

NY Times JUL 3 1971

Friend of Ellsberg Sentenced In Refusal to Answer Questions

LOS ANGELES, July 2 (UPI)—Anthony J. Russo, a colleague of Dr. Daniel Ellsberg, was sentenced to jail for contempt of court today after he had refused to answer questions before a Federal Grand Jury about the Pentagon papers.

Mr. Russo, who is 34 years old and who worked with Dr. Ellsberg at the Rand Corporation in Santa Monica, Calif., refused to talk about the leaking of the secret documents even though he had been granted immunity from prosecution by the United States Attorney General's office.

Judge William P. Gray of the United States District Court found Mr. Russo guilty of contempt for defying the court.

Judge Gray ordered him to surrender himself to the United States marshal at 2 P.M. Wednesday. The judge said he would remain in prison until such time as he decided to answer questions. A motion for bail was denied.

It was the first time in the controversy that any of those involved had been ordered jailed. Dr. Ellsberg had been indicted by the same grand jury for unauthorized possession and use of the documents, which have been published in newspapers.

Joseph Ball, Mr. Russo's lawyer, told newsmen that the questions all involved Mr. Russo's relationship with Dr. Ellsberg.

Mr. Ball filed an appeal with the United States Ninth Circuit Court of Appeals seeking bail for Mr. Russo, who now is a systems analyst for the Los Angeles County Department of Probation.

Mr. Russo declined to talk with newsmen. "This is all under the jurisdiction of the court," he said, "and I can't talk about it."

Assistant Attorney General Paul Vincent summoned Mr. Russo before the grand jury last week but Mr. Russo refused to testify on the ground that he might incriminate himself.

Judge Gray ordered immunity for Mr. Russo but he again declined to answer questions. Mr. Ball argued that the court should have a better idea of the substance of the questions before granting immunity.

A reporter asked Mr. Ball whether Mr. Russo was refusing to testify because he didn't want to "fink on a friend."

"Well, that's one of the first things you learn," Mr. Ball said.