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Judge Asked To Dismiss Ellsberg Case

LOS ANGELES, Nov. 25 (AP)—Defense attorneys in the Pentagon Papers trial have asked a federal judge to dismiss charges against Daniel Ellsberg and Anthony Russo Jr.

The attorneys say they are seeking the dismissal on grounds that remarks by Vice President Spiro Agnew resulted in "prejudicial publicity."

The defense also asked U.S. District Court Judge Matt Byrne on Friday for a hearing to determine if the Nixon administration was responsible for comments Agnew made on a nationally televised show Oct. 29.

Ellsberg, 41, and Russo, 35, both former Rand Corp. researchers, are charged with espionage, conspiracy and theft.

Agnew said in a transcript of the Oct. 28 television show that the theft of the secret documents was similar to the Watergate incident, in which Democratic national headquarters was bugged.

Arguments on the defense motion for dismissal of charges and other motions seeking a mistrial and a new jury are scheduled for next Thursday.