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4 ANTIWAR G.I.'S FREED IN FLORIDA

U.S. Judge Acts After Bail
Is Ordered by Douglas

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TALLAHASSEE, Fla., Sept. 7

—Four antiwar veterans, jailed last month for refusing to testify before a Federal grand jury, were released on their own recognizance today.

The ruling by Federal District Judge David L. Middlebrooks followed an order Tuesday by Associate Justice William O. Douglas of the Supreme Court that the four be granted bail.

They had been charged with civil contempt for refusing to testify before the grand jury, which has indicted six members of Vietnam Veterans Against the War for an alleged plot to disrupt the Republican National Convention with a weapons assault.

In ordering the four veterans freed without bond, Judge Middlebrooks said there was no point in setting a high bail, "since the statute itself is thwarted by allowing bail."

The civil contempt charges represent a device frequently used by prosecutors to compel recalcitrant witnesses to give testimony before grand juries. Once granted immunity from prosecution, the witness can purge himself of contempt only by testifying.

Powell Rejected Plea

Justice Douglas, reached by the defense at his retreat in the mountains of Washington state, issued his order after Justice Lewis F. Powell Jr., is responsible for ruling on emergency appeals from this area, turned down a plea.

In their brief, the defense attorneys had raised issues of electronic surveillance of the defense team and possible abuse of grand jury powers in continuing an investigation after an indictment had been handed up. These are issues to which Justice Douglas, perhaps the most libertarian member of the Supreme Court, is particularly sensitive.

Judge Middlebrooks appeared somewhat irritated by the Douglas order. At one point, he said, "I assume they had to go to the state of Washington because they couldn't find any of the other eight Justices who live in and around Washington, D. C."

Four Veterans Named

The four veterans — Robert Wayne Beverly, John Chambers Jacob Jennings and William Bruce Horton — were first jailed on July 13, but were freed five days later when the United States Court of Appeals for the Fifth Circuit reversed Judge Middlebrooks's citation finding that he had not held a contempt hearing.

He granted the hearing, then returned the four to the Federal detention section of the Leon County jail on Aug. 9.

At the court hearings today, the judge seemed vexed at the reversals and accused the defenses of making "misrepresentations" to the higher courts.

"I resent it," he told Judith Peterson, a young woman who was the only defense attorney present today. "If it happens one more time, I'm going to have all counsel in this case investigated."

After the contempt citations were issued, the court reporter went on a planned fishing trip in the Gulf of Mexico. The defense attorneys, in their brief to the appeals court, noted that they had not been able to get transcripts of the proceedings. This appeared to particularly upset Judge Middlebrooks.

"It's true he was on vacation and so was I, but he was available," said the judge. "If there are any more misrepresentations, I'm going to disbar each counsel who is guilty."