

OPINION OF INDIVIDUAL JUSTICE  
IN CHAMBERS

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IN RE GRAND JURY PROCEEDINGS  
(LEWIS, APPLICANT)

ON APPLICATION FOR STAY OF EXECUTION AND/OR BAIL  
PENDING APPEAL

No. A-1268. Decided July 4, 1974

Applicant newsman, with no criminal record, who had given FBI copies of tapes and documents delivered to him by an underground group but whom District Court held in contempt for refusing to deliver originals, is released on personal recognizance pending Court of Appeals' decision on the merits.

MR. JUSTICE DOUGLAS, Circuit Justice.

Applicant asks for release on bail or a stay of the execution of the District Court's order committing him for contempt pending decision of his case on the merits by the Court of Appeals. He had given the FBI copies of certain tapes and documents delivered to him by an underground group but refused to deliver the originals. So far as I am advised, he was held in contempt for that refusal. Substantial First Amendment claims are raised under the majority ruling in *Branzburg v. Hayes*, 408 U. S. 665, as evident from *Gibson v. Florida Legislative Investigation Committee*, 372 U. S. 539, 546. I indicate no view on the merits. But since the applicant is a newsman entitled to all First Amendment protections and has no criminal record, I have entered an order releasing him on his personal recognizance, pending decision of his appeal by the Court of Appeals.