

ELLSBERG OFFERS 2 VIEWS ON DELAY

Was 'Appalled' at First, but
Now Supports Lawyers

By FRED P. GRAHAM

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LOS ANGELES, Aug. 1— Daniel Ellsberg said today that he had not been consoled before his lawyers asked Justice William O. Douglas to stay the Pentagon papers trial and that he had initially found the prospect of a long trial delay "appalling."

He said further that he had been "disappointed" when the Justice Department conceded yesterday that a protracted delay might create double jeopardy problems that could prevent then Government from ever bringing him to trial.

Arguments had been scheduled to begin yesterday in Dr. Ellsberg's trial for allegedly making public the top secret Pentagon papers. He faces a possible 115-year sentence for espionage, conspiracy and misuse of government property.

Dr. Ellsberg said in an interview that he had been looking forward to the trial as an opportunity to educate the Federal judiciary and the public about the Government's abuses of the secrecy classification system and the dubious legality of the Vietnam war.

Questions for His Lawyers

He said that he had been away and out of touch last Thursday when his lawyers hurriedly decided to ask Justice Douglas to stay the trial while they appealed a wire-tapping issue to the Supreme Court. If he had been consulted he said, he "would have questioned very sharply why they were doing this."

But he said that since Justice Douglas stayed the trial,

he has been persuaded by his lawyers that it was necessary to challenge the Government's refusal to disclose details of a wiretap that picked up a conversation involving a defense lawyer or consultant.

As for the possibility that there would never be a trial, his wife, Patricia, assuaged his initial disappointment by arguing that if he were convicted it would set a precedent that would enable the Government to prosecute others who disclose embarrassing facts that officials wish to hide.

Today, the fate of the trial remained in limbo as defense lawyers prepared papers to be filed with the Supreme Court tomorrow morning, asking the Justices not to disturb Justice Douglas's stay.

Anthony J. Russo Jr., the co-defendant who faces a possible 35-year term, termed the trial delay "a great idea." He said, "In an all-out fight with the Government you score what points you can."

If the Supreme Court refuses to overturn Justice Douglas's stay, the trial will be postponed at least until October, when the Court will decide whether to review the appeal.

Costly Delay Foreseen

If it grants the review, many more months could pass before the issue is decided.

The cost of stretching out the trial could run as high as \$125,000, said Stanley K. Sheinbaum, a wealthy Santa Barbara economist who is in charge of raising funds for the defense effort.

It costs about \$70,000 a month to support the 32 members of the defense team—lawyers, law students, consultants, investigators and clerical help. About half of this cost would continue if the defense team were partly disbanded during a long delay, he said.

Thus a long trial would cost as much as \$660,000, Mr. Sheinbaum said. So far, slightly more than \$300,000 has been raised. This has been done through mailings, parties and other fund-raising events, newspaper advertisements, direct solicitation, and the \$25,000 advance Dr. Ellsberg was granted by Simon and Schuster, publisher of his new book, "Papers on the War."