

# Prosecution Says Ehrlichman Approved Ellsberg Break-In

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WASHINGTON (AP) — John D. Ehrlichman gave the final approval that dispatched White House-sponsored burglars into a California psychiatrist's office, the government charged Friday at his conspiracy trial.

But a lawyer for President Nixon's former No. 2 aide said the rifling of the office of Dr. Lewis J. Fielding "came not as a result of activity or knowledge of Ehrlichman."

Thus began the trial of Ehrlichman and three other men accused of violating the civil rights of the Beverly Hills psychiatrist who treats Daniel Ellsberg, the scholar who made public the Pentagon Papers three years ago.

The avowed purpose of the Sept. 3-4, 1971 foray into Fielding's office was to gather information about Ellsberg.

Fielding testified Friday, as did E. Howard Hunt Jr., who said he proposed building a file on Ellsberg with "overt, covert and derogatory information."

In a memorandum five weeks before the break-in, he called such information a "basic tool central to destroy his public image and credibility."

Hunt, at the time, was working with a White House unit set up to plug national security leaks.

Hunt was given immunity from prosecution for his testi-

mony, which will be resumed Monday.

His story was a familiar one, from the planning sessions with G. Gordon Liddy, Egil Krogh Jr., and David R. Young, to a preliminary look through Fielding's office and the recruitment of Barker, Martinez and Felipe DeDiego to carry out the burglary.

Hunt said after he and Liddy — later to be his partner in planning the Watergate burglary — looked over Fielding's office, they went back to the

White House to draw up a final proposal for the burglary. It would cost \$5,000, of which \$3,000 was for the operation, "slight remuneration" for Barker, Martinez and DeDiego and \$2,000 for contingency.

They met with Krogh and Young, their immediate supervisors, on Aug. 30, 1971 and, Hunt said, "Krogh indicated he would have to have project approval."

Assistant Prosecutor Charles

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# ELLSBERG

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Breyer asked, "Did he indicate who could have the approval?"

"No," Hunt said, adding that Liddy told him of final approval, but the day's trial session ended before Hunt was asked who gave it.

But Asst. Special Prosecutor William H. Merrill said in his opening statement that Young and Krogh telephoned Ehrlichman on Aug. 31 at his vacation spot at Cape Cod to tell him of the Hunt-Liddy plans, and that the men were in California ready to proceed.

"Okay, let me know if they find anything," Merrill quoted Ehrlichman as saying.

Ehrlichman authorized the midnight break-in with written memos and telephoned instructions, then sought to remove incriminating evidence at a time when one of the White House Plumbers talked, Merrill said.

Ehrlichman, along with Watergate burglars Bernard L. Barker, Eugenio Martinez and G. Gordon Liddy, are charged with violating Fielding's civil rights in the Labor Day weekend break-in nearly three years ago. Additionally Ehrlichman is charged with four counts of lying to investigators.

"Ehrlichman lied and he knew he lied," Merrill said, and asked rhetorically:

"Why would a man like Ehrlichman lie? Because it was clear from the documents he was implicated with knowledge and approval of the entry into Fielding's office.

"Why did he think he wouldn't get caught in those lies? Because he thought he could get away with it; because he had removed sensitive memoranda ..."

Throughout the opening statement to a jury of six men and six women, Ehrlichman sat stonefaced at his counsel table,

apparently listening intently. If convicted on all counts he faces a maximum prison term of 30 years and fines of up to \$50,000.

Liddy's lawyer said his client "was working for the government" and therefore authorized to carry out a search such as the one made in Fielding's office. "The evidence will disclose he requested permission for this special project ... he reasonably believed he was authorized ... to do what was done.

And the lawyer for Miamians Barker and Martinez pointed to their long training in the Central Intelligence Agency and said they thought what they were doing was in line with national security requirements.

Merrill traced the case from its beginning in July 1971, when

he said that E. Howard Hunt Jr., a long-time CIA agent, met with former special White House counsel Charles W. Colson in Ehrlichman's office.

By then the New York Times and other newspapers had printed voluminous excerpts from the study of U.S. involvement in the Vietnam war that was copied and distributed by Ellsberg. President Nixon has said after release of the papers he put Ehrlichman in charge of a unit to stop leaks.

Hunt was hired, Merrill said, and put in touch by Ehrlichman with the CIA which provided him with false identification, disguises, a voice changer and a camera in a tobacco pouch.

Merrill said Ehrlichman told Colson to put Hunt to work with the Plumbers unit headed by Egil Krogh under Ehrlichman's supervision and that one purpose of the project was to find out more about Ellsberg.

A co-supervisor with Krogh was David R. Young, a member of the National Security Council staff. Young suggested that the CIA work up a "psychological profile" to better understand Ellsberg's motives.

But the profile apparently was unsatisfactory and Hunt suggested in a July 28, 1971, memo to Colson that they obtain Ellsberg's files from Fielding's office.

About this time G. Gordon Liddy was put on the unit and together with Hunt suggested to Krogh and Young that they go into Fielding's office, Merrill said.

"All it needed then was Ehrlichman's approval," he said.

Young sent Ehrlichman a memorandum suggesting a covert operation and Ehrlichman signed his approval with a notation, "under your assurance that it is not traceable."

In March last year when it appeared that Young was going to talk to prosecutors about the break-in Ehrlichman called him into his office and asked for his files, Merrill said. On March 27, he said, Ehrlichman returned the files and in a discussion with Young asked him if he had known about the break-in in advance.