

# 'Plumbers' Lawyer Seeks Access To CIA Data on Ellsberg Break-in

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The attorney for two Miamians charged in connection with the break-in at Pentagon Papers codefendant Daniel Ellsberg's psychiatrist's office has asked for access to Central Intelligence Agency files in an attempt to prove that the CIA had prior, specific knowledge of the burglary.

In a motion filed on behalf of convicted Watergate conspirators Bernard L. Barker and Eugenio Martinez, attorney Daniel Schultz said the CIA records would "document the fact that the CIA did search out, receive and otherwise generally know what the plumbers (a White House investigative unit set up by President Nixon to investigate news leaks) were engaged in."

In addition, the motion said the files would show the CIA knew about convicted Watergate conspirator E. Howard Hunt's role in the unit "and specifically knew of the operation described in the indictment and that Hunt had recruited these defendants to participate in that operation."

The two Miamians have testified that they were hired by Hunt for the break-in at the office of Dr. Lewis Fielding, who was Ellsberg's psychiatrist. Hunt used materials acquired from the CIA in connection with the break-in, according to other testimony, and the CIA developed film that came from a camera used during the burglary.

Hunt, who pleaded guilty in the Watergate break-in, is not charged in the Fielding case.

The Miamians also asked for their CIA employment records, which they say will: "reveal compelling parallels between their earlier employment and the (Fielding break-in), including the way they were recruited, the operations or duties themselves and the methods of operations, the prior relationship between Hunt and defendant Barker, the requirement for secrecy, the apparent violation of laws that were involved in the earlier operations and assignments, the recruitment of others, the manner in which they were paid and

furnished expense money" and other aspects of the Fielding break-in.

Persons familiar with the testimony of Baker and Martinez before various investigative bodies say that they assume the references to previous operations refer solely to CIA-related activities and not to other operations of the plumbers unit.

The materials discussed in first requested informally from the Watergate Special Prosecutor's office, which has said since it will not provide the information because it is irrelevant to the indictment.

Defense attorney Schultz has asked for U.S. District Judge Gerhard A. Gesell, to whom the Fielding break-in case is assigned, to ~~make~~ that determination rather than having it made by the prosecutor's office.

According to Schultz's motion, the CIA materials and other documents requested from the FBI and the White House would show that operations such as the Fielding break-in have been commonplace among investigative agencies in the past.