

Judge Tells Of Offer by Ehrlichman

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The judge in the Pentagon Papers trial confirmed yesterday that twice during this trial he met directly with John D. Ehrlichman to discuss the possibility of becoming director of the FBI.

The defense said it would use this latest disclosure to move again for an "immediate dismissal" of the charges against Daniel Ellsberg and Anthony J. Russo Jr.

U.S. District Judge Matthew Byrne Jr. also castigated the government for the slowness with which it is conducting the investigation that he has ordered into the Watergate-Pentagon Papers link.

And he asked the defense to submit by today legal precedents and citations for both a mistrial and a dismissal — to be added to the motion the defense filed Tuesday for a dismissal.

MEETINGS

Before the jury was summoned in to hear more testimony, Judge Byrne said that he had met with Ehrlichman, first, on April 5 in San Clemente, and then again two days later in Santa Monica.

The judge said he had re-

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JUDGE

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terated at the second meeting what he had said at the first meeting, "that I would not consider nor I would not in any way discuss the position of director of the FBI while this case was pending."

He did not say that the job was either directly offered to him or directly declined by him.

PARTY

The judge also said, in answer to a question from defense counsel Leonard I. Weinglass that on April 1 he attended a dinner party at the home of Paul Ziffrin, a Democratic National Committeeman from California, at which Henry A. Kissinger was also a guest, along with "about 100 people." He did not discuss the case nor a possible federal job with Kissinger, the judge said.

Outside of court, Weinglass raised the question of a "second meeting with Ehrlichman, who evidently knew that he was to be involved in this case."

"We now have apparently a meeting by an official of the White House, an adviser to the President who evidently knew that his name was about to be implicated in this case, meeting with the presiding judge of this trial, offering him a very high-level government position, and then following the meeting up with a second meeting," Weinglass said.

REPORTS

In another development, Byrne turned over to the defense reports of more FBI interviews with former high officials of the Nixon administration.

One of them, ^{IN MAY} was an interview Tuesday with Ehrlichman in which he reportedly said that he has had nothing to do with the special White House investigation of the Pentagon Papers case for more than a year, but that the inquiry was conducted by two of his aides.

Ehrlichman said that on his orders David Young, a member of the National Security Council staff, and Egil Krogh, of the White House staff, headed the inquiry that led to the break-in at the office of Ellsberg's



AP Wirephoto

W. MATT BYRNE
The Ellsberg case judge

psychiatrist by G. Gordon Liddy and E. Howard Hunt Jr., two convicted Watergate conspirators.

Young resigned yesterday, and Krogh took a leave from the position he has held during the second Nixon administration as undersecretary of transportation.

RESULTS

Ehrlichman reportedly told the FBI that he had assumed the results of the investigation — "a project to get a psychiatric profile of Ellsberg" — were still in the White House offices of Young and Krogh, that he himself had not been involved in the investigation for more than a year, and that he had collected a newspaper clipping file on the case that was turned over to "the President's files" and is now apparently in the "archives."

The President's former top adviser for domestic affairs reportedly admitted in the FBI interview that he had seen previous bureau investigative reports on Ellsberg's wife, Patricia, and on Neil Sheehan, the New York Times reporter who first disclosed the Pentagon Papers on June 13, 1971, in the Times.

In another of the interviews, H. R. Haldeman is reported to have told the FBI he knew nothing about the White House investigation of this case. Bruce Kehrli, a staff secretary to the President, also denied to the FBI that he knew anything about the investigation.