

Ellsberg Mistrial Denied

Los Angeles

The judge in the Pentagon papers trial turned down yesterday a defense request for a mistrial on grounds the prosecution improperly mentioned Danile Ellsberg's connection with the leak of the secret Vietnam war study to the New York Times.

Defense lawyer Leonard Weinglass said that the prosecution has "purposely tried to prejudice the jury" by "successfully conveying to them the connection between Ellsberg and Neil Sheehan," who the prosecu-

tor parenthetically remarked had authored the Pentagon Papers article in the newspaper.

Weinglass said that assistant U.S. attorney David Nissen had persisted in trying to question two witnesses, former presidential adviser McGeorge Bundy and defense consultant Morton Halperin about the leak despite specific warnings from the judge.

Weinglass said the judge had on numerous occasions prohibited Nissen from that line of questioning but that Nissen had worded his ques-

tions in such a way as to "implant prejudice" even though questions were not answered by the witness.

Ellsberg and codefendant Anthony Russo Jr. have admitted they gave the Pentagon Papers to the New York Times and other newspapers. However, in this trial, the government has charged them with conspiracy, theft and espionage in connection with the removal of the studies from the Rand Corp. in Santa Monica. Their subsequent publication in newspapers is not mentioned in the indictment.

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