, protests and hollers, a rugby game produces dollars

By Tom Friedman

Staff Writer

After the dust settled from the South African Springboks rugby games in September, the Eastern Rugby Union ended up with a profit of about \$5,203 — some \$100,000 less than what rugby union officials originally had expected, according to a final report issued by the union.

Profits could increase by about \$1,000, according to union president Tom Selfridge, if the union is able to rent or sell copies of videotapes of the Eastern Rugby Union-Springboks game.

The Springboks played the Eastern Rugby Union Eagles in Albany's Bleecker Stadium amid protesters and the United States Rugby Union in private on a polo field in Scotia.

Selfridge said protesters made it difficult to have a profitable sale of tickets. The union refunded \$2,219 to people who bought tickets to the Schenectady match, but then were unable to see it after Selfridge made a last-minute decision to hold the game in private.

The resulting profits from the games were some \$100,000 less than what the rugby officials had originally estimated. "We held the games and that's what was important," he said. "It would have been nice to make more but we couldn't with the protesters."

Selfridge said sale of the tapes will be advertised in *Rugby Magazine* soon. But he said he doesn't expect any South African buyers since the tapes are made for American televisions and won't work on foreign televisions.

"In all seriousness, there was no intent to sell the tapes outside the United States," he said. "If somebody were to buy the tapes from there they'd have to do a conversion."

The final report, which was audited by an Albany firm of certified public accountants, shows total expenses of \$82,717 for the two games and revenues of \$91,513, for a net income of \$8,796. But, the report counts the video tape produced as income at some \$3,593, so the actual cash profit produced was only slightly more than \$5,000, Selfridge said.

Among the revenues is a \$50,000 grant from the South African Rugby Board which was used to pay for expenses of the Springboks during their weeklong stay in Albany.

Other revenues included \$9,400 from sales at concessions and T-shirt sales at the Albany game, \$4,676 from program sales, \$3,111 for ticket sales at the Albany game, \$1,860 for banquet and reception and \$400 for sale of practice equipment.

In addition, the rugby union has estimated the value of volunteers' time at \$19,724.



TOM SELFRIDGE  
... reports profit

1/21/92



**KUNSTLER IN ALBANY** — John Spearman Jr., left, and Michael Young flank attorney William Kunstler at the county courthouse today.

## Puling reserved on Kunstler rugby plea

Earlier story on Page 4-A.

Combined staff and wire reports.

An Albany County Court judge has reserved decision on a motion by attorney William Kunstler to suppress evidence seized from two apartheid protesters charged with criminal possession of a weapon.

Kunstler Wednesday challenged a warrant issued last September to search an apartment where Michael Young, 28, of Brooklyn, was staying while waiting to protest an Albany rugby match between the Springboks, a South African team, and an Eastern Rugby Union team.

At the root of the protest was South Africa's policy of strict racial segregation, called apartheid.

Young and John Spearman Jr., 31, of Lawrence, Kans., were arrested and charged with illegal possession of a loaded .38-caliber pistol the day before the match was to be played.

Police said they arrested Spearman as he was trying to remove the gun from beneath a seat in a car owned by Young. A search of the apartment where Young was staying allegedly uncovered 35 rounds of .38-caliber ammunition.

Judge John Clyne, calling a suppression hearing "standard in these things," said he would reserve decision on the motion.

Kunstler maintained the warrant was improperly issued. Both his clients are free on \$10,000 bail each.

An FBI confidential informant linked Young and Spearman to a group in Albany intending to disrupt the Bleecker Stadium rugby match, FBI special agent James J. Rose said today.

Rose said the informant told him that "firearms, handguns, sticks, crudgels and firebombs" were to be used to disrupt the match scheduled for Sept. 22.

Rose was the leadoff witness today in the hearing before Clyne.

Kunstler questioned the validity of the search warrant because it was based on information from the unidentified FBI informant what was claimed

Kunstler's -

Dec 30-lead.

(evening of suppression hearing)

From Page

to be direct observations of Albany police and a claim by NAACP officer Clara Satterfield that she was threatened by Young. Kunstler says Mrs. Satterfield denies making any such statement to the FBI.

Kunstler said the same claims of violent action were lodged against Martin Luther King Jr., who he also defended.

Rose refused to identify the informant who contacted the FBI and offered information that apartment 7-K at 400 Central Avenue in Albany was being used as a base of operations to disrupt for "destructing the rugby game."

He said information was given to Albany police that Spearman, Young and a William Robinson were in Albany to block the match.

Rose said he was contacted by Thomas Selfridge, president of the Eastern Rugby Union, in July with information that he was concerned about possible violence at the game.

Dec 30 Wed. Morning OF the hearing

## Kunstler expected in Albany to represent men in rugby case

By JOHN RUNFOLA

Knickerbocker News Reporter

Activist attorney William Kunstler said he will appear in Albany County Court later today to represent two men charged with illegal possession of a loaded .38-caliber pistol when the South African Springboks rugby team was in Albany.

Kunstler said he will challenge the validity of a search warrant and other procedures which resulted in the arrest of Michael Young, 28, of Brooklyn and John Spearman Jr., 31, of Lawrence, Kans., in a hearing scheduled to take place before Albany County Judge John J. Clyne. The pair are charged with third-degree criminal possession of a weapon, a felony.

They were among the hundreds of persons who came to Albany to protest the Bleecker Stadium game between the South African team and the Colonials of the Eastern Rugby Union. Protesters failed to stop the game although they said it should not be played because of the South African system of racial segregation called apartheid.

"We are challenging the search warrant," Kunstler said Tuesday from the New York City offices of the Center for Constitutional Rights. He expected the Albany County District Attorney's office to call witnesses to explain procedures it used

to secure a search warrant Sept. 22.

Asked if he thought Clyne would rule Albany Police Court Justice Thomas Keegan improperly issued a search warrant sought by Albany police, Kunstler replied, "I never guess."

He said both Spearman and Young, who are free on \$10,000 bail each, are scheduled to appear in court with him today.

District Attorney Sol Greenberg said police met the legal requirements of probable cause when they sought a search warrant to enter the 400 Central Ave., Albany, apartment where Young was staying. The warrant was sought after police arrested Spearman across the street from the Best Western Thruway House motel where the Springboks were staying.

The apartment was occupied by Vera Michelson, who was arrested in connection with the protest, but who eventually had charges against her dismissed. Police said Spearman was attempting to remove a loaded .38-caliber pistol from underneath the seat of a car owned by Young as they approached the vehicle. They said 35 rounds of hollow-tipped .38-caliber ammunition and a speedloader used to rapidly reload guns of the type Spearman is accused of possessing were found in the raid.

# Kunstler Calls Police Arrests Of Rugby Protesters Illegal

By PAM SNOOK  
Gazette Reporter

ALBANY — City police seized evidence illegally and fabricated reports from an informant to arrest two protesters at the Springboks' September rugby game here, attorney William Kunstler charged yesterday.

Kunstler appeared in County Court to represent Michael Young and John Spearman at a suppression hearing before Judge John Clyne. Clyne will determine what evidence can be used in any trial against the men, who came to Albany to protest South Africa's policy of black segregation, apartheid.

Police did not use a search warrant when they seized a loaded .38-caliber pistol from Young's car. Yet a warrant was drafted later to search the trunk of the car, Kunstler said.

"Can they open one part of the vehicle without a warrant and not the other part of the vehicle?" Kunstler questioned.

If Kunstler wins his argument, the gun would be suppressed as evidence, deleting weapon possession charges, the only charges against Young and Spearman.

Police claim they had every right to search Young's car, which had been reported stolen. Spearman, who was driving the car, refused to put both hands on the wheel during the arrest and leaned toward the right side of the car apparently reaching for the gun, police testified.

