

Hunt Says Colson Ordered Forged Data in Diem Death

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Special to The New York Times

5/8/73

LOS ANGELES, May 7— Charles W. Colson, President Nixon's former counsel, ordered the forgery of State Department cables to implicate President Kennedy in the assassination of President Ngo Dinh Diem of South Vietnam, according to documents released today at the Pentagon papers trial.

One of the documents was the Watergate grand jury testimony of E. Howard Hunt Jr., a Watergate conspirator. He said that when she showed legitimate cables to Mr. Colson in 1971 Mr. Colson said: "Well, this isn't good enough. Do you think that you could improve on them?"

Mr. Hunt then told how he fabricated new cables.

In Washington, Mr. Colson issued a statement denying that he had ordered Hunt to fabricate the telegrams.

On Friday the jury was sent home until tomorrow, and so today was devoted entirely to turning over documents to the defense by Judge William Matthew Byrne Jr. in United States District Court.

Besides the Watergate testimony, Judge Byrne gave the defendants an affidavit from Egil Krogh Jr., a former White House aide, in which Mr. Krogh said that John D. Ehrlichman had ordered the "covert activity" that led to the break-in of the office of Daniel Ellsberg's psychiatrist, Mr. Ehrlich-

Excerpts from Ellsberg documents, Page 27.

man, at the time, was President Nixon's chief domestic affairs adviser.

Mr. Krogh also said in his affidavit that President Nixon had personally instructed him to "move ahead with the greatest urgency to determine the source of 'leaks,'" including the Pentagon papers leak.

His affidavit says, for the first time, that the White House did not trust the Federal Bureau of Investigation to investigate the leak of the Pentagon papers because of the late J. Edgar Hoover's personal friend-

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ship with Dr. Ellsberg's father-in-law, and it also says, for the first time, that the F.B.I. had told the White House that the Soviet Union had received a copy of the Pentagon papers before they were disclosed in The New York Times.

But the most startling disclosure was the information revealed in Hunt's grand jury testimony. He told how he had been rummaging through State Department cables, as part of his investigation of the Pentagon papers leak, when he noticed that some of the cables had been "extracted," perhaps to be photographed for the John F. Kennedy Memorial Library.

He said that he had given that information to Mr. Colson and pointed out to the President's counsel that anyone working for the library had the

"opportunity to remove any cables that could have been embarrassing to the Kennedy legatees."

"I showed him three of four [legitimate] cables that indicated that they [the Kennedy Administration] had [been] pretty close to pulled [sic] the trigger against Diem's head, but it didn't say so in many words."

It was, then, he said, that Mr. Colson asked him if he "could improve on them."

Trained for Such Jobs

"I said, 'yes, I probably could but not without technical assistance.' After all," Hunt said. "I had been given some training in my past C.I.A. career to do just this sort of thing and had done it successfully on numerous occasions, floating forged newspaper accounts, telegrams, that sort of thing."

"So, with the very meager means at my disposal, which were literally a Xerox machine in the White House, a razor blade and a typewriter — which was not the same one as had been used on the original cables — I set about creating two cables which bore on that particular period," Hunt testified.

He added that "the process was relatively simple." He explained, "I first of all prepared a cable text. In other words, from many of these cables I could pretty well adjust the text to the type of language that would be used by the man who was the ostensible originator, and altered these, from time to time, until I was satisfied that I had two creditable cables."

Hunt never said why he had been ordered to forge the cables, which he did in 1971, but the implication was that they were to be used, in some way, politically — perhaps against Senator Edward M. Kennedy, Massachusetts Democrat who is a brother of the assassinated President.

The Pentagon papers disclosed that President Kennedy had known of and had personally approved of plans for the coup d'etat that overthrew President Diem in 1963. But neither the papers nor any other documents that have yet come to light have suggested that Mr. Kennedy knew that Mr. Diem would be killed.

Hunt testified that he was not satisfied with the forged cables, but that Mr. Colson "seemed to like them and I said, 'These will never stand any kind of scrutiny.' I said, 'let's be very sure about that.'"

Question for F.B.I.

Hunt implicated the F.B.I. indirectly in the forgery by saying that he had asked the bureau to "tell me what kind of type face had been used in original State Department cables and actually a White House cable, and I found that it would

be impossible for me to get a similar type face."

"So I knew that this was a technical problem that could not be overcome, so if anybody was going to see these cables, they'd simply have to see them. They could never be published, because after the Alger Hiss case, everyone was typewriter-conscious," he said, adding:

"So there would just have to be a fast brush show on a take it or leave it basis, which I began to believe was the purpose Mr. Colson had in mind."

