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NYTimes

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JUN 22 1972

THE NEW YORK TIMES, THURSDAY, JUNE 22, 1972

# Pentagon Papers Trial Is Scheduled to Get Under Way on July 5

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Special to The New York Times  
LOS ANGELES, June 21 —

The trial of Dr. Daniel Ellsberg and Anthony J. Russo Jr. in the Pentagon papers case is tentatively scheduled to begin July 5.

Federal District Judge William Matt Byrne Jr. has advised lawyers to be prepared to try the case after the July 4 holiday, although several pre-trial motions remain to be argued.

Pre-trial oral arguments began June 5. Judge Byrne has under study a defense motion seek-

ing a pre-trial hearing in which the defense will seek to show that the prosecution is discriminatory.

Dr. Ellsberg and Mr. Russo are charged with stealing, embezzling and converting to their own use classified Government documents relating to the national defense — the so-called Pentagon papers.

These documents, a recapitulation of intra-government debate on the United States involvement in the Vietnam war, were published last year by The New York Times and, subsequently, other newspapers.

The defense has said it would produce 18 former high Government officials and journalists who would testify that the leaking of classified Government documents was routine without prosecution.

On that ground the defense seeks a dismissal of the indictment because, it says, it is selective prosecution. Judge Byrne scheduled for Friday all arguments on several other pre-trial motions and a hearing Monday on the jury selection process. The defense charges that the jury clerk has superseded his jurisdiction in

excusing potential jurors when the law requires that the chief district judge has that responsibility.

Judge Byrne denied a motion by attorneys for Mr. Russo that his trial be stayed and severed from Dr. Ellsberg's. The stay was sought because Mr. Russo has an appeal pending before the United States Supreme Court relating to this case. Mr. Russo seeks to have the indictment dismissed because the prosecution withdrew its original grant of immunity if Mr. Russo testified before a

grand jury investigating Dr. Ellsberg's case, and subsequently indicted him. Judge Byrne denied a Government motion that it be relieved of complying with a court order to furnish logs of any Government surveillance of defense attorneys.