

Ellsberg Is Accused Of Leaking Viet Papers

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LOS ANGELES, June 22—The Justice Department today accused Daniel Ellsberg, Anthony Russo and their lawyers of leaking still-secret portions of the Pentagon papers to syndicated columnist Jack Anderson.

David R. Nissen, chief prosecutor of the case against Ellsberg and Russo on charges of conspiracy, theft and espionage, demanded immediate access to a confidential list filed with U.S. District Court Judge W. Matt Byrne Jr. of persons shown the secret documents by the defense while preparing its case.

In a motion filed with Byrne, Nissen sought the opportunity to conduct an investigation of whether Ellsberg, Russo or any of their lawyers or consultants was the source for a number of recent Anderson columns on Vietnam.

Once again, the prosecutors also charged that the press was cooperating with the defendants to affect the outcome of their trial, scheduled to begin here July 5.

According to the prosecution, seven Anderson columns, which appeared in The Washington Post and other newspapers between June 9 and 18, included quotations drawn from two of the four still top secret "diplomatic" volumes of the Pentagon papers.

Ellsberg has acknowledged making most of the papers—a history of U.S. involvement in Southeast Asia—available to the press last summer, but he says that he withheld those four volumes, which detail American negotiations on the war through other countries and their statesmen.

Although they made no direct references to the Pentagon papers, the Anderson columns discussed several matters widely believed to be contained in those "diplomatic" volumes, including the 1967 offer of Soviet Premier Alexei

Kosygin to mediate in the Vietnam conflict.

Using the strong language characteristic of its written pleadings in the Ellsberg-Russo case, the prosecution said it had concluded that "this material from the negotiation volumes is being planted for use by the defense at trial."

Since the Anderson columns appeared, Nissen said in his motion, the Justice Department had conducted an internal inquiry and found that all of the government's copies of the diplomatic volumes were "secure" and had not been disclosed to "unauthorized persons."

"This raises a high likelihood, if not a certainty," the prosecutor added, "that the source of the volumes in question was the defense in this case."

Attorneys for Ellsberg and Russo vehemently denied the allegations.

Anderson was en route between New York and Washington and could not be reached for comment on the Justice Department charges.

The prosecution, in its motion, cited an article in last Sunday's Washington Post in which it was revealed that antiwar activists Tom Hayden and Robert Scheer are among those with access to the secret volumes as "consultants" to Russo.

They have been reading the still secret portions, as have some 40 consultants to Ells-

berg, under the terms of an order issued by Judge Byrne April 27.

That order required the government to provide both Ellsberg and Russo with an official copy of all 18 volumes of the Pentagon papers which are mentioned in their indictment, including the four extra-sensitive ones.

It also authorized the defendants to "permit the documents to be reviewed and inspected by" any investigators, experts, consultants or witnesses whom counsel believes are necessary and essential for the preparation and presentation of the case.

Under the terms of the order, the judge is provided with a confidential list of all those who see the papers, and each consultant signs a receipt for them.

It is the confidential list of consultants which the defense says must be kept secret, lest its witnesses be revealed in advance of the trial that Nissen now demands to see.

If Ellsberg, Russo, their lawyers or consultants did leak the government-provided volumes to Anderson or anyone else, they could be held in contempt of court for violating Byrne's order.