

Ehrlichman Paper On Plumbers Unit

Washington

Former presidential adviser John D. Ehrlichman said in court papers filed yesterday that President Nixon twice "indicated his after-the-fact approval" of the Ellsberg burglary by White House "plumbers" and ordered his Watergate investigators to stay away from it.

Ehrlichman's affidavit also said Henry A. Kissinger was present at the 1971 San Clemente estate meeting at which Mr. Nixon appointed a Kissinger aide, David Young, to be co-director of the newly created "plumbers" unit, assigned to plug national security leaks.

Kissinger testified under oath, at Senate confirmation hearings on his appointment to be secretary of state last September, that he "did not know of the existence of the

plumbers group, by that or any other name."

Ehrlichman, who is under indictment for conspiracy and other charges related to the Sept. 3, 1971 burglary of Daniel Ellsberg's psychiatrist's office, filed a "narrative account" of the formation of the plumbers unit, "going to the question of the President's instructions, authorization and approval" as part of his attempt to obtain classified national security documents for his defense.

The former presidential adviser on domestic affairs, who resigned one year ago yesterday, contends the Ellsberg burglary was legally justified as a national security requirement and cannot be subject to prosecution. He also contends that, in any case, he did not know in advance that a plumbers unit meant to break into the

Beverly Hills office of Ellsberg's psychiatrist, Dr. Lewis J. Fielding.

In the affidavit filed in the U.S. District Court for the District of Columbia, Ehrlichman said Mr. Nixon told him he did not have advance knowledge of the burglary either. The plumbers' assignment in California was to find out what further confidential security information Ellsberg, who had leaked the Pentagon papers to the press, might have and what he meant to do with it.

But, Ehrlichman said, "the President indicated his after-the-fact approval of this effort to secure evidence of Ellsberg's motives and potential."

Ehrlichman said Mr. Nixon twice discussed the burglary in his presence, the first occasion coming with a phone conversation between Mr. Nixon and Henry Petersen, then assistant attorney general in charge of the Administration's own Watergate investigation, on April 18, 1973.

"The President said (to Petersen), in substance: You and your department stay out of that. That is strictly a national security matter. I know you have to enforce the laws but as President, I have to protect the national security and that comes first. As President I am instructing you to take no action whatever on that matter.

"When he hung up, the

President told me they had been discussing the Fielding break-in," Ehrlichman said.

"He said in substance that the break-in was in furtherance of national security and fully justified by the circumstances . . ."

Ehrlichman then described an occasion early in May, 1973, when Mr. Nixon told him in the White House Oval office: "While I did not know of the break-in attempt in advance, I surely recognize the valid national security reasons why it was done."

Discussing the concern over Ellsberg's leak of the Pentagon papers that led to the formation of the Plumbers, Ehrlichman said it was apparent at several White House meetings that "both the President and Dr. Kissinger were obviously deeply concerned. The latter was quite agitated at times."

He said Kissinger "told us about Daniel Ellsberg," describing him as "a fanatic, known to be a drug abuser and in knowledge of very critical defense secrets, such as nuclear deterrent targeting."

Describing the selection of Young to co-direct the "plumbers" unit, Ehrlichman said: "I sent for Young to come from Washington (to San Clemente); he arrived July 14 (1971). Dr. Kissinger then objected to Young being assigned to the unit from his staff, on the ground that he had other proposed uses for him. In a conversation among the President, Henry Kissinger and me (attended by H. R. Haldeman), July 15, the President decided Young should be assigned to the unit."

United Press