

# Classification of Pentagon Papers Called Routine

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Special to The New York Times

LOS ANGELES, April 23—

The man who classified the Pentagon papers "top secret-sensitive" testified today that he had done it routinely without being very aware of the Government regulations concerning classification.

In fact, Leslie H. Gelb testified, the only orientation about classification he ever had while working for the Defense Department was "a movie telling us to beware of blondes who are being excessively friendly—they may be Russian spies."

Dr. Gelb, who was the director of the panel that put together the papers, said "I don't believe I knew what executive order 1050-1 was." The papers were classified "top secret-sensitive" under the order, signed by President Eisenhower in 1954, and under Defense Department regulations concerning derivative classification.

### Defense Reopens Case

Dr. Gelb was in an unusual position in this trial of Daniel Ellsberg and Anthony J. Russo Jr. He started the day as a prosecution rebuttal witness, under cross-examination by Charles R. Nesson, a defense attorney.

When Mr. Nesson realized that he would not be allowed to question Dr. Gelb about the classification of documents on cross-examination—the subject not having been opened up by the prosecutor on direct examination—he rested his case. The defense then moved to make Dr. Gelb a defense witness. Federal District Judge William Matthew Byrne Jr. said he would allow the defendants "to

reopen" their case with Dr. Gelb.

Dr. Gelb did not get to step down from the witness stand before his status was abruptly changed. Mr. Nesson asked him as a defense witness, if he had ever considered whether the source documents used in compiling the papers had themselves been properly classified, and he answered, "No, I did not."

He said that the papers had been classified "top secret-sensitive" because of the system of derivative classification in the Defense Department—that is, if a single sentence of the research source is classified "top secret," then the entire volume resulting from the research is automatically classified "top secret" also.

And, he said, the papers were further classified "top secret-sensitive" "as a matter of course" because all the work that he and his direct boss, Morton H. Halperin, Deputy Assistant Secretary of Defense, did was "top secret." The word "sensitive" was added, he said, because the papers were considered "politically sensitive."

### Ownership Questioned

Mr. Halperin has been a defense consultant and also a defense witness. He testified that the set of the papers that Dr. Ellsberg and Mr. Russo copied were the private papers of three Defense Department officials, including himself and Mr. Gelb.

The defendants, charged with the theft and disclosure of the papers on United States involvement in Indochina, are on trial on six counts of espionage, six counts of theft and one count of conspiracy.

Neither side in the case asked

Dr. Gelb if he considered the papers his private papers. Dr. Gelb said that he would have answered "no" if the question had been asked and that he was "sorry" it had not been asked.

On the witness stand, he testified that derivative classification had been used on the papers, not as a whole, but on each volume. He added that four volumes of the completed 47-volume set had not been classified at all.

Judge Byrne has repeatedly told the jury that it should ignore the issue of whether the papers were classified in deciding whether their disclosure could have damaged the national defense.

Also, the judge has not allowed the defense to attack the classification system. But he has allowed the defense to attack what he called the "classifiability" of the documents—that is, whether or not they were properly classified, and it was to that point that Mr. Nesson asked the questions.

The defense has contended that the papers were never put into the Rand Corporation's "top secret" control system, and the Government contends that Dr. Ellsberg, who had access to the papers as a Rand employee, violated the rules by not entering them into the system.

Dr. Gelb's testimony tended to support Dr. Ellsberg, who is accused of stealing the papers from Rand.

Dr. Ellsberg had testified that the completed 47-volume set got into the Rand system accidentally, and Dr. Gelb supported this. When asked his reaction to the papers being in the system, he said he had asked Dr. Ellsberg, "How the hell did

it get into the system?" He did not want them in the system, he said, because he wanted greatly to restrict access to them.

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