



St. Petersburg Times

Clearwater Times

EDITION

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9 MARCH 1982

The **ADVISOR**

APRIL/MAY 1982

Grand Jury Investigation

Supreme Court Won't Hear Scientologists' Appeals

by John Harwood

This story first appeared in the Mar. 9 ST. PETERSBURG TIMES, to whom we are grateful for permission to reprint it here.

Mitchell Hermann and Francine Vannier now have a choice: They can talk to a federal grand jury about the Church of Scientology or they can go to jail.

The U.S. Supreme Court Monday declined to hear appeals by the two Scientologists of their contempt of court convictions. The contempt finds were issued in June 1981 by U.S. District Judge Ben Krentzman in Tampa after Hermann and Mrs. Vannier refused to testify before the grand jury about the church's activities in Clearwater.

With their appeals now exhausted, Hermann and Vannier can decide for themselves whether to testify or serve their jail sentences of up to 18 months.

Said U.S. Attorney Gary Betz: "Basically, they have the keys to the jail cell.

"If they testify, they'll purge themselves of contempt," Betz explained.

Mrs. Vannier has been free on bond since being held in contempt last June, but Hermann is already in jail in southern California — serving a four-year sentence handed down in 1979.

That sentence was in connection with an extensive conspiracy to burglarize government offices and steal government documents. Eight other Scientologists also received prison terms in the case.

Lawyers for Hermann and Mrs. Vannier could not be reached Monday on the U.S. Supreme Court decision.

The Tampa grand jury investigation, nearly a year old, reportedly centers on the church's alleged attempts to harass and silence its critics — including former Clearwater mayor Gabriel Cazares and the *St. Petersburg Times*.

After hearing of the Supreme Court's ruling Monday, Betz said in a telephone interview from Jacksonville that "We will vigorously go forward" with the investigation.

(Meanwhile, another long-standing investigation into church activities is also continuing — this one by Pinellas-Pasco State Attorney James T. Russell. "We're still involved," Russell said Monday. "That's all I can say.")

Hermann and Mrs. Vannier likely will be brought to Tampa sometime in the next few weeks, Betz said. Assistant U.S. Attorney Terry Bostic said he thinks Mrs. Vannier is currently in the Los Angeles area.

If Hermann continues to refuse to testify, he could serve his contempt sentence either in Tampa or in California, Bostic added.

Hermann, once the southeast U.S. secretary for the church's information bureau, has based his refusal to testify on the assertion that the questions were the result of illegal electronic surveillance by the FBI.

Mrs. Vannier, who is alleged to have infiltrated Cazares' 1976 congressional campaign, invoked the right of a wife not to testify against her husband. Her husband Merrill Vannier, a former Clearwater attorney, has been accused of functioning as a Scientology spy while representing Cazares in litigation with the church.

At church headquarters in Clearwater, Scientology spokesman Hugh Wilhere had little to say about the Supreme Court's ruling. Neither Hermann nor Mrs. Vannier are currently employed by the church, Wilhere said, so, "It would be inappropriate for me to comment."

"This is sort of something that's coming back from the past," he remarked.

— Information from the Associated Press was used in compiling this report.

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