

Defense at Break-In Trial Reportedly Planning to Call Kissinger

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WASHINGTON, March 11 — Secretary of State Kissinger will be subpoenaed to testify for Charles W. Colson and John D. Ehrlichman in their trials on charges involving the break-in at the office of Dr. Daniel J. Ellsberg's former psychiatrist, sources close to the two men said today.

Attorneys for the former White House aides, who were indicted last week, are known to be eager to demonstrate that the two defendants were motivated by what they believed to be a serious threat to national security when they participated in activities by the White House "plumbers" against Dr. Ellsberg in mid-1971.

There was no immediate comment from the State Department. A number of Washington attorneys said today that there were no constitutional bars or procedural rules prohibiting the subpoenaing of a Secretary of State.

Mr. Colson, Mr. Ehrlichman and four others, were indicted by a Federal grand jury last Thursday for conspiring to deny the constitutional rights of Dr. Lewis J. Fielding, Dr. Ellsberg's former psychiatrist, by participating in a scheme to burglarize his office in September, 1971.

The indictments made no mention of national security and the special Watergate prosecutors are known to believe that "national security" was utilized as a pretext for the break-in.

Mr. Ehrlichman, formerly Mr. Nixon's chief adviser on domestic affairs, and Mr. Colson, formerly a special counsel to the President, are known to be ready to testify that Mr. Kissinger was instrumental in the White House decision to begin investigating Dr. Ellsberg after publication of the Pentagon papers in The New York Times on June 13, 1971.

"He sure will be a key witness," one source close to Mr. Ehrlichman said of Mr. Kissinger.

The source explained that Mr. Kissinger was the only senior White House official who personally knew Dr. Ellsberg and, therefore, was summoned to brief the President, Mr. Ehrlichman and H. R. Haldeman, then the White House chief of staff, about him.

Another closely involved source reported that the mental state of the White House in the weeks after publication of the Pentagon papers would be a key factor during a subsequent trial. The source added that Mr. Colson and Mr.

Ehrlichman believed that the key question would not be whether they were "right or wrong" about the risks to national security posed by Mr. Ellsberg, but whether they truly believed that those risks were great.

No date has been set for the Ellsberg break-in trial to be held before Judge Gerhard A. Gesell of the United States District Court.

Dr. Ellsberg has said in interviews that he and Mr. Kissinger worked together on Vietnam questions since the mid-nineteen-sixties and that he lectured at some of Mr. Kissinger's national security seminars at Harvard University before Mr. Kissinger's appointment as the President's national security adviser in 1969.

Denied Knowledge

Mr. Kissinger denied in Senate testimony last fall any knowledge of or involvement with the "plumbers." He also denied any knowledge of the decision, made in July, 1971, to set up the four-man investigating unit.

Last January, however, Mr. Kissinger — who was named Secretary of State last year — acknowledged that in December, 1971, he had listened to a tape recording of an interrogation conducted by David

R. Young Jr., a former National Security Council aide who had been reassigned by the President to the "plumbers" unit six months earlier.

Mr. Kissinger said that while he had known that Mr. Young was asking questions of a Navy admiral about the leak of White House papers on the India-Pakistan war, he had not known that "David Young was conducting an investigation."

Spy Ring Suspected

The Senate Foreign Relations Committee apparently accepted Mr. Kissinger's explanation after questioning him further about his knowledge of the "plumbers" during a hearing six weeks ago. The transcript of that meeting has not been publicly released, however.

Precisely what the "plumbers" sought in Dr. Fielding's office has never been clear.

E. Howard Hunt Jr., the former Central Intelligence Agency official who led the break-in team, told the Senate Watergate committee during hearings last summer that he was seeking evidence that would link Dr. Ellsberg to a Soviet spy ring.

Federal investigative sources have characterized the break-in, however, as motivated by political expediency and aimed at obtaining evidence that could be used to discredit Dr.

Ellsberg and his anti-Vietnam war and anti-Nixon Administration supporters.

Mr. Colson and Mr. Ehrlichman have denied any advance knowledge of the Ellsberg break-in. They are reported by associates to believe that Mr. Kissinger, by publicly disavowing any knowledge of the "plumbers," has denied them a legal justification for the White House activities against Dr. Ellsberg. Those activities included the compilation of a psychiatric profile and an extensive Federal Bureau of Investigation dossier on the former Rand Corporation official.

Kissinger Called 'Outraged'

Specifically, sources said, Mr. Colson and Mr. Ehrlichman are prepared to testify that Mr. Kissinger was "outraged" by the publication of the Pentagon papers. They are further prepared to testify that Mr. Kissinger attempted to prevent the transfer of Mr. Young from the National Security Council to the "plumbers" unit in mid-July, 1971.

President Nixon, while disavowing any involvement with the Ellsberg burglary in a statement last May 22, described the publication of the Pentagon papers as "a security leak of unprecedented proportion."