

NEW YORK, DEC. 26 (AP)-THE U.S. GOVERNMENT HAS ABANDONED PLANS TO PROSECUTE A NUMBER OF PERSONS INVOLVED IN A SUCCESSFUL CONSPIRACY TO SMUGGLE TWO FIGHTER-BOMBERS TO HAITI, THE NEW YORK HERALD TRIBUNE SAID TODAY.

THE PAPER SAID FEDERAL PROSECUTORS WERE STYMIED BECAUSE A KEY WITNESS WAS BARRED FROM TESTIFYING BY THE CENTRAL INTELLIGENCE AGENCY. HE IS A FORMER CIA AGENT, THE NEWSPAPER ADDED.

THE TRIBUNE, IN A DISPATCH FROM WASHINGTON BY BARNARD L. COLLIER, SAID THE GOVERNMENT WAS CONCERNED THAT TESTIMONY BY THE FORMER CIA AGENT MIGHT EXPOSE PART OF THE ORGANIZATION'S ESPIONAGE ACTIVITIES.

A STATE DEPARTMENT SPOKESMAN SAID LAST SEPTEMBER THAT THE GOVERNMENT "WILL BE INVESTIGATING" REPORTS THAT TWO U.S.-BUILT T28 PLANES HAD BEEN DELIVERED IN HAITI ALTHOUGH NO EXPORT LICENSE HAD BEEN ISSUED FOR THEM. THE PLANES ARE SAID TO BE CAPABLE OF SPEEDS UP TO 300 M.P.H.

THE HERALD TRIBUNE SAID THE INCIDENT INVOLVED U.S. PILOTS, PLANE DEALERS, AND HAITIANS.

LAST JULY, THE STATE DEPARTMENT REFUSED TO PERMIT THE EXPORT OF 15 T28S FROM TEXAS TO HAITI, WHERE THEY COULD BE USED BY PRESIDENT FRANCOIS DUVALIER TO COMBAT ANTI-GOVERNMENT GUERRILLAS.

THE TRIBUNE SAID THE TWO T28S WERE SMUGGLED TO HAITI FROM FLORIDA IN SEPTEMBER AND IN THE PAST MONTH THREE MORE PLANES, NOT T28S, HAD BEEN SMUGGLED TO THE DUVALIER GOVERNMENT IN THE CARIBBEAN.

THE TRIBUNE SAID:

"LAW ENFORCEMENT OFFICIALS HAD BUILT A COMPLETE CASE AGAINST THE SMUGGLERS, BUT IT WAS DROPPED AT THE REQUEST OF THE STATE DEPARTMENT IN A SEEMING REVERSAL OF ITS OWN POLICY. THE DEPARTMENT, IT TURNED OUT, WAS ACTING AT THE BEHEST OF THE CIA.

"SOME FEDERAL OFFICIALS INDICATE THAT A KEY WITNESS, WHOM NOBODY WILL DISCUSS, IS BEING PREVENTED FROM TESTIFYING ON THE GROUNDS THAT HIS APPEARANCE WOULD BE 'TOO SENSITIVE.'"

THE TRIBUNE SAID THE PLANES, NOW PARKED AT THE PORT AU PRINCE AIRPORT IN HAITI, WERE FLOWN THERE BY TWO PILOTS FROM MIAMI, FLORIDA AND THAT THE PLANES HAD BEEN BOUGHT FOR \$10,000 EACH FROM MIAMI PLANE DEALER ROBERT D'ORSEY (SMALL D, CAP O).

THE TRIBUNE QUOTED D'ORSEY AS SAYING IN MIAMI LAST WEEK THAT HE HAD SOLD SIX T28S LAST SUMMER FOR \$10,000 EACH TO VARIOUS BUYERS, ALL U.S. CITIZENS. BUT THE NEWSPAPER SAID HE COULD NOT REMEMBER THEIR NAMES.