

Grand jury
POLICE CHIEF, ATTORNEY REACT TO FINDINGS

Grand jury ends May 10 inquiry

The Santa Cruz County Grand Jury inquiry into the events following a torch light parade through downtown Santa Cruz May 10 was officially closed last week, according to grand jury foreman Reo Carr.

Carr released the grand jury's results in a prepared statement (see below) that indicated there was no evidence presented to warrant bringing indictments against individual police officers or private citizens for wrongdoings during the night of May 10.

Santa Cruz Police Chief Geno Pini, whose TAC Squad had been cited for misconduct the night of May 10 in some 70 statements given to the Grand Jury for investigation on May 23, responded to the Grand Jury's findings in a press conference Thursday saying, "The report put all allegations about our department to sleep."

Pini made the comment in reading a prepared statement (see below) critical of the Grand Jury's use of term 'overreaction' to characterize the TAC Squad's actions May 10; Pini also commented, "A lot of unlawful activity was planned on the UCSC campus, and that institution took no action to negate what had been the probably results of those plans."

When contacted by The Valley Press, Attorney Robert Ludlow, who collected the statements of participants and witnesses to the events of May 10 and submitted them to the Grand Jury for investigation, said, "The unfortunate disheartening aspect of this whole matter is that the inquiry raised more questions than it answered." (see below). Ludlow also said "The Federal Bureau of Investigation is interviewing May 10 participants and turning over the results to the United States Attorney's Office in Washington, D.C. Perhaps they will make findings emphasizing the lack of complaints about police officers of the Santa Cruz County and Monterey County Sheriff's Departments which contrast with the complaints about the undisciplined violence on the part of individual yellow-jump-suited Santa Cruz TAC Squad members."

Local F.B.I. agent Pat Haggerty confirmed Ludlow's news of an investigation into the May 10 incidents by saying, "Our investigation has been completed and the results were forwarded to David L. Norman, U.S. Assistant Attorney General in charge of the Civil Rights Division of the Justice Department."

"The F.B.I. will do nothing further in the matter unless Mr. Norman requests a full scale investigation," Haggerty said; he indicated the U.S. Attorney General's office had received the F.B.I.'s investigation results 2 weeks ago and would decide within a month whether a larger inquiry should be made.

UCSC Chancellor Dean McHenry was unavailable for comment on Chief Pini's remarks last week, but UC Public Information Officer Tom O'Leary said McHenry recently spoke to the Santa Cruz Rotary Club and indirectly made reference to the administrations' policy regarding the May 10 demonstrations (see below).

GRAND JURY REPORT

The following statement was issued by the Santa Cruz County Grand Jury Foreman Reo Carr July 25:

On May 23, 1972, the Grand Jury received a letter transmitting some 70 statements from citizens involved in the events of May 10, 1972, in downtown Santa Cruz following the special evening meeting of the Board of Supervisors at the Auditorium. The letter requested that the Grand Jury look into the matter. The same request was made to the District Attorney.

Subsequently, members of the Law Enforcement Committee and the Foreman of the Grand Jury read all the statements submitted, and personally interviewed 10 persons who submitted them. Members and the Foreman also talked with other citizens of the community who had some personal

knowledge of the events of that evening and met with Captain Overton of the Santa Cruz Police Department.

Captain Richard E. Overton, District Attorney Peter A. Chang, Jr. and Police Chief Geno J. Pini were invited to appear before the full Grand Jury, and did so in that order, in separate sessions over a two-week period. Each was given full opportunity to make a free statement, and then answer questions put by members. At least two hours were devoted to each session. It is clear that the torchlight parade following the Supervisor's meeting on May 10 was conducted without application for a parade permit. It is also clear that the vast majority of those who participated did so because of genuine moral indignation over the continuing involvement of our country in Viet Nam, a wish to bear witness to that conviction, and with no disposition to do so in other than peaceful ways.

In the material before us, it is clear that an organized small group of provocateurs intended to manipulate this widespread feeling to their own ends of confrontation and violence.

Law enforcement officials thus were confronted with a situation extremely volatile in nature and very difficult to assess. They did so with a Crowd Control Unit which is well trained in spite of limited experience in mass protests of this kind. Eventually, a rapid "sweep" of Pacific Avenue was deemed essential by the police after repeated orders to clear the area were issued and after the police were convinced they had no reasonable alternative to prevent extensive damage to downtown Santa Cruz. In the confusion of the action that followed, physical encounters between citizens and police officers did occur, and some injuries to both police and citizens did result, though we have no evidence that anyone required overnight hospitalization. At least two of those injured were bystanders who had either failed to hear or to heed the amplified orders to clear the area.

It is clear there was pronounced provocation on the part of some of the demonstrators. There is indication that some of the police may have overreacted in specific confrontations. However, there is a lack of sufficient evidence in what has come before the Grand Jury to identify any specific officer with an alleged wrongdoing, or to return a criminal indictment against any particular member of that Unit.

The net result of this entire occurrence was a regrettable episode in the history of a generally peaceful and friendly community. Some consolation may be taken from the fact that injury and property damage was minimal. Hopefully some lessons were learned by all involved. It is further hoped, in sober hindsight, all of us will proceed in the future to act with greater tolerance and respect for the dignity and worth of our fellow human beings, and with greater regard to our obligations, as well as to our rights, under the law.

