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Charges of Illegal Wiretaps Detailed in Ellsberg Brief

BOSTON, July 23 (UPI) — Lawyers for Daniel Ellsberg filed a nine-page brief with a Federal magistrate today, detailing their contention that because of illegally obtained wiretap evidence Dr. Ellsberg should not stand trial for leaking the Pentagon papers.

An assistant to Magistrate Peter A. Princi said a ruling would be issued next week.

Dr. Ellsberg, a former Pentagon and State Department aide, would be ordered to California to stand trial on charges of unauthorized possession and distribution of the 47-volume study of the Vietnam war if the magistrate rules against him.

Last month a Federal grand jury in Los Angeles returned a two-count indictment against Dr. Ellsberg, who worked on the secret documents and has admitted leaking them to the press.

The magistrate's recommendation must be approved by a United States District Court judge in Boston before becoming official, but that is considered largely a formality.

The Government argued that the wiretap question should be raised at the trial, not at a removal hearing.