

EHRlichman, COLSON, LIDDY AND 3 OTHERS ARE INDICTED IN THE ELLSBERG BREAK-IN

CONSPIRACY CITED

3 in 'Plumbers' Called Co-conspirators but Escape Charges

By ANTHONY RIPLEY

Special to The New York Times

WASHINGTON, March 7—

Six persons, including John D. Ehrlichman and Charles W. Colson, who were once among President Nixon's most trusted aides, were indicted today for the 1971 break-in at the office of Dr. Daniel Ellsberg's former psychiatrist.

Also indicted were G. Gordon Liddy, Bernard L. Barker and

Indictments over Watergate
are printed on Page 14.

Eugenio R. Martinez, who were convicted in the 1972 Watergate break-in, and Felipe de Diego, who had not previously been indicted in a Watergate-related case.

Named as unindicted co-conspirators were three members of the White House special investigation unit, nicknamed "the plumbers" because their job was to stop leaks to the press. They are E. Howard Hunt Jr., Egil Krogh Jr. and David R. Young.

Civil Rights Conspiracy

The six persons indicted were charged with conspiracy to violate the civil rights of Dr. Lewis J. Fielding of Beverly Hills, Calif. The charge grows out of a burglary of the psychiatrist's office on Sept. 3, 1971, in a search for damaging material regarding Dr. Ellsberg.

In addition, Mr. Ehrlichman was charged with four other counts—three of lying under oath to a grand jury and one of making a false statement to Federal Bureau of Investigation agents.

The indictments were the second in six days against Mr. Ehrlichman, formerly Mr. Nixon's

top domestic aide, and Mr. Colson, former special counsel to the President.

10 Years on Conspiracy

Mr. Liddy, who is serving a sentence of six years and eight months to 20 years at the Federal Terminal Island Prison, in Los Angeles, was also charged today in an indictment separate from that containing the conspiracy charge. It contained two counts growing from his refusal to testify last July 20 before the Special Subcommittee on Intelligence of the House Armed Services Committee.

The conspiracy charge against all six persons carries a maximum penalty of 10 years in prison and a \$10,000 fine.

The charges today were brought by the second of three grand juries that are investigating the Watergate scandals. The second jury was sworn in Aug. 13, 1973.

The grand jury foreman, Ada D. Chapman, handed up the indictments today to Chief Judge John J. Sirica in United States District Court.

Last Friday, the grand jury

Continued on Page 14, Column 3

Continued From Page 1, Col. 8

that was sworn in on June 5, 1972, indicted Mr. Ehrlichman and Mr. Colson and five other persons on a number of charges growing from the White House cover-up of the burglary at Democratic National Headquarters in the Watergate office building on June 17, 1972.

With all of today's charges added, Mr. Colson could face a maximum of \$20,000 in fines and 20 years in prison.

Mr. Ehrlichman is facing trial in California under state law in a case based on the same break-in at Dr. Fielding's office. His indictment here last week involved five counts in the Watergate cover-up. He now faces a possible maximum of 55 years in prison and a \$70,000 fine on Federal charges alone.

Colson Vows Innocence

Mr. Colson, in a statement issued today through his lawyer, Sidney Dickstein, said in part:

"Hard as it will be to overcome the inevitable public pre-

sumption arising from a second indictment, the fact is that I am innocent. I will fight to establish that and to clear my name."

He said the charge was "hard to take" because he had undergone a lie detector test that "determined that I did not know in advance of the fielding break-in."

The results of that test, he said, were given to the special Watergate prosecutor Leon Jaworski.

"There is much that the public has not been told about circumstances surrounding this matter. A great deal more may be revealed in the course of this proceeding," Mr. Colson said.

Mr. Ehrlichman's lawyer, John J. Wilson, did not respond to two telephone calls to his office.

In California, Mr. Ehrlichman faces charges of burglary, perjury and conspiracy. Both the California and the Federal charges grow from the same case.

Pentagon Papers Case

Although the Fifth Amendment to the Constitution bars persons from being "twice put in jeopardy" for the same offense, the Supreme Court has held on a number of occasions that both state and Federal courts can bring charges rising out of the same facts.

Today's indictment surrounds the work of the plumbers in their effort, as Mr. Krogh has called it, at "discrediting" Dr. Ellsberg by trying to find out possible derogatory information on him in Dr. Fielding's files.

Dr. Ellsberg at the time had been indicted for theft, espionage and conspiracy in connection with copying a set of top-secret reports on the Vietnam war.

The action against Dr. Ellsberg became known as the Pentagon papers case. It was finally dismissed when the burglary, wiretapping and other allegations of misconduct by the Government became known.

The overt acts in the conspiracy alleged in today's indictment tell of planning, financing, actual entry and later removal from the White House files of documents relating to the burglary. The indictment says the conspiracy began with an original memorandum sent to Mr. Ehrlichman from Mr. Krogh and Mr. Young request-

ing preparation of a psychiatric profile on Dr. Ellsberg, on July 27, 1971.

A series of memos on the subject were known to have been supplied to the special prosecutor by Mr. Young.

Mr. Colson, the indictment alleges, received a memo from Mr. Hunt titled "Neutralizations of Ellsberg," which discussed a proposal "to obtain Ellsberg's files from his psychiatric analyst."

Mr. Ehrlichman, it continues, arranged for a psychiatric profile to be prepared by the Central Intelligence Agency.

Then, the indictment says, preparations began for the burglary with Mr. Ehrlichman's approval on the "assurance it is not traceable."

Money for Two Cited

Further meetings were held and in late August Mr. Colson, it alleges, discussed with Mr. Krogh on the telephone "providing money for E. Howard Hunt Jr. and G. Gordon Liddy."

Later there allegedly was a memo from Mr. Ehrlichman to Mr. Colson titled, "Hunt/Loddy Special Project No. 1," which allegedly "requested Colson to prepare a 'game plan' for the use of materials" gained from the "proposed undertaking."

On Aug. 30, the indictment says, Mr. Krogh and Mr. Young, in a telephone call, assured Mr. Ehrlichman that "the planned entry" would not be traceable.

It says that Mr. Colson arranged for the transfer of \$5,000 and on Sept. 1, Mr. de Diego, Mr. Barker and Mr. Martinez "searched the offices."

It adds that a year and a half later, on March 27, 1973, Mr. Ehrlichman "caused the removal of certain memoranda related to the entry" from White House files.

The charges against Mr. Ehrlichman that he lied to the F.B.I. involves a statement on May 1, 1973, that it had been more than a year since he had seen material on the case.

The alleged lying to the grand jury involves his repeated statements that he learned of the burglary at Dr. Fielding's office only "after the fact," and that he knew of no files on the subject.

Mr. Liddy's problems with the House subcommittee came when he refused to be sworn in and refused to answer any questions.

Mr. Martinez and Virgilio R. Gonzalez, another of the men convicted in the Democratic headquarters burglary, were both released from a minimum security prison at Eglin Air Force Base today after serving 15 months.