

Ellsberg Defense Cries 'Politics'

Los Angeles

Defense lawyers in the Pentagon Papers case charged yesterday that if the Supreme Court were to convene a special session to consider overturning Justice William O. Douglas' stay on the trial, this would confirm that the trial "is indeed a political prosecution."

The defense reacted to the government's announcement Saturday that it would seek to have the full court countermand the stay, by charging that this "extraordinary step" by Solicitor General Erwin N. Griswold confirms the political nature of the prosecution of Daniel Ellsberg and Anthony J. Russo Jr.

Opening arguments were to have been presented to the jury today in the trial of Ellsberg and Russo for allegedly making public the top-secret study of the Vietnam war. But on Friday night Douglas issued a stay, blocking the trial until the Supreme Court rules on the defense's appeal of a wiretap issue.

The question is whether the government must disclose details of a wiretap that picked up a conversation between an unknown party and a defense lawyer or consultant. On Thursday, the United States Court of Appeals for the Ninth Circuit ruled that no disclosure was required because the conversation did not concern

the Pentagon Papers case.

Within hours after it became known yesterday that Douglas had issued the stay from his isolated mountain retreat in Goose Prairie, Wash., the Justice Department said it would ask the court to reverse the order. Yesterday Griswold said in Washington that he would file the application "the first thing tomorrow morning."

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