

# Ellsberg Burglary Stirs Flap

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By Robert Joffe

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MILL VALLEY, Calif., Dec. 6—Daniel Ellsberg charged today that the Justice Department is attempting to take possession of government documents and personal papers taken from his home in this San Francisco suburb during an Oct. 1 burglary.

Ellsberg said the material, which was later recovered by the Mill Valley police department, includes copies of four government cables bearing "secret" and "Confidential" security classifications.

He contends that all the material belongs to him, and that none of it is "legally" classified "according to the law or even according to current standards applied by the federal government."

Ellsberg said the cables were exchanges between the U.S. embassy in Saigon and the Defense Department in 1967.

He said he obtained the material while in government service but declined to elaborate.

Mill Valley Police Chief William Walsh said he is holding the material as evidence in the burglary investigation. A 21-year-old Mill Valley man has been arrested.

Allan Brotsky, one of Ellsberg's two attorneys, said Walsh has agreed to refuse a Justice Department request to examine the material until the San Francisco U.S. attorney and Ellsberg can come to some agreement "or until

there's a court order."

Benjamin Dreyfus, Ellsberg's other attorney, said Thursday, "If they want to take anything, we'll file suit to stop them."

Marin County District Attorney Ernest Zunino called the Oct. 1 theft "a plain old burglary, nothing political about it." Ellsberg, a key figure in the Pentagon Papers case, is not convinced.

"I sense a pattern," said Ellsberg, who moved to Mill Valley last summer. "Once again they [federal officials] have nominated me to defend a very important constitutional principle." He said he referred to freedom from illegal search and seizure.

Four Nixon White House aides — including John D. Ehrlichman, G. Gordon Liddy and two members of the "plumbers" group—were tried last summer on charges growing out of a burglary of the office of Dr. Lewis Fielding, Ellsberg's psychiatrist. The four were convicted of violating Fielding's civil rights.

"We want an investigation of who the burglar was and who, if anyone, he was working for," Ellsberg said, at a press conference adding, "The Justice Department believes that every burglar in the country works for them, whether they pay them or not."

James L. Browning Jr., the U.S. attorney in San Francisco, initiated government attempts to look at the material. "The federal government has absolutely no interest in the personal papers or property of Mr. Ellsberg," he said. "Our sole interest is to determine if any of the documents are classified. If we find that any are classified, our intention is to keep them classified and not return them to Mr. Ellsberg."