

Ellsberg Case Defense, U.S. Expert Match Wits

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LOS ANGELES, Feb. 6—The jurors in the Pentagon Papers case are hearing a lot of evidence that is documentary and dry.

But while some of this may be heavy going, it has been contrasted by the spicy exchanges between the chief defense attorney and a key prosecution witness.

The defense attorney, Leonard B. Boudin is a rumped, disorganized, bemused man who seems alternately like an absent-minded professor and a witty courtroom jester.

He is cross-examining prosecution witness Brig. Gen. Paul F. Gorman, who is natty, precise and proud of having served with the American delegation at the Paris peace talks. Gorman warns before the answer to every question that "this is going to take some explanation," and the "explanation" is inevitably accompanied by elaborate hand gestures aimed toward the jury.

Both men are obviously in-

telligent, quick-thinking and egotistical.

Their confrontation, occupying the 30-foot space between the witness stand and the lawyers' podium, renders everyone else in the room, even U.S. District Court Judge W. Matt Byrne Jr., a mere spectator. Thus far, it seems a standoff.

The prosecution has touted Gorman as an expert in the field of international relations, who can testify with authority on the effects of disclosure of the Pentagon Papers.

Boudin, however, does not accept that characterization. He asked the general on Monday, "What books on international relations have you been reading in the last several years?"

"I'd be happy to give you a bibliography, Mr. Boudin," the general shot back with assurance.

"Okay, name five," said the defense lawyer with his usual smirk.

There was a stony silence of at least a minute, while Gorman leaned back in the wit-

ness chair, his hands on the lapels of his suit jacket. Finally, he listed some books: "The Art of War" and "Dealing with Warfare," among others.

"But these books all deal with the subject of war," observed Boudin plaintively. "What about international relations?"

Now it was Gorman's turn to smile. The man who originally introduced himself to the jury on Jan. 23 as "a soldier," said, "these have all been very instructive in my work."

"Quite right," commented Boudin with a haughty glance toward the jury box.

Boudin has bedeviled the witness with his use of "hypotheticals"—"If this information had already been public knowledge, what would happen?" "If this book had been published by the Department of Defense, would it have more authenticity?"

After a time, Gorman fought back with his own "iffy" answer. Interrupted by the judge, the general explained, "I was doing a little hypothetical myself."

Today, the discussion focused on why some passages in the Pentagon Papers were especially sensitive. Gorman asserted, as he had previously, that any public discussion of a National Security Council meeting could be "useful" to a foreign power.

Boudin introduced into evidence numerous passages from the late President Lyndon B. Johnson's memoirs, "The Vantage Point," each one detailing what had gone on at an NSC meeting at a crisis point in the Vietnam war.

With a heavy tone of incredulity in his voice, Boudin asked repeatedly, "This information would be of use to a foreign nation?"

"Of possible use," Gorman conceded each time.

But apparently realizing that he may have been trap-

ped into implying that Mr. Johnson had done just what Ellsberg and Russo are charged with doing, the general began adding, "If they had no other source of information on the subject."

Many of Boudin's questions were vetoed by Judge Byrne. But, like any classic cross-examiner, he seemed to get his points across by asking objectionable questions and by repeatedly holding up the Johnson book.