

Kissinger May Testify at Trial

Washington

Secretary of State Henry Kissinger will be subpoenaed to testify for Charles W. Colson and John D. Ehrlichman in their trial on charges involving the break-in at the office of Daniel J. Ellsberg's psychiatrist, sources close to the two men said yesterday.

Attorneys for the former White House aides, who were indicted last week, are known to be eager to demonstrate that the two defendants were motivated by what they believed to be a serious threat to national security when they participated in White House "plumbers'" activities against Ellsberg in mid-1971.

There was no immediate comment from the State Department. A number of Washington attorneys said that there are no constitutional bars or procedural rules prohibiting the subpoenaing of a secretary of state.

Colson and Ehrlichman, and four others, were indicted by a federal grand jury last Thursday for conspiring to deny the constitutional rights of Dr. Lewis J. Fielding, by participating in a scheme to burglarize his office in September, 1971.

The indictments made no mention of national security and the special Watergate prosecutors are known to believe that "national security" was used as a pretext for the break-in.

Ehrlichman, formerly Mr. Nixon's chief adviser on domestic affairs, and Colson, formerly a special counsel to the President, are known to be ready to testify that Kissinger was instrumental

in the White House decision to begin investigating Ellsberg after publication of the Pentagon papers in the New York Times on June 13, 1971.

One source close to Ehrlichman said that Kissinger was the only senior White House official who personally knew Ellsberg and therefore was summoned to brief the President, Ehrlichman and H. R. Haldeman, then the White House chief of staff, about him.

Ellsberg has said in interviews that he and Kissinger had worked together on Vietnam questions since the mid-1960s and that he lectured at some of Kissinger's national security seminars at Harvard University before Kissinger's appointment as the president's national security adviser in 1969.

Kissinger denied in Senate testimony last fall any knowledge of or involvement with the "plumbers." He also denied any knowledge of the decision, made in July, 1971, to set up the four-man investigating unit.

Last January, however, Kissinger — who was named secretary of state last year — acknowledged that in December, 1971, he had listened to a tape recording of an interrogation conducted by David R. Young Jr., a former National Security Council aide who had been reassigned by the President to the "plumbers" unit six months earlier.

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