

ELLSBERG WORKER ACCUSED ON JURY,

**Defense Discloses That Girl
Questioned Prospects but
Denies Instructing Her**

By MARTIN ARNOLD
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LOS ANGELES, Jan. 5—
Three prospective jurors in the
Pentagon papers case were dis-
missed today after it was dis-
closed that a young girl volun-
teer worker for the defense had
tried to get information from
them.

The fact that the girl had
made contact with the pro-
spective jurors was brought to
the attention of United States
District Court Judge William
Matthew Byrne Jr. by the de-
fense.

It said that she had come to
work for them only a few days
ago, that those at the defense
table did not even know her
last name and that she had cer-
tainly not acted on instructions.

Nonetheless, the disclosure
brought an immediate charge
of jury tampering from David
R. Nissen, the Assistant United
States Attorney who is con-
ducting the prosecution of Dr.
Daniel Ellsberg and Anthony J.
Russo Jr. They are charged with
15 counts of espionage, theft
and conspiracy in the case. It
was Mr. Nissen who moved to
have the three jurors dismissed
for cause.

The events leading up to the
disclosure and the dismissals
apparently started at noontime
yesterday when one prospective
juror, Alex Birulin, a middle-
aged taxicab dispatcher, noticed
the teen-aged girl in court and
invited her for a cup of coffee.

"I might have sat down with
someone for a cup of coffee
and talked about the process
of jury selection," he told Judge
Byrne, who was conducting the
voir dire.

Under extensive questioning
of the three prospective jurors
by the judge, the following se-
quence of events was de-
veloped:

After finishing their coffee
in a cafeteria across the street
from the Federal Court House
here they noticed, as they
started to leave, the two other
prospective jurors, Mrs. Mau-
reen Mautino and Mrs. Phyllis
O. Hilts, seated at a nearby
table and stopped to chat.

"She said, 'hello,' friendly,
came over to the table, and
asked, 'How do you like being
on a jury? What do you
think?'" was the way Mrs.
Hilts described the scene in
court.

"I was quite sure what she
did. She was more or less a
student—a volunteer—taking
notes" [on jury selection for
the defense]. Mrs. Hilts con-
tinued. "I became resentful."

Mrs. Mautino said that the
young girl "said she was a
volunteer for the defense and
that she was taking notes. She
started to say something about
believing in causes."

"We told her she shouldn't
be talking to us," Mrs. Mau-
tino added, saying that she and
Mrs. Hilts then walked away
from the girl.

Because the three jurors
were dismissed for cause, they
do not count against the six
peremptory challenges that the
prosecution is allowed. The de-
fense is allowed 14 such chal-
lenges.

Judge Byrne said that he
would issue instructions that
must be given to everyone con-
nected with the case, including
defendants, lawyers, consult-
ants and volunteer workers.

He then continued the voir
dire of the prospective jurors.
So far, during three days of
questioning, 23 prospective
jurors out of a panel of 100
have been excused and three
have been dismissed. No jurors
have been selected. The process
of jury selection will begin
again Monday morning.