

Activists Studying War Data

By Sanford J. Ungar
Washington Post Staff Writer

LOS ANGELES — Several leading antiwar activists, including Tom Hayden, a former officer of Students for a Democratic Society, are reading still-secret portions of the Pentagon papers without the government's knowledge.

Hayden and Robert Scheer, once an editor of Ramparts magazine, have access to the papers as official consultants to Anthony Russo, who is scheduled to go on trial here with Daniel Ellsberg this month in connection with disclosure of the top secret Vietnam war history last year.

They are preparing synopses and memoranda on the papers for the defense to use in trying to persuade the jury in the case that no damage was done to national security when the papers became public.

The 18 volumes Hayden and Scheer are studying include even the "diplomatic" ones that Ellsberg held back from the press, as well as other portions of the papers that were deleted when the Government Printing Office published a partially declassified edition last fall.

They will eventually all be in evidence in Federal Court here before the case is concluded, because they are at the heart of the government's charges that Ellsberg and Russo are guilty of conspiracy, theft of government property and violations of the Espionage Act.

Hayden and Scheer and the other Russo consultants—including students from the University of Southern California and Princeton—obtained access under an order from U.S. District Court Judge W. Matt Byrne Jr., permitting the defendants to use anyone considered "necessary" in prepar-

ing their case.

Under that order, the names of all consultants are filed with the judge but kept secret from the government, lest the identity of potential defense witnesses be revealed.

One of Russo's lawyers, Jeffrey B. Kupers, said

today that the activists and students had been selected because of Russo's respect for "the work they've done on Vietnam."

Ellsberg by contrast, has selected former policy makers and office holders as his consultants to read the Pentagon papers.

Because many of them have occupied sensitive and influential positions in government and could be highly controversial witnesses, Ellsberg's lawyers have declined to name them or even to say how many there are.

The Washington Post has learned, however, that almost 40 persons are reading individual volumes of the papers as part of the Ellsberg defense effort.

They include Morton H. Halperin, formerly a deputy assistant secretary of defense for international security affairs and aide to the National Security Council, and William G. Florence, a retired security classification expert for the Air Force.

Attorneys for the defendants are preparing a request that Judge Byrne permit them to call two witnesses for each of the 18 volumes of the papers mentioned in the indictment.

The government, fearing that the Ellsberg-Russo trial could become a forum for antiwar speeches, is expected to oppose that defense request as excessive.

The volumes of the papers to which the Ellsberg and Russo consultants have access are photocopied from one of the original 15 sets made in 1969—the one which Ellsberg allegedly took from the Rand Corp. in Santa Monica while he was working there.

Under the terms of Byrne's order, each defendant is permitted to make only five photocopies of the photocopy provided by the government. Each time a consultant receives any part of the papers, he must sign a receipt for court records.

Lawyers for Ellsberg and Russo are maintaining careful control over the copies in their custody, lest they be accused of further unauthorized dissemination of still-secret parts of the papers and face contempt of court charges.