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GRAVEL LOSES BID TO LIMIT INQUIRY

Appeals Court Rejects Plea in Pentagon Papers Case

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BOSTON, Jan. 7—An attempt by Senator Mike Gravel to limit the scope of a Federal grand jury investigation into the release and publication of the Pentagon papers was turned down today by the United States Court of Appeals for the First Circuit.

The Alaska Democrat, an outspoken war foe who read portions of the secret war study to a midnight meeting of his Senate Subcommittee on Buildings and Grounds last June 29, had charged that the inquiry was endangering his legislative immunity.

The three-judge court affirmed a lower court's ruling that denied his request for a list of all witnesses and questions to be asked at the closed-door hearings. Mr. Gravel had said that he needed this information to determine which parts of the investigation might be damaging to his rights.

However, the judges agreed today to issue a narrow protective order barring testimony about the Senator's conduct at the subcommittee meeting or his "motives and purposes."

The grand jury here is understood to be focusing mainly on the activities of Dr. Daniel Ellsberg, the former Pentagon official who has said that he gave the documents to the press, and Neil Sheehan, whose investigative reporting led the the publication of the papers in The New York Times.

Subpoenas Fought

Senator Gravel has been waging an intense legal battle against subpoenas for Dr. Leonard S. Rodberg, a physicist on his staff, and Howard Webber, editor of the M.I.T. Press. Dr. Rodberg had offered the Senator's copy of the papers to the M.I.T. Press, which ultimately declined to publish them.

Earlier, the Senator succeeded in halting the investigation for month last November while his appeal was heard. On Nov. 29, the Court of Appeals handed down an "interim order" allowing the inquiry to continue as long as it did not touch on any aspect of the case involving the Senator.

Today, the court barred questions about Dr. Rodberg's activities "to the extent they were in the course of his employment." Mr. Webber was not mentioned. But the order barred questions about any communication with the Senator or his aides "in preparation for and related to" the subcommittee meeting.

Apart from the narrow restrictions, the order appeared to clear the way for full resumption of the inquiry. Federal prosecutors have indicated that they will call more witnesses soon. At least one witness, Prof. Samuel Popkin of Harvard, has been called for Jan. 18.

Another Federal grand jury, in Los Angeles, is looking into other aspects of the same case. A week ago, that jury returned criminal indictments against Dr. Ellsberg and a friend, Anthony J. Russo Jr., on charges of stealing Government property, espionage and conspiracy.

Named as co-conspirators but not indicted were Vu Van Thai, former South Vietnamese Ambassador to the United States, and Lynda Sinay, an advertising woman.