

U.S. Weighed Moves to Halt the Times

ALL-NIGHT SESSION HELD BY OFFICIALS

Early Decision That Articles
on Vietnam Threatened
Security Is Reported

The Washington Star

WASHINGTON, June 17—
Within hours after The New
York Times published secret
Pentagon documents Sunday,
Attorney General John N.
Mitchell and Defense Secretary
Melvin R. Laird began discuss-
ing possible attempts to stop
the articles.

However, they and their
aides took another full day to
make specific plans. At an all-
night session Monday, high offi-
cials of the Justice Department
worked out the legal maneuver
that did interrupt the disclos-
ures.

Officials involved in the plan-
ning apparently concluded ear-
ly that the publication was a
threat to security, but neverthe-
less decided they should not
rush into court. They indicated
that the unprecedented nature
of their moves led to caution,
but not to deliberate hesitation.

Protests Expected

Another factor that length-
ened their study, one key
source said, was that they an-
ticipated "cries of press censor-
ship" and thus wanted to be
very sure themselves of what
they could do legally.

The sequence of the official
reaction begins about 6 P.M.
on Saturday, when The Times
began putting its initial article
on its news wire. Mr. Laird's
aides discovered this and told
him.

He already knew of the se-
cret Pentagon study on the
Vietnam war and apparently
recognized quickly what was
being disclosed.

Attention at the Pentagon
centered first, however, on
what Mr. Laird would say pub-
licly. He was to appear at
11:30 A.M. Sunday on the
C.B.S. television program,
"Face the Nation."

SATURDAY, JUNE 19, 1971

Series Within Hours of

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First Publication

Sometime before his appear-
ance, he telephoned Mr.
Mitchell at home, and the two
of them agreed that he would
say—if asked—that the dis-
closure did endanger national
security and that the Justice
Department had been asked to
become involved.

Mitchell Asks for Data

The newsmen, however, did
not ask about The Times's
article on the air and the pre-
pared reaction did not become
public.

During the day, Mr. Laird
apparently spoke with several
of his own aides, including
General Counsel J. Fred Buz-
hardt.

But the Justice Department
did not become fully involved
until Monday. The Assistant
Attorney General in charge of
the internal security division,
Robert C. Mardian, was on the
West Coast Sunday, and his
absence was a factor. He re-
turned here late Sunday night.

The Times second article ap-
peared Monday morning.

At 9 A.M. Monday, the Penta-
gon's Armed Forces Policy
Council held its regular meet-
ing, and the disclosures made
by The Times were discussed.
The Army, Navy and Air Force
secretaries, military service
chiefs, and the Assistant Secre-
taries of Defense were there.

At about 9:30 A.M. Mr.
Buzhardt called Mr. Mitchell's
deputy, Richard G. Kleindienst,
who told Mr. Buzhardt he
should be dealing with Mr.
Mardian. By telephone and
then, in the afternoon, at a
Pentagon meeting, Mr. Buzhardt
and Mr. Mardian went over the
background data.

No White House Pressure

It was late afternoon or
early evening when the de-
cision was made to try first to
get The Times to stop publish-
ing its series and return the
secret papers to the Pentagon.

The decision was conveyed
to the White House in the even-
ing. Officials insisted that the
White House was only kept
informed, and that it had "ap-
plied no pressure and had given
no direction."

By the time the decision was
made, The Times had already
released its third article on its
news wire, and was about to
start its presses on the Tues-
day morning editions.

Officials then concluded that
it would be "physically impos-
sible" to try to stop the series
at that point.

By then, though, they had
made the commitment to go to
court if The Times did not vol-
untarily suspend its series, and
Mr. Mardian telephoned that
decision to the executive vice
president of The Times, Harding
F. Bancroft, at about 7 P.M.

After Mr. Bancroft called
back at 8:30 P.M. to say that The
Times had made up its mind,
and Sydney Gruson, a vice
president of the newspaper, had
read Mr. Mardian the statement
rejecting the request, Justice
Department aides began their
all-night preparations for the
challenge in court Tuesday.

They drafted a formal com-
plaint against The Times, two
affidavits of background mat-
erial, a seven-page "memoran-
dum of law" and a draft of an
order to stop The Times's ar-
ticles and require the return
of the secret documents.