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**NIXON TESTIMONY  
IS READ AT TRIAL**

**He Denies Authorizing the  
Search for Ellsberg Data  
—Kissinger on Stand**

By **LINDA CHARLTON**

Special to The New York Times

WASHINGTON, July 10—

The defense in the trial of John D. Ehrlichman concluded its case today with testimony from President Nixon, whose sworn, written answers to six questions submitted by the defense were read aloud to the jury by Judge Gerhard A. Gesell.

Mr. Nixon, in his replies, said that he had set up the "plumbers" unit largely "to prevent and halt leaks of vital security information," that Mr. Ehrlichman had "general supervisory control" and that he had told Mr. Ehrlichman that its establishment was "a highly classified matter" not to be discussed.

He also said that he first learned of the break-in at the office of Dr. Lewis J. Fielding, Dr. Daniel Ellsberg's former psychiatrist, on March 17, 1973, and that he had never authorized a search of Dr. Fielding's files.

The testimony from Mr.

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Nixon, making him in effect the final witness of this 10-day-old trial, followed a brief appearance by Secretary of State Kissinger as a defense witness that brought crowds of hopeful—and mostly disappointed—spectators to the Federal Court-house starting before dawn.

Mr. Kissinger denied any involvement in a proposed psychological profile of Dr. Ellsberg in the summer of 1971.

Mr. Nixon, in a letter to Judge Gesell accompanying the replies to the interrogations said that he had decided to respond "as a matter of discretion and in the interest of justice." The written questions were sent to the White House last night. The replies were returned to the court this morning by Jean Staudt, a White House lawyer.

Judge Gesell said that the submission of the written interrogatories was "not an order, merely a request," to which the President chose to accede.

**Questions and Answers**

The six questions, and Mr. Nixon's replies, were:

**Q.** What duties and responsibilities, if any, did you authorize the special investigations unit located in Room 16 of the Executive Office Building to perform?

**A.** I authorized the special investigations unit to prevent and halt leaks of vital security information and to prepare an accurate history of certain critical national security matters which occurred under prior Administrations.

**Q.** What instructions, if any, did you personally give John D. Ehrlichman concerning his role in the activities of the unit? (If so, please give details, including where and when such instructions were given.)

**A.** I instructed John D. Ehrlichman to exercise general supervisory control over the special investigations unit.

**Q.** Did you ever instruct John D. Ehrlichman not to discuss the activities of the unit with either (A) the F.B.I. and-or (B) members of the White House staff not directly involved in the work of the unit? Please detail each such instruction and indicate the date on which it was given, the reasons for giving it and the period during which it remained in effect.

(Mr. Nixon gave a single reply to the third and fourth questions.)

**Q.** Did you ever instruct John D. Ehrlichman not to discuss the activities of the unit at any time after Sept. 3, 1971, as they related to Dr. Fielding's files with either (A) the F.B.I. and-or (B) members of the White House staff not directly involved in the work of the unit? Please detail each such instruction and indicate the date on which it was given, the reasons for giving it and the period during which it remained in effect.

**A.** I do not have a precise recollection of instructions given to Mr. Ehrlichman with respect to any specific agencies. In substance, however, I do recall repeatedly emphasizing to Mr. Ehrlichman that this

was a highly classified matter which could be discussed with others only on an absolutely "need to know" basis. I conveyed these instructions because I believed that the unit could not function effectively if its existence or the nature and details of its work were compromised by disclosure. These instructions were given at various times after the special investigations unit was formed, which was shortly after June 13, 1971.

**Q.** On what date were you first informed of the Fielding break-in?

**A.** March 17, 1973.

**Q.** Did you ever authorize anyone on the White House staff to search the files of Dr. Fielding for information about Dr. Ellsberg, without a warrant or the permission of Dr. Fielding, or hire others to do so? (If yes, please give details and state whether or not you authorized the C.I.A. to cooperate with the unit by assisting it in any way in any such search of Dr. Fielding's files for information concerning Dr. Ellsberg.)

**A.** No.

It was on June 13, 1971, the date used by Mr. Nixon as a reference point for the establishment of the special investigations unit, that the first installment of the secret Government history of the United States involvement in Vietnam, known as the Pentagon papers, appeared in The New York Times. Dr. Ellsberg, a research analyst, said that he had made the material available to newspapers.

**Charges Are Listed**

Mr. Ehrlichman and his three co-defendants — G. Gordon Liddy, Bernard L. Barker and Eugenio R. Martinez — are charged with conspiring to violate Dr. Fielding's civil rights by burglarizing his office in Beverly Hills, Calif., on Sept. 3, 1971, in a search for material in his files concerning Dr. Ellsberg.

