

Boston Globe, Third to Publish Articles

U.S. JUDGE ORDERS DATA IMPOUNDED

He Declares 'Irreparable Injury' Would Be Done by Further Disclosure

By **BILL KOVACH**

Special to The New York Times

BOSTON, June 22 — The Boston Globe today became the third newspaper to publish material drawn from the secret Pentagon study of the Vietnam war. The Justice Department immediately moved to bar the newspaper from publishing further material on the ground that national security was jeopardized.

A Federal Court then restrained The Globe from further publication of information from the report and ordered the newspaper's copies of the report impounded.

United States Federal District Judge Anthony Julian issued a temporary restraining order to extend until 5 P.M. July 1. A hearing on the Government's request for a temporary injunction—the next step after a restraining order—was set for 10 A.M. Friday.

Judge Julian stated in his ruling that continued publication could result in "immediate and irreparable injury."

The Judge went beyond the action of courts in New York and Washington in the two other cases by ordering that all "documents and any copies, excerpts, duplications or other tangible evidence of such documents," be surrendered to the Court.

There was no immediate move to impound The Globe's material, and the judge went home for the night without issuing an order.

A spokesman for The Globe said: "We don't like this impounding order. We will have something to say tomorrow."

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on Secret Study, Is Restrained

23 by Court

In most editions of its morning newspaper today and in The Evening Globe this afternoon, the paper carried four-and-one-half pages on the subject — text apparently taken from the secret study and analysis. The multivolume Pentagon report chronicles the United States involvement in Indochina from 1947 to 1968.

Thomas Winship, editor of The Globe, said his newspaper received copies of documents — believed to be the same material made available to The New York Times and The Washington Post — "from what we consider a reputable and legitimate source at 5 P.M. on Monday."

'Never Any Question'

"There was never any question about publishing the material," Mr. Winship said in an interview. "Our rationale on publication was essentially that it is a people's-right-to-know issue and, on examination of the material we received, we did not see that it was endangering our national security."

The United States Attorney General, John N. Mitchell, failed in a telephone effort to get The Globe to suspend publication voluntarily. The Department of Justice then went to Federal District Court here this afternoon to bar publication and enforce return of all documents The Globe possesses.

A 30-minute hearing was held in Federal Court before Judge Julian. He was told by Robert Haydock, lawyer for The Globe, that the Government's attempt to halt publication violated the Constitution's guarantees of freedom of the press.

The Justice Department, represented by Assistant United States Attorney James Gabriel, said that other Federal courts had halted The Times and The Washington Post and that "any publication now would be a frustration of the courts' orders and cause irreparable harm to the judicial process."

'Prudent to Wait'

"It would seem," Judge Julian observed, "that if national security were to be damaged it would be prudent to wait until the issues had been thrashed out."

The newspaper's lawyer argued that issues has been examined at the district court level by both The Times and The Post, "and the Government lost."

Both Government attorneys and Judge Julian noted several times that the cases against The Times and The Post would be carried "to the United States Supreme Court in a matter of hours if the court rules against the Government at the Appeals level," and that a final judicial determination on the issues of the rights of the press and the Government's right to secrecy would be made.

Began as 2 Were Blocked

The Globe's publication came just as the Government had—through court action—temporarily stopped the other two papers from continuing to publish material from the secret report and it raised the possibility that if The Globe was restrained the material might begin to appear in yet another newspaper.

According to Mr. Winship, The Globe had persistently been seeking access to the material since the articles began in The Times on June 13.

"We approached many possible sources," Mr. Winship

said, "but this material came to us unsolicited."

The staff, after examining the material, settled on an article on President Kennedy's involvement and on the post-Tet situation in 1968.

The newspaper's lawyer sat in on the examination of the documents and the strategy discussions. It was decided to keep the material out of the newspaper's first edition, which would have been on the streets by midnight.

Call By U. S. at 6 A.M.

That decision was made for two reasons, according to Globe editors: it gave the staff more time to prepare and it eliminated the possibility that Government action would halt publication before the major edition of the newspaper could be printed.

At 6 A.M., four hours after the newspaper was on the streets, the Justice Department called the Globe and requested nothing further be published. That was followed by a call from Attorney General Mitchell to Mr. Winship.

According to Mr. Winship, Mr. Mitchell said: "I see you're in the act now," and asked if the paper contemplated further publication.

"When I said, 'Yes,'" Mr. Winship recounted, "Mr. Mitchell said, 'Well, we're going to have to move against you as we have the other two newspapers or The New York Times will scream discrimination. . . . You'll be hearing from the United States Attorney'."