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JUDGE BARS PLEA IN PAPERS INQUIRY

Rejects Gravel's Motion to Halt Grand Jury Study

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BOSTON, Oct. 28—A motion by Senator Mike Gravel, Democrat of Alaska, to halt a grand jury investigation into the publication of the Pentagon papers was denied today, but Federal District Judge W. Arthur Garrity Jr. barred testimony by two key witnesses for 10 days.

Lawyers for Mr. Gravel immediately filed an emergency appeal with the United States Court of Appeals for the First Circuit, contending that any further testimony might violate his constitutional right not to be questioned about his actions as a Senator. A hearing was scheduled for tomorrow morning.

The appeal capped a day of legal maneuvers by lawyers for the Government and for witnesses called before the three-month-old grand jury, which is investigating possible criminal acts surrounding the disclosure of the secret Pentagon study of the Vietnam War.

One witness, Richard A. Falk, a 40-year-old professor of international law at Princeton University, refused to enter the grand jury room, contending that to testify in secret would jeopardize confidential relationships he depended on for information in his scholarly work on the war. A contempt hearing was set for tomorrow.

Ex-Kennedy Aide Hears

However, testimony was given by K. Dun Gifford, a former legislative aide to Senator Edward M. Kennedy, Democrat of Massachusetts. Mr. Gifford would not comment on his 20 minutes of testimony, but sources close to the matter said he had declined on constitutional grounds to answer such questions as "Did you know Daniel Ellsberg?" and "Do you know Neil Sheehan?"

It is understood that Dr. Ellsberg, the former Pentagon official who has said he gave the Pentagon study to the press, and Mr. Sheehan, whose investigative reporting led to publication of articles on the study in The New York Times, are the chief subjects of the investigation.

Senator Gravel sought to intervene in the case because the jury appears to be looking into how he obtained a copy of the study and later arranged for republication by private publishers. The panel has subpoenaed one of his assistants, Dr. Leonard S. Rodberg, and Howard Webber, editor of the M.I.T. Press. Mr. Webber was approached by Dr. Rodberg over the summer and was asked to publish the study. The Press declined.

Seek List of Witnesses

The Senator's lawyers contend that the activities of the Senator's assistant come under the clause of the Constitution that protects Congressmen against being required to account for their actions. They have asked the Government for a list of all witnesses to be called to determine which have protected information.

Judge Garrity rejected this request today, but he did bar testimony by Dr. Rodberg and Mr. Webber for 10 days pending appeal. He further ruled out for 10 days any grand jury questions into acts by the Senator or Dr. Rodberg as his agent.

For tomorrow, the grand jury has called Noam Chomsky, a linguist at the Massachusetts Institute of Technology; Mrs. Idella Marx, stepmother of Dr. Ellsberg's wife, and David Halberstam, a Pulitzer Prize-winning journalist who is a friend of both Dr. Ellsberg and Mr. Sheehan.