The gun was found loaded in the glove compartment, police

said. Charts and diagrams of Blecker Stadium were on the front seat, said city police officer Peter DePaulo. Two homemade night sticks were later found in the trunk, DePaulo said.

Police planned to arrest Young, Spearman and other rugby game protesters on the advice of an informant who may not exist, Kunstler charged.

Police testified that Thomas Selfridge, the organizer of the controversial rugby tour, warned them in August that violence might erupt from protesters at the game. The warnings were echoed just prior to the game by a reliable, confidential informant, said DePaulo.

Kunstler called for a Darden hearing, allowing him to submit questions to Clyne about the alleged confidential informant.

Protesters were arrested for purely political reasons, Kunstler said.

The charges that Young and Spearman were involved in a conspiracy of terror "are pure hype," Kunstler said. The men are not connected with any underground organization, such as the Weathermen, he said. Young is a member of the Communist Workers Party.

Spearman, 31, of Lawrence, Kan., was arrested the night before the rugby game on the Al-

bany State University campus across from the motel where the South African team was staying, police said. He was charged with unlawful possession of a firearm.

Young, 28, of Brooklyn, was arrested early the next morning during a police raid of a Central Avenue apartment where some protesters were staying. Young was also charged with weapons possession.

It was the FBI, not the protesters, that injected the fear of violence into the protest, said Young.

"We never intended violence. We wanted a peaceful protest. The FBI subjected the atmosphere of violence and terror," Young said.

"The source of violence is the government," Young said. It was Governor Carey, not the protesters, who claimed there would be a clash with the KKK, he said.

Despite Carey's attempt to cancel the game, it went on as scheduled and the demonstration was relatively peaceful. No protesters were arrested for misconduct at the game.

About 1,500 demonstrators weathered pounding by heavy rains to hear readings, songs and speakers a few hundred feet from the stadium gates. The Springboks trounced the American rugby team 41-20.

# Clyne reserves decision at rugby evidence hearing

By Shirley Armstrong

Staff Writer

"Did the police jump the gun when they found the gun?"

That was the story line of the plot that unfolded in Albany County Court Wednesday, awaiting only an ending yet to be written by Judge John J. Clyne.

In the corridor outside the courtroom, defendants Michael Young and John Spearman, along with well-known attorney William Kunstler and some supporters, stood before television cameras, blaming "violence" on the government and the FBI.

But inside the courtroom, a comparatively low-key examination of the technical but crucial issue of whether Albany police conducted an illegal search of a car and seizure of a gun produced its own significant drama.

Young, 28, a member of the Communist Workers Party, and Spearman, 31, who said he is a supporter but not a member of that group, were charged with illegal gun possession, a felony, after they came from New York City to participate in what turned out to be a peaceful demonstration against the Sept. 22 appearance in Albany of the South African Springboks rugby team.

The demonstration was in protest of South Africa's apartheid policy of racial separation that denies many rights to blacks.

Wednesday's court hearing was on a motion by the defense to suppress evidence in the case. Testimony contradicted earlier statements by authorities that Spearman had reached for a gun beneath the seat of the car he was driving when it was halted on the night of Sept. 21 near the Albany motel where the South African team was quartered.

And it was disclosed that it was after Spearman had been removed from the car (which later turned out to be registered to Young) and was in police custody, that officers conducted a search — without a warrant — that turned up a gun in the glove compartment.



DEFENSE TEAM — Famed defense lawyer William Kunstler stands outside Albany County Court Wednesday between clients John Spearman, left, and Michael Young. They were in court, seeking suppression of evidence in a gun possession case stemming from a protest against the South African Springboks rugby team.

Staff photo by Bob Richey

CONT. T-4 - Dec 31 - 1981

The two defendants claim they were victims of an unconstitutional police search. They have also challenged the validity of warrants issued for a search of the vehicle and an apartment at 400 Central Ave., Albany, belonging to civil rights activist Vera Michelson, where she, Young and another man were arrested in the early morning of Sept. 22.

Also highlighting the hearing were questions concerning an unidentified informant referred to in police documents in the case. Clyne said he will conduct a so-called Darden hearing to determine the existence and reliability of the informant.

After the hearing Kunstler told reporters that "in 90 percent of these cases they (informants) don't exist."

"We see the arrest of ourselves and the subsequent disruption of the demonstration as a high crime against the American people," Young said as reporters gathered prior to the hearing.

Young said Americans had shown overwhelming opposition to the Springboks tour of this country, and said the decision to allow it was "a foreign policy move by the United States government."

He said he and Spearman were subjected to "preventive detention" to disrupt the planned demonstration.

"We never intended any violence," he declared. "The FBI and the government have injected this atmosphere of violence and terror."

"Did the FBI throw acid in the face of the cop in New York City?" asked a reporter, referring to an attack by an anti-Springboks demonstrator at Kennedy Airport. Young said he could speak only for himself and his own peaceful intentions.

Kunstler deplored the "pure hype" that suggests "a great conspiracy of terrorists."

Only Assistant District Attorney Michael Katzer placed witnesses on the stand.

FBI Special Agent James J. Rose testified that on Sept. 21 an informant advised him that Young, Spearman, and others were in Albany "for the

express purpose of disrupting, by violence, the rugby game."

He said the tipster said the group had "firearms, handguns, sticks, cudgels, knives, mace and smoke bombs." Rose said the informant said their base of operations was Apartment 7-K at 400 Central Ave.

Reluctant to answer queries concerning the informant, Rose asked if he might confer with counsel. Clyne said he could not. Assistant U.S. Attorney William Fanciullo walked from the spectator section. "Your honor, if I may be heard . . ."

"Sit down," Clyne snapped. Fanciullo sat down.

Rose was instructed to answer the question of whether the informant had previously been reliable. "Yes," he said.

Michael A. Lascoe of the State University at Albany campus police told of spotting a gray Mercury in the parking lot of State Quad on the campus, directly opposite the Thruway House where the Springboks were housed, and of seeking a license check because the vehicle displayed no university decal.

He told of learning that the car had been stolen (there was later testimony that Young had made such a report but had later said he had recovered the vehicle himself and loaned it to Spearman). He recalled that Albany police were notified and, when the Mercury reappeared on the Quad, used a prowler car to block its exit.

According to Lascoe, Spearman was taken from the car, handcuffed and placed in a police car, from 5 to 15 minutes before the search commenced. That testimony was basically corroborated by Albany police.

Patrolman Peter J. DePaulo, who said he conducted the first search, testified that at the time he first approached Spearman, he ordered the latter to put both hands on the wheel, but Spearman placed only his left hand on the wheel while "his right hand was off to the right; he leaned to the right."

DePaulo said he found a loaded .38

caliber Smith & Wesson Model 37 holstered revolver in the glove compartment.

"I don't recall opening it or if it was open," he said. "I possibly could have opened it."

Detective John Tanchak said he was told officers had also found "charts and diagrams of Bleecker Stadium (where the rugby game was played) on the front seat."

Tanchak said he prepared the application for the warrant to search the entire car. Using this, he said, police forced open the trunk and found two home-made night sticks about 30 inches long, wrapped in electrical tape.

Tanchak said he also took the necessary steps to obtain the warrant to search the Michelson apartment, where he said police found marijuana, fireworks, ammunition and, in a handbag, shotgun shell holders. He said the ammunition was in a suitcase bearing Young's name and Young himself was taken into custody, as were Michelson and Aaron Estis.

(Misdemeanor charges against the latter two have since been dropped).

As Tanchak was quizzed by Kunstler the detective conceded that he had no direct knowledge of the informant's reliability, although he had sworn to it in an affidavit.

