

Nixon Was Told Of Ellsberg File

Washington

President Nixon was personally consulted before the Pentagon Papers trial was told last week that Watergate conspirators E. Howard Hunt Jr. and G. Gordon Liddy burglarized the office of Daniel Ellsberg's psychiatrist.

Justice Department sources said yesterday that they were so startled when federal investigators obtained information about the alleged burglary on April 15 that they brought it to the attention of the President before transmitting the information to U.S. District Judge W. Matt Byrne Jr., who is presiding over the trial of Daniel Ellsberg and Anthony J. Russo Jr. in Los Angeles.

Once Mr. Nixon heard about it, the sources said, he "endorsed without hesitation" the decision to send to the West Coast a confidential memo on the subject from Earl J. Silbert, chief Watergate prosecutor, to Assistant Attorney General Henry E. Petersen, chief of the Justice Department's criminal division.

CHECK

That decision was made by Petersen and Attorney General Richard G. Kleindienst, despite a check of the Justice Department's files which reportedly showed that the burglary was not used to contribute to the prosecution of Ellsberg and Russo.

The two men are charged with espionage, conspiracy and theft of government property in connection with the disclosure of the Pentagon Papers.

The fact that the President was consulted — and that it apparently took several days to reach him — may help explain the ten-day delay between the time Silbert and Petersen learned about the burglary and their knowledge was transmitted to Byrne.

INTEREST

It is also taken as an indication of Mr. Nixon's previously undocumented intense personal interest in the Pentagon Papers trial.

According to the Justice Department sources, the President sees the case as a major part of his battle to stem leaks of "national security information" from the federal bureaucracy.

It was revealed in Los Angeles Tuesday that in 1971 — when the Pentagon documents were published by newspapers — President Nixon asked his chief domestic adviser, John D. Ehrlichman, to make "inquiries independent of concurrent FBI investigation" of the case.

According to a summary of an FBI interview with Ehrlichman conducted last Friday in Washington, the presidential aide ordered Hunt and Liddy to prepare a "psychiatric profile" of Ellsberg including "his habits, mental attitudes, motives, etc."

That inquiry apparently led to the burglary of Los

Angeles psychiatrist Lewis Fielding's office. In Ehrlichman's words, as reported in the FBI summary, after he learned of the break-in, he told Hunt and Liddy "not to do it again."

Justice Department officials insisted that they cannot conceive of any way in which the burglary, or documents obtained during the break-in, could have played a role in the decision to prosecute Ellsberg and Russo or in the development of evidence against them.

They asserted that they were completely unaware of the burglary until Silbert obtained information about it during an interview on April 15 with a person who has not been publicly identified.

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