

Ellsberg Tells Jury Of Secrecy Pledge

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LOS ANGELES, April 17—Dr. Daniel Ellsberg said today under cross-examination at the Pentagon papers trial that he had signed a pledge to the effect that he would not copy the documents.

He also told the jury that no one had given him permission either to remove the papers from the Rand Corporation or to copy them.

Further, he testified, he signed any number of statements dealing with the security

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of "top secret" documents.

At one point, David R. Nissen, the chief prosecutor, asked him if he had read portions of the Espionage Act referring to classified documents. Dr. Ellsberg answered that "to the best of my knowledge there is nothing in the Espionage Act about classified documents, so I couldn't have read them."

He was asked if anyone had given him permission to remove the documents in 1969 from the Rand Corporation in Santa Monica, where he was employed, to a Los Angeles advertising office, where he Xeroxed them at night.

"No," he answered.

"No one had given you permission to copy them?" Mr. Nissen asked.

"That is correct," Dr. Ellsberg answered.

The pledge not to copy the documents had been disclosed before, but this was the first time that it had been disclosed to the jury.

Dr. Ellsberg said that the Xeroxing was done in about eight sessions, strating on Sept. 30, 1969, and going into November.

On some of those occasions, he said, he worked alone; on others he was helped by Anthony J. Russo Jr., his co-defendant. Lynda Sinay was then the owner of the small advertising agency, and she helped, he said. So, too, did his son, Robert, then nearly 14 years old, who helped out twice. Once his daughter, Mary, then nearly 11, was at the agency.

He was asked whether Miss Sinay or Mr. Russo or his son Robert had been given official access to the documents, and he answered, No. Nor, he said, had Vu Van Thai, a former South Vietnamese Ambassador to the United States. Mr. Thai and Miss Sinay are co-conspirators but not co-defendants.

Returned Documents

Dr. Ellsberg told the jury that after each Xerox session he either returned the documents that evening to Rand or on the next working day.

When he copied the papers on a Friday night, he sometimes kept them in his Malibu home until the following Monday, he said.

The prosecutor also asked Dr. Ellsberg to read to the jury portions of the Rand security manual.

The Government contends that because Dr. Ellsberg was given access to the Pentagon papers for his job at Rand—which had a contract with the Government—the violation of the Rand security manual was, in fact, a violation of Government security regulations.

The defense contends that Dr. Ellsberg and Mr. Russo at most violated the Rand Corporation's regulations, which would have called for dismissal but little else.

At the end of today's session, the prosecutor said that he believed that he could complete his cross-examination in about an hour tomorrow, and the defense said that it could complete its redirect of Dr. Ellsberg by the end of the day.

The Government's rebuttal case would then start on Thursday morning.

Tells of Decision

During the morning session, Dr. Ellsberg insisted that he had not decided to copy the Pentagon papers until the morning of Sept. 30, 1969, when he called his co-defendant, Anthony J. Russo Jr., and asked him if he could find a Xerox machine on which to do the copying. That night they started the Xeroxing.

He also testified that when he picked up courier passes in March and August of that year to transport, first 10 volumes of the papers and then eight volumes, to Rand's Santa Monica office from Rand's Washington office, he did so in good faith, agreeing not to copy the papers that he later did copy. His answers were designed to defeat the Government's conspiracy charge against the defendants.

Dr. Ellsberg and Mr. Russo are accused of six counts of espionage, six of theft and one count of conspiracy.

Under cross-examination, Dr. Ellsberg told how he scurried about the corridors of the Rand Corporation in Santa Monica in April with some of the volumes in a supermarket shopping cart to keep them from being discovered by Rand's security officers. The papers were in yellow envelopes with red borders, he said.

Inventory of Papers

It is the contention of the defense that one set of the Pentagon papers was purposely kept out of the Rand "top secret" security system because those papers were in fact the private papers of Defense Department officials, and that Dr. Ellsberg and Harry Rowen, then Rand's president, were the only ones who had access to them.

In April, 1969, Dr. Ellsberg said he was notified that the Rand security system was having an inventory of all its officially logged "top secret" papers. He asked Mr. Rowen what to do with the Pentagon papers that he had in his own "top secret" safe, he said, and Mr. Rowen told him to put them in the President's safe until the inventory was over.

Two of Mr. Rowen's secretaries were aware that he was transferring them to Mr. Rowen's safe, he said.