He was also asked about an affidavit statement that Clara Satterfield, local NAACP leader, had called police to say her life had been threatened and to demand police protection. He admitted he had not spoken to her himself. Interposed Clyne, "The application (for the warrant) was the combined effort of a number of officers and you got selected to be the applicant, right?" Tanchak echoed, "Right."

At close of the proceeding Clyne reserved decision and gave Kunstler 10 days after receiving a hearing transcript to submit a memorandum in support of the suppression motion.

Should it be granted, the charges could be dismissed for lack of evidence to be produced at trial.



Albany:  
Behind the  
Scenes  
12/82



# Albany '82 politics: It's anybody's guess

By E.J. McMAHON Jr.  
Knickerbocker News Reporter

The old year is over, and the time has come for everyone's favorite indoor sport — trying to guess what will the new year will bring. Would-be prognosticators with a special interest in Albany city government and politics can take guidance, if they need it, from this multiple-choice quiz:

- 1) The first person to be ruled out of order while attempting to address the Common Council at a meeting in 1982 will be: (a) Emily Grisom; (b) Tom Mayer; (c) Vera Michelson; (d) Alderman Nancy Burton.
- 2) Albany school board President Sy Rosenslock's first words to Pat Amodeo at a board meeting will be: (a) "I miss Charlie (Touhey)"; (b) "When is check it out"; (c) "I'll ask the administration to motion"; (d) "Charlie's not here to second your motion."
- 3) Center Square Neighborhood Association will sue the city zoning board: (a) once; (b) twice; (c) three times; (d) until Assistant Corporation Counsel Gary Stiglmeier quits in despair.
- 4) If Assemblyman Richard Connors runs for re-election, assuming his district is left basically unchanged by reapportionment, his Republican opponent will be: (a) Chris Johnson; (b) Paul Silverstein; (c) Maureen Dumas; (d) Senley Jack.
- 5) If Connors doesn't run for re-election, the Democratic candidate for his seat will be: (a) Brian Noonan; (b) John McEnery; (c) Vincent McArdle; (d) Polly Rutnik.
- 6) Mayor Corning's most common answer to routine questions from reporters will be: (a) "I don't know, but I'm looking into it"; (b) "Maybe next week"; (c) "No"; (d) "I'm not president of the bridge-crossers union."
- 7) Ground will be broken for the Union Station project: (a) March 1; (b) May 1; (c) Aug. 1; (d) the day after Gov. Hugh Carey announces he is a candidate for re-election.
- 8) The comptroller's office will disclose in February the city ended fiscal year 1981 with: (a) a small surplus or deficit of \$300,000; (b) a deficit of \$1 million; (c) a deficit of \$3 million; (d) a deficit of \$5 million.
- 9) Mayor Corning's biggest problem in 1982 will be: (a) the previous year's deficit; (b) the need for more janitors in City Hall; (c) Nebraska Brace; (d) the election of Gov. Edward Regan.
- 10) The 1983 city budget will be: (a) released by Corning on Nov. 15; (b) roundly criticized at a public hearing Dec. 6; (c) passed by the Common Council the same night as the hearing; (d) all of the above.
- 11) In his most surprising move of the year, Corning will: (a) endorse Mario Cuomo over Hugh Carey in the Democratic gubernatorial primary; (b) resign so Thomas Whalen can become mayor; (c) overhaul his budgeting procedures; (d) apply for membership in the bridge-crossers union.

Circle the correct predictions, clip this column and sock it away for safekeeping until Dec. 7



# the state and the people

## Springboks protesters: Acquitted in Albany

Two anti-apartheid activists were acquitted in early December of charges stemming from their arrests in Albany, N.Y. during protests against the South African Springboks rugby team.

Vera Michelson and Aaron Estis were arrested along with two other activists Sept. 22 hours before a mass demonstration.

Protest organizers condemned the arrests as a blatant act of political repression aimed at intimidating the organizers and diffusing the protest. They maintain that the charges leveled at the two—possession of eight firecrackers and a minuscule amount of marijuana—were trumped-up.

Organizers charged that the arrests fit a pattern of harassment leveled against protest leaders by law enforcement officials.

Michelson and Estis were acquitted after refusing an adjournment on contemplation of dismissal, conditional release and a period of parole, which would have been an admission of guilt.

"They tried to neutralize us as key organizers by taking us off the streets," Michelson told the Guardian. "They knew they had no case, so rather than risk exposing the frame-up, they finally dropped the case altogether."

Defense organizers believe the acquittal will help in the upcoming trials of several others arrested. For contributions to the defense or for more information: Committee to Defend the SART 9, Box 21, Ikan Ent, 115 Essex St., New York, N.Y. 10002.

WILLIAM I. ROBINSON

## Police harassment: Baraka sentenced

Amiri Baraka, Black poet, playwright and political activist, has been sentenced to 90 days in New York City's Rikers Island prison, for an incident in which he was attacked by police. The time is to be served on weekends.

Almost three years ago, Baraka and his wife Amijah were arrested and he was beaten by police in New York's Greenwich Village. Cops claimed they had intervened in a quarrel between Baraka and his wife.

In September 1979 a grand jury threw out original charges against Baraka and indicted two officers for harassing Baraka (formerly known as Le Roi Jones). Baraka filed a civil suit charging the police with brutality. He was immediately notified the district attorney was bringing new charges of resisting arrest against him. A little more than two months later he was found guilty.

The court disregarded a recommendation from the probation department that Baraka be placed on probation. Dorothy Giffham, writing in the Washington Post recently, pointed out: "According to court records, the presiding judge said the 90-day sentence was to serve as an example. It certainly has—as an example of justice denied."

In 1967, during the Newark urban rebellion, Baraka was arrested and beaten. It also became a case to be used as "an example." Baraka is a member of the League of Revolutionary Struggles, a Marxist-Leninist organization. Activists charge that this also was held against him in sentencing.

Support for Baraka's case has ranged

widely from novelist Tom Morrison to activist Kalamu ya Salaam and Nar Henigff.

Supporters claim that it was this outpouring of public opinion that forced the judiciary to allow Baraka to serve his sentence on weekends. This allows him to continue as assistant professor at the State University of New York.

## Racial terror:

### Black paper attacked

A progressive Jackson, Miss., Black newspaper was attacked last week by its known gunman.

On Dec. 19 a car drove up to the subscription office of the Jackson Advocate. After several shots fired from the car and a firebomb smashed the windows of the weekly paper, the assailants sped away.

"The only person who came forward as a witness," Charles Tisdale, who publishes the Advocate, told the Guardian he "saw a car pass and a bright light flash, and heard the rapid firing of an automatic gun. It looked like a white person."

The local police chief would not talk to the Guardian about the shooting and firebombing of the Advocate's E. Hamilton Street office. The police clerk who answered the phone said there was "nothing new in the case."

Tisdale confirmed that the police had failed to investigate the incident. "In the last 18 months we've had at least 22 killings of Blacks by the police or white folks—and none of them have been investigated," Tisdale said.

AKINSHUJU OLA

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Albany rugby furor examined:

Sunday  
D.U. page #1 1/24/82

# Klan report lacked substance

First in a series.

By Michael Muskal  
Staff Writer

Police authorities now admit there was no evidence that a troublesome Connecticut group of the Ku Klux Klan members had planned to come to Albany to disrupt last September's rugby match involving a South African team.

A State Police report, prepared for Gov. Hugh L. Carey in mid-September, stated that hundreds of state police, and perhaps National Guard troops, would be needed to provide adequate security for the Sept. 22 game.

The report — which Carey used in an abortive attempt to try to cancel the controversial game — stated that Ku Klux Klan members from Connecticut, and Communist Workers Party members from New York City were "mobilizing" for what the report said could be a violent confrontation at the match. Those two groups had clashed in the past — most notably in Greensboro, N.C. where violence at an anti-Klan rally left five members of the Communist Workers Party dead in 1979.

