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Government Discloses 2d Tap in Ellsberg Case
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LOS ANGELES, Dec. 14—The Government revealed today that it had a second wiretap involving a member of the defense team in the Pentagon papers case, and a Federal judge set Tuesday morning for a hearing on the matter.

The first such disclosure touched off a furor that led to a four-month delay of the trial. Arguments in the case were about to begin last July when the defense learned that the prosecutor had secretly told United States District Court Judge William Matthew Byrne Jr. that Government electronic surveillance in a "foreign intelligence" matter had incidentally picked up a conversation of some unnamed person on the defense team.

Attorneys for Daniel Ellsberg and Anthony J. Russo Jr., the defendants, carried their demand for a disclosure of the contents of that wiretap to the United States Supreme Court, which refused on Nov. 13 to hear the case.

The issue and the resultant delay ultimately had the effect of Judge Byrne's discharging the original jury in the case on Tuesday. He said today that a new jury selection would commence, as of now, on Jan. 3.

Today the Government filed an updated electronic surveillance affidavit, as it had been

ordered to do by Judge Byrne, and it was in this that the second wiretap was disclosed.

The content of this wiretap, like the first one, was given to the judge in secret, and he will rule by Tuesday on whether it has any relevance in this particular case.

Although the content of the first wiretap was never made public, it is now believed to have been a conversation between the law firm of Rabinowitz, Boudin & Standard, of 30

East 42nd Street, New York, and either the Chilean Government or the Cuban Government.

That law firm represents both governments in this country, and one of its partners, Leonard B. Boudin, is one of Dr. Ellsberg's defense attorneys.

Defense attorneys said today that if the judge told them that the second wiretap had no relevance to the Pentagon papers case, they would not again attempt to bring the matter to the Supreme Court.