

NYTimes - MAY 1 1974  
TRANSCRIPT BACKS  
JAWORSKI THEORY

Shows Nixon's Concern Over  
Ehrlichman's Liability in  
Ellsberg Burglary

By SEYMOUR M. HERSH  
Special to The New York Times

WASHINGTON, April 30—The White House transcripts released today support what is known to be one of Special Prosecutor Leon Jaworski's key theories in the pending Watergate case: That a principal motive for the alleged high-level cover-up was a desire to prevent disclosure of the 1971 Ellsberg burglary.

The March 21 transcript shows that President Nixon was told by John W. Dean 3d, then his White House counsel, that the burglary of the office of Dr. Daniel J. Ellsberg's former psychiatrist exposed another key Presidential aide, John D. Ehrlichman, to possible criminal charges deriving from—as Mr. Dean put it—"this conspiracy to burglarize the Ellsberg doctor's office."

The remark was made while Mr. Dean and President Nixon discussed the possible harm E. Howard Hunt Jr. could bring to the White House if his demand for a \$122,000 hush payment was refused.

Mr. Hunt, along with G. Gordon Liddy, participated both in the September, 1971, Ellsberg burglary, as members of a quasi-legal White House "plumbers" force, and in the June, 1972, burglary of the Democratic National Committee headquarters in the Watergate office complex.

**Illegality of Break-in**

Well-informed sources confirmed last March, shortly after the Watergate grand jury indicted, among others, three of President Nixon's former top advisers—Mr. Ehrlichman, H. R. Haldeman and Charles W. Colson—that the jurors had concluded that Mr. Nixon and his top advisers were aware that the Ellsberg burglary was illegal and not justified by national security considerations.

President Nixon personally cited "national security" last May to explain why he twice sought in the month before to prevent information about the Ellsberg break-in from being forwarded to a Federal Court in Los Angeles. Mr. Ellsberg, who says he turned the Pentagon papers over to The New York Times, was on trial there for theft of Government documents. The Ellsberg case was dismissed last May, shortly after details of the burglary were made public.

During the televised Senate Watergate hearings last summer, Mr. Ehrlichman also sought to justify the break-in, which he claimed he did not specifically authorize, on the grounds of national security.

The White House transcripts show, however, that neither President Nixon nor any of his top advisers discussed the break-in in terms of a necessary "national security" operation. In fact, the President exclaimed on March 17—after initially being told by Mr. Dean of the operation—"What in the world. What in the name of God?"

**Remark by Dean**

During that meeting, according to the transcript, Mr. Dean referred to Mr. Hunt and Mr. Liddy as "some idiots."

Four days later, during the March 21 discussion about Mr. Hunt's hush money demands, the concept of "national security" was raised. The President again put his discussion of the Ellsberg burglary in terms of its potential criminal liability to Mr. Ehrlichman, according to the transcript.

"What's the answer on this?" the President asked at one point, in reference to the possibility that Mr. Hunt would begin talking about the Ellsberg break-in and involve Mr. Ehrlichman. "How you keep it out, I don't know. You can't keep it out if Hunt talks."

At that point, Mr. Dean suggested, "you might put it on a national security grounds basis." After a brief exchange, the President agreed: "national security. We had to get information for national security grounds."

Once the basic defense—that of "national security"—was agreed upon, the President and his advisers, the transcript shows, began to refine it.

Thus, when Mr. Dean raised questions—as a Federal prosecutor might—as to why the Central Intelligence Agency or the Federal Bureau of Investigation couldn't handle any break-in, if necessary, the President provided the answer: "Because we had to do it on a confidential basis. Neither could be trusted."

"With the bombing thing coming out and everything coming out," the President added, in an apparent reference to some aspects of the published Pentagon papers, "the whole thing was national security."

Mr. Dean then summed up the discussion by noting that "I think we could get by on that."

Later, the President told his aides to relay similar advice to Egil (Bud) Krogh Jr., a former co-director of the plumbers whose newly confirmed position as Undersecretary of Transportation also was threatened

by the possibility that Mr. Hunt would begin talking to Federal authorities.

"Bud should just say it was a question of national security," the President told Mr. Dean, "and I was not in a position to divulge it."

Mr. Krogh eventually pleaded guilty to his role in the Ellsberg break-in and received a six-month jail sentence last Jan. 24.

The transcripts challenge Mr. Nixon's explanation last May 22 for his initial refusal to relay the Ellsberg materials to the court. He explained then that he had attempted to limit the Justice Department's inquiry into the plumbers' operations because he considered it his "responsibility to see that the Watergate investigation did not impinge adversely upon the national security area."