

# Ellsberg Cross-Examined

## --A Promise Not to Copy

Los Angeles

Daniel Ellsberg, under cross-examination by a government prosecutor, conceded yesterday that he once signed a promise not to copy the Pentagon Papers, but declared, "I signed that in good faith."

Assistant U.S. Attorney David Nissen opening a detailed quiz of Ellsberg stressed that Ellsberg had signed promises and then violated them by copying the Pentagon papers.

But the slender graying defendant calmly advised Nissen that he had not intended to copy the papers or

show them to any unauthorized persons when he first picked them up at the Rand Corp. office in Washington D.C. in March and August 1969 and signed courier passes promising not to show them to unauthorized persons or to reproduce any portion of them.

Ellsberg said he was going to use the top - secret study of the Vietnam war in connection with a project he was heading at Rand's Santa Monica Calif. office. The project was titled "Lessons of Vietnam."

Ellsberg has said during his direct testimony in his own defense that he decided

to copy the papers only after reading them.

Ellsberg is charged along with Anthony Russo with espionage conspiracy and theft.

Nissen probed every move Ellsberg made to avoid letting Rand Corp. top - secret control officer know the papers were at Rand.

Again and again Ellsberg explained that the three men who had custody of the papers — former Defense Department officials — had stored them at Rand with the understanding that the documents would never be entered into the Rand Corp. "top - secret system."

Other witnesses have told how the men wanted the papers guarded from the eyes of numerous Rand researchers.

For this reason Ellsberg said there was some reluctance to let him carry the papers to Santa Monica. But eventually he was allowed to take the documents telling only one other person in California of the arrangement — the president of Rand Corp. Harry Rowen.

At times Ellsberg said Rowen helped him hide the papers from others, storing them in his own office to avoid discovery when Ellsberg's office was subject to "inventory" by the top - secret control officer.

A key defense contention is that Ellsberg had private permission to have the papers, that the copies involved were not subject to either Rand or government regulations and that he broke no laws.

After picking up the papers at Rand's Washington office, Ellsberg said he notified Rowen that he had brought them to Santa Monica and was keeping them secret from the top - secret control officer. "Did Mr. Rowen say anything at this time?" asked the prosecutor.

There was "some indication that I was doing what I was supposed to," said Ellsberg.

*Associated Press*