

## Ellsberg Judge-- Calm, Careful

Los Angeles

When U.S. District Judge William Matthew Byrne Jr. was assigned the Pentagon Papers case, he was known at the federal courthouse in Los Angeles for his amiable good looks and his near-compulsive hard work.

He was among the youngest members of the federal judiciary, a Democrat appointed to the bench by a Republican administration. He was former chairman of a presidential commission and an eligible bachelor scrutinized by local society writers.

During the first 16 months of the on-again, off-again trial, he added to his reputation for discipline and courtesy. He was often cited for fairness to both sides.

Byrne, now 42, with thinning yellow hair and a muted voice, would sit through long testimony, his head resting on his chair and his eyes on the ceiling, apparently anticipating objections and arguments and answering them quietly and rapidly, often without looking at attorneys.

### QUESTIONS

"Bad form," he would say. "Ask about the conaeration." Sometimes he became impatient and took over the questioning of a witness himself.

Byrne, son of a former California legislator, has been described as "well-connected politically on both sides." He was U.S. attorney in Los Angeles in 1967 and 1968, and he headed the

President's commission on campus unrest in 1970 following the shootings at Kent State. He is now an appellate judge.

Observers had regarded the Pentagon Papers trial as another step up the ladder for Byrne. He studied all 7000 pages of the war study and hundreds more of grand jury testimony and was said to be taking special care to avoid a reversal on appeal.

### SCANDALOUS

Yet Byrne himself became a victim in the bizarre trial. Although he had labored to keep the trial within manageable legal bounds, it was Byrne — once Watergate had entered the case — who ordered the repeated turnovers of scandalous documents which rocked the trial from day to day like a series of spontaneous explosions.

The incident most seriously affecting Byrne was his contact with the White House regarding directorship of the FBI. He said he was offered the job in early April, while the trial was under way and just three weeks before Watergate links were revealed.

He said he refused to consider the job until the trial was over, and he turned down a defense motion for dismissal, saying he was not compromised by the offer.

### 'BRIBE'

But defendants Daniel Ellsberg and Anthony Russo called the job offer a "bribe." They said the White House hoped Byrne would hide the Watergate materials, and they said



JUDGE MATT BYRNE  
He dismissed charges

news of Byrne's job offer was leaked to embarrass him when he released the materials.

The White House told a Washington newspaper about the offer to Byrne two days after Byrne revealed the Watergate connection.

Byrne subsequently ordered the release of government materials that indicated complicity by White House aides in burglary, forgery and domestic espionage. Byrne's investigation and revelations of White House involvement in the Pentagon Papers case intensified the Watergate crisis.

Byrne ordered deeper and deeper probes as testimony in the trial came to an end and disclosures became more complicated. He refused to allow the jury to be informed of the Watergate links.

He said his one concern was a fair trial for Ellsberg and Russo. The potential effects of his actions on his future remain difficult to calculate — both his meetings regarding the FBI job and his later investigation, which proved embarrassing to the administration.

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