

Hunt Says Colson Ordered Forged Data in Diem Death

NYTimes

By MARTIN ARNOLD MAY 8 1973
Special to The New York Times

LOS ANGELES, May 7— Charles W. Colson, President Nixon's former counsel, ordered the forgery of State Department cables to implicate President Kennedy in the assassination of Premier Ngo Dinh Diem of South Vietnam, according to documents released today at the Pentagon Papers trial.

One of the documents was the Watergate grand jury testi-

Excerpts from Ellsberg documents, Page 27.

mony of E. Howard Hunt Jr., a convicted Watergate conspirator. He said that when he showed legitimate cables to Mr. Colson in 1971 Mr. Colson said: "Well, this isn't good enough. Do you think that you could improve on them?"

Mr. Hunt then told how he fabricated new State Department cables.

In Washington, Mr. Colson issued a statement denying that he had ordered Hunt to fabricate the telegrams.

On Friday the jury was sent home until tomorrow, and so today was devoted entirely to turning over documents to the defense by Judge William Matthew Byrne Jr. in United States District Court.

Besides the Watergate testimony, Judge Byrne gave the defendants an affidavit from Egil Krogh Jr., a former White House aide, in which Mr. Krogh said that John D. Ehrlichman had ordered the "covert activity" that led to the break-in of the office of Daniel Ellsberg's psychiatrist, Mr. Ehrlichman, at the time, was President Nixon's chief domestic affairs adviser.

Mr. Krogh also said in his

Continued on Page 27, Column 1

Continued From Page 1, Col. 7

affidavit that President Nixon had personally instructed him to "move ahead with the greatest urgency to determine the source of 'leaks,'" including the Pentagon papers leak.

But the most startling disclosure was the information revealed in Hunt's grand jury testimony. He told how he had been rummaging through State Department cables, as part of his investigation of the Pentagon papers leak, when he noticed that one of the cables had been "extracted," perhaps to be photographed for the John F. Kennedy Memorial Library.

He said that he had given that information to Mr. Colson and pointed out to the President's counsel that anyone working for the library had the "opportunity to remove any cables that could have been embarrassing to the Kennedy legates."

"I showed him three of four [legitimate] cables that indicated that they [the Kennedy Administration] had [been] pretty closed to pulled sic] the trigger against Premier Diem's head, but it didn't say so in so many words."

It was, then, he said, that Mr. Colson asked him if he "could improve on them."

Trained for Such Jobs

"I said, 'yes, I probably could but not without technical assistance.' After all," Hunt said. "I had been given some training in my past C.I.A. career to do just this sort of thing and had done it successfully on numerous occasions, floating forged newspaper accounts, telegrams, that sort of thing."

"So, with the very meager means at my disposal, which were literally a Xerox machine in the White House, a razor blade and a typewriter — which was not the same one as had been used on the original cables — I set about creating two cables which bore on that particular period," Hunt testified.

He added that "the process was relatively simple. "He explained, "I first of all prepared a cable text. In other words, from many of these cables I could pretty well adjust the text to the type of language that would be used by the man who was the ostensible originator, and altered these, from time to time, until I was satisfied that I had two creditable cables."

Hunt never said why he had been ordered to forgo the cables, which he did in 1971, but the implication was that they were to be used, in some way politically — perhaps against Senator Edward M. Kennedy, Massachusetts Democrat who is a brother of the assassinated President.

The Pentagon papers disclosed that President Kennedy had known of and had personally approved of plans for

the coup d'etat that overthrew President Diem in 1963. But neither the papers nor any other documents that have yet come to light have suggested that Mr. Kennedy knew that Mr. Diem would be killed.

Hunt testified that he was not satisfied with the forged cables, but that Mr. Colson "seemed to like them and I said, 'These will never stand any kind of scrutiny.' I said, 'let's be very sure about that.'"

Question for F.B.I.

