

# Silent Witnesses' Jailing Postponed

By Tom Hall

Three witnesses held in civil contempt for refusing to answer questions of a Federal Grand Jury here investigating the militant Weatherman group were free today pending possible appeal bail being granted by the U. S. Court of Appeals next week.

U. S. District Judge Robert F. Peckham yesterday held the three in contempt, holding that they had not expressed "justifiable cause" to refuse to answer the jury's inquiries.

He ordered them immediately imprisoned until they were willing to testify or for the life of the 18 month jury.

## Grants Stay

But then after denying appeal bail, he later gave them a stay until Friday while attorneys seek bail from the appellate court, which, from similar cases, is expected to grant bail.

The major point the witnesses' attorneys plan to appeal is Judge Peckham's denial of an evidentiary hearing on whether the U. S. Justice Department illegally wiretapped to gain information used in the jury's probe.

Judge Peckham denied

the requested evidentiary hearing and accepted as sufficient the affidavits of U. S. Attorney James L. Browning Jr. and Robert Dierker, Internal Security Division attorney from Washington, that no wiretapping had been used.

## Recalcitrants

The three witnesses — nearly 20 have been subpoenaed in the probe of the Weathermen — are:

Dr. Philip Craven, 28, a U. S. Public Health Service quarantine officer at San Juan, Puerto Rico; Howard Berg, 23, UC-Berkeley graduate and physicist, now of Minneapolis, and Daniel Rosenberg, 31, mechanic and conservationist of San Francisco.

The jury has expressed interest in what knowledge the witnesses might have about the Feb. 16, 1970 bombing of the Park District police station, as well as fugitives from charges relating to other criminal offenses.

This special grand jury, impaneled Sept. 13, will meet again on the Weatherman probe Nov. 13.