

Young Suggests Ehrlichman Knew Ellsberg

Testimony on Break-in Psychiatrist's Files Is Paralleled by Krogh's

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WASHINGTON, July 2—David R. Young Jr., co-director of the White House "plumbers," testified today that he believed that John D. Ehrlichman had specifically authorized "the examination" of Daniel Ellsberg's psychiatric records in 1971 without the knowledge or consent of Dr. Ellsberg's former psychiatrist.

"It was presumed that someone would have to enter those offices" without consent, Mr. Young told a crowded Federal courtroom during his second day of testimony. "That was understood in light of Dr. [Lewis] Fielding's refusal to speak with the F.B.I."

Mr. Young's testimony was the first to suggest that Mr. Ehrlichman, in authorizing the covert mission in advance, knew that it involved a personal search of the psychiatrist's files by agents sent by the White House. The testimony was supported and often paralleled by the testimony of a later witness, Egil Krogh Jr., who was the other director of the plumbers unit.

A Charge and Denial

Mr. Ehrlichman and three other defendants are on trial before Judge Gerhard A. Gesell of United States District Court on charges of violating the civil rights of the psychiatrist by illegally conspiring to burglarize his offices.

Mr. Ehrlichman, formerly President Nixon's top domestic adviser, has acknowledged authorizing only a covert mission to obtain Dr. Fielding's psychiatric files on Dr. Ellsberg and has specifically denied knowing that a burglary or unlawful entry would be committed because of that authorization.

In his initial testimony yesterday, Mr. Young, a baldish 37-year-old lawyer, talked in vague terms about his own involvement in the "covert mission." Often he referred to the Fielding break-in as that "California matter" or the "operation."

He was pressed today by William H. Merrill, an associate Watergate prosecutor, to provide a definition of what took place in the Beverly Hills, Calif., offices of Dr. Fielding being in Dr. Fielding's office to examine his files without his knowledge or consent to be something which is prohibited by law? Mr. Merrill asked.

Mr. Young, who often seemed to be reluctant in his responses, hesitated for a moment and then replied, "I did

not at that time focus on whether or not it was legal or illegal. I focused on the object — which was to examine the [Ellsberg] files without his consent."

"I recognize it as a serious invasion of privacy," Mr. Young added. "I don't know whether I perceived it as a violation of law."

Discussion With Ehrlichman

He added that he and Mr. Krogh had discussed the examination of Dr. Fielding's files with Mr. Ehrlichman before the operation. "I knew I could not authorize the examination of those files myself and I did not think Mr. Krogh could," Mr. Young said in response to questions from Mr. Merrill. "Ehrlichman could."

Earlier, during nearly two hours of cross-examination by William Frates, Mr. Ehrlichman's chief attorney, Mr. Young provided a somewhat different definition of "covert."

Asked whether he considered the word to mean "illegality," Mr. Young said, "I did not." He subsequently noted that it was his "understanding" that agents for the Federal Bureau of Investigation and Central Intelligence Agency had conducted such operations.

After that answer, Judge Gesell posed a query of his own: "Are you saying that you know of F.B.I. and C.I.A. break-ins into peoples' homes that have been done illegally?" The judge, who twice admonished Mr. Frates for improper questions during the Young cross-examination, complained to the attorney that "this is not a semantic case."

Mr. Frates argued, in turn, that the word "covert" did not necessarily imply an illegal activity.

The dispute is central to the "plumbers" case involving Mr. Ehrlichman, because the Watergate prosecutors have already placed into evidence a copy of an Aug. 11, 1971, memorandum in which Mr. Ehrlichman approved a "covert" operation to obtain Dr. Ellsberg's psychiatric records, with this caveat: "If done under your assurances that it is not traceable."

Mr. Frates directly asked Mr. Young if he had authorized a break-in into Dr. Fielding's office, and Mr. Young replied: "I recommended a covert operation. I had no authority to authorize it."

No 'Break-in' Discussion

Asked whether he had ever discussed a break-in with Mr. Ehrlichman, the former White

House aide said, "As I understand the question, using the word 'break-in,' no, we never discussed it."

The Aug. 11 memorandum, and other documents, were supplied by Mr. Young in May, 1973, to the original Watergate prosecuting team headed by Earl J. Silbert, then an Assistant United States Attorney, in return for a grant of immunity from prosecution.

Mr. Frates repeatedly sought to impugn Mr. Young for that act and also emphasized, during his cross-examination this morning, that Mr. Young had himself altered documents before leaving the

White House in an apparent effort to escape any possible accusations of wrongdoing.

Mr. Young also acknowledged that he had altered the Aug. 11, 1971, memorandum by deleting all references to Mr. Ehrlichman's approval of a "covert" operation involving Dr. Ellsberg's files. The deletions were made, Mr. Young said, sometime after President Nixon's re-election.

At that point, Mr. Frates asked Mr. Young whether he had deleted the material because it was personally incriminating. "I deleted it not only because it involved me, but also Mr. Ehrlichman, Mr. Krogh and the White House," Mr. Young replied.

In a subsequent exchange, Mr. Young acknowledged that Mr. Ehrlichman had told him "only tell the truth" during a White House meeting on April 30, 1973, Mr. Frates responded, "typical of John Ehrlichman, wasn't it?"

Judge Gesell immediately snapped, "You know better than that." A moment later, after a similar comment from Mr. Frates, the judge summoned the Miami lawyer to the bench and told him to "stop that now."

Report on F.B.I. Action

Mr. Krogh, who pleaded guilty last December to conspiring to violate Dr. Fielding's civil rights through his role in the break-in, recently completed his six-month sentence.

Echoing earlier testimony, he described an Aug. 5 meeting with Mr. Ehrlichman at which he said that he and Mr. Young told Mr. Ehrlichman that the F.B.I. had not succeeded in obtaining the wanted information by interviewing Dr. Fielding "and that we would have to conduct an operation on our own; the [plumbers] unit would have to become operational."

He said that Mr. Ehrlichman had wanted assurances that "it

Would Be Searched

would be a covert operation, one that was not going to be known, a clandestine operation, words to that effect."

Asked what he understood "covert operation" to mean, Mr. Krogh said, "To me, at that point, it was clear that an entry would have to be undertaken to examine these files." Mr. Merrill was unable to elicit from Mr. Krogh, however, precisely how Mr. Krogh had defined "covert operation" to Mr. Ehrlichman.

The final authorization from Mr. Ehrlichman came in a telephone call made to him on Cape Cod by Mr. Krogh and Mr. Young, Mr. Krogh said.

He said he could not recall precisely the language Mr. Ehrlichman had used, but that he had "approved" or "authorized" the undertaking.

He next discussed the matter with Mr. Ehrlichman after the break-in, when E. Howard Hunt Jr. and G. Gordon Liddy returned from California to report that their mission had been fruitless and that Dr. Fielding's office had been damaged during the search. "My own reaction to that was one of great distress," Mr. Krogh recalled, because it was "so obviously non-covert" and exceeded the instructions.

Mr. Ehrlichman "expressed great surprise that it had taken place, and said he felt it was excessive. He was very upset about it," Mr. Krogh recalled.

The day's third witness was Kathleen Ann Chenow, 26, who was the secretary to the plumbers unit. She said that she had known of the "plan to covertly enter the office of Dr. Ellsberg's psychiatrist." She said that Mr. Liddy had told her that it would be an "unlawful" act by an individual citizen but that "things of this nature" were not unusual for a government.

On trial with Ehrlichman are Mr. Liddy and Bernard L. Barker and Eugenio R. Martinez.