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2nd Ellsberg Trial Opens --23 Dismissed as Jurors

Los Angeles

The second Pentagon Papers trial of Daniel Ellsberg opened yesterday and 23 prospective jurors were dismissed for reasons ranging from bias to personal hardship.

A panel of 104 prospective jurors was assembled in federal court. From it a new jury will be selected to hear charges of conspiracy and espionage against Ellsberg, 41, and co-defendant Anthony J. Russo, 34.

The first jury had to be dismissed December 11 and a mistrial was declared after an appeals court ruled the jurors might have been prejudiced by waiting for four months for the trial to begin.

The trial of the two former Rand Corp. researchers for allegedly stealing and leaking the secret Vietnam war study was delayed over wire-tapping issues.

The defense carried its appeal to stop the trial to the Supreme Court when it learned that one of the de-

fense attorneys had been wiretapped by federal agents, but the Supreme Court refused to hear the appeal.

Ellsberg and Russo are charged with theft and espionage for taking the papers in 1969. They could receive a total of up to 115 years in prison if convicted on all counts.

The papers were turned over to the New York Times, Washington Post and other newspapers.

Ellsberg has never denied taking the papers, but denies that they contained top secret material. He also claims their publication was in the national interest.

U.S. District Judge Matt Byrne addressed a series of general questions to the entire panel as to reasons why anyone could not serve for the expected three months the trial will last.

Fourteen pleaded cases of personal hardship.

They included two young women who said such extended jury service would interrupt their college edu-

cations. Others pleaded ill health, and some said they could not leave their jobs for such a long period.

Judge Byrne asked if any of the prospective jurors had an opinion about guilt or innocence in the case.

Seven men stood up, and, after brief questioning, Byrne excused them. None revealed what his opinion of the case might be.

One woman was excused because she said she did not think she would be able to read through the hundreds of documents and thousands of words expected to be introduced as evidence.

After that, the names of 18 persons, 11 women and seven men, were drawn from a drum and they took their seats in the jury box where Byrne began questioning them about their individual backgrounds.

It took three weeks to select the jury for the first trial and at least that much time was expected to be required for this one.

United Press
Reuters