

DA's View On Ellsberg Break-In

Los Angeles

The district attorney said yesterday he will prosecute the burglary of the office of Daniel Ellsberg's psychiatrist if there is evidence that California law was violated.

Joseph P. Busch Jr., who announced two days ago his office has joined the investigation into the break-in, said a three-man team has been assigned to work with Beverly Hills police.

The district attorney said at this point he does not plan to ask for a local grand jury investigation into the role of G. Gordon Liddy and E. Howard Hunt Jr. "There are now five investigations involving the so-called Watergate people being conducted," he said.

He indicated there could be legal difficulties in bringing burglary charges against Liddy and Hunt because in order to prove the charge the prosecution must show the suspects entered the office with the "intent" to steal property.

There is a question, Busch said, of whether merely reading or perhaps copying records would constitute a burglary. Otherwise, the crime would be trespassing, a misdemeanor.

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