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## TRIAL OF ELLSBERG ON COAST ORDERED

### Judge in Boston Discounts Challenge to Warrant

BOSTON, Aug. 5 (AP)—A United States District Court judge today ordered Dr. Daniel Ellsberg removed to Los Angeles Aug. 16 to face charges of illegal possession of secret Government documents in the Pentagon papers case.

Dr. Ellsberg, a 40-year-old research associate at the Massachusetts Institute of Technology, is charged with possession of the top-secret Government study of United States involvement in the Vietnam war, which he said he gave to the press.

Judge W. Arthur Garrity Jr. discounted a defense contention that the warrant for Ellsberg's arrest had been obtained illegally through the use of wiretap evidence.

"Proof of wiretap would not invalidate the indictment and would not invalidate the warrant, which was based on the indictment," Judge Garrity ruled. "The entire allegation of wiretapping is irrelevant and immaterial to removal proceedings," he said.

Leonard B. Boudin, Dr. Ellsberg's lawyer, had argued that the "validity of the indictment does not establish the validity of the arrest."

### Asks for Continuance

Mr. Boudin asked for a continuance of the case so that he might be able to study further a 15-page recommendation for the removal made yesterday by a United States Magistrate, Peter A. Princi. The continuance motion was denied.

Dr. Ellsberg, who was indicted in Los Angeles, was not present in the courtroom and was not immediately available for comment on the decision.

Judge Garrity continued Dr. Ellsberg's bail at \$50,000, which was set last month when Dr. Ellsberg surrendered to the Federal authorities. It was expected that the removal order would be appealed.

The warrant for Dr. Ellsberg's arrest was issued in California because the Department of Justice contends that he had access to the papers while he was working for the Rand Corporation in Santa Monica, a think tank that does research work for the Government.

Anthony Russo, a former Rand Corporation colleague of Dr. Ellsberg, yesterday was granted a stay of his jail sentence for contempt of court.

He has until Monday to file legal action. His attorney, Michael Balaban, said he would ask the United States Supreme Court to grant a stay giving Mr. Russo time to file a writ for certiorari, asking the high court to review the case.