

# Any Evidence Linking Nixon To Burglary Must

WASHINGTON (AP) — A federal judge ordered the Watergate special prosecutor Friday to turn over any evidence he has of involvement by President Nixon in the burglary at the office of Daniel Ellsberg's psychiatrist.

Issued in the case of six men soon to be tried in connection with the burglary, the discovery order signed by U.S. District Judge Gerhard A. Gesell requires prosecution lawyers to provide the information they plan to use at the trial to defense lawyers and the court in advance. Discovery orders are routine procedure in criminal cases.

Among matters covered by the order was any information as to whether Nixon knew of the burglary or not and whether he authorized it or not.

The order came after a meeting in Gesell's chambers be-

tween prosecution and defense lawyers. However, a spokesman for the special prosecutor's office said he did not know how broad the discovery order was.

Meanwhile, a federal judge was challenged on his ruling that national security cannot be used as a defense in the case.

Lawyers for Filipe De Diego said in a motion filed with Gesell that national security is the only issue in the case and that the judge has no jurisdiction to rule otherwise.

Gesell has set June 17 for the trial of former White House aides John D. Ehrlichman, Charles W. Colson, G. Gordon Liddy, and Bernard L. Barker, Eugenio Martinez and DeDiego, all charged with a single count of violating the rights of the psychiatrist, Dr. Lewis Fielding.

Fielding's Beverly Hills, Ca-

lif., office was rifled Sept. 3, 1971, by White House agents seeking the files of Ellsberg, then under indictment for leaking the Pentagon Papers study of the Vietnam war's origins.

At a pretrial hearing last week, Gesell brushed aside sug-

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gestions that the Fielding break-in was justified on grounds of national security.

"The relevant facts, I think, are going to be quite simple," he said. "It is whether or not there was an agreement to bust into the doctor's office and

whether they did it. That is what the case is about.

"All this talk about national defense and the Russians and everything else hasn't anything to do with the case . . . motive has nothing to do with the case."