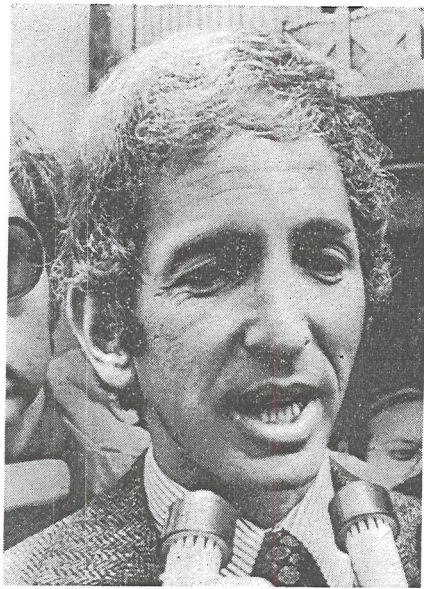


TRIALS

Practicing on Ellsberg

Long before they were caught trying to bug Democratic headquarters in Washington, the Watergate conspirators were apparently getting plenty of practice at breaking and entering. During the trial of Daniel Ellsberg last week, a memo from the Justice Department was handed to U.S. District Judge William Matthew Byrne. It disclosed that two of the convicted Watergate conspirators—G. Gordon Liddy and E. Howard Hunt—had broken into the office of a psychiatrist to obtain files dealing with Ellsberg. A grim-faced Byrne ordered the document revealed to the defense. Then he told the prosecution that he wanted all the addition-

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DEFENDANT DANIEL ELLSBERG
Pursued by plumbers.

al facts behind the break-in. Were the pair working for the U.S. Government at the time? he wanted to know.

Indeed they were. TIME learned that the burglary occurred on Sept. 3, 1971, when both men were on the White House payroll, Liddy as a full-time staffer who served as liaison between the White House and the FBI, Hunt as a \$100-a-day consultant. Known as "the plumbers," they had been hired to trace the leak of the Pentagon papers. Receiving all the FBI reports in what was called a "superspecial" investigation, they were informed that Ellsberg's psychiatrist, Lewis Fielding, had refused to divulge any information in his files on the grounds that they were privileged. The plumbers decided to visit Fielding's office and photograph the files.

On the night of the break-in, a janitor reported that he had found two men who spoke Cuban-style Spanish, dressed as mailmen, in Fielding's waiting room. They explained that they were leaving a suitcase for Fielding; then they left. Fielding later told police that the suitcase, which had disappeared, did not belong to him.

Tainted. The Justice Department also believes it is possible that the pair paid a nocturnal visit to the office of a Manhattan psychotherapist, Robert Akeret, who had treated Ellsberg's wife Patricia. If they did, Akeret is not aware of it. Besides, he adds, they would not have learned anything useful.

The latest revelation of skulduggery scarcely strengthens the Government's case against Ellsberg. If it turns out that the prosecution made use of tainted evidence gathered from the burglary, a mistrial could be declared or some or all charges could be thrown out. Defense Counsel Leonard Weinglass insisted that the burden of proof was on the Government to show that none of the evidence was tainted. He said that he would ask the court to call both Liddy and Hunt to the stand.

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