

PENTAGON PAPERS BECOME EVIDENCE

18 Volumes Made an Exhibit
at Ellsberg-Russo Trial

By MARTIN ARNOLD
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LOS ANGELES, Jan. 23 — The Pentagon papers themselves were introduced into evidence today, and an Army officer who helped put them together testified that their disclosure would be "of use to a foreign nation."

Seated in the witness box, with the papers before him in an old grocery carton, Brig. General Paul F. Gorman said that the documents would be "useful to augment the intelligence of a foreign country."

He was the third witness to testify for the Government in the trial of Dr. Daniel Ellsberg and Anthony J. Russo Jr., and was the second general officer to do so. Dr. Ellsberg and Mr. Russo are accused of 11 counts of espionage theft and conspiracy in connection with the Pentagon papers.

Like Lieut. Gen. William G. DePuy, who previously testified, General Gorman wore civilian clothes. Unlike General DePuy, he seemed to enjoy testifying. He smiled and gestured as he answered the questions of David R. Nissen, the chief prosecutor, sometimes facing the jury directly to give his response.

"Could those documents have been of use to a foreign nation in 1969?" Mr. Nissen asked.

"Yes," the general replied.

Misuse of Papers Charged

Mr. Nissen then moved that 18 volumes of the Pentagon or secret history of the Vietnam war be put into evidence, and he remarked that the Government would use them in many ways, including for fingerprints.

The complete Pentagon papers consist of more than 7,000 pages in 47 volumes, but for the purposes of this trial the defendants are accused of misusing only 18 volumes, which include four volumes on diplomatic negotiations.

The papers were first made public by The New York Times in a series of articles starting June 13, 1971. The indictment covers only the period from March 1, 1969, to Sept. 30, 1970.

Mr. Nissen asked how the papers could have been useful to a foreign nation.

"They could be of use to shape, direct, block the channels of international communication," General Gorman replied.

"How?" he was asked.

"It could inform foreign nations on how the U.S. Government conducts itself while engaged in war in Southeast Asia," he answered.

Tie to Defense Alleged

The general went on to explain how an intelligence expert for a foreign country might use the Pentagon papers not only to expand his own knowledge but also to verify the material he had gathered elsewhere — "to assess how a good job his men in the field were doing."

To prove its espionage case against the defendants, the Government must first demonstrate that the Pentagon papers were in fact related to the national defense. The questioning of General Gorman, like the questioning of General DePuy, was aimed to make that point.

General Gorman, who graduated from West Point in 1950 and earned a master's degree in public administration from Harvard in 1954, is assistant division commander of the Fourth Infantry Division at Fort Carson, Colo. He served twice in Vietnam, once commanding an infantry battalion and once an airborne brigade.

Worked on Security

In the summer of 1967, he was assigned to the International Security Affairs Division of the Department of Defense, which then functioned as the Pentagon's elite idea group on foreign policy, and he subsequently became the top military man on the group that put together the Pentagon papers, which cover United States involvement in Southeast Asia through four Presidential Administrations.

The general, ironically, is making from the witness stand the same argument that Dr. Ellsberg made when he was attempting to persuade various Congressional figures to make the Pentagon papers public — that they tell important, secret information about the inner workings of the Government. Now, however, the defense is attempting to prove that all the information in the papers was in the public domain long before the papers themselves became public.

General Gorman who courtroom observers believe seems to have built rapport with the jury, described the papers as "an authoritative survey of the war," as "representing the highest classification, top secret, sensitive," and so telling "the thinking of the U.S. Government at the highest levels."

Describing the effect that a particular passage might have upon the North Vietnamese intelligence departments, he said, "This is simply telling the enemy that we knew what they were up to."