

Ehrlichman Case

New Report on Viet Bombings

Washington

President Nixon bypassed "normal lines of command" in the Defense Department "because of certain cabinet-level difficulties" and passed orders directly to the Joint Chiefs of Staff for bombing attacks during the 1971 secret Vietnam peace negotiations, attorneys for former White House aide John D. Ehrlichman declared in court papers filed yesterday.

Through this arrangement, the American negotiators, led by Henry Kissinger, "could call for a bombing strike to emphasize their discussions," Ehrlichman's attorneys said in motions filed with U.S. District Judge Gerhard A. Gesell.

The motions are in support of a new subpoena for Ehrlichman's handwritten notes, in the possession of the White House, of ten conversations with Mr. Nixon.

Ehrlichman's attorneys argue that the notes are essential to Ehrlichman's defense in the Ellsberg burglary case because they show how the special bomb order arrangement eventually led to "legitimate national security" concealment of the activities of the White House "plumbers" unit, which committed the Ellsberg burglary.

During the special bomb order arrangement, Admiral Thomas H. Moorer, then chairman of the Joint Chiefs of Staff, "was in charge of (the) liaison" between Mr. Nixon and the Joint Chiefs, Ehrlichman's lawyers said.

At about the same time, the White House plumbers unit found that two White House military liaison officers, Rear Admiral Robert O. Welander and Yeoman IC Charles E. Radford, were passing secret documents belonging to Kissinger, then the President's foreign poli-

cy aide, to the Pentagon. Moorer, it turned out, was a recipient of the leaked documents.

"When the President learned of the Moorer-Welander-Radford leak, public disclosure would have seriously impaired the direct chain of command to the Joint Chiefs of Staff and would have in turn impaired negotiations with the North Vietnam government," Ehrlichman's attorneys declared in the court papers.

"When the President learned of this leak through the Room 16 (plumbers) unit, he imposed a security restriction on all activities of that unit, lest the disclosure of any of their activities lead to disclosure of the Moorer-Welander-Radford leak," Ehrlichman's attorneys added.

The lawyers argued that any concealment of the activities of the plumbers unit by Ehrlichman, therefore, "was in fact an effort to protect a legitimate national security concern." Ehrlichman is charged with lying on four occasions to federal investigators probing the Ellsberg burglary and the plumbers' activities.

The outline by Ehrlichman's attorneys of the atmosphere of the White House at the time of Kissinger's secret negotiations with the government of North Vietnam marks the first time that persons with access to White House documents pertaining to that situation have made such public disclosures.

There is no sworn affidavit by Ehrlichman himself in support of the motion. However, persons familiar with Ehrlichman's perusal of his notes in the White House in preparation for his defense indicated the motion was based upon those documents.

Washington Post