

Ellsberg Trial Set March 7 In Disclosure of War Study

By Robert Meyers

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LOS ANGELES, Jan. 4—Daniel Ellsberg pleaded innocent today to 12 federal charges stemming from the disclosure of a secret Pentagon study of the origins of the Vietnam war.

Ellsberg, 40, is charged with conspiracy and 11 substantive counts alleging theft from the government and violation of three sections of the federal espionage act.

"I am not guilty of any of the counts against me," Ellsberg told U.S. District Court Judge W. Matt Byrne Jr.

Anthony Joseph Russo Jr., 34, a codefendant with Ellsberg in the 15-count indictment, refused to plead on advice of his attorney. Judge Byrne entered a plea of innocent to four charges of conspiracy and receiving the documents.

The 15-count indictment that superseded a previous one-count indictment of Ellsberg was issued by a federal grand jury here last Wednesday. Ellsberg, who has admitted making most of the Pentagon Papers available to The New York Times and other newspapers, is charged with stealing, concealing and communicating government and national defense documents.

Ellsberg and Russo were col-

leagues at the Rand Corp. at Santa Monica, Calif.

Judge Byrne set March 7 as the date for beginning a joint trial of Ellsberg and Russo. But he said the trial could be postponed to April 10 if Leonard Boudin, Ellsberg's chief attorney, is still involved in the upcoming conspiracy trial of the Rev. Phillip Berrigan and seven others in Harrisburg, Pa. Boudin and another defense attorney, Charles Nesson, represent Egbal Ahmad, a codefendant in the Harrisburg case.

Attorneys for both Ellsberg and Russo unsuccessfully attempted to make discovery motions before the court. Boudin told the court, "I will oppose any government motion to dismiss the first indictment in favor of the second," because of what he contended was illegal disclosure of the sealed indictment last week in Washington.

Boudin said he expects to call "government witnesses and others," a process that might take several days. Judge Byrne said a hearing on the dismissal motion would be held March 6.

Russo's attorney, Michael

Balaban, said, "I have a serious and substantial question as to whether Mr. Russo can be subjected to prosecution because of his immunity grant."

Last August, Russo was granted immunity from prosecution and ordered to testify before a grand jury. He refused and spent 47 days in jail for civil contempt of court. Later he agreed to testify, and his attorneys are now arguing this makes him immune from prosecution on the charges in the new indictment.

Byrne will hear Russo's motion on Jan. 28.

Former New York Republican Sen. Charles E. Goodell was introduced to Judge Byrne as "special counsel" to Ellsberg. Goodell said he would seek admission to the California bar.

The former senator did not address the court, but later issued a statement calling the indictment "a crazy quilt of new charges." He said in the statement that the indictment charges Ellsberg and Russo "with stealing the truth and telling it to the American people."



United Press International

Daniel Ellsberg and his wife, right, and Anthony J. Russo and Katherine Barkley, left, make their way through a crowd as they leave federal court in Los Angeles.