

Ellsberg Says He Ignored Rand Rules

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LOS ANGELES, April 17—Daniel Ellsberg today acknowledged that he ignored the security regulations of his employer, the Rand Corp., when he photocopied the top-secret Pentagon Papers in the fall of 1969.

Under cross-examination by federal prosecutor David R. Nissen during his fourth day on the witness stand in the Pentagon Papers trial, Ellsberg also admitted that some of the people who helped him—including his son and a Hollywood advertising woman—had no security clearance at the time.

But he said that he had believed that Anthony J. Russo Jr., another who helped and now his co-defendant in this trial, had retained his clearance after leaving Rand, a defense-oriented think tank in Santa Monica.

In his answers to Nissen's

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questions, however, Ellsberg contended that Rand's security rules did not apply to the Pentagon Papers, because they had been brought there from Washington under special circumstances and kept out of its "top secret control system."

According to this defense contention, Ellsberg and Rand's president at the time, Henry S. Rowen, were entitled to use the documents without regard to the usual regulations.

So careful were they to keep the documents out of Rand's ordinary files, Ellsberg said, that he personally took them back and forth between his office and Rowen's in a grocery cart to avoid having them discovered during semi-annual inventories of the top-secret material stored at Rand.

Nonetheless, Ellsberg readily conceded that "no one had given me permission" to remove the documents from Rand or to make photocopies of them.

The cross-examination lasted all day, and is to continue Wednesday morning. But it did not provide the anticipated angry confrontations between the defendant and the prosecutor.

Ellsberg appeared to be relaxed while he answered Nissen's questions, and sometimes volunteered information, as if to convince the jury of his willingness to cooperate.

Nissen was stopped by U.S. District Court Judge W. Matt Byrne Jr. each time he attempted to get Ellsberg to say that he violated rules and regulations of the Defense Department, as well as those of Rand.

On several occasions, Ellsberg had an opportunity to advance his own flippant interpretations of the rules and of the statements he had signed as a Rand employee.

He told Nissen, for example, that he felt that those who helped him photocopy the documents had a "need to know" their contents.

("need to know" is a term used in security regulations to define those who are entitled to have access to classified

information in the course of their official duties.)

Ellsberg also said that he "could not have" read portions of the Espionage Act dealing with "classified information," because "to the best of my knowledge no part of (the law) mentions 'classified information.'"

The Espionage Act, under which Ellsberg and Russo are charged, is phrased in terms of "national defense information." The defendants are also charged with conspiracy and theft of government property.

Chief defense attorney Leonard B. Boudin said at the end of the day that the Ellsberg-Russo defense may rest its case Wednesday.

Nissen said that he would be prepared to proceed with the government's rebuttal case for the prosecution Thursday. Marshall Green, assistant secretary of state for East Asian and Pacific affairs, is expected to be among the prosecution witnesses in that stage of the trial.

The prosecution has also subpoenaed Vu Van Thai, the former South Vietnamese ambassador to Washington who is named as an unindicted co-conspirator in the indictment against Ellsberg and Russo.