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'Plumbers' Deny L.A. Burglary

LOS ANGELES, Oct. 17 (UPI)—John Ehrlichman and three other former White House aides maintain they could not have conspired because they did not intend to, did not burglarize because nothing was taken, and should not be prosecuted because they acted as "officers of the United States."

Attorneys for the four filed briefs Monday with Superior Court Judge James G. Kolts outlining the defense case in the trial.

They are charged with conspiracy and burglary in connection with the break-in by the "plumbers" at the office of Dr. Lewis Fielding, Daniel Ellsberg's psychiatrist, while investigating Ellsberg for leaking the Pentagon Papers.

Kolts is to preside at a hearing Friday into motions by the defense to dismiss the charges against Ehrlichman, former domestic affairs adviser to President Nixon, Egil (Bud) Krogh, David Young and G. Gordon Liddy.

Ehrlichman's attorneys argued that the "essence of the crime of conspiracy is . . . evil intent. The association of persons with honest intent is not conspiracy, and the association of Ehrlichman with the others on a presidential assignment cannot be transformed into a criminal conspiracy."

Krogh's lawyers said there had been no burglary because the plumbers—who were looking for confidential information about Ellsberg but never found any—did not have "the specific intent to permanently deprive the rightful owner of his property."

"Entry with intent to find out information" is not legally burglary, said deputy public defender Charles Gessler, representing Liddy, a convicted Watergate conspirator.

Krogh's lawyer also said that "every action taken by him was taken as an officer of the United States, acting under and at the direction of other officers of the United States, in relation to an investigation of laws of the United States, with respect to foreign powers."

Ehrlichman's lawyers said "the President . . . specifically directed Ehrlichman to make it known to Krogh, Young and Charles Colson that this (investigation of Ellsberg) was impressed with a national security characteristic."