

# Ehrlichman Trial Closing

WASHINGTON (AP) — A Watergate prosecutor said Thursday John D. Ehrlichman may not have ordered a break-in by the White House "plumbers" but nevertheless sent them on an illegal mission to the office of psychiatrist Lewis Fielding.

Ehrlichman's attorneys, pointedly reminding the jury they were not defending President Nixon, argued that the former top White House aide never meant to authorize anything illegal and knew nothing about the Fielding break-in until after it had occurred.

Asst. Special Prosecutor William H. Merrill, in closing arguments as the case neared the jury, said two weeks of testimony had shown Ehrlichman approved a project to look at Fielding's files without his permission, which would have been a crime even without a break-in.

"The main issue is who was

aware of the plan to search Dr. Fielding's files," Merrill said, "not who was aware of the break-in."

Merrill said the forceful entry into Fielding's Beverly Hills office on Sept. 3, 1971, occurred only after the White House spy team arrived and found the office and files locked.

"All that was planned in the beginning was a covert operation to examine Dr. Fielding's files in his office," Merrill said.

Ehrlichman has conceded initiating a memo which authorized a "covert operation" to examine Fielding's files on Daniel Ellsberg, the man who leaked the Pentagon Papers. But he said he did not think that meant a "break-in."

Merrill argued that looking at Fielding's files against the psychiatrist's will still violated his civil rights and that there was "direct evidence" of Ehrlichman's "approval and authorization."

William H. Frates, Ehrlichman's chief lawyer, said Ehrlichman ordered only a legitimate investigation and there was nothing wrong with having it done secretly.

"They're trying to have you believe the word 'covert' is an illegal operation," Frates said. "But what is the evidence from that witness stand? It doesn't mean illegal."

"The question is did John Ehrlichman conspire to an illegal entry," Frates said. "The answer is no."

Frates said statements made by Ehrlichman to the FBI and Watergate grand juries about the incident which brought perjury counts against him were the result of normal lapses of memory.

"I think it's a failing of all of us," Frates said.

Frates portrayed Ehrlichman as a hardworking public servant who took 10,000 telephone calls and over whose desk passed 252 feet of paper during the period in 1971 of the break-in incident.

The defense sharply attacked key government witnesses, including Egil Krogh and David Young who once worked under Ehrlichman as codirectors of the plumbers.

Frates said Young "couldn't answer a question straight if he wanted to" and characterized Krogh as "a young man trying to move too fast."

Twice Frates tossed in a reminder to the jury that he was defending Ehrlichman, formerly Nixon's chief domestic adviser, and not the President or his administration.

U.S. District Judge Gerhard Gesell is scheduled to deliver his charge to the jury Friday morning. The jury is then expected to begin its deliberations after the lunch break.