

JAN 14 1973

ELLSBERG DEFENSE IN PLEA FOR FUNDS

Situation Called Critical—
Debt Put at \$100,000

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Special to The New York Times

LOS ANGELES, Jan. 13—The defense in the Pentagon papers case said today that it was in a "critical financial situation" and that \$50,000 to \$60,000 a month to defend the case.

For example, Leonard Boudin, one of the defense attorneys, is owed about \$50,000 and none of the four other full-time defense attorneys have been paid all their fees since November.

"We have spent \$400,000 in the year and a half since the Government indicted Dr. Ellsberg," Stanley K. Sheinbaum, chairman of the Pentagon Papers Legal Defense Fund, said today in a plea for funds. "These figures are startling until one considers the millions the prosecution is spending, combined with the huge bureaucracy at work on the Government side."

There is no estimate from the Government on how much it is spending to prosecute Dr. Daniel Ellsberg and his co-defendant, Anthony J. Russo Jr., who are charged with 15 counts of espionage, conspiracy and theft.

'Subsistence Rates'

Mr. Sheinbaum said that all the lawyers in the case, including about a dozen who are on special assignments for the defense, "are working either for subsistence-level fees or not more than one-third their normal fees," and that legal workers, researchers and secretaries are being paid "at subsistence rates as well." About 20 such persons are working full time on the case.

Currently, the defense is about \$100,000 in debt.

Mr. Sheinbaum said in a statement today, "The combination of the four-month recess of the trial, the McGovern campaign and the Christmas holidays literally reduced our fund-raising results to near zero during the latter months of 1972."

Fund-Raising Efforts

Of the \$400,000 already raised and spent, Dr. Ellsberg and Mr. Russo had taken in about \$75,000 for the defense fund by making speeches and writing. The defense has also used newspaper advertisements, mass mailings, and dinner and cocktail parties to raise money. Thus far, about 20,000 people have contributed to the defense. However, according to Mr. Sheinbaum, most of those contributions ranged from \$1 to \$25.

Large individual contributions have also been sought, and about one-fourth of the defense fund has been raised through that method. However, the defense is faced with a serious problem in this area of fund raising—the erroneous belief of many wealthy potential contributors that Mrs. Ellsberg's family is giving money to the case.

Mrs. Ellsberg, the former Patricia Marx, is the daughter of Louis Marx, a founder of the Marx Toy Company, who because of his political beliefs has refused to contribute any money to the defense because of his political beliefs.

Consequently, Mrs. Ellsberg has gone into debt borrowing money on future trust funds to help pay for the defense.

Russo Unemployed

Mr. Russo has been unemployed for the last 16 months, and he and his wife have been living on an income of about \$500 a month. Despite this, the Federal District Court here, where his case is being tried, has twice denied his petition for financial assistance. He would be entitled to such assistance if the court declared him a pauper. Such assistance would at least pay for the fees for transporting and maintaining witnesses on his behalf and for the transcript of the proceedings.

The defense estimates that it will cost the fund about \$650 to bring each of its 30 defense witnesses to Los Angeles to testify. It also costs the defense \$6,000 a month to get a single copy of the official transcript of the courtroom proceedings.

"We hope that people realize that the defense of Ellsberg and Russo is really the defense of every American's freedom and right to know," Mr. Sheinbaum said. He asked that contributions be sent to The Pentagon Papers Fund Inc., Post Office Box 1630, Grand Central Station, New York, N. Y. 10017.