

'Cooperation' on Series Paper, U.S. Differ on

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The Justice Department has claimed that the Christian Science Monitor "cooperated" by disclosing what it would publish about secret Pentagon papers.

The newspaper said it did not show officials anything.

In a statement yesterday, the department announced there would be no legal action against the Monitor for a series it running on material it says is from segments of the 47-volume "Vietnam archives."

U.S. Atty. Herbert F. Travers Jr., the statement said, "contacted the editorial staff of the Monitor and they cooperated by disclosing to him the nature of the contents of the two remaining installments they proposed to publish."

After checking with the State and Defense Departments, the Justice Department said, it was determined that the materials upon which the Monitor's further stories were based "are not among those designated by the U.S. as potentially injurious to the national defense," and thus there would be no court action.

Earl Foell, the newspaper's managing editor, said in a telephone interview that editors had only talked on the telephone with Travers, and did not show him any parts of the stories planned for publication today and tomorrow.

Foell protested that the Justice Department did not mention a request by Travers, rejected by the Monitor, that the newspaper stop publishing stories based on the secret documents.

After that plea was rejected, the managing editor said, the U.S. attorney asked "how much we intended to publish."

The reply, Foell said, was "no more than two or three sentences, describing the nature of the timing of the material in our stories: the next one on Ho Chi Minh around 1945, and the last one on the history of U.S. involvement in Vietnam up through 1949."

This description, the newspaper executive said, was no more than "an elaboration of our

statement as to why we felt we would continue to publish" the series.

Asked if he thought the comments to Travers amounted to seeking "prior clearance" from the government for the remaining stories, Foell said, "Definitely not."

He added: "I don't think we would have submitted to any prior clearance."

Since the government began legal challenges against newspapers on June 15 to stop their stories on secret documents, it has repeatedly asked newspapers to disclose the documents they possess.

Its attorneys have claimed in court that they could not say exactly what the risk to national security was from future publication of stories because they did not know which documents the newspapers had in their possession.

Monitor Editor John Hughes issued a statement yesterday to "categorically deny that any of the material in the possession of the Monitor, or any portions of the stories that we are about to publish, was shown or made available in any way to the Justice Department or any other federal officials."

Hughes said the Monitor had assured Travers that the remaining sections of the secret papers it would discuss in its stories "in no way threatened security."

Thus, the editor said, there was no basis for suggesting — as one published story had — that "the Justice Department was in any way privy to the contents of the upcoming installments."

Earlier this month, one of the federal judges involved in handling the government's legal challenge to the New York Times series on the papers, U.S. District Judge Murray I. Gurfein of New York City, suggested publicly that newspapers should — as an act of "simple patriotism" — consult with the government about secret documents they had before publication.

However, Gurfein did not require that and, in fact, refused to order the Times to disclose anything to the government.

Today marked the 15th day that the Times was barred, by court order, from publishing unrestricted stories about the Pentagon papers. The Washington Post, Boston Globe and St. Louis Post-Dispatch are under similar court restrictions.

Meanwhile, the Supreme Court gave no indication today when it would be ready to announce its decision on the government's power to stop the Times and Post from publishing their series on the Vietnam archives.

Aides said there was no word from the court to suggest that the decision would be announced later today, and they added, there was some doubt it would be released tomorrow.