

# Ellsberg Completes His Testimony on Pentagon Papers,

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LOS ANGELES, April 18 — Daniel Ellsberg completed his testimony in the Pentagon papers trial today, telling the jury that the documents contained 1,000 pages depicting American war crimes and illegal actions — not by the troops in Vietnam, but by high Government officials.

But, he testified, the actions were committed by "patriotic" although misled men.

Dr. Ellsberg had been on the witness stand for portions of five days, and he finished his testimony today as he had started, speaking softly to the jury, almost in a lecturing tone.

He was asked by the chief prosecutor, David R. Nissen, if he did not believe that the papers contained material that was "evidence of United States war crimes," and he answered: "Yes. I'm not a lawyer, but it appeared to me as I read through that there were illegal actions, of which I took part unfortunately."

"Yes, I think the material [in the papers] on the planning in 1964-65, and the planning in 1954 to violate the agreement in Geneva was a crime against the peace," he said, adding that the papers did not depict crimes of "the battlefield," such as My Lai.

He also mentioned American support for the overthrow of Premier Ngo Dinh Diem in 1963 as an incident of "illegal action," as was the later "rolling thunder" program of bombing North Vietnam.

Cites Nuremberg

"This was high level, Washington planning," Dr. Ellsberg said. In fact, he said, it showed evidence that appeared to him to be similar to the evidence used in the Nuremberg war crimes trials after World War II.

Tomorrow the defense is scheduled to rest its case, following the testimony of Richard Falk, a professor of international law at Princeton.

In his testimony today, Dr. Ellsberg said that the planning of United States involvement in Vietnam was "clear-cut plan to undertake war in violation of the United Nations and the Atlantic Charter."

After his testimony, Dr. Ells-

berg said that although the question of war crimes was a technical one, he believed that his testimony gave him "a chance to explain to the jury what I feel, which starts from the premise that no man is above the law in this country—not me, not even the President of the United States.

"I think we did too much planning without ever asking ourselves this question: Were we breaking the law? Do we have a right to be doing this? That's more important than the law question."

The question, he said, was finally "why men I knew to be patriotic Americans had come to the point where it seemed to them that what they were doing had nothing to do with the United States Constitution."

He said that during his testimony he felt he was in "conversation" with the jurors "even though they were obliged to keep silent in the courtroom. They looked good to me."

Most of the prosecutor's

questions on cross-examination today appeared to be directed toward the six theft counts and the one conspiracy count against Dr. Ellsberg and his co-defendant, Anthony J. Russo Jr. There are also six counts of espionage against the two men.

While on the witness stand, Dr. Ellsberg on several occasions asked United States District Judge William Matthew Byrne Jr. if he could explain his answers. On other occasions, he answered questions

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at such length that the judge halted him.

He told the jurors that he was not charging high Government officials with a conspiracy, but rather with a "conspiratorial style" to keep the truth from Americans.

"They meant the best for the country as they saw it, and the best for world peace, although they didn't tell Congress or the public what they were doing," he said.

His answer was in reply to the question: had he said publicly that there was a con-

spiracy of Government officials to wage an aggressive war against North Vietnam?

"I know that the people I worked for were patriotic men," he said.

Questioned About Movements

He also answered questions concerning the mechanics of his involvement with the Pentagon papers. He told, for instance, how in August, 1969, when he was transporting eight volumes of the papers between Washington and Santa Monica, he stopped overnight with them in Denver — which he was not supposed

to do under the terms of his courier pass.

And he was asked if he took the papers to Philadelphia with him when he went to address a convention of war resisters. "No," he answered.

He reiterated how he and Mr. Russo had copied the papers in the office of Sinay, an advertising woman, and how on one occasion Vu Van Thai, a former South Vietnamese Ambassador to the United States who has been subpoenaed to testify here, was

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in attendance. And he told the jury that he now recalled that Mr. Thai did in fact read a brief portion of one of the volumes, a portion that mentioned a friend of Mr. Thai's.

Dr. Ellsberg was asked if Miss Sinay had what is called a "need to know" to see the Pentagon papers, and he answered:

"I believed that Miss Sinay, as a citizen and a taxpayer, was trustworthy and had an urgent 'need to know' and that the information could not have damaged the United States."