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## Ellsberg Ally Is Proud of Role Despite His 'Messed-Up' Life

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LOS ANGELES, Jan. 16—Last Friday, attorneys for Anthony J. Russo Jr. filed a motion in Federal District Court here asking that the charges against him in the Pentagon papers case be dismissed.

The motion marks another turn in a complex case that has already produced a 47-day jail term for Mr. Russo and a landmark decision concerning the secrecy of grand jury proceedings.

Mr. Russo, a 35-year-old economist and engineer, has admitted helping Dr. Daniel Ellsberg copy the Pentagon study of American involvement in Vietnam while they both were employed at the Rand Corporation in Santa Monica. Dr. Ellsberg has said that he later released the documents to the press.

For helping Dr. Ellsberg, Mr. Russo was indicted two weeks ago on four counts of conspiracy, theft of Government property and violation of espionage statutes.

In an interview last week, Mr. Russo said he was proud of what he had done. He talked over breakfast in a cafe near his home in Santa Monica.

"The case has messed up my life," he said, "but what difference does that make?"

### 'Two-Edged Sword'

The indictment against him was a "two-edged sword," he said. In one way he welcomed the chance to defend himself.

"I've been in court many times, but I've never had a chance to say anything," he remarked. "Now I finally get a chance to talk after paying my dues for six months."

"On balance," he continued, "I'd rather not be indicted. I've had enough. I wish they'd leave me alone."

As Mr. Russo noted, his life has been "messed up." He has been on leave without pay from his job as a research analyst with the Los Angeles County Probation Department. He worries that his telephone is tapped and that his friends

are being watched. He married Katherine Barkley, who has been active in radical causes in the San Francisco area, and admits that he is broke.

It has been a long eight years for Anthony Joseph Russo since he left Princeton University with two master's degrees in 1964 and joined the Rand Corporation, a private research concern that works mainly for the Defense Department. He spent two years working for Rand in Vietnam, chiefly interviewing Vietcong prisoners.

### Was 'Radicalized'

The experience "radicalized" him, recalls, and he returned home a committed foe of American policy. He also returned as a friend of Daniel Ellsberg, another Rand employe in Vietnam.

When Mr. Russo was subpoenaed to testify before the grand jury last June, he refused. A judge granted him immunity from prosecution and when he still refused, he was convicted of contempt of court. On Aug. 16 he was sent to Federal prison at Terminal Island.

While there he went on a hunger strike to show sympathy for the prisoners in the Attica prison uprising, and he says he was beaten several

times by guards. Prison authorities deny the allegations.

On Oct. 1 Mr. Russo said he would testify before the grand jury if he were given a transcript of his remarks and allowed to make it public. Judge Warren J. Ferguson granted the motion, which was hailed by lawyers as an important step in "piercing the secrecy" of grand jury proceedings.

### Refused to Agree

But when Mr. Russo appeared to testify, Federal prosecutors refused to abide by Judge Ferguson's order to provide a transcript. The judge then ruled that Mr. Russo had purged himself of contempt and was free. Two months later he was indicted.

In their motion last week, Mr. Russo's lawyers argued that since he had been granted immunity to testify before the grand jury, he could not be indicted in the Pentagon papers case.

Federal prosecutors asserted that since Mr. Russo had never actually testified, he did not "trigger" his immunity and was still subject to prosecution. Oral arguments on the motion will be made later this month.

No matter what happens to the motion, the Pentagon papers have clearly changed the life of Anthony Russo. He now considers himself a committed, full-time radical. As he said in a statement the day he went to jail, "the community of resistance is growing and Daniel Ellsberg and I have joined it."