

Attack on Secrets In Ellsberg Case

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Los Angeles

Fourteen witnesses, including a former Central Intelligence Agency official, are willing to testify that government security classifications are a great boondoggle and officials commonly violate them according to an affidavit being studied by the federal judge hearing the Pentagon papers case.

The witnesses include a congressman, newsman and former State Department, Defense Department and White House officials.

ARGUMENT

Lawyers for Daniel Ellsberg and Anthony J. Russo, who face prosecution for actions they took in leaking the Pentagon papers to newsmen, are trying to prove that the government is being deliberately unfair.

The defense lawyers argue that charges were brought against Ellsberg and Russo

for doing what officials in Washington do all the time with impunity — take classified papers home, show them to others, and make public the information in them.

Defense lawyers submitted an affidavit to United States District Judge Matt Byrne Jr. that if allowed to present their case in a pretrial hearing — aimed at dismissing the charges against Ellsberg and Russo — they would produce the 14 witnesses who would testify in support of the defense argument.

The prospective witnesses were not named.

One witness was identified in the affidavit as having spent "an extended period in the CIA" with "responsibility in a high position relating to the Far East and North Vietnam."

The former official said in the affidavit he personally

does not approve of the leaking of the Pentagon papers, but that the papers were not "legitimately top secret and sensitive."

TESTIMONY

He said he would testify, according to the affidavit, that the papers were distributed too widely and to the wrong people to have been regarded as real secrets.

"There's a great distinction between political secrets and state secrets. Most of what is classified is political secrets," the former CIA official said.

"There are areas of legitimate sensitivity that should be classified. They involve things like codes, communications, war plans and real espionage.

"The rest is a bunch of baloney. It's policy-posturing . . .

The judge gave attorneys for the Justice Department until Monday to file a reply to the defense argument.

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