

U. S. Makes No Move to Enjoin Chicago

'68 JOHNSON ORDER
MADE DATA PUBLIC

THURSDAY, JUNE 24, 1971

But Sun-Times Editor Says
Part of Article Is From
Pentagon War Study

By SETH S. KING

Special to The New York Times

CHICAGO, June 23—The Justice Department made no attempt today to prevent The Chicago Sun-Times from publishing further information the newspaper said it had received from "sources involving the Pentagon study."

In Washington, the Department of Justice said that "on the basis of information now available to the Department of Justice it has been determined that the material contained in today's editions of The Chicago Sun-Times was taken from documents which were declassified by President Johnson in 1968." "As a result," the statement went on, "the department does not plan to seek to enjoin The Chicago Sun-Times from printing further articles based on these documents. These documents are not included in the Kennedy-Johnson papers."

James F. Hoge Jr., editor of The Sun-Times, said the United States Attorney's office in Chicago had telephoned this morning to inquire about the material published in today's edition.

The material dealt with State Department memoranda preceding the coup d'état in which President Ngo Dinh Diem of South Vietnam and his brother-in-law, Ngo Dinh Nhu were murdered.

Notes Prepared in '63

The memoranda were prepared in August and September, 1963, by Roger Hilsman, then Assistant Secretary of State, and sent to Dean Rusk, then the Secretary of State under President Kennedy.

The first edition of Thursday's issue of The Sun-Times contained no further material on the Vietnam war.

Paper, Saying Material

Is Not Secret

The Chicago Daily News, an afternoon newspaper owned by Field Enterprises, which also owns the Sun-Times, today quoted Mr. Hilsman as having said that the memorandums had been leaked earlier this year by aides of former President Lyndon B. Johnson as "something that would do damage to his critics and justify his position on the war."

Marked 'Declassified'

The Chicago Daily News also said it had obtained copies of the memorandum today. The newspaper said that these had originally been classified "Top Secret," but now bore the notation "declassified by authority of the President 14-68."

Chicago Today, an afternoon tabloid owned by The Chicago Tribune Company, The Sun-Times's rival in the morning field, contended that the Hilsman memos had been in the public domain for many months. Chicago Today said part of one memo had been quoted verbatim in an article by James P. Roche, a former Johnson aide, in The New York Times magazine last Jan. 24.

In its article this morning, The Sun-Times said that two Hilsman memorandums had been declassified by President Johnson in 1968 but "until now were tightly held." The newspaper said it had obtained them from the Citizens Commission of Inquiry into the United States War Crimes in Vietnam.

Some From Secret Report

"The other documents are included in the top-secret Pentagon history of the war," The Sun-Times wrote. The newspaper also referred a second time in its article to the "secret Pentagon study" as a source of part of its material.

Mr. Hoge declined again today to indicate how The Sun-Times might have obtained information from the secret report. This information, he said, was developed from a number of sources.

"Some of these involve the Pentagon study and cannot be identified at this time," Mr. Hoge asserted.

"The Sun-Times considers the information and documents to be historical, which do not involve current military or security affairs. We consider it an obligation of a free press to fulfill the public's right to know how and why its government has operated in such an important matter."

The Sun-Times will continue to develop and publish all information it considers relevant and responsible, Mr. Hoge said.

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