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Opponents of War In Congress Decry U.S. Suit on Study

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WASHINGTON, June 16—

Congressional opponents of the war in Indochina criticized the Nixon Administration today for having sought and obtained a court order temporarily preventing The New York Times from publishing further material from a secret Pentagon study on Vietnam.

In Los Angeles, however, Vice President Agnew questioned the judgment of The Times in publishing the material for three days before the court order was issued yesterday.

Two members of Congress—Senator J. W. Fulbright, Democrat of Arkansas, the chairman of the Foreign Relations Committee, and Representative Paul N. McCloskey Jr., Republican of California—asked The Times to turn over to them copies of unpublished material, since the Administration has refused Congressional access to the documents. The Times refused both requests.

At the White House, Ronald L. Ziegler, President Nixon's press secretary, said

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that no consideration was being given to declassifying—removing the official secrecy from—the documents published by The Times.

Asked why the Administration had moved against The Times when it had never before attempted to prevent publication of information, Mr. Ziegler said, "I don't know that there are other cases . . . where a publication stated that it intended to publish highly classified material."

A major figure in the Pentagon study, Gen. Maxwell D. Taylor, who was Ambassador to South Vietnam from the summer of 1964 to the summer of 1965 said in a television interview tonight that The Times had initiated "a practice of betrayal of Government secrets."

Response by Taylor

Asked on the Columbia Broadcasting System's evening news program how his position squared with "the people's right to know," General Taylor responded:

"I don't believe in that as a general principle. You have to talk about cases. What is a citizen going to do after reading these documents that he wouldn't have done otherwise? A citizen should know those things he needs to know to be a good citizen and discharge his functions, but not to get into secrets that damage his Government and indirectly damage the citizen himself."

The Times's disclosures, General Taylor said, were "laying a foundation for bad history."

The disclosures in The Times series published on Sunday, Monday and Tuesday and the temporary court order that was issued yesterday were major topics of discussion on Capitol Hill today.

Sixty-two members of the House of Representatives, nearly all of them liberal Democrats, signed letters to Secretary of Defense Melvin R. Laird and Attorney General John N. Mitchell, asking Mr. Laird to make the Pentagon study available to Congress and protesting to Mr. Mitchell about what they termed his "harassment" of The Times. The letters were initiated by Representative Jonathan B. Bingham, Democrat of the Bronx.

Senator Mike Mansfield, the Democratic leader, said again, as he had said yesterday, that regardless of the outcome of The Times court case, Senate hearings would be convened on the disclosures in the Pentagon study. He said he did not know whether they would be held by the Foreign Relations Committee, the Armed Services Committee, or, perhaps, jointly.

Scott Finds Damage

Senator Hugh Scott of Pennsylvania, the minority leader, said that both the publication of the classified documents and the contents of the documents damaged public confidence in the Government.

The public must question the Government's security now, Mr. Scott said, but he added that it was "perfectly clear that American people were not told things [about the war in

Indochina] that they should have been told."

In the House, the Information subcommittee of the Government Operations Committee announced hearings next week on the Government's classification procedures and on the policies of withholding data from Congress and the public on the ground of "executive privilege."

Representative Ogden R. Reid of Westchester County, the subcommittee's ranking Republican member, said he hoped to call officials from the State, Defense and Justice Departments and the White House staff.

'To Save Some Red Faces'

The subcommittee is headed by Representative William S. Moorhead, a Pennsylvania Democrat. He said that the classification of the Pentagon study "was done not so much to save the security of the United States but to save some red faces."

Vice President Agnew, the highest Administration official to comment on the disclosures, was interviewed by reporters after he discussed the Administration's revenue-sharing program at a meeting of the Los Angeles County Board of Supervisors.

"In my opinion, what is the proper amount of classified information that should be released is a matter for professional judgment," the Vice President, a frequent critic of the press, said.

A reporter asked his opinion about the judgment of American officials in withholding information about the war from the public. Mr. Agnew replied, "The Nixon Administration has a great deal more confidence in the judgment of elected officials than it does in The New York Times."

'Secretive and Clandestine'

Mr. Agnew said that The Times knew that the material was classified but had "proceeded to publish it in a secretive and clandestine fashion."

Among the few public statements from Congressmen critical of The Times was one from Senator John G. Tower, Republican of Texas.

He said that the published information had been "particularly interesting," but he questioned whether "the publication of classified documents remains within the excellent and responsible motto of which The New York Times prides itself—'All the news that's fit to print.'"

Another piece of criticism came from W. Averell Harriman, who served as President Johnson's delegate to the Paris peace talks. At a breakfast meeting with newsmen, Mr. Harriman said that he believed that the public had not been "misled by the publication of a lot of miscellaneous documents."

Another member of the Johnson Administration, Senator H. Humphrey of Minnesota, the former Vice President, discounted reports that McGeorge Bundy and Walt W. Rostow, Mr. Johnson's assistants for

national security affairs, had been the men closest to the President on war matters. Senator Humphrey said that "day in and day out" Secretary of State Dean Rusk and Secretary of Defense Robert S. McNamara were the key officials.

Most members of Congress who commented publicly today are, like Mr. Harriman, now critics of the war.

Senator George S. McGovern, Democrat of South Dakota, said in a statement that the Justice Department's use of espionage laws to "harry The New York Times" not only violates the constitutional principle of freedom of the press "but also shuts off a free flow of vital information to the public."

Senator Fulbright, in a letter to Arthur Ochs Sulzberger, president and publisher of The New York Times, said that the information published by The Times had not breached the national security and that it was within The Times's right under the First Amendment to print it. The Senator, who was in London, added, "Too often, national security as an excuse for secrecy has been invoked solely to prevent personal embarrassment."

Representative McClosky, in a letter to A. M. Rosenthal, managing editor of The Times, said that if he were given copies of the secret material he would have it printed in The Congressional Record.

Representative Andrew Jacobs, an Indiana Democrat, told the House of his opinion on the matter in the form of a parable:

"Once upon a times a little paper boy discovered great gaps in the credibility in which the emperor claimed to be clothed.

"So the emperor sued the little boy and tried to put him in jail for finding out.

"And nobody lived quite the same ever after."