

# The District Court for the Fourth Judicial District

COUNTY OF HENNEPIN AND STATE OF MINNESOTA

THE STATE OF MINNESOTA, Plaintiff,

vs.

HORACE HUNTLEY, ROSE MARY FREEMAN,  
WARREN TUCKER, JR., RICHARD ROE and  
JANE DOE, and other persons whose  
identities are to the Grand Jury  
unknown,

Defendant S

## INDICTMENT

HORACE HUNTLEY, ROSE MARY FREEMAN, WARREN TUCKER, JR., RICHARD ROE and  
JANE DOE, and other persons whose identities are to the Grand Jury unknown,  
each intentionally aiding each other, are *accused by the Grand Jury of the County of*

*Hennepin, in the State of Minnesota, by this indictment, of the crime of* AGGRAVATED CRIMINAL DAMAGE  
TO PROPERTY (Count I); RIOT (Count II); UNLAWFUL ASSEMBLY (Count III) and  
UNLAWFUL ASSEMBLY (Count IV)

*committed as follows:*

~~The said~~

~~on~~ ~~the~~ ~~day~~

~~of~~ ~~at~~ ~~in~~ ~~and~~ ~~where~~ ~~being~~

~~in said Hennepin County, Minnesota, then and there being~~

### COUNT 1

AGGRAVATED CRIMINAL DAMAGE TO PROPERTY (Minn.  
Statutes 1967, §609.595, Subd. 1 (3) and  
§609.05, Subd. 1 and 2)

The said Horace Huntley, Rose Mary Freeman, and Warren Tucker, Jr.,  
and Richard Roe and Jane Doe and other persons whose identities are to the  
Grand Jury unknown, each intentionally aiding each other, then and there  
being, on the 14th and 15th days of January, 1969, within the corporate  
limits of the City of Minneapolis, in said Hennepin County, Minnesota, did  
wilfully, wrongfully, unlawfully, feloniously and intentionally, cause  
damage to physical property of another without the latter's consent, to-wit:  
to that certain building known as Morrill Hall at the University of Minne-  
sota, and to fixtures, equipment, records and supplies therein, by mutilat-  
ing, defacing, breaking, destroying, tearing, smashing, littering, scatter-  
ing, piling and barricading said physical property which then and there  
belonged to, and was in the lawful possession of the afore said University  
of Minnesota; which damage did reduce the value of the aforesaid property  
by more than One Hundred Dollars (\$100.00), measured by the lesser of the  
cost of repair or replacement.

COUNT II

RIOT (Minn. Stats. 1967, §609.71 and §609.05, Subd. 1 and 2)

Horace Huntly, Rose Mary Freeman, and Warren Tucker, Jr., and Richard Roe and Jane Doe, and other persons whose identities are to the Grand Jury unknown, each intentionally aiding each other, then and there being, on the 14th and 15th days of January, 1969, within the corporate limits of the City of Minneapolis, in said Hennepin County, Minnesota, then and there assembled in Morrill Hall of the University of Minnesota, did wrongfully, wilfully and unlawfully disturb the public peace by intentional acts and threats of unlawful force and violence to persons and property, to-wit: did then and there intentionally cause damage to physical property of another without the latter's consent, to-wit: to that certain building known as Morrill Hall at the University of Minnesota, and to fixtures, equipment, records and supplies therein, by mutilating, defacing, breaking, destroying, tearing, smashing, littering, scattering, piling and barricading said physical property which then and there belonged to and was in the lawful possession of the aforesaid University of Minnesota; and did physically take exclusive possession of a portion of said Morrill Hall and intentionally by threats of unlawful force, acts, unlawful force and unauthorized commands, exclude and remove therefrom, students, employees and officials of the University of Minnesota, and members of the public, all of whom were entitled to have access to the aforesaid portion of said Morrill Hall.

COUNT III

UNLAWFUL ASSEMBLY (Minn. Stats. 1967, §609.705 (2) and §609.05, Subd. 1 and 2)

Horace Huntley, Rose Mary Freeman, and Warren Tucker, Jr., and Richard Roe and Jane Doe and other persons whose identities are to the Grand Jury unknown, each intentionally aiding each other, then and there being, on the 14th and 15th days of January, 1969, within the corporate limits of the City of Minneapolis, in said Hennepin County, Minnesota, did wilfully, wrongfully and unlawfully assemble in Morrill Hall at the University of Minnesota, with the intent then and there entertained by them, the aforesaid defendants

to carry out the purposes of such assembly in such manner as would disturb and threaten the public peace, to-wit: by physically taking exclusive possession of a portion of said Morrill Hall, and by acts, force, threats and unauthorized commands, excluding and removing therefrom students, employees and officials of the University of Minnesota, and members of the public, all of whom were entitled to have access to the aforesaid portion of said Morrill Hall.

COUNTY IV

UNLAWFUL ASSEMBLY (Minn. Stats. 1967, -609.705 (3) and §609.05, Subd. 1 and 2)

Horace Huntley, Rose Mary Freeman, and Warren Tucker, Jr., and Richard Roe and Jane Doe and other persons whose identities are to the Grand Jury unknown, each intentionally aiding each other, then and there being, on the 14th and 15th days of January, 1969, within the corporate limits of the City of Minneapolis, in said Hennepin County, Minnesota, did assemble in Morrill Hall at the University of Minnesota, without unlawful purpose, but the defendants above named, then and there being, did wilfully, wrongfully and unlawfully so conduct themselves in a disorderly manner as to disturb and threaten the public peace, to-wit: did physically take exclusive possession of a portion of said Morrill Hall, and by acts, force, threats and unauthorized commands, did exclude and remove therefrom students, employees and officials of the University of Minnesota, and members of the public, all of whom were entitled to have access to the aforesaid portion of said Morrill Hall;

*contrary to the statute in such case made and provided, and against the peace and dignity of the State of Minnesota.*

Dated at the City of Minneapolis, in said Hennepin County, this 3rd day of March, A. D. 1969.

**Names of Witnesses Examined Before the Grand Jury**

Paul Cashman  
Elmer Learn  
Dr. Donald K. Smith  
Philip Upton  
Andrew R. Vernes  
Donald R. Banham  
James Anderson  
Garfield Anderson  
Charles Smith

.....  
*Foreman of the Grand Jury.*

STATE OF MINNESOTA }  
COUNTY OF HENNEPIN } ss.

DISTRICT COURT  
FOURTH JUDICIAL DISTRICT

I, PHILIP C. SCHMIDT, Clerk of the above named Court, do hereby certify that I have compared the paper writing upon which this certificate is endorsed, with the original indictment against the defendant herein named, as the same appears of record and on file in said Clerk's office, at the Court House in said Hennepin County, Minnesota, and find the same to be a true and correct copy thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said District Court, at the City of Minneapolis, in said County, this ..... day of ....., A. D. 19.....

.....  
Clerk of the District Court.  
By ..... Deputy.

COPY

No. ....

DISTRICT COURT  
HENNEPIN COUNTY

The State of Minnesota

AGAINST

*Horace Huntley, Rose Mary  
Treumann, Warren Tucker, Jr.,  
Richard Roe and Jane Doe,  
et al*

INDICTMENT

"A TRUE BILL"

Foreman of the Grand Jury.

Presented to the Court in open Court by  
the Foreman of the Grand Jury, in the presence  
of the Grand Jury, and filed with the Clerk.

this ..... day

of ..... A. D. 19.....

Clerk.

By ..... Deputy.

GEORGE M. SCOTT  
County Attorney

