

SF Examiner MAY 7 1973

First Ellsberg Suspect Claims He Was in Jail

LOS ANGELES—(AP)—

The man originally arrested in the burglary of the office of Daniel Ellsberg's psychiatrist could not have committed the crime because he was in jail at the time, says a defense attorney in the Pentagon Papers case.

According to Beverly Hills Police Department records, Elmer Davis confessed to the Sept. 3, 1971, burglary although he later recanted the confession.

Leonard Weinglass, attorney for Pentagon Papers co-defendant Anthony Russo, said yesterday that Davis was in jail the night the break-in occurred.

Davis is in Folsom Prison on another conviction.