

MINUTEMEN CASE IS DROPPED HERE

400 Men in '66 Fire-Bomb Conspiracy Now Cleared

By PAUL KIRK

A highly publicized case in which 400 men allegedly took part in the fire-bombing of the Manhattan State Office Building in 1966, has been dismissed.

The case broke into the news with police roundup across the state on Oct. 29, 1966, when charges were made that three minutemen, Robert Ludwig, 30, placed his hands at the controls that were considered to be leftist oriented.

Tons of weapons were reportedly seized in the roundup, with Nat. H. Hentz, then District Attorney of Queens and now a Supreme Court Justice, reporting the seizure of 125 rifles, 10 pipe bombs, five machine guns, a dozen machine guns, a knock-out 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 1960 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 DeFugh, 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 Rules Cited

Mr. Ludwig said there had been orders by Supreme Court Justice Peter D. Farrell on June 24 and 25, 1966, holding the original search warrants defective because of insufficient affidavits, so that the evidence seized would be held as 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 court that eventually he read the information had come from informant acting as under cover, the Appellate affidavits

dangerous weapons and explosives.

They meant that all but one man had to be found, he said, leaving seven defendants accused only of two counts of conspiracy to commit crimes in the first degree and possession

