

# Held 47 Days, Ellsberg Friend Agrees to Testify and Is Freed

By STEVEN V. ROBERTS **OCT 2 1971**  
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LOS ANGELES, Oct. 1 — Anthony J. Russo, who has been imprisoned for 47 days for refusing to testify before a Federal grand jury investigating the Pentagon papers case, agreed today to appear and was set free.

His decision to testify followed a ruling by Federal District Judge Warren J. Ferguson that would allow Mr. Russo to have a stenographer in the grand jury room to obtain a transcript of the testimony and make it public.

Mr. Russo, who worked as a researcher for the Rand Corporation here with Daniel Ellsberg, is scheduled to testify Oct. 18. Dr. Ellsberg was indicted in June on charges of having stolen and illegally possessed the secret Pentagon study of American involvement in Vietnam. He has said a number of times that he gave the study to the press.

## Ruling Called Unprecedented

Lawyers here believe that Judge Ferguson's ruling allowing traditionally secret grand jury testimony to be made public is unprecedented. They said the ruling would probably be appealed by the Government.

Mr. Russo refused to testify before the jury last June although he had been granted immunity from prosecution. When he surrendered on Aug. 16, he said he was "taking responsibility" for helping Dr. Ellsberg but wanted to tell his

story "openly," not in a secret grand jury room.

Judge Ferguson's ruling, Mr. Russo told newsmen today, penetrated the secrecy of the grand jury.

## Shaken by Experience

Mr. Russo, a 34-year-old economist and engineer who once interviewed Vietcong prisoners in Vietnam, said he had been "shook up" by his experience in the Federal prison on Terminal Island in Los Angeles harbor, where he had been sent on contempt charges.

Pale and long-haired, he said he had lost about 15 pounds during a hunger strike to show "solidarity" with the rebellious inmates at Attica prison in New York.

Dr. Ellsberg, who embraced Mr. Russo after his release, told newsmen that Judge Ferguson's ruling had "opened a window into the grand jury room."

"He's proud of what he has done," Dr. Ellsberg said, motioning toward Mr. Russo, "and I'm proud of what we did."