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Judge William Matthew Byrne Jr., above, threw out the Pentagon papers case and, left, defendants were freed. They are Anthony J. Russo Jr., on the left, and Daniel Ellsberg.

## Air of Expectancy, Then Tears, Shouts, Embraces

By JUDITH KINNARD

Special to The New York Times

LOS ANGELES, May 11— Her tears of joy had dried, but cheers still filled the courtroom when Patricia Ellsberg embraced one of many friends and said:

"I could never believe the scene of waiting for the jury to come in. I just knew it would never happen."

Federal District Court Judge William Matthew Byrne Jr. had just closed the Pentagon

papers trial with a broad decision that harshly admonished the Government for misconduct.

Like every other major decision in the case since it went to trial in January, the final dramatic ruling came amid an air of expectancy that had pervaded the proceedings all week.

By 7 A.M., when the smog had already descended on Los Angeles, spectators had begun lining up in the cor-

ridor outside the dark brown door to the courtroom for the limited passes for access to the trial, which ended almost two years after Dr. Daniel Ellsberg and Anthony J. Russo Jr. were indicted.

Photographers waited for the judge, whose latest pictures, showing shorter and fuller hair, were taken three years ago. One successful pursuer caught him, dressed in a stylish, English-cut suit, as he entered the courthouse

swinging his briefcase in apparent anticipation of the day ahead.

By court's opening at 10:20, more than 50 authorized spectators still had not been admitted. To make more room, members of the press were allowed to sit in the jury box while the jury remained excluded from the trial.

A peace offering of a single

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# Air of Expectancy Leads To Tears and Embraces

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magnolia blossom from supporters of the defendants — originally intended for the chief prosecutor, David R. Nissen — turned up instead on the defense table before Mr. Russo, who was dressed for the occasion in a dark blue suit coat brightened by a yellow blossom in his lapel and worn over his more familiar corduroy pants.

His wife, Katherine Barclay, her barebacked dress covered with a white shawl, was nearby. She recently returned to court after an absence that she accounted for by saying: "I just had my own life to live too."

## Session Is Tense

The morning session was tense. Keyed-up spectators leaned forward to hear Leonard Boudin, counsel for Dr. Ellsberg, who made his argument for dismissal in the relaxed, half-smiling, manner that characterizes his courtroom appearances.

Leonard I. Weinglass, attorney for Mr. Russo, was deliberate and emphatic in his presentation, suggesting that the most recent misconduct by the Government was a tactic to close the case before more information could be brought out. The allegation, in a case with startling testimony, brought nods of agreement from a few.

By noon it had become clear by the judge's remarks that the case made by the prosecutor was inadequate. And after the noon break the courtroom was filled half an hour before the 1:30 court time to hear the ruling.

Attention was riveted on the judge. Speaking in tones more audible than usual, he rendered the decision that brought cheers and shouts from the smiling spectators.

## Fears Disappear

A defense attorney, Charles Nessen, flagrantly disregarded the no smoking sign and lit up a cigar while onlookers rushed forward to find the special ones to cry with and congratulate.

All the fears of the defense that the trial would be dismissed on a technicality and not on broadly based Government misconduct were over. All the fears of another trial were over.

Mr. Boudin, beaming, stated: "I think the decision was ap-

propriate, necessary, eloquent, justified and dispositive."

During the week, the revelations by the Government had been chronologued by Columbia Broadcasting System artist Don Julian with cartoons. One shows the judge striking the chief prosecutor and another shows the judge holding a gun to his own head.

## Actors Attend

The trial has attracted the attention of Hollywood. Actor Jack Nicholson and director Roman Polanski dropped in for the day. But George Segal, the actor, has attended regularly since he met the Ellsbergs at a recent dinner party. Dressed every day for the last week in the same beige cotton suit, he has most often been seated close to Mrs. Ellsberg and her former mother-in-law, Idella Marx, on the family bench in the front of the room.

Today Mrs. Marx realized during the morning break that in her haste, she had left home wearing the tweed skirt to one suit and a plaid jacket to another.

Perhaps the record attendance for outsiders has been set by Mrs. Brooke Hopper, an art collector and daughter of agent and producer Leland Hayward. Mrs. Hopper, the epitome of California chic in her casual pants and scarves, has attended the trial almost daily since it began.

## Knicks Star Watches

Interest in the trial was not limited to Los Angeles. Yesterday, New York Knicks basketball star Bill Bradley spent his only day in town at the trial before the championship playoff with the Los Angeles Lakers last night, which the Knicks won.

During the last two weeks, sympathy for the defendants has developed into outrage at the prosecution with the startling admissions of Government misconduct.

"In the middle of all the stuff that's going on, Ellsberg and Russo did a heroic act," said Mara Gibbs, a high school student who has attended the trial whenever school was out of session.

An elderly woman, who preferred not to be identified, was vehement before today's decision was rendered: "These men are being punished, wrongfully punished. And I think most working people agree with me."