



the end of the bombing trial

(some impressions)

Joe Dobiss and Joss Cooney, photographed last Spring at the Free University office

Five of the nine persons accused of last year's terror bombings of the Free University and other midpeninsula activist organizations have pleaded guilty to single felony count of conspiracy to disrupt a public meeting. In return, further charges against the five have been dropped, two others are being charged with a single misdemeanor count and all charges against the remaining two have been dismissed; there will be no trial, no public testimony by any witnesses or alleged participants.

James McGee, Walter Peddy, Douglas Neher, Donald Smith and John Mirto, ages ranging from 19 to 35, copped their plea on November 6 after a day-long conference of defense and prosecution attorneys in San Mateo County Superior Court Judge Conrad B. Reich's courtroom. The "public meeting" in question was a February 13 forum on mainland China at the Palo Alto Unitarian Church; the grand jury indictment charged that the five entered the church armed with "explosive devices" and a teargas grenade (and draped with false beards) but left without acting because of the heavy incidence of police on the premises, there, apparently, because of a warning from the Menlo Park undercover policeman Armand Lareau.

San Mateo County District Attorney Keith Sorensen said the deal was made to "expedite the case" and added that even if the nine had been convicted on all counts, the eventual sentence wouldn't have been that much greater. How in hell, I might ask, does he know? The maximum sentence for the five is 3 years in prison, with a possible option of a fine or less time in county jail. The misdemeanor charge—Robert Lake and Steven Mc Clean have gratefully owned up to carrying a concealed weapon—rates a maximum of 6 month' jail, \$500 fine. Joseph D. (Joss) Cooney

and McGee's wife Donna go free. The original indictment against the nine contained 38 counts of such things as criminal syndicalism, possession of explosives and malicious destruction. Ho, you say, what's been going on here? What's in fact been going on, according to Sorensen, has been the progressive discovery that evidence against various parties was "insufficient," and that unspecified "new evidence" has unearthed itself to indicate that Cooney was less involved than originally believed. Right on, says Cooney's redoubtable lawyer, Boris Baranowski, who allows that his client was "persectued for his political views," a suspicion shared by a few Free University members who have a grudging admiration for Cooney's zeal in laying claim to his First Amendment rights.

The arrests and pretrial activities have been covered adequately by the Palo Alto Times (trying, perhaps, to redeem itself or ignoring the bombings themselves, altogether,) and the story of the original hunt for the bombers was told in Volume 3, Number 3 of the Free You. The lack of a trial will keep much more from being told. We can add little ourselves; publication of the full story could endanger several lives, and part of our information is uncorroborated. But lest we leave you hanging there in limp curiosity we can add some small parts of the story to the public domain before passing on to the more important question of what this has all meant to us, and how we might, in this best of all possible worlds, keep this sort of thing from happening again.

joe dobiss

Joseph C. Dobiss, Jr., 27, ex-con, self-professed revolutionary and paranoid as hell, broke

the case for us. We had other, similar leads. So did the police. So did the press. But Dobiss infiltrated the group long before Lareau was sent in, documented his experiences with occasional dashes of fancy and held his information up under the noses of the authorities so long that, spurred on by the well-publicized bombing of Palo Alto City Councilman Kirke Comstock's house, they had to act. After the arrests Dobiss, alone among the principals, was left unprotected in the face of threats on his life. The DA had no part of him during pre-trial preparation. Dobiss has since spent time in jail himself, on unrelated charges. He's furtive, and nobody knows his motives. After the arrests, he was on the lam from a "hit man from Texas." "His game is secrecy," says one acquaintance of Dobiss. Bob Cullenbine's

first thought when he set eyes on Dobiss at a prearranged meeting last fall was "Christ, we've got a paranoid here." My own first contact with him was a long, rambling midnight phone call; he was convinced that Palo Alto detective Howard Carlyle, who is thought by many to have seriously delayed pursuit of the bombers, was trying to discredit him, Dobiss. It took me several days and a couple of missed contacts to finally arrange a meeting with Dobiss himself, and when he finally did show up, he arrived with his "bodyguard," a swarthy guy who looked like an unemployed short-order cook who remained on the porch casing the neighborhood while I sat inside at the kitchen table trying to steer Dobiss through an interview. Dobiss' evidence, in Cullenbine's words, was "pretty far out," and Dobiss punctuated our conversation at one point by opening his wallet and folding out thirteen calling cards from various policemen....."you've got to admit," he said, "that I must be onto something," and I did admit that.



