

# Legal Refusals To Halt Bombing

## Washington

Supreme Court Justice Thurgood Marshall refused again yesterday to order an immediate halt to American bombing in Cambodia.

Acting only a week before the bombing must halt under an agreement between Congress and President Nixon, Marshall refused to reconsider his decision Saturday overturning a ruling by Justice William O. Douglas to end the bombing.

Meanwhile, in New York and Boston, other judges also refused to halt the bombing before the deadline of August 15.

## RULING

In New York, a three-judge panel for the U.S. Court of Appeals for the Second Circuit ruled that the bombing may continue. It was this suit in which Marshall refused to intervene. The panel reversed a decision last month by a district court judge in Brooklyn in which he ordered the bombing stopped.

That order was stayed pending yesterday's appellate ruling.

Voting to reverse were acting Chief Circuit Judge William H. Mulligan and Judge Williams H. Timbers. Judge James L. Oakes dissented.

The original suit was brought by Representative Elizabeth Holtzman (Dem-N.Y.) and four Air Force officers. Representative Holtzman said she would appeal to the Supreme Court.

## DISMISSAL

A similar suit brought by four Congressmen and an airman was dismissed in Boston earlier in the day.

Judge Joseph L. Tauro, in a 26-page decision, said that "by any objective standard

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it is clear that after weeks of continuing debate and division, the executive and legislative have acted so as to avoid irresolute conflict.

"The political question has been resolved by the political branches and, therefore, there is no justifiable issue before this court."

The suit was filed by Representative Robert F. Drinan (Dem-Mass.), a Roman Catholic priest, on behalf of three Democratic colleagues from Massachusetts — Michael J. Harrington, John J. Moakley and Gerry Studds — and Airman James H. Hayden.

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