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LOS ANGELES, Sept. 20 — Four former Nixon Administration aides, indicted for the break-in at the office of Dr. Daniel Ellsberg's psychiatrist will argue that their activities were lawful and within the "scope of authority" of the President, their lawyers said here today.

Their forthcoming trial could thus become a forum for arguing one of the most contentious issues that has yet arisen in the Watergate scandal — the limits on the powers of the President to take actions in the name of national security that might otherwise be criminal.

At a recent news conference President Nixon condemned the Ellsberg break-in as "illegal."

Continued on Page 22, Column 2

Continued From Page 1, Col. 8

and "unauthorized." But he also defended the "inherent power in the Presidency to protect the national security" and indicated that, in his opinion, the only real check on that power was "the limitation of public opinion.

The defense attorneys made their comments here as G. Gordon Liddy became the final defendant in the case to plead not guilty to charges handed up by a Los Angeles County grand jury two weeks ago.

The three others named in the indictment, all of whom have previously been arraigned, are John D. Ehrlichman, formerly President Nixon's chief domestic adviser; Egil Krogh, Jr. a former Ehrlichman aide and chief of a White House unit charged with investigating national security leaks, and David R. Young Jr., a former assistant to Henry A. Kissinger and another member of the White House unit, known as "the plumbers."

All four were charged with burglary and conspiracy for the break-in at the office of Dr. Lewis J. Fielding in September, 1971. Mr. Krogh was also charged with solicitation to commit burglary and Mr. Ehrlichman, with perjury. At the time Dr. Fielding was treating Dr. Ellsberg, the former Defense Department analyst who has admitted disclosing the Pentagon papers to the press.

Liddy, another member of the "plumbers" and later an official of the Committee to

Re-Elect the President, has already been convicted for his role in the break-in at Democratic party headquarters in Washington and is now in Federal custody.

He seemed pale and drawn as he entered his plea this morning before Superior Court Judge James G. Kolts. Liddy's sunken eyes were almost hidden by bushy eyebrows, and the collar of his blue shirt hung loosely.

A Plea of Indigence

Liddy gave some insight into the personal problems of those caught up in the Watergate affair when he asked the court to declare him an indigent and provide him with counsel.

The judge appointed a public defender to represent Liddy while his financial status was being investigated and his Washington attorney sought the aid of the American Civil Liberties Union.

Lawyers for the other defendants were in court today to make a motion to dismiss the indictment for lack of evidence. Judge Kolts set Oct. 3 for a hearing on the matter. In the corridors later, the lawyers sketched the outline of the defense they intend to present.

Norbert A. Schlei, the counsel for Mr. Krogh, said the case contained "important and interesting" issues and explained:

"Undoubtedly, all of us will argue that what was done — whatever was done — was proper within the scope of authority of the President of the United States."

Tactic on Tapes Hinted

Mr. Schlei, an active Democrat who served in the Justice Department under Presidents Kennedy and Johnson, said there was a "distinct possibility" that the defense would subpoena secret White House tapes to bolster their case. Legal experts have suggested that many Watergate-related cases might have to be dropped if the White House refuses to provide evidence sought by defendants.

The lawyers are also challenging the contention that the break-in was, in fact, a burglary. "There's a serious question of whether a crime has been committed," said Joseph Ball, another prominent Democrat, who represents Mr. Ehrlichman.

"Burglary is breaking and entering for the purpose of stealing something," explained Mr. Schlei. "There is authority in California for the proposition that breaking and entering for the purpose of taking photographs is not burglary."

That position hinges partly on the argument that stealing information, rather than a physical document, does not constitute theft. Dr. Ellsberg made a similar argument during the Pentagon papers trial, but the case was dismissed before the jury could pass judg-



United Press International.
G. Gordon Liddy arriving yesterday at Los Angeles County jail.

How soon this case comes to trial depends largely on how many pretrial motions will be introduced. In addition, a grand jury in Washington is expected to issue Federal indictments in the same case, and that could complicate matters further.