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Ellsberg Trial Set

To Resume

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The judge in the Pentagon Papers case said yesterday that he hopes to resume the trial of Daniel Ellsberg and Anthony Russo on December 6.

However, defense attorneys said they would file more motions before then, seeking to discharge the current jury and possibly dismiss the indictment against the two former Rand Corp. researchers.

Should the trial continue, attorneys said they would ask that Ellsberg, 41, and Russo, 35, be allowed to act in attorneys' capacity in examining expert witnesses in court.

The two are charged with espionage, conspiracy and theft stemming from the leak to news media of top-secret papers detailing origins of U.S. involvement in the Vietnam War.

The U.S. Supreme Court last week refused to hear an appeal by Ellsberg and Russo based on a wiretap issue. The trial had been delayed since last August when that appeal was filed.

U. S. District Judge Matt Byrne said yesterday he is adding several names — including those of defense attorneys — to a list of persons whom the government must identify if they were wiretapped.

Byrne also ordered the government to tell whether anyone involved in the case has been overheard on a wiretap since the trial stalled last August.

Ellsberg's attorney, Leonard Boudin, and Russo's chief attorney, Leonard Weinglass, filed additional support for a currently pending motion to dismiss jurors and alternate jurors chosen last summer and replace them with a new panel. The attorneys claim the jurors may have been prejudiced by publicity about the case in the interim.

Associated Press