

U.S. Ends Gaudet Charge After a Witness Recants

NEW ORLEANS, Aug. 24 (AP)—Charges of threatening President Nixon's life have been dropped against a former New Orleans policeman, Edwin M. Gaudet, United States Attorney Gerald Gallinghouse said today.

Mr. Gallinghouse said the charges had been dropped because a witness was unable to identify Mr. Gaudet.

Mr. Gaudet had been accused in a Federal warrant of "knowingly, willfully, unlawfully" making an oral threat upon the life of President Nixon. The threat was allegedly made in New Orleans drugstore on Aug. 15, five days before Mr. Nixon was to address the Veterans of Foreign Wars convention in the city.

"The woman witness who had definitely identified Gaudet as the man who made the threat stated under oath this morning that she could not confirm her previous positive identification," Mr. Gallinghouse said.

Magistrate Is Told

He said a United States magistrate in Albuquerque, N. M., had been advised that Federal charges were being dismissed.

Mr. Gaudet has been in custody since Wednesday, when he surrendered to his wife and cousin, ending a three-day manhunt in the mountains of northern New Mexico.

Events in New Mexico

By ROY REED

Special to The New York Times

ALBUQUERQUE, N. M., Aug. 24—Before the announcement by Mr. Gallinghouse, as Mr. Gaudet prepared today to return to New Orleans to fight the charges against him, the former policeman and his lawyers were confident that they could produce enough evidence to establish that he was in northern New Mexico on Aug. 15, the day the threat was reportedly made.

Five of his acquaintances, including a landlord who was trying to evict him, said in interviews yesterday that they saw him that day in and around his house at the Morning Star Commune 12 miles north of Taos. They said that at least five other adults and several children would be able to testify that they, too, had seen him.

Unable to Post Bond

John W. Ramming, Mr. Gaudet's Taos lawyer, arranged today for his client's extradition to New Orleans to face a Federal charge of threatening

the President's life. Federal marshals were to escort him there tomorrow.

His first task there will be to try to win a reduction of a \$100,000 bond that he has been unable to post.

Mr. Gaudet, a 29-year-old former New Orleans policeman, eluded Federal and state officers for two days in the wild foothills of the Sangre de Cristo Mountains earlier this week. His common-law wife, Judy, and a cousin got in touch with him and persuaded him to surrender Wednesday.

Mr. Gaudet was interviewed today in the Bernalillo County Jail here. With nervous gestures and darting eyes, which his friends describe as his customary behavior, he told why he had run when the plainclothes officers came to the commune to arrest him Monday.

He said that he had heard nothing of the threat against the President and that he took the officers at first to be tourists. He said the men showed him "a piece of paper" with his name on it—not recognizable as a warrant, he said—and examined his identification papers.

'I Took Off'

As two of the men edged toward him, he said, "I took off."

"It was an animalistic instinct, you know," he added. "I didn't know who they were, didn't know they were policemen. I felt that they were going to take my freedom away from me and I didn't know why."

Mr. Gaudet's friends describe him as impulsive. At least two attribute his fleeing the officers to a kind of paranoia that is said to be common among the many former city dwellers who now live in the New Mexico hills.

"We're all paranoid. That's why we're here," Alfred Hobbs said with a grin last night. He is a former anthropology teacher at Syracuse University and Utica College who moved West because he was "fed up." He works at carpentry and, like his friend Mr. Gaudet, spends much of his time hunting and roaming the mesas and piñon-covered hills.

After fleeing the officers, Mr. Gaudet slipped back to his homemade adobe house and got a rifle and backpack, he said. The officers called for reinforcements and by nightfall dozens of lawmen were searching for him.

He said the policemen had fired at him repeatedly. One bullet severed the shoulder

strap of his ammunition bag, he said.

Charged With Assault

He is charged with assaulting three policemen with intent to kill because of shots he allegedly fired at the search party. He said today that he had fired only once to frighten away a plainclothes man who had approached from the rear and was aiming a handgun at him. He said he had fired "not to kill him but to warn him, to make him fall back."

He said of the manhunt, "I was very fortunate I was not killed in this incident."

There is speculation here that the state charges against him will not be pressed once he is out of the state. Mr. Gaudet said he had agreed to surrender only after the officers told his wife that no state charges would be filed.

One acquaintance who said he saw Mr. Gaudet at the mesa Aug. 15 is Michael Duncan, the owner of the land on which the Morning Star Commune has been situated for the last few years.

Other acquaintances report that Mr. Duncan and Mr. Gaudet had an argument that day about Mr. Duncan's efforts to evict the commune members from his land. Mr. Duncan got a court order in March to evict them, but several have not yet left. The commune has deteriorated, however, and some believe that the current hubbub over Mr. Gaudet will kill it.

Mr. Gaudet was a New Orleans policeman from 1964 to 1967. He left the force after an incident in which he reportedly "shot up" a French Quarter bar while off duty. He worked as a seaman before moving here to live in the commune. He was a prizefighter during the early nineteen-sixties and because of that he has the nickname of "Punchy."

Inquiry in New Orleans

NEW ORLEANS, Aug. 24 (AP)—Investigators have been unable to establish sufficient evidence to make arrests in connection with an alleged plot to assassinate President Nixon, sources close to the inquiry said today.

One informant said Federal and local officers would "just be watching" six black militants reportedly involved in a plot to kill Mr. Nixon. "We'll just ride it out," the source said.

In Washington, a Secret Service spokesman said he would have no comment on the New Orleans report.

But the spokesman, Jack Warner, said the investigation into the alleged conspiracy was continuing and that arrests were still possible in the case.

He said there had been no change in the status of the investigation as far as the Secret Service was concerned.