

NIXON ROLE CITED

F.B.I. Quotes Aide as Saying Hunt, Liddy Were Given Job

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By MARTIN ARNOLD
Special to The New York Times

LOS ANGELES, May 1—John D. Ehrlichman has told Federal investigators that the break-in at the office of Daniel Ellsberg's psychiatrist came as a result of a secret White House investigation he ordered at the request of President Nixon.

Mr. Ehrlichman, according to a Federal Bureau of Investigation report made public today in the Pentagon papers trial, said that G. Gordon Liddy and

F.B.I. report on Ehrlichman interview is on Page 30.

E. Howard Hunt Jr., conspirators in the Watergate case, had been "designated" to conduct the investigation.

The former Presidential assistant said that he did not know that Liddy and Hunt had broken into the psychiatrist's office until after it had happened, did not agree with the "method of investigation," and told the two men "not to do this again," the F.B.I. report said.

An Independent Study

The bureau's report, based on an interview by agents with Mr. Ehrlichman in his White House office last Friday, said that in 1971 the President "had expressed interest" in the leak of classified information and "asked him to make inquiries independent of concurrent F.B.I. investigation which had been made relating to the leak of the Pentagon papers."

There was "information available that Ellsberg had emotional and moral problems and Liddy and Hunt sought to determine full facts" by preparing a "psychiatric profile" and conducting an "in-depth investigation of Ellsberg," the re-

port said. It was apparently this effort that eventually resulted in the break-in.

The disclosure at the Pentagon papers trial led the defense to move immediately for a dismissal of the case "with prejudice." Judge William Matthew Byrne Jr. of the United States District Court said he

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would take the motion under submission.

"It may be renewed by the defendants" at a later time, he said, "or I may renew it myself." Then, in what was interpreted as a broad hint to the Government, he turned to the chief prosecutor, David R. Nissen, and said, "I assume that your superiors are evaluating the case."

This latest disclosure was the third major revelation to hit this trial during the last three trial days, and, like the others, it strengthened the link between this and the Watergate case.

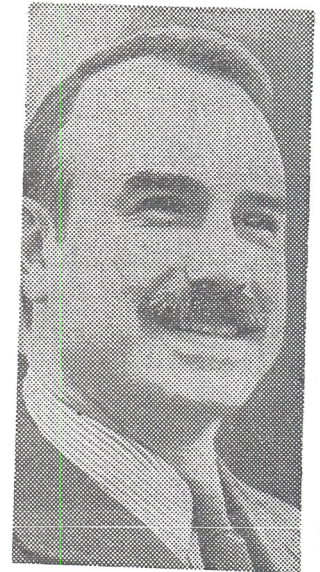
According to the F.B.I. report, Mr. Ehrlichman said that a decision had been made "to conduct some investigation in the Pentagon papers leak matter 'directly out of the White House.'" The papers were first disclosed in The New York Times on June 13, 1971.

The report says that the investigation was "directed toward an 'in-depth investigation of Ellsberg to determine his habits, mental attitudes, motives, etc.'"

The quotes within the quotes are Mr. Ehrlichman's own words, according to the F.B.I. interview.

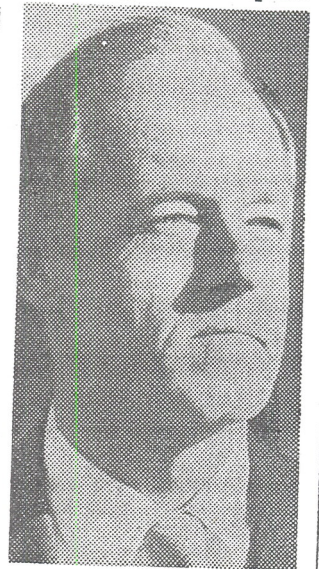
Mr. Ehrlichman said in the report that sometime in 1971 President Nixon asked him to make, in the F.B.I.'s words, "inquiries independent of the concurrent F.B.I. investigation which had been made relating to the leak of the Pentagon papers." The papers were first disclosed in The New York Times on June 13, 1971.

"Mr. Ehrlichman knew that Liddy and Hunt conducted investigation in the Washington D.C., area and during the inquiries were going to the West Coast to follow up on leads. There was information available



Associated Press

G. Gordon Liddy and E. Howard Hunt Jr., below, were "designated to conduct this investigation" of Dr. Daniel Ellsberg, according to F.B.I. report.



that Ellsberg had emotional and moral problems and Liddy and Hunt sought to determine full facts relating to these conduct traits."

First Report on Break-in

Last Friday, it was revealed that a Justice department report stated that the office of Dr. Ellsberg's former psychiatrist in Beverly Hills had been broken into on Sept. 3, 1971, by Liddy and Hunt.

In last Friday's interview, the F.B.I. said, Mr. Ehrlichman stated that he "was not told that these two individuals had broken into the premises until after this incident had taken place.

Investigation by the White House similar to the one disclosed today are not unusual, either in this case or under former administrations.

John W. Dean 3d, the ousted Presidential counsel, conducted just such a separate but concurrent investigation for the White House into the entire Watergate affair.

A spokesman for the Justice Department said it takes no special law or powers to authorize such investigations.

The F.B.I. report was turned over to the defendants by Judge Byrne at the start of court today—out of the presence of the jury—and the defense immediately asked for a short recess to study it.

Fifteen minutes later, with the jury still out of the room, Leonard B. Boudin, a defense attorney, moved for a "dis-

missal with prejudice," which would mean that under no circumstances could the Government reopen this case.

"We're dealing with the highest authority in the country, the President of the United States, and with his trusted, as we heard last night, confident," Mr. Boudin said. "There's only one remedy that can be called for in the interests of the administration of justice.

"If this terrible thing can be done here, and you do not offer a deterrent, a deterrent so drastic, then the administration of justice in this country is lost," he continued.

"The facts are special themselves," he said. "Nothing can add to the terrible picture" presented in the bureau's report.

Mr. Boudin referred to the two-page F.B.I. report as "this dreadful paper" and said that his motion should be accepted and that "the jury should be called in and told why there was a directed dismissal, told

of the shame of the Government of the United States."

Leonard I. Weinglass, another defense attorney, said that "Ehrlichman met with your honor on April 5." At that time, Mr. Weinglass said, Mr. Ehrlichman knew that "he was part of an investigation into the break-in" and he "knew that your honor was trying a case involving Dr. Ellsberg."

There was total silence in the courtroom as Mr. Weinglass said: "It raises the question of what was in Mr. Ehrlichman's mind when he had the meeting with your honor."

Referring to the break-in at the office of the psychiatrist, Dr. Lewis I. Fielding, Mr. Weinglass said that the actions of Mr. Ehrlichman "make the issue of what was obtained from Fielding's office insignificant." He was suggesting that if it can be shown that information obtained in the break-in was actually used in this trial the judge would have to dismiss the case.

Mr. Weinglass said that

while all these events were being covered up "the White House arranged a meeting with the trial judge." He, too, moved for a dismissal of the charges against Dr. Ellsberg and Anthony J. Russo, who are accused of six counts of theft and one count of conspiracy in the disclosure of the secret papers on United States involvement in Indochina.

Yesterday, Judge Byrne announced that he had met with Mr. Ehrlichman and briefly with the President at San Clemente about a month ago and had been offered a different job in government. He said he had told them he could not consider the change until the trial had ended.

Mr. Boudin said that "there was no precedent I can think of since I've never seen such misbehavior of the Government." He added, "We're not dealing with Mr. Nissen, or the Attorney General or the F.B.I. We're dealing with the highest authority in the country, the President of the United States."