The report concluded that Albany city police would not be able to handle the anticipated clash between those who supported the right of the South Africans to play, and those who were



**BOMB DAMAGE** — An investigator surveys damage at Eastern Rugby Union headquarters in Schenectady last September. File photo

demonstrating against South Africa's racial policies.

Citing a riot risk, Carey ordered the game canceled. The order was overturned by a U.S. Supreme Court justice just hours before the game was to begin.

Even as the report was being written,

key police intelligence officers doubted its truth.

State Police spokesman Kurt Wachenheim said recently his department prepared the report from Albany police sources.

See KEY/ A-5

1/24/82

# Key police officials doubted truth

Continued from A-1

"There was never any hard information about the Klan," said Albany police Detective Lt. William Murray.

"We never could figure who in the state thought that. We never really believed the Klan would come. They don't have the muscle in the Northeast. It was just a misinterpretation of facts."

Tom Selfridge, the Eastern Rugby Union president who invited the Springboks to Albany, recalled sitting in court when state lawyers said they were bringing in the documents.

"I thought they were going to bring in boxes of stuff," he laughed. "Instead it was this little thing."

The report is but one piece of unfinished business in the amazing story of rugby and protest and apartheid that swept Albany as the South African Springbok team stopped by on the last leg of an international tour. Another piece of unfinished business: who planted the bomb that rocked the Schenectady offices of the Eastern Rugby Union, the Springboks' host.

Though the South Africans came and went after a non-violent protest, the tour continues to be felt locally, nationally and in the world.

The tour, say protesters, revitalized local efforts to fight racial discrimination. It publicized apartheid, South Africa's strict policy of racial separation. Some of that impact was translated in voter registration drives and into a greater militancy seen, for example, in last week's complaints by black leaders about hiring practices at the downtown Albany Hilton.

Never before was there such a time in Albany.

For four steamy summer months, diatribe made the outdoor heat sizzle. Not even the early autumn showers could cool off the confrontation of rhetoric.

The Springboks, South Africa's national rugby team, had come to town. And for a time, the whole world indeed was watching.

What it saw was thousands shivering in a rainy march toward Bleecker Stadium. Hundreds of police, whose uniforms formed a rainbow of authority, edgily stood guard.

Inside the stadium, almost two score brawny men, clad in shorts, hugged each other to form a moveable pack that slipped, slogged and slugged its way through the mud in what they contended was just a game.

It was just the tip of the iceberg.

Behind the scenes, police on federal, state and local levels scrambled for intelligence about groups of protesters, according to interviews with key participants and the examination of confidential government documents.

"Infiltration and surveillance" became police tactics that focused on specific demonstrators — coincidentally those who later were arrested. CWP

During that months of controversy that preceded the game, factions as opposed as poles on a magnet found themselves in a hate embrace, needing their enemies to define themselves:

• Like the South African rugby players, whose tour could boost the

international prestige of their ostracized country. Their spokesman became Thorpas Selfridge, the suburban Schenectady County president of the Eastern Rugby Union, who openly relished the publicity.

• Like the coalition of protesters, ranging from church liberals to union activists to Marxist-Leninists, condemning a shift in American policy

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*Citing a riot risk, Carey ordered the game canceled. . . . police intelligence officers doubted its truth.*

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they argued favored the South African regime.

• Like the local state and federal police, a decade out of practice in dealing with the politics of the streets. They feared a heightened threat of violence growing out of new militancy that seemingly makes cops the target of political anger.

• Like the politicians, mayors and governors, caught between conflicting

# of Klan mobilization report

constituencies and trying to get out of the line of fire unscathed.

That is, all, except Albany Mayor Erastus Corning II, whose 40 years in office and entrenched political control gave him the luxury to take what he considered to be the principled Constitutional stand in favor of the game.

By the time the maelstrom had passed, 16 people across the country — nine in Albany — had been charged with offenses ranging from disorderly conduct to felony assault and felony possession of firearms.

The more serious charges — those involving weapons possession — are now pending in Albany County Court against two organizers, John Spearman, arrested the night before the game, and Michael Young, arrested in a predawn raid of the Albany apartment where he was staying.

The same raid also led to misdemeanor charges against two others, Vera Michelson, the tenant, and Aaron Estis, of Boston. Those charges were dropped as authorities conserve their ammunition for the felony targets.

Four other New York City protesters face misdemeanor charges in Albany Police Court. They were arrested in a fast-food parking lot after the game.

The license plate number of the car they used was among those Albany police received from New York City intelligence officials as meriting special attention. Whose car?

Notice of at least one civil suit has been filed by those arrested in Albany. Other such suits are expected.

The storm's passing touched proper-

ty as well as people.

Two buildings, headquarters of rugby organizations in the Midwest and in Schenectady, had been bombed. Opponents of the tour were suspected, but police arrested a rugby official and charged him with masterminding the Midwest bombing.

The Schenectady bombing is still unsolved, according to authorities. At one point, it was linked to a New Jersey bomb factory uncovered after a self-described task force of the Black Liberation Army and Weather Underground radicals bungled a robbery of an armored Brinks car in Rockland County. Two policemen and a guard were killed.

Once the glare of publicity eased, so did official feelings. Despite those initial reports, the FBI now doubts that there was any connection between the Brinks groups and the Schenectady bombing, even though one group that opposed the tour, the May 19th Communist Organization, is an outgrowth of the Weather Underground.

It all began 10 months earlier, in suburban Schenectady County, in the head of 34-year-old Grant Thomas Selfridge, president of the Eastern Rugby Union that stretches from Maine to Louisiana.

ERU is one of four such unions, each active in a different geographical area. They are loosely allied in a confederation that, aside from fielding a national all-star team, has little real control.

The individual unions are the real power. And in the east, that is Selfridge, who last month was unanimously re-elected to a second, and final one-year term as president.

According to polls Selfridge has taken, 90 percent of those who play rugby are, like him, college graduates. Like him, more than half, he says, are self-employed.

For them, he said, "rugby is their free spirit."

Born in Cleveland, Selfridge turned down a shot at professional football to play club rugby. He eventually rose through the ranks, playing on international teams, what rugby players call "capped" — earning a souvenir hat for each international game.

Selfridge was capped five times — a rarity for an American playing a game that no one knows or really cares about.

That anonymity ends at American shores. In Great Britain and its collection of former colonies, rugby is as common as the afternoon break for tea. The sport is as real as a punch in the nose and taken as seriously.

His competitive playing days behind him, Selfridge channeled his sports energy into making his sport better known. Anonymity is just not his style.

"All I care about is the on-field play

A lot of these guys in the American Union will say, 'our team isn't as good as the Irish Union.' They will identify with that union. I care about our play. I'm one of the first Americans to come through it all."

The sport has grown. Under Selfridge's leadership, the ERU annual budget increased from \$1,500 in 1980 to an expected \$100,000 this year.

In 1981, the group spent about \$60,000, he said, including \$25,000 donated by South African businessman Louis Luyt.

The donation was solicited last December, before the Springboks had been invited, said Selfridge. The funds will be used for training clinics, coaches and equipment to help build rugby into a serious sport that could compete internationally.

That competition is key to winning respect for American players from an audience already crazed by football, basketball and hockey. And that, of course, could mean money for those involved in rugby.

While continuing his search for money, Selfridge read a story in a rugby magazine announcing the Springboks, South Africa's national rugby team, the epitome of a sports system as deep and as important as baseball is here, planned to play in New Zealand.

Selfridge said he saw a chance to hook on to that tour, a common practice among rugby schedulers.

