

# Watergate prosecution nears end

F Post 11-23-74

WASHINGTON (AP) — The government approached the end of its Watergate cover-up conspiracy case against five Nixon White House and campaign aides Friday, amid indications from the judge that he will drop some of the charges.

Prosecutors had one more witness to follow Egil Krogh, the convicted boss of the White House plumbers unit, and planned to rest their case Monday.

The government had planned to wind up its part after eight weeks of trial Friday, but the U.S. District Judge John J. Sirica had to leave in midafternoon to participate in the dedication of a new U.S. Tax Court building.

Sirica said he would rule soon on whether to dismiss charges that John N. Mitchell and John D. Ehrlichman lied when they told FBI agents they knew nothing of the break-in at Democratic party headquarters other than what they had read in the newspapers.

That action would have no effect on the main conspiracy counts against Mitchell, Ehrlichman, H.R. Haldeman, Robert C. Mardian and Kenneth W. Parkinson.

The charges of lying to the FBI are in one count each of the indictment against Ehrlichman, who is charged also with two counts of perjury, and Mitchell, who faces three additional counts of perjury.

"Frankly, I recognize that the proof on what was or what was not in the newspapers is not overwhelming," chief prosecutor James Neal told the judge when the jury had left for the noon recess.

"I think it's very weak," Sirica said, adding that he would rule when the government's case is all in.

Neal responded that the government had presented evidence that Ehrlichman and Mitchell knew of G. Gordon Liddy's participation in the break-in at the time that they made the statements to the FBI and that Liddy's role had not been in the newspapers.

Sirica said that if the charges were dropped it would have no effect on the conspiracy and obstruction—of—justice counts.

"Frankly, your honor, that's all we're really interested in," Neal said. "Proving that something is not in the newspaper is a very difficult thing."

Krogh, who served a 4½ month prison term on his guilty plea in the Ellsberg psychiatrist's break-in case, testified about conversations he had with former Nixon counsel John W. Dean III and Ehrlichman in March 1973.

It was at that time that Liddy's co-lieutenant in the Ellsberg break-in case, E. Howard Hunt Jr., 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 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."