

Ehrlichman Pleads Not Guilty in '71 Ellsberg Break-In

He Says He Will Have No Comment Till Case's Final Disposition

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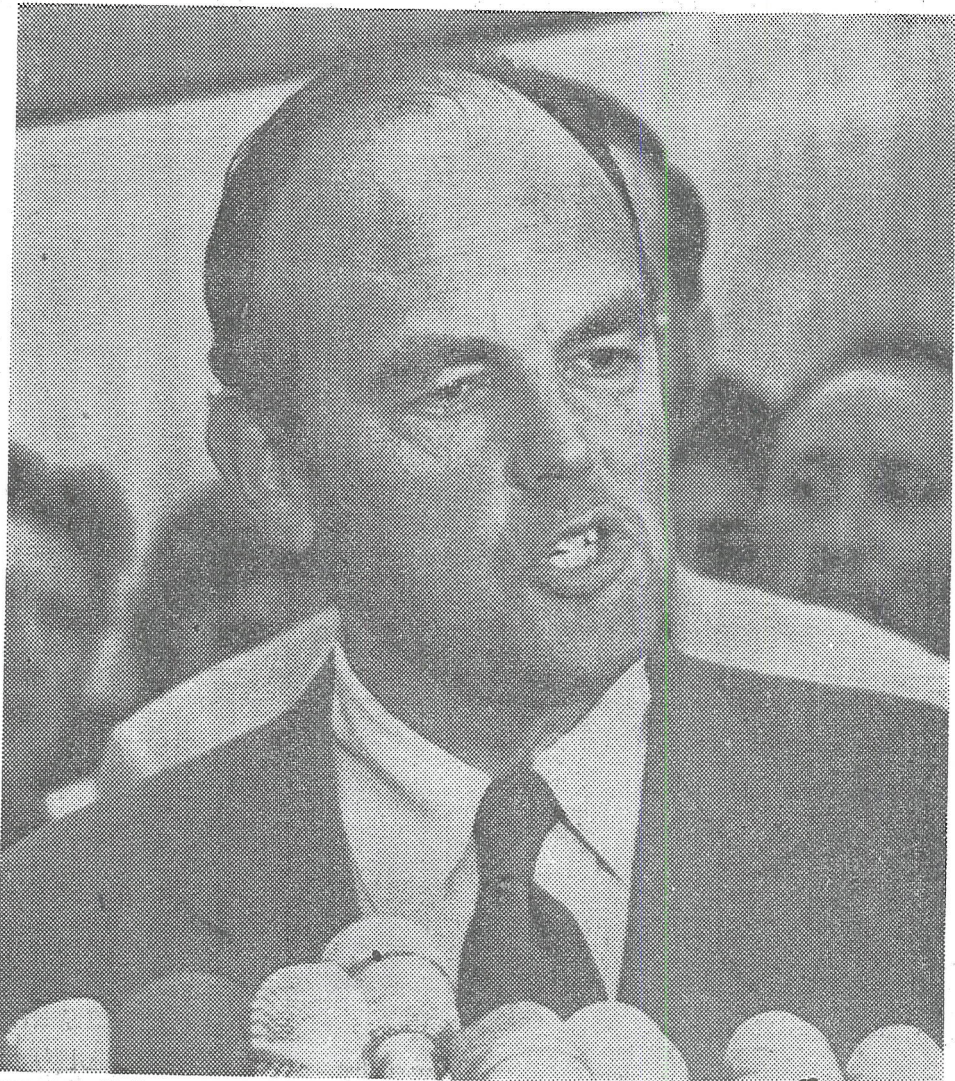
LOS ANGELES, Sept. 7— John D. Ehrlichman, the former Presidential adviser on domestic affairs, pleaded not guilty today to charges of burglary, conspiracy and perjury in the 1971 break-in at the office of Dr. Daniel Ellsberg's former psychiatrist.

Dressed in a rumpled gray suit and light blue shirt, the once-powerful White House aide appeared composed and maintained a slight smile as he listened to the charges read by Judge James G. Kolts of Los Angeles Superior Court.

Attorney Objects

His voice was clear as he confirmed his name and answered "not guilty" when asked for a plea. After his arraignment, he signed a waiver of personal appearance at certain procedural hearings. He will, therefore, not be present on Sept. 20, the date set by Judge Kolts for pretrail hearings.

