

Ellsberg Trial Moves Into

Legal Snag

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Los Angeles (AP)—The Pentagon papers trial moves into new legal entanglements today following disclosures that Daniel Ellsberg was overheard by federal wiretappers whose records have vanished.

The FBI revealed the government researcher was heard on a wiretap up to two years before he released the Pentagon papers to the news media.

Judge Matt Byrne, of United States District Court, demanding that the government answer to him today about the disappearance of 1969 and 1970 wiretap logs, also has told attorneys for both sides to be prepared for legal arguments on the wiretap issue.

Secret Wiretaps

The team of defense attorneys urged questioning of former attorney General John N. Mitchell and perhaps President Nixon about the secret wiretaps at the home of Ellsberg's friend Morton Halperin, a one-time White House Official.

With legal grounds apparently mounting for possible dismissal of the case against Ellsberg and Anthony J. Russo, Byrne has the choice of deciding for or against dismissal after today's arguments or of waiting for more evidence from the government.

2-Week Probe

Ellsberg and Russo are accused of espionage, conspiracy and theft for copying the Pentagon papers, a top secret study of U.S. involvement in Vietnam, in 1969.

Byrne's two-week probe of possible government violations in connection with the trial

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Ellsberg Trial Faces New Legal Snag

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spread to two fronts as a result of Thursday's wiretap disclosures.

He was probing not only Watergate and White House links to a burglary of the office of Ellsberg's psychiatrist, but also sought to bring out missing records of the apparently suppressed wiretap evidence.

While the wiretap dispute deflected attention from the central Watergate-White House involvements, the judge kept an eye on that probe. He released to the defense team a document involving former presi-

dential counsel Charles W. Colson. The government prosecutor opposed making the Colson document public, calling it irrelevant to the trial.

To Remain Silent

The paper, an FBI report on a Colson interview, said Colson was told that the burglary had occurred. It said Colson was later instructed by former White House counsel John W. Dean 3d and former presidential adviser John D. Ehrlichman to remain silent about the burglary when questioned by the FBI and the Watergate prosecutor.

Testimony and affidavits submitted to Byrne since he launched his probe April 26 have said the Watergate conspirators G. Gordon Liddy and E. Howard Hunt engineered a break-in at the Beverly Hills office of Ellsberg's psychiatrist in September, 1971. Hunt told the Watergate grand jury they aimed to get Ellsberg's psychiatric records.

The eavesdropping was disclosed in a memorandum by the new acting FBI director, William D. Ruckelshaus, who said that newspaper reports on the trial had spurred him to launch a special investigation of possible wiretapping in the case.