

AUG 23 1972

SF Examiner

## *High Court*

## *Review Bid*

## *By Ellsberg*

WASHINGTON — (AP) — Attorneys for Daniel Ellsberg and Anthony Russo asked the Supreme Court today to review a wiretapping issue that has thrown a legal snarl into the Pentagon Papers trial.

The petition asks the court to consider three legal points involving a defendant's right to know whether he has been overheard on government wiretaps:

Whether the relevance of wiretap conversations must be determined at a public hearing; whether a district court's refusal to conduct such a hearing is a violation of law; and whether a "foreign intelligence" wiretap conducted by the government without a warrant is lawful.

Ellsberg, 41, and Russo, 35, both former Rand Corp. researchers, are charged with espionage, conspiracy and theft in connection with the leak to news media of the secret Pentagon Papers on the origins of U.S. involvement in Vietnam.

Their trial has been halted indefinitely, pending the high court's action, by the wiretap issue. It arose after the jury was sworn in.

Jurors are still under oath and can be called back to court at any time.