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Ellsberg, Russo

Assail FBI Offer

LOS ANGELES — (AP) — Pentagon Papers trial defendants Daniel Ellsberg and Anthony Russo say they were dismayed by the disclosure that the trial judge in their case was approached last month about becoming FBI director.

U.S. District Court Judge Matt Byrne said yesterday he told members of the Nixon Administration he would not consider the appointment until the trial ends.

He said he went to the Western White House at San Clemente a month ago and met with President Nixon. The FBI job was discussed with then-presidential aide John D. Ehrlichman, Byrne said.

Byrne told attorneys in the Pentagon Papers trial at the opening of court yesterday that "I did not discuss with the President or Mr. Ehrlichman any aspect of this case."

But Ellsberg told newsmen outside the courthouse: "I can't agree that this has no effect on the trial. He is going to have to make decisions regarding material from the FBI."

Russo said he was quite shocked" to learn of Byrne's

meeting with Ehrlichman and Nixon.

A Democrat and former U.S. attorney for the district, Byrne was appointed to the federal bench by President Nixon in May 1971.

The handsome blonde bachelor, whose name appeared in society columns before the trial, has built a reputation during the trial for being firm and fair.