

U.S. Delays Release of Pentagon Study

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WASHINGTON, July 26 — Secretary of Defense Melvin R. Laird has decided to delay release of any of the Pentagon papers because of "legal" and "security" problems.

The decision was announced today by Daniel S. Henkin, Assistant Secretary of Defense for Public Affairs. Mr. Henkin heads a group that has been working since June 22 to declassify substantial elements of the 47-volume study on Vietnam decision-making, which bears the over-all classification "top secret."

Criminal charges are pending against Dr. Daniel Ellsberg, a former employe of the Pentagon and of the Rand Corporation, who has said that he provided materials from the study to various newspapers.

In addition, Government sources have hinted that grand

jury investigations are proceeding, looking into the possibility of criminal indictments against others, including newsmen who wrote articles based on the Pentagon documents.

Articles based on the Pentagon account were published by The New York Times, The Washington Post and The Boston Globe and, later, other papers. The three first papers were restrained from publishing the articles by various courts at the behest of the Justice Department, but the Supreme Court overturned these re-

straints 15 days later, on June 30.

Mr. Henkin said today that the delay in releasing the Pentagon study to the public was aimed at protecting the legal rights of individuals under investigation and of the Government, and at permitting various agencies to complete assessments on whether damage was caused by publication, and at giving the declassification team more time for its review.

Mr. Henkin declined to explain how the release of parts of the Pentagon papers might jeopardize rights of individuals or the Government.

Private lawyers, however, suggested that if the Government released substantial elements of the papers, this might undermine any charges that individuals had illegally ac-

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quired, possessed or communicated portions of the same documents.

"It's hard to imagine," one lawyer said, "how release would prejudice individual rights."

When the Henkin task force was set up late in June, Pentagon officials said they hoped

to complete the declassification and make a substantial part of the documents available to Congress and the public within 45 days.

Today, Mr. Henkin said he was unable to say when the documents might be released. He stressed that the Pentagon was anxious to cooperate with any Congressional investigations into the matter that might

be planned and would make an effort to provide declassified material requested by appropriate committees.

Mr. Henkin said he did not expect to receive any such requests until after Congress returned from summer recess, early in September.

Three full sets of the papers have been sent to Capitol Hill, all bearing a "top secret" classification. Under an agreement with the Congressional leadership, those sets may be seen only by Senators and Representatives, not their aides, and no notes may be made from the papers.

Mr. Henkin said today that he did not know when or how the declassified portions of the material would be released to the press.

In his memorandum to Mr.

Henkin, approving his recommendation that release be delayed, Mr. Laird referred only to release of the material to Congress. He declared:

"Once these legal, security, and review requirements are met, the cleared-for-release material should be transmitted by the Assistant to the Secretary of Defense for Legislative Affairs to the leadership of the Senate and House and to appropriate committees of the Congress."

Mr. Henkin said his recommendation for delay of the release was based on advice of the Pentagon's general counsel. Federal grand juries in Los Angeles and Boston are conducting investigations into the publication of the Pentagon papers.