

## White House Tied to Ellsberg Break-In

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LOS ANGELES, May 4—Convicted Watergate conspirator E. Howard Hunt has testified to a Washington grand jury that an elaborate scenario, masterminded at high levels of the White House and involving the Central Intelligence Agency, among others, led to the burglary of the office of the psychiatrist who treated Daniel Ellsberg.

Details of the extraordinary plot are contained in a transcript of Hunt's testimony read in court here today at the Pentagon papers trial of Ellsberg and co-defendant Anthony Russo.

In it, Hunt alleges that:

- The operation in the summer and fall of 1971 was at all times supervised by White House staffers Egil Krogh,

whom Hunt describes as "principal deputy" to John D. Ehrlichman, then chief domestic affairs adviser to the President, and David Byrne, who until recently was on the staff of the National Security Council.

- The CIA was enlisted to provide secret cameras, other technical equipment and false papers and disguises for Hunt and G. Gordon Liddy, also one of those convicted in the Watergate burglary.

- When the burglary of the office of Dr. Lewis Fielding failed to turn up results, a special CIA unit headed by Dr. Bernard Malloy was called in. Hunt described Malloy's unit as a "psychiatric unit set up at the CIA to provide in effect second-hand profiles of persons of interest to the United States government."

That is an activity that has been on-going for years," Hunt said. Malloy did provide a profile of Ellsberg, Hunt said, which was turned over to Young or Krogh in the form of a memorandum.

- The actual burglary of Fielding's office was performed by three men, Bernard Barker, former CIA agent also convicted in the Watergate case, and two Cubans, a "Mr. Martinez" and Felipe DeDiego. Martinez is apparently Eugenio Martinez who pleaded guilty in the Watergate case. DeDiego was allegedly involved in an assault on Ellsberg on May 2, 1972, at a rally in Washington, D.C. Hunt said he and Liddy served as look-outs while the burglary was going on.

In Washington, a CIA spokesman would neither admit nor deny any of Hunt's testimony or say whether the CIA had ever turned over any psychological profile on Ellsberg to the White House. The spokesman also would not comment on whether a Dr. Bernard Malloy in fact worked for the CIA.

The spokesman issued the following statement last night, which he said had been prepared yesterday afternoon:

"The Central Intelligence Agency had no advance notice of any sort whatsoever of the break-in by Mr. Hunt of the office of Mr. Ellsberg's psychiatrist or of the Watergate incident.

"Press reports of these two events were the first notice to anyone in the agency. All agency information on our contacts with any persons involved in these incidents has been reported fully to the Department of

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Justice and as investigation of these matters is in the hands of the courts and the grand jury, all inquiries should be directed to the Department of Justice.

(In Washington yesterday, Krogh's attorney, William Treadwell, said his client would make "a full disclosure of all that took place" at the time of the burglary at the psychiatrist's office. Treadwell said the disclosure will be in the form of a legal affidavit. Krogh is now on leave

from his job as undersecretary of Transportation.

(Young, in the course of his White House career, has served as appointments secretary to national security advisers Henry Kissinger, as a member of the National Security Council staff and as a subordinate to Krogh and Ehrlichman.)

The Hunt material was read in court today in support of a defense motion calling for immediate dismissal of the case against Ellsberg and Russo on the grounds of governmental misconduct. Byrne had already refused to dismiss the case on a defense contention that he had been compromised by the two meetings with Ehrlichman last month in which the directorship of the FBI was mentioned.

Byrne said, "I am convinced beyond any doubt at all that [the meetings] have not in any way compromised my ability to act with fairness in this case."

Earlier, as a protest, defense attorneys refused to participate in normal proceedings of the trial, refusing to voice objections or ask questions. Byrne ordered government rebuttal testimony by diplomat Philip Habib to move forward anyway, and the judge interposed his own objections where defense attorneys normally would have spoken. Jurors were told that the defense would not speak, but not the reason for silence.

Ellsberg, rising to address the judge outside the jury's presence, told Byrne: "I have instructed my counsel to examine no witnesses and make no objections as long as this farce of national defense testimony goes on." Russo announced he supported the decision. During Habib's testimony, Boudin took a seat at the counsel table along

with Nesson, Weinglass and the two defendants. When jurors entered he announced only that, "In view of the events of the last week and the reasons I've previously stated, the defense will not engage in any examination of this witness or any objections . . ."

The attorneys and defendants sat with their hands clasped on the empty table. The usual clutter of legal documents, transcripts and notepads used by the defense had been removed from the courtroom before the session began.

The usual crowd of defense workers writing and sorting papers at an adjacent defense table were absent—most of them seated in the spectator section as observers.

The testimony by Habib, a negotiator at the Paris peace talks, was overshadowed by the defense maneuverings outside the jury's presence. Habib's role was to testify that release of the top-secret Pentagon study of the Vietnam war could have harmed national defense when Ellsberg and Russo copied it in 1969.

But at several points the judge interrupted and lodged his own objections that this was "improper rebuttal," that is, something the government could only have raised in its original case.

Byrne, apparently troubled at the increasingly complex legal developments, told jurors: "Ladies and gentlemen, my objections or striking of answers on my own does not in any way indicate my favoring the position of one side or another. Counsel in this case have the obligation to participate in a way they see fit. My obligation is to see that only probative evidence is put before you. My objections are based on that function."

At one point the prosecutor asked for a conference at the judge's bench about a legal matter. Weinglass and Boudin agreed to stand by and listen, but no defense attorney participated. Habib concluded his government testimony and was excused from the witness stand with no cross-examination.

Later, the judge told attorneys he had changed his mind about going directly on with more testimony. He said he would hear their arguments first.