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Evidence of Any Nixon Tie To Ellsberg Case Is Sought

WASHINGTON, April 19 (UPI)—A Federal judge ordered the Watergate special prosecutor today to give him and the defendants in the Ellsberg break-in case any evidence the prosecutor might have about President Nixon's possible personal involvement.

District Judge Gerhard A. Gesell ordered Leon Jaworski, the prosecutor, to respond by April 29 on the question whether Mr. Nixon might have authorized or known in advance of the burglary attempt at the office of Daniel Ellsberg's former psychiatrist.

Six members of the White House "plumbers" investigative unit were indicted last month on charges of conspiring to violate the civil rights of the psychiatrist, Dr. Lewis J. Fielding. Three other persons were named an unindicted co-conspirators.

Judge Gesell noted that Charles W. Colson, the former White House special counsel who is one of the defendants, has contended that the 1971 break-in was justified because it was "authorized by the President pursuant to his power to protect national security."

Judge Gesell ordered Mr. Jaworski to provide the following:

Any "written instructions" from Mr. Nixon to any of the defendants or unindicted co-conspirators relating to the secret White House investigation of Dr. Ellsberg.

Any transcripts of tapes "containing all instructions" by the President to members of the plumbers team.

Any press releases or other statements by Mr. Nixon subsequent to the break-in relating the "authority or lack of authority" for the raid.

A statement of any information known about the "amount and source of any funds or materials" given the burglary team.

Judge Gesell said that Mr. Jaworski would not be asked to divulge any further "national security" evidence unless the court later decided it was necessary. The material requested today would be delivered under seal and made available to defense lawyers in Mr. Jaworski's office, he said.

Steinbrenner Enters Plea

CLEVELAND, April 19 (AP)—George M. Steinbrenner 3d,

chief executive of the American Ship Building Company, who was indicted early this month on charges of contributing illegally to campaign funds, pleaded not guilty at his arraignment today before United States Magistrate Herbert Maher.

Mr. Steinbrenner was released on his own recognizance.

A plea of not guilty was also entered for the company, which was named with Mr. Steinbrenner in an indictment returned by a Federal grand jury here April 5 charging that they contributed illegally to campaign funds of President Nixon and influential members of Congress.

United States District Court Judge Leroy J. Contie Jr. has called a conference for all parties in the case for May 22 for a discussion of a trial date, motions and other matters.

A Federal prosecutor said yesterday that John H. Melcher Jr., executive vice president and general counsel of the companies, would cooperate with the Government in prosecution of the indictment against the company.

Mr. Steinbrenner, who is majority stockholder of the New York Yankees, was also charged in the indictment with conspiracy, obstruction of justice and obstruction of criminal investigation.

Liddy Loses Plea

WASHINGTON, April 19 (Reuters)—A Federal judge refused today to dismiss contempt of Congress charges against G. Gordon Liddy, who is already serving a term for another Watergate-related crime.

United States District Judge John Pratt ordered that Mr. Liddy's trial on the new charge begin May 10.

The contempt charge stemmed from Mr. Liddy's refusal to testify July 20, 1973, before the House Armed Services Committee.

The committee was attempting to determine what role, if any, was played by the Central Intelligence Agency in the 1972 electronic surveillance of the Democratic national headquarters in the Watergate office building and other Watergate-related crimes.

At today's proceeding, Mr. Liddy's attorney, Peter Maroulis, argued he should not be penalized for refusing to an-



United Press International
George M. Steinbrenner 3d after pleading not guilty yesterday in Washington.

swer the committee's questions. At the time they were put to him, Mr. Liddy had reason to believe a Federal grand jury would lodge serious charges against him, the lawyer said.

Security Ruling Secured

WASHINGTON, April 19 (AP)—A Federal judge was challenged today on his ruling that national security could not be used as a defence by six men soon to be tried in connection with the burglary of Dr. Daniel Ellsberg's former psychiatrist.

Lawyers for Felipe DeDiego, one of the men, said in a motion filed with United States District Judge Gerhard A. Gesell that national security was the only issue in the case and that the judge had no jurisdiction to rule otherwise.

Judge Gesell has set June 17 for the trial of Bernard L. Barker, Eugenio Martinez and Mr. DeDiego. All are charged with a single count of violating the rights of the psychiatrist, Dr. Lewis J. Fielding. The judge will hold a hearing on all pretrial motions May 1.

Dr. Fielding's office in Beverly Hills, Calif., was rifled Sept. 3, 1971, by White House agents seeking the files of Dr. Ellsberg, then under indictment for leaking the Pentagon papers study of the Vietnam war's origins.

At a pretrial hearing last week, Judge Gesell brushed aside suggestions that the Fielding break-in was justified on grounds of national security.