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10 U.S. OFFICIALS SUED BY ELLSBERG

Russo and 17 Others Join
Action on Wiretapping

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WASHINGTON, Sept. 19—

Daniel Ellsberg, Anthony J. Russo Jr. and 17 of their attorneys and consultants in the Pentagon papers case sued 10 top Federal officials for damages today, accusing the Government of illegal wiretapping.

The suit is one of the first to be filed under a provision of the 1968 wiretap law that permits the Government to use wiretapping with court orders but also authorizes damage suits against officials who wire tap illegally.

It stems from the Justice Department's declaration in Federal District Court in Los Angeles last July that a defense lawyer or consultant in the trial of Dr. Ellsberg and Mr. Russo had been overheard over a "foreign intelligence" wiretap that was installed without a court order.

The trial of the two defendants for allegedly making public the top-secret Pentagon papers was halted while they appeal to the Supreme Court their assertion that the warrantless wiretap was illegal and should be disclosed to them. The Court is expected to decide whether to hear the appeal shortly after it begins its new term Oct. 2.

The suit filed today is based upon the assertion that the wire tap was illegal because it was not approved by a judge. The Government says that "foreign intelligence" wire tapping can be conducted legally without court approval.

Because the Government has not disclosed which agency planted the alleged wiretap, or which lawyer or consultant was overheard, all lawyers and consultants for the defense sued the top officials of all Federal agencies that use wiretapping.

In addition, Dr. Ellsberg and Mr. Russo filed suit, charging that the interception interfered with their defense and thus denied them "the effective assistance of counsel guaranteed by the Sixth Amendment."

Those sued were former Attorney General John N. Mitchell and Attorney General Richard G. Kleindienst and the top officials of the Federal Bureau of Investigation, the Bureau of Narcotics and Dangerous Drugs, the Customs Bureau, the Secret Service, the Internal Revenue Service, the Departments of Defense and State and the Central Intelligence Agency.

000 each in punitive damages.

The plaintiffs asked for \$50,000 plus the amount set by Congress as compensatory damages for illegal wiretapping — \$100 a day for each day of surveillance or \$1,000, whichever is higher.