

Ehrlichman Denies Guilt; Kissinger Told to Testify

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WASHINGTON, July 8—John D. Ehrlichman took the stand in his own defense today and denied that he authorized the 1971 break-in at the office of Dr. Daniel Ellsberg's former psychiatrist.

Mr. Ehrlichman, who served as President Nixon's chief adviser on domestic affairs until he resigned on April 30, 1973, in the storm of Watergate revelations, and three other men have been charged with conspiring to violate the civil rights of the psychiatrist, Dr. Lewis J. Fielding. At the end of this eighth day of their trial, Judge Gerhard A. Gesell of United States District Court here ordered Secretary of State Kissinger to appear as a defense witness at 9:30 A.M. Wednesday.

Attorneys for Mr. Kissinger, who is expected to return to

Washington from Madrid tomorrow night, tried to quash the subpoena last week. William S. Frates, who heads Mr. Ehrlichman's four-man defense team, has said he expects Mr. Kissinger to rebut testimony from David R. Young Jr., a co-director with Egil Krogh Jr. of the special White House investigative unit known as "the plumbers." Mr. Young has testified that the orders for a psychological profile of Mr. Ellsberg came from Mr. Kissinger and Mr. Ehrlichman.

It was in pursuit of material for such a psychological or psychiatric profile that the offices of Dr. Fielding were broken into on Sept. 3, 1971, by a group of men, including Mr. Ehrlichman's three co-defendants—G. Gordon Liddy, Eugenio

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R. Martinez and Bernard L. Barker. Mr. Ehrlichman, in addition, is charged with four counts of making false statements.

Dr. Ellsberg is the research analyst who has acknowledged having made available to newspapers in 1971 the Pentagon papers, a secret study of United States' involvement in Vietnam.

Mr. Ehrlichman, whose five children sat in the front row in the courtroom today with his wife Jeanne, was on the stand for five hours today. The first two hours were spent in direct questioning by Henry H. Jones, one of Mr. Frates's associates in the case. Then came three hours—with a break for lunch, which the Ehrlichman family and friends ate in the basement cafeteria of the courthouse—of cross-examination by William Merrill, the associate special Watergate prosecutor who heads the Government's group of lawyers.

It was not until after a sharp rebuke from Judge Gesell just before noon, with the jury out of the courtroom, that Mr. Jones questioned Mr. Ehrlichman directly about his knowledge of the break-in.

"The jury is sitting there interested in the break-in," Judge Gesell said. "That's what this trial is all about. Why don't you let this man tell what's on his heart and mind—that he never took part in the break-in—and then turn him over to Mr. Merrill for cross-examination?"

Direct Questions

When the jury returned a few minutes later, Mr. Jones abandoned the slow, indirect approach that Judge Gesell had described as confusing and possibly irrelevant, and asked his client a series of brief, direct questions:

"Did you authorize a break-in?"

"No, sir."

"Did you know Dr. Fielding?"

"No, sir."

"Have you ever seen the plan that has been described—a blueprint, so to speak, for the break-in?"

"I have never seen that."

After further brief questions and answers about whether Mr. Young and Mr. Krogh had ever accused Mr. Ehrlichman directly of having responsibility for the break-in, Mr. Jones was succeeded by Mr. Merrill.

Mr. Ehrlichman seemed at ease and self-confident as Mr. Merrill led him through the sequence of events and conversations in July, 1971, that culminated in the establishment of

the plumbers unit, and his understanding of its mission.

Mr. Merrill attempted in his questioning to show that Mr. Ehrlichman knew of the plan for a psychological profile of Dr. Ellsberg before the break-in and that Mr. Ehrlichman was aware that, in authorizing a "covert operation" to examine Dr. Fielding's files on Dr. Ellsberg, he was authorizing an unlawful entry into Dr. Fielding's office in Beverly Hills, Calif.

At one point, Mr. Ehrlichman said he had wanted assurance that the operation could not be linked to the White House because this "could become a 'cause célèbre' in the press—a kind of 'Big Brother Is Watching You.'" He said he did not want it known to the Press that "the President had his own sleuths out."

Judge Gesell interrupted to ask, "Well, he did, didn't he?"

Mr. Ehrlichman, who became increasingly argumentative as the hours of cross-examination wore on, said he believed that the purpose of the project was to investigate Dr. Ellsberg's California associates and acquaintances, "an effort to satisfy the President in his inquiry as to the surrounding circumstances... who else might be involved."

