

CIA Worker In Pentagon Papers Trial

Los Angeles

The defense in the Pentagon Papers case yesterday accused the Government of trying to "silence" a Central Intelligence Agency employee who claims United States military officials fabricated Communist troop numbers in Vietnam in 1967.

Attorneys for Daniel Ellsberg and Anthony J. Russo asked U.S. District Judge Matt Byrne to dismiss the indictment. They also asked that Government prosecutors be held in contempt and removed from the case.

As an alternative, the defense asked that key evidence on which the CIA employee's testimony might bear be stricken from the record.

However, Byrne proceeded with the trial and said he will hear arguments on the matter at the end of today's session.

AFFIDAVIT

The CIA employee, Samuel A. Adams, gave a defense representative an affidavit Sunday at CIA headquarters in Washington. He also was subpoenaed to appear in court here.

According to the affidavit, Adams read a New York Times article of January 20 reporting the testimony of General William Depuy in the Pentagon Papers trial.

Depuy testified as the Government's expert witness on the alleged harm of releasing a top secret report on the 1968 Tet offensive.

Among other things, Depuy referred to certain statistics in the report purporting to be numbers of troops the Communists had committed to the offensive.

NAMES

A week later, Prosecutor David Nissen listed a number of persons who had expressed views pointing to the defendants' innocence, including Adams, whose connection with the CIA was not mentioned, nor were the details of his information. Byrne ruled at the time that it was not material which the Government must turn over to the defense.

Last Thursday, the prosecution filed Adams' memos with the judge for his private inspection. That night, according to the defense attorneys, they learned through a third party that Adams was a CIA employee.

And on Friday, Byrne ruled that the material was "exculpatory" and must be turned over to the defense. As of yesterday, Nissen had not complied, presumably acting under instructions from Washington.

Nissen said on Friday that the Government considers the material to be of an "impeaching" nature, to be held back and used should Adams testify as a defense witness.

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