

# 4 'Plumbers' Plead Innocent In Ellsberg Break-In Case

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A former White House aide and three Cuban-Americans pleaded innocent yesterday in U.S. District Court here on charges in connection with the burglary of Daniel Ellsberg's psychiatrist's office.

Entering not guilty pleas to the break-in charges before U.S. District Judge Gerhard Gesell were G. Gordon Liddy, Bernard L. Barker, Eugenio Martinez and Felipe

DeDiego. Later yesterday morning, Liddy appeared before U.S. District Judge John H. Pratt to plead innocent to two charges of contempt of Congress.

De Diego's attorney, Henry Rothblatt, said before the arraignment that he considered President Nixon a "very relevant" witness on behalf of his client, and he intended to call all relevant witnesses.

If a witness subpoena is

issued for the President, it will revive a legal issue that was made moot earlier this week when California dropped charges stemming from the same burglary against former White House aides John D. Ehrlichman, David R. Young and Liddy after the return of the federal indictment in the case last Thursday.

Ehrlichman's Los Angeles attorney had subpoenaed the President as a witness, and a Superior Court judge there had ordered his appearance. A hearing was pending in D.C. Superior Court on the legality of such a move when the California charges were dropped.

Both Ehrlichman and former White House aide Charles W. Colson pleaded innocent to the same charges Saturday before U.S. District Chief Judge John J. Sirica.

Yesterday's arraignment of Liddy, Barker, Martinez and DeDiego took on the atmosphere of a reunion for the four men. As Liddy was brought into the courtroom from jail, he was greeted with handshakes and pats on the back by the other three men. He and DeDiego embraced heartily.

Liddy, who is serving six to 20 years on the Watergate break-in conviction, was tan and fit from his recent stay at the Terminal Island federal penitentiary in California where he was awaiting trial on the state charges.

All four men replied "not guilty, in firm voices when they were asked how they wished to plead in the federal case, which charges them with conspiracy to vio-

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ate the rights of Ellsberg's psychiatrist, Dr. Lewis Fielding.

At the time of the September, 1971, burglary, the men were working for a special investigative unit set up by President Nixon that came to be known as the White House "plumbers." The purpose of the break-in was to acquire information about Pentagon Papers co-defendant Ellsberg through his psychiatrist's files.

Barker is free on bond pending appeal of his attempt to change his plea in the original Watergate case from guilty to innocent, Martinez has served one year in jail and is on parole, and De Diego was placed on personal bond in this case, the first in which he has been charged.

Most of the 45-minute arraignment was taken up by maneuvering among lawyer in the setting of dates to file motions in the burglary case. Judge Gesell set May 1 for the filing of pretrial motions, and said he would set a trial date after then.

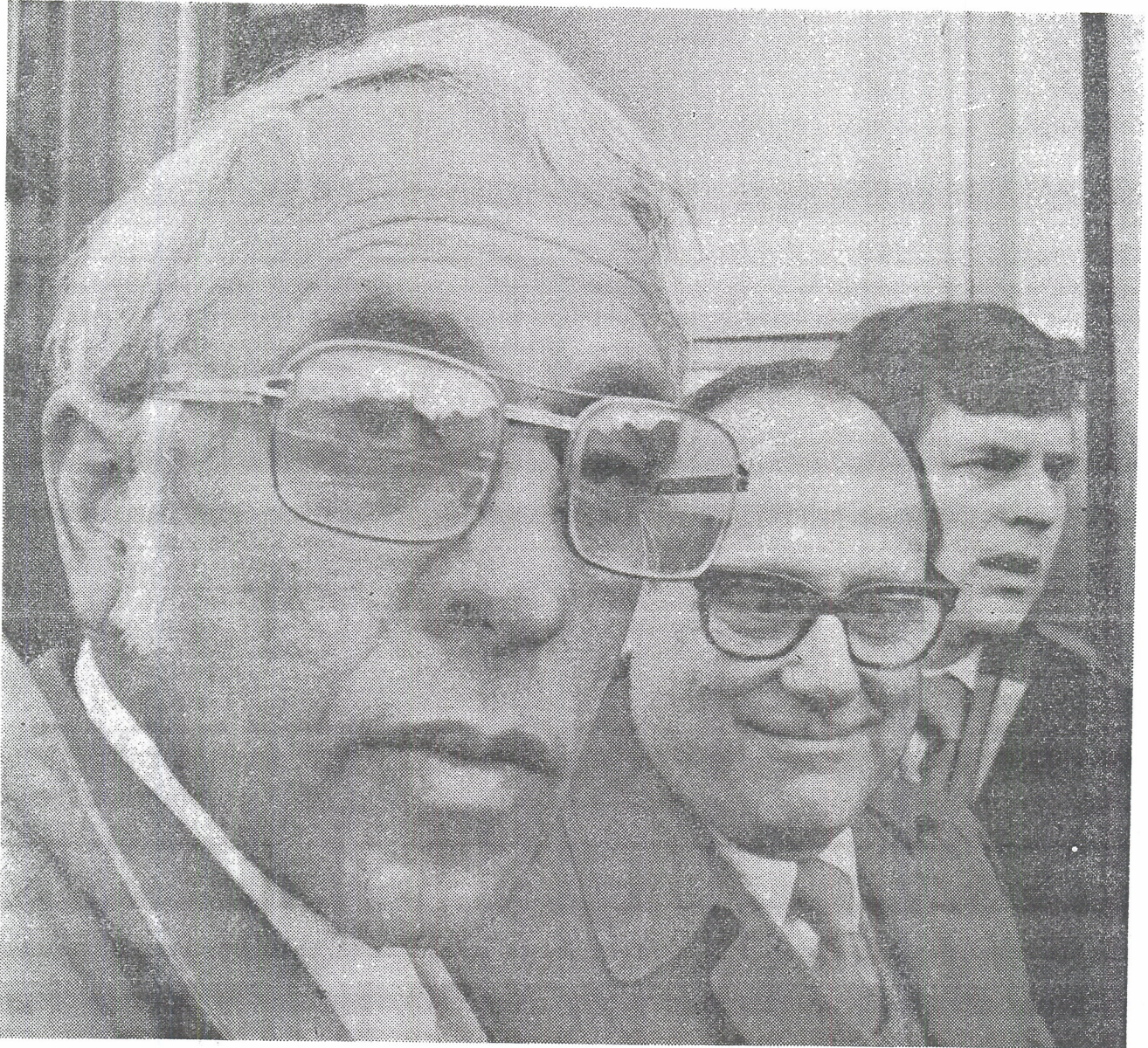
Gesell asked the lawyers to file papers within 10 days on whether they feel the conspiracy count against all six defendants should be tried separately from four other counts against Ehrlichman. He is charged in those counts with making false statements to a grand jury and to the FBI.

The judge said he intended to bring the case to trial within six months from the date of the indictment, and asked the lawyers to suggest possible trial dates.



**FELIPE DE DIEGO**  
... on personal bond





Associated Press

Two Ellsberg break-in defendants, Eugenio Martinez, left, and Bernard Barker, center, leave U.S. District Court with their lawyer, Dan Schultz, after pleading innocent, with two others, to charges stemming from the break-in.