

# Ellsberg On Trial In Pentagon Case

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LOS ANGELES (AP) — Daniel Ellsberg and Anthony Russo, who admit their roles in leaking the top secret Pentagon Papers to news media, go on trial Monday in a case of controversy, history and important legal precedents.

At issue will be constitutional freedoms of speech and press and an unprecedented interpretation of espionage laws.

Already history records this as the first case in which men were charged with espionage for leaking secrets to a newspaper.

"This is a nontraditional es-

spionage case," says Ellsberg's defense attorney, Leonard Boudin. "...We are writing here on a clean slate."

Espionage, Boudin says, usually involves spies. The laws themselves refer to persons "obtaining information respecting the national defense with intent or reason to believe that the information is to be used to the injury of the United States, or to the advantage of any foreign nation."

That phrase, however, is omitted from the federal grand jury indictment of Ellsberg and Russo. The defense contends espionage laws can't be interpreted to exclude intent to harm the country. The Justice Department says they can.

The government doesn't claim that either Ellsberg or Russo intended to harm the United States when they made public the massive Pentagon Papers—a government study of the origins of the Vietnam war and the decisions that prolonged it.

Ellsberg, 41, lean, intense and graying, and Russo, 35, balding, amiable and soft-spoken, are both former researchers for Rand Corp. at Santa Monica, a "think tank" which researched war-related projects for the Pentagon.

At Rand, Ellsberg, then a top-rated war analyst, gained access to the 47-volume Vietnam study. Both Ellsberg and Russo have said they discussed the study together, gradually drifting from hawkish approval of the Vietnam war to disillusionment and a desire to end the conflict.

Ellsberg has taken full responsibility for making the papers public, although Russo has said he helped copy them. Russo is charged in only three counts of the 15-count indictment. Ellsberg is named in 12 counts.

Conviction could result in a maximum sentence of 115 years in prison for Ellsberg and 35 years for Russo.