

Ellsberg Case: Nixon Role in Question

Desire for Secrecy Held Motive

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Yesterday's indictment in connection with the 1971 burglary of the office of Daniel Ellsberg's psychiatrist makes no charge or even a suggestion that President Nixon was involved.

Nonetheless, investigative sources said this week that serious questions still exist about Mr. Nixon's role in an alleged cover-up of the Ellsberg burglary.

According to the prosecutors' theory of the Watergate cover-up, possible exposure of the Ellsberg break-in was one of the main factors in the decision to try to buy the silence of the Watergate burglars.

This is because former White House aides E. Howard Hunt Jr. and G. Gordon

Liddy were involved in both illegal operations. According to this theory, a full, unfettered investigation of Watergate probably would have led to discovery of the Ellsberg burglary much sooner.

This is a matter dealt with in the main Watergate grand jury's secret report

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turned over to federal Judge John J. Sirica last Friday when the major Watergate indictments were issued, the sources said. That report is intended for the House Judiciary Committee investigating possible impeachment.

The grand jury that

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handed down yesterday's indictments in the Ellsberg case did not issue a similar report.

Yesterday's indictment charged three former Nixon aides and three other men from Miami, including two of the five men who broke into the Democrats' Watergate headquarters on June 17, 1972.

It presented for the first time the grand jury's legal conclusion that the break-in was a violation of the law.

By implication this means that the grand jury has concluded the Ellsberg break-in was not justified on national security grounds, as the President has at least twice maintained.

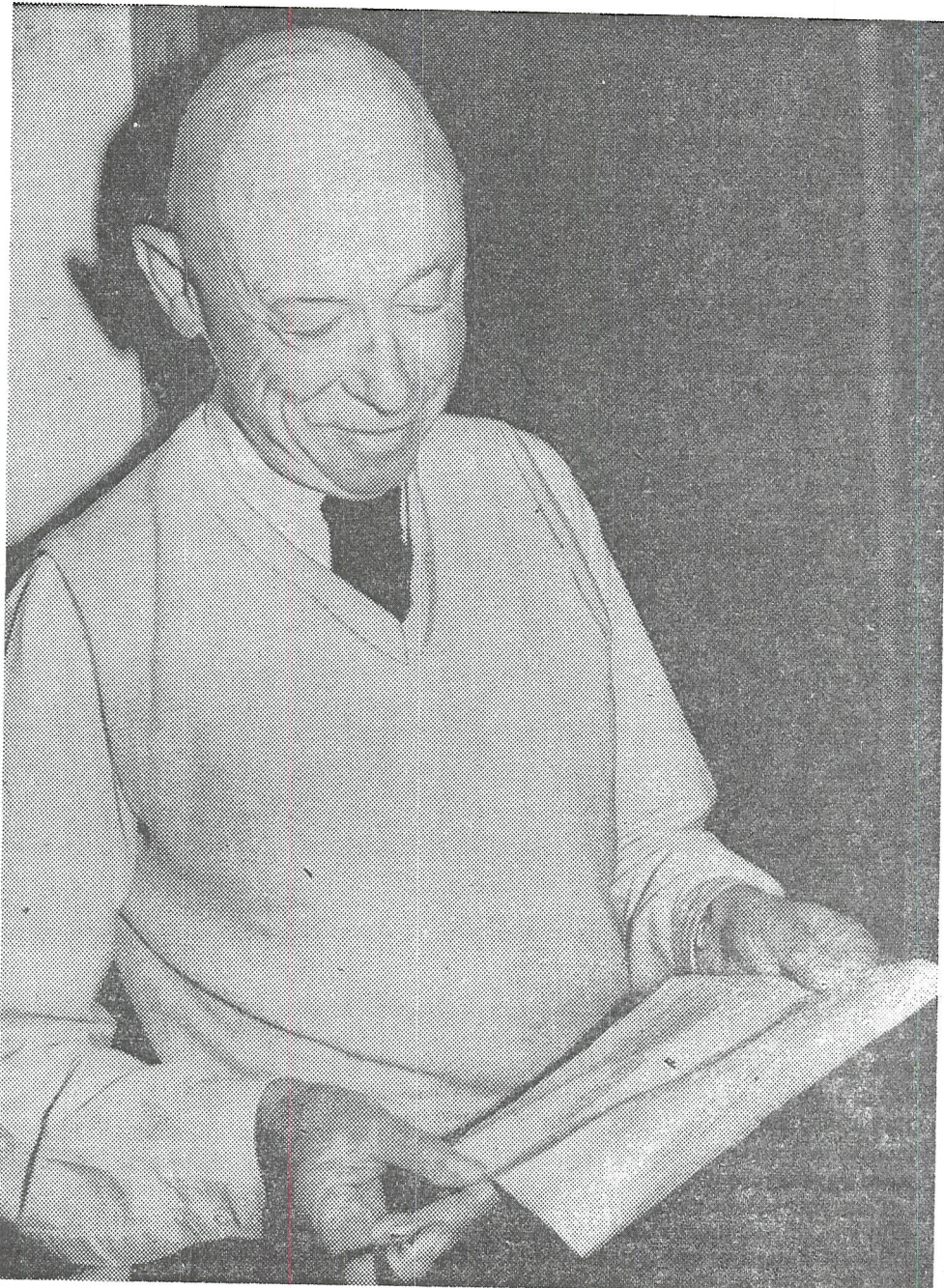
In addition, Mr. Nixon previously has said that he approved the creation of the White House special unit called the "plumbers" which was responsible for investigating news leaks.

