

Ehrlichman Ordered Ellsberg Probe, Knew of Break-in by Hunt and Liddy

(8 col)

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LOS ANGELES, May 1—Acting under orders of President Nixon, former White House domestic affairs adviser John D. Ehrlichman directed a secret investigation of the Pentagon Papers case that led to the burglary of the Beverly Hills office of defendant Daniel Ellsberg's psychiatrist.

This disclosure today, the latest of a series of sensational developments in the Pentagon Papers trial, was contained in a two-page summary of an April 27 FBI interview of Ehrlichman, made available to the defense by U.S. District Court Judge W. Matt Byrne Jr.

Ehrlichman told the FBI he neither knew about nor authorized the burglary, but did find out about it sometime afterward—the actual date is not mentioned. When he learned of the burglary, Ehrlichman said, he instructed E. Howard Hunt and G. Gordon Liddy, who allegedly broke into the psychiatrist's office, "not to do this again."

There was no indication today, either in the summary or in court statements, that Ehrlichman reported his knowledge of the burglary to an appropriate authority.

Defense attorneys demanded immediate dismissal of the charges in the case, calling the trial "an abomination." Judge Byrne, while ruling that the FBI summary contained "exculpatory" material tending to establish the innocence of the accused, postponed decision on the defense motion.

The FBI summary attributed these admissions to Ehrlichman.

• Sometime in 1971 President Nixon asked him to make "inquiries independent of concurrent FBI investigation" of the Pentagon Papers case.

• Ehrlichman hired E. Howard Hunt and G. Gordon Liddy, the men who allegedly burglarized the psychiatrist's office, to conduct the investigation "directly out of the White House." Hunt and Liddy, convicted coconspirators in the Watergate affair, were revealed on Friday as the men who burglarized the office of Dr. Lewis Fielding, a psychiatrist who had treated Ellsberg.

• Hunt and Liddy, according to the FBI's version of Ehrlichman's interview, were following leads in Washington, D.C., and the West Coast that Ellsberg had "emotional and moral problems." They were attempting, in Ehrlichman's word, to prepare a "psychiatric profile" directed toward an "in-depth investigation of Ellsberg to determine his habits, mental attitudes, motives, etc."

Ehrlichman's admission that Mr. Nixon ordered the secret investigation that led to the burglary represented the first hint in the long skein of events stemming from the Watergate affair that the President might have been even indirectly involved in any misconduct. The investigation and the burglary both predated Watergate, but clearly involved many of the same individuals and techniques that came to light in the later incident.

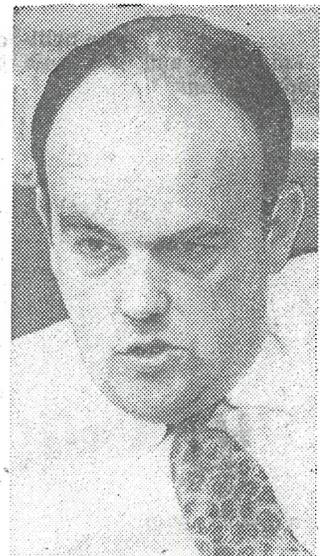
The astonished defense immediately moved for a dismissal of the case. But Byrne, who just a month ago was called to the western White House to discuss with Ehrlichman and the President a possible offer of the directorship of the FBI, postponed decision of the motion pending the arrival of additional investigative material he had ordered the prosecution to provide.

Obviously upset by the disclosures of a secret investiga-

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JUDGE W. MATT BYRNE
... weighs dismissal



JOHN D. EHRLICHMAN
... interviewed by FBI

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Ehrlichman Says He Hired Hunt, Liddy

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tion into the case over which he was presiding and unknown to him until now, Byrne said, "There are some crucial legal issues to be raised. I intend to get the full story, to the bottom of this . . . This case is not going to any jury until I've had the opportunity to evaluate all the information."

In its formal written motion, the defense made a central issue of the San Clemente meeting between Byrne and Ehrlichman, attended for a few moments by the President himself.

"Given the extraordinary interest the White House has shown in this case," the motion states, "we would, were we to use blunt language, characterize this as an attempt to offer a bribe to the court—an attempt made in the virtual presence of the President . . . — which was frustrated only because the judge refused to listen to the offer."

