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POPKIN LOSES PLEA IN CONTEMPT CASE

Appeals Court Rejects Plan
for Limiting Testimony

NYTimes

BOSTON, Nov. 17 (AP)—The United States Court of Appeals for the First Circuit rejected today a limited agreement offered by Samuel Popkin, a Harvard assistant professor, by which he would answer questions before a grand jury investigating the disclosure of the Pentagon papers.

Mr. Popkin, in stipulations filed yesterday, agreed to answer three questions in an effort to avoid up to 18 months in jail on a contempt citation. But he proposed to answer only questions that did not compromise his confidential sources.

The court said it "does not care," by accepting the stipulations, to incur the possibility that it has agreed to conditions or limitations for the future."

Sentence Upheld

The contempt sentence was imposed last May by Federal District Judge W. Arthur Garrity and was upheld last week by the United States Supreme Court.

Mr. Popkin, a former colleague of Daniel Ellsberg, has refused to answer the questions since August, 1971.

In his stipulation, Mr. Popkin said, "The United States has interpreted the questions . . . as asking only for 'disclosure of personal contact with fellow scholars concerning the production and dissemination of the Pentagon papers.'

"In the light of those representations, I hereby stipulate I will answer those questions.

"My refusals have always been directed toward questions requiring disclosure of confidential sources of a sensitive nature, not those relating merely to other scholars."

Monday Deadline

Mr. Popkin has to file a stipulation to answer the three questions by Monday, or the court may affirm the contempt citation. He declined to comment today on what he would do.

"WE DON'T KNOW WHAT'S

"We don't know what's going to happen now," said Daniel Klubock, one of Mr. Popkin's lawyers. "We'll be working on what to do over the weekend, but it'll probably go right up to the wire."