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Burglary of Ellsberg File Confirmed

Los Angeles

Daniel Ellsberg's psychiatrist has confirmed that his office was broken into in the summer of 1971 and files including those on Ellsberg were ransacked, a spokesman for Ellsberg said yesterday.

The report came in connection with statements at the Pentagon Papers trial Friday that Watergate conspirators E. Howard Hunt and G. Gordon Liddy had burglarized the psychiatrist's office to get Ellsberg's psychiatric records.

Still declining to identify the psychiatrist by name, Ellsberg's spokesman, Robert Sachs, said the defense team will file a sworn affidavit with the judge in the trial this morning. He said the affidavit, based on the information from the doctor, will tell the judge about the break-in.

FILES

The doctor told Ellsberg that in the summer of 1971 he found someone had entered his office and forced open file cabinets, including some which contained Ellsberg's records, the spokesman said. The doctor reported that some files were thrown around the office, but that nothing appeared to have been taken.

"We have no way of knowing what might have been copied," said Sachs.

He said that attorneys for Ellsberg and codefendant Anthony Russo met yesterday to decide what motions they will file with the court today. Sachs added they are seriously considering another motion to dismiss the in-

dictment on espionage, conspiracy and theft charges.

Previous motions for dismissal have been denied, and Ellsberg has said he doesn't want to move for a mistrial because of the possibility the government could try him and Russo again.

TAINT

U.S. District Judge Matt Byrne warned parties in the case Friday that if the Liddy-Hunt theft occurred, it could indicate a "taint of evidence" in the four-month old trial. He has launched an investigation to find out whether government prosecutors might have been given the psychiatric records and whether they were used in any way in prosecuting the defendants.

Ellsberg, 42, and Russo, 36, both former researchers on government projects, are on trial for copying the top secret Pentagon study of the Vietnam war. The trial, which began last January, is in the stage of government rebuttal, but attorneys said yesterday it is likely that further testimony by government witness might be delayed today because of defense motions concerning the link to Watergate.

Newsweek reported yesterday that the source of the report of the break-in was presidential counsel John Dean III, whose name has been linked to an alleged cover-up of the Watergate affair by White House staff members. *Associated Press*

SFChronicle APR 30 1973 Ellsberg Doctor Identified by Time Magazine

New York

Daniel Ellsberg's psychiatrist, whose office was burglarized in the summer of 1971 shortly after the Pentagon Papers were leaked, was identified yesterday by Time Magazine and the New York Times as Lewis Fielding of Los Angeles.

The magazine also said that the two alleged thieves, G. Gordon Liddy and E. Howard Hunt, were on the White House payroll.

Time said after the burglary was revealed last week it was "learned that the burglary occurred on Sept. 3, 1971, when both men were on the White House payroll, Liddy as a fulltime staffer who served as liaison between the White House and the FBI and Hunt as a \$100-a-day consultant."

The magazine said Liddy and Hunt were hired to trace the leak of the Pentagon Papers to the New York Times.

United Press