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NEW PHASE BEGINS IN ELLSBERG TRIAL

Prosecutor Raises the Issue
of Defendants' Pledges

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LOS ANGELES, Feb. 12—The prosecution moved the Pentagon papers trial into a new phase today by going into the question of the security of classified documents.

It did so by introducing evidence, showing slides and presenting testimony aimed at showing that Daniel Ellsberg and Anthony J. Russo Jr., the defendants, had signed various pledges to respect the security of the classified documents that they had access to.

For the purposes of this trial, those documents are 18 volumes of the 47-volume top secret Pentagon papers, a 1968 Joint Chiefs of Staff memorandum and a 1954 Geneva Accords memorandum.

The first phase of the Government's case, which ended Friday, was aimed at proving that the disclosure of those documents had damaged the national defense.

The defendants are accused of eight counts of espionage, six counts of theft and one count of conspiracy, to prove espionage, the Government must first prove that the defendants' actions damaged the national defense.

Government's Aims

Today, the Government set out to prove that Dr. Ellsberg and Mr. Russo not only violated the security of the papers but also knew exactly what they were doing.

In the next phase of its case, the prosecution will try to show the mechanics of how the two men allegedly went about breaking the laws.

Today's witness was Richard H. Best, a thin, almost hawk-faced man with sparse gray hair and steel-rimmed glasses, who is a Rand Corporation security officer.

Dr. Ellsberg had access to the Pentagon papers while he was working for the Rand Corporation, a private "think tank" that does research for the Defense Department.

Mr. Best, who was dressed in a bright yellow shirt and a medium blue suit belted in the back, had with him various security briefing and termination statements and security acknowledgement statements that the defendants had signed when they worked for Rand Corporation.

Slides of these were flashed on the large screen in the courtroom to show the defendants' signatures at the bottom. Mr. Best read from the statements in a monotone.

Act Read to Jury

At one point, he read to the jury several sections of the Espionage Act.

The defense contends that the Government has not proved that Dr. Ellsberg and Mr. Russo violated Federal statutes, but only that they violated regulations of the Rand Corporation.

For instance, the Government is attempting to put into evidence books entitled "Industrial Security Manuals for Safeguarding Classified Information" and "Security Manuals for the Rand Corporation."

The former book governs security for private manufacturers doing business with the Defense Department, and the latter explains the former to Rand Corporation employees.

It is the contention of the defense that the prosecution has yet to prove that violating either one of those books is violating the law and further that the Government has yet to prove in court that a contract existed between the Defense Department and the Rand Corporation.

Because of these arguments, Federal District Court Judge William Matthew Byrne Jr., who is presiding, has not thus far allowed the two books into evidence.

The defense also contends that Dr. Ellsberg had security clearance to work with the Pentagon papers and that he had authorization from three Government officials, including Paul C. Warnke, Assistant Secretary of Defense for International Security Affairs, to use the papers. It says that his use of them was based on that authorization, not on the two security books.