

# U.S. Fails to Get Immediate Court Order To Force Times to Turn Over Documents

JUN 18 1971

NYTimes

## Paper Gives List Identifying Data It Possesses

By FRED P. GRAHAM

The Justice Department failed yesterday — at least for the present — to obtain a court order forcing The New York Times to turn over for the Government's inspection the secret Pentagon study from which the newspaper's series on the Vietnam war has been drawn.

Instead, The Times gave the Court and the Justice Department a list of descriptive headings for those portions of the archive in The Times' possession.

The purpose of this procedure was to permit the Government to identify the portions of the 7,000-page study that The Times has, without giving officials actual possession of The Times' copies.

### Suggested by Judge

This result appeared to satisfy United States District Judge Murray I. Gurfein, who had withheld any immediate action on the Government's demand to see The Times's documents.

Judge Gurfein had suggested this resolution of the dispute over the papers after ruling out the Government's demand for all classified material in the newspaper's possession. "I am not tolerating any fishing expedition into the files of any newspaper," he said.

The Vietnam series was halted by a temporary order on Tuesday. Articles published on Sunday, Monday and Tuesday dealt with events leading to the Tonkin Gulf incident, the decision to wage an air war against North Vietnam, and the first use of American ground troops in South Vietnam.

Each part of the series consisted of articles as well as documentary material.

During the court arguments yesterday, lawyers for The Times insisted that if the newspaper's own copies were turned

over to the Justice Department, Government agents might be able to use them to discover the identity of the source who gave them to The Times.

The lawyer, Floyd Abrams, disclosed that the documents were Xeroxed and contained handwritten notations. He implied that the handwriting might be identified, or the copying machine might be traced, and declared that therefore The Times would not give up its copies.

### Government Position

In response, the Government insisted that it needed to see the papers to prepare for the hearing set for 10 A.M. today on its suit to enjoin The Times from publishing further material from the papers.

Michael D. Hess, chief of the civil division in the United States Attorney's office here, protested to Judge Gurfein that

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NYTimes

## Kennedy Wants Data

By MARJORIE HUNTER

Special to The New York Times

WASHINGTON, June 17 — Senator Edward M. Kennedy called today for full disclosure of secret Government data on Vietnam policies and actions during the Administration of President John F. Kennedy.

"I don't have any idea what is in it or how it will turn out," Senator Kennedy said. "But the American people ought to be the final judge of the whole period of the 1960's, and before, in Vietnam."

His demand for the disclosure of portions of a Pentagon study relevant to the Kennedy years came as Congressional protests continued over the Government attempts to block further publication of a series by The New York Times on the Vietnam study.

There were these developments.

More than 20 House Democrats announced that they would ask United States Dis-

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