Dobiss is listed on several police records - he's on several - as an "unemployed retail clerk," refers to himself vaguely as a "Maoist," and has been active in labor and peace activities. Before coming West he ran up a record for armed robbery in Pennsylvania, and is still threatening to sue over his treatment there. He's done time here for rape-reduced-to-battery. In late November, 1968 he was charged with contributing to the delinquency of a minor - his brother, whom Joe was suspected of supplying illegal drugs. The warrant was served at Dobiss' home by Mountain View police sergeant Ronald McMaster, and a fortuitous accident during the arrest process was the first in a series of steps leading to the prosecution of the alleged bombers. For by then Joe had infiltrated the Society Of Man after being politically "picked up" by Mirto during a Mountain View gun show; the police, too, were onto Mirto in a vague sort of way, and as part of an apparent "deal" to get the latest charge against him dropped, Dobiss was passed along to Carlyle, in Palo Alto, to supply information about the Society. Dobiss, along with a number of other witnesses, is convinced that Carlyle, who worked with a Wallace button over his desk, actively impeded the investigation. Carlyle, in fact, reacted to Dobiss' final documentation - which was supported by the subsequent Menlo Park investigation - by refuting the report, and warning Dobiss that his life was in danger ("and you will have," he reportedly told Dobiss, "no police help.") Carlyle was removed from the case at the last minute, but was rewarded for these and other heroics by a recent promotion.

According to Dobiss, Mirto answered an initial question about his political beliefs by saying he was a member of the Society of Man, "far above," as Dobiss quotes him, "the Minute Men, but in a coalition with them." Before joining the Society, Dobiss continues, each prospect was expected to prove himself with a "token of commitment" - as he quotes Mirto, "window-breaking, agitating student unrest to make conflict with the police inevitable, or the like." He was introduced to the rest of the group the following Friday at McGee's Menlo Park home, winning acceptance after "feigning disenchantment with the left. They thought God had willed this." But their acceptance of God's will was preceded by a lengthy interrogation, highlighted by Donna's emergence from another room with a complete dossier on Dobiss' background. Dobiss believes they have a file on anyone they consider dangerous; subsequent testimony concerning their definition of danger would indicate an imagination-boggling load of files in that room. (A poignant passage in the grand jury report describes futile efforts by McGee's mother to convince him that his interpretation of the word of God had taken him far beyond the simple limits of protecting his own home and property.)

The drift of Dobiss' report to the police and eventually, when the police didn't act, to the MFU has been reported already. Joe was in deep; McGee took him on a cruise by the MFU printshop one night, but he's unclear on whether he, Dobiss, actually participated in the terror activities. His report is rich with specifics on those who did, however, including several people not arrested. On February 14, the day of the arrests, Dobiss called McGee on a San Jose police

phone to try to get a specific admission of guilt from him, and instead was told by McGee, "we're going to get you." When the arrests were made that night, Los Altos police told Roy Kepler he'd best leave the area, because a contract might be out on his life. No such help for Dobiss, despite a direct appeal, supported by Kepler, before the Sunnyvale City Council. Joe was in fact trailed, at one point, by Joss Cooney, out on bail. At one point during a San Jose hearing on a charge against Dobiss, the judge had to assign a police sergeant to detain Cooney until Dobiss had left the room. Dobiss suspects Cooney was trying to record the proceedings.

