

California Drops Break-in Charges

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The state of California is dropping burglary and conspiracy charges against former White House aides John D. Ehrlichman, David R. Young and G. Gordon Liddy Jr., in connection with the 1971 break-in at the office of Pentagon Papers defendant Daniel Ellsberg's psychiatrist.

However, one count of perjury against Ehrlichman will be prosecuted in Los Angeles, according to Los Angeles District Attorney Joseph Busch.

The announcements were made here yesterday in a joint statement by Busch and Watergate Special Prosecutor Leon Jaworski after an hour-long meeting at Jaworski's office. Ehrlichman and Liddy are among six defendants named in a federal indictment returned through Jaworski's office last Thursday in connection with the same break-in.

One of the reasons given for the state dismissal was that the incident in which the three men are charged "involves matters of national interest... best decided in the federal court system."

The perjury prosecution, however, will continue because "it involves protection solely of a state interest," Busch said.

The three former White House aides were indicted last September by a Los Angeles grand jury that began its investigation after it became public knowledge during the Pentagon Papers trial that a White House-sponsored attempt had been made to take Ellsberg files from the office of his psychiatrist, Dr. Lewis Fielding.

Also indicted by that grand jury was Egil (Bud) Krogh, who has since pleaded guilty to federal charges and is serving a six-month jail term. State charges against Krogh have been dropped.

The prospect of dual prosecution growing out of the same incident had been raised

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at the time by then-Watergate Special Prosecutor Archibald Cox. He pointed out that the White House "plumbers," a special investigative unit set up by President Nixon to which all of the defendants belonged, was under investigation by his staff and "the federal interest in dealing with any possible illegal activities by White House employees is clearly predominate."

Cox had asked Los Angeles County to postpone return of the indictments until the federal grand jury had completed its probe, and the county had held up the indictments for more than two months after his request.

The statement issued yesterday referred briefly to the dual prosecution problem. "The two indictments would be exposing defendants to trial in two different jurisdictions and, in fairness to those defendants charged in both jurisdictions and in the interests of justice, they should be tried in one jurisdiction," it said.

The dropping of charges against Young makes him the highest-ranking former White House official connected with Watergate-related affairs apparently to escape criminal prosecution. He was granted immunity by the federal grand jury here probing the plumbers unit and is expected to be a key government witness.

While Young's role as a witness in this case could be compared to that of former White House aide John W. Dean III in the Watergate cover-up case, sources close to the case pointed out that Dean

had to plead guilty to one count as part of his deal with the prosecution.

The perjury count against Ehrlichman concerns testimony given to the county grand jury that he had no prior knowledge of the Ellsberg break-in.

Ehrlichman acknowledged during testimony before the Senate Watergate committee that he approved a "covert operation," but did not know that it meant burglary. He also said such a burglary could be legal if undertaken for "national security" reasons.

The request to drop charges against the three men is expected to be approved, since such procedures are routinely followed by judges.

Dropping of the charges also apparently makes moot the issue of President Nixon's possible testimony in Los Angeles in connection with the charges.

Ehrlichman's attorneys had subpoenaed the President as a defense witness in the burglary case, and a hearing had been set for Friday before D.C. Superior Court Chief Judge Harold H. Greene on whether the President could be compelled to testify.

(In Los Angeles, Superior Court Judge Gordon Ringer scheduled a Wednesday meeting with attorneys in the case to discuss the possible dismissal of the charges and the Nixon subpoena. His office said he would have no further comment at this time.)

Ehrlichman and Liddy are charged in the federal indictment with conspiracy to violate the rights of Dr. Fielding. Also charged here are former presidential counsel Charles

W. Colson and Miamians Bernard L. Barker, Eugenio Martinez and Felipe De. Diego.

The state indictment had charged Ehrlichman, Young, Liddy and Krogh with burglary and conspiracy to commit burglary. There is no charge of burglary under federal statutes.