Before he proceeded to the county jail for the formality of booking, one of his attorneys objected to the formality of



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John D. Ehrlichman speaking to reporters in Los Angeles after pleading not guilty

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fingerprinting and photographing his client. However, no formal request for waiver of the practice was made.

The procedure was the same as it was for Egil Krogh Jr. yesterday and David R. Young Jr. this morning. The two former White House aides surrendered on charges stemming from their activities as members of the secret "plumbers" unit formed by the White House in 1971 to plug security leaks following release of the Pentagon papers by Dr. Ellsberg.

Only G. Gordon Liddy, who was also named in the four-count indictment handed up secretly on Tuesday and made public yesterday, has not been arraigned. Liddy, who is serving a sentence in Washington for his conviction in the Watergate break-in, will be transferred to Los Angeles by the Federal authorities at a later date.

Mr. Ehrlichman's appearance created a new excitement because of his unexpected flight from Seattle, where he lives, several days before his scheduled arraignment Tuesday. The change in schedule, according to his attorney, Joseph Ball, was because of Mr. Ball's desire to attend the state bar meeting next week. *

Mr. Ehrlichman, a lawyer himself, spoke briefly to the throngs of reporters who waited in the hallway outside the courtroom for a statement.

Has no Comment

I'm going to be following the unvarying position of have no comment on this matter until its final disposition," he said before turning over the microphones — 16 taped to a make-

shift podium — to his chief counsel, Mr. Ball.

"I think if this were not a politically involved matter, we wouldn't be here," said Mr. Ball, who is considered one of the state's foremost criminal lawyers. "My information so far is that he is not guilty of any crime," he added, referring to his client as "an honest and considerate man." **

Mr. Ball said that he would restrict his comments on the legal matters involved to the courtroom and declined to answer most questions. He said, first in the courtroom and later to reporters, that he was eager to see the grand jury transcript and implied that one of his first motions might be for dismissal of the indictment.

The four-count indictment, made public yesterday by the District Attorney's office, cited the following testimony given by Mr. Ehrlichman before the grand jury on July 8, 1973, as perjured:

Q. Had you in any way or fashion approved that activity in advance? A. Do you mean the break-in?

Q. Yes, sir. A. No, sir.

Q. Had you in any way or fashion authorized that activity in advance? A. No.

Q. Did Krogh tell you at any time, prior to the Labor Day weekend of 1971, that consideration was being given to obtaining information from Dr. Ellsberg's psychiatric file? A. No.

Q. Did Mr. Young tell you that? A. No.

Q. If you had known about the plan to obtain information from Dr. Ellsberg's psychiatrist's files by breaking into his office, would you have permitted that to occur? A. I don't believe so. No.

The indictment alleges that

Mr. Ehrlichman "well knew" said testimony was false and untrue." However, no further details regarding the alleged perjury are provided in the indictment.

The prosecution's case on the perjury count against Mr. Ehrlichman is expected to be made known when the grand jury transcript is publicly available, 10 days after copies are given to the defendants next week.

Panel Held 8 Hearings

The transcript covers eight hearings held by the grand jury investigating the burglary at the Beverley Hills office of Dr. Lewis Fielding on Sept. 3, 1971.

Mr. Ehrlichman's contention before the grand jury that he knew nothing of the break-in before the Labor Day weekend, 1971, would appear to clash with evidence that was reportedly introduced on Tuesday.

In a 53-point memorandum handed over to prosecutors by Mr. Krogh, the former aide to Mr. Ehrlichman admitted that he had approved the "mission" that resulted in the break-in and said that "general authorization" for the "covert activity" had been given by Mr. Ehrlichman.

Another document is a memorandum dated Aug. 11, 1971, written by Mr. Young and Mr. Krogh, on which Mr. Ehrlichman initiated his approval for a covert operation to secure the analyst's files.

The grand jurors also apparently based their perjury charge on portions of Mr. Ehrlichman's testimony before the Senate Watergate committee in July of this year, which were introduced into evidence here on Tuesday.

Informed sources said that the audio tapes include an admission by Mr. Ehrlichman that he had approved a "covert" operation to obtain the files.

* SFChronicle,
8 Sep 73.

** "Let him hang there let him hang there.
Let him twist slowly, slowly in the wind."

John Ehrlichman, of Patrick Gray.
WXPost 27 Jul 73, p. 27.