

# U.S. Drops Charges Against Reporter

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Citing "lack of sufficient evidence" as the reason, the government yesterday dropped three charges against a Boston Globe reporter who flew in one of three light airplanes that dropped food supplies to Indians occupying Wounded Knee, S. Dak. last April.

The reporter, Thomas Oliphant, 27, and another defendant, Larry Levin, against whom charges also were dismissed, were charged with crossing state lines to participate in a riot, obstructing a federal officer during a riot and conspiracy to so obstruct.

A Justice Department spokesman who announced the dismissal decision said it followed a review of all Wounded Knee indictments ordered by Attorney General Elliot Richardson. Criminal division recommendations to drop the cases against the two men were personally reviewed and approved by Richardson and Assistant Attorney General Henry E. Peterson, he said.

A reporter with the Globe's Washington bureau, Oliphant wrote a first-person account of the April 17 flight in which he said he was allowed to ac-

company seven unidentified men on the mission provided their names were not used. He later surrendered to the FBI and was arraigned in Washington on April 23.

The Globe's editor, Tom Winship, interviewed by phone yesterday, said the dismissal motions filed with Judge Andrew W. Bogue in Sioux Falls, S. Dak. "fully vindicated" Oliphant, whom he described as "a thoughtful and high-minded journalist... acting solely as a working reporter."

Winship said only a breakdown in travel arrangements prevented reporters from other papers from accompanying Oliphant. He had no doubt whatever of the legitimacy of the assignment and "would do it again tomorrow," if necessary, Winship said.

Dismissal of the charges, Winship added, "is a nice clean, clear reassertion of the First Amendment rights."

"We sent a reporter out to cover an assignment and were told we were financing a riot. It's one heck of a thing if the U.S. attorneys are going to become the assignment editors or newspapers—which was what this case meant."

Oliphant said his elation was muted by the reasons given for abandoning the prosecution. "I'm furious at that because it suggests the case somehow went for legal or technical grounds when in fact there never was a case to begin with."

The reporter said he believed the Justice Department owed him and his paper an apology. "I resent very much grown men covering up their

errors by leaving the tinge of criminality on me," he said.

Oliphant's lawyer, E. Barrett Prettyman Jr., said allegations that his client was the ring leader of the resupply mission and financed it with \$10,000 were now revealed as "a pure fabrication." "Regardless of the reasons they give," he said, "this dismissal is a complete vindication of Tom Oliphant."