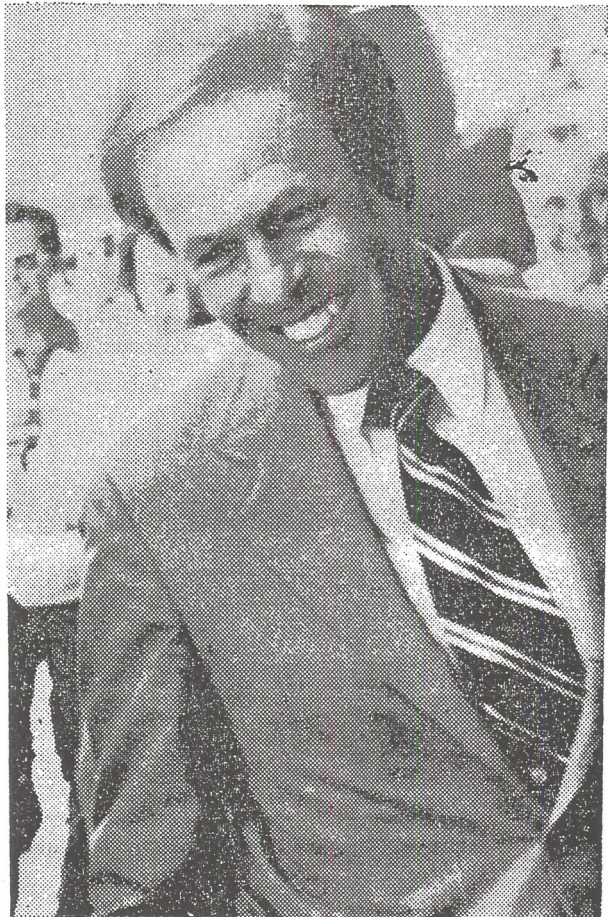
Mr. Ehrlichman was asked again about the memorandum from Mr. Young and Mr. Krogh of Aug. 11, 1971, in which he approved with his initial "E" the plan for the "covert operation," with the caveat that it not be traceable to the White House.

Questioned by Judge

After Mr. Merrill asked him if he had thought he was approving a plan to have Mr. Liddy and E. Howard Hunt Jr., a former employe of the Central Intelligence Agency who was also a member of the plumbers, "go contact the psychoanalyst and say 'May we see your files?'" Judge Gesell interrupted to ask Mr. Ehrlichman, "What did you think you were approving?"

"I was approving a legal, conventional investigation," Mr. Ehrlichman replied. He conceded that he knew the plan included the examination of the physician's files, but repeated that its objective was "much broader" than that.

Mr. Ehrlichman testified that he had forgotten about the Aug. 11 memo until he was reminded by a newspaper article in June, 1973, and found the memo in his files. Mr. Young has testified that he took the memo to Mr. Ehrlichman's office in March, 1973, and that, when the box of papers was returned to him, the memo and another



Associated Press

H. R. Haldeman, a Watergate cover-up defendant, leaving the Supreme Court yesterday. He had a ticket.

were missing—removed by Mr. Ehrlichman as “too sensitive,” he said.

Mr. Ehrlichman was confronted by Mr. Merrill with a series of memorandums, most of them from Mr. Young or Mr. Krogh, written during July and August, 1971. The memos referred to “Special Project No. 1” or to the “Hunt-Liddy special project,” and one, dated Aug. 25, 1971, noted that “Hunt and Liddy have left for California.”

Mr. Ehrlichman said it was had gone “to carry out their general investigation.” This was the trip they made to determine the feasibility of entering Dr. Fielding’s office.

Given a memo date July 27, 1971, in which Mr. Young and Mr. Krogh recommended that a “complete psychological study” be done on Dr. Ellsberg, Mr. Ehrlichman said: “I had simply forgotten it. This is one of a lot of paper that came through, a long time ago.”

Mr. Ehrlichman conceded that there was “no question” now that he was aware of the White House desire for a psychological profile of Dr. Ellsberg before the break-in, but he maintained that he had forgotten about it until he had re-read the Aug. 11 memo in June, 1973, after his grand jury testimony.

The Aug. 11 memorandum said the purpose of the covert operation was to “examine” Dr.

Fielding’s files. When Mr. Merrill asked Mr. Ehrlichman what he understood by the word “examines,” he replied: “Well, I didn’t parse every word, or analyze their philosophical or deeper meaning. . . . That meant to me to learn what was in them.”

As for the term “covert operation,” he said he understood that to mean “a private investigation where people do not go in and identify themselves as coming from the F.B.I.”

Mr. Ehrlichman said the question of how the information was to be obtained “didn’t really enter my thought processes.” He also said he was unable to recall receiving a telephone call in late August, 1971, from Mr. Young and Mr. Krogh in which, they testified, he gave his final approval to the special project.

Mr. Ehrlichman testified that he first learned of the break-in shortly after it took place, after his return from a vacation on Cape Cod.

“Did you ever report this to the Beverly Hills Police Department,” Mr. Merrill asked. “No,” Mr. Ehrlichman replied.

He also answered in the negative to Mr. Merrill’s questions about whether he had asked Mr. Krogh to do so, or if he had reported the break-in to the Department of Justice.

Mr. Merrill is expected to continue his cross-examination most of tomorrow morning.