

# Ellsberg, at Senate Hearing, Urges Congress to Sees His Trial as Effort To Discredit Democrats

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WASHINGTON, May 16—Dr. Daniel Ellsberg, declaring that "secrecy corrupts just as power corrupts," urged Congress today to enact laws sharply restricting secrecy in the executive branch.

In a long appearance at a Senate hearing that erupted in a bitter clash between two Senators, Dr. Ellsberg said that excessive secrecy had helped create a Government atmosphere that "led us to Watergate and to what continues in Indochina."

He contended that access of senior Government officials to information classified higher than top secret had an intoxicating effect, persuading them to lie rather than admit the existence of the data. Specifically, he made the following charges:

¶That the Government's unsuccessful attempt to prosecute him and Anthony J. Russo Jr. for disclosing the Pentagon papers had been part of an effort by the Nixon Administration to discredit Democratic Presidential contenders last year, especially Senator Edmund S. Muskie of Maine.

¶That Henry A. Kissinger, President Nixon's national security adviser, told a "lie" in 1971 when he said that he was not aware of the Pentagon papers before they were published in The New York Times.

¶That J. Fred Buzhardt Jr., general counsel of the Department of Defense, may have been "culpable" on perjury charges when he testified at the Pentagon papers trial last January that he had no knowledge of a Pentagon study asserting that national security was not harmed by publication of the history of United States' involvement in Indochina.

¶That "the Chief Executive was directly involved in lies to a [United States] District Court" if, as reported today in The New York Times, President Nixon personally authorized wiretapping of Government aides that produced information including conversations of Dr. Ellsberg—that were kept secret until last week.

In dismissing all Government charges last week against Dr. Ellsberg and Mr. Russo, Judge William Matthew Byrne Jr. of United States District Court in Los Angeles said the Government's failure to produce the wiretap evidence had been "of greatest significance."

#### Pattern of Secrecy

But the burden of Dr. Ellsberg's comments today, to three Senate subcommittees meeting jointly, was that the incident was only one instance in a pattern of secrecy that represents what he said was "contempt" by the executive branch for Congress, the judicial process and the public.

Dr. Ellsberg spoke at one

## Ruckelshaus Apology Is Submitted to Shultz

WASHINGTON, May 16 (UPI) — William D. Ruckelshaus, the acting director of the F.B.I., apologized to Treasury Secretary George P. Shultz yesterday for a facetious reference to "arm wrestling" with Secret Service agents over missing F.B.I. files.

Mr. Ruckelshaus told reporters yesterday that records of wiretaps sought in the Pentagon papers trial in Los Angeles were found Saturday in an office safe of John D. Ehrlichman, former White House aide.

At his news conference, Mr. Ruckelshaus said, "When we took the papers out that resulted in this, it was the most difficult thing I've ever had to do. We almost had to arm wrestle with the Secret Service."

Mr. Ruckelshaus wrote to Mr. Shultz, who has jurisdiction over the Secret Service, that his agents "could not have been more polite or efficient."

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# Restrict Secrecy in the White House



The New York Times/George Tames

Dr. Daniel Ellsberg, right, talking with Senator Edmund S. Muskie before testifying yesterday before a Senate subcommittee on Government secrecy.

point of data, classified far higher than top secret and available only to a handful of officials in the executive branch, as "a magic potion that turns ordinary human beings into arrogant, contemptuous menaces to democracy."

He said he had urged Mr. Kissinger in late 1968 not to be seduced by such data, but that in a 1970 conversation with the national security adviser at the Western White House in San Clemente, Calif., he concluded that Mr. Kissinger was "eating the secret honeydew."

Dr. Ellsberg, a lean, graying man dressed in a conservative blue pin-striped suit, dominated the hearing as he sat alone at a witness table before half a dozen Senators, five television cameras, three tables of reporters and 150 spectators.

Senators Muskie, Edward M. Kennedy of Massachusetts and Lawton Chiles of Florida, all Democrats, joined in the rapt attention that Dr. Ellsberg enjoyed during a 50-minute outline of his views on executive secrecy and most of the questioning by those and other Senators.

But Senator Strom Thurmond, Republican of South Carolina, insisted when he began interrogating Dr. Ellsberg that the witness be required to take an oath. Mr. Muskie objected, but Dr. Ellsberg said he did not mind and swore to the accuracy of his subsequent remarks.

Nonetheless, as the three-hour session was ending, Senator Thurmond said, as he had several times before, that Dr. Ellsberg had been found neither guilty nor innocent of wrong-

doing when the Pentagon papers trial was aborted.

But Senator Muskie cut in to say to Dr. Ellsberg that the court in Los Angeles had given him "innocence...until proven otherwise" and, turning to scowl at Senator Thurmond, he added, "I disagree with Senator Thurmond utterly."

The South Carolinian shot back that "the court didn't prove his guilt or innocence" and Senator Muskie retorted that Mr. Thurmond was "guilty of the very posture you have attributed to the witness," prejudging the acts of others.

"The court threw this case out, as you well know, because of the prosecution tactics in the case," Senator Thurmond insisted.

"The Constitution gives him (Dr. Ellsberg) his innocence," Mr. Muskie replied.