

Some Pentagon 'Secrets' for \$6

Los Angeles

A defense attorney in the Pentagon Papers trial said yesterday that information described by a prosecution witness as secret was published by the government in a report that could be bought by anyone for \$6.

The point was brought out during cross examination of a high Army staff officer who testified earlier that Daniel Ellsberg and Anthony Russo could have been helping the enemy by releasing a top-secret report written in 1968 by General Earl Wheeler, then chairman of the Joint Chiefs of Staff.

The Wheeler report assessed the effectiveness of North Vietnamese troops and American forces during the 1968 Tet offensive. The witness, Lieutenant General William DePuy, testifying for the government, said such information would be highly "useful" to North Vietnam in planning another similar attack, such as one conducted last spring.

Ellsberg, 41, and Russo, 36, are charged with espionage, conspiracy and theft in connection with the leak to news media of top-secret

documents detailing origins of U.S. involvement in Vietnam. The government seeks to show the papers shouldn't have been made public.

At the start of the session, attorney Leonard Weinglass, representing Russo, produced a \$6 copy of a public report written by General William Westmoreland, commander of American troops in Vietnam in 1968.

Westmoreland's report, pages of which were shown to jurors on large slides, contained several facts identical to those in the Wheeler report. DePuy acknowledged this, but insisted that the totality of the Wheeler report still was more important than the Westmoreland report.

As Weinglass showed several slides repeating identical information in the Wheeler and Westmoreland reports, he suddenly stunned courtroom viewers by flashing on the screen a New York Times headline dated March 10, 1968 which said, "Westmoreland requests 206,000 more troops."

DePuy had testified that the request for those troops was part of the classified report.

"That's not in evidence!" shouted government prosecutor David Nissen, jumping to his feet as the headline appeared. The jury was quickly dismissed from the room.

Nissen angrily accused the defense of using "cheap tricks" and U. S. District Judge Matt Byrne told Weinglass it was "highly improper to show the headline before formally introducing it as evidence."

But after lengthy arguments Byrne allowed the news story to be shown to jurors again.

DePuy said he vaguely recalled the news story. "I recollect that information regarding the 206,000 request found its way into the press," he said.

Earlier, Nissen complained to the judge that Russo was giving out a news release outside the courtroom in which the defendant branded DePuy "a principal war criminal" because of his role in planning search and destroy missions. Byrne then ordered that no news releases be given near the courtroom.

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