

'Detroit 13' Defense

Affidavits Say Theft Used Against SDS

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Defense attorneys for the "Detroit 13," who have charged widespread government misconduct in the investigation of the case, yesterday submitted additional affidavits alleging two previously undisclosed break-ins directed against their clients.

The affidavits include those of Goddard College president Gerald Witherspoon and the late Diana Oughton, a member of the radical Weatherpeople, who was killed March 6, 1970, when a Greenwich Village town house blew up. The government alleged the house was a bomb factory.

New York attorney Gerald B. Lefcourt yesterday mailed the affidavits to U.S. District Court Judge Damon J. Keith, who is presiding over the case in Detroit. On June 5, Keith granted a defense motion to schedule an unprecedented hearing requiring several governmental agencies and the White House to disclose all clandestine activity directed against the "Detroit 13."

The defendants are charged with conspiring to bomb police stations, government buildings and other public facilities in various parts of the country. The government alleges the plot was hatched Dec. 27, 1969, in Flint, Mich.

The hearing Judge Keith ordered is scheduled for Sept. 24 and will mark the first wide-scale court inquiry into the domestic intelligence plan, approved by President Nixon in the summer of 1970, that was aimed at radical groups such as the Weatherpeople and the Black Panthers.

Witherspoon, in his sworn affidavit dated Aug. 20, states that a picture of Ronald Fliedgelman, one of the defendants and a student at Goddard in the 1969-1970 school year, was stolen from college files and turned up on an FBI "wanted" poster in the fall of 1971.

Witherspoon said that the picture was not removed from the files by any college official, and that its removal or use was not authorized by any

college official.

Miss Oughton's affidavit, dated Feb. 10, 1969, was sworn to before a Detroit attorney and was recently turned over to defense lawyers, Lefcourt said. The affidavit was given two days after a break-in was discovered at the regional office of Students for a Democratic Society in Ann Arbor, Mich.

In the affidavit, Miss Oughton, then an SDS staff member, stated that the burglary was discovered after two staff members from the next-door Radical Education Project (REP) informed her their office had been burglarized.

Miss Oughton stated that the items stolen from the SDS office included SDS financial records, names of persons in other SDS chapters, outgoing letters and records pertaining to SDS projects.

Two other affidavits, also dated Feb. 10, 1969 and sworn to by REP staff members Stuart and Janet Dowty, state that similar items were stolen from the REP office.

Lefcourt and other defense attorneys previously have alleged that various government agencies illegally and unconstitutionally misused the grand jury system, wiretapped, burglarized and intercepted mail to create a conspiracy case against the defendants.

Lefcourt has said that his home had been burglarized twice and his office broken into three times, as well as being destroyed by fire—caused by arson—in the spring of 1970. The defense had alleged that the break-ins fit the pattern of the White House intelligence plan formulated in the summer of 1970.

The plan, which President Nixon claims was scrapped after being in operation only five days, called for wiretaps, mail intercepts and burglaries to be directed against radicals and foreign embassies.

The original indictment was returned in June, 1970, and a superceding indictment was returned Dec. 7, 1972, after the Justice Department conducted nationwide grand jury probes aimed at radicals.

In granting the defense motion on June 5, Judge Keith ordered various governmental units to make full disclosure of any "burglary, acts of sabotage, mail searches, electronic surveillance devices, provocation, breaking and entering" that were used against the defendants, their lawyers or SDS or Weatherpeople offices.

The order applies to the FBI, the CIA, the National Security Agency, the Departments of Justice, Defense and Treasury, the Secret Service, the White House and the White House "plumbers" unit, of which Watergate conspirators G. Gordon Liddy and E. Howard Hunt Jr. were members. The plumbers' activities included the September, 1971, break-in at the office of the psychiatrist for Pentagon Papers' defendant Daniel Ellsberg.

Ten of the 13 defendants are among the many radicals who have gone underground in recent years, and have not been arrested. The defendants include former SDS leaders Mark Rudd and Bernardine Dohrn.