"If the Springboks are willing to play you, regardless of the reason," said Selfridge, "it legitimizes you."

"It's a once in a lifetime opportunity. It's like if you're a writer and you have a chance to meet Ernest Hemingway. You wouldn't care about his politics or whether he came from Mars."

"Rugby is an insignificant sport that can be played in Albany. Who in the Capital District had ever heard of apartheid before?"

Albany Mayor Corning II, meanwhile, feels the rugby clash was a highlight of his career. For him, it was standing against community pressure; against pressure from every religious leader in the region, for what he believed was a matter of Constitutional right.

And it was standing alone after other officials including New York City Mayor Koch and Gov. Carey had capitulated.

"It was the toughest month I ever had in office," Corning said, reflecting on the event.

"It was like a magnifying glass. The whole pressure of the country came down on me. There was no place else and no other person to go to. Everybody had caved in."

**NEXT: HOW APARTHEID BECAME A HOUSEHOLD WORD.**

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(1)



File photos

**RUGBY PRINCIPALS** —Above members of the South African Springbok rugby team move forward. Inset are, right, Tom Selridge, Eastern Rugby Union president, and Albany Mayor Erastus Corning II.

## Rugby protest aftermath: apartheid is understood

This is the second of two articles assessing the aftermath of the South African rugby controversy that enveloped Albany last autumn.

By Michael Muskal

Staff Writer

### Apartheid

If anything resulted from the furor that swirled around the rugby game between the South African national rugby team and the Schenectady-based Eastern Rugby Union, it was a more general understanding of what that word meant.

South Africa's policy of strict, legally enforced, racial segregation — apartheid — was at the heart of the furor, and still is reverberating in international diplomacy, where South Africa is a pariah to virtually every nation on earth. Except the United States.

Throughout the 1970s, there were demonstrations protesting apartheid. Despite that history, Tom Selridge, president of the Schenectady-based Eastern Rugby Union, who invited the South Africans to Albany, said thoughts of demonstrations, violence, and protests never entered his head.

Bowing to international pressure, the Carter administration had rebuffed similar tours. However, with Ronald Reagan in the White House, the United States began again issuing the needed visas.

"We viewed rugby as a private sporting exchange," Gregory Frost, State Department assistant country officer for South Africa said recently.

One of those areas is economic since South Africa is regarded as a key supplier of strategic metals not readily available in countries outside the Soviet sphere.

1  
"I absolutely agree 100 percent, that apartheid is wrong on moral grounds, on the ethical issues," said Selfridge who toured South Africa with a rugby team.

"But this is a sports framework." Even within that narrow world, there were questions. The Pacific Rugby Union, for example, refused to have anything to do with the Springboks tour last year.

Some of the objections were political, but finances always played a part. Selfridge ignored the former and for the latter solicited a \$50,000 contribution from the South African National Rugby Board.

That donation paid the bulk of the ERU's approximately \$80,000 cost for the tour, from which the group earned a profit of about \$5,000 — down from the \$100,000 or more it had hoped for. The Springboks paid their own way.

The Rugby Board is partially funded by the South African government, but that didn't faze Selfridge.

"It was money from one private sports organization to another. I have no trouble with that," he said.

"What we thought would happen is that a few dozen would protest the game and that would be it."

It wasn't.

Word of Selfridge's invitation to the South Africans spread slowly at first. By January, several African countries had filed protests with Selfridge's Eastern Rugby Union.

"We began hearing rumors from Lesotho (an African country) in December 1980," said Bill Robinson, a 23-year-old activist and researcher with the American Committee on Africa.

Albany's involvement came much later, said Michael Dollard, one of the local organizers.

"It was around July 22 that I read a small article in *The Times-Union* saying that the Springboks were coming to Chicago, New York and Albany.

"I then called together people I had worked with in the past," said Dollard, a veteran of antiwar and pro-Irish protests.

2  
One of the first calls was to Vera Michelson, another local protest veteran and whose home at 400 Central Avenue was right across the street from Blecker Stadium.

By the end of July they formed the Capital District Coalition against Apartheid.

The Albany coalition then joined forces and became part of Stop Apartheid Rugby Tour (SART). At its peak, the coalition had about 130 groups and offices in a half dozen American cities.

"At that point we had no idea the demonstration would be here," said Dollard. "We had already gained substantial publicity. I was convinced the game would not come off here."

But Albany Mayor Erastus Corning II, citing Constitutional reasons, said he would not block the game.

It was April when Michael Young, of the Communist Workers Party, first heard about the tour on a radio broadcast. "I remember thinking that I had to keep on top of this. I called some friends and we began to talk."

## Commentary

Among those he called was John Spearman, a black union activist who had been active in anti-South Africa groups since 1972. Also contacted were groups such as the Pan Africanist Congress, a collection of South African terrorists or freedom fighters, depending who is doing the naming.

The tour was a ready-made issue for Spearman and Young.

"The black community has always been sensitive to South Africa," said Spearman. "They understand national oppression and can relate it to their situation here."

Their politics, however, were not the politics of SART.

"In any coalition, you get a wide range of beliefs," said Robinson, who along with Young became the principal liaisons between the local group and SART.

The local coalition needed SART, especially after the August cancellation of the game in New York City for security reasons. The cancellation was followed by an effort to play a game in Rochester, but city officials there opposed the game.

As the Sept. 22 date for the Albany game moved closer, the coalition was having other problems deciding tactics. Some favored civil disobedience that could lead to arrests while others wanted a milder demonstration.

3  
While the local coalition was debating tactics, the state selectively leaked a report the Gov. Hugh L. Carey had commissioned on potential violence.

Citing the report, Carey moved to stop the game.

The report, later discredited, said that hundreds of additional security officers would have to help Albany police handle the rugby game demonstration. It said the Ku Klux Klan and Communist Workers Party members were mobilizing for what the report called a violent confrontation at the match. "It would be used to red-bait the entire coalition and destroy all of the work we had done," Dollard said.

In the first of a string of court rulings against Carey's efforts to stop the game, Federal Judge Howard G. Munson said "the confidential report supplied to the court for in camera inspection, supplies a sufficient factual basis for the governor's decision."

By that point, the weekend before the match, the issue had built a momentum of its own partly because of the series of court battles in which the report was the central, if never seen, exhibit.

And, partly because of media reports of what was clearly the biggest story ever to hit the region.

Surprisingly, everyone on all sides of

the issue, agrees on one thing: the media was a central player and none, not even those who were consciously using the press, are very happy with the coverage.

"The media continually played on the threat of violence," said Selfridge.

"We were getting daily coverage," recalled Dollard. "The press made this. This was a media event. They focused exclusively on the possibility of violence. As we all know that sells newspapers."

The media role was more malignant, argued Michelson.

"You in the press were trying to break our spirit," she said. "You were getting all of your information from the police."

And the police had plenty of information available, though there was no way to know how much, if any, was true.

After it was clear only Albany would host a rugby game, authorities redoubled their efforts to secure data about the various groups involved.

As August turned to September, Albany Police said information about possible violence mounted. It came from sources such as the State Police, and above all police in New York City, where many of the protest groups are headquartered. ?

All the data was compiled into a book, titled How to Play Rugby. More than 90 percent is various newspaper clippings.

From its beginning in June, police authorities had been interested in at least two of the coalition partners, the CWP and the May 19 Communist Organization.

"We did not target Springboks for investigation," said Albany FBI agent in charge Paul Daly.

\* "But we did have information in connection with an investigation approved under domestic intelligence guidelines that indicated a potential for violence."

Daly would not say which group was under examination. Other sources identified it as the CWP.

