

# Ellsberg Ends Testimony

## --Charges War Crimes

Los Angeles

Daniel Ellsberg finished testimony at his trial yesterday with a declaration that the Pentagon Papers may have shown American war crimes on a scale comparable to those for which German leaders were tried at Nuremberg.

The 42-year-old defendant told the jury that there were "illegal actions, many of which I participated in," and that he thought it might be beneficial for them to be "tested in an international court."

Under cross-examination by prosecutor David Nissen, Ellsberg went into a lengthy recitation of what he considered possible war crimes unearthed in the volumes which he admittedly copied despite their top-secret designation.

Ellsberg stepped off the witness stand in early afternoon after three days of testimony and the defense disclosed it would rest its case today after a brief appearance by one more witness, Princeton professor Richard Falk, an expert on international law.

Ellsberg was asked what he thought was the most important point he made in his testimony.

"That no man is above the law," he said. "Not me, not the President of the United States."



DANIEL ELLSBERG  
He ended his testimony

The prosecution was to begin rebuttal immediately. It was disclosed that the government had subpoenaed Vu Van Thai, a former South Vietnamese ambassador to the U.S. who was named in the indictment as a coconspirator although not charged with any crime.

Thai was located by federal agents in New York, it was learned, and put on 24-hour notice to be prepared to testify in Los Angeles. He had originally been scheduled as a defense witness but was not called.

Ellsberg and codefendant Anthony J. Russo are charged with conspiracy, theft of government docu-

ments and espionage. Ellsberg has conceded he showed one of the volumes to Thai at the time they were being copied.

In the windup of his testimony, Ellsberg was asked by Nissen whether he had not made a number of public statements in which he denounced U.S. actions in Vietnam as a conspiracy by American officials to wage aggressive war against North Vietnam.

"I think it would be more precise to say there was a conspiratorial silence," Ellsberg said. "I know that many of them were patriotic men who thought what they were doing was best for their country."

"They acted knowing that if they said frankly what they were going to do, it would be rejected by the majority of the people in the country who wouldn't let them do it — wouldn't give them the money or the weapons."

Ellsberg cited such matters as American backing of the plot to assassinate Premier Ngo Dinh Diem.

He said the military assault on North Vietnam, "a country with which we were not at war," was itself in the same category of the charges on which top Nazi officials were tried at Nuremberg after World War II.

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