

LOS ANGELES, Feb. 20—Daniel Ellsberg and Anthony J. Russo Jr., defendants in the Pentagon Papers trial, today demanded that the chief government attorney prosecuting them be removed from the case and held in contempt of court for alleged misconduct.

They claimed that the prosecutor, David R. Nissen, had attempted to "silence a witness" — a Central Intelligence Agency official who says that some of the government evidence in the case is based on falsified military statistics.

The CIA employee, Samuel A. Adams, has apparently been trying for weeks to bring this information to the attention of U.S. District Court Judge W. Matt Byrne Jr., who is presiding over the trial.

Adams met last Saturday in the CIA general counsel's office in Washington with a consultant to Ellsberg and Russo, but declined to provide the material directly to him. However, Adams was promptly subpoenaed as a defense witness in the case.

On the basis of Saturday's interview and other recently obtained information, defense attorneys today filed a 50-page legal memorandum with the judge asking once again for dismissal of the 15-count indictment of Ellsberg and Russo on charges of conspiracy, espionage and theft of government property.

As a fallback position, the attorneys took the unusual step of demanding the removal of Nissen and of another Justice Department attorney in Washington "from further connection with this case."

The defense attorneys also requested that:

- Nissen be held in contempt of court for "concealment and suppression of evidence."

- The testimony of two Army generals who have appeared as prosecution witnesses in the trial be stricken from the court record.

- The prosecution be banned from offering any evidence from one of 20 top-secret documents mentioned in

the indictment, a 1968 report of Gen. Earle C. Wheeler, then chairman of the Joint Chiefs of Staff, assessing the effects of the Vietnamese Communists' Tet offensive.

That document is specifically included in 10 counts of the indictment. While not actually part of the Pentagon Papers, it was among the material that Ellsberg allegedly removed from the Rand Corp. and later duplicated with Russo's assistance.

Adams, on the basis of his research for the CIA, contended in a memo to his superiors last December that the Wheeler report was based on "numbers which had been deliberately fabricated in late 1967" by American military officials in Vietnam.

Among the falsified data, according to an affidavit filed with the court here today, are estimates of the numbers of troops committed to the 1968 Tet offensive by the Vietnamese Communists.

Those estimates were cited by Lt. Gen. William G. DePuy in his testimony in the case last month as some of the most sensitive material in the Wheeler report, whose disclosure he said might even have helped the Communists plan their new offensive last year.

Adams's name first came to attention here in a filing by Nissen on Feb. 7 which was taken by both the judge and the defense attorneys to be a facetious "complicity with Byrne's order that the prosecution report all information which might tend to establish the innocence of the defendants.

Not identifying him as an employee of the CIA, but giving his home address in Leesburg, Va., the filing said, "A Mr. Samuel A. Adams . . . has expressed the view that he has information which would rebut statements of government witness William DePuy as reported in a newspaper."

The defense did not take the matter seriously until it learned—at a Los Angeles cocktail party—that Adams works for the CIA.

Ellsberg, Russo Say Prosecutor Hid Evidence

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