

Coast Judge Quashes Subpoena For Radicals' Tape Recording

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SAN FRANCISCO, April 20— A Federal judge here has quashed a Federal grand jury subpoena for the original of a tape recording sent to radio station KPFA by a militant underground organization.

Citing the First Amendment, Judge Oliver Carter quashed the subpoena last week. The subpoena involved a tape of poems called "Sing a Battle Song," written by three women in the Weather Underground organization and received by the station early last month.

Judge Carter ruled that the subject matter of the tape was "within the protective ambit of the First Amendment" and that the Government had failed to meet its burden of "showing that there is a substantial possibility that the tape will lead to information on criminal activities."

The three women—Bernardine Dohrn, Kathie Boudin and Cathlyn Wilkerson—are fugitives who have been underground for about five years. During that time, the Weather Underground has taken responsibility for about 25 bombings of government facilities and corporations throughout the country.

The court agreed with a contention by Larry Bensky, the KPFA station manager, "that the Government is simply speculating about what it might find on the tape [latent fingerprints, voice analysis, background noises and technical information] and what the information might lead to." He maintained that this might include assistance in "identifying individuals responsible for certain bombings" or assistance "in identifying those harboring the fugitives."