

Venceremos JAN 6 1973

SF Chronicle New U.S. Move In Ambush Case

The federal government dropped charges of harboring a fugitive yesterday against fired Stanford professor H. Bruce Franklin and three others, declaring that Grand Jury indictments are being sought instead.

The four — Franklin, Morton Newman, Charles W. Noble and Bruce W. Hobson — are members of the Venceremos, a Peninsula-based Maoist revolutionary group. They were among 11 arrested in mid-December on charges they had harbored fugitive convict Ronald Wayne Beatty, whose ambush-escape from China last October 6 left one prison guard dead and another seriously wounded.

When the four suspects appeared yesterday morning before Chief U.S. Magistrate Richard Goldsmith, Assistant U.S. Attorney General David Bancroft informed the court the prosecution was not prepared to proceed with

the preliminary hearing. He said the newly-impanelled Grand Jury was considering the case, and asked that the charges be dropped "without prejudice."

REINSTITUTE

This means the charges may be reinstated if the Grand Jury fails to return indictments against the four.

Charles Garry, Franklin's attorney, argued hotly against the prosecution motion, demanding, instead, that the charges be dropped entirely.

Goldsmith told Garry there was no legal way to refuse the government's request. He lifted the bail for all four and noted their attorneys had promised to surrender them voluntarily if indictments are returned.

PROTEST

While these proceedings were under way in the Federal Building, about 50 Venceremos supporters demonstrated quietly outside. There were two arrests, but



H. Bruce Franklin and his lawyer, Charles Garry, outside the courtroom

neither had anything to do with the demonstration.

Shelley Johnston, 22, of 2338 Kollmar street, San Jose, was taken into custody on a September 27 warrant

charging her with malicious mischief, failure to disperse and inciting to riot during President Nixon's visit to San Francisco.

Philip A. Plymale, 25, of 1008 Cole street, was arrested on a November 18 warrant charging him with possession of 43 boxes of uncelled Municipal Railway transfers.