

Indictments In Ellsberg Break-In

Los Angeles

The investigation of the break-in of Daniel Ellsberg's psychiatrist's office by the White House "plumbers" squad resulted yesterday in secret indictments against an unspecified number of unnamed individuals.

A county grand jury presented the indictments to Superior Court Judge James G. Kolts at the end of a full day of hearing final evidence.

The judge declared that the indictments would be kept secret until at least one of the persons named has surrendered to authorities.

WARRANTS

At the request of District Attorney Joseph Busch, Kolts said warrants for arrest would not be issued until next Monday, giving the indicted a chance to surrender voluntarily. 10 SEP

Busch declined any comment and refused to say on what charges those persons had been indicted.

The main interest focused on whether the indictments would include John Ehrlichman, the former White House domestic affairs chief who headed the so-called "plumbers unit," whose activities in late 1971 included the Ellsberg burglary.

Sources close to the investigation said that Busch was seeking a two-count indictment against Ehrlichman, which would include perjury and conspiracy to commit burglary.

CANDIDATES

The other candidates for indictment on a count of burglary conspiracy were:

- Egil (Bud) Krogh Jr., who supervised the plumber's unit under Ehrlichman.

- David R. Young Jr., co-supervisor with Krogh. Both Young and Krogh took the

Fifth Amendment in appearances before the grand jury here earlier this summer.

- G. Gordon Liddy, the former FBI man who participated in the Beverly Hills burglary of the office of Dr. Lewis J. Fielding, along with E. Howard Hunt and three others.

EHRlichman

The prosecution's case against Ehrlichman is based on three elements: His testimony before the Los Angeles county grand jury last

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June; his testimony before the Senate Watergate committee in July, and three 1971 memos turned over to the Watergate committee and obtained by the Los Angeles investigation.

The key question is whether Ehrlichman knew in advance that the burglary was being planned. He told the Watergate committee that he had authorized "covert activities" in connection with the plumbers investigation of Ellsberg growing out of the Pentagon Papers disclosures, but said he did not know the plans included criminal activity.

Ehrlichman was believed to have told a similar story to the grand jury here.

MEMOS

However, one of the three memos obtained by the Watergate committee, dated Aug. 11, 1971, from Krogh to Ehrlichman, discussed "a covert operation to be undertaken to examine all the medical files still held by Ellsberg's psychiatrist. Ehrlichman admitted during his Watergate testimony that he had initialed the memo, with the notation "if done under your assurance that it is not traceable."

At the time, District Attorney Busch said in Los Angeles that the memo was "definitely an admission of knowledge" by Ehrlichman,

but fell short of a confession. He indicated the memo would be crucial to his case.

The other two memos from the same period included a long communication dated Aug. 26, 1971, from Young to Ehrlichman and a note from Ehrlichman to Charles Colson, who was White House counsel at the time.

TAPES

The three memos, plus three hours of tapes of Ehrlichman's Watergate testimony, were presented to the grand jury in an all-day session yesterday, its eighth since the investigation began in June. The panel had heard 29 witnesses in all.

A perjury conviction in California carries a one to 14 year prison term. Conspiracy to commit first degree burglary carries a minimum of five years.

The Fielding break-in, which took place over Labor Day weekend two years ago, apparently failed to produce any Ellsberg records. But Ehrlichman has insisted that the burglary was justifiable under the President's authority to take whatever action is necessary to protect national security.

President Nixon himself admitted authorizing extraordinary activities in 1971 to stifle security leaks, but recently called the burglary "illegal and deplorable."

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