

Hunt Testimony May Be Bared

LOS ANGELES — (UPI) — The judge presiding at the Pentagon Papers trial, determined to find out if the government used illegal evidence to prosecute Daniel Ellsberg, has obtained 37 pages of secret Watergate testimony that he could make public.

The Justice Department was bringing here today the transcript of testimony given Wednesday by Watergate conspirator E. Howard Hunt before the grand jury in Washington, D.C., investigating the affair.

U.S. District Court Judge Matt Byrne has made it clear he intends to get to the bottom of a burglary of the office of Daniel Ellsberg's psychiatrist by Hunt and fellow Watergate conspirator E. Gordon Liddy.

The government, at the relentless urging of Byrne, has furnished him memos, FBI summaries of interviews,

and lists of documents pertaining to an independent White House investigation of the leak of the top secret study of the Vietnam War.

In many cases, the judge has turned the documents over to the defense, which in turn has made them public.

Byrne has warned the prosecution he will dismiss the espionage - conspiracy - theft charges against Ellsberg and Anthony J. Russo, or declare a mistrial, if any of the evidence used by the government was obtained illegally.

Further, Byrne warned prosecutor David Nissen that it was the "burden of the government" to dispel any doubts about the use of such "tainted" evidence.

It has yet to be shown, however, that the information gathered in the burglary, if any, was known to the Justice Department attorneys preparing the case against Ellsberg.