How dangerous were the groups?  
According to state intelligences sources, May 19 has been under investigation since it evolved from the Prairie Fire Organizing Committee, the above-ground arm of the Students for a Democratic Society faction that became the fugitive Weather Underground.

At some point, the group allied itself with the Black Liberation Army, an outgrowth of the Black Panther Party.

Recently in an Albany courtroom, FBI agent James J. Rose testified that it was the FBI that learned about possible violence from an informant.

That information formed part of the basis for the search warrant of Michelson's home. Earlier, on the eve of the game, police arrested Spearman driving Young's car which had been reported stolen in the summer.

Using keys confiscated from Spearman, Albany police raided the apartment seizing drugs and fireworks. Also found was ammunition in the house and a .38 caliber Smith & Wesson in the car.

The suspects were taken to the Albany police lockup, where they claim they were denied phone calls to lawyers and placed in what amounted to preventive detention to keep them off of the streets the day of the demonstration.

Local officials, such as District Attorney Sol Greenberg, deny there was preventive detention. It will be up to the courts to determine whether the charges are justified.

? "From the police viewpoint," said Murray, "we want anybody in custody to be there as long as possible."

"It meant a lot to this department," he continued, "that the complete game was played, that nobody was hurt, that no property was destroyed. It did a lot for the men and leadership of this department."



APARTHEID TRIAL TO BEGIN MARCH 1<sup>ST</sup>

JOIN US IN THE COURTROOM

COUNTY COURT HOUSE - ELK & COLUMBIA STS

9:30 AM MONDAY, March 1<sup>ST</sup>

JUDGE HARRIS' COURT

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On March 1st the trials of Mike Young and John Spearman will begin in Albany County Court. Mike and John had come to Albany last September to help us in our fight against Apartheid.

Mike and John were arrested by Albany police on the night of September 21st and early on the morning of the 22nd for one reason only - to confuse, disrupt and, if possible, prevent the demonstration planned for the 22nd against the Apartheid Springbok rugby team from South Africa. Both men, along with two others who have since been cleared, were held in preventive detention - denied phone calls, access to lawyers, and application for bail - for three days.

These are clearly political trials. Mike and John were arrested solely because they oppose the racist Apartheid regime in South Africa. The only way to prevent these two activists from being railroaded into jail on trumped up charges is to appear with us in the courtroom. Remind the world that we still oppose Apartheid and Racism - even in the face of police and judicial harassment.

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YOU STOOD WITH US IN THE SEPTEMBER  
RAIN - NOW STAND WITH US IN COURT

\*

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SAY "NO" TO APARTHEID

LABOR DONATED

CAPITAL DISTRICT COALITION AGAINST APARTHEID  
AND RACISM

## STOP THE RAILROAD !

### DROP THE CHARGES AGAINST MIKE AND JOHN!

Last year when Reagan declared South Africa "our friend" and the U.S. government extended the welcome mat to the Springboks, Mike Young and John Spearman stepped into the streets, along with thousands around the country, to brand Reagan a liar and to make it clear to the whole world that South Africa and its brutal racist apartheid system is no friend of the American people.

Because of the success of the protests, sometime this month, Mike and John are going to trial in Albany, N.Y. before Judge John J. Clyne. They are both facing up to 7 years in prison for one reason and one reason only--daring to organize against U.S. government policy supporting racism and apartheid in South Africa.

When the American people said we'd show the world that Reagan's South African friends were no friends of ours, we meant it. All across the country, the Springbok's rugby games were forced to be cancelled or to be literally played in "secret" cow pastures. No one was fooled about the Springbok's real purpose here: a public relations campaign to perfume the offensive smell of apartheid and make the world's most hated nation more acceptable to the American public. With each cancellation or secret game, it was rapidly becoming very clear what the American people thought of South Africa and Reagan's racist bond of friendship.

The government couldn't quietly accept such devastating setbacks to its racist policy. Later when Reagan revealed his program for tax exemption for segregated schools here in the U.S., it became clear that the setbacks had implications for Reagan's racist domestic policies as well as foreign policy. After being forced to cancel the games time and again, the government decided to make its stand in Albany with the help of Mayor Corning and Gov. Carey. It scheduled the game for Sept. 22, 1981.

On the evening of Sept. 21 and the early morning hours of the 22nd, the Albany police, under FBI orders, arrested 4 leading anti-apartheid activists in an unsuccessful effort to prevent the demonstration aimed at peacefully protesting the Springbok game. Mike and John, as well as Vera Michaelson and Aaron Estis, were held in preventive detention, being denied phone calls, access to lawyers, or application for bail for days. The denial of even basic legal rights was part of the effort to keep them incommunicado and so disorganize the demonstration. Confidential government documents clearly indicate that the 4 were placed under surveillance as part of a pre-arranged plan between the FBI, New York State Police and the Albany P.D. to arrest them prior to the demonstration. Four other activists, also under surveillance, were arrested later after the demonstration. Because of the obvious political nature of the arrests, the government has been forced to drop the charges or reduce them to violations for 6 of the 8 arrested during those 2 days. They were also forced to drop the charges against another activist who had been harassed and arrested even prior to the 21st. However, John and Mike have been targeted by the government to be railroaded on felony charges of weapon possession, carrying sentences of 7 years each.

It's been said that there is no railroad system in this country as efficient as the so-called "justice" system. There is no clearer case of upside-down justice in Albany than the attempt to railroad John and Mike for fighting racism and apartheid. Racist South Africa is welcomed with open arms and police protection, while American citizens are threatened with prison because they dare to oppose it. We've seen it in Greensboro and Miami, in Buffalo, N.Y. and now, but not for the first time, in Albany. It's time to stop it.

## ATTEND THE TRIAL !

All people are urged to attend the first day of the trial of Mike Young and John Spearman before Judge Harris, counsellors: William Kunstler & Lewis Oliver. Trial: MONDAY, MARCH 1. 9:30 AM. COUNTY COURT HOUSE. (Eagle & Columbia Sts. -- 2nd floor).

# Lawyer links police report to Springboks game critic

By JOHN RUFFOLO  
Knickerbocker News Reporter

Eleven days before he was arrested on a weapons possession charge, John H. Spearman Jr. was identified in a confidential Albany Police Department report involving anticipated demonstrations over the Springboks rugby team, attorney William Kunstler has charged.

Kunstler, who represents Spearman, said Wednesday in Albany County Court the prosecution has turned over a Sept. 10 police report and other documents which named Spearman as a "leader" of the Revolutionary Youth League, the militant arm of the Communist Workers Party.

The papers said Spearman "vowed that the protests will outshine those in New Zealand" against the South African Springbok rugby team.

Spearman, 31, and Michael R. Young, 28, both of New York City, are being tried for third-degree criminal possession of a weapon.

Spearman operated and Young owned an auto stopped Sept. 21 in a State University at Albany parking lot across the road from the motel where the Springboks were staying.

Young was arrested after Albany and state police and the FBI said they found ammunition fitting the firearms during a raid on an apartment at 400 Central Ave., Albany, one block from the stadium where the rugby match was to be played.

Kunstler has contended police planted the weapon and ammunition in an attempt to defuse a potentially violent protest during the game, which was played with little disruption.

But three Albany police officers and a SUNYA police officer testified Wednesday they had no knowledge of either Spearman or Young before Spearman's arrest.

Police also testified the weapon was found in the vehicle.

Albany Police Lt. Joseph Kosakowski testified city police officer Peter DePaulo found the weapon inside the vehicle and handed it to him in the parking lot.

"I held the gun and said 'look at



this," Kosakowski testified, describing what he said to other police officers at the scene.

SUNYA officer Michael Lasko testified earlier that Kosakowski found the weapon under the front seat, but both DePaulo and Kosakowski said he was wrong.

