

Surprise Witness For Ehrlichman

Washington

A surprise defense witness testified yesterday that former White House "plumbers" chiefs Egil Krogh and David Young once told him that John D. Ehrlichman did not authorize or know about the Ellsberg break-in.

William M. Treadwell, a Washington lawyer who represented Krogh briefly last year, said he talked extensively with Krogh and Young about the break-in at the Beverly Hills office of Dr. Lewis Fielding.

"In these conversations, did either of them ever tell you Mr. Ehrlichman had prior knowledge of the break-in at Dr. Fielding's office?" defense lawyer Andrew Hall asked.

"No," Treadwell replied. "They didn't. They told me he did not have prior knowledge or authorize it."

However, under cross-examination, Treadwell conceded that he had once sent Ehrlichman a note wishing him well in his Watergate difficulties. He also read excerpts from his hand-written notes of his interviews with Krogh and Young, including the comment: "Firm belief

Ehrlichman approved everything. They were victimized by Hunt and Liddy."

Former White House consultant and retired CIA agent E. Howard Hunt Jr. and former Nixon campaign lawyer G. Gordon Liddy were accused of participating in the break-in operation. Liddy is a defendant in the trial, but Hunt is not charged in the case.

U.S. District Judge Gerhard Gesell ordered Treadwell to surrender his notes to the prosecutors, who said Treadwell had refused to give them up before his testimony.

Krogh and Young have

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both testified that Ehrlichman approved an operation to gain access to Fielding's files on Daniel Ellsberg, the former Rand Corp. analyst who leaked the Pentagon papers. But both said the term "break-in" was not used.

Treadwell represented Krogh from April 27 to May 18, 1973, and helped prepare an affidavit that Krogh submitted to a federal court in California that was trying Ellsberg for leaking classified documents. Disclosure of the Sept. 3, 1971, break-in at Fielding's office contributed to the Ellsberg case being thrown out of court.

Krogh had waived his rights to confidentiality of an attorney-client relationship when Treadwell testified for Krogh in an earlier court proceeding. Gesell ruled that this opened the way for Treadwell to testify for Ehrlichman.

Treadwell took the stand as Ehrlichman left it after almost eight hours of testimony in his own defense spread over two days.

Ehrlichman denied repeatedly that he had ordered the break-in or knew of it in advance.

Ehrlichman's lawyers rested his case shortly after the lunch break but defense presentations on behalf of three other defendants continued.

In London, Secretary of State Henry A. Kissinger acknowledged that he will testify in the case today.

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