Still, it added, "the conduct of the President (who made it clear yesterday that he takes responsibility for the actions of his subordinates) has compromised the judiciary to the point where a fair trial is impossible . . ."

Surely the defense should have been notified of the visit as soon as the connection between this case and Watergate became evident."

In arguing for dismissal, before filing the written motion, defense attorney Leonard Boudin charged that "the conduct from the White House is so shocking that no alternative, no investigation could palliate it. I really don't know of any parallel to the misbehavior involved. There are no precedents. We are not dealing with an individual prosecutor named David Nissen, or the FBI, we are dealing with the highest authority in the country, the President of the United States and his 'trusted' subordinates in whom, as he said last night, he still has confidence."

Boudin, and co-counsel Leonard Weinglass, made these points:

- Ehrlichman knew, apparently long in advance, about the burglary and the secret investigation, but made no attempt to make the information available to either the judge or the defense.

- Ehrlichman was present when the contents of Hunt's safe, containing several documents relating to the Pentagon Papers case, were removed at the White House after the Watergate break-in.

- Ehrlichman, having knowledge of the Hunt-Liddy investigation and the turn-over of Hunt's files, nonetheless summoned Judge Byrne to a meeting last month to discuss a future job (which Byrne said he refused to discuss).

"Ehrlichman knew on April 5 that he was part of an investigation involving the break-in. He also knew that you [Judge Byrne] were trying the case. It raised the question what was in Mr. Ehrlichman's mind," said Weinglass.

"This is just the tip of the iceberg," he added. "The court must first clean house and dismiss this case," and then investigate government misconduct.

Byrne responded, "The first priority is the investigation

into this misconduct we've heard today and any other possible misconduct."

Ehrlichman, who resigned his White House job Sunday, was questioned on Friday at the White House, after it became known that the Justice Department had information about the Hunt-Liddy burglary.

Judge Byrne announced the fact of the burglary in the courtroom and then ordered prosecutor Nissen to obtain full details about it. The interview of Ehrlichman was apparently in response to Byrne's order.

[Mr. Nixon, in his televised Watergate speech Monday night, said that in accepting the resignations of Ehrlichman and White House chief of staff H. R. Haldeman, "I mean to leave no implication whatever of personal wrongdoing on their part." He explained that their departure was considered necessary to persuade the public that "rigorous legal and ethical standards . . . are both being observed and enforced by those in authority."]

In it, Ehrlichman told the agents that sometime in 1971 President Nixon expressed interest, in the FBI's words, in "the problem of unauthorized disclosure of classified government information" and asked Ehrlichman to investigate.

Ehrlichman picked Egil Krogh, a White House assistant, and David Young, of the National Security Council, to assist him. "A decision was made by them," according to the FBI summary, "to conduct some investigation in the Pentagon Papers leak matter 'directly out of the White House.'"

Hunt and Liddy were designated to do the job. Apparently, however, the question of unauthorized leaks, became secondary to what Ehrlichman said was Hunt's and Liddy's primary purpose, to compile a psychological dossier on Ellsberg.

The efforts of Liddy and Hunt were directed toward what Ehrlichman called an "in-depth investigation of Ellsberg."

The FBI document continued: "Although Mr. Ehrlichman knew that Liddy and Hunt had gone to California in connection with the above inquiries being made by them, he was not told that these two individuals had broken into the premises of the psychiatrist for Ellsberg until after this incident had taken place. Such activity was not authorized by him, he did not know about this burglary until after it had happened, he did not agree with this method of investigation and when he learned about the burglary he instructed them 'not to do it again.'"

Ehrlichman does not remember who told him of the burglary, the summary said, nor whose idea it was. Ehrlichman "has no knowledge whether anything was obtained as a result of this activity," the report said.

[The Washington Star-News reported today that Hunt billed the White House for a "consultant's fee" on the day of the break-in at the psychiatrist's office. His payment was approved by Charles W. Colson, then special counsel to the President, according to the Star-News.

[Citing an unnamed American Airlines stewardess who was originally to be a witness at the Watergate conspiracy trial, the Star-News said that Hunt and Liddy flew from Los Angeles to Washington the same day under the assumed names of "Hamilton" and "Larimer."]