

Guilty Verdict in Ellsberg Burglary

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By Jim Brewer

The 21-year-old man who burgled some papers from the Mill Valley home of Pentagon Papers figure Daniel Ellsberg was found guilty of that and other matters yesterday.

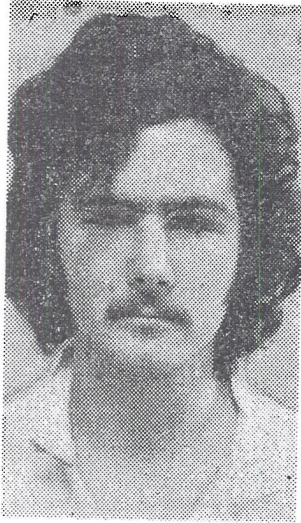
Marin county Superior Court Judge Joseph G. Wilson, presiding at the four day trial without a jury, discounted defense arguments that Kevin Patrick Quinn merely wanted to return possibly classified documents to the U.S. government.

"Quinn's story is not believable," Judge Wilson said. "It's inconsistent with all the other evidence."

Defense attorney Carl Shapiro had argued that "it is not a crime to take government property from a thief and give it back to the government . . ."

"Isn't your argument," Judge Wilson asked, "giving some justification for the (White House) plumbers unit" that itself was convicted of breaking into the office of Ellsberg's Los Angeles psychiatrist to conduct an unsuccessful search for Ellsberg's records.

Shapiro again pointed to Quinn's testimony that last October 1 he "went into the



KEVIN QUINN
Mill Valley break-in

house with the intent to return papers he (Ellsberg) had stolen from the government," but Judge Wilson declined the patriotic motive.

The papers themselves have not been made public and are now in the hands of the House Subcommittee on Foreign Operations and Government Information.

There have been persistent reports that the papers included Ellsberg's handwritten notes on his trial for stealing government documents, a government document indicating that former

President Eisenhower was almost duped into using nuclear weapons during the Cold War, and similar historical files.

Search for the missing documents lead to Quinn on December 4, when he was arrested for another Mill Valley burglary and was found to be wearing Ellsberg's missing after-ski boots.

Testimony at the trial, Judge Wilson decided, also showed that Quinn was the author of a note left at Ellsberg's home the night of the burglary, which said, in part, "not a word of this to ANYONE — much trouble will be avoided if you negotiate properly. Don't slip."

The note, the judge said, was an indication that Quinn was saying, "I'll give them back to you for a price."

Quinn was also convicted yesterday of receiving stolen property for an unrelated Mill Valley burglary and of setting a minor explosive device in an unmarked Mill Valley police car October 16.

The most serious offense, from the standpoint of minimum sentence, is the explosive device charge, which carries a minimum of five years in prison. But Judge Wilson, who set sentencing for March 25, said he would consider classifying Quinn as a "youthful offender" who might then receive a minimum of six months on that charge.

Quinn did, however, win out on one other charge of burglary when Judge Wilson found that the owner of a home he might have burgled coerced him into confessing with a simulated pistol.

Ellsberg, who moved to Mill Valley last summer after his Pentagon Papers notoriety, testified only to identify the objects taken from his home, although he was in the courtroom daily, taking copious notes.