

2 Secondary Counts

Sirica May Drop Coverup Counts

Washington

U.S. District Judge John Sirica indicated yesterday that he may drop two of the secondary charges in the Watergate coverup trial of five Nixon White House and campaign aides.

He said he will rule after the prosecution winds up its case Monday on whether he will dismiss one count each of lying to the FBI, charged against John Ehrlichman and John Mitchell.

"I think it's very weak," he said of the government's evidence on the charges that Ehrlichman and Mitchell once lied in saying that all their knowledge about the Watergate break-in came from reading newspapers.

Dismissal of the counts would have no effect on the main conspiracy charges against Mitchell, Ehrlichman, H.R. Haldeman, Robert Mardian and Kenneth Parkinson.

The government had been expected to rest its case yesterday after six full weeks of presenting evidence, but things got mired in a lawyers' argument over whether Ehrlichman can show that "national security" considerations were a factor in his actions on Watergate.

Ehrlichman's lawyer, William S. Frates, apparently was indicating, through his cross-examination of Egil Krogh, Jr., that Ehrlichman will claim he was concerned that Watergate investigations would lead to disclosure of the 1971 White House-directed burglary in the office of Daniel Ellsberg's psychiatrist.

Sirica said he will allow some testimony along that line.

Krogh testified yesterday about conversations he had with former Nixon counsel John W. Dean III and Ehrlichman in March, 1973.

It was at that time that E. Howard Hunt, a co-lieutenant in the Ellsberg break-in case, was threatening to tell about the break-in and other "seamy things"

unless he received \$120,000.

Krogh said that on March 20, 1973, Dean told him, "we're now coming down to the short strokes. He (Hunt) appeared very upset, very nervous."

"I asked what he meant by that and he said Howard Hunt had informed the White House that unless he received \$100,000-plus, he would tell all the seamy things he had done for Ehrlichman. I said this was not a tolerable situation."

Krogh related that Dean told him that the President was not being well-served because he didn't know the full impact of what was going on.

"I said he had an obligation to lay it all out, to put it all on the table. I told him whatever needed to be faced should be faced . . ."

"He said when this thing breaks open you are going to see more finger-pointing and accusations than you have ever seen in your life before."

It was after that conversation that Dean told Mr. Nixon about the involvement of his closest aides in covering up the Watergate scandal.

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