

WITNESSES FREED AFTER 14 MONTHS

MAR 2 1973

U.S. Appeals Court Acts on
the Couple Who Would Not
Testify on 'Camden 28'
NYTimes

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Special to The New York Times

PHILADELPHIA, March 1— Over the objections of the Internal Security Division of the Justice Department, the Federal Court of Appeals for the Third Circuit today ordered the immediate release from jail of a young couple imprisoned 14 months for their refusal to answer questions before a Federal grand jury in the "Camden 28" case.

The three-judge panel denied a Government motion for reversal of an order last week by Judge Clarkson S. Fisher in the Federal Court Camden. The panel also denied a Government request for a stay of execution of the order.

Judge Fisher's order set a precedent in ruling that a jailing for contempt could be cut short of permissible maximums when a continued jailing became "punitive" rather than purely an effort to induce testimony.

The 1970 Organized Crime Control Act specifies that Federal grand jury witnesses who refuse to comply with court orders to testify may be jailed until they purge themselves of contempt or for the life of the grand jury up to a maximum of 18 months.

Immunity Granted

Donald Bruce Grumbles and his wife, Patricia, had been granted immunity from prosecution to testify but declined to do so.

Never before in a civil contempt case has a judge ruled that lengthy imprisonment for contempt could become punishment beyond the scope of legal efforts to force testimony.

The Grumbleses, who are in their early 20's, had steadfastly maintained that as a matter of conscience they would never cooperate with the Internal Security Division in its efforts to require their testimony.

Seventeen antiwar activists are on trial in Camden in the case on Federal charges of destroying draft records. Eleven others have been separated from the initial trial. The Grumbleses are friends of some of the defendants.

Mrs. Grumbles was released this afternoon from the Federal women's penitentiary in Alderson, W. Va., where she had been held since January, 1972. Her husband was freed from the Atlantic County Jail in Mays Landing, N. J.

New Subpoenas Planned

In its motion asking reversal of Judge Fisher's order, the Internal Security Division said that if the Grumbleses were released they would be subpoenaed again.

Antiwar activists contend the use of subpoenas by the Internal Security Division as a weapon in "political" cases has grown to frightening proportions. They point out that successive subpoenas and jailings for refusals to answer the same questions could result in years behind bars.

The previous record jailing in a "political" case prosecuted by the internal security division was in 1971, when five witnesses were held for seven months for refusing to testify before a grand jury in Tucson, Ariz.

Upon release at the expiration of the term of the grand jury, they were immediately subpoenaed to appear before a new grand jury. At that point they capitulated and testified, after commenting that the Government apparently had power to keep them in jail for life.

Attorneys for the Grumbleses said that if the Government appealed the release of their clients they would challenge on the grounds of cruel and unusual punishment, the constitutionality of the law permitting long and successive contempt terms.