

'Little Pentagon Papers' Case May Reach Court Before
Ellsberg's

by Fred P. Graham

[Story deals with publication by Los Angeles Free Press of names, addresses and telephone numbers of 80 California undercover narcotics agents.]

..... The Ellsberg-Russo prosecution and the Kunkin-Applebaum case are the first known instances in which persons who arranged for the publication of "leaked" Government documents have been charged with dealing in stolen property.

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Last March the California Court of Appeals [upheld] the conviction [of those involved in] publishing the narcotics list.

In that decision, an American court held for the first time that government information typed on paper is property that government officials can withhold. To machine-copy an internal government document is to steal the information on it, the court held, and to publish such a leaked document amounts to receiving stolen goods.

The court admitted that nobody could have been convicted if Mr. Reznick had dictated the list on a telephone without ever taking the paper out of the office or copying it. However, it ruled that it was logical to treat documents differently because they constituted a greater threat to governmental secrecy.

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