

WAR BOOK CITED IN ELLSBERG CASE

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Author Says He Gathered

Same Data as in Papers

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Two years before Dr. Daniel Ellsberg and Anthony J. Russo Jr. copied the Pentagon papers, two reporters traveled around the world gathering some of the same material that was to appear in them, the jury in the Pentagon papers trial was told today.

It was also told that in 1968, a year before the defendants copied the papers, the reporters published a book entitled "The Search for Peace in Vietnam," which contained much of that material. The reporters were Stuart H. Loory and David Kraslow.

Mr. Loory, 40 years old, an award-winning journalist who is now executive editor of WNB TV News in New York, is the 15th defense witness called in this case.

The defense is seeking to prove that much of the information in the Pentagon papers was in the public domain before 1969.

Mr. Loory testified on the four volumes of the papers that had to do with "third country" efforts to start peace negotiations between the United States and North Vietnam. The countries included Canada, Poland, France, Rumania and Burma, and the efforts, called "tracts" or "contacts" in the papers, were given such code names as Marigold, Sunflower, Aspen, XYZ, Killy and Packers.

Public Domain Defense

Throughout Mr. Loory's testimony, Leonard Boudin, a defense attorney, made extensive use of the Loory book and of clipping from The New York Times to support the public domain defense.

Mr. Loory said that one such contact, code - named Pinta-Rangoon, not only appeared in his book in 1968, but many of the details of the contact were published in The Times on Jan. 11, Jan. 12, Feb. 1 and Feb. 6, 1966.

On cross-examination by the chief prosecutor, David R. Nissen, Mr. Loory was asked if the section of the Pentagon papers dealing with Pinta-Rangoon did not in fact have "numerous extracts of diplomatic" communication in them, and he answered, "That is correct."

He was then asked if any of the same extracts appeared in his book. He was able to give two examples, but Mr. Nissen elicited from the witness that both examples were messages broadcast in English worldwide by the Hanoi Radio.

On another mission, this one by the Canadians, Mr. Loory was unable to point to any extracts of diplomatic communications in his book. There were many in the papers.

Disclosure of Contacts

The Government has contended that disclosure of this and other contacts damaged the national defense of the United States, was prejudicial to the national defense and was of an advantage to a foreign nation. To prove the espionage charges against the defendants, the Government must first prove one of those three allegations.

Mr. Loory testified that details of the Marigold tract, which involved Poland and Italy, were described in his book in 1968 and that much of the details were the same as those later to appear in the Pentagon papers.

The Marigold negotiating attempt was made between June, 1966, and December, 1966.

In some instances, Mr. Loory read excerpts from his book and compared them with portions of the Pentagon papers that were flashed on a large screen in the courtroom.

In many of the cases, the information appeared very similar; in some cases, the comparisons appeared to be rather slight, although the same tracts were discussed in both.

When asked where he got his information, Mr. Loory replied that he had gotten it from many Government officials, including officials of foreign governments.

"Did this include officials of the United States Government?" Mr. Boudin asked.

"Yes it did," Mr. Loory replied. This answer made another defense point; that is, that there is a tradition of Government officials "leaking" to the news media information labeled "top secret" by the Government.

Dr. Ellsberg and Mr. Russo are accused of six counts of espionage, six counts of theft and one count of conspiracy in the case, which involves publication in 1971 of the secret Pentagon study of the Vietnam War.