

# Justice Had Hunt's Ellsberg

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For 10 months, the Justice Department had in its possession a file from the White House on Daniel Ellsberg, compiled by Watergate conspirator E. Howard Hunt.

It contained three copies of a 28-page chronology of Ellsberg's life, including notations of private phone calls and visits he had made to two psychiatrists.

On Friday this file was finally turned over to the federal judge in Los Angeles who is presiding at Ellsberg's trial on charges of stealing the Pentagon Papers. It may have a material bearing on the outcome of the trial because it is now known that Hunt and his partner in the Watergate case, G. Gordon Liddy, directed the break-in at the office of Ellsberg's psychiatrist in California in 1971 to obtain his medical records.

It is also known now that the secret investigation of Ellsberg by Hunt and Liddy was ordered by White House employees working under then Presidential assistant John D. Ehrlichman.

It is also known that with Hunt's "Ellsberg" file already in hand, the FBI interviewed Ehrlichman last July 21 about "the activities of Hunt and Liddy while they were under his (Ehrlichman's) employment at the White House."

Yet it was not until two weeks ago that Ehrlichman's familiarity with Hunt and Liddy's "in-depth investigation" of Ellsberg was disclosed.

The failure of the Justice Department to divulge to the court before now the contents of the Ellsberg file and its failure to notify those involved in the trial of the White House investigation of Ellsberg is unexplained.

Two of the principal Justice Department figures in the Watergate investigation have no recollection of why those disclosures were not made.

The FBI refuses comment. So does Earl J. Silbert, the chief assistant U.S. attorney here, who had physical custody of the Ellsberg file last summer.

"We were investigating the Watergate," Silbert said. "I didn't know anything more about the Ellsberg case than any other citizen."

Silbert also declined to discuss last July's FBI interview of Ehrlichman, which was undertaken at Silbert's request.

The chronology is this:

FBI agents first contacted the White House to inquire about Hunt's work there on June 17, 1972, hours after the break-in at Democratic National Committee's headquarters in the Watergate office building.

Ten days later, on June 27, according to memoranda submitted for the record at former FBI chief L. Patrick Gray's ill-fated Senate confirmation hearings, then White House Counsel John W. Dean and his aide, Fred Fielding, handed FBI agents two cardboard boxes full of Hunt's effects from his of-

## File in July

The list included a .25 cal. automatic, with a clip of ammunition; microphones, antenna leads, earphones and other electronic equipment, and various documents such as "one brown envelope marked 'Howard Hunt, Eyes Only, Personal, Unclassified'"; six brown envelopes with classified material relating to the Pentagon Papers, and "one tan folder marked 'Ellsberg' containing numerous papers concerning one Daniel Ellsberg."

On June 28, The Washington Post reported last week, acting FBI Director Gray was given more documents from Hunt's Executive Office Building safe during a White House meeting with Ehrlichman and Dean. Dean is said to have warned Gray that the two folders, which included fabricated State Department cables about the late President John F.

Kennedy and a Chappaquiddick dossier on Sen. Edward M. Kennedy (D-Mass.), should "never see the light of day."

Gray, sources said, kept the documents in his apartment closet for several days and then destroyed them on July 3.

The acting FBI director, who resigned under fire last week, made no mention at his confirmation hearings of a joint meeting with Ehrlichman and Dean. Gray submitted a purportedly exhaustive list of his contacts with the two White House aides for the Senate record, but for June 28, he noted meeting only with Ehrlichman at 6:30 p.m. that day to discuss "safeguarding investigative procedures against leaks."

That preoccupation was also reflected in Gray's other contacts with the two men. Three of his five communications with Ehrlichman during the Watergate investigation last year and 13 of his contacts with Dean dealt with leaks of information and precautions to plug them.



**E. HOWARD HUNT**  
... compiled dossier

... office at the Executive Office Building.

An inventory of the paraphernalia and documents, which had been temporarily stored in Dean's White House office after the Watergate arrests, was set down in a pair of memos dated last July 3.

Gray for "authority for this interview." Gray told Assistant FBI Director Charles Bates, whose general investigative division was supervising the Watergate probe, to check with Assistant Attorney General Henry E. Petersen. Bates did, assuring Petersen that the interview "would be directed at specific matters," and Petersen gave his approval.

Apprised of that on July 20, Gray said he gave the go-ahead. Ehrlichman was finally "interviewed on July 21 in Mr. Dean's presence."

The scope and results of that questioning have not been made public. By prosecutor Silbert's account, however, it was not until 2½ weeks ago that he heard of the burglary at the Beverly Hills office of Ellsberg's psychiatrist.

In an April 16 memo made public over government protests at Ellsberg's Pentagon Papers trial last week, Silbert told Assistant Attorney General Petersen that on Sunday, April 15, 1973, "I received information that at a date unspecified, Gordon Liddy and Howard Hunt burglarized the offices of a psychiatrist of Daniel Ellsberg to obtain the psychiatrist's files relating to Ellsberg."

The burglary, it has since turned out, was reported Sept. 4, 1971, to the Beverly Hills, Calif., police, and had apparently taken place the night before. Hunt, a \$100 a-day White House consultant at the time, and Liddy, a full time employee, were both reported by The Washington Star-News to have returned East on a Sept. 4 flight under assumed names.

In addition, Hunt billed the White House for a consultant's fee on Sept. 3, the day of the break-in.

According to the government account now unfolding, however, it was not until Friday of last week, April

27, in a fresh FBI interview, that Ehrlichman acknowledged undertaking a secret White House investigation of the Pentagon Papers leak at President Nixon's explicit direction—an inquiry, Ehrlichman told the FBI, that led to the hiring of Hunt and Liddy and, in turn, to their West Coast break-in. Ehrlichman told the FBI that "when he learned about the burglary, he instructed them 'not to do this again.'"

Government prosecutors at the Ellsberg trial, meanwhile, have been under court order since April, 1972, to disclose any material from government files which might exculpate—or tend to establish the innocence of—Ellsberg or co-defendant Anthony J. Russo.

This chronology is incomplete. It does not explain why—given the strong interest of the government in the Ellsberg case—the separate investigation of Ellsberg by the White House was not fully explored by Justice. It does not explain why Ehrlichman's account of the West Coast break-in was not obtained until nearly 10 months after Hunt's interest—and the White House interest—in Ellsberg were known to both Justice and the FBI. It does not explain why, at the minimum, the Hunt file on Ellsberg was not turned over to Ellsberg's prosecutors or to the court months ago.

One of the officials involved in the Watergate investigation last summer had a theory. The Hunt-Ellsberg connection, he said, probably was simply overlooked in the press of other events; probably it got lost in the Justice Department maze.

The Ellsberg trial judge, W. Matt Byrne Jr., said this week that he would seek his own answers. The Justice Department, he said, would be forced to prove that its case was not tainted.

It was not until last July 17 that steps were taken to interview Ehrlichman about substantive matters.

On that date, Gray later reported in a memo for the Senate record, Assistant U.S. Attorney Silbert, the chief prosecutor in the Watergate case, asked the Washington, D.C., FBI office to talk with Ehrlichman.

Silbert, the memo stated, wanted the FBI "to interview Mr. Ehrlichman regarding the activities of Hunt and Liddy while they were under his employment at the White House and to obtain any documents pertaining to travel and expense accounts at the White House of Hunt and Liddy."

It took three days to get the clearance. The Washington FBI office teletyped