In addition, Mr. Ehrlichman, who was Mr. Nixon's chief adviser on domestic affairs until he resigned April 30, 1973, is charged with four counts of making false statements.

At 2:10 P.M., as he finished reading the questions and answers, Judge Gesell said, "Gentlemen, the record is now closed." Final arguments in the case are scheduled to take about five hours tomorrow.

The judge said that he would prefer to charge the jury when it was fresh and rested and will do so Friday morning. Before noon on Friday, he told the jurors, "the matter will be in your hands."

Mr. Kissinger's appearance on the witness stand for 1 minute 48 seconds this morning provided the trial's most exciting, if not most significant, moment. Originally scheduled to appear at 9:30, he was delayed by other business. The court recessed at 10:45 to await his arrival and to give defense counsel a chance to question him briefly in private.

**200 Stand in Line**

More than 200 persons waited outside the courthouse, with the first arriving before 5 A.M., according to marshals. Since all available press seats were filled and additional guest tickets issued for today, no more than about 20 were seated.



Secret Service agents took up positions in the small courtroom, and press passes were closely scrutinized. Mr. Kissinger, walking down the second-floor corridor, met Mr. Ehrlichman. They smiled and shook hands.

At 11:35 A.M., Mr. Kissinger entered the courtroom through the door normally used by the judge and jurors but not by witnesses. He placed his hand on the Bible and spoke the first of the approximately 30 words that he uttered in the courtroom: "I do."

William S. Frates, Mr. Ehrlichman's chief counsel, asked the first question after Mr. Kissinger had given his name and occupation. "Mr. Secretary, tell his honor and the jury if, before Aug. 12, 1971, you authorized directly or indirectly David Young to request from the C.I.A. a psychological profile of Daniel Ellsberg."

Mr. Kissinger said, "I did not."

The next question came from the assistant prosecutor, Philip Bakes:

"Apart from whether you authorized a direct psychological profile, did you have any knowledge that a psychological profile was being worked on by the C.I.A. or David Young?"

Mr. Young was a co-director of the special investigations unit known as the "plumbers."

"I had no such knowledge," the Secretary of State replied.

"Did you have any knowledge whether there was a plan to obtain psychological information regarding Daniel Ellsberg or his psychological files from his psychiatrist?"

#### Excused by Judge

"I had no such knowledge," said Mr. Kissinger.

He was then excused by Judge Gesell, who said, "Thank you very much. I hope this hasn't interfered with your schedule."

Mr. Kissinger, smiling briefly for the first time since entering the courtroom, said, "Thank you, your honor. You've been very courteous."

Mr. Kissinger's involvement with the psychological or psychiatric profile of Dr. Ellsberg had been alleged in testimony last Friday from Dr. Bernard Malloy, a psychiatrist for the Central Intelligence Agency, which had prepared a previous profile on Dr. Ellsberg. That profile was found satisfactory by the special investigations unit in early August, 1971.

Dr. Malloy said that he was told by Mr. Young on Aug. 12, 1971, that the psychological profile "had been requested by Dr. Kissinger and Mr. Ehrlichman. "He gave similar testimony last year to the Senate Watergate committee, and Mr. Kissinger made similar denials last September.

Mr. Young, one of the principal prosecution witnesses, was not asked whether Mr. Kissinger was involved with the psychological profile. His testimony was directed toward his belief that Mr. Ehrlichman was aware of the nature of the "covert operation" that he authorized. Mr. Young testified under a grant of immunity.

Mr. Young, who was Mr. Kissinger's deputy on the National Security Council before becoming co-director, with Egil Krogh Jr., of the plumbers unit, has said that the purpose of the break-in was to obtain information from Dr. Fielding's files

for the psychological study. Mr. Ehrlichman, while acknowledging his approval of a "covert operation" to examine Dr. Fielding's files, has denied knowing that the operation was to be an illegal entry and denied any prior knowledge of the break-in.

With Mr. Kissinger's fleeting appearance, court was recessed for nearly two hours before Mr. Nixon's interrogatories were introduced as the final testimony in the trial.

Judge Gesell's statement, which he read before the questions, said that it appeared that "the attendance of the President at trial or by deposition cannot be compelled."

This was interpreted by some legal observers as an attempt to fit the present situation into the rules that allow the introduction of written interrogatories at trial.

Under rule 15 (E) of the Federal rules of criminal procedure, depositions such as interrogatories may be admitted as evidence if it appears "that the party offering the deposition has been unable to procure the attendance of the witness by subpoena."

In fact, however, the question of whether a President can be compelled to appear personally at court has never been definitely answered.