

Selection of a New Jury Begins in Ellsberg Trial

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LOS ANGELES, Jan. 3—In a courtroom crowded with spectators and prospective jurors, the Pentagon Papers trial began again today with the start of the selection of a new jury.

United States District Court Judge William Matthew Byrne Jr. ordered that, starting tomorrow, the press would have to sit in the spectator section rather than at the press table in front of the courtroom.

The judge said that although he was not aware of the problem himself, the prosecutor had complained in a formal motion of a "high noise level" and distracting "comings and goings" at the press table.

Judge Byrne also said that the defense had asked informally that it be allowed to use

the press table for its courtroom materials. He also said that the defense had complained that members of the first jury had confused reporters with defense attorneys.

Defense attorneys said, however, that they would be happy if a card table could be placed near their table to allow them space for their documents and they asked that the press be allowed to stay at the table.

The defendants, Daniel Ellsberg and Anthony J. Russo, are accused of 15 counts of espionage, theft and conspiracy.

Technically, this is their second trial on the charges. The first ended on Dec. 12, when Judge Byrne dismissed the original jury after the United States Court of Appeals for the Ninth Circuit said that it would

be "foolish" to continue the trial with a jury that had been chosen and then forced to sit idle for four months during the court action over a Government wiretap that involved a member of the defense team.

Dr. Ellsberg and Mr. Russo waived the issue of double jeopardy, and the new jury selected started today.

The new panel of 100 prospective jurors included some in the 18 to 20 age bracket, which was what the defense wanted. But among the first to be excused were two young coeds, who said that it would be a hardship for them to miss classes for several months. The defense has said that it will need about nine weeks to present its case, and the prosecution expects to take a month.

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