

# Ellsberg Defense to Call 18 to Stand to

By **ROBERT A. WRIGHT**  
Special to The New York Times

LOS ANGELES, June 7—The defense in the Pentagon Papers case said today that it would call 18 witnesses, including former special assistants to Presidents, staff men from the White House, Department of Defense and the Central Intelligence Agency as well as Washington newspaper correspondents, to prove that the leaking of classified Government documents was a common practice.

The potential witnesses were described but not named in an affidavit requested by Judge

William Matt Byrne Jr. to support a defense motion for a pretrial hearing. The defense seeks the hearing on its motion to dismiss the indictment on the ground that it constitutes discriminatory prosecution.

The indictment charges the defendants, Dr. Daniel Ellsberg and Anthony J. Russo Jr., both former employes of the Rand Corporation, which did research for the Department of Defense, with stealing and releasing classified Government documents.

The defense lawyers, Charles E. Goodell, the former Sena-

tor from New York; and Charles Nesson, charged in the affidavit that "defendants" were singled out for prosecution according to a principle of selection which is invidious, discriminatory, and constitutionally impermissible."

### Assertion in Affidavit

While the defendants are charged with having committed the alleged crimes between March, 1969, and September, 1970, it was not until after the publication of the Pentagon Papers by The New York Times on June 13, 1971, that the Government issued a com-

THE NEW YORK TIMES, THURSDAY, JUNE 8, 1972

## Prove Leaks of Secrets Are Common

plaint against Dr. Ellsberg, the affidavit asserts.

The defense said a former Government official who is expert in security matters would testify that the classified materials involved in this case were less sensitive in terms of national defense relationship than the bulk of classified material regularly leaked. The so-called Pentagon Papers are a record of intra-government debate on the United States's involvement in the Vietnam war.

The defense affidavit describes five witnesses as journalists, one as a former C.I.A.

employe with high responsibility related to the Far East and Vietnam, and one as a close confidante to a former President.

Other prospective witnesses were described as follows: Occupied a high position in Washington within the last 10 years, a former member of the White House staff, a former official of and a former legal adviser to the Department of Defense, a former special assistant in the State Department and Far Eastern adviser to the National Security Council, a diplomatic historian, a member of Congress "who is chairman

of an important committee that has dealt over the years with the classification system and had direct responsibility and jurisdiction over significant aspects of our involvement in Vietnam," a former high Government official and a retired archivist.

In an attached affidavit, William G. Florence, former Deputy Assistant for Security and Trade Affairs for the Air Force and a formulator of security regulations, indicates that he will testify to specific instances of leaks.

FRESH AIR FUND—CHILDREN