

Watergate prosecutor might rest case today

F Post 11/25/74

WASHINGTON (AP) — Chief prosecutor James F. Neal is expected to tell the jury Monday that the government rests its case against the five men charged with criminal conspiracy in the Watergate coverup.

Then, before the defendants present their evidence, defense lawyers will argue that the government has failed to support its accusations and that the cases should be dismissed.

The claims are routine and are expected to fail except for one count each of lying to the FBI lodged against John D. Ehrlichman and former Atty. Gen. John N. Mitchell.

U.S. District Judge John J. Sirica indicated Friday he may dismiss those counts, each of which carries a maximum penalty of five years in prison.

The government's 28th and final witness is expected to be Anthony J. Passaretti, an Internal Revenue Service agent who traced the flow of money paid to the original Watergate defendants.

Passaretti has been assigned to the special prosecutor's office since May to perform that task. In a preview of his evidence, presented outside of the jury's hearing on Friday, Passaretti presented a chart that showed who gave how much to whom.

Still on the stand when court opens Monday for the ninth week of the trial will be Egil Krogh Jr., the convicted boss of the White House plumbers unit.

His testimony was cut short Friday when Ehrlichman's lawyer led him into an area to support Ehrlichman's claim

that his actions in Watergate were designed to prevent disclosure of the earlier break-in at Daniel Ellsberg's psychiatrist's office.

The questioning indicated Ehrlichman would attempt to raise national security as a defense for his actions, something he was not allowed to do at the plumbers trial last summer in which Ehrlichman was convicted of violating the psychiatrist's rights.

Sirica has not ruled on whether he would allow such questioning.

Defense lawyers said they still hope they can wind up their case and send the trial to the jury before Christmas.

A major question remaining is how the judge will handle the testimony of former President Richard M. Nixon, who Ehrlichman subpoenaed.

Court-appointed doctors were to examine the former President Monday in San Clemente to see whether Nixon is well enough to travel to Washington to testify or whether he is able to give a deposition to lawyers in California.