

DOUGLAS GRANTS BAIL TO VETERANS

Four War Protesters Held
in Florida Since Aug. 9

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WASHINGTON, Sept. 5—Associate Justice William O. Douglas ordered the release on bail today of four members of the Vietnam Veterans Against the War who have been held since Aug. 9 for refusing to testify before a Federal grand

jury in Tallahassee, Fla.

Although Justice Lewis F. Powell Jr., who has jurisdiction over the Fifth Federal Circuit, which includes Florida, refused on Aug. 22 to grant bail to the men, Justice Douglas took the unusual step of granting their petition for bail.

The case will go to District Judge David L. Middlebrooks Jr. for a hearing to set the amount of bail after he receives the order from the Supreme Court.

In a brief order written by Justice Douglas at his summer retreat at Gooseprairie, Wash., and received today at the Supreme Court here, he said that he had reluctantly decided to

countermand Justice Powell's decision because of two troublesome issues raised by the case.

One, he said, was the possibility that some of the evidence that led to the subpoenaing of the men to testify may have been obtained through illegal electronic surveillance. The second was that the grand jury may not have needed the men's testimony to issue an indictment and may have subpoenaed them for other reasons.

The men, Robert Wayne Beverly, Jack L. Jennings, Bruce Horton and John V. Chambers, were among 23

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members of the veterans organization who were subpoenaed to testify about alleged plans to use violent means to disrupt the Democratic National Convention in Miami Beach last July. They were ordered to testify on the day the convention began and have protested that the grand jury was used to harass them and get them out of Miami Beach while the convention was in progress.

The Center for Constitutional Rights in New York, which represented the four, who were jailed, asked Justice Powell to grant bail while these and other issues were appealed.

Because the Court is not in session and Justice Powell's refusal could not be appealed to the entire bench, the men were permitted to ask another Justice to consider the issue. They asked for Justice Douglas, who has often proved willing to grant extraordinary relief to persons charging that their rights have been violated.

For one Justice to countermand the action of another is rare but not unheard of. Just last month, Justice Douglas denied a stay to litigants challenging a credentials decision of the Republican National Convention, only to have Justice William H. Rehnquist later grant the stay.

Under the Supreme Court's rules, a party can go "Justice shopping" from one member of the Court to another during a recess in the hope of obtaining special relief. Litigants have been known to try half a dozen Justices in an effort to obtain relief.