

BREAK-INS LINKED IN PANEL EVIDENCE

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Rodino Unit Hears Concern About Ellsberg Case Led to Watergate Cover-Up NYTimes

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WASHINGTON, June 11—

The House Judiciary Committee reportedly heard evidence today suggesting that concern about the possible disclosure of a burglary at the office of Dr. Daniel Ellsberg's former psychiatrist was a principal reason behind the alleged Watergate cover-up.

Committee officials said, however, that the evidence did not directly implicate President Nixon in advance knowledge of the burglary of the psychiatrist's office in September, 1971, or in the early attempts to conceal it.

According to the sources, John D. Ehrlichman, then a ranking Presidential assistant, discussed the burglary with Egil Krogh Jr., the man who has admitted arranging it, on Sept. 8, 1971—five days after the break-in took place.

Three hours later, the sources said, Mr. Ehrlichman first telephoned the President and then met with him for nearly two hours.

But Mr. Ehrlichman reportedly told the Watergate grand jury, from which much of the evidence was obtained by the committee, that he had not informed Mr. Nixon of the burglary at that time.

Warned of Hunt

He was said to have warned the President on March 21 of last year, however, that E. Howard Hunt Jr., who was being questioned by prosecutors about his role in the Watergate burglary, could disclose his earlier involvement in the burglary at the office of Dr. Lewis Fielding, the psychiatrist, in 1971.

Such a disclosure, Mr. Ehrlichman reportedly told the President, could raise "search and seizure" issues that might result in dismissal of charges of conspiracy and espionage against Dr. Ellsberg, who has said he made public the Pentagon papers, the secret study of the American role in the Vietnam war.

Dr. Ellsberg was on trial in Los Angeles in connection with the charges. United States District Judge William Matthew Byrne, who was presiding over the conspiracy trial, was not told of the break-in at Dr. Fielding's office until April 25 of last year.

He was informed of the Fielding burglary after the Justice Department learned of it independent of the White House and Richard G. Kleindienst, then the Attorney General, and his assistant, Henry E. Petersen, had threatened to resign if the information was withheld. Mr. Nixon agreed to the disclosure following the resignation threat.

Rejects St. Clair Brief

The disclosures by committee members occurred as the Judiciary Committee chairman refused to permit Mr. Nixon's defense lawyer to give the impeachment inquiry a 10,000-word document offering a rationale for the President's conduct in the Watergate cover-up attempt.

The chairman, Representative Peter W. Rodino Jr., Democrat of New Jersey, ruled that the attempt by James D. St. Clair, the President's chief defense counsel, was "premature" and that it would "give a distorted picture to the public" of the impeachment inquiry.

Mr. St. Clair declined to answer reporters' questions about the document.

Without reading the contents of the green-bound volume, Mr. Rodino reportedly criticized Mr. St. Clair for trying to offer it into evidence before the committee completed its hearings on all of the allegations of misconduct by Mr. Nixon.

But at least two Republicans on the committee—Representatives Joseph J. Maraziti of New Jersey and David W. Dennis of Indiana—objected to the chairman's ruling.

"Who's afraid of a brief?" Mr. Maraziti told reporters after the dispute took place behind closed doors.

Copies for Everyone

Mr. St. Clair handed a copy of the document to Mr. Rodino at the outset of a closed impeachment hearing this morning and told the panel he had enough copies, about 45, for each of the members and committee lawyers.

The hearing was the second on the activities of the White House special investigations unit, dubbed the "plumbers" for its mission to plug leaks of government secrets. Members of the unit allegedly burglarized the California office of Dr. Lewis Fielding on Sept. 3, 1971, in a search for files on Dr. Daniel Ellsberg, a one-time psychiatric patient of Dr. Fielding's.

Some members of the Judiciary Committee said that the hearing on the plumbers' activities illustrated the reason for Mr. Rodino's refusal to allow the introduction now of the White House document on the Watergate case.

According to these members, some of the same individuals who were involved in the Ellsberg break-in were involved in the June 17, 1972, burglary of

the Democratic party's offices at the Watergate complex.

"We're completing the cycle," said Representative Charles B. Rangel, Democrat of Manhattan.

Other committee members said that evidence presented to them today seemed to draw a direct link between the Watergate cover-up attempt and the White House reluctance to permit disclosure of the break-in at Dr. Fielding's office.

The committee sources said the evidence indicated that Mr. Ehrlichman had told Mr. Krogh not to do anything, however, until the issue could be raised with John N. Mitchell, the former Attorney General.

The sources said that Mr. Mitchell was to have been asked, a day later, about the likelihood that Mr. Hunt would disclose the Fielding burglary to the prosecutors.

Told Hunt Was Stable

On March 22, 1973, the committee officials said, Mr. Grogh was told by Mr. Ehrlichman that, as one source stated it, "Hunt was stable" and would not make the disclosure.

Arrangements for the payment of \$75,000 to Mr. Hunt had been made on March 21, allegedly to guarantee his silence, after the President had discussed with his aides Mr. Hunt's alleged demands for money.

The Judiciary Committee also was told today about various other activities of the White House special investigations unit. These activities were said to have included analyses of leaks of sensitive information to the news media, possible new press regulations to stem the leaks, and an apparent investigation into the cancellation of a government contract for computer software.

Mr. St. Clair's attempt to submit the White House document on the Watergate case to the committee followed earlier suggestions by the White House that the committee complete its

investigation of the Watergate burglary and its aftermath before turning its attention to other issues in the impeachment inquiry.

John M. Doar, the committee's special counsel on impeachment, told reporters at a news briefing tonight that he agreed with Mr. Rodino's refusal to accept the document at this time.

"To take a brief now and release it to the American public," Mr. Doar said, "with respect to Mr. St. Clair's impression of what the case is all about would not give anything but a distorted picture of the matters that have been presented to the committee."

"This is not a trial," Mr. Doar said. "This is an inquiry into whether or not there are grounds for impeachment."

Mr. Doar and Mr. Rodino said there would be ample time later, after the staff had presented what Mr. Doar contended was a straightforward account of the evidence, for both the White House and the committee members to suggest conclusions that should be drawn from the evidence.

According to Mr. Rodino, Mr. St. Clair was aware that under the inquiry rules, the committee was not yet prepared to decide the extent of which the White House would be invited to offer rebuttal evidence or the form of defense presentation might take. The chairman said it would be up to the committee to decide whether the White House should respond orally or in writing to various allegations against Mr. Nixon.

Several Republicans said, however, that they would like to be able to obtain the White House document on their own, as one additional element in their search for facts.

Mr. Rodino said that while it was "entirely inappropriate" for the committee to receive the document formally, individual committee members were free to "solicit any information they like."