"I approved the creation of a Special Investigations Unit with the White House—which later came to be known as the 'plumbers,'" the President said in a prepared statement issued last May 22.

And yesterday's indictment named all the members of the plumbers unit as either indicted or unindicted coconspirators.

Investigative sources said that the existence of a special unit that operated outside of normal government channels also raised questions about its legality. One source went so far as to say that Mr. Nixon was "in effect the head 'plumber' because of his high interest in news leaks."

"Of course there was a cover-up of the Ellsberg burglary," another source said earlier this week. "Many people in government knew about it for 18 months before there was



Associated Press

Dr. Lewis Fielding reads news of indictments in burglary of his office.

any investigation . . . but the indictment will be silent on the issue. That's someone else's problem," indicating the House judiciary committee.

It is a matter of record, from the President's own statements and from sworn testimony of others, that Mr. Nixon knew of the Ellsberg burglary for about one month before it was disclosed to prosecutors.

The disclosure was made not by Mr. Nixon but by his counsel John W. Dean III who has testified that he was trying to stop the White House cover-up of Watergate and related activities, such as the Ellsberg burglary.

The President has said that he first learned of the Ellsberg burglary on March 17, 1973.

In mid-April—a month later—the President was informed by Assistant Attorney General Henry E. Petersen, who at the time was in charge of the Watergate investigation, that the prosecutors had just learned of the burglary.

In sworn testimony last summer before the Senate Watergate committee, Petersen quoted the President as responding: "I know about that. That is a national security matter. You stay out of that. Your mandate is to investigate Watergate."

Petersen testified that within about a week he and Attorney General Richard G. Kleindienst had persuaded the President to reverse his order and permit the forwarding of information of the burglary to the Los Angeles court where Ellsberg was on trial in the Pentagon Papers case—a trial later ended when the charges against Ellsberg were dismissed because of government misconduct.

Later, sources close to Elliot L. Richardson, who was nominated to succeed Kleindienst as attorney general on April 30, said that the President also tried to discourage Richardson from pursuing the investigation into matters relating to the Ellsberg burglary.

As previously reported, one source said that Mr. Nixon "told Richardson to keep the Pentagon Papers out of the Watergate investigation."

Also on April 30, Richardson had lunch with former White House aide Egil "Bud" Krogh, Jr. who was named as an unindicted co-conspirator in yesterday's indictment. Krogh headed the "plumbers" unit.

At that lunch, sources have said, Krogh told Richardson that he had received a message from presidential aide John D. Ehrlichman, who was indicted yesterday.

"Ehrlichman said the President didn't want any more to surface about the Ellsberg investigation," one source has said. "He (Ehrlichman) was emphatic that he was speaking for the President."

Specifically, sources have said, the President did not want it disclosed that the CIA had provided assistance to the "plumbers" for the break-in at the office of Ellsberg's psychiatrist.

The sources have said that Richardson expressed "horror" and "shock" at the suggestion that the President wanted a cover-up.

Richardson then discussed the matter with Assistant Attorney General Petersen who told him of the President's earlier action in attempting to prevent release of the information.

Thereupon, both Richardson and Petersen decided to comply with the President's stated wishes. The message was conveyed to Mr. Nixon who agreed that there should be no further attempts to contain the Ellsberg probe.

Five separate sources, have said that Mr. Nixon at no time suggested any other reason but national security for preventing release of information.

Within several days of Richardson's nomination as Attorney General, however, Krogh received guidelines from the White House stating that all former aides testifying in Watergate proceedings "are restricted from testifying as to matters relating to national security."

In his May 22 statement on Watergate-related matters, the President acknowledged that he directed Petersen in mid-April to "stay out of national security matters," but later reversed his decision after talking with Kleindienst on April 25.

The President has since characterized the Ellsberg burglary as "stupid" and "illegal." Speaking before newspaper editors in Florida on Nov. 17, the President said: "I personally thought it was a stupid thing to do, apart from being an illegal thing to do . . ."

But earlier in his May 22 statement, the President seemed to voice sympathy with those involved in the burglary.

"Because of the emphasis I put on the crucial importance of protecting the national security," the President said, "I can understand how highly motivated individuals could have felt justified in engaging in specific activities that I would have disapproved had they been brought to my attention."

While disassociating himself from the illegal burglary, Mr. Nixon said, "Consequently, as President, I must and do assume responsibility for such actions despite the fact that I, at no time approved or had knowledge of them."

The President's national security argument to contain the investigation into the plumbers was described in his May 22 statement:

"At about the time the unit was created (July, 1971), Daniel Ellsberg was identified as the person who had given the Pentagon Papers to The New York Times. I told Mr. Krogh that as a matter of first priority, the unit should find out all it could about Mr. Ellsberg's associates and his motives.

"Because of the extreme gravity of the situation, and not then knowing what additional national secrets Mr. Ellsberg might disclose, I did impress upon Mr. Krogh the vital importance to the national security of his assignment.

"I did not authorize and had no knowledge of any illegal means to be used to achieve this goal."