

Plumbers

Trial Set

June 17

AP Wirephoto
Associated Press

Daniel Ellsberg break-in conspiracy trial of John D. Ehrlichman, Charles W. Colson and four others was scheduled yesterday to begin on June 17—the second anniversary of the Watergate break-in.

In setting the date, U.S. District Court Judge Gerhard A. Gesell denied a motion to try Ehrlichman alone on four perjury counts and ruled that the attorney for one of the defendants cannot appear in the case.

Ehrlichman and Colson had asked that the trial be postponed until next spring since both are scheduled for trial Sept. 9 on charges growing out of the Watergate break-in.

The two former White House aides along with Bernard L. Barker, Eugenio Martinez, G. Gordon Liddy and Felipe de Diego are charged with conspiracy to violate the rights of Ellsberg's psychiatrist. Ehrlichman is also charged with four counts of making false statements.

The judge ruled that attorney Henry B. Rothblatt can no longer represent de Diego because he represented Barker and Martinez in the Watergate break-in trial last year.

The motion to disqualify Rothblatt was made by Daniel E. Schultz, who now represents Barker and Martinez.

Gesell ruled that "there may arise a diversity of interest" between the two men and De Diego.

Rothblatt was not available for comment.

His partner, Stephan H. Peskin, said, "We will do research and see if it is an appealable order—if so, we will appeal."

De Diego along with Barker and Martinez are accused of breaking into the offices of Dr. Lewis Fielding in Beverly Hills, Calif., on Labor Day, 1971, looking for the records of Ellsberg, who had been treated by Fielding. Pentagon papers charges against Ellsberg subsequently were dismissed by the government.