

BREAK BY EX-AIDES WITH NIXON DENIED

Lawyer for Ehrlichman and Haldeman Answers Query

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WASHINGTON, Feb. 4—John J. Wilson, attorney for both John D. Ehrlichman and H. R. Haldeman, declared today that there was no "break" between his clients and the White House, where they were formerly top assistants to the President.

The question of a break arose in a luncheon conversation with reporters and editors of The New York Times, because a judge in California has taken action that would lead to the subpoenaing of Mr. Nixon to give testimony in the pending trial of Mr. Ehrlichman in that state.

Mr. Ehrlichman and three others were indicted last September in connection with a burglary at the office of Dr. Daniel Ellsberg's former psychiatrist.

The President has said he would decline to honor a subpoena to testify in person but answering written questions.

Subpoena Viewed as Tactic

Some lawyers here interpret the subpoena as a legal tactic. If the President answered questions, he might support Mr. Ehrlichman's supposed contention that Mr. Ehrlichman was acting on the highest authority and in the interest of national security when he authorized the break-in at the psychiatrist's office.

If the President declined to answer on grounds of national security or executive privilege, Mr. Ehrlichman's lawyers could argue that he was being denied access to evidence essential to his defense, and could ask for a mistrial.

While there has been no break with the White House, Mr. Wilson said today, Mr. Ehrlichman and Mr. Haldeman have lately had only "sporadic" contact with the executive establishment.

There have been persistent rumors in Washington that Mr. Haldeman, in particular, has kept in close touch with President Nixon and has been giving orders and advice to the White

Current Influence Doubted

Mr. Wilson surmised today that Mr. Haldeman might be in closer touch with the White House than Mr. Ehrlichman was because he was a friend of Mr. Nixon's long before the Presidential campaign of 1968. Mr. Ehrlichman "was called in in '68," Mr. Wilson observed. He put no stock in reports that they were still influential.

The Washington lawyer, who is prepared to defend Mr. Ehrlichman and Mr. Haldeman if they are indicted here in connection with the Watergate scandal, recalled that he was invited to meet them at the White House last April 17. He became counsel for both of them, and aggressively represented them in the Senate Watergate committee hearings last summer.

Three times since last April, Mr. Wilson said today, the question has been raised as to whether there is a conflict of interest in his serving two clients who may be indicted together.

That question was most recently raised when Mr. Ehrlichman came here last month for talks with Leon Jaworski, the Watergate special prosecutor, and his staff.

At that time, there was speculation that Mr. Ehrlichman was "plea-bargaining" — trying to save himself by giving information about others. That supposition was denied at the time, and Mr. Wilson repeated the denial today.

Mr. Wilson said he had found no conflict in representing both Mr. Haldeman and Mr. Ehrlichman because they had been engaged in quite separate activities. Even if they were named in the same indictment — and Mr. Wilson made no comment on that possibility — they might be accused of separate acts to the same end.

Mr. Wilson, who has been a lawyer 51 of his 72 years, said he did not know why he had been chosen as counsel by the two men, but he implied that being "a good Republican" might have had something to do with it.

After seeing them on April 17, he said he was invited to meet with President Nixon three days later and again the week after that. Mr. Wilson vowed he would never disclose what he and Mr. Nixon had discussed.