

Ellsberg Charges Illicit U.S. Wiretap

BOSTON — (UPI) — A federal magistrate today took under advisement Dr. Daniel Ellsberg's attempt to block his removal to California to stand trial for leaking the Pentagon Papers to the press. Defense lawyers claimed his indictment was based on illegal wiretapping evidence.

A ruling will not come for at least eight days.

The 50-minute hearing before Magistrate Peter A. Princi was held amid tight security precautions. Identities were checked at the door of the 15th-floor courtroom, men's coats were frisked and

women's handbags searched. Several federal guards stood inside the courtroom during the session.

Shoved Aside

As Ellsberg entered the courthouse with his wife, Josef Mlot-Morz, a self-styled Polish freedom fighter carrying an anti-Semitic placard, lunged at Ellsberg. Ellsberg's lawyers shoved Mlot-Morz aside.

Ellsberg was not hit but the placard struck two television news cameramen, including Jerry Small of UPI Television. They filed a complaint with police.

Ellsberg was escorted out a side door by police after the hearing.

Charges Illegal Wiretap

Leonard B. Boudin, Ellsberg's chief attorney, argued at the hearing, attended by some 75 newsmen and spectators, that the defendant's extradition to California should be blocked on grounds evidence was obtained by illegal wiretap.

Ellsberg, 40, a former Pentagon and State Department aide who is a research associate at Massachusetts Institute of Technology, was indicted by a federal grand jury in Los Angeles last month for unlawful possession and distribution of the secret study of the Vietnam war.

'Rights to Privacy'

Ellsberg's removal to California "would place the court in the position of facilitating and rewarding the government's unlawful invasion of the defendant's rights to privacy," Boudin said. He asked for another hearing before the magistrate to determine whether illegal wiretaps had been used in obtaining the indictment against Ellsberg.

Assistant U.S. Attorney Lawrence Cohen said such a hearing "would require the government to disclose its entire case before the trial.

"The challenge goes to the validity of the indictments in California and should be decided there," Cohen said, adding a removal hearing was not the proper place to raise the wiretap question.

July 23 Deadline

Princi gave defense counsel until July 23 to file a memorandum rebutting the government's argument. The magistrate did not say how soon after that date he would make a ruling.

Ellsberg, who has admitted leaking the Pentagon documents to the press, said after the court proceedings, "It's new to me. I'm just learning all the time."

Ellsberg, who helped prepare the 47-volume study while working at the Rand Corp. in Santa Monica, could be sentenced to 10 years in jail if convicted.