

Coast Grand Jury Studies How Times Got Papers

By STEVEN V. ROBERTS JUN 24 1971
Special to The New York Times

LOS ANGELES, June 23—A Federal grand jury here is investigating how the secret Pentagon study on Vietnam reached The New York Times.

The Justice Department has said that it might file criminal charges against persons involved, but this is the first indication that the department is actually seeking indictments in the case.

One of the witnesses subpoenaed by the grand jury to-

day was Anthony J. Russo, an economist and engineer, formerly employed in Santa Monica by the Rand Corporation, which often conducted studies for the Government. The identity of other witnesses could not be learned.

Mr. Russo is known as a close friend of Dr. Daniel Ellsberg, another former Rand employe who has been identified by some sources as the man who leaked the Pentagon study.

The investigation is being conducted by Paul Vincent, an Assistant Attorney General, who flew here from Washington earlier this week. United States Attorney Robert Meyer refused to discuss the investigation, but it was learned that Mr. Vincent suddenly informed Mr. Meyer last Friday that he wanted to present evidence to a grand jury here.

Mr. Russo was apparently subpoenaed yesterday and appeared at the Federal Court House at 10:30 this morning. After giving his name and oc-

Continued on Page 17, Column 5

U.S. JURY STUDIES LEAK OF SECRETS

Continued From Page 1, Col. 6

cupation he refused to testify further, on the ground that he might incriminate himself.

At the request of the Justice Department, Mr. Russo was then taken before United States District Judge William P. Gray, who granted the witness immunity from prosecution. This meant that he was no longer entitled to invoke the Fifth Amendment, since he could no longer incriminate himself.

But this afternoon, Mr. Russo again refused to testify. He was ordered to appear before Judge Gray on Friday to show cause why he should not be held in contempt of court. Presumably he could then be imprisoned until he testifies, or until the grand jury expires.

The grand jury was taking testimony today in an unmarked room on the 13th floor of the Federal Building. While Mr. Russo made his brief appearance this afternoon, his lawyer, Joseph Ball, waited outside in the drab, beige-colored corridor. Attorneys are not permitted in the grand jury room.

When Mr. Russo emerged he was wearing a conservative, navy-blue suit, white shirt, and blue tie. A husky six-footer, the witness had sandy hair reaching over his collar and was wearing a bushy mustache.

Neither Mr. Russo nor his lawyer would comment on the grand jury proceedings.

The calling of Mr. Russo indicated that the Justice Department was centering its investigation on the Rand Corporation.

Dr. Ellsberg and several other Rand employes worked on the secret Pentagon study, although Mr. Russo apparently did not. A spokesman for Rand would not comment on the investigation.

An Aeronautical Engineer

Mr. Russo, who is 34 years old, was born in Suffolk, Va., and was graduated in 1960 from Virginia Polytechnic Institute with a bachelor's degree in aeronautical engineering. He then earned master's degrees in engineering and public affairs from Princeton before joining Rand in 1964.

He reportedly became an expert on the economic aspects of guerrilla insurgency and served in Vietnam while employed by Rand. One friend said that Mr. Russo's tour in Asia "freaked him out," adding "he decided we were doing a bad thing over there."

Mr. Russo left the company in 1969 and joined The Set, a consulting concern in Los Angeles. According to the concern, he worked on several projects, including a new budgeting procedure for the California state college system and a rumor-control center, designed to evaluate rumors that could lead to civil disorders.

For the last year Mr. Russo has worked as a systems analyst for the Los Angeles County Department of Probation.