

# Data Introduced in the Ellsberg Trial

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LOS ANGELES, May 10 — Following is the text of a memorandum of William D. Ruckelhaus, acting director of the F.B.I., on electronic surveillance of Dr. Daniel Ellsberg and excerpts from an F.B.I. report on an interview with Charles W. Colson, a former White House counsel, and from a C.I.A. report released by the judge in the Pentagon papers trial:

## Ruckelhaus Memo

Attached hereto is a brief memorandum concerning the ongoing investigation of alleged wiretaps possibly relevant to the Ellsberg case. My recommendation is that this memorandum be immediately filed with the court.

May 9, 1973

Preliminary Report Concerning Ongoing Investigation of Possible Wiretaps of Newsmen and Others.

Shortly after assuming office as Acting Director of the F.B.I., my attention was called to the newspaper allegation that F.B.I. personnel had been wiretapping unidentified newsmen. I was also informed that a search of the F.B.I. records had not disclosed the existence of any such wiretaps. Nevertheless, on May 4, 1973, I initiated an investigation to interview present and retired F.B.I. personnel for the purpose of determining, if possible, whether there had been any such taps.

A preliminary report which I received last night indicates that an F.B.I. employe recalls that in late 1969 and early 1970 Mr. Ellsberg had been overheard talking from an electronic surveillance of Dr. Morton Halperin's residence. It is this employe's recollection that the surveillance was of Dr. Halperin, and that Mr. Ellsberg was then a guest of Dr. Halperin.

I have no information concerning the substance of the conversation, nor has the investigation to date been able to find any record of such a conversation. The investigation, of course, is not complete, and further facts bearing upon the wiretaps may be uncovered.

Nevertheless, in view of the court's expressed desire for prompt information relating to this matter, I am at this time giving you this preliminary report which may be relevant to the trial now in progress.

## Colson Interview

Charles W. Colson, former special counsel to the President, was interviewed in the presence of his attorneys, David Shapiro and Judah Best, in their offices at 1735 New York Avenue, N. W., Washington, D. C.

Mr. Colson was advised he was being contacted at the request of the Department of Justice to determine if he could furnish information about an investigation conducted on behalf of the White House into the public disclosures of the Pentagon papers and specifically for information he may have about an alleged burglary of the office of Daniel Ellsberg's psychiatrist by E. Howard Hunt and G. Gordon Liddy during the course of that investigation.

Mr. Colson voluntarily signed a waiver of rights. (FD 395) and advised as follows:

Mr. Colson recalled attending meetings in early July, 1971, at the White House concerning the disclosures of the Pentagon papers and described those meetings as "kind of panic sessions" to determine what was going on and trying to establish what was going to be published next by the newspapers and the accuracy of these publications.

Mr. Colson indicated he was not involved in the White House investigation into the Pentagon papers disclosures but was engaged in the Government's litigation to stop publication of the papers. He was engaged on an almost full-time basis

at this time with the preparation of the President's Aug. 15 economics decision initiating Phase 1 of the price freeze.

When the Pentagon papers were first published in The New York Times, there was a need in the White House for someone to do research and coordinate assignments involving investigation into the leak. Colson recalled he recommended Hunt, whom he had known for a period of years, and several other individuals for this assignment. Hunt was subsequently interviewed by John D. Ehrlichman, former assistant to the President.

Later, Mr. Colson received a telephone call from Mr. Ehrlichman, who was then in California with the President, asking whether Hunt could be brought in and directing that he should be put to work on the investigation.

Mr. Colson asked his staff secretary to process the necessary papers regarding the employment. Hunt was assigned to Colson's staff for internal budget processing only.

Mr. Colson knew that the "plumbers" [publicly identified as Egil Krogh Jr., David Young, Hunt and Liddy] were conducting a check for a personality profile of Daniel Ellsberg to determine what motivated him, what kind of "wild things" he might do. Mr. Colson said there was an enormous concern over leaks of sensitive information at the time.

## No Advance Information

Mr. Colson had no discussion or advance information of the alleged burglary. He knew the plumbers were going to the West Coast but did not know which of them would actually make the trip.

He first heard about the alleged burglary sometime later at a meeting, and he could not recall the time of the meeting or who was present. He thought the meeting may have been a private one with Mr. Ehrlichman.

