

Ex-Nixon Aides May Face Indictments in Coast Plot

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LOS ANGELES, July 5—District Attorney Joseph P. Busch said today that he would seek indictments against former White House aides for conspiracy to break into the office of Dr. Daniel Ellsberg's former psychiatrist.

"We will draw up formal charges," the Los Angeles County prosecutor told a news conference. But he declined to identify whom the grand jury would be asked to indict when it meets again Sept. 4.

Sources close to the case have indicated, however, that the main targets of the investigation are John D. Ehrlichman, formerly President Nixon's chief domestic adviser; Egil Krogh Jr., once an assistant to Mr. Ehrlichman and director of a White House group called the "plumbers," assigned to in-

vestigate leaks of national security information, and David R. Young Jr. Mr. Young, a former aide to Henry A. Kissinger, Mr. Nixon's adviser on national security, later became a member of the plumbers.

Mr. Busch made his comments after Mr. Krogh appeared before the grand jury this morning and declined to testify, pleading the Fifth Amendment against self-incrimination. Mr. Young also took the Fifth Amendment here last month.

Meanwhile, it was learned that on June 22 the state bar association of California, in a move that could lead to disbarment proceedings, has asked the Senate Watergate committee for information, "at an ap-

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propriate time," that could link John D. Ehrlichman and four other lawyers to the Watergate scandal.

In an affidavit filed last May, Mr. Krogh admitted authorizing the break-in, which took place at the office of Dr. Lewis J. Fielding on Sept. 3, 1971. But in a brief meeting with newsmen today, he said that he was now a "subject of investigation" and had been advised by his attorney to make no further comments.

The main reason for delaying the indictments is to allow the Senate Watergate committee to complete the current phase of its investigation, Mr. Busch said. The committee reconvenes next week and still has to hear testimony from former Attorney General John N. Mitchell, H. R. Haldeman, once President Nixon's chief of staff, and Mr. Ehrlichman.

The prosecutors here are also cooperating with Archibald Cox, the special Watergate prosecutor, and do not want to rush into anything and possibly complicate Mr. Cox's investigations. The two-month delay would enable Mr. Cox to clarify his case and give the prosecutors here the benefit of any developments in Washington.

In addition, the prosecutors here must still seek a court order transferring to Los Angeles certain documents that are now exhibits before the grand jury in Washington investigating the Watergate case.

The documents are said to be memorandums from Mr. Young to Mr. Ehrlichman, and reportedly indicate that Mr. Ehrlichman had "foreknowledge" of the break-in, according to reliable sources.

'Foreknowledge' Denied

According to Mr. Krogh's affidavit, Mr. Ehrlichman gave the plumbers "general authorities to engage in covert activity" in their investigation of Dr. Ellsberg, who has admitted releasing the secret Pentagon papers on the Vietnam war to the news media. But when Mr. Ehrlichman appeared before the grand jury last month, he denied any "foreknowledge" of the break-in.

Since Mr. Krogh and Mr. Young have now both pleaded the Fifth Amendment here, the prosecution's case against r.

Ehrlichman seems to rest largely on the Young memorandums.

The case was complicated by the testimony last week of John W. Dean 3d, the former White House counsel, who said that Mr. Krogh had told him that the orders for the break-in had come "right out of the Oval Office" of President Nixon.

In his affidavit, Mr. Krogh said that the President had "personally instructed" him to "move ahead with the greatest urgency" in investigating security leaks, but Mr. Krogh did not connect the President directly with the break-in.

In response to newsmen's questions, Mr. Busch said he was not considering calling Mr. Dean before the grand jury, because Mr. Dean's testimony would be only hearsay regard the President. The District Attorney added that he was reluctant to give immunity to Mr. Krogh in exchange for his testimony, because he was not sure Mr. Krogh would corroborate Mr. Dean.

"You don't buy a pig in a poke," Mr. Busch said.

Moreover, he added, prosecutors have to prove that a defendant "acted knowingly and with criminal intent," and the state of the President's mind "would be a very difficult thing to establish."

However, legal observers here said that if Mr. Krogh did receive his orders "right out of the Oval Office," the President's conduct could well fall under the definition of criminal conspiracy. And sources close to the case noted that "considerable research" had been done, both here and in Washington, concerning the legal ramifications of a criminal charge being brought against a President.



Associated Press

Egil Krogh Jr. at news session in Los Angeles after grand-jury appearance. At left is his lawyer, Stephen Schulman.