

MINUTEMEN CASE IS DROPPED HERE

ALL 16 COUNTS
CHARGES DROPPED

The case... which is... to the... Minutemen... dictated... dropping... ing charges.

The case... with... state... charges... Minutemen... in... place... that... 1951... 1st... 1951...

Tons... reported... with... District... now... reporting... 125... rifles... machine... bazookas... three... million... ammunition... of all kinds.

Yesterday, Chief Assistant District Attorney Franklin J. Ludwig of Queens said the case "was down the drain" as court decisions said 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 is getting them instead of returning them."

The Minutemen organization started in 1950 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 Delaney, was sentenced last October in Federal Court in Albuquerque, N. M., to 10 years in prison for violating Federal firearms regulations.

In the 1956 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. Politicking crime is no defense."

Court Closing Closed

Mr. Ludwig said there had been orders by Supreme Court Justice Peter J. Farrell on June 24 and 25, 1965 holding the original search warrants defective because of insufficient affidavits. He said the original search warrants would 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 information 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 — Aguilar 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 1968 United States Supreme Court decision — Klopfer 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 Gallo, William Kasper, John Kozlowski, Vincent Prestigiacomo, the brothers Joseph and Salvatore Russo, Matthew Satter, Martin Skiffington and Andrew Zum...