Hunt said that Mr. Colson planted the phony cables with William Lambert, an investigative reporter for Time-Life, who was not allowed to remove them from Hunt's office in the Executive Office Building but was allowed to copy them. "Mr. Lambert was quite exultant over the find," Hunt testified, but Mr. Lambert never used the material.

Today's disclosure was the second regarding Hunt's grand jury testimony.

This disclosure, like the one of Mr. Krogh's affidavit, was a result of an investigation that Judge Byrne ordered into the link between the Watergate case and the Pentagon papers case; a link that became public when it was revealed that Hunt and G. Gordon Liddy, another Watergate conspirator, had led the team that broke into the office of Dr. Ellsberg's psychiatrist on Sept. 3, 1971.

Dr. Ellsberg and a co-defendant, Anthony J. Russo Jr., are on trial in connection with the disclosure of the Pentagon papers, a secret study of United States involvement in Indochina.

The judge still has under submission a defense motion to dismiss the six espionage counts, the six theft counts and the one conspiracy count against Dr. Ellsberg and Mr. Russo, on the grounds of the Government's alleged misbehavior.

And the defense is still putting together its writ of mandamus to be filed with the United States Court of Appeals for the Ninth Circuit, in San Francisco, asking the court to direct Judge Byrne to dismiss the case.

The affidavit of Mr. Krogh refers to the burglary of the psychiatrist's office.

Mr. Krogh, who is now on leave of absence as Under Secretary of Transportation, said that although Mr. Ehrlichman had approved "covert" action against Dr. Ellsberg, he had not known of the actual break-in until after it had occurred.

Hunt and Liddy, according

to Mr. Krogh, recommended that a second break-in be attempted, since the first apparently failed to produce anything of importance. But Mr. Ehrlichman said, according to Mr. Krogh, that the break-in "far exceeded the scope of any covert activity which had been approved" and he "disapproved any further covert activity."

Hoover Role Cited

The Krogh affidavit makes 53 points. It says, for instance, that Mr. Hoover, then director of the F.B.I. knew that an ex-officio White House team had been set up to investigate the Pentagon papers leak and Dr. Ellsberg's background, and that there was a memorandum from Mr. Hoover attesting to that fact.

But Mr. Krogh does not say that Mr. Hoover knew of the break-in; in fact, Mr. Krogh said that one reason the White House team had been set up was "because of the close personal relationship" between Mr. Hoover and Louis Marx, the father-in-law of Dr. Ellsberg. Mr. Marx no longer speaks to Dr. Ellsberg because of the Pentagon papers case.

Mr. Krogh, in his affidavit,

tried to depict the whole White House team as conducting its investigation in the interests of national security. He said, for instance, that "the special unit" had been set up to determine whether the disclosure of the Pentagon papers had been an individual act by Dr. Ellsberg, the act of a small group or "the result of a wider conspiracy to engage in espionage."

Mr. Krogh depicted President Nixon as being so worried that unauthorized leaks would undermine national security that the White House team had been formed to investigate the leaks and that it was believed that Dr. Ellsberg's psychiatric profile might divulge the names of alleged conspirators of the leaks. But, he said, the President had not known about the break-in until it was publicly disclosed here.

'Aid to Enemy' Seen

He said that he had been "informed by the F.B.I. that the Pentagon papers were in the possession of the Soviet Embassy, Washington, D. C., before their publication by The New York Times newspaper, suggesting an effort to aid and abet an enemy of the United States through an ally."

Mr. Krogh said that the psychological profile of Dr. Ellsberg prepared by the C.I.A. and the break-in at the psychiatrist's office had provided no useful information, but that the break-in had been done after it was learned that the C.I.A. analysis was useless.

After releasing the two documents to the defendants, who, in turn made them public, Judge Byrne ordered the prosecutor to find out and report back to him the following:

¶Did the Justice Department know that the C.I.A. had supplied equipment for the break-in, and that the C.I.A. had compiled a psychological profile of Dr. Ellsberg?

¶Are there any wiretap transcripts existing of anyone involved in this case, whether of the defendants or their lawyers?

¶Did the Justice Department know of the break-in, and, if so, when did it learn that fact?

¶Has the F.B.I. interviewed John W. Dean 3d, the President's former counsel, and, if so, where is the report?

The judge is still trying to determine whether or not the so-called "fruits" of the Government's alleged misbehavior have, in fact, "tainted" the evidence and testimony in this case, and the chief prosecutor, David R. Nissen, told him that the Government would be willing to have a hearing on that subject.