

Doar Summary: Ehrlichman Notes Cited

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WASHINGTON, July 22—John D. Ehrlichman's personal White House notes show that President Nixon discussed setting up a "nonlegal" White House investigations unit three weeks after the Pentagon papers were published in The New York Times in June, 1971.

Mr. Ehrlichman's previously unpublished notes, quoted last week by John M. Doar, special counsel to the House Judiciary Committee, also show that Mr. Nixon declared during a high-level staff meeting on July 1, 1971, that "espionage" was "not involved in the Ellsberg case."

"Don't think in terms of spies," Mr. Ehrlichman further quoted the President as stating on that day.

The Ehrlichman notes are part of the 17 final sections of the "Summary of Information" presented by Mr. Doar to the Judiciary Committee last Friday, which are printed in adjacent columns.

In his summary of impeachment evidence, Mr. Doar concluded that the handwritten Ehrlichman notes "confirm that the President viewed the prosecution of Ellsberg not principally as a national security matter, but with a view toward gaining a public relations and political advantage."

The Target Was Ellsberg

The Ehrlichman notes provided the first known evidence since the Watergate scandal erupted that President Nixon was aware of the precarious legal standing of the "plumbers" unit—a four-man investigations unit headed by Mr. Ehrlichman that was authorized in late July, 1971.

Its principal target was Dr. Daniel Ellsberg, a former Pentagon official who publicly acknowledged in late June, 1971, that he had provided The New York Times with a copy of the Pentagon papers. The papers, a history of the United States' involvement in the Vietnam war, were published by The Times beginning on June 13, 1971.

Mr. Ehrlichman and three other men were convicted earlier this month for

conspiring to break into the office of Dr. Lewis J. Fielding, Dr. Ellsberg's former psychiatrist, in September, 1971, in an effort to obtain personal and derogatory information.

In his public statements, Mr. Nixon has denounced the Ellsberg break-in as illegal and unnecessary but has always maintained that the establishment of the "plumbers" was justified by "national security." In his Watergate address on May 22, 1973, the President declared that there "was reason to believe that this [the Pentagon papers] was a security leak of unprecedented proportions."

In his summary, however, Mr. Doar noted that Mr. Ehrlichman's notes show that Secretary of Defense Melvin R. Laird told the White House 10 days after the initial publication of the Pentagon papers that 98 per cent of the documents could have been declassified.

Trial by Newspaper Urged

During the July 1 meeting, Mr. Ehrlichman's notes also show, Mr. Nixon urged him to "leak stuff out—this is the way to win."

Five days later, during a White House meeting involving Attorney General John N. Mitchell, Mr. Nixon was quoted by Mr. Ehrlichman as saying that the Pentagon papers case "must be tried in the papers. Not Ellsberg (since already indicted). Get conspiracy smoked out thru the papers."

By July 6, Mr. Ellsberg was under indictment for theft, unlawful possession of Government documents and the Nixon Administration had already unsuccessfully sought in the Supreme Court to bar The New York Times and other newspapers from publishing the top-secret material. Mr. Mitchell told the Pentagon during that July 6 meeting, according to earlier accounts, that he believed Dr. Ellsberg and others were working together.

Mr. Ehrlichman's notes then show that the President suggested, "put a nonlegal team on the conspiracy?" The President also said, "leak the evidence of guilt."

The handwritten notes, which were

obtained by Mr. Ehrlichman for use in his trial, include shorthand notations that were spelled out in Mr. Doar's summary.

The Ehrlichman notes, which were provided to the House committee last week by the special Watergate prosecutor's office, also show that President Nixon was the prime mover in a campaign—initiated shortly after publication of the Pentagon papers—to link the previous Kennedy and Johnson Administrations to the war.

"Win the case," the President said at a June 17, 1971, meeting in reference to the Justice Department's stand against publication of the documents, "but the NB [next best] thing is to get the public view right. Hang it all on L.B.J."

At another Presidential meeting on July 10, Mr. Ehrlichman wrote: "Goal—do to McNamara, Bundy, J.F.K. elite the same destructive job that was done on Herbert Hoover years ago."

Documents published by the House committee last week demonstrated that the "plumbers" unit sought throughout the summer and fall of 1971 to collect classified information linking the Kennedy Administration to the 1963 assassination of South Vietnam President Ngo Dinh Diem. A falsified cable purporting to directly link Mr. Kennedy to the assassination was prepared in late 1971 by E. Howard Hunt Jr., one of the "plumbers," but it was never disseminated.

Charles W. Colson, a former special counsel to Mr. Nixon, pleaded guilty last month to charges that he had conspired to obstruct justice by attempting to disseminate derogatory information about Dr. Ellsberg while he was under indictment. Mr. Colson subsequently told a Federal court that he had been repeatedly urged by President Nixon to make such political attacks.

In his summary, Mr. Doar concluded, "The President's concern with the Ellsberg case was not with espionage or national security, but with politics and public relations."

That view was buttressed by Mr. Nixon's tape-recorded conversation on



John M. Doar, special counsel to the House Judiciary Committee, checking his "Summary of Information"

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July 24, 1971, with Mr. Ehrlichman and Egil Krogh Jr., one of the co-directors of the "plumbers."

The President repeatedly expressed his concern, according to the House Judiciary Committee transcript of that meeting, over the publication of classified disarmament information in The

New York Times on the day before.

"This does affect the national security—this particular one," Mr. Nixon said. "This isn't like the Pentagon papers."

In Mr. Nixon's defense, James D. St. Clair, the President's Watergate attorney, listed the many newspaper articles

stemming from classified materials and cited affidavits provided by Mr. Ehrlichman, Mr. Colson and Secretary of State Kissinger—all of whom declared that publication of the Pentagon papers and other leaks were critical and—as Mr. Kissinger was quoted as saying—"must be stopped at all costs."