

SFChronicle
**Judge Byrne
Replies to
Ehrlichman**

JUL 26 1973



JUDGE MATT BYRNE
He gave his version

Los Angeles

Pentagon Papers trial judge Matt Byrne issued a statement yesterday denying John D. Ehrlichman's allegations that Byrne showed "strong interest" in the post of FBI director while presiding over the trial.

Byrne, a U.S. district judge, said he did initiate a second meeting with Ehrlichman, after an initial conference in San Clemente. But he said that all he wanted was to tell Ehrlichman face-to-face that he would not consider the post while the trial was under way.

In his statement Byrne did not refer directly to Ehrlichman's testimony in Washington before the Senate Watergate committee. But he said, "recent public statements about the meeting on April 5, 1973, to which I was summoned to the Western White House require clarification.

"First, on April 4, Mr. Ehrlichman called and stated that the President had asked him to talk to me. Mr. Ehrlichman advised that he and the President were leaving California Sunday, April 8, and requested a meeting at San Clemente before that departure. He cited a need to discuss with me a matter in no way connected with the case on trial but did not specify the subject matter.

"Second, after learning in

San Clemente on April 5 that the meeting's purpose involved consideration of my becoming director of the FBI, my initial reaction was that I could not consider such a proposal at that time but would reflect upon the matter.

"Third," Byrne's statement continued, "on April 7, I called and met with Mr. Ehrlichman at a place of his choosing so that I could deliver on a face-to-face basis which I felt was owed to the President's representative, my decision after reflection. That decision confirmed my initial reaction rejecting consideration of any such proposal while the trial was in progress."

The judge added, "It should be pointed out that these discussions took place several weeks before disclosure to the court of the break-in at Dr. Ellsberg's psychiatrist's office."

Byrne noted that "further details are contained in my statements in open court."

Ehrlichman's testimony in Washington directly contradicted the judge's earlier statements that he refused to consider the FBI post. Byrne's statement was his own first public reference to the fact that he initiated the second meeting with Ehrlichman.

Associated Press