

### U.S. Judge to Study More By Ellsberg on Subpoena

LOS ANGELES, Sept. 14 (UPI)—A Federal judge took under advisement today a motion to quash a subpoena for additional records stored by Dr. Daniel Ellsberg, who has said that he gave the Pentagon papers to the press.

The United States District Judge, William M. Byrne Jr., said he would make a ruling next Monday.

A grand jury that previously indicted Dr. Ellsberg for unauthorized possession and use of secret documents, obtained the subpoena for other papers, which are in a warehouse.

The defense attorney, Charles Nesson of Boston, said that the subpoena violates Dr. Ellsberg's constitutional rights against self-incrimination and unreasonable search and seizure. He argued that the subpoena also "abuses" the grand jury process in that the subpoena was being used as a "discovery tool" against Dr. Ellsberg.

Judge Byrne said he wanted to study grand jury testimony to decide whether the investigation was aimed at getting information concerning the charges already made.

Dr. Ellsberg was not in court. The trial of the former Rand Corporation employe is not scheduled to start until after January.