Albany Police Det. John Tanchak testified he signed an application for a search warrant to raid 400 Central Ave. after receiving information from the FBI, Albany County District Attorney's Office and his police superiors.

The application said "Spearman was in the area to coordinate violent activities planned by the Communist Workers Party and was armed with both firearms and other weapons."

## Man pleads innocent in theft

A Schenectady man has pleaded innocent to burglary and grand larceny charges stemming from two Feb. 16 break-ins at homes in Colonie.

Ralph Della Rocco, 20, of Marengo Street was arraigned Wednesday after Albany County Judge Joseph Harris opened a sealed indictment.

Della Rocco was charged with two counts of second-degree burglary and

two counts of third-degree grand larceny in connection with the theft of rings, coins and other property from two Vly Road homes.

In another case, Michael Robinson, 34, of Albany pleaded innocent to third-degree criminal sale of a controlled substance. According to an indictment opened by Harris, Robinson is charged with selling cocaine to another person on Jan. 14 on Sheridan Avenue, Albany.

## Albany man jailed in robbery

An Albany man has been sentenced to 3½ to 10 years in state prison after he admitted participation in the theft of a radio, an incident in which the owner was stabbed.

Stephan Leigh, 20, of Albany, was sentenced Wednesday by Albany County Judge John J. Clyne. Leigh had earlier pleaded guilty to a reduced charge of second-degree robbery in connection with the Dec. 8 theft of the

radio from a Second Street, Albany resident.

The Albany County District Attorney's Office said Leigh participated in the theft with another man who stabbed the radio owner.

Leigh, who was originally charged with first-degree robbery, will be eligible for parole after serving 3½ years in state prison.

It said Young used the apartment as his base.

The warrant, signed by Albany Police Court Justice Thomas Keegan, said a second man was occupying the Spearman auto before his arrest, but escaped when it stopped. Testimony in the trial so far said Spearman was the sole occupant of the vehicle.

Tanchak testified he found 35 rounds of .38-caliber ammunition in a speed-loader in a travel case with Young's name on it minutes after law enforcement officers, first using a key and then kicking through a security chain, entered the apartment early Sept. 22.

Also testifying Wednesday was Paul V. Daly, agent-in-charge of the Albany FBI office. Daly said the FBI met with public officials twice to prepare for possible violence in connection with the rugby game.

Those at the first meeting included Albany Mayor Erastus Cuning II, and members of the Albany police and fire departments, Daly said.

He said he does not recall if either Spearman or Young were mentioned by name.

## Police jurisdictional deal revealed in trial

By Shirley Armstrong

Staff Writer

The arrest of John Spearman on the grounds of the State University at Albany the night before the Springboks rugby game was unusual for the Albany police, who rarely go on the campus, an Albany detective testified Wednesday.

Lt. Joseph Kosakowski, among final prosecution witnesses in the gun possession trial of Spearman, 31, and Michael Young, 28, both of New York City, also told the Albany County Court jury that there were numerous officers at the arrest scene.

Kosakowski testified that members of his department rarely venture onto the campus, and there is an understanding between Albany, university and Capitol Police that they will not infringe upon each other's jurisdictions.

Later Wednesday Assistant District Attorney Michael Katzer rested his case and defense attorneys William Kunstler, representing Spearman, and Lewis B. Oliver, representing Young, opened their case. They seek to prove that Albany Police were advised by other agencies that violence might erupt and that Young and Spearman, members of the Community Workers Party, were militant demonstration leaders.

The defendants claim police obtained incriminating evidence to

keep them in jail until after the Sept. 22 game.

The prosecution has stressed evidence that Spearman's arrest on the campus near the Best Western Thruway House where the South African team was quartered, was sparked only by his appearance in a car that had been reported stolen, later found to be registered to Young.

Various police officers have testified they had not previously heard of either defendant.

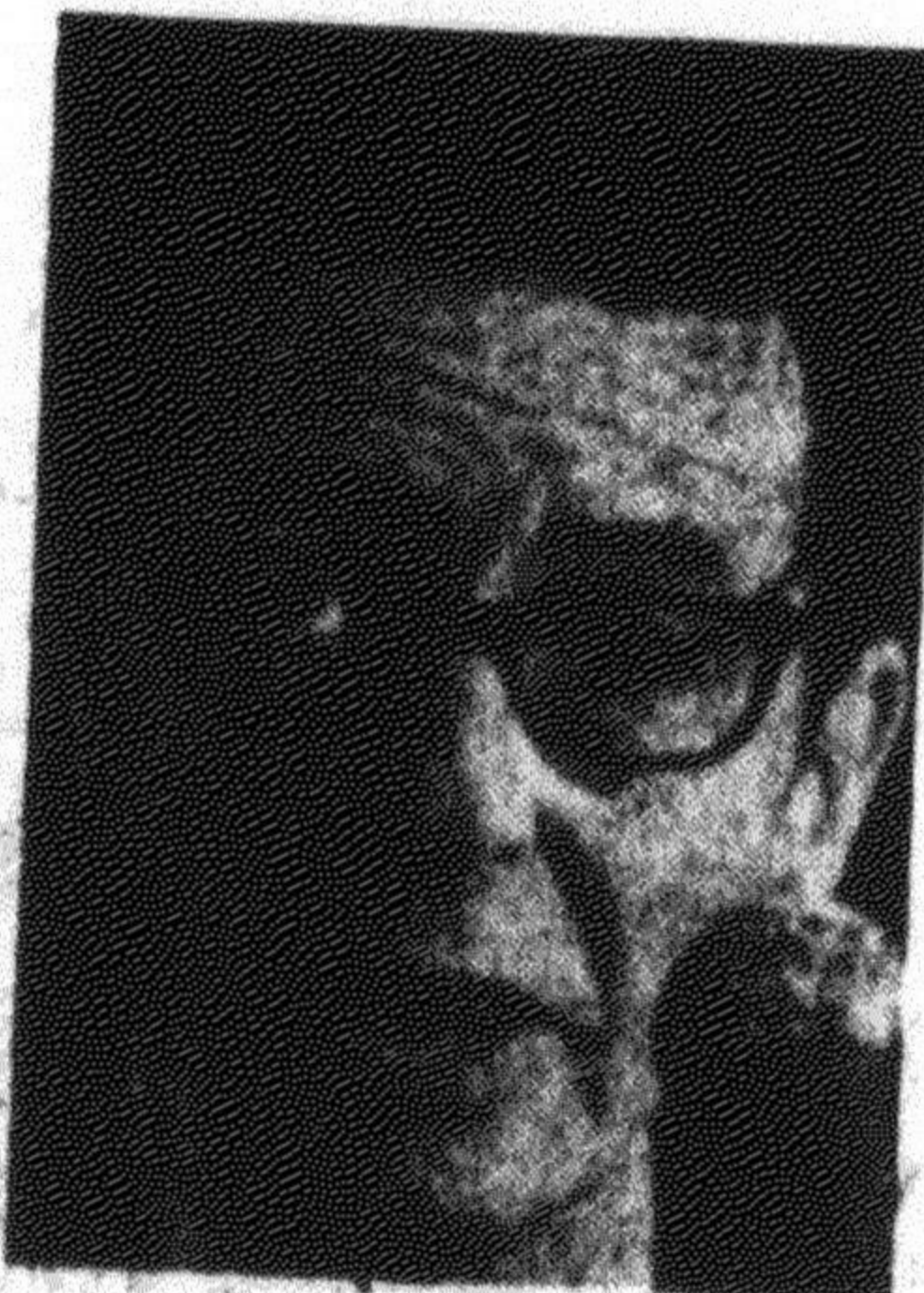
Kosakowski also testified he was in the vehicle when Albany Police Officer Peter DePaulo removed a .38 caliber revolver from the glove compartment.

