

Ehrlichman and 3 Others Conclude Their Defense

By LINDA CHARLTON
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WASHINGTON, July 9—John D. Ehrlichman completed today more than seven hours on the witness stand, repeating his denials that he knew in advance of the break-in at the office of Dr. Daniel Ellsberg's former psychiatrist.

Still to be heard is the testimony of Secretary of State Kissinger, who is scheduled to appear for the defense tomorrow, and, possibly, that of President Nixon, to whom written questions, known as "interrogatories," were to be submitted. But at 1:25 P.M. today, Mr. Ehrlichman's attorneys declared their case concluded. And attorneys for the three other defendants—Bernard L. Barker, Eugenio R. Martinez and G. Gordon Liddy—completed their clients' cases by 4 P.M.

Nixon Statement

Mr. Liddy, who is serving prison terms totaling a minimum of eight years for his role in the Watergate burglary and his refusal to testify, offered no testimony on his behalf today. His attorney, Peter J. Maroulis, offered instead a statement by President Nixon on May 22, 1973.

In this statement, Mr. Nixon outlined the circumstances that led him to order the forming of the special White House investigations unit known as the "plumbers," of which Mr. Liddy was a member. Judge Gerhard A. Gesell of the United States District Court reserved a decision on whether he would admit Mr. Nixon's statement as evidence.

Mr. Martinez and Mr. Barker, who with Mr. Liddy and E. Howard Hunt Jr., a former Central Intelligence Agency operative, broke into Dr. Lewis Fielding's office on Sept. 3, 1971, repeated their previous testimony about having believed that the mission for which they were recruited was legal and authorized by the White House.

Cross-Examination

Mr. Ehrlichman, the President's former chief adviser on domestic affairs, underwent three hours of cross-examination yesterday after two hours of direct questioning. Today, he was led once again by William Merrill, the associate special Watergate prosecutor, through a series of memorandums and conversations that the prosecution contends indicate that Mr. Ehrlichman had prior knowledge of the break-in. He and his co-defendants are charged with conspiring to violate the civil rights of Dr. Fielding, Dr. Ellsberg's former psychiatrist, by burglarizing his office.

Mr. Ehrlichman, in addition, is charged with four counts of making false statements to grand juries and to an agent of the Federal Bureau of Investigation. Some of Mr. Merrill's questioning was related to these counts, and some to the conspiracy charge, with the result that the web of incrimination he appeared to be trying to weave during cross-examination seemed a cats-cradle of dates and discussions and previous statements by Mr. Ehrlichman.

Questioned About Memo

One cluster of questions focused on the Aug. 11, 1971, memorandum from David B. Young and Egil Krogh Jr., co-directors of the plumbers unit, to Mr. Ehrlichman. It was this memo, initialed in approval by Mr. Ehrlichman, that recommended that a "covert operation" be undertaken to examine Dr. Fielding's files concerning Dr. Ellsberg. Dr. Ellsberg had acknowledged that summer having released to the press the secret history of American involvement in Vietnam known as the Pentagon papers.

Mr. Young testified last week

that in March, 1973, he took a box of material, including the Aug. 11 memo, to Mr. Ehrlichman's office. When the material was returned, he said, that memo and another one were missing. Mr. Young said Mr. Ehrlichman told him that the memos had been removed because they were "too sensitive" and showed "too much forethought."

Under repeated questioning, Mr. Ehrlichman insisted that he could not be certain how long the files had remained in his office, but he said he thought they had been removed before a meeting on March 27, 1973, with Mr. Young.

"Are you able to say for sure?" Mr. Merrill asked.

No Elephant in the Office

"I've done the best I can for you," Mr. Ehrlichman replied. "I don't recall their having been there, but anything is possible. 'Was there an elephant in your office?' I don't recall seeing an elephant in the office."

"No one," said Mr. Merrill, "has testified about an elephant."

He then asked Mr. Ehrlichman if he had made the "too sensitive" and "too much forethought" characterizations about which Mr. Young had testified. Mr. Merrill also asked Mr. Ehrlichman if he had removed the memos or directed anyone else to remove them. Mr. Ehrlichman replied negatively to each question.

Maintaining the sometimes self-confidence of his first day of testimony, Mr. Ehrlichman sometimes seemed amused by Mr. Merrill's questions, and rarely gave a flat yes-or-no answer.

He was asked if he felt the break-in was justified by national security, and replied, "I don't condone them on any grounds."

And he repeated his previous disavowal of having given any thought to the means that were to be used to examine Dr. Fielding's files. "I just didn't dwell on the various possibilities," he said. "I didn't run over in my mind the various means and methods."

'The Larger Consideration'

Mr. Ehrlichman was also asked why, when he learned of the break-in, he had not reported the incident to the Beverly Hills police. "We had a very serious national security investigation under way," he said. "If I'd done anything like that, it would have blown the investigation. I was balancing the larger consideration against that alternative."

After Mr. Ehrlichman came the only surprise witness of the nine-day-old trial—William M. Treadwell of Silver Spring, Md., a suburb of Washington. Mr. Treadwell, a lawyer, represent-

ed Mr. Krogh for three weeks last spring, when Mr. Krogh prepared an affidavit concerning the break-in for the judge in Dr. Ellsberg's trial.

Mr. Treadwell, who apparently volunteered to testify after reading newspaper accounts of Mr. Krogh's testimony, was asked by the defense whether Mr. Krogh or Mr. Young had ever told him that Mr. Ehrlichman had ordered or had prior knowledge of the break-in. Mr. Treadwell said they had not.

Questioned About Note

Under cross-examination, he was asked about a section of his notes of an interview with Mr. Krogh that read, "Firm belief E. approved everything—thinks we were victimized by Liddy and Hunt."

Mr. Treadwell confirmed the notes, but reasserted his denial that Mr. Krogh had ever implicated Mr. Ehrlichman. Mr. Treadwell also conceded that he had been recommended to Mr. Krogh by Mr. Ehrlichman.

Mr. Martinez, a slight man with wavy gray hair and an

accent, related how he had been recruited by Mr. Barker, on orders from "Eduardo," as Mr. Hunt was known. He said he first heard Dr. Ellsberg's name a few minutes before the break-in, and that he had been told the operation involved a "traitor."

Mr. Barker, who is bald and wears heavy spectacles, described himself as "team leader" for the operations and said he, too, heard Dr. Ellsberg's name only as they were on their way to Dr. Fielding's office in Beverly Hills, Calif. He said he had never heard of Dr. Ellsberg.

'Traitor' Involved

Mr. Barker, too, said that he believed Mr. Hunt to be working for a White House "superstructure" on a level above the F.B.I. and the Central Intelligence Agency. He said he was told that the planned "surreptitious entry" involved "matters of national security—a traitor to this country who was passing material to the Soviet Embassy."

Asked whether he believed that Dr. Fielding's rights had been violated by the break-in, Mr. Barker replied, "I didn't believe it then nor do I believe it now."

Asked whether he believed that he was under legal orders, Mr. Barker said, "I still believe so today after some of the testimony I've read."

With only a few witnesses to be heard, Judge Gesell indicated today that he hoped to give the case to the jury on Friday, slightly more than two weeks after the trial began.



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Mr. and Mrs. John D. Ehrlichman arriving at courthouse yesterday in Washington. From left: Tom, Bob, Jody, Peter and Jan. Mr. Ehrlichman finished testifying in his defense in the "plumbers" trial.