

U.S. Fails to Deny Phone Contempt Dismissed for

A federal appeals court has dismissed contempt charges against four antiwar veterans who were twice jailed in Tallahassee, Fla., for refusing to testify before a grand jury investigating protest plans for the Democratic and Republican national conventions.

The court said yesterday the government failed to deny it did not use illegal telephone taps.

The 42-page opinion handed down by the 5th U.S. Circuit Court of Appeals cleared Robert Wayne Beverly, 27, of Austin, Tex.; John Chambers, 24, of St. Petersburg, Fla.; and Jack Jennings and William Bruce Horton, both 23, of Gainesville, Fla.

The four, all members of Vietnam Veterans Against the War, were jailed first in July and later in August when they refused to answer questions before a U.S. grand jury probing the VVAW's plans for protests during the Democratic and Republican national conventions in Miami Beach during the summer.

The appellate court acted on allegations by two VVAW attorneys who said they heard noises and voices on telephones which led them to suspect wiretaps had been placed on telephones at the VVAW headquarters in Gainesville and the attorneys' residences in Tallahassee.

The 5th Circuit Court said the government failed to adequately deny that the VVAW

members or the attorneys had been subjected to illegal wiretaps.

The four veterans were jailed in July by U.S. District Court Judge David Middlebrooks in Tallahassee. The 5th Circuit Court later ordered them released, and sent the case back to Middlebrooks for reconsideration.

Middlebrooks ordered them jailed again, and on Sept. 6 U.S. Supreme Court Justice William O. Douglas ordered them freed on bail.

Middlebrooks released the veterans on their own recognizance, and they had been free pending the decision of the appeals court on the wire-tap charge.

NEW ORLEANS

SEVEN

Tap Charge

4 Antiwar Vets

The 5th Circuit Court said the government could call the VVAW members again to testify before the grand jury, but added that if the illegal surveillance charge was brought up, "the District Court judge should require specific affirmances or denials ..." of the

charge. Six other VVAW members have been indicted by the grand jury in Tallahassee on charges of conspiring to disrupt the Republican National Convention in August with violence. They are all free on \$25,000 bond each.