CHIEF PINI'S STATEMENT

Santa Cruz City Police Department Chief Geno Pini issued the following statement at a news conference Thursday morning:

I am pleased that the Grand Jury Report confirmed the results of our own investigation that no misconduct by the police was involved. No officer was identified as performing other than lawful acts in the course of enforcement of duly constituted and valid laws. It is indeed unfortunate that the Grand Jury Report chose to characterize proper and effective law enforcement with limited manpower resources and under the most difficult conditions possible as 'overreaction'. Other portions of the Grand Jury Report fail to substantiate this allegation. It appears that this statement was made to placate certain elements of this community.

The report protects the interests and image of UCSC and removes that institution from any responsibility for remaining uninvolved during the period of several weeks when a number of unlawful activities were planned on campus and executed by students and some staff members of UCSC. This statement by the Grand Jury was wrong as it does a disservice to police officers who are also important and productive members of this community.

It is most heartening to me that after 75 days of intensive investigation by a large group such as the Grand Jury with large investigative resources that the Grand Jury Report agrees the decisions of police commanders made at the time of the unlawful activities by a large mass of people during hours of darkness with the police under stress and fatigued from long hours of work were the correct ones.

No major injuries were attained by anyone including the police and no property damage of any consequence resulted. Unlike several areas of Berkeley and several other places in California, downtown merchants are still displaying their merchandise behind glass, not hidden behind boarded windows, are still able to insure their buildings and merchandise and are not installing steel doors and windows and the work of improving and beautifying downtown can continue.

After reading the statement, Pini said he wished to underscore the point that 'overreaction' on the part of TAC Squad members was nowhere substantiated in the Grand Jury report.

Chief Pini also said there were many radical activities planned on the UCSC campus during the months of April and May that the university administration took no steps to halt; "The May 10 incidents occurred on only one day among many weeks of radical activities," he said.

Pini said he used the term 'radical' in reference to "those people on the campus who are so radical that they want to change the system by force. With the winding down of the war and the 18 year old vote, I hope many will not take to radical activity, but I know that these things won't change a certain small group of radical people," he said.

Pini criticized the Grand Jury Report for failing to identify the "organized small group of provocateurs" on which Pini's Department had submitted information to the Grand Jury.

Pini indicated no one had been arrested the night of May 10 because there were situations where it was logistically impossible and even tactically desirable to forego arresting lawbreakers.

"Specific and certain enforcement action is going to make people demonstrate in a lawful manner," Pini said, "we've never had any objections to lawful demonstrations—we've escorted all kinds of parades, marches and groups who have requested parade permits."

"The May 10 torchlight parade was illegal; he said, "no one ever applied for a permit."

Second story man eludes capture

A second story man narrowly escaped capture by the Boulder Creek Patrol in Ben Lomond July 28.

A citizen spotted a man on the roof of the Ben Lomond Super and alerted Douglas Stills and Robert Hall of the security

patrol. They arrived in time to see a man take off running and pursued him unsuccessfully as far as the Town and Country Lodge.

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LUDLOW'S COMMENTS

Attorney Robert Ludlow asked, "Why do we hear for the first time in the Grand Jury report of 'an organized small group of provocateurs...intending to create confrontation and violence? What evidence was presented regarding provocateurs? Why were only 10 participants called to testify when statements from 70 persons were submitted?'"

"The Grand Jury report is also seemingly a misstatement of facts in that people were seriously injured and property damage did take place (vehicles of innocent citizens driving through downtown areas were damaged)," he said.

"The Santa Cruz Police Department emphasized the fact that no parade permit was given, but the police escorted the torchlight parade through the downtown, indicating they supported the assemblage petitioning our government regarding its escalation of a brutal, costly and unhealthy war for both the Vietnamese and the Americans.

"I had hoped the community would respond to the obvious lack of organization and discipline of the offending police officers, who attacked citizens without provocation and failed to selectively arrest any person who may have been violating the law.

"Logically, if an illegal act takes place by an individual in a crowd consisting of hundreds, you do not disperse the group and attack them—you arrest the person or persons creating the public offense. It is the antithesis of the democratic strengths and the Bill of Rights to inhibit and suppress where just cause is not proven.

"Additionally, there seems to be no adequate explanation in the report of the numerous acts of violence on side streets (not included in the order to disperse from the mall) over a span of two hours after the police swept down the mall."

Ludlow indicated he and other local attorneys were considering filing individual civil suits on behalf of injured participants against the Santa Cruz TAC Squad.

CHANCELLOR McHENRY'S SPEECH

The following is an excerpt from UCSC Chancellor Dean McHenry's speech to the Santa Cruz Rotary Club on July 7:

There is little promise in barking up the tree labeled: 'Tell them what they must do and if they don't do it, expel them.' In addition to not working with this generation, it has little standing in the law. A recent U.S. Supreme Court decision within the last fortnight held that a college could not refuse to recognize a chapter of Students for Democratic Action.

Our best hope is not to interfere with full freedom to protest, but be prepared to move in whenever safety of persons, or property, or rights of others are endangered. Demonstrators, whether student or non-student, should then be held accountable for their acts through the regular processes of the law.

McHenry is on vacation until August 7 and was unavailable for direct comment on the Grand Jury report or Chief Pini's comments, according to UCSC officials.

This Is The One You
Have Been Waiting For

This Is It!
Everything Goes!

7th Annual Season's End



TOTAL SAVINGS TO
OUR CUSTOMERS — OVER
\$40,000.00



Men injured