

**TIMES TO DEFEND POSITION**

**AGAINST JUDGE'S ORDER**

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The New York Times said yesterday that it "would take all appropriate legal steps to defend its position" against the order of a Federal judge in Miami directing the publisher, an editor and a reporter for The Times to show cause why they should not be held in criminal contempt.

The order was handed down Monday by Judge C. Clyde Atkins of the Federal District Court for Southern Florida. It directed Arthur Ochs Sulzberger, publisher, the responsible editor and Seymour M. Hersh, a reporter, to appear in his court on Jan. 24.

An article in The Times last Thursday, written by Mr. Hersh, said that a Federal grand jury in Miami had drafted a report on a controversial tax investigation, known as Operation Leprechaun, that charged The Miami News with having "knowingly published false information" about the investigation.

As released by Judge Atkins on Monday, the report said The Miami News "should have exercised greater care" in its handling of the investigation. The judge contended that The Times had knowingly violated an order that the report be kept secret until the court determined whether to release it.

James C. Goodale, executive vice president and general counsel of The Times, said yesterday in a statement, "The Times believes it has acted responsibly and lawfully with respect to all its actions with regard to this matter and will take all appropriate legal steps to defend its position."