

Witness Says U.S. Removed It

Secret Report on Pentagon Papers

Los Angeles

A surprise defense witness, directly contradicting sworn testimony of two government officials, said at the Pentagon Papers trial yesterday that a secret report he prepared was ordered removed from government files.

Retired Air Force Colonel Edward A. Miller, testifying outside the jury's presence in the judge's continuing quest for the truth about what happened to important evidence, said that he was working in the Office of Security Review in the Defense Department in 1971.

On December 15 of that year, he said, he was called to a meeting in the office of Defense Department assistant general counsel Frank Bartimo. Miller said he was told to review the Pentagon Papers released by Daniel Ellsberg and Anthony Russo to see if they contained information which affected national security.

Bartimo has testified that he recalled no such meeting and barely remembered who Miller was.

Miller, who was awarded the Legion of Merit when he

retired from service last July, told of returning his reports on the nine volumes of the study to several persons, including his direct superior, Charles Hinkle, director of the Office of Security Review.

Just after Christmas 1971, Miller continued, he said he was summoned to Hinkle's office and Hinkle personally told him that the set of reports on the volumes had been returned from the general counsel's office by Jerry Freidheim, deputy secretary of defense for public affairs.

"Mr. Hinkle told me he had received this package back . . . from Mr. Freidheim and that the general counsel had requested Mr. Freidheim to tell us to remove these documents from the files," Miller testified.

The defense has contended that Miller's report, just turned over to the judge on Monday, was hidden for more than a year because it contains "exculpatory" evidence which could help the defendants probe their innocence.

MEMORANDUM

Miller said that Hinkle made a written memoran-

dum about the request to remove the files and that he (Miller) has seen the memorandum in the office of security review.

The Defense Department general counsel, J. Fred Buzhardt, has denied under oath that he ever gave the order to remove the files.

The judge has ordered Hinkle to Los Angeles to testify on this matter.

CHARGE

Ellsberg, 41, and Russo, 36, are charged with espionage, conspiracy and theft

in connection with the release of the classified Pentagon history of the Vietnam War. The Government has been seeking to show that the release would have endangered national defense security.

The defense contends the secret report contained important "exculpatory evidence" that the papers really had no effect on national defense from 1969 on.

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