

ITHACA JOURNAL (NY)
4 October 1985

Protesters: Local law superceded

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SYRACUSE — A city judge in Thursday's trial of an Ithaca group charged with misdemeanor criminal trespass allowed, as evidence, testimony that implicates the United States government in illegal activities in Nicaragua.

Seven members of the Nicaraguan Affinity Group were charged following an incident June 12 when they protested U.S. support for contra rebels in Nicaragua. The Ithaca group was one of seven that refused to leave U.S. Sen. Alfonse D'Amato's (R-N.Y.) regional office in Syracuse when the office closed.

City Court Judge Mathilde C. Bersani ruled the defendants had an affirmative justification defense of their actions. The defense argued, on constitutional and international law, grounds that the illegal acts by the CIA justified the protesters' acts and took precedence over any local laws.

She allowed them wide latitude in presenting evidence — despite repeated objections from Onondaga County Assistant District Attorney David Primo.

Acting as their own counsels, the defendants called five witnesses, including two former CIA employees, to establish illegal actions instigated by the U.S. government in Nicaragua.

Although the defendants' lack of courtroom experience kept the trial from moving smoothly at times, defendant Dale Hathaway scored points when he got Primo to stipulate that the U.S.-backed contras illegally carried out attacks against medical and educational facilities in Nicaragua.

The two former CIA employees testified there is a concerted effort by the Reagan administration to subvert and overthrow the Sandinista government in Nicaragua.

David MacMichael, who once was hired by the CIA to determine whether the Sandinistas were trying to export revolution to other Central American countries, testified that the government lied about the Sandinista threat.

"There was no existence of an arms flow from Nicaragua to El Salvador. The administration heard — but they made no change in the allegations," MacMichael said.

John Stockwell, a 13-year CIA veteran and now an author and lecturer on CIA "dirty tricks," testified that U.S. action in Nicaragua follows a long-established pattern.

"Nicaragua is the largest and most public covert action we run. But the important change is that the Reagan administration is proud of its activities," Stockwell testified.

He testified in graphic terms about what he called the tortures and murders of innocent Nicaraguans by the contras.

"It's important for the public to know this information because the government tries to cover it up," Hathaway said in response to an objection from Primo.

Three other witnesses — Walter Babcock and John Ferger of Ithaca and Dillwyn Otis of Aurora — testified of their personal experiences in Nicaragua and how the contra war adversely affects the country and the people.

The defendants cited the First Amendment guarantee to "petition for redress of grievances" as the

foundation of their defense in refusing to leave D'Amato's office.

"We weren't going to leave until D'Amato refused to support violations of the law he swore to uphold," Hathaway said.

Bersani refused to allow certain evidence not relevant to Nicaragua and did not accept into evidence a purported copy of the CIA terrorist manual distributed in Nicaragua.

"You can't try to put the U.S. government on trial for past crimes," the judge told the defense.

"It's a victory just to get all this evidence in," said Eric Patterson, another of the defendants.

MacMichael, who has testified in World Court that the United States violated international law, said outside the courtroom that the judge was more accommodating in this trial than in others.

"I think I made a little headway," MacMichael said.

The trial is scheduled to wrap up today, with closing statements by each defendant. Bersani has indicated she will issue verdicts on the case early next week when she addresses six other trespassing cases that stemmed from the June 12 protests.

The defendants are: Hathaway, Patterson, Neil Golder, Pierre La-Ramee, Judy Przybek, Frank Brooks and Steve Gibson.