

# Court Bars Review of Harvard Professor's Contempt Citation

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The Supreme Court declined today to review the contempt citation of a Harvard professor who had refused to answer grand jury questions because he believed a scholar had the right to keep confidential the sources of his information.

The high court left standing a ruling by the United States Court of Appeals for the First Circuit under which Samuel L. Popkin, an assistant professor of political science, served a week in jail last November.

Mr. Popkin was called three times by a grand jury investigating the publication of the Pentagon papers. He answered some questions but refused others that he said involved "confidential sources of in-

formation relating to scholarly research."

The Harvard professor also protested that the questions had only marginal relevance to the grand jury's subject of inquiry and that Federal investigators had refused to explain any "substantial connection" between the information they sought and any crime related to the Vietnam war study.

### Douglas Stands Alone

Justice William O. Douglas voted to hear arguments and decide the case on the merits, but his eight colleagues disagreed.

The Justice Department argued that hearing the case would have no practical effect since Professor Popkin had already served his contempt sentence. Because the Court wrote no opinion, it was impossible to tell whether it

based its decision on this argument or a rejection of the political scientist's claim of privilege.

As finally screened by the Court of Appeals, the questions Mr. Popkin refused to answer involved his opinion of who had the Pentagon papers, his knowledge of who had worked on the study and whether Daniel Ellsberg had discussed the papers with him in 1971.

### Evidence From Wiretaps

In another case, the high court agreed to review a decision that has barred the Government from using evidence obtained by wiretaps in more than 50 pending criminal cases, on the grounds that the surveillance was never properly authorized by the Attorney General.

At issue is the fact that from

1969 to 1971. A number of taps authorized by the Justice Department were not approved by Attorney General John N. Mitchell, as the law required, but by his executive assistant, Sol Lindenbaum, who said he acted "with the knowledge and approval of the Attorney General."

The case the Court agreed to hear involves a narcotics conviction in Baltimore. Evidence that was obtained by electronic surveillance was thrown out by the Federal District Court, and the action was affirmed by the United States Court of Appeals for the Fourth Circuit.

The Government appealed because evidence obtained with similar authority is involved in 18 cases now pending in various circuits of the Courts of Appeals and in 35 District Court Department.



Prof. Samuel L. Popkin

Associated Press

According to the Justice Department.