

Ellsberg Defense High Court Plea

WASHINGTON — (AP) — Defense attorneys in the Pentagon Papers case asked the Supreme Court today to refuse a government request to restart the trial halted over a wiretapping dispute, claiming that "any inconvenience the government may suffer is of its own making."

The defense also opposed the government's suggestion that the tribunal convene during its summer recess to act on the matter.

The trial was halted last week when Justice William O. Douglas issued a stay of trial to allow litigation of the wiretapping issue. The U.S. solicitor general has asked the Supreme Court to reverse the stay.

The defense wants time to ask the high court to decide whether defendants Daniel Ellsberg and Arthur Russo and their attorneys should have access to logs of a government wiretap on which a defense team member was overheard.

at least Aug. 29.

Ellsberg, 41, and Russo, 35, are charged with espionage, conspiracy and theft in connection with the leak to news media of the top-secret Pentagon Papers detailing origins of U.S. involvement in the Vietnam war.

The defense argued in the

petition filed by former U.S. Sen. Charles Goodell (R-N.Y.) that the government prosecutors were asked to make disclosures of wiretap evidence months before the jury was sworn.

But the government postponed revealing secretly to the judge that the unnamed defense team member had been overheard by electronic surveillance until a few hours after the jury was impaneled, the defense said.

The defense also repeated a request that Justice William H. Rehnquist excuse himself from hearing the case because he was involved in events leading to the prosecution as assistant attorney general.

Unless overturned, the stay postpones the trial to at

Ernst Fisher

VIENNA — (UPI) — Ernst Fisher, 73, a leading Austrian Marxist, publisher and philosopher ousted from the communist party for criticizing the invasion of Czechoslovakia, died yesterday.

Mr. Fisher, who frequently deviated from the communist ideal of strict party discipline, called the Soviet Union's 1968 invasion "tank communism."

For that, he was excluded from the Austrian communist party.