

19 REJECT PROBATION

UC Trial's Stormy Day

(Continued from Page 1)

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.

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.

Among them was a pretty 19 year old Niesi, Patricia Ieyama, a senior from Richmond and a member of the FSM 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 matter 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.



DIANE AND GORDON KEPNER
Judge Crittenden paused to give a compliment

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 from 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 will 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.



MICHAEL ROSSMAN
Heaviest sentence

appeal. She was given the lightest sentence, just one year on probation.

Crittenden told her, "I 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.



MICHAEL DUKE
Rejects terms

NON-STUDENTS

Apart from Rossman, only one other top leader of the student revolt was sentenced. Ronald Anastasi, a 22 year old junior in 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 stu-

dents. 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 for trespass.

Judge Crittenden refused

Everett W. Chard, 24-year-old graduate in 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

'Rule of Law... For All Men'

Berkeley Municipal Judge Rupert Crittenden made this comment yesterday in sentencing the sit-in trial defendants:

"The matter before this court has involved specific violation of the criminal law which is applicable to all citizens. No persons or group, no matter how righteous or morally defensible they feel their cause to be, may place themselves above the law," he said.

"The rule of law and the use of legal means to decide controversies cannot be supplanted by the rule of

men and a decision produced by force and intimidation whether by violence or mass action.

"The act of any individual or group of individuals knowingly violating the laws of society whose ideal is justice for all undermines the framework which guarantees the rights and freedom of each member of that society, no matter what his social, economic or educational position may be.

"The constitutional guarantees exist equally for all men—the preservation and enforcement of these guarantees are achieved lawfully or not at all," he said.