

Ehrlichman Says He Didn't

F Post 7/9/74

Authorize Ellsberg 'Job'

Radio news 718 said Gesell asked how he expected to get credit by robbing deftn. Ehr. replied he brought Ells. at Bull (as though that made it different) which was the dict. his E. unit testimony

WASHINGTON (AP) — Former top presidential assistant John D. Ehrlichman testified in his own defense Monday that he did not authorize the Ellsberg break-in.

Ehrlichman, until last April 30 President Nixon's chief domestic adviser, also said that misstatements he gave the FBI and a grand jury were the result of oversight and not intentional.

Following five hours of testimony from Ehrlichman, U.S. District Judge Gerhrd A. Gesell ordered Secretary of State Henry A. Kissinger to appear in court at the Plumbers trial Wednesday morning.

Kissinger is expected to refute some testimony of a key prosecution witness, David R. Young, once an assistant to both Kissinger and Ehrlichman.

In his testimony Monday, Ehrlichman said it never entered his mind that any of his aides were planning a break-in at the office of Daniel Ellsberg's psychiatrist.

He characterized the operations of the Plumbers, a special White House investigative unit, as a general attempt to pin down the motives of Daniel Ellsberg in leaking the Pentagon Papers to the press.

Asked specifically by defense lawyer Henry Jones if he authorized the Sept. 3, 1971, break-in at the Beverly Hills, Calif., office of Dr. Lewis Fielding, a psychiatrist who had treated Pentagon papers figure Daniel Ellsberg, Ehrlichman responded, "No, sir."

"Did you know about it?" Jones asked.

"No," Ehrlichman replied.

"Had you seen a plan or a blueprint so to speak for a break-in in advance?" Jones asked.

"I never saw that," Ehrlichman said.

Ehrlichman testified that when he signed a memo giving approval to what ultimately was the Ellsberg break-in, he thought he was authorizing a legitimate operation.

"I thought I was approving a legal, conventional investigation," Ehrlichman said under cross-examination.

Ehrlichman and three other defendants are charged with conspiracy to violate Fielding's civil rights through the break-in. In addition, Ehrlichman is charged with one count of giving false statements to the FBI and three perjury counts of lying to the Watergate grand jury.

The perjury counts accuse Ehrlichman of telling the grand jury three different times that he did not know until after the break-in that the plumbers unit was seeking information for use in a psychological profile of Ellsberg.

Ehrlichman testified that he was telling the truth at the time and was "as certain as I could be of something two years before."

The grand jury testimony was in May, 1973, and Ehrlichman said after reading a newspaper account, a month later, he searched in his files still at the White House and found an Aug. 11, 1971, memo he had received from Egil Krogh, leader of the White House plumbers investigating unit, and David Young, co-director.

The memo mentioned the Ellsberg profile and asked approval of a covert operation to obtain material on Ellsberg held by Fielding.

Ehrlichman had initialled his approval of the operation.

The memo carried a hand-

written notation from Ehrlichman which said, "if done under the assurance that it is not traceable."

But that, Ehrlichman testified, he meant only a fear that the press might distort the purpose of an investigation by persons employed directly by the White House.

White House employees were used only because of the unwillingness of the FBI to do what would normally be its job, Ehrlichman said.

"I don't see how anyone can read an illegal or improper search into that memo," he said.

Ehrlichman is to return to the stand Tuesday for more cross-examination.

Ehrlichman said as soon as he discovered the memo he remembered having been informed of the profile project and set about correcting his earlier statements. He said his lawyer wrote the proper authorities and that in a later appearance he personally corrected the earlier statement before the grand jury.

Ehrlichman denied steadfastly that he ordered or approved the break-in. His own lawyer did not raise on direct examination what Ehrlichman had meant when he approved the "covert operation" in the Aug. 11 memo.

Ehrlichman had said earlier in congressional testimony that he did not think the memo authorized a break-in, but the question came up in court only under cross-examination by associate Watergate special prosecutor William Merrill.

Ehrlichman testified that the plumbers unit was set up in the summer of 1971 after the public appearance of the Pentagon papers, which Ellsberg had leaked to the press, and other

security leaks in the White House.

The unit, Ehrlichman said, was to prod federal agencies in plugging the leaks, find out how they occurred and how future leaks could be prevented.

Initially, Ehrlichman acted personally as coordinator of the plugging operation, and liaison between Nixon and the Justice Department over lawsuits filed in the case.

Later, Ehrlichman said, Nixon ordered him back to his duties as chief domestic adviser and a special unit was set up under Krogh and Young.

He also testified that files on the plumbers operations which Young had delivered to his office, were returned without his ever looking at them.

Young had testified earlier in the trial that he sent the papers to Ehrlichman's office in March 1973, after Ehrlichman called and asked for them. Young said Ehrlichman told him he had removed some "sensitive" memos from the files, but that Young had made copies which were turned over to the Watergate special prosecutor.

Ehrlichman testified that the files stayed in his office "a matter of a day or two" but said he never examined them because he was too busy.

Under questioning from the bench, Ehrlichman said the White House sent its own investigators into the field because the FBI refused to probe the Ellsberg case fully.

"All through this period of time the relationship between the President and the director was extremely tenuous due to Mr. Hoover's failure to cooperate," Ehrlichman said in response to questions from U.S. District Judge Gerhard Gesell.