Hunt implicated the Federal Bureau of Investigation indirectly in the forgery by saying that he had asked the bureau to "tell me what kind of type face had been used in original State Department cables and actually a White House cable, and I found that it would be impossible for me to get a similar type face."

"So I knew that this was a technical problem that could not be overcome, so if anybody was going to see these cables, they'd simply have to see them. They could never be published, because after the Alger Hiss case, everyone was typewriter conscious," he said, adding:

"So there would just have to be a fast brush show on a take it or leave it basis, which I began to believe was the purpose Mr. Colson had in mind."

Hunt said that Mr. Colson planted the phony cables with William Lambert, an investigative reporter for Time-Life, who was not allowed to remove them from Hunt's office in the Executive Office Building but was allowed to copy them. "Mr. Lambert was quite exultant over the find," Hunt testified, but Mr. Lambert never used the material.

Today's disclosure was the second regarding Hunt's grand jury testimony. Last week pages 1 through 29 of it were released; today pages 31 through 37 were released. There was no explanation as to why page 30 was extracted from the testimony before it was disclosed.

This disclosure, like the one of Mr. Krogh's affidavit, was a result of an investigation that Judge Byrne ordered into the link between the Watergate case and the Pentagon papers case; a link that became public when it was revealed that Hunt and G. Gordon Liddy, another Watergate conspirator, had led the team that broke into the office of Dr. Ellsberg's psychiatrist on Sept. 3, 1971.

Dr. Ellsberg and a co-defendant, Anthony J. Russo Jr., are on trial in connection with the disclosure of the Pentagon papers, a secret study of U. S. involvement in Indochina.

Judge Byrne has ordered the jury to return tomorrow morning to allow the Government to continue putting witnesses on the stand in its rebuttal case.

The judge still has under submission a defense motion

to dismiss the six espionage counts, the six theft counts and the one conspiracy count against Dr. Ellsberg and Mr. Russo, on the grounds of the Government's alleged misbehavior.

And the defense is still putting together its writ of mandamus to be filed with the U. S. Court of Appeals for the Ninth Circuit, in San Francisco, asking the court to direct Judge Byrne to dismiss the case.

The affidavit of Mr. Krogh refers to the burglary of the psychiatrist's office.

Mr. Krogh, who is now on leave of absence as Under Secretary of Transportation, said that although Mr. Ehrlichman had approved "covert" action against Dr. Ellsberg, he had not known of the actual break-in until after it had occurred.

Hunt and Liddy, according to Mr. Krogh, recommended that a second break-in be attempted, since the first apparently failed to produce anything of importance. But Mr. Ehrlichman said, according to Mr. Krogh, that the break-in "far exceeded the scope of any covert activity which had been approved" and he "disapproved any further covert activity."

Hoover Role Cited

The Krogh affidavit makes 53 points. It says, for instance, that J. Edgar Hoover, then Director of the F.B.I. knew that an ex-officio White House team had been set up to investigate the Pentagon papers leak and Dr. Ellsberg's background, and that there was a memorandum from Mr. Hoover attesting to that fact.

But Mr. Krogh does not say that Mr. Hoover knew of the break-in; in fact, Mr. Krogh said that one reason the White House team had been set up was "because of the close personal relationship" between Mr. Hoover and Louis Marx, the father-in-law of Dr. Ellsberg. Mr. Marx no longer speaks to Dr. Ellsberg because of the Pentagon papers case.

Mr. Krogh, in his affidavit, tried to depict the whole White House team as conducting its investigation in the interests of national security. He said, for instance, that "the special unit" had been set up to determine whether the disclosure of the Pentagon papers had been an individual act by Dr. Ellsberg, the act of a small group or "the result of a wider conspiracy to engage in espionage."

Mr. Krogh depicted President Nixon as being so worried that unauthorized leaks would undermine national security that the White House team had been formed to investigate the leaks and that it was believed that Dr. Ellsberg's psychiatric profile might divulge the names of alleged conspirators of the leaks. But, he said, the President had not known about the break-in until it was publicly disclosed here.