

S.F. Examiner

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Ellsberg Lawyer to Sue Nixon

LOS ANGELES — (UPI) — Leonard Boudin, attorney for Daniel Ellsberg, said yesterday a damage suit would be filed in Washington against Nixon Administration officials to recover part of the estimated \$900,000 cost to the defense in the Pentagon Papers case.

Boudin said plans at present did not include charging President Nixon in such a suit in connection

with the burglary of Ellsberg's psychiatrist's office and wiretapping of Ellsberg's phone calls.

"The evidence against the President is substantial but circumstantial," Boudin said. "Unless enough evidence can be produced to justify his being named, Mr. Nixon will not be included."

Ellsberg, codefendant Anthony Russo, their wives, lawyers and staff held a

press conference yesterday morning.

It followed a champagne victory party in Beverly Hills Friday night attended by about 300 persons, including nine jurors, after U.S. District Judge Matt Byrne dismissed all charges against Ellsberg and Russo on grounds of government misconduct.

The 42-year-old Ellsberg, referring to the party and his conversations with the

jurors, said the defense now knew it would have had an outright acquittal if the case had gone to the jury.

Asked about his future plans, Ellsberg said he planned to spend a considerable period with his wife,

Patricia, and then go back to "research, writing and reading."

"The press has performed most honorably in the past months," Ellsberg said. "Now the press is being joined by Congress and the courts to expose the misconduct of the executive branch."

Russo, 32, said he planned

to spend a year writing a book.

In the meantime, Russo said, he intended to work on a "national impeachment effort" against President Nixon.

Ellsberg was asked whether he would join such an impeachment movement.

"I've been thinking about Richard Nixon for several

years," Ellsberg replied. "I've thought enough about him. I hope never to think about him again."

Boudin said the proposed damage suit would be carefully put together and that he could not say when it would be filed. He said the civil action would be taken in the U.S. District Court in Washington, D.C.

Aides



Russo, Ellsberg, wife at conference

—UPI Photo