

FORMER U. S. AIDE REBUTS ELLSBERG

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Pentagon Papers Chief Says
He Twice Barred Access
—Early Plea Recalled
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The Pentagon papers trial was told today that Daniel Ellsberg talked about the need to have the papers made public months before he set out to disclose them himself.

Leslie H. Gelb, a Government rebuttal witness, also told the jury that he twice denied access to the papers to Dr. Ellsberg—a direct contradiction of Dr. Ellsberg's own testimony earlier this week. Mr. Gelb was the director of the study group that put together the papers in 1967.

Mr. Gelb added he had not promised Dr. Ellsberg access to the entire set of the papers after they were completed. Defense attorneys said later that Mr. Gelb's testimony was damaging to the defense.

Dr. Ellsberg has never denied in public that long before he started to Xerox the Pentagon papers he talked about the need to have them made public. But today marked the first time this was mentioned in court, and it went directly to the Government's conspiracy charge against Dr. Ellsberg and his co-defendant, Anthony J. Russo Jr.

During his own testimony, Dr. Ellsberg said that he decided to copy the papers on the morning of Sept. 30, 1969, and he started the process that night.

The defendants are accused

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Dr. Leslie H. Gelb testified yesterday that he did not allow Daniel Ellsberg full access to the Pentagon papers.

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of six counts of espionage, six counts of theft and one count of conspiracy.

Mr. Gelb, a large and pudgy can, wearing a tight-fitting light gray suit, appeared nervous as he said on direct examination by David R. Nissen, the chief prosecutor, that in the spring of 1969 Dr. Ellsberg discussed with him the need to make the papers public.

Mr. Gelb had by that time left the Defense Department and was then, as now, a research fellow at the Brookings Institution in Washington. Recalling the conversation with Dr. Ellsberg, he said, "Only Dan

and I were present. I believe he said something to the effect that the documents and studies were of great importance, and should be in the public domain."

"I said, go see McNamara," Mr. Gelb added, referring to Robert McNamara, who was Secretary of Defense when the bulk of the Pentagon papers were completed.

The defense contends that the set of the Pentagon papers that Dr. Ellsberg and Mr. Russo copied was the private property of Mr. Gelb, Paul C. Warnke and Morton H. Halperin, three Defense Department officials, and that they had given Dr. Ellsberg a special access to that set.

Today Mr. Gelb testified that early in 1969 Mr. Halperin

asked him if Dr. Ellsberg could have access to that set, and "it was denied." He asked a second time, Mr. Gelb said, and "again, we denied access." The third request made by Mr. Halperin in behalf of Dr. Ellsberg was granted, he said.

Mr. Nissen never asked the witness why access was denied on the first two occasions.

Dr. Ellsberg testified earlier this week that he had never been denied access to the papers but that in the spring of 1969 he was at first denied the right to transport them from the Rand Corporation in Washington to Rand in Santa Monica, where he was working at the time.

Mr. Gelb was then asked if when he first approached Dr. Ellsberg to work on the papers

in 1967, he "promised" to give Dr. Ellsberg access to the entire study when it was "completed."

"No," he answered, "I said to him they [the working members] could have access to other material on the task force as long as they were working on one of the task force documents."

"I didn't know if I myself could have access to the completed Pentagon papers," he added.

The question and the answer were framed in such a manner as to make it appear that Dr. Ellsberg lied during his testimony earlier this week.

At that time, Dr. Ellsberg was asked on cross-examination by Mr. Nissen if he "had been promised access to the

study in return for your agreeing to work upon it?"

"Yes," the defendant answered.

And who made the promise? Mr. Nissen asked.

"Leslie Gelb," Dr. Ellsberg replied.

When was the commitment made? Dr. Ellsberg was asked.

"It wasn't a commitment," he replied. "It was an understanding between us, and it took plac on the occasion of our first conversation about my joining the project, which would have been sometime in September of 1967, I think."

Dr. Ellsberg said today, after court, that there was no conflict between the two men on this point; that he agreed with Mr. Gelb's version of the conversation, and that he had

meant to imply on the witness stand only that he had access to the papers up to the time they were officially handed over to the Secretary of Defense. "But I wasn't asked the next question," he said.

The government has subpoenaed as rebuttal witness Harry Rowen, former president of the Rand Corporation; Vu Van Thai, former South Vietnamese Ambassador to the United States, who has been named a co-conspirator but not co-defendant in this case;

Marshall Green, American Ambassador to Australia; Philip Habid, American Ambassador to Korea; and two federal bureau of investigation agents. The Government decision on whether they will all testify has not finally been made.