

## Bomb Probe

SFChronicle

OCT 21 1972

# Three Sentenced For Defying Grand Jury

By Harry Jupiter

Three witnesses who refused to testify before a federal grand jury were sentenced to jail yesterday but United States District Judge Robert F. Peckham stayed the sentences for a week to allow them to appeal to a higher court.

Daniel R. Rosenberg, 31, Howard J. Berg, 23, and Dr. Phillip Craven, 28, must surrender to U. S. Marshals Friday unless the U. S. Court of Appeals for the Ninth Circuit grants them bail.

The federal grand jury that subpoenaed them then dismissed about a dozen other witnesses until November 13, when it will reconvene its investigation of subversive activities.

If the three reluctant witnesses are ordered to jail, they must stay in jail until they agree to testify before the grand jury or the grand jury completes its term and is dismissed. This grand jury is scheduled to end its deliberation in March of 1974.

## PANEL

The three witnesses have not been charged with crimes, and claim they do not know why they have been called before the panel.

"I think it's clear," Rosenberg said out of court, "that none of the witnesses knew each other before being called before the grand jury."

The questioning by Justice Department attorneys before the grand jury appeared to be attempts to trace fugitives involved with the Weatherman organization, and with tracking down the people who bombed the Park District Police Station in February of 1970.

All three of the reluctant witnesses — Rosenberg, Berg and Craven — claim they have had nothing to do with Weatherman or the Park Station bombing.

But they have refused to answer questions before the Grand Jury, claiming the whole process is a "fishing expedition" in which the government is simply grop-

ing for anything it might find useful.

Berg said, "The trend seems to be trying to intimidate people who were involved in politics a couple of years ago. The message is to stay away from the underground, stay away from Weatherman."

"They could have got known politically active people — loudmouths who like their names in the paper."

"Instead they seem to have gathered people who appear to have changed their feelings politically, people they think might be willing to talk about other people."

Craven said, "There's been a spate of grand juries issuing subpoenas to give the impression of great activity indicting criminals. I'm not a criminal. I think this whole thing is tied up with the fact the election is not far off."

Rosenberg added, "I've always been taught that in this country a man is entitled to a jury of his peers. Well, there were no blacks on this grand jury, no people with Spanish surnames, no one under 30. This wasn't a grand jury of my peers."

Rosenberg is 31, white and hasn't a Spanish surname, but his point, obviously, was that he didn't feel any rapport with the grand jury.

## ENGINEER

Berg, who studied physics at Berkeley, now works as an engineer in Minneapolis. He was asked what impact his subpoena has had on his employers and his family.

"Well, my employer has been understanding so far," Berg replied, "but I'm sure there's a limit as to how much time I can miss from my job. After all, there are plenty of engineers around and I can be replaced by someone who works every day."

"I can honestly say there was no good reason for me to be subpoenaed and thankfully my parents seem to understand that and believe me. My parents equate this to the McCarthy era and the HUAC (House Un-American Activities Committee) hearings."