

Judge Blocks FBI Probe of Beacon Files

By Sanford J. Ungar
Washington Post Staff Writer

BOSTON, Nov. 5 — A federal judge here ruled tonight that the Justice Department must suspend its inspection of the bank records of the Unitarian-Universalist Association.

Chief Judge Bailey Aldrich of the First U.S. Circuit Court of Appeals extended his ruling to say that "representatives of the United States" are temporarily banned from seeking to obtain any documents relating to the Pentagon papers through the use of grand jury subpoenas.

Despite an earlier appellate court order suspending the grand jury investigation here, FBI agents had appeared at the New England Merchants National Bank this week to examine the bank accounts of the religious organization and its non-profit publishing arm, Beacon Press.

An FBI agent assigned to the investigation testified under oath today that the purpose of inspecting the bank records was to trace transactions between Beacon Press and Sen. Mike Gravel (D-Alaska).

Last month, Beacon published a four-volume edition of the secret Pentagon study on the Vietnam war from material first made public by Gravel during a midnight Senate subcommittee hearing last June 29.

The agent, Donald M. Woodring, testified that he had arranged for bank officers to duplicate records from two of the eight accounts maintained by the Unitarian-Universalist Association and Beacon Press for eventual submission to the grand jury.

"We were interested in the so-called Pentagon papers," Woodring said when pressed in court today by attorney Robert O. Reid, who was representing Gravel.

The agent then answered "yes" when asked if he had been inquiring specifically into the affairs of the Alaska senator.

Gravel, who has fought the grand jury investigation in legal maneuvers here over the past two months, has contended from the start that the Justice Department was attempting to probe his personal legislative business — and allegedly violating his congressional immunity — by subpoenaing others before the grand jury.

The appellate court here has scheduled arguments for next Wednesday on Gravel's at-

tempt to force a public listing of all witnesses to be called before the grand jury and the questions they will be asked.

In a press conference here this morning, Gravel referred the government attorneys assigned to the case as "outlaws" for pursuing the search of bank records while a temporary appellate court order limiting the investigation was still outstanding.

He accused the Justice Department of "outright banditry" and said the Nixon administration was being "spiteful" in its attempt to punish anyone who had anything to do with disclosure of the Pentagon papers.

Charles L. Fishman, one of Gravel's attorneys, initially went to court here today asking that the government lawyers in charge of the case and any FBI agents who inspected the bank files be held in contempt of court.

After a full afternoon of courtroom argument, Judge Aldrich denied that request, but ruled that the inspection of the bank records must cease.

His ruling came in the form of approval of a written stipulation between attorneys for Gravel and the Justice Department.

The government lawyers attempted after the hearing to limit the stipulation to the Unitarian-Universalist Association and Beacon Press bank records, but at Aldrich's insistence it was extended to include all "documents" that the government might seek to obtain and inspect through the use of a subpoena.

As it is worded, the stipulation also appears to cover any documents the government might seek to obtain here and present before another federal grand jury in Los Angeles which also is investigating the Pentagon papers.

In the meantime, officials of the religious organization announced they would seek court action next week to protect their bank records from subpoena on the grounds that it violates the First Amendment guarantees of freedom of religion and freedom of the press.

Dr. Robert West, president of the country's 238,000 Unitarian-Universalists, appeared at the press conference with Gravel to say "we have nothing to hide" in the bank accounts.