Dobiss says the Society of Man is simply "implementing our foreign policy at home." Dobiss himself is fitfully implementing something himself, someday we may know what. One close friend says, believably, "he has a need for approval." Few people trust him enough to approve of him but the fact is that whatever his motives, he was there, nine people were arrested, and Dobiss' horrifying evidence was seemingly confirmed by the Free University, the grand jury and the Menlo Park police. Joe's been around very little, lately. He was going to night school before he went off to jail. He came away from the county prison farm with a deep tan, a rested look and nuzzling some attractive, dark-haired girl. I last saw him late at night in the back of the Free U office, sleeping alone on the floor, looking pale again. He hasn't been around since.

joss cooney

"Cooney's a wonderful weathervane," says Free University lawyer Jim Wolpman. Whenever there's a be-in, protest or some other radical activity important enough for me to have to be at, Cooney's there, too. It's like seeing an old friend."

Cooney first achieved local prominence by being bounced off the campus of Menlo-Atherton high school for distributing Wallace literature. He's around the Free University a lot, collecting literature and leaving some of his own. Cooney is a short, graying Irish immigrant, feels more persecuted, perhaps, than even Joe Dobiss. He's convinced that Victor Cizanckas was put in the Menlo chief's job by "somebody" set on creating a super-bay area police force, with secret police overtones. During pretrial hearings for the nine, Cizanckas personally signed a misdemeanor complaint against Cooney for stealing newspapers from a rack across the street from the courthouse (the papers carried a feature on Cizanckas, with references to Cooney.) Cooney subsequently defended himself in a ten-hour jury trial over the affair, trying to prove the police were consistently persecuting him, and that it began in June, 1968 when he tried to get Cizanckas to arrest various people at the now-defunct Free University superstore for selling "obscene" posters. Cizanckas refused, and admits that the ensuing discussion was "intense."

Since his arrest Cooney has been threatening legal action on all sides. His lawyer demanded (and received) a retraction of the Free You's brief initial report of the arrests. He went to the state appeal court to protest the delay in his trial, was turned down and was threatening to go to the supreme court when the charges were finally dropped. At last report, he was threatening legal action against the Menlo Park police department

if he didn't get all his confiscated property back, every single bullet and pamphlet. He's talked to me at one time or another about so many other possible suits I can't list them all. He's direct about his feelings about the Free University and appears



on the premises intermittently to refine them ("You seek to advocate permissive sex without any regard for our values concerning morality, the sacred institution of marriage, respect for law and due process," he wrote in the Free You last spring, "You.....show many of our institutions in their worst possible light...if Black power means pride in race with responsibility, I support it." Cooney came in one day and paid for a stack of Free You issues concerning the bombings with a check labeled COONEY LEGAL DEFENSE FUND and demanded, as the proprietor of a defunct left-wing bookstore, the same rates we give Roy Kepler. We kept the check as a souvenir. Joss suggests, periodically, something of a "coalition of the left and right" against the authorities. Some Free University people who've talked to him have been willing to doubt his complete involvement with the Society, and it stands to reason. Joss is pretty much out there into his own scene, and we'll probably continue to receive his amiable attention. I hope he stays out of trouble.

the police

The hardest aspect of the entire affair to document is the role of various police agencies, who jealously guard their records and defend their employees from press and other investigators. Accusations against Carlyle range from ineptitude to far worse.

There is abundant evidence that Palo Alto's chief Hydie knew little about the investigation,

and took little action when he learned of it. The Menlo Park police, who finally acted on Dobiss' report, were initially left in the dark by MFU informants because a Menlo officer was thought to be involved with the bombings. McGee had hinted to Dobiss of some sort of police complicity. The San Mateo county sheriff's Internal Security unit was rumored, by several sources, to be investigating the involvement of a now-retired lieutenant. A North Peninsula newspaper reporter was approached by a Black organization with information similar to Dobiss', and was told that if the Sheriff didn't stop the bombings, the Blacks would. Another reliable witness heard "someone" at the Sheriff's office say that the suspected bombers "are on our side." Dobiss reports seeing a peninsula policeman at another gun show, and that the officer, in civvies, fondled a pistol and told Walter Peddy, "this would be a good nigger killer." There were more rumors and stories, and suspicion about the police in general ran wild. The police, themselves, are largely at fault for the paranoia built up against them, by their secretiveness and, individual instances, personal indifference and hostility toward the people being bombed. One obvious consequence of the growing distrust was Cizanc's undeserved ignorance of Dobiss' information until a newspaper reporter, assuming he knew, asked him about it. There was virtually no cooperation or exchange of information among police of the several communities involved until Cullenbine, Kepler and others literally forced the agencies to get together. The ill will the Palo Alto police earned for themselves, added to the (partially undeserved) hostility toward them already rife in the city, will complicate their work in the future. The Menlo police are still caught up in the backlash of suspicion; many local radicals feel that the original criminal syndicalism charge, recently struck down by the Supreme Court as an infringement of First Amendment free speech guarantees, was resurrected from its old union-busting days with the intent to use it, if it survived this trial, against future radical activities.

