

MINUTEMEN CASE IS DROPPED HERE

All 16 Men in '66 Fire-Bomb
Conspiracy Now Cleared
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By PETER KHSS

A highly publicized case in which 16 men allegedly linked to the right-wing paramilitary Minutemen were seized and indicted five years ago has been dropped with the last remaining charges dismissed.

The case broke into the open with police roundups across the state on Oct. 30, 1966, when charges were made that three Minutemen teams planned to place fire bombs at three camps that they considered to be leftist oriented.

Tons of weapons were assertedly seized in the roundup, with Nat H. Hentel, then District Attorney of Queens and now a Supreme Court Justice, reporting the seizure of 125 rifles, 10 pipe bombs, five mortars, a dozen machine guns, a bazooka, three grenade launchers and a million rounds of ammunition of all kinds.

Yesterday, Chief Assistant District Attorney Frederick J. Ludwig of Queens said the case "went down the drain" as court decisions held that the original search warrants had been defective.

Mr. Ludwig said that last Thursday he moved to dismiss the remaining counts against

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the last seven defendants on this and other technical grounds as well as in recognition of the lack of a speedy trial.

The weapons and ammunition seized, he said, had stayed in the custody of the Police Department's property clerk, and "he'll destroy them" instead of returning them.

The Minutemen organization started in 1959 ostensibly to recruit members who would be prepared to fight back in case of a Communist takeover of the United States Government. Its leader, Robert DePugh, was sentenced last October in Federal Court in Albuquerque, N. M., to 10 years in prison for violating Federal firearms regulations.

In the 1966 roundup, defense counsel had contended that some of those arrested were only gun collectors or that they disclaimed active connections with the Minutemen or any violent intentions.

Mr. Ludwig said yesterday he was convinced there had been a Minutemen conspiracy at the time of the roundup, but on the present situation, he would say only:

"This office is vigilant to observe conspiracies that involve the use of unlawfully possessed weapons, whether from the black left or the white right. The use of weapons to achieve objectives even that might be socially desirable is frowned on by the District Attorney. Politicizing crime is no defense."

Court Ruling Cited

Mr. Ludwig said there had been orders by Supreme Court Justice Peter T. Farrell on June 24 and 25, 1968, holding the original search warrants defective because of insufficient affidavits, so that the evidence seized would have to be suppressed.

On June 8, 1970, the Appellate Division in Brooklyn upheld the orders by a four-to-one decision. It said the affidavits had been sworn to by a detective in the District Attorney's office who did not indicate "who the informant was or in what way the information was reliable."

Although the detective later testified in reports that eventually he read that the infor-

mation had come from policemen acting as undercover men, the Appellate Division said "the affidavits were defective on their face under the test" set forth by a 1964 United States Supreme Court decision.

That decision — *Agullar vs. Texas* — did not require disclosure of an informant's name, but did require establishing the basis for his reliability, Mr. Ludwig said.

The decisions, Mr. Ludwig said, meant that 14 of 16 counts in the original indictments had to be eliminated, involving felony charges of possession of dangerous weapons and explosives.

They meant that all but seven men had to be freed, he said, leaving seven defendants accused only of two counts of conspiracy to commit arson in the third degree and to endanger life by maliciously placing explosives near buildings—both misdemeanors.

The final motion to drop all charges, Mr. Ludwig said, was also made in recognition of a 1966 United States Supreme Court decision — *Klopper vs. North Carolina* — holding that the constitutional guarantee of a speedy trial under the Sixth Amendment applied to states as well as the Federal Government.

The men originally indicted—all thus eventually cleared—were Richard Asaro, Jack Boyce, Lawrence Conklin, the brothers Frank and Labro Ferraro, Edward Foley, William Garrett, Milton Kellogg, William Kieswer, John Knoetgen, Vincent Prestigiacomo, the brothers Joseph and Salvatore Russo, Matthew Sarter, Martin Skiffington and Andrew Zum-

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Charges Are Dismissed

Against Alleged Minutemen

NEW YORK (AP) — Defective warrants and the inability to bring the defendants to a speedy trial has led to the dismissal of charges against 16 men who were accused in 1966 of planning violent attacks as members of the right-wing Minutemen.

The chief assistant district attorney of Queens, Frederick J. Ludwig, disclosed yesterday that he had moved last Thursday to dismiss the last charges against the seven remaining defendants because of the U.S. Supreme Court's admonitions on the right to a speedy trial.

The 16 men were arrested in 1966 and accused of plotting to plant bombs at three summer camps they considered leftist-oriented.

Authorities said the statewide roundup led to confiscation of 125 rifles, 10 pipe bombs, five mortars, a dozen machine guns, a bazooka, three grenade launchers and a million rounds of ammunition.

The defendants are alleged members of the Minutemen, a group that advocated preparations to fight a Communist overthrow of the government.

Ludwig said the original search warrants had been ruled defective by state courts under a U.S. Supreme Court decision requiring affidavits to establish an informant's reliability before warrants could be issued.

With nine of the defendants freed of all charges, Ludwig said the case against the other seven was finally dropped because of the speedy trial strictures.

The prosecutor said the police department would destroy the seized weapons.