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STORMY DAY

19 Reject Probation AT UC Trial

$150 Fines for Most--One 3-Month Term

Fred Allgood

Uproar broke out at the Sproul Hall sit-in trial in Berkeley yesterday while Municipal Judge Ruppert Crittenden was handing down $150 fines to the UC demonstrators and a three months jail term for one of the leaders.

About 300 students applauded wildly when a graduate told the judge he refused to accept the terms for probation.

Defendants clapped noisily, s t amped their feet and whistled while the gray·haired judge angrily banged his gavel in vain.

When order was restored after three minutes, Crittenden cleared the courtroom and ordered the rest of those due to be sentenced in the morning session to return July 29.

The afternoon seasion was orderly except for gasps of surprise when Michael Rossman, a teaching assistant in mathematics and one of the top orators of the Free Speech Movement last fall was sentenced to three months in jail.

Of the 54 sentenced yesterday, 40 drew $150 fines, 10 days in the county jail suspended and a year's summary probation.

One other defendant received a jail term. Stephen De Canio, a 22 year old New Yorker who was editor of Spider Magazine when it was banned from the Berkeley campus last March. Received 60 days.

Six defendants were fined $200, five received two years probation and one 18 year old girl escaped without a fine or a jail term.

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19 REJECT PROBATION

UC Trial’s Stormy Day

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The student who triggered the outburst shortly after noon was Michael Duke, 24 year old graduate student in oriental languages.

Under the probation terms Duke was forbidden from engaging in any group disturbance of the peace and from taking part in an unlawful sit-in, lie-in, stand-in or walk-in.

Duke told the judge, "I refuse to accept these terms in view of my deep commitment to the civil rights movement and in view of the international situation that the United States faces which may make it necessary for the American people to engage in certain types of protests."

18 OTHERS

During the afternoon session 18 others refused to accept the same terms and were given a week to consult further with their attorneys.

In refusing probation they risk a jail sentence permanently on their records.

Ameong them was a pretty 19 year old Niesi, Patricia leyama, a senior from Richmond and a member of the F'SM executive committee. . Judge Crittenden fined her $150 and gave her a 10 day suspended sentence and two years probation.

She whispered to her attorney that she wouldn't accept probation. The judge replied that he would not accept her refusal and put the mater over another week.

Crittenden indicated that if the students complete a year on probation without incident the sentences will be stricken from the records under a section in the Penal Code.

Chief defense attorney Malcolm Burnstein filed notice of appeal for all 54 sentenced except two, and bail was set at $550.

Everett W. Chard, 24-year-old graduate 111 political science, did not appeal because he is leaving next week for Nairobi, Kenya, to carry out research into the political systems of the new African republics.

LIGHTEST SENTENCE

Ann Lowery, an 18-year-old freshman from Pasadena, could not decide whether to appeal. She was given the lightest sentence, just one year on probation.

Crittenden told her, "1 was very impressed with the letter you wrote and also with the

letter your father wrote."

Outside the courtroom Miss Lowery said she wrote only a short letter, claiming she acted purely as an individual and as "a young American with a deep love for and faith in her country."

"I hope my actions will be viewed as a single one and not as a member of a mob," she wrote.

Her father, Peter' Lowery, an engineer, said he told the judge his daughter had an impressive record as an honor student at high school and as a seal bearer.

NON-STUDENTS

Apart from Rossman, only one other top leader of the student revolt was sentenced. Ronald Anastasi, a 22 year old junior ill political science who organized the voice amplification units for the FSM, drew a two-year probation term, 30 days in jail suspended and was fined $200.

Generally non-students were fined more than students. While students were penalized $50 on the trespass charge and $100 for resisting arrest, non-students were fined $100 on each count.

Some students without any connection with the FSM leadership however drew $200 fines or two years of probation. While a non-student was fined $50 tor trespass.

Judge Crittenden refused to discuss the pattern in his sentencing.

Then sentencing was the climax of seven months of legal work which cost Alameda County at least $77,000-- approximately $100 for each of the 773 demonstrators arrested. At present rate of sentencing the fines will balance this outlay.

The trial began April 1 and recessed June 11 after 62 witnesses testified.

Judge Crittenden started handing down his verdicts June 23, throwing out all charges of unlawful assembly. He found 653 defendants guilty and accepted no contest pleas 1rom 101 others.

Judge Crittenden paused in the routine procedure of handing down his sentences when Diane Kepner and her husband Gordon Kepner, a 28-year-old graduate student in biophysics appeared and declined to accept terms of probation.

"I want you to know, Mr. Kepner that your wife is a very fine teacher," the judge said. "She taught my two children and I hold her in the greatest respect."

The Kepners wil1 return next week for sentence.

The sentencing resumes today and is expected to last until next week. Most of the senior leaders of the demonstrations, such as Mario Savio, his wife, Bettina Aptheker, Art Goldberg and Jack Weinberg will be sentenced on Friday or next Monday.

Savio's wife Suzanne called the conditions for probation "reprehensible." This reasoning would justify the Germans not rising against the Hitler regime," she said.