

Mill Valley Theft

Congress Seeks Ellsberg Papers

By Jim Brewer

A House subcommittee is preparing to take control of all documents stolen in October from the Mill Valley home of Pentagon Papers figure Daniel Ellsberg.

The Chronicle learned yesterday that Ellsberg has been in Washington most of the week seeking congressional assistance in safeguarding the papers, which the Defense Department says belong to the government.

George Silvestri, an attorney for the city of Mill Valley, said the House Subcommittee on Foreign Operations and Government Information will serve a subpoena for the purloined material at 2 p.m. today at the Mill Valley Police Department.

The documents have been

in the custody of Mill Valley Police Chief Williams Walsh since they were recovered two weeks ago, some of them bearing "TOP SECRET" designations.

Ellsberg was not available for comment yesterday, but he said last week that he feared the papers would wind up "in some burn bag or shredder."

Silvestri said "an understanding has been reached" that will satisfy both Ellsberg and the departments of Defense and Justice, which have been wrangling over possession of the documents since they were recovered.

The subpoena will be served by Congressman Chet Holifield (Dem.-Los Angeles), chairman of the full House Committee on Government Operations. Silvestri said the subpoena will be accompanied by three key letters:

• One from Ellsberg stating his lack of objection.

• One from Holifield saying the committee will make the materials available to the Department of Justice "with the exception of personal matters, and matters dealing with the attorney-client privilege."

• One saying that the papers will ultimately be returned "to their rightful owner."

The issue of ownership was never resolved in the Pentagon Papers trial in Los Angeles, that case was dismissed after it was disclosed that the office of Ellsberg's psychiatrist had been burgled.

Ellsberg's attorney here, Benjamin Dreyfus, said his client has "no objection" to turning the documents over to the committee. "It has been his (Ells-

berg's) contention all along that the information belongs," Dreyfus said. "His only apprehension is that the Justice Department or the Defense Department would destroy the papers."

Meanwhile, Mill Valley police disclosed that a second batch of the stolen papers has been recovered.

Detectives found documents and some of Ellsberg's personal notebooks in a plastic zippered case buried under leaves at Old Mill Park, in Mill Valley. "It is to the American people,"

Dreyfus told "The Chronicle that he had been contacted earlier this week by phone by an unidentified man who asked if he (Dreyfus) would be interested in more papers.

Dreyfus said the man never called back.

Police Chief Walsh said the discovery "confirms our

suspicion that there was a second person involved" in the burglary of Ellsberg's home.

A 21-year-old Mill Valley man, Kevin Patrick Quinn, has been charged in Marin county with the burglary, and is scheduled for a preliminary hearing on Tuesday in Marin Municipal Court, San Rafael.

Plea for Starving

Geneva.

Imelda Marcos, wife of the Philippines president, and former West German Chancellor Willy Brandt launched a \$90 million appeal yesterday for emergency aid to rescue millions of children from death by starvation.

Reuters