

Ellsberg Doctor's Burglary

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Two convicted conspirators in the Watergate bugging case, G. Gordon Liddy and E. Howard Hunt Jr., were named in the Pentagon Papers case yesterday as burglars of the office of Daniel Ellsberg's psychiatrist.

United States District Judge Matt Byrne made the startling announcement in a tense courtroom session prior to resumption of the trial of Ellsberg and Anthony J. Russo.

The judge ordered a thorough investigation to determine if the alleged burglary may have tainted evidence in the case.

IDENTITY

He said the burglary allegedly was committed to obtain Ellsberg's psychiatric file. The time and place of the alleged break-in and the identity of the psychiatrist were not immediately revealed.

Ellsberg declined to identify his psychiatrist, saying it was a matter of privacy.

He said he talked to the psychiatrist yesterday and that the psychiatrist was unaware that a burglary had taken place.

MEMO

Byrne said the incident was disclosed in an April 16 memorandum from Earl J. Silbert, chief prosecutor in the Watergate case, to Assistant Attorney General Henry E. Petersen, now in charge of the Watergate investigation.

Justice Department attor-

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ney David R. Nissen filed the information "in camera" — for the judge's private inspection — Thursday afternoon. However, Byrne ruled it was not something he could receive privately.

Nissen said he checked overnight with Justice Department officials in Washington and it was decided that the prosecution should not turn the information over to the defendants.

Byrne ruled otherwise, saying the defendants should be advised of the possibility of tainted evidence in the case. He ordered the information turned over, then he read Silbert's memo aloud in open court.

TEST

Following is the text of the Silbert memorandum:

"This is to inform you that on Sunday, April 15, 1973, I received information that at a date unspecified, Gordon Liddy and Howard Hunt burglarized the offices of a psychiatrist of Daniel Ellsberg to obtain the psychiatrist's files relating to Ellsberg.

"The source of the information did not know whether the files had any material information or whether any of the information or even the fact of the burglary had been communicated to anyone associated with the prosecution."

In ordering a thorough investigation, Byrne said he would like to have preliminary results "forthwith," declaring that "time is of the essence."

The government is nearing the end of its rebuttal evidence and the case could go to the jury in about two weeks.

RIGHTS

The judge said results of the investigation will be given to him "in camera" for his determination as to whether the legal or constitutional rights of the defendants or any other individuals have been affected.

Byrne ordered prosecutors to supply all facts known to the government concerning the alleged burglary — the source of the information and all facts surrounding it.

If the information came by way of grand jury testimony, he said, he wants to

know that so he can make arrangements for release of the grand jury testimony from the District of Columbia.

Byrne said he also wants to learn the status of the alleged perpetrators at the time of the incident -- whether they were government employees or, if not, by whom they were employed.

Further, he demanded to know "at whose direction" Liddy, Hunt or anyone else



UPI Telephoto

JUDGE MATT BYRNE
He read the memo

became involved in the alleged burglary.

The judge said he wants all the facts concerning

what, if anything, was taken or viewed during the alleged break-in.

If any documents were taken, Byrne said he must be supplied with all information concerning the contents and what use, if any, was made by anyone involved in the preparation of the Pentagon Papers case and through the trial thus far.

Byrne said he also wants to know which government agencies may be aware of the information.

It goes without saying, he added, that if any other information of a similar nature is turned up during the investigation, that also must be turned over to him.

He ordered the trial to proceed while waiting for results of the investigation as they come in.

Ellsberg seemed stunned by the revelation, but added: "I wish as a citizen I was more surprised."

Hunt, a 20-year veteran of the CIA, was on the White House payroll as a consultant at the time of his arrest last June in the bugging of Democratic headquarters in Washington's Watergate complex.

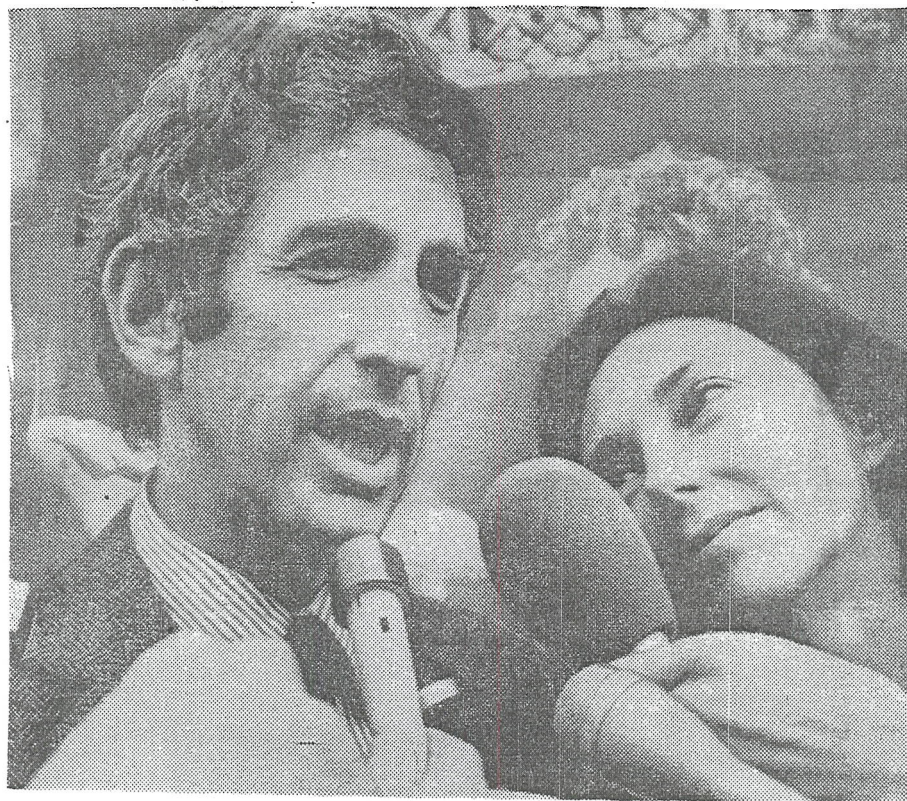
Hunt was in the headquarters, talking on a walkie-talkie with Liddy, when police arrived in response to a burglary report.

It was Hunt and his late wife, Dorothy, who allegedly handled secret payments from the Nixon campaign to the seven men convicted in the Watergate affair.

Liddy was the highest-ranking of the seven convicted. He was a White House aide under John Ehrlichman before joining Mr. Nixon's re-election campaign as fi-

nance counsel.

It was Liddy who allegedly presented the first plans for the Watergate bugging operation.



AP Wirephoto

Daniel Ellsberg, with his wife Pat at his side, said the news stunned him