

Bid Made to Blunt Ellsberg Witness

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LOS ANGELES, March 1—The chief prosecutor in the Pentagon papers trial set out today to undercut the first defense witness, who had testified against the prosecution argument that publication of the papers had damaged the national defense or proved helpful to the enemy.

Developing a battle of words and wills, the prosecutor, David R. Nissen, cross-examined retired Rear Adm. Gene LaRocque.

Admiral LaRocque is now the director of the Center for Defense Information, a private organization that collects defense information and disseminates it to the public. He had formerly commanded ships and had been on the planning directorate of the Joint Chiefs of Staff. He was called as a defense witness to rebut the testimony of two generals.

They had testified to the effect that disclosure of the Pentagon papers and other documents in this case had damaged the country's national defense and could have been helpful to Hanoi during the war in Vietnam.

Purpose of Center

On Tuesday and yesterday he had testified on direct examination that both those propositions were wrong. A short man, wearing a pale blue suit, the admiral has a habit of taking off his glasses, leaning forward in the witness chair and squinting at his questioners, as if to say that no normal man could doubt either his word or his judgment.

Mr. Nissen started off the cross-examination today by implying that the Center for De-

fense Information was somehow unpatriotic. His first question, for instance, asked the admiral if "the purpose of the center" was not "to challenge the national defense of the Government."

It is "to explain the national defense," the admiral replied.

Does not the center take positions in opposition to the defense policies of the country? Mr. Nissen asked.

The center makes "objective" studies of the country's defense policies and weapon systems and "makes both sides [of the questions] available to the public," Admiral LaRocque answered.

The prosecutor then asked the admiral if it was not true that the center opposed nuclear aircraft carriers, the Navy shipbuilding program, foreign military assistance and foreign aid, and the admiral answered that the center "is not opposed to any of those programs."

Preparation of Witness

A witness is allowed to refer to notes when he is testifying, and seldom, if ever, does a witness testify without first having been prepared by attorneys, often for hours on end.

Admiral LaRocque had been prepared by the attorneys for Daniel Ellsberg and Anthony J. Russo Jr., who are accused of six counts of espionage, six counts of theft and one count of conspiracy.

Mr. Nissen asked the admiral about every telephone conversation and meeting he had had with defense attorneys or consultants; he asked him about the notes he used during his testimony, and about a weighty notebook called "Trial Notebook for Witness Preparation" that the defense has prepared for its witnesses to read.

"I see many pages with handwriting on the back," Mr. Nissen said, as he and the admiral looked over the notebook together before the jury. "There's two pages [of handwriting]," the admiral said.

Notes Destroyed

The implication of Mr. Nissen's cross-examination was that the admiral and the defense had done many clandestine things together to prepare for this case. At one point Mr. Nissen asked the admiral what documents he had carried out here from Washington.

"I brought along a copy of the Constitution of the United States," the admiral replied. At another point, the admiral did admit that he had flushed some of his notes on the case down a toilet bowl. Mr. Nissen pounced on this, and asked him if he always flushed his writings away.

He answered: "Any notes I make, from my long experience in the Navy, you learn to tear them up in little pieces and flush them down the toilet."

Shades
of
Humes?