

'Detroit 15' Case Dropped

By William Chapman
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A federal judge dismissed conspiracy charges against the Detroit 15 yesterday, virtually ending the era of faltering Government prosecutions against radicals and antiwar dissidents.

It was an era that began in the Johnson administration's case against Dr. Benjamin Spock and floundered on through the prosecutions of such oddly diverse characters as Abbie Hoffman, the Berrigan brothers, and the relatively unknown Vietnam Veterans Against the War.

The government lost almost all of them, sometimes in the courtroom, sometimes on appeal, or sometimes even before trial when—as in Detroit—it threw in the towel rather than disclose what some secretive agency was doing. In at least six political trials, the Justice Department dropped prosecution rather than disclose details of its wiretapping.

The Detroit 15 were indicted in December, 1972, for conspiring to bomb police facilities, a police officer's home, and military installations in various cities. Among them were some of the stars of the radical New Left — William Ayers, Mark Rudd, Kathy Boudin, Bernardine Dohrn, all members of the Weatherman faction of Students for a Democratic Society.

U.S. District Judge Damon J. Keith of Detroit yesterday dismissed the case on the government's own motion. The motion by U.S. Attorney Ralph B. Guy Jr. said the government would not endanger foreign intelligence secrets by disclosing certain information the court had ordered disclosed.

The defendants had accused the government of a wide range of illicit activities, such as break-ins and wiretapping and using provocateurs. Last June, Judge Keith ordered the government to answer the charges by checking with the White House, the Central Intelligence Agency, the Federal Bureau of Investigation, the National Security Agency, Treasury, Defense, and the Secret Service. Keith even instructed government lawyers to find out if the White House "plumbers unit," which had burglarized the office of Daniel Ellsberg's psychiatrist, had done anything to the Detroit defendants.

The government came back yesterday with a categorical denial that any of those agencies had burglarized or sabotaged the defendants. It al-

ready had admitted extensive wiretapping of several defendants.

However, one of the defendants not yet captured had made communications that were intercepted by a government agency, the U.S. attorney, Guy, acknowledged. "The government has determined that the security of the United States requires that there be no disclosure of this information," Guy said. Therefore, he said, the government would move for dismissal rather than go through a hearing that might disclose the information. The judge ordered the case dismissed.

Guy said later in a telephone interview that the nature of the government's "interception" was so super-secret that at first the agency involved didn't want to reveal it even in the judge's chambers. Guy said he could not disclose the name of the agency that intercepted the communication.

By the time the Detroit case ended, only five of the 15 defendants had been apprehended. The rest were at large, presumably hidden in the radical underground or out of the country.

Only one other major political conspiracy case remains, and it is not certain whether the government will try it. It involves charges against 12 persons — many of them the same ones indicted in Detroit — who were accused of engaging in Chicago's "Days of Rage," in October, 1969. That weatherman assault on the streets of Chicago left extensive property damage and several persons seriously injured.

Only two of those 12 indicted have been apprehended. Guy Goodwin, the Justice Department attorney who has spearheaded prosecution of most of the political cases, said he assumed the case will be tried some day. It is now more than three years old and has not yet been set down for trial.

Goodwin said there are several other conspiracy cases still pending around the country and that some of them involve two or three defendants. None has received public attention to the degree the Detroit 15 or the Chicago 7 did.

In the latest trial growing out of the antiwar movement, a Florida jury acquitted members of the Vietnam Veterans Against the War who had been accused of conspiring to start a riot at the 1972 Republican National Convention in Miami Beach.