

ELLSBERG BACKED ON ACCESS TO DATA

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Halperin, Head of Pentagon
Papers Study, Denies U.S.

Owens Copy Cited in Trial
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LOS ANGELES, March 21—

Dr. Morton H. Halperin, who had general supervision of the Defense Department group that put together the Pentagon papers, testified today that one copy of the papers had been sent to the Rand Corporation for storage and that it did not belong to the United States Government.

Dr. Halperin, a former official of the Defense Department and the National Security Council, also told the jury in the Pentagon papers trial that he had been responsible for the papers' being classified "top secret—sensitive." He said that he had so classified them in a routine manner because everything relating to the war in Vietnam had been classified "top secret" in the department.

Probably his most significant testimony concerned the shipping of one set of the 47-volume study of the origins of the Vietnam war to the Rand Corporation for storage.

The defense contends that the set of the Pentagon papers that was in turn copied by the defendants, Dr. Daniel Ellsberg and Anthony J. Russo Jr., was the private papers of Dr. Halperin and two other Defense Department officials who had given Dr. Ellsberg permission

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to use them.

Dr. Halperin, a defense consultant in the trial, supported that contention in his testimony.

He said that sometime in late December, 1968, or early January, 1969, he telephoned Harry Rowen, then president of the Rand Corporation in Santa Monica, Calif., "to find out whether the papers could be stored at the Rand Corporation."

"We would put together a set of materials we wished him to store for us at Rand, that Rand would put in a 'top secret' safe, and that the materials would be available to us at our request, and that they would be outside of the normal Rand security system," Dr. Halperin said.

He said that he considered the materials, including the one set of the Pentagon papers, as being the private papers of himself, Leslie Gelb, who headed the Pentagon papers study group on a day-by-day basis, and Paul C. Warnke, then Assistant Secretary of Defense for Internal Security Affairs.

Dr. Ellsberg and Mr. Russo are on trial in Federal District Court on six counts of espionage, six counts of theft and one count of conspiracy in connection with the copying and ultimate disclosure of the papers.

Letter Shown to Jury

Dr. Halperin testified that the papers had been sent to Rand in preparation for the three officials' leaving Government service. A letter sent to Mr. Rowen by the three men covering the subject was then flashed on a screen in the courtroom for the jurors to see.

Dr. Halperin said that one reason the three wanted the information stored in a special way at Rand was so that other officials in the Government would not learn of the existence of the Pentagon papers when Government inventories of "top secret" documents at Rand were made. Rand, a private "think tank," does contractual work for the Government, particularly the Defense Department, and periodically all "top secret" documents in its security system are checked by Government inspectors.

He testified that sometime in March or April, 1969, he asked Mr. Gelb and Mr. Warnke whether it would be all right for Dr. Ellsberg to use their joint copy of the Pentagon papers, and that they said no.

But subsequently, he testified, he received a telephone call from Mr. Rowen to the effect that Dr. Ellsberg was working on a project called "Lessons Learned in Vietnam" and that the Pentagon papers would be helpful to him. He said that he and Mr. Gelb then said it was all right for Dr. Ellsberg to have special access to them. He said he had told Mr. Rowen that "I would agree providing that they not be put into the custody of Rand's top secret control" system. And so, he said, Dr. Ellsberg received special permission to use the papers.

Classification Explained

Earlier, Dr. Halperin said that the word "sensitive" added to "top secret" meant that Robert S. McNamara, then Secretary of Defense, considered the documents "bureaucratically and politically sensitive" and did not want their existence to be known "within the executive branch as well as outside, except to those who were working on the papers or supplying documents for them."

The knowledge of their existence was to be "limited to as few people as possible," he said, including as few as possible in the Defense and State Departments and the White House.

Dr. Halperin said that he had made no attempt to determine whether the source documents on which the papers were based had been properly classified, nor did he bother to read the various classification regulations. "There was simply one decision that all the volumes would be classified 'top secret,'" he said.

Later he testified that one reason the papers had been sent to Rand to be stored outside of Rand's normal security system was that they had been marked "sensitive."

Dr. Halperin is expected to be on the witness stand for several more days, giving testimony the defense hopes will present its case in microcosm.

The cement in the foundation of the defense's case is his testimony on the ownership of the particular set of the Pentagon papers that Dr. Ellsberg and Mr. Russo are accused of duplicating.

Also, his testimony on how the papers were originally classified as to secrecy goes to the heart of whether or not they were properly classified. If the defense can show they were not, it will be difficult to convict the defendants on the conspiracy count, which alleges a conspiracy involving classified documents.

Dr. Halperin testified that the papers had been put together by a study group operating without a budget or an accounting of the money spent, a statement that touches on the six theft counts. Thus far, the Government has been unable to prove that the cost of producing the papers was more than \$100, which would make their theft a felony.