

SATURDAY, MAY 12, 1973

D1

Packing the Court: SPO for the Payoff

By Leroy Aarons

LOS ANGELES—After "Last Tango in Paris," the Pentagon Papers trial was the hottest ticket in town.

As the daily portfolio of disclosures expanded over the last two weeks, so did the line of spectators. Outside Judge Mat Byrne's Courtroom No. 9 yesterday morning, for example, expecting the final judgment in the case, people began lining up at 7:15, when the courthouse opened. By 10 o'clock, a rag-tag trial of about 80 hopefuls wound its way through the corridor—about twice as many as there were seats available.

"A historical event is happening," explained Joseph Manig, a graduate student in music history at the University of Southern California, "and I want to be a witness to it."

"I sat through the dull part," said Helen Logan, a retired store employee, "now I'm back for the payoff."

The payoff came at exactly 2:07 p.m.

PST when Byrne threw the government's case out after two long years.

There was cheering in the packed courtroom even before Judge Byrne had left the bench. Spectators jumped up and down in their rows, hugged and kissed each other and applauded the judge's decision to declare a mistrial and dismiss all charges.

All along, the crowd was frankly partisan behind codendants Daniel Ellsberg and Anthony Russo Jr. Most had the sense of being part of great events, like Joan Korda, one of the regulars, widow of film director Zoltan Korda.

"It's the difference between listening to Rubinstein on your piano and going to the concert," she said earlier. "Most of us are very pro-Ellsberg. I haven't met a single person who isn't rooting for him."

There was one, behind her. Retired Air Force Maj. Murray Tannen ("B-17, Second World War, in the Japanese islands"), said tersely, "When you steal something you get punished."

The press corps, which had mushroomed

from 10 to 60 in the past 10 days, had overflowed into the jury box (the jury had been sent home during debate over motions), prompting acerbic prosecutor David Nissen to remark wryly, "I'd like to voir dire [examine] some of those guys."

Nissen, whose biting rejoinders to Judge Byrne had shocked spectators, walked in one day last week to find a row of 10 dominos lined up in the form of a question mark on the lawyers' table. The first was labeled "Nissen," the next "Silbert," then "Petersen" on up through Ehrlichman, Mitchell and, finally, President Nixon. Nissen didn't find it funny.

For those fortunate enough to be invited to the Ellsberg-Russo family "pew," there was no waiting in line. Among those who took advantage of the privilege in recent days were actress Eva Marie Saint, actor George Segal, now a regular ("I'm hooked, addicted! This is the center of the cyclone"); former Rep. Allard Lowenstein; California Secretary of State Edmund G.

See EVENT, D2, Col. 1