

# Chicago Judge Partially Reverses Order to Open Secret Police Records

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CHICAGO, Nov. 25—Federal Judge Julius J. Hoffman partially reversed himself today and agreed that the Chicago police department's subversive unit can keep most of its secrets.

His ruling delighted the city's lawyer, angered defense attorneys in the Chicago conspiracy case and elicited a loud groan from the defendants on trial.

Last week, Hoffman ruled that the police department's "Red Squad," as it is known colloquially, had to show defense lawyers its records of undercover investigations for a 4½-month period in 1968.

That is the period covered by the indictment of the seven men accused of conspiring to incite a riot at the Democratic National convention last year.

Later, the city's lawyer asked the judge to reconsider

arguing that the order would "virtually emasculate the entire department" by exposing the identity of police agents.

Today, Hoffman modified his original order in such a way that it appeared that little information applying to investigations in the conspiracy case must be produced.

Concluding a lengthy opinion from the bench, the judge said that the subversive unit need not disclose material concerning the case if the agents who collected it still are involved in undercover operations related to other investigations.

He indicated he considered that necessary to conceal the identity of agents working on investigations of organized crime.

Defense attorney Leonard Weinglass asked the judge to require the subversive unit to produce documents with the agents' names deleted to protect their identity. But Hoffman said he would let his ruling stand.

Marvin Aspen, an assistant corporation counsel who represented the police department, later said he was pleased with the decision but declined to speculate whether the "Red Squad" would have to turn over much material.

"We're very happy with the decision and are thankful the judge took the time to write such a learned opinion," said Aspen.

Much of the government's case against the seven defendants has been built on reports

and testimony of the undercover agents. Several have testified they followed the defendants and overheard their conversations during the weeks preceding the national convention.

The defense lawyers had hoped to rebut that testimony with the memoranda of other police agents who reportedly had provided conflicting information.

They had regarded Hoffman's decision last week as the most important ruling in their favor since the trial began nine weeks ago.

When the meaning of Hoffman's ruling became clear this afternoon, a loud groan arose from the defense table. Judge Hoffman glared at the defendants for about a minute but did not reprimand them.

Judge Hoffman also agreed, in a separate opinion, that the government had established a prima facie case of conspiracy among the defendants. It means that he will now instruct the jury that any evidence previously admitted against one or more defendants can be applied against all seven of them.

Defense attorney William M. Kunstler strongly opposed the government's contention and said it had not proved the existence of any conspiratorial agreement among the defendants.

The judge said the instruction to the jury will be in "careful and guarded language" so as not to give the impression the defendants are guilty.