

# Fingerprints Found on Papers, Witness Tells Ellsberg Trial

NYTimes

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Special to The New York Times

LOS ANGELES, Feb. 22 — Deemer E. Hippensteel, a retired F.B.I. agent, testified today that he had found the fingerprints of Daniel Ellsberg, Anthony J. Russo Jr., Lynda Sinay Resnick and Dr. Ellsberg's son, Robert, then 13 years old, on the Pentagon papers that were removed from the Rand Corporation.

The Government is contending that Mr. Russo, Dr. Ellsberg's codefendant in the Pentagon papers trial, and Mrs. Resnick and Robert Ellsberg were "persons not entitled to receive" the Pentagon papers and two other top-secret documents involved in this trial, but that they did receive them from Dr. Ellsberg.

Dr. Ellsberg made copies of the documents in Mrs. Resnick's advertising office in October, 1969, and she and Vu Van Thai, former South Vietnam Ambassador to the United States, have been named as co-conspirators in this case, but not co-defendants.

## More Testimony Tuesday

Mr. Hippensteel is scheduled to testify again on Tuesday about Mr. Thai's fingerprints being on the documents, if by that time the Government can get past the legal technicalities that so far have kept Mr. Thai's name out of this trial.

Tuesday's testimony will conclude, for the time being, the Government's case against Dr. Ellsberg and Mr. Russo, who are accused of eight counts of espionage, six counts of theft and one count of conspiracy.

The defense would like to keep Mr. Thai's name in particular out of the case because it does not want the jury to be reminded that Dr. Ellsberg and Mr. Russo are accused of showing the papers to a foreign national.

The defense will start on Tuesday to present its case to the jury. This will start with an opening statement by Leonard I. Weinglass, an attorney for Mr. Russo, who reserved his right to open when the trial first started.

Tomorrow Charles R. Nesson, an attorney for Dr. Ellsberg, will argue before the judge a motion for a directed verdict of acquittal. This is pro forma, and no one expects that United States District Court Judge William Matthew Byrne Jr., who is presiding, will dismiss the case. But the jury has been sent home until Tuesday morning to allow for the arguments.

Meanwhile, the chief prosecutor, David R. Nissen, turned over to the defense today the latest exculpatory material that

has come up in this case. Exculpatory evidence is evidence in possession of the prosecution that would tend to prove the innocence of the defendants.

The new material consists of reports written by Samuel A. Adams, an analyst for the Central Intelligence Agency, to the effect that statistics used in the 1968 Joint Chiefs of Staff memorandum had been purposely fabricated by the Army.

The memorandum is one of the 20 top-secret documents involved in this case, and the Government has presented witnesses to the effect that disclosure of that memorandum could have been helpful to Hanoi during the Vietnam war.

## Times Article Cited

Mr. Adams, in the memorandum for the record filed with the court and given to the defense today, said that he became aware of the fact that he had possible exculpatory material on Jan. 23, 1973, when he read a copy of The New York Times of Jan. 20 and "noticed an article in columns one and two entitled 'Pentagon Paper "secrets" Cited in Public Document.'"

The Times article reported that Lieut. en. William G. DePuy, a key Government witness, had used the statistics in question to prove his contention that disclosure of the document had been harmful to the United States.

To prove espionage against the defendants the overnment must first prove that their actions damaged the national defense.

The Government had fought for several days to keep from turning the Adams material over to the defense, but yesterday Judge Byrne said if it was not given to the defense he might dismiss two counts of the indictment. Today it was finally turned over.