

THE NEW YORK TIMES, WEDNESDAY, JUNE 14, 1972

Russo May Obtain A Separate Trial In Pentagon Case

By **ROBERT A. WRIGHT**

Special to The New York Times

LOS ANGELES, June 13—
Separate trials for Anthony J. Russo and Dr. Daniel Ellsberg in the Pentagon papers case became a possibility today.

The two men are charged here with stealing classified Government documents — the Pentagon papers on the involvement of the United States in the Vietnam war—and leaking them to news media.

Leonard I. Weinglass, defense attorney for Mr. Russo, told Federal District Judge William Matt Byrne Jr. that a United States Supreme Court decision of last Thursday made

it necessary to file for a stay of the trial here. The Court had declined to expedite consideration of an appeal by Mr. Russo relating to this case.

Judge Bryne told Mr. Weinglass that his motion for a stay should be accompanied by one for severance of the trials of Mr. Russo and Dr. Ellsberg.

Today's development came as oral arguments on pretrial motions were due to continue. Judge Bryne had been expected to rule today on whether a pretrial hearing should be held to determine if the Government's case constituted discriminatory prosecution.

He delayed his ruling, however, noting that he continued to receive motions and affidavits from defense attorneys. "I think we're going to have to have an understanding that this is going to be the end of the motions," he said.

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