

Federal Judge Reaffirms Order for Friend

CONTEMPT HEARING IS SET FOR FRIDAY

Russo Facing an Indefinite
Jail Term for His Silence
Despite Immunity Grant

By STEVEN B. ROBERTS

Special to The New York Times

LOS ANGELES, June 25—A Federal district judge reaffirmed his decision today that Anthony J. Russo Jr., a friend of Dr. Daniel Ellsberg, must testify before a grand jury investigating the release of the Pentagon documents.

Dr. Ellsberg has been named by some sources as the man who gave the documents to The New York Times. The Times has refused to discuss the source of its material.

Mr. Russo has refused to answer questions before the grand jury, even though he has been granted immunity from prosecution. A hearing was set for next Friday to determine whether he should be held in contempt of court. He could then be sent to jail until he testifies or the grand jury expires.

In reaffirming his order of Wednesday, Judge William P. Gray rejected the argument of Mr. Russo's attorney, Joseph Ball, that the Federal Government has not been specific enough in describing the nature of the grand jury's investigation.

The United States Attorney, Robert Meyer, said in an affidavit only that the grand jury was investigating possible violations of a broad statute that deals with various forms of espionage.

Statement Ruled Sufficient

Judge Gray said Mr. Meyer's statement was sufficient, and did not have to detail the acts under investigation.

Before making that argument, Mr. Ball had asked the court whether Mr. Russo was subpoenaed on the basis of evidence obtained by an illegal wiretap. Paul Vincent, an attorney from the Internal Security Division of the Justice Department, who is handling the case here, declared that no wiretaps had been used to gather information about Mr. Russo.

Asked by reporters why his client refused to testify despite his immunity, Mr. Ball replied: "This is a moral judgment, not a legal judgment." Mr. Russo, who was present in court today, refused to talk with newsmen.

Mr. Russo worked at the Rand Corporation, where he met Dr. Ellsberg, as an economist and engineer from 1964 to 1969. Both men are experts on Vietnam and spent considerable time in the war area. Both apparently became disenchanted with the war effort and now strongly oppose American involvement in Southeast Asia.

F.B.I. Agents Visit Lawyer

Special to The New York Times

CAMBRIDGE, Mass., June 25—Two agents of the Federal Bureau of Investigation visited a lawyer for Dr. Ellsberg yesterday at the Harvard Law School.

Prof. Leonard B. Boudin, a visiting law professor here, said the agents had visited him and a colleague, Prof. Charles R. Nesson, and that the lawyers had established a set of conditions under which Dr. Ellsberg would speak to F.B.I. agents.

Mr. Boudin said they had specified that any interview with Dr. Ellsberg should not be in an F.B.I. building, that the Government insure maximum privacy and that the request be made by letter.

The agents, he said, did not formally reject the conditions, but demurred on the lawyers' suggestion that the interview take place in a lawyer's office. According to Professor Boudin, the agents feared such an office might be bugged.

Mr. Boudin said the meeting with the agents was a "perfectly polite, friendly discussion." He rejected any suggestion that Dr. Ellsberg was going underground. "One thing is clear," he said, "in the event his appearance is requested by a court, he is going to appear immediately."