

# Ellsberg Takes the Stand in Own Defense

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Special to The New York Times

LOS ANGELES, April 10 —

Daniel Ellsberg took the witness stand late this afternoon to tell a jury of 10 women and two men why he disclosed the top secret-sensitive Pentagon papers.

But because of the late hour his testimony did not get into the substance of the case before the trial was adjourned until tomorrow.

It was the 67th day of the Pentagon papers trial, and it was nearly two years after he surrendered to the United States attorney in Boston on June 28, 1971.

It was a moment of high drama in a crowded but nearly silent courtroom. The witness wore a neat, expensive gray suit, a striped shirt and tie.

## Voice Is Low

His face appeared ashen, and he gave his first answers in near whispers, requiring Federal District Court Judge William Matthew Byrne Jr. to tell him several times to "speak to the back of the room."

Dr. Ellsberg sipped water as he recited his academic background, and under questioning from Leonard B. Boudin, a defense attorney, he told the jury of his training and service as a marine officer.

Earlier, his co-defendant, Anthony J. Russo Jr., completed the testimony he began yesterday.

For Dr. Ellsberg, it was the beginning of the end of a strange and lonely odyssey he had undertaken, starting in October, 1969, to bring the information contained in the papers to "the Congress and the American people."

Seated in the court was his wife, Patricia; a son by a previous marriage, Robert, and his brother, Harry.

The courtroom was jammed, as it was yesterday, and some persons waited in the corridor for a chance to get in.

Dr. Ellsberg is charged with five espionage counts, five theft counts and one conspiracy count. He faces a possible 105 years in prison and a \$110,000 fine.

Mr. Russo is jointly named in the conspiracy count and is also charged with one count each of espionage and theft. He faces a possible 25 years in prison and a \$30,000 fine.

Dr. Ellsberg was the 40th witness in this case and the 26th defense witness. He started his testimony on the 67th day of the trial.

Dr. Ellsberg's life has been a study in contrasts. He was eager to see combat as a marine officer and once extended his term of service, but now he is moved to tears by war stories.

He has served in the State Department and the Defense Department and as a strategic

analyst for the Rand Corporation, all the time concerned with the making of war.

But he then became a "dove," and through his release of the Pentagon papers, his name became synonymous with the peace movement.

Before he took the witness stand late this afternoon, his co-defendant, Mr. Russo, completed testimony.

Yesterday Mr. Russo was a controlled, almost precise witness. Once he wept, but his manner of testifying generally reflected careful preparation by his attorney, Leonard I. Weinglass.

Today Mr. Russo was different.

Before the jury arrived, Mr. Weinglass moved to preclude the prosecutor from asking Mr. Russo questions about any of the "top secret-sensitive" documents involved in this case other than the 10 mentioned in the counts against the defendant. The motion was denied.

## Weinglass Stares

On the witness stand, Mr. Russo, who had sat through the argument, ignored his lawyer's pleas. He said that he might have helped Dr. Ellsberg Xerox all 20 documents involved in this case.

"I certainly wouldn't deny it. It was an honor," he said.

Mr. Weinglass stared at the witness as if he had been slapped.

At one point, Mr. Russo said, "I think any American who cared about the country would consider it his official duty to get these documents to the Congress and the American people." The remark was ordered stricken.

On several other occasions, he was able to keep his remarks about "the American people" in the record.

When he was asked by David R. Nissen, the prosecutor, if he had had permission to see the documents, he said, "I never received permission. I don't know what kind of permission you are talking about."

## 'Need to Know'

He said the "top secret-sensitive" markings were removed from the copy of the Pentagon papers that he and Dr. Ellsberg made "because it was my interest to remove that because it was very confusing."

Mr. Russo was asked by Mr. Nissen if he had a "need to know" right to see the documents, and he answered, "I had no relation to the Rand Corporation at the time, but I did have a [personal] need to know." The defendants admit taking the papers from the Rand Corporation and Xeroxing them.

He was asked if the Rand Corporation had known that he and Dr. Ellsberg were copying the papers, and he replied, "I knew that the people at Rand didn't know about it, so I would

assume that he [Dr. Ellsberg] didn't have any bureaucratic slips" giving him that right.

Several times the judge cautioned him to answer the questions as asked.

Once Mr. Russo told the jury that he and Dr. Ellsberg had "talked on numerous occasions" how in this context an agreement to keep secrets about crimes [the war] that were being committed was itself a criminal thing. This, too, was ordered stricken.

After Dr. Ellsberg, the defense has scheduled two more witnesses.

## Exhilaration Fades

After the luncheon recess Mr. Russo's exhilaration of the morning seemed to fade as the prosecutor asked him questions designed to show that, as a former Rand employee, he knew that security regulations were being broken when he helped Dr. Ellsberg copy the papers.

Documents that Mr. Russo signed while working at Rand were flashed on a large screen in the courtroom. One, signed by him in June, 1964, was a statement showing that he had been briefed on security regulations.

"I received numerous briefings" on the security of top secret documents, he told the jury.

He was asked if he had understood what he had signed, and he answered, "Not really, no. I understood these had to be filled out if I wanted to be employed, but this [the security statements] gets right to the nature of what we are talking about."

The defense contends that at the most the defendants broke security regulations of the Rand Corporation and not the law. There are no laws, in fact, governing the release of documents merely because they are classified; there are only Executive orders.

The witness succeeded in making that point to the jury several times. But Mr. Nissen's cross-examination dealt almost entirely with the theft counts, which the defense considers the most troublesome.

Mr. Russo was asked if he had been a delegate to the meeting in Copenhagen last year of a so-called international commission set up to investigate alleged American war crimes in Vietnam, and he answered, "Yes, I was a delegate to that conference."

Under redirect by Mr. Weinglass, he said that he had represented himself and not a group at the conference.

## Westinghouse Opens Talks

PITTSBURGH, April 10 (UPI) —The Westinghouse Electric Corporation opened wage contract negotiations today with the International Union of Electrical Workers, which represents about 32,000 workers at 40 plants across the country.