

# New Delay in Ellsberg Trial

## Los Angeles

The Pentagon Papers trial was stalled again yesterday by belated discovery of statements by a government witness which U.S. District Judge Matty Byrne said should have been turned over to the defense long ago.

An angry Judge Byrne reluctantly excused the jury until today to enable him and defense attorneys to review the material before continuing with government rebuttal testimony.

Some of the documents were being flown from Washington.

The material turned up as a result of persistent defense requests for reports made in a massive investigation of the Rand Corp.'s security practices in 1971.

### PORTIONS

This was shortly after portions of the Pentagon Papers were published in the New York Times, Washington Post, Los Angeles Times and other newspapers.

Attorneys for Daniel Ellsberg and Anthony J. Russo had contended repeatedly

that various government agencies which had conducted that investigation must have taken statements from some Rand employees who are testifying in the current trial.

Sure enough, Justice Department Attorney Warren Reese yesterday furnished Byrne with some material which he said was discovered here Wednesday night. He said three other reports were found in Washington and were on the way.

Angrier than on previous occasions when the prosecutors have belatedly discovered material, Byrne said it should have been reviewed before, and some clearly should have been turned over to the defense long ago.

He said he is concerned about whether there might be other such material. He pointed out that "the rights of the defendants have to prevail and are superior."

Reese said there was no "deliberate or conscious effort" on the part of the prosecutors to suppress the material.

*Washington Post Service*