

NOV 22 1972
NYTimes

ELLSBERG DEFENSE ASKS FOR NEW JURY

LOS ANGELES, Nov. 21 (UPI) —Attorneys for Daniel Ellsberg asked today for a dismissal of the sworn jury in the Pentagon papers trial and for the selection of a new panel.

Federal District Judge Matt Byrne set Nov. 30 for a hearing on the issue and indicated that if the motion was denied the trial of Dr. Ellsberg and Anthony J. Russo would get under way Dec. 6.

Dr. Ellsberg and Mr. Russo are charged with theft and

illegal possession of classified Government documents about the Vietnam war.

A jury of eight women and four men, plus six alternates, was selected last July. It has not yet heard a word of testimony.

The trial was delayed when the defense filed a petition with the Supreme Court alleging that the Federal Government had eavesdropped on a telephone conversation of one of its attorneys.

Last week the Supreme Court declined to hear the appeal.

The jury has not been in court since Aug. 7.

Leonard Boudin, one of Dr.

Ellsberg's attorneys, said he was filing material to support the defense contentions that during such a long period the jurors must have been exposed to prejudicial publicity about the trial.