

Legal Maneuvers Delay Gravel-Ellsberg Inquiry Another Week

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Special to The New York Times

BOSTON, Jan. 13.—The Federal grand jury investigation into the release and publication of the Pentagon Papers became bogged down again today in a tangle of new legal maneuvers by four recalcitrant witnesses and by Senator Mike Gravel and Dr. Daniel Ellsberg.

In separate actions, Federal District Judge Anthony Julian quashed the subpoenas of three witnesses, at least temporarily, another witness testified but refused to answer any substantive questions, and lawyers for Senator Gravel announced that they would appeal to the Supreme Court to prevent the jury from looking into the publication last summer. At the end of the court day,

an attorney for Dr. Ellsberg who has said he gave the study to the press, obtained a temporary stay of the whole proceeding from Chief Judge Bailey Aldrich of the Court of Appeals for the First Circuit. The stay was to allow the court to consider Dr. Ellsberg's contention that the Boston grand jury might be illegally in Los Angeles.

Early Indictments Doubled

It all means at least another week's delay in the investigation, which has dragged on inconclusively for nearly six months. It is understood that the jury is looking into the activities of Dr. Ellsberg and Neil Sheehan of The New York Times, whose reporting led to a series of articles on the papers.

Warren P. Reese, one of the Government attorneys conducting the inquiry, indicated today that it would be "extravagant"

to think that indictments were imminent in the case.

The three witnesses who obtained reprieves from testifying were Prof. Noam Chomsky of the Massachusetts Institute of Technology, Prof. Richard A. Falk of Princeton and Ralph Stavins of the Institute for Policy Studies in Washington. All three have resisted testifying on the ground that the Government may have illegally tapped their telephones.

The Government attorneys have denied such surveillance, but Judge Julian ruled the denial insufficient, ordered the subpoenas quashed and sent the matter back to another Federal judge who had quashed previous similar subpoenas.

The witness who testified was Prof. Samuel Popkin of Harvard. He had been called previously and when he refused to answer questions and been offered immunity against self-incrimination. Today he refused again, saying that he was not

sure if the previous immunity still applied.

In Senator Gravel's action, the Court of Appeals denied his motion for reconsideration of its ruling of Jan. 7. At that time the court issued a protective order barring testimony about his activities surrounding a midnight meeting of a Senate subcommittee on June 29 at which he read portions of a copy of the Pentagon Papers.

Under the principle of legislative immunity, the court also protected one of the Senator's aides, Dr. Leonard S. Rodberg. Today, the Senator's attorneys sought to extend the protection to attempts by Senator Gravel and his aides to republish the papers.

The papers were eventually printed by the Beacon Press, Ellsberg's lawyer, Charles R. Nesson of Harvard, contended that there was an overlap in

purpose between the Boston inquiry and the indictment in Los Angeles since the central subject in both matters was Dr. Ellsberg and his alleged dissemination of the Pentagon papers.

Mr. Nesson argued that there was danger that the Boston proceeding, which is secret, would produce evidence to be used in the pending indictment—an action prohibited by law. He asked Judge Julian to bar questions asking witnesses whether Dr. Ellsberg had communicated to them or to others documents relating to national defense.

When Judge Julian denied the request, Mr. Nesson appealed to Judge Aldrich. Mr. Reese countered in a hearing that there was no intention to use the Boston jury for the Los Angeles case and suggested that the Government was looking into two separate conspiracies. The judge ordered a stay of all testimony until all three appeals judges considered the matter.