

THE NEW YORK TIMES

WBAI Chief Freed on U.S. Writ Pending Contempt-Rule Appeal

Continued From Page 1, Col. 5

over of the Tombs in October, 1970.

The 31-year-old executive was released in his own recognition, pending appeal of his case. Judge Frankel ruled that the Federal writ was proper because the defendant had exhausted the remedies available to him in the state courts.

He said Mr. Goodman's continued incarceration would raise questions "of the possible unconstitutional denial of bail," and accepted the defense's argument that jailing the executive could have a "chilling effect" on First Amendment rights.

Group Greet Him

Mr. Goodman emerged from the jail, a 102-year-old brick pile at 434 West 37th Street, sandwiched between warehouses, at 1:45 P.M., two hours after Judge Frankel's ruling. The executive, unshaven and tieless, was greeted by his wife, his four attorneys and a crowd of WBAI employees.

"I want to stay out a long time," he told the crowd. While he spoke, occasional cries of "We want our freedom!" came from inside the wire-mesh windows of the four-story jail.

Mr. Goodman said the station

would continue its defiance of the District Attorney's office. "We will continue holding on to the material we have," he said. He said, however, that he might have to reassess his position if the station's Federal license were placed in jeopardy.

Radical Views Broadcast

Mr. Goodman, who has two young daughters, has been at the station since May, 1970. He is the grandson of the founder of Bergdorf Goodman, on Fifth Avenue.

Much of the executive's effort has been directed toward meeting WBAI's \$600,000 annual budget. The station, affiliated with the Pacifica Foundation, is listener-supported and frequently broadcasts radical and minority views.

Mr. Goodman said he felt the WBAI case was part of a pattern of government harassment of the media in an effort to make newsmen information gatherers for law-enforcement institutions. "The media must resist that," he said.

The tapes in question, amounting to 30 hours, were broadcast on WBAI during the insurrection at the Manhattan House of Detention for Men, known as the Tombs, at 125 White Street. They include telephone conversations with prisoners. Until the current case, the station was offering copies of the broadcasts for sale.

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Until the current case, the station had a policy of making available for sale copies of its broadcasts, but it says it sold no copies of the Tombs tapes.



The New York Times

Edwin A. Goodman, general manager of WBAI, leaving Civil Jail yesterday.

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WBAI Chief Freed On a Federal Writ

NYTimes

By PAUL L. MONTGOMERY

Edwin A. Goodman, the general manager of radio station WBAI, was released from the Civil Jail here yesterday afternoon after his lawyers got a writ of habeas corpus from United States District Court Judge Marvin E. Frankel in Larchmont, N. Y.

Mr. Goodman had served 44 hours of a 30-day contempt-of-court sentence imposed after the station refused to turn over to the office of the Manhattan District Attorney, Frank S. Hogan, tapes of broadcasts made during the prisoner take-

Continued on Page 55, Column 3