He believes Mr. Ehrlichman told him, he does not recall specifically, but he gained the impression from the conversation that "they" tried to get the records of Ellsberg's psychiatrist and did not get them. Ehrlichman told him this was a national security matter and not to be discussed with anyone. Mr. Colson never heard any discussion of a burglary attempt on the home of Ellsberg's psychiatrist.

Mr. Colson was asked if he had any other discussions with White House staff members about the burglary. He recalled in connection with the Watergate investigation prior to the time when he was questioned by the Federal Bureau of Investigation and gave a deposition to Mr. Silbert of the United States Attorney's office, He asked John Dean, counsel to the President, what to do if the Pentagon papers question came up.

Dean told him that if asked he was not to discuss the matter, inasmuch as it was a national security matter of the highest classification, and that he [Dean] would interrupt such questions if present. He recalled receiving the same instructions from Mr. Ehrlichman in late March or April, 1973. He never discussed the burglary with Hunt or Liddy.

## A Chance Meeting

Concerning a current newspaper story that Hunt reportedly tried to talk to Mr. Colson sometime later about the burglary, Colson recalled a chance meeting with Hunt one morning in his outer office. Hunt was waiting for him, but Mr. Colson could not recall when the meeting took place.

Hunt told him he was on his way to give a briefing on what "they" had learned about Ellsberg, and that he had about a half an hour before the briefing, and he wanted to talk to Colson about it. Colson told Hunt he did not have time to talk to him then, that he was in a

hurry. Hunt did not try to broach the subject matter again.

Concerning the memorandum from Colson to Jon Huntsman dated Sept. 13, 1971, requesting in accordance with an earlier arrangement the reimbursement of Hunt for the following expenses: Air fares for two men from New York City to Washington, D.C., \$63; dinner check, Miami—\$35.85; hotel bill for three men, Los Angeles—\$156.90, Colson advised as follows:

Colson furnished a copy of this memorandum from his own office files to the Federal Bureau of Investigation in the summer of 1972 when he was asked about Hunt's travel. This was the first occasion on which he had seen the memorandum, and he did not know to what the entries on the memorandum related or the identity of the three men referred to in the memo.

Colson never saw any of Hunt's vouchers or claims for reimbursement. These were initialed and submitted by Colson's secretary.

Concerning a recent newspaper story according to which Egil Krogh reportedly said he requested funds from Colson for implementing the effort to acquire information about Ellsberg, Colson could not recall Krogh asking him for money for the trip to California.

He has a vague recollection that at about that time Mr. Ehrlichman spoke to him about getting some funds, maybe for Krogh, but when he checked with Mr. Ehrlichman later, Ehrlichman could not recall the request.

From time to time Colson saw memorandum prepared for the White House group working on the Pentagon papers investigation, but he saw no reports prepared by that group. The memoranda which were shown to him by Hunt because of Colson's general interest in the issue of the Pentagon papers spoke of Hunt's frustrations trying to get things done in the plumbers' unit and Hunt's analysis of the investigation.

## C.I.A. Report

Question: Did we have any other dealings with Liddy while he was in the Treasury or the White House?

Response: We did not have any prior dealings with George Gordon Liddy in an operational sense. Our records do reflect, however, that in December, 1969, security action was initiated to grant Liddy a number of agency special clearances in connection with his employment by the Department of the Treasury. At that time, Liddy was listed as a member of the Presidential task force reporting on narcotics, marijuana, and dangerous drugs.

In August, 1971, Mr. George Gordon Liddy was briefed on several additional sensitive programs in connection with his assignment to the White House staff. Memos prepared in August and September, 1971, indicate that Liddy was working with Mr. David R. Young to investigate leaks of classified information to the news media. Liddy was debriefed of these special clearances on 22 February 1972. In effect, Mr. Liddy held agency clearances because of his White House duties, but he was not utilized by C.I.A.

Question: H. More details are desired about the tape recorder and the miniature camera which apparently Hunt had secured from the agency sometime in August, 1971.

Answer: All the details about the tape recorder are contained in Item G. On 25 August 1971 Mr. Hunt was furnished with a commercial Tessina camera disguised in a tobacco pouch. At Mr. Hunt's request, an unidentified associate was also given support material and documents. These items were provided to him on the understanding that they were required in connection with his official duties.

The agency is not aware of the purpose for which these items were intended or used.