

Ruling 'sapped' strength

DA rests SF 7 case

By JACK HANDEY

ESTANCIA—The strength of its case clearly sapped by yesterday's court ruling on evidence, the prosecution rested shortly before noon today in the trial of the Santa Fe Seven.

Kissinger's effort hurt by Israelis

WASHINGTON (UPI) — American officials expressed some concern today that the political crisis in Israel could still wreck Secretary of State Henry A. Kissinger's negotiations for a Middle East settlement.

Kissinger arrived home Monday night from a Middle East mission that took him 17,000 miles in eight days. He is expected to report to President Nixon today.

There is widespread expectation that the Arab oil embargo against the United States will be lifted when the Arab Foreign Ministers meet Sunday in Tripoli, Libya, partly because of Kissinger's trip.

His main announced objective was to promote talks between Israel and Syria on military disengagement in the Golan Heights just as he arranged the disengagement along the Suez Canal between Israel and Egypt.

He got both countries to agree to send senior negotiators here to present their concrete proposals separately to him this month. The Israeli was expected first, before March 16.

Lawyers for the seven defendants were scheduled to argue motions calling for directed verdicts of innocence this afternoon.

Dist. Att. Bruce Kaufman presented three State Police lab experts and obtained admission of a box of .25 caliber bullets before yielding to the defense.

District Judge Santiago Campos admitted the bullets despite conflicting stories on when and where they were confiscated.

Also accepted as evidence were a .25 caliber pistol and a slug plucked from a trailer.

Fingerprint expert John Barone testified today that he could not lift prints from the pistol and the bullets.

The prosecution evoked testimony from ballistics expert Michael Kelly inferring that a policeman—possibly Officer Manuel Moya—was shot from at least four feet away.

Campos yesterday stripped the prosecution of two rifles, two pistols, bullets and other items for use as evidence, ruling in favor of a defense motion claiming the contraband was illegally seized from Escuela y Colegio Tonantzin.

Tonantzin, a Chicano school located on the outskirts of Santa Fe in the village of Agua Fria, was the site of a fiery gun battle between the occupants of the school and police on the night of Sept. 3 last year.

"I was shocked," Kaufman said of the judge's decision on the contested evidence. "It hurts us badly, obviously."

Campos said authorities should have obtained a search warrant, which they didn't, before exploring the "secured" grounds of the school during the daylight hours of Sept. 4. All of the evidentiary

articles banned by the judge for introduction in the trial were confiscated by police after 8 a.m. on the fourth.

Kaufman was peeved by Campos' apparent reversal concerning the evidence. The judge denied a similar defense motion for suppression during hearings in January.

Campos declared a Mexican flag seized from the school during the night to be valid evidence, although the prosecution isn't expected to introduce it.

Alleged peyote, marijuana and marijuana plants were also barred as evidence, as was literature which the district attorney's office held because of its alleged subversive nature.

The seven defendants are charged with assault with intent to commit a violent felony in connection with the shootout.

In testimony yesterday afternoon, Santa Fe Police Capt. Alfred Lucero said that defendant Geronimo Garduno said that a "swab" test to be conducted on his hands would probably show that he (Garduno) had been firing a gun.

The test, which Lucero was administered at the city jail after the gun battle, is designed to detect nitrates or gunpowder on the skin.

The results of the swab tests on Garduno and other defendants were inconclusive, The New Mexican has learned.

Lucero followed Detective Larry Lujan to the stand. Lujan testified that he had positioned himself behind an incinerator at the school when subjects left from the southern end of the old convent building.

"One subject was carrying a rifle," according to Lujan, who said he received and returned fire before the subjects "hit the ground."

Another witness, Assistant Chief Fernando Mier of the Santa Fe Police, said he was told by District Attorney Joe Castellano on Sept. 4 to continue searching the school premises.

All of the police officers questioned yesterday said they issued no orders seeking a search warrant.

dire crisis

were made last fall.

"Well, did it happen?" he asked, and

Simon said it would be "a wonderful thing for you..."