

Dropping Bomb Conspiracy

By John Hanrahan

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By dropping bombing conspiracy charges against the Detroit 15 on Oct. 15, the Nixon administration avoided having to publicly answer allegations by defense lawyers that the government has used illegal wiretaps, break-ins, mail intercepts, infiltrators and provocateurs against their clients.

Detroit U.S. District Judge Damon J. Keith, in an unprecedented order last June, said the defense had the right to question officials of various government units—including the FBI, the CIA and the White House—about alleged governmental misconduct.

The government repeatedly has denied any wrongdoing, but said it could not go ahead with the court inquiry because to do so would compromise national security.

Detroit U.S. Attorney Ralph B. Guy told the court Oct. 15 that one federal agency, which he refused to name had "legally intercepted communications of individuals who are not defendants presently before this court." Guy did not name the individuals, but said the interceptions were done "for the lawful purpose of obtaining foreign intelligence information essential to the security of the United States."

For this reason, Guy said, the government could not comply with Judge Keith's order and would have to drop the charges against all of the defendants.

Defense attorneys scoffed at the national security position of the Justice Department. They said this was merely an excuse by the government to keep the public from learning that a domestic spying plan, which President Nixon says was in operation for only five days in 1970, actually continued to operate in an effort to crush the radical left. The Detroit 15 all were associated with the radical Weather People (formerly Weathermen), who were listed as among the chief targets of the plan.

To bolster their allegation of widespread government misconduct, attorneys for the Detroit 15 in recent months have filed with the federal court in Detroit numerous papers, which they say document many of their allegations.

The defense has contended that the government used:

- Thousands of illegal wiretaps against the defendants, who are accused of conspiring to blow up police stations and other public buildings across the country.

The government, following a landmark Supreme Court decision last year, turned over to the defense more than 3,000 pages of transcripts of wiretapped conversations.

The defense contends there were even more wiretapped conversations and estimates that, overall, the government overheard as many as 12,000 conversations in connection with the investigation between June, 1969, and February, 1970.

In that decision involving the Detroit case, the Supreme Court ruled that the government did not have the right to wiretap without a court order in domestic security cases.

- Numerous break-ins and thefts of documents from the defendants, their attorneys and associates.

Last June, Newsweek magazine reported that Senate Watergate investigators had obtained specific information that break-ins were committed by the government against the Detroit 15 and other radicals who were defendants in other conspiracy trials. This information has not been made public by the committee, but defense attorneys have come up with several examples on their own.

For example, defense lawyer Gerald B. Lefcourt told the court last spring that his residence had been burglarized twice and his office broken into three times, as well as his office being destroyed by fire—caused by arson—in the spring of 1970.

Also, defense attorneys Lefcourt, William J. Bender and William H. Goodman last August filed sworn affidavits alleging that the government had broken into the files of Goddard, Vt., College, and the regional office of SDS and the office of the Radical Education Project (REP), both in Ann Arbor, Mich.

An affidavit sworn to by Goddard President Gerald Witherspoon last Aug. 10 states that a picture of Ronald Fliegelman, 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.

Another affidavit, sworn to by Diana Oughton on Feb. 10, 1969, and made public only last summer, de-

scribes a break-in and theft of financial records, membership records, outgoing letters and other documents at the SDS office in Ann Arbor two days earlier.

Miss Oughton, originally a defendant in the Detroit case, was killed March 6, 1970, when a Greenwich Village town house, alleged by the government to have been a Weatherman bomb factory, blew up.

Yet, another allegation submitted to the court by the defense concerns a break-in and theft of an address book from the Chicago apartment of Cathy Wilkerson, one of the Detroit 15 defendants.

Lefcourt submitted to the court a copy of a 1971 edition of "On Target," a publication of the ultraright-wing Minutemen. The publication boasted

that members of the organization had broken into the apartment and then turned the stolen address book over to the FBI.

- Extensive interceptions of mail intended for defendants, their associates or relatives. The defense has cited two examples to the court.

The first took place in May, 1970, the defense lawyers allege, about the time that Weatherman leader Mark Rudd and other of the defendants were going into hiding. (Ten of the 15 defendants including Rudd, are still underground.) At that time, Rudd's mother sent a letter to a distant relative in Canada, asking if Rudd could stay with her if he came to Canada. The relative wrote back, saying Rudd would be welcome. Before the return letter ar-

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rived at Mrs. Rudd's New Jersey residence, the defense contends, the Royal Canadian Mounted Police came to the Canadian woman's home and asked about Rudd.

A second allegation was made last week by defendant Russell Neufeld, who said that an unnamed mail carrier had told him in July that the mail of Neufeld's brother, Peter, was being routinely taken to a postal inspector before being delivered to his brother's residence. (Peter Neufeld was

an unindicted coconspirator in the Detroit 15 case).

• Used informers and provocateurs to try to gain information on the defendants and spur them into violent activity.

The first indictment in the Detroit case was returned in June, 1970. At that time, one of the defendants listed in the indictment was Larry Grathwohl. The government returned a superseding indictment last December, and Grathwohl was no longer listed as a defendant, nor even as an un-

indicted coconspirator. His name appears once in the indictment in one of the acts the government alleges made up the conspiracy.

Grathwohl's father-in-law acknowledged to the news media earlier this year that his son-in-law had infiltrated the Weathermen for the FBI. He said Grathwohl supposedly was in the New York town house when it blew up and killed Miss Oughton and Theodore Gold, an unindicted coconspirator in the Detroit case, and that he provided the tip

that led to the April, 1970, arrests in New York of Linda Evans and Dianne Donghi, two fugitive Weather People in the Detroit case.

Some of the defendants in the Detroit 15 case have alleged that Grathwohl repeatedly tried to provoke radicals to go beyond property destruction, saying they could only be true revolutionaries if they were willing to kill.

"There's no doubt in our See DETROIT, E3, Col. 1