

Ellsberg Defense Keeps Up Tactic

Los Angeles

The defense at the Pentagon Papers trial sought again yesterday to show that "top secret" information leaked to the press by Daniel Ellsberg actually was available to the public in a report made by General William Westmoreland.

Leutenant General William DePuy, Army assistant vice chief of staff, was on the witness stand for a third straight day in the trial of Ellsberg and Anthony J. Russo for conspiracy, espionage and theft of government documents.

DePuy had stated previously that a report made by General Earl Wheeler, former chairman of the Joint Chiefs of Staff, on the Communist Tet offensive of 1968 would have been of help to the North Vietnamese in later offensives.

The Wheeler report was one of the secret documents Ellsberg is accused of removing from the files.

Under cross examination by defense attorney Charles Nesson, DePuy was asked to compare the Wheeler report with one issued a short time later in 1969 by Westmore-

land, at the time commander in Vietnam, and which was available in book form through the U.S. Government Printing Office.

"The Westmoreland document was not classified," DePuy said. "The Wheeler report was marked top secret. In my opinion that report was of possible use to the government of North Vietnam.

"That opinion is not modified by the fact that some figures and facts appear in both documents."

The entire Wheeler report was contained in the documents made available by Ellsberg to the New York Times, the Washington Post, Los Angeles Times and other newspapers and printed in 1971.

DePuy was only the second government witness called so far in this second trial.

United Press