

Ehrlichman Planning To Surrender Tuesday

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LOS ANGELES, Sept. 5—John D. Ehrlichman, charged here with perjury, conspiracy and burglary in connection with the break-in at the office of Daniel Ellsberg's psychiatrist, will surrender next Tuesday in Los Angeles Superior Court, his attorney said today.

Long Beach attorney Joseph Ball said Ehrlichman, who lives in Seattle, will surrender to Judge James G. Kolts, who Tuesday received a grand jury indictment of Ehrlichman, former White House domestic affairs chief, and three other former White House aides.

Judge Kolts impounded the indictments, pending the surrender of any one of the defendants, but it was learned that the charges are:

- Ehrlichman—one count of perjury, one count of burglary and one count of conspiracy to commit burglary.
- Egil (Bud) Krogh Jr., former deputy assistant to the President—one count each of burglary and conspiracy, and one count of solicitation of burglary.
- