

BYRNE DISAGREES WITH EHRLICHMAN

Denies He Showed 'Strong Interest' in F.B.I. Job

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LOS ANGELES, July 26—The judge at the Pentagon papers trial, William Matthew Byrne Jr., has disputed a statement by John D. Ehrlichman, the former White House aide, that he showed "strong interest" in the post of director of the Federal Bureau of Investigation while the trial was in progress.

Without referring directly to Mr. Ehrlichman's testimony before the Senate Watergate committee, Judge Byrne said late yesterday, "Recent public statements about the meeting on April 5, 1973, to which I was summoned to the Western White House, require clarification."

The Federal district judge said in a statement from San Francisco, where he is attending a judicial conference, that the meeting followed an April 4 telephone call from Mr. Ehrlichman. He said that Mr. Ehrlichman asked him to go to San Clemente to discuss an unspecified matter that the White House aide said was "in no way connected with the case on trial." Judge Byrne continued:

Sought Second Meeting

"After learning in San Clemente on April 5 that the meeting's purpose involved consideration of my becoming director of the F.B.I., my initial reaction was that I could not consider such a proposal at that time but would reflect upon the matter.

"On April 7, I called and met with Mr. Ehrlichman at a place of his choosing so that I could deliver, on a face-to-face basis which I felt was owed to the President's representative, my decision after reflection. That decision confirmed my initial reaction rejecting consideration of any such proposal while the trial was in progress."

The statement was the first confirmation by Judge Byrne that he had initiated the second meeting, which took place in a park in nearby Santa Monica. He said from the bench at the trial this spring that, in two conversations with Mr. Ehrlichman at the time of the trial, he refused to discuss any future job in the Government.

Mr. Ehrlichman's testimony differs with that of the judge in several ways. First, Mr. Ehrlichman contended that in the telephone call on April 4, he specified that the purpose of the meeting was to discuss "a Federal appointment which is not judicial in character."

Prosecutor's Comment

Secondly, of the initial meeting in San Clemente, Mr. Ehrlichman said, "The judge indicated a strong interest. He told me a number of his experiences with the F.B.I." Mr. Ehrlichman testified that Judge Byrne had left him with an impression that he had a "very clear interest" in the post.

Finally, Mr. Ehrlichman said that at the April 7 meeting he and Judge Byrne took a short walk in the park and the judge again evidenced "a very strong interest" in the post but did not press for an offer.

District Attorney Joseph P. Busch said that he considered Mr. Ehrlichman's testimony an "admission" of a connection to the burglary of the offices of Dr. Daniel Ellsberg's former psychiatrist. Mr. Busch is conducting a grand jury investigation into the burglary at Dr. Lewis Fielding's Beverly Hills office by agents of the White House "plumbers" squad, formed in 1971 to plug leaks of security information.

Judge Byrne declared a mistrial and ordered charges against Dr. Ellsberg dismissed after he was informed of the burglary, led by people also

involved in the Watergate burglary. Dr. Ellsberg was accused of stealing the secret Pentagon study of the Vietnam war.

This morning, Dr. Ellsberg told newsmen that he considered Mr. Ehrlichman's testimony concerning the burglary "false, deceptive, and highly slanderous."

"He was referring to Mr. Ehrlichman's justification of the burglary on the basis of fears that the Pentagon papers, which had been released to the press by Dr. Ellsberg, had also been supplied to the Soviet Embassy. Dr. Ellsberg denied that he had given the papers to the Soviet Embassy.