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Rand Concedes Delay in Putting Pentagon Papers Under Control

By MARTIN ARNOLD
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LOS ANGELES, Feb. 15—The Rand Corporation conceded today that the Pentagon Papers were in its hands for many months before they were entered into the corporation's top-secret control system.

Testifying at the Pentagon papers trial, Richard H. Best, Rand's chief of security, said under cross-examination that this failure to put the papers into the control system was unusual and that he had no explanation for it.

The Rand Corporation is a private research organization working mostly for the Defense Department. The copy of the Pentagon papers that Daniel Ellsberg is accused of stealing and in turn copying was in the possession of the corporation when Dr. Ellsberg was a Rand employe.

The copy of the Pentagon papers involved in this trial arrived at Rand's Washington office on Jan. 21, 1969, and was transferred to Rand's headquarters in Santa Monica, Calif., in March and August of 1969. It was not logged into Rand's top-secret control system, however, until May 20, 1970, Mr. Best testified today.

The defense contends that this copy of the "top secret-sensitive" papers was sent to Rand merely for storage as the private papers of three Defense Department officials and that those officials gave Dr. Ellsberg access to them and veto control at Rand over who could use them. Further, the defense says that the Government did not own this copy of the papers.

The Government, on the other hand, contends that, because they were classified

documents, while they were at Rand they were protected by the "industrial security" manual and the Rand security manual.

The "industrial security" manual is, the prosecution says, attached to each contract between Rand and the Government, and although no such contract ever involved the Pentagon papers, the Government insists that its other contracts with Rand were broad enough to include these papers.

Judge William Matthew Byrne Jr., who is presiding in United States District Court, has ruled that this is an issue for the jury to decide.

The copy of the Pentagon papers involved in this trial arrived at Rand's Washington office on Jan. 21, 1969, and was transferred to Rand's headquarters in Santa Monica, Calif., on May 25, 1970. It was not logged into Rand's top secret control system, however, until seven months later, Mr. Best testified today.

→ Cf LAST PARAGRAPH