the community

The trial is over before it began, little has been proved and nothing solved. Terror activities continue. Zhivago, a russian-style restaurant in Menlo Park, has received numerous threatening phone calls since a recent display, at another location, of several early Soviet propaganda posters owned by Igor Mead, art collector and former owner of the restaurant. Mead himself is strongly anti-communist and has no present connection with the restaurant, but that isn't bothering the people who in turn are bothering Zhivago. And on October 29, three cars and a motorcycle parked in front of the Palo Alto residence of psychologist Victor Lovell, former Free University coordinator, were damaged by an arsonist who carefully poured gasoline into each vehicle before dropping his match and splitting. Lovell has been out of public view for a year, concentrating on his professional activities. The fire was followed the next day by threatening phone calls.

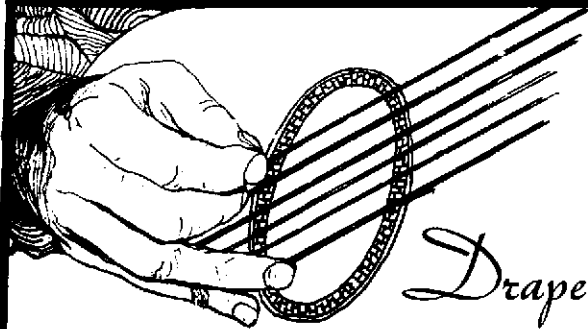
The community is left with the pieces and precious little, I can tell you, has been done to patch them together. Downtown Palo Alto leader skip Crist, who toured the PTA circuit last year accusing the Free University of everything short of active treason, put an ad in the Times

offering a reward for the bombers, apologized publicly for anything he might have done to contribute to community tensions, but then refused to pony up the reward money to Dobiss or, for that matter, anyone else. He's given no speeches that we're aware of about the dangers of associating with right-wing firebombers. The Palo Alto police have done nothing (beyond, of course, promoting Carlyle) to clear up their own public record, and the city council, one of whose members was bombed, hasn't pressed them. The local liberal community is aghast at the deal made with the nine defendants, particularly at the lack of public testimony. The Palo Alto Times has made no explanation of its complete lack of coverage while the community was gradually being bombed out from under it. Nothing has been done, beyond persistent personal efforts by a few leaders like Cullenbine and Cizancas, to bolster police-community relations before more incidents occur, and the few efforts that have been made still have undertones of distrust.

The Free University and the rest of the liberal-radical community haven't yet completely examined their role in the violence. Sadly, no matter what we are or how well we comport ourselves, we'd probably have been bombed anyway for what we seem to be. Roy Kepler observed last Spring, after a careful review of the year's events, that "we made our contribution to a community dynamic that helped give signals, ultimately, to a group of people who were emotionally very uptight, whose little world was very insecure, and who identified with the "truth"...they saw a threat, and the larger community, as they saw it, responded to it vaguely, doing nothing about it. They got signals...the ROTC fires, the Stanford president's office fire, attacks on the Army recruiting station, all this came before their retaliation, and not even the police, as they saw it, were taking any action, so they did something themselves. They looked at what was going on and said, "we can do that, too."

G'night, Joe. G'night, Joss. Sentencing was set for December 10.

fred nelson



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