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Richardson Queried on Cover-Up

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The Senate Judiciary Committee abruptly summoned Elliot L. Richardson back to the witness table yesterday to answer charges that he helped cover up CIA involvement in the burglary of the office of Daniel Ellsberg's psychiatrist.

Richardson, called from the Pentagon on 10 minutes' notice, protested heatedly that far from taking part in a cover-up, he had done his best to bring "maximum disclosure."

The extraordinary session, prompted by a series of phone calls to Democratic senators by Daniel Ellsberg, resulted in the postponement for at least a day of Richardson's confirmation as Attorney General.

Senate majority whip Robert C. Byrd (D-W.Va.) told reporters last evening that he was still not "completely satisfied" with Richardson's accounting.

He said he wanted to study the transcripts of the protracted confirmation hearings, which began two weeks ago, for "any inconsistencies" that might need to be cleared up.

With a Memorial Day recess fast approaching, Senate Judiciary Chairman James O. Eastland (D-Miss.) left the next session up to "the call of the chair."

The dispute focused on Richardson's luncheon meeting May 1 with former White House aide Egil Krogh Jr. who subsequently took the blame for the 1971 burglary at the offices of Dr. Lewis Fielding.

In a series of phone calls yesterday morning to Sens. Byrd, John V. Tunney (D-Calif.) and Edward M. Kennedy (D-Mass.), Ellsberg maintained that Richardson, who had just been nominated as Attorney General, had reassured Krogh that it would be "okay not to mention CIA involvement [in the burglary] on grounds of national security."

The suspicions prompted the Judiciary Committee to cancel an executive session then in progress at which unanimous support for Richardson's confirmation had been widely expected and to reopen its public hearings.

Richardson had first testi-

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fied about the meeting with Krogh May 10 in connection with a report in The Washington Post that President Nixon had been reluctant to disclose White House involvement in the burglary to the court in Los Angeles were Ellsberg was then on trial on charges of stealing the Pentagon Papers.

The Attorney General-designate said that Mr. Nixon, on the contrary, had told him April 29, in asking him to take charge at the Justice Department, that he had directed full disclosure to the trial court. Richardson said he encouraged Krogh at their meeting two days later to make his role known.

It was not until yesterday's unscheduled session, however, that Richardson, under interrogation that lasted until late evening, gave all the details at his disposal.

During the course of it, he reported that Mr. Nixon had initially confined his disclosure order to the burglary itself and was still anxious, as late as April 29, to avoid a full public accounting of the other work of the so-called "White House Plumbers" who carried out the burglary in Los Angeles.

Richardson also disclosed that former presidential adviser John D. Ehrlichman was still acting as an intermediary for Mr. Nixon on the matter on May 2, two days after the president had announced Ehrlichman's resignation.

Krogh's affidavit, however, made no mention of the false documents and disguises that Hunt had obtained from the CIA to help carry out the burglary.

Pressed for a transcript of his notes on his May 1 lunch with Krogh, Richardson produced them for the senators yesterday afternoon. They included a notation that Krogh had told Richardson then of "CIA

documents and disguises" in the plumbing operation.

According to Richardson's notes, former CIA Deputy Director Robert E. Cushman had "told pre-sentence investigators that he authorized this." (The pre-sentence investigators had presumably interviewed Cushman after former CIA agent Hunt's conviction at the Watergate bugging trial.)

Asked why Krogh did not include that information in his affidavit, particularly since it had been drafted after his lunch with Richardson, the nominee said he could only surmise that Krogh considered it second-hand information which he had not known at the time of the burglary.

Krogh, a former Ehrlichman aide who was in charge of the "plumbers," had been apprehensive until then, the committee was told, that "national security" considerations prohibited him from going beyond the burglary and detailing the "plumbers'" overall assignment to investigate the sources of a variety of news leaks involving the Nixon administration.

On May 2, however, Richardson testified, Krogh called him to report that "he had received a message from the President, through Ehrlichman, that he was not to consider himself under any executive - privilege constraint in developing and filing an affidavit."

Krogh subsequently filed an affidavit taking full responsibility for ordering the burglary by Watergate conspirators E. Howard Hunt and G. Gordon Liddy. The affidavit also served to corroborate an earlier statement by Ehrlichman to the FBI in which Ehrlichman said that he had no prior knowledge of the break-in.