

ACCESS TO PAPERS AT RAND OUTLINED

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Witness Says 5 Persons

Could Look at Files

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LOS ANGELES, Feb. 16—A former friend and colleague of Daniel Ellsberg at the Rand Corporation testified today that he knew of no "special arrangement" at Rand regarding the Pentagon papers.

The Government witness in the trial of Dr. Ellsberg and Anthony J. Russo Jr. was Richard H. Moorsteen, now a Rand consultant and also a foam rubber manufacturer in San Diego.

Mr. Moorsteen did say that only a "narrow" list of people had access to the papers at Rand—five persons in all—but that nonetheless as far as he was concerned the papers were always within the regular security machinery.

It is the contention of the defense that the copy of the Pentagon papers that Dr. Ellsberg in turn later copied and helped make public was in fact the private papers of three Defense Department officials who had sent them to Rand for storage, but who gave Dr. Ellsberg and Mr. Moorsteen primary access to them. They were not in the regular Rand security system, the defense says.

A Model Employe

Mr. Moorsteen, however, testified that this was not his understanding. He depicted himself as a rather model Rand employe, a bit roguish perhaps, who came to work late—"ten-ish," he said laughingly—and who broke a few minor security regulations, all about as serious as a schoolboy caught smoking. Otherwise, he was very "meticulous" in handling classified documents.

He implied, without actually saying so, that his friend Dan Ellsberg was not quite such a good boy while at Rand.

Mr. Moorsteen is a tall, thin man in his late 40's with black hair. He has black-rimmed glasses, and he wore a tweed jacket, flannel slacks, a red tie and a red and white striped shirt.

The three Defense Department officials who sent a copy of the papers to Rand for storage were Paul C. Warnke, then Assistant Secretary of Defense for International Affairs, and two of his top assistants, Leslie Gelb and Morton H. Halperin, and it was they who gave Dr. Ellsberg special access to their copy.

Access Given in Letter

In a letter written on Oct. 6, 1969, to Henry S. Rowen, president of Rand, a letter now in evidence, Mr. Halperin and Mr. Gelb also granted access to their copy of the papers to Mr. Moorsteen.

But Mr. Moorsteen swore today that he never knew of the existence of that letter. He learned months later from Rand's top security control officer, Jan Butler, that he had access, he said, in a contradiction to the defense's contention.

He testified under cross-examination by Charles R. Nesson and Leonard I. Weinglass, defense attorneys, that on May 20, 1970, Dr. Ellsberg's last day at Rand, Dr. Ellsberg brought the papers into his office and asked him if he wanted them and that he had replied, "I said I'll check." and that he had immediately called Mr. Rowen. This call, he said, led to the papers' being injected into Rand's security system.

Dr. Ellsberg and Mr. Russo are accused of eight counts of espionage, six counts of theft and one count of conspiracy in the trial, which was recessed until Tuesday.