

# Judge Orders Trial Of Ellsberg, Russo To Begin July 10

By Sanford J. Ungar  
Washington Post Staff Writer

LOS ANGELES, June 29— U.S. District Court Judge W. Matt Byrne Jr. today set the trial date for Daniel Ellsberg and Anthony Russo on charges in connection with disclosure of the top-secret Pentagon Papers for July 10, the same day the Democratic National Convention begins in Miami Beach.

The new delay of five days was caused by a protracted hearing on the defense's claim that the jury selection system in federal court here violates the law by granting too many excuses from jury service.

After hearing three and a half days of testimony and legal argument, Byrne said he would rule Friday on the jury selection motion.

Assuming that he does not throw out the jury selection system, the judge said that a panel of 100 potential jurors would be called to his courtroom on July 10 when the trial formally gets under way.

He has estimated that jury selection in the controversial case may take no more than three days, since he will ask all of the questions to determine which persons are fit to serve.

The judge said today that he will not sequester the jury, in view of the fact that the trial of Ellsberg and Russo is expected to last several months.

Defense attorneys are op-

posed to sequestering the jury. The special prosecutors in the case, while not demanding that the jury be sequestered, have appealed to the judge to ban Ellsberg and Russo from the "blatant misconduct" they say has characterized the defendants' speeches in the months leading up to trial.

In another ruling today, Byrne denied a defense demand to see all minutes of the Boston grand jury that has also been investigating disclosure of the Pentagon Papers a year ago.

After reading the minutes privately, the judge said, he had concluded that the Boston investigation was into other alleged crimes and was not being used improperly to gather evidence for the trial here as charged by the defense.

Quashing the hopes of lawyers in the case for a long Fourth of July weekend, the judge scheduled a full hearing for Monday on several pre-trial issues that have yet to be decided. He expressed his exasperation at the delays caused by the pre-trial motions in the case and said it would take "something extraordinarily unusual" to justify the filing of any more legal memoranda by either side.