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Jaworski to Get Access

By George Lardner Jr.
Washington Post Staff Writer

Watergate Special Prosecutor Leon Jaworski said yesterday that he has been assured of access to President Nixon's tapes and other documents involving the tightly guarded work of the White House "plumbers."

The surprising concession was reported in a memorandum submitted yesterday afternoon to U.S. District Court Judge Gerhard A. Gesell, who will preside over the forthcoming trial of former presidential aide Egil (Bud) Krogh, the head of the "plumbers" squad.

Mr. Nixon evidently approved the release of the tapes, although Jaworski did not spell that out in his memo.

The turnabout suggested the extent of Mr. Nixon's decision to bow to the demands of Republican congressional leaders and governors that he release evidence touching on every alleged scandal involving the White House.

See KROGH, A6, Col. 1

KROGH, From A1

The tapes and documents involving the "plumbers," organized in 1971 to track down the sources of sensitive news leaks, have been cloaked before this in determined White House assertions that their surrender could jeopardize "national security."

According to Krogh's lawyer, Stephen N. Shulman, Krogh had been ordered to maintain the secrecy of the "plumbers" work even if he had to lie under oath. In demanding access to the tapes and other documents for his client at a federal court hearing Tuesday, Shulman indicated that the orders came from Mr. Nixon.

Watergate prosecutors resisted Krogh's demands at the Tuesday hearing on the grounds that Krogh had no right to lie, no matter what his instructions were. The former presidential aide faces trial here on charges of lying under oath during the Watergate grand jury's fruitless investigation last year of the "plumbers" activities.

The prosecutors acknowledged, however, that such instructions would at least be relevant to pleas for leniency if Krogh were convicted.

Asked at the White House yesterday if Mr. Nixon had ordered Krogh to lie if necessary, deputy press secretary Gerald L. Warren said: "Let me assure you that any suggestion that the President instructed anyone to commit perjury is absurd."

Krogh admitted in May that he sent Watergate conspirators G. Gordon Liddy and E. Howard Hunt to carry out the burglary at the offices of Daniel Ellsberg's California psychiatrist over the Labor Day weekend in 1971. Both Liddy and Hunt were members of the "plumbers" unit at the time.

In a discovery motion filed with Judge Gesell, Krogh's lawyer asked for:

- A tape of Mr. Nixon's meeting with Krogh and former White House aide John D. Ehrlichman on July 24, 1971, "in which the work of the special investigations unit (the plumbers) was discussed and instructions were given to the defendant."

- Tapes of any of Mr. Nixon's meetings with Ehrlich-

man or White House aide David Young between December, 1971, and February, 1972, at which there were any discussions about the plumbers' work, about news leaks involving the India-Pakistan war, or about instructions "on the necessity for absolute secrecy" regarding the plumbers' activities.

- Tapes of any meetings between Mr. Nixon and Ehrlichman in March, April and May of this year, particularly one on May 1 or May 2, involving the plumbers and particularly involving "the Ellsberg incident."

- All files of the plumbers' unit presently held at the White House as "presidential documents."

In his report to Judge Gesell, Jaworski said either he or a senior member of his staff "will have access to all the material covered" by Krogh's motion. Jaworski said the prosecution would then be able to decide whether the materials contain "any information of an exculpatory nature or relevant to punishment."

Jaworski said Krogh would have access to personal papers left in the government's possession when he resigned as under secretary of transportation last May. The special prosecutor said he has also recommended that Krogh be given access to "classified documents with which he was personally familiar while he was employed in the White House."

Jaworski and counsel to the special prosecutor Philip A. Lacovara said they were "confident . . . that the recommendation will be approved."

There was no indication in Jaworski's memo of how many presidential tapes might be involved or whether the White House has ascertained that all of them exist.

Krogh is unlikely to be satisfied in any event since the Watergate prosecutors have contended that any orders to lie if necessary should not be turned over to him until after his trial and before any sentencing. His attorney, Shulman, said he would file a response to Judge Gesell detailing his "reservations" about the arrangement.