

Six Indicted in Ellsberg Burglary

Washington

Former White House officials John Ehrlichman and Charles W. Colson and four other men were indicted by a federal grand jury here yesterday for allegedly conspiring to burglarize the office of Daniel Ellsberg's psychiatrist in 1971.

Of the six defendants named yesterday in the second major indictment of top Nixon administration figures within a week, five have been convicted of participating in the 1972 Watergate burglary or were charged with conspiring to obstruct justice in the continuing coverup of Watergate.

Ehrlichman, Colson, former White House and Nixon re-election campaign aide G. Gordon Liddy and the three men accused of actually carrying out the so-called Ellsberg burglary — Bernard L. Barker, Eugenio Martinez and Felipe De Diego — all were indicted for conspiracy to violate the civil rights of Ellsberg's psychiatrist, Dr. Lewis Fielding.

In addition, Ehrlichman — who was the President's assistant for domestic affairs — was charged with four counts of lying to FBI agents and a federal grand jury. Liddy also was charged in a separate indictment with two counts of being in contempt of Congress for his refusal to testify before a congressional committee investigating the Watergate scandal.

Last Friday, Colson, Ehrlichman and five other former White House and Nixon campaign aides were

indicted by another Watergate grand jury for conspiracy, perjury and other charges in connection with the Watergate coverup.

The new indictment is believed to be the last major grand jury action involving persons previously accused in the Watergate burglary and its coverup.

All of the persons charged

yesterday directed or worked with a special White House investigative unit set up by President Nixon in the summer of 1971 to investigate and stop leaks of government information to the press. Three other members of the unit, which came to be known as the White House "Plumbers," were named yesterday as unindicted co-conspirators and are expected to be government witnesses at any future trials.

However, the indictment did not mention the Plumbers unit as such or explicitly

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characterize the Ellsberg burglary as one of its activities. Neither did the indictment mention President Nixon by name or discuss his role in the organization of the unit.

The White House refused to comment specifically on the new indictment. A White House spokesman instead re-read a statement issued last Friday when the Watergate coverup indictments were returned. That statement expressed the President's hopes that the country "will join him in recognizing that those indicted are presumed innocent unless proof of guilt is established in the court."

Named in the new indictment were:

- Ehrlichman, 48, now a lawyer in private practice in Seattle who was charged in his former capacity as domestic affairs adviser to the President with the civil rights conspiracy and the four false statement counts. The maximum penalties for these charges total 30 years in jail and \$50,000 in fines, or both.

- Colson, 42, a Washington attorney, who was charged in his former role as special counsel to the President with one conspiracy count on which he could be sentenced to ten years in jail, fined \$10,000, or both.

- Barker, 56, of Miami, who was charged with one conspiracy count that carries a maximum jail term of ten years, a maximum fine of \$10,000, or both. Barker, who served a year in jail after his guilty plea in the Watergate burglary, is currently free on an appeal of his motion to change his plea in that case to innocent.

- Martinez, 51, of Miami, who was charged with civil rights conspiracy, which carries a possible fine of \$10,000, a possible jail term of ten years, or both. He had served a year in jail after his guilty plea in the Watergate burglary, and was re-

leased on parole from an Eglin, Fla., federal prison just a few hours before the new indictment was returned against him.

- De Diego, 45, of Miami, who was charged with civil rights conspiracy, and could be sentenced, if convicted, to ten years in jail, a \$10,000 fine, or both. De Diego has been granted immunity from prosecution in previous Watergate-related investigations, and yesterday's indictment marks the first criminal charge against him.

- Liddy, 43, a former assistant to the President, who was charged with one conspiracy count for which he could be fined \$10,000 or be sentenced to ten years in jail. He is currently serving a prison term of up to 20 years after his conviction in connection with the Watergate break-in and for contempt of court for refusing to testify before a Watergate grand jury.

Liddy has refused offers and subpoenas to testify anywhere about his involvement in the Watergate affair. The additional indictment filed against Liddy yesterday charged him with contempt of Congress for refusing to testify on two such occasions before the special subcommittee on intelligence of the House Armed Services Committee.

That subcommittee was investigating the question of involvement of the Central Intelligence Agency in the Watergate affair. He could be fined \$10,000 and sentenced to one year in jail on each count.

Named as unindicted co-conspirators in yesterday's

indictment were E. Howard Hunt Jr., Egil (Bud) Krogh and David R. Young.

Krogh, handpicked by President Nixon to head the White House Plumbers unit, pleaded guilty of involvement in the Ellsberg burglary conspiracy and is now serving a six-month jail term. Hunt and Young have been granted immunity from prosecution in return

for their testimony in connection with the burglary of Ellsberg's psychiatrist.

By naming the three men as co-conspirators, the prosecutors will be able to use their testimony about conversations they had with defendants.

Yesterday's federal indictment raises the possibility of potential legal problems between this and a previous Los Angeles county grand jury indictment of Ehrlichman, Young, Liddy and Krogh for burglary. The three Miamians named in the indictment have been granted immunity in the Los Angeles county investigation, and much of the fruits of their cooperation in that probe reportedly has been shared with the federal grand jury that returned the indictment yesterday.

The new 11-page indictment was specific in its charges, but contained little new in what has not already become public knowledge since the burglary was revealed during Ellsberg's Pentagon Papers theft trial in Los Angeles last May.

The indictment lists 19 overt acts allegedly committed as part of the conspiracy. The acts comprise a chronological list of events, beginning with a memo on July 27, 1971, from Krogh and Young to Ehrlichman "which discussed a request for the preparation of a psychiatric study on Daniel Ellsberg."

The 19th and final overt act listed in the indictment charges that on March 27, 1973, Ehrlichman "caused the removal of certain memoranda related to the entry into the offices of Dr. Lewis J. Fielding from files maintained at the White House in which such memoranda would be kept in the ordinary course of business."

The 17 overt acts in be-

tween trace a series of memos, conversations and acts that allegedly carry the conspiracy from a suggestion by Hunt that Ellsberg's

psychiatric files be obtained from his psychiatrist through the break-in at Fielding's office on Sept. 3, 1971.

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AP Wirephoto

**FELIPE DE DIEGO
Conspiracy indictment**