

# Ellsberg Judge Accepts Hayden As Expert on Diplomacy of U.S.

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LOS ANGELES, April 6 — Tom Hayden, the antiwar activist, was accepted today by the judge in the Pentagon papers trial as an expert witness on the diplomacy of the United States.

Mr. Hayden, in his second day of testimony, was asked by Leonard I. Weinglass, a defense attorney, if he had an opinion on whether disclosure of the fo diplomatic volumes of the Pentagon papers could have affected the peace negotiations in Paris between the United States and North Vietnam.

"There is absolutely no basis" for Mr. Hayden to be considered an expert witness on diplomacy, the chief prosecutor, David R. Nissen, said. United States District Court Judge William Matthew Byrne Jr. overruled the objection, and Mr. Hayden replied:

"It could not have affected the beginning or the completion of negotiations."

On cross-examination Mr. Nissen set out to destroy the witness's creditability and to show that he was a biased witness in behalf of the defendants, Dr. Daniel Ellsberg and Anthon J. Russo Jr.

He elicited that on one occasion when Mr. Hayden had traveled to North Vietnam he was accompanied by Herbert Aptheker, whom Mr. Nissen described as a "theorist of the United States Communist party at that time."

"He was a member of the Communist party at that time," Mr. Hayden said.

On one of Mr. Hayden's three trips to North Vietnam, he told the jury under cross-examination, he stopped in Communist China for "three or four days," in the Soviet Union for "two or three days" and in Czechoslovakia for "two or three days."

Mr. Nissen then asked him how well he knew the defendants, and Mr. Hayden told how Mr. Busso had lectured twice to his college classes.

He told of other occasions on which he had met Mr. Russo and Dr. Ellsberg and other members of the "defense team" and how he spent two months, since this trial started, sharing living quarters with Mr. Weinglass. Mr. Weinglass was Mr. Hayden's attorney during the Chicago-Seven trial.

Following Mr. Hayden, the defense called Noam Chomsky, Ferrari P. Ward professor of modern languages and linguistics at Massachusetts Institute of Technology, to the stand.

Professor Chomsky, questioned by Charles N. Nesson, a defense attorney, told the jury about the number of books and articles that he had written about the war in Vietnam and about the Pentagon papers and about the number of lectures he had given on the subjects. He was, he said, a consultant to the defense in this case.

Dr. Ellsberg and Mr. Russo are accused of six counts of espionage and six of theft and one count of conspiracy.