

# SUPREME COURT AGREES TO RULE ON PRINTING OF VIETNAM SERIES; ARGUMENTS TO BE HEARD TODAY



THE SUPREME COURT: Chief Justice Warren E. Burger with Associate Justices. From left, front: John M. Harlan, Hugo L. Black, Mr. Burger, William O. Douglas and Wil-

Ham J. Brennan Jr. Behind them, from the left, are Thurgood Marshall, Potter Stewart, Byron R. White and Harry A. Blackmun. They posed early this year.

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## RESTRAINT HOLDS

In Dissent, 4 Justices  
Support Publication  
Without a Hearing

By FRED P. GRAHAM

Special to The New York Times

WASHINGTON, June 25 — The Supreme Court agreed today to hear arguments tomorrow on the Government's effort to enjoin The New York Times and The Washington Post from publishing material from the Pentagon papers on Vietnam.

In two brief orders signed by Chief Justice Warren E. Burger, the court also placed both The Times and The Post under equal publication restraints, based upon the restrictions imposed upon The Times by the United States

Court of Appeals for the Second Circuit.

Four Justices — Hugo L. Black, William O. Douglas, William J. Brennan Jr. and Thurgood Marshall — declared in a dissent that they favored freeing both newspapers to print, without hearing arguments.

#### Lists Required From U.S.

The Justice Department was required to file with the Court and the newspapers' lawyers by 5 P.M. today lists of any portions of the 47-volume Pentagon archive that the Government asserted would inflict "grave and immediate danger" to the nation's security if disclosed.

The Justices' order was issued in the early afternoon, and the call for the list by 5 P.M. touched off feverish activity in the Justice Department's Internal Security Division, which is handling the efforts to suppress the articles. The Government had filed a 22-page typed list of "dangerous" documents at an earlier stage, and by the 5 P.M. deadline it added a further list of items that reportedly swept vast portions of the Pentagon papers into the "dangerous" category.

Under the order issued today, both newspapers are free to publish in their Saturday issues any other information in the study. But they may not print any items on the Government's "dangerous" list until the Supreme Court decides the cases.

#### Awaits Court Decision

The New York Times said that it would not resume the series on the Pentagon archive on Saturday because the matter was before the Court, and that printing an article whose content was dictated by Government officials would amount to submitting to censorship.

The Times series on the origins of the Vietnam war, which included publication of docu-

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ments accompanying the study, appeared on June 13, 14 and 15 before it was halted by the litigation that is now before the Supreme Court.

The Washington Post said that it likewise would not resume publication of material from the archive.

Justice Black, Douglas, Brennan and Marshall also dissented from the part of the order that restrained the newspapers from publishing certain material.

Today's order was issued after the justices met in conferences this morning, and communicated by telephone with Justice Douglas, who is vacationing at Goose Prairie, Wash.

Justice Douglas's office announced that he was flying back and was expected in Washington tonight.

The importance of the case was underscored by the court's decision to schedule a rare Saturday session to hear arguments. Solicitor General Erwin N. Griswold has been granted one hour to argue for the Government. Alexander M. Bickel, a Yale law professor who represents The Times, and William R. Glendon of Washington, The Post's lawyer, will argue for 30 minutes each.

No mention was made in the Supreme Court's order of an "in camera" hearing, the kind that was conducted by the lower courts. The order did say that secret briefs or sealed portions of the lower court records could be submitted to the justices.

As soon as the order was issued, court officials were besieged with requests from journalists, lawyers, scholars and

the curious for seats in the chamber. It seats about 300 people.

No hint was given as to when the court's decision would come. In similar emergency situations in the past, the justices have sometimes issued their decision quickly, with written opinions to follow.

#### Delay Seen Likely

However, in this instance, some delay seems likely because of the task of checking the Justice Department's lengthy "dangerous" list against the 7,000-page study. The court is scheduled to hold its final decision-making session Monday morning, but it has been known to issue decisions during a weekend.

Today's terse orders broke legal ground. The Supreme Court had never before re-