Another prosecution witness, Albany Detective John Tanchak, testified that the warrant application he prepared to search the apartment where Young was arrested was based on information related to him by officers of various police agencies, including the FBI, at a late night meeting on Sept. 21.

Tanchak said he also prepared the warrant police used in the search of Young's car in which they found two 30-inch sticks, wrapped with electrical tape, in the trunk.

The detective described the later search of the apartment and seizure of .38 caliber ammunition and a speed loader in Young's luggage.

In a final flurry of questions,



JUDGE JOHN CLYNE

Kunstler, expressing astonishment that police had not dusted seized items for fingerprints, suggested this was "because you knew where the gun and speed loader came from, didn't you?"

Tanchak agreed.

"You knew it came from the Albany Police Department, didn't you?" demanded Kunstler.

"No, it did not," Tanchak said.

Special Agent Paul V. Doly, in charge of the Albany FBI office, was placed on the stand by the defense. He testified that in late August or early September he had met with police and other civic officials to "outline information we had received which indicated planned violence" in connection with the rugby game. But he said he could not recall whether either Young or Spearman had been mentioned then.

Trial before Judge John Clyne continues today.



**FBI POINTED THE FINGER** — Michael Young (left) and John Spearman were identified by the FBI as possible demonstrators at the celebrated September rugby match in Albany, testimony yesterday in Albany County Court revealed. Hours before the Sept. 22 match occurred, Young and Spearman were arrested by Albany police and charged with one count of third-degree criminal possession of a weapon. William Kunstler (center), Spearman's attorney, claims evidence against the men was fabricated.

## Agent Says FBI Warned City Of Violence at Rugby Match

By PAM SNOOK  
Gazette Reporter

ALBANY — The Federal Bureau of Investigation warned city and state officials that violence could erupt at September's Springbok rugby match and briefed them on protesters before the controversial game, an FBI agent testified yesterday during the county court trial of two protesters.

Yesterday was the day of proceedings against protest organizers Michael Young, 28, and John Spearman, 31, of New York City, who are charged with criminal possession of a weapon.

Young and Spearman's names surfaced during a special FBI investigation of potential demonstrators at the Eastern Rugby Union all-stars vs. the South African rugby team match, said Paul B. Daly, director of Albany's FBI office.

The FBI investigation, which began in August, was aimed at people and organizations expected to join the protest, Daly said.

Local FBI agents supplied city and state officials with information about protesters before the game, the local FBI chief said.

FBI officials were aware that Spearman and Young were members of the Communist Workers Party, Daly said. But he would not reveal further details resulting from the investigation.

Daly said he was in touch with local officials twice. First, when he called city police about 6:30 p.m. Sept. 21, the night before the game. "I told them I had to get information to them quickly," he said.

Later the same evening he coached city police officers during several meetings on how to prepare for violence, Daly said.

defense officials, he said.

At least one other FBI agent, special agent James Rose, provided information to local officials, he said.

"The outlined information we received showed planned violence at the game," he said.

Daly called city police before John Spearman was arrested on Sept. 21 in Michael Young's car across from the Washington Avenue hotel where the South African Rugby players stayed, Spearman's attorney William Kunstler said. The call gave police enough time to plant a gun, he claimed.

Agent Rose gave city police and county district attorney officials enough information to get a warrant for Young's arrest during an early morning raid at a Central Avenue apartment on Sept. 22, said city detective John Tanchak.

Although the FBI had advance knowledge of Young, Spearman and alleged violence at the games, city police did not, Tanchak said. Daly's briefing after Spearman was arrested was the first time city police learned that Spearman and Young were protest organizers, he said.

City police, FBI agents and state police planned the raid of the Central Avenue apartment for 3:15 a.m. Sept. 22 to catch Young and other protesters asleep, Tanchak said. About 10 to 15 officers and agents covered the apartment building, while others broke down the door, searched the apartment and arrested Young, he said.

Another city detective, Lt. Joseph Kosakowski, took the witness stand yesterday.

Lt. Kosakowski related his account of Spearman's arrest, at which a loaded .38-caliber pistol

he said.

The gun was found in the glovebox, not under the front seat, as was earlier reported by a campus policeman, Kosakowski said. He also said DePaulo, not he, had found the gun.

But Kosakowski could not explain to attorney Kunstler why the gun, the bullets and a loading device for the gun were not checked for fingerprints. "Wasn't that because you knew where the gun was from...from the Albany Police Department?" Kunstler asked the detective.

Kunstler also asked police why they had not seized a suitcase which allegedly bore Young's initials and contained the speed loader. Kosakowski had no answer.

The gun, the key piece of evidence, was not reported lost or stolen, said state police firearm technician Sgt. Dominic Denio. The gun's last official owner was a Chicago man, said Martin Marciniak, a special agent for the Federal Division of Alcohol, Tobacco and Firearms.

The Chicago man was never contacted about the gun, justice officials said. The Gazette could not reach the man for comment.

Testimony in the trial resumes at 9:30 this morning.

# Kunstler: Pistol planted in protester's car

By JOHN RUNFOLA 3/5/72

Police used the excuse of a repeat of a bloody 1969 Greensboro, N.C., clash to plant the loaded gun and ammunition that led to the arrest of two Albany rugby protesters, activist attorney William Kunstler has charged.

Kunstler referred to the Greensboro fight as he made his opening statement Monday in the Albany County Court trial of John H. Spearman Jr., 31, and Michael Young, 28, both of New York City.

The Greensboro clash between members of the Ku Klux Klan and the Communist Party left five party members or sympathizers dead.

Young, an admitted party member,

and Spearman, who has said he is a party supporter, are on trial for one count of third-degree criminal possession of a weapon. They face a maximum term of 2½ to 7 years in state prison if convicted. They are free on \$10,000 bail each.

"Everybody was given false information. . . . The governor was given false information that the Ku Klux Klan was coming to Albany for violence," said Kunstler, who represents Spearman.

Carey canceled the game, but it was played after a federal judge ruled the team had right to use publicly-owned Blecker Stadium.

Kunstler charged law enforcement officers put the loaded pistol in an auto operated by Spearman after the auto was stopped by Albany police in a parking lot at State University at Albany, across Washington Avenue from the motel where the rugby team was staying.

Young was arrested after an early-

morning raid Sept. 22 at a 400 Central Ave., Albany, apartment where ammunition fitting the weapon was found.

Kunstler declined to say outside the courtroom if he will try to prove the weapon was put in the car's glove compartment by Albany police, the State Police or the FBI.

Albany County Assistant District Attorney Michael Katzer said the trial is "not about rugby, not about apartheid or socialism," but he said the proof will show the defendants had a loaded .38 caliber pistol and ammunition.

"The police discovered an illegal handgun in a car driven by John Spearman with Michael Young's permission," Katzer said.

Attorney Earl Tuckman, who represents the survivors of some of the five Communist Party members or sympathizers killed in the 1969 Greensboro shootout, was in the courtroom Monday.

Tuckman declined comment when asked what his role would be in the

trial. However, he was advising attorney Lewis B. Oliver, who is representing Young, during jury selection.

The defense sought orders from Albany County Judge John J. Clyne which would provide reports on the defendants from the Intelligence Division of the New York City Police, the FBI, State Attorney General's office, Carey and the Albany Police Department.

Spearman and Young, along with about 20 spectators in the courtroom, wore black buttons with with letters saying "Stop Apartheid Rugby Tour."

Attorney Anita Thayer, who worked with the Albany coalition group opposing the match, said some people in the group were from the Capital District, while others were from New York City.

Few incidents occurred during a demonstration against the Springboks and the South African policy of racial segregation, called apartheid, critics said the team represents.



Kunstler