

Cuban Says He and Two Others Broke Into Psychiatrist's Office

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MIAMI, May 10—A Cuban real estate broker, in a deposition here today, said that he and two Watergate burglars, Bernard L. Barker and Eugenio R. Martinez, broke into the office of Dr. Daniel Ellsberg's former psychiatrist last September and photographed Dr. Ellsberg's and "other files."

Felipe de Diego made his deposition this morning before the Dade County State Attorney, Richard E. Gerstein, who interrogated him under oath at the request of the Los Angeles County District Attorney, Joseph Busch.

Mr. Busch authorized Mr. Gerstein to give the 45-year-old Cuban immunity from prosecution for any illegal actions he might have committed in Los Angeles County.

The Dade prosecutor, who conducted the questioning with his chief investigator, Martin Dardis, said that Mr. de Diego had been "frank and forthright."

Mr. Gerstein said that Mr. de Diego's lawyer, Alfredo Duran, had indicated that if his client was given immunity from prosecution in other jurisdictions, he might "shed new light" on heretofore unexplained activities of the Watergate operation.

Break-in at Embassy

Sources close to the investigation suggested that Mr. de Diego might be able to give information about an alleged break-in at the Chilean Embassy in Washington in May or June, 1972, among other things.

Barker and Martinez are among five persons who pleaded guilty at their trial in Washington in connection with the break-in and bugging of the Democratic National Committee headquarters in the Watergate complex. Two others were convicted.

Dr. Ellsberg and Anthony J. Russo Jr. are on trial in Los Angeles in connection with the disclosure of the secret Pentagon papers on the history of the Vietnam war. The burglary of the psychiatrist's office has become an issue in the trial.

According to Mr. Gerstein and Mr. Dardis, the thread of Mr. de Diego's testimony was as follows:

Late last August, Mr. de

Diego was asked by Barker, for whom he then worked, to participate in a "mission for an agency of the United States Government."

He was also told by Barker that the man in charge of the mission was E. Howard Hunt, Jr., who also later pleaded guilty in the Watergate Case. Mr. de Diego, who said he once worked for the Central Intelligence Agency and knew Hunt, agreed to join Barker.

Four days later, apparently on Sept. 2, M. de Diego, Barker and Martinez, who also then worked for Barker, flew from Miami to Los Angeles. Barker bought their airline tickets, giving fictitious names, which they also used to register at the Beverly Hilton Hotel.

Next morning the three men made visual reconnaissance of the building where Dr. Lewis J. Fielding, Dr. Ellsberg's psychiatrist, had his offices.

Suitcase Put in Office

At one point that day, Baker left his companions at the hotel and returned shortly with a briefcase that contained photographic equipment, a spotlight, a 35-mm. camera, films and other items.

At 9 P.M. the three went into the office building and spoke Spanish to a cleaning woman, apparently of Mexican descent. The persuaded her to put the suitcase into Dr. Fielding's office, and they left the building, Mr. de Diego said.

Four hours later, at 1 A.M., using masking tape and a glass cutter, they broke a window and entered an office on the ground floor and forced the door of Dr. Fielding's office on the second floor, the witness continued.

Barker, he said, then told his two companions, "We are looking for a file of Dr. Daniel Ellsberg." Mr. de Diego said he did not remember who had found the file, but shortly afterward the search stopped and he helped to hold papers from what appeared to be Dr. Ellsberg's file while Martinez photographed them.

Mr. de Diego said that he had not been paid for the Los Angeles operation, but he added that Barker had promised he would be paid for other operations.