

7 Close to Nixon Listed To Testify on 'Plumbers'

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Henry A. Kissinger, Gen. Alexander M. Haig Jr. and five other present and former high-ranking Nixon Administration officials were listed as tentative witnesses today as the White House "plumbers" trial opened here in federal Court.

Judge Gerhard A. Gesell of United States District Court made public the list of defense and prosecution witnesses as the methodical process of assembling a 12-member jury began this morning.

Most of the high-level witnesses were listed by lawyers for John D. Ehrlichman, the former Presidential aide who has been accused of conspiring with three other defendants — all of whom were convicted or pleaded guilty last year in participating in the Watergate break-in — to burglarize the office of Dr. Daniel Ellsberg's former psychiatrist.

Knowledge Denied

Mr. Ehrlichman did not personally participate in the break-in at the psychiatrist's office, which took place Sept. 3, 1971, in Beverly Hills, Calif., but he was accused by a Federal grand jury of specifically authorizing the other defendants — G. Gordon Liddy, Bernard L. Barker, and Eugenio R. Martinez — to commit the unlawful act.

Mr. Ehrlichman, whose wife, Jeanne, appeared in court today with him, has acknowledged that he approached a covert operation against Dr. Ellsberg, but he has denied specifically knowing that the office of Dr. Lewis J. Fielding, Dr. Ellsberg's former psychiatrist, would be burglarized.

The defendants appeared chipper today, joining in the laughter as potential jurors successfully sought to be excused because they "couldn't be replaced" in their Government jobs or had "a cat" to take care of.

Mr. Ehrlichman, while refusing to discuss the case, cheerfully introduced his wife to newsmen. Mr. Liddy, who seems to relish his role as a man of mystery in the Watergate affair, occasionally smiled and nodded mysteriously to prospective jurors.

'Any Practice?'

Judge Gesell, whose courtroom demeanor ranges from buoyant humor to dark rages, was full of quips as he politely interviewed prospective jurors, who were brought before him in two groups of 60 each. At one point the judge routinely asked one of the groups, "Do any of you work for an attorney—an attorney of any kind?"

The judge added to the laughter by quickly adding, "I meant by that, an attorney with any kind of practice."

At the time of the break-in, all the defendants were involved with the plumbers, a special investigations unit set up by President Nixon in July, 1971, and ordered to stop information leaks to newspapers. The group's first target was Dr. Ellsberg, who has said that he provided newspapers with the Pentagon papers.

The witnesses listed by Mr. Ehrlichman's attorneys will be asked, well-placed sources said, to testify about grave concern in the White House over Dr. Ellsberg and what was perceived to be his potential to disclose other classified materials.

5 Others Listed

Secretary of State Kissinger was serving as President Nixon's national security adviser in 1971 and, according to affidavits filed earlier in the case, was extremely agitated about Dr. Ellsberg. General Haig, now the White House Chief of Staff, was then serving as Mr. Kissinger's deputy.

Other potential witnesses named today were Leonard Garment, the White House counsel; George P. Shultz, former Treasury Secretary and Presidential counselor; Kenneth R. Cole Jr., head of the White House Domestic Council; Henry E. Petersen, Assistant Attorney General; and Robert C. Mardian, a former Assistant Attorney General, who is also a de-

fendant in the Watergate cover-up case, as is Mr. Ehrlichman.

Judge Gesell earlier canceled a request by Mr. Ehrlichman that President Nixon be compelled to testify. Instead, surcease close to Mr. Ehrlichman said, the judge is considering a request that Mr. Nixon supply answers to written interrogatories.

Mr. Ehrlichman, Mr. Liddy and the other defendants — all stated at separate tables — watched intently this morning as Judge Gesell initiated the jury empaneling process by eliminating those who objected to the hardships caused by sequestering. The judge previously decided that the jurors would spend nights and weekends at quarters in a nearby junior college in an effort to prohibit their access to possibly prejudicial newspapers and television reports.

Twenty-three of the 120 potential jurors questioned by the judge today were excused, and the court was then cleared of the press and the public so that defense and prosecution lawyer could question those remaining. At the end of the day, five more jurors were excused, with 37 left to question.