

# Three submit to grand jury pressure, testify

Using "contempt of grand jury" charges, Guy Goodwin, Chief of the Internal Security Division of the Department of Justice, has succeeded in forcing two witnesses to testify before the Federal Grand Jury and a third has promised to do so this month.

This occurred only after appeals for bail pending appeal of the contempt charges went all the way to the U.S. Supreme Court and were denied. Once bail had been refused, the witnesses could either continue not to testify and await rulings on the contempt appeals in jail, or talk. They chose the latter.

Now, the contempt appeals have been ruled moot in the Ninth Circuit Court since the contempt violations were "purged" when the three agreed to testify.

As of today, six more witnesses have been called upon to answer questions and all refused. Should the government offer them immunity from prosecution, as is expected, they too are likely to be found in contempt. Since there will be little chance of bail, several of these have indicated they will go to jail and appeal the contempt charges.

Only by such action can the constitutionality of Goodwin's tactics be challenged. Thus far, he has found the Grand Jury to be an effective tool for probing citizens' political associations and activities. The Organized Crime Control Act contains a provision that if a witness is offered immunity, he must testify whether it is

incriminating or not.

Goodwin is using this law to force people involved in leftist politics to incriminate others. The two witnesses who testified were asked about people they lived with, mail they and others received, people they know and their political associations during a period in 1971.

If the remaining 12 witnesses are found in contempt, ACLU-NC and the National Lawyers Guild, representing them, will appeal the charges. But, in view of the bail denial by the Supreme Court, the witnesses will probably have to go to jail to await an outcome of the appeals.

Staff Counsel Joseph Remcho explained that the witnesses will contend on appeal that the contempt charges should be overturned because the government failed to completely deny illegal electronic surveillance of the defendants and their attorneys. The witnesses also contend that they are entitled to trial by jury before being held in contempt and that the Grand Jury is improperly probing into matters protected by the First Amendment.

Should these appeals fail, the witnesses will have only the choice of staying in jail for the duration of the Grand Jury, estimated to be another 16 months, or agree to testify. Either way, Guy Goodwin and the Grand Jury will have struck a serious blow to the Bill of Rights.