

Ehrlichman Testifies On Break-In

Washington

John D. Ehrlichman, President Nixon's chief domestic affairs adviser until he resigned last year in the storm of Watergate revelations, took the stand in his own defense yesterday to deny that he had authorized the 1971 break-in at the office of Daniel Ellsberg's psychiatrist.

At the end of this eighth day of the trial of Ehrlichman and four others charged with conspiring to violate the civil rights of the psychiatrist, Dr. Lewis Fielding, Judge Gerhard A. Gesell ordered Secretary of State Henry Kissinger to appear as a defense witness tomorrow.

Lawyers for Kissinger attempted to quash the subpoena last week.

William S. Frates, who heads Ehrlichman's four-man defense team, has said he expects Kissinger to rebut testimony from David R. Young, a co-director of the

Back Page Col. 3

From Page 1

special White House investigative unit known as "the Plumbers," that the orders for a psychological profile of Ellsberg came from Kissinger and Ehrlichman.

It was in pursuit of material for such a psychological or psychiatric profile that the offices of Fielding were broken into on Sept. 3, 1971, by a small group of men, including Ehrlichman's three co-defendants, G. Gordon Liddy, Eugenio E. Martinez, and Bernard L. Barker.

Ehrlichman, in addition, is charged with four counts for making false statements.

Ellsberg is the research analyst who has acknowledged having made available to newspapers in 1971 the secret study of U.S. involvement in Vietnam known as the Pentagon Papers.

Ehrlichman, whose five children sat in the front row in the courtroom yesterday with his wife, Jeanne, was on the stand for five hours.

The first two were spent in direct questioning by Henry H. Jones, one of Frates' associates in the case, followed by three hours, with a break for lunch, of cross-examination by William Merrill, the associate Watergate special prosecutor who heads the government's group of lawyers.

When the jury returned, Jones abandoned the slow, indirect approach that Judge Gesell had described earlier as confusing and possibly irrelevant, and asked Ehrlichman a series of brief, direct questions:

"Did you authorize a break-in?"

"No, sir."

"Did you know Dr. Fielding?"

"No, sir."

"Have you ever seen the plan that has been described—a blueprint, so to speak, for the break-in?"

"I have never seen that."

After further, equally brief questions and answers about whether Young and Egil Krogh Jr., the other director of the Plumbers unit, had ever charged Ehrlichman directly with responsibility for the break-in, Jones was succeeded by Merrill.

Ehrlichman seemed at ease and self-confident as Merrill led him through the sequence of events and conversations in July, 1971 that led to the establishment of the Plumbers unit, and his understanding of their mission.

Merrill, in his questioning, was attempting to show that Ehrlichman knew of the plan for a psychological profile of Ellsberg before the break-in and that he was aware that in authorizing a "covert operation" to examine Fielding's files on Ellsberg, he was authorizing the unlawful entry into Fielding's office.

At one point, Ehrlichman said that he had wanted assurance that the "covert operation" could not be linked to the White House because this "could become a cause celebre in the press—a kind

of 'big brother is watching you' . . ." He did not want it known to the press, he said, that "the President had his own sleuths out.

Judge Gesell, who takes over the questioning briefly from both defense and prosecution on occasion, interrupted to ask, "Well, he did, didn't he?"

Ehrlichman, who became increasingly argumentative as the hours of cross-examination wore on, said he believed the purpose of the project was to investigate Ellsberg's California associates and acquaintances, "an effort to satisfy the President in his inquiry as to the surrounding circumstances . . . who else might be involved . . ."

He was asked again about the memorandum from Young and Krogh of Aug. 11, 1971, in which he approved with his initial "E" the plan for the "covert operation," with the caveat that it not be traceable to the White House.

After Merrill asked him if he had thought he was approving a plan to have Liddy and E. Howard Hunt Jr., a former Central Intelligence Agency operative who was also a member of the Plumbers, go contact the psychoanalyst and say, "May we see your files?" Judge Gesell interrupted to ask Ehrlichman directly: "What did you think you were approving?"

"I was approving a legal, conventional investigation," Ehrlichman said. Under continued prodding from Merrill, he conceded that he knew that the plan included the examination of the physician's files, but repeated that its objective was "much broader" than that.

Ehrlichman was confronted by Merrill with a series of memos, most of them from Young or Krogh or both, written during July and August, 1971, referring in one way or another to

"special project numbers," or "Hunt-Liddy special project," or, in one case, on August 25, simply noting that "Hunt and Liddy have left for California."

Ehrlichman said it was his understanding that they had gone "to carry out their general investigation." In reality, this was the trip they made to determine the feasibility of entering the physician's office.

Another was a memorandum to Charles W. Colson, then a special counsel to the President, asking for a "game plan" for the use of any material obtained, "on the assumption that the proposed Hunt and Liddy project will be carried out and will be successful."

Ehrlichman said he could not recall several of the alleged conversations, such as a discussion to which Colson testified concerning financing the undertaking, and often disclaimed any recollection of having sent or received a specific memo.

Given a July 27, 1971, memo to himself from Young and Krogh that recommended a "complete psychological study should be done on Ellsberg," Ehrlichman said: "I had simply forgotten it. This is one of a lot of paper that came through, a long time ago."

New York Times