

Judge Curbs Veterans In Querying Witness

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GAINESVILLE, Fla., Aug. 9—A federal judge today refused to allow defense attorneys to question a government informer beyond the scope of the indictment of eight antiwar protesters on trial for riot conspiracy.

However, U.S. District Judge Winston E. Arnow gave the attorneys a two-hour recess at the end of today's session to draw up a detailed legal memorandum explaining the attempts before he stops them altogether or allows them to continue questioning William W. Lemmer.

Defense attorneys have indicated that the broad latitude is needed to discredit Lemmer's testimony against the eight Vietnam Veterans Against the War (VVAW) who are charged with planning to riot at the 1972 Republican National Convention in Miami Beach.

They have claimed that the conspiracy charge is a frame-up, concocted by the Nixon administration in an attempt to justify the Watergate break-in and discredit the VVAW.

In pursuit of this line, the defense wants to ask Lemmer if he was ever assigned by the FBI to provoke violence or to set up arrests in this case or during any other work as an FBI informer.

Two incidents upon which the defense intends to focus were brought up in court today, but the judge told the jury to disregard any questioning along those lines. After sending the jury out, the judge heard some discussion on the scope of questioning before calling the recess.

One of the incidents was an attempted firebombing of a campus landmark at the University of Arkansas known as "Old Main." Lemmer was the chief informant in the case, in which Mark

Vanceil, 18, was convicted and Lemmer has said that he told Vanceil how to make the firebomb that was used.

The other concerned a trip that Lemmer took to Kansas with several other

persons to harvest a crop of marijuana. On their way back, with a U-Haul trailer full of the crop, they were arrested, and all but Lemmer were charged and convicted.

The government contends that neither incident has any relevance to the current case, in which Lemmer has testified that he was a VVAW leader who attended planning sessions at which the VVAW members discussed violence at the Miami convention and demonstrated weapons ranging from crossbows to wrist-braced slingshots.

Lemmer testified this morning to a history of FBI informing that he said began in the spring of 1972, when he asked permission for a leave from the Ft. Benning Army base, where he was stationed, to attend a VVAW demonstration in Washington, D.C., known as "Dewey Canyon III."

"My commanding officer . . . Col. (Stephen) Pollack asked that I see the FBI before going," Lemmer said in response to defense attorney Nancy Stearns' question as to any instructions he re-

ceived. Judge Arnow upheld the government's objections to any further questioning about that incident.

Meanwhile today, The Gainesville Sun reported that the government's second witness, Joseph Fennell, is under investigation by the FBI for alleged misuse of government funds while he was county housing authority director here.

Fennell was placed on the stand last week by Assistant U.S. Attorney Jack Carrouth, whom FBI sources said is handling the Fennell investigation personally. Fennell was used by the government to corroborate earlier testimony that defendant Scott Camil discussed plans for violence during meetings with him and a Gainesville private investigator.

Carrouth would not comment on the story, Fennell's investigation or whether there was any connection between the year-long probe and Fennell's appearance as a government witness.

Yesterday's questioning of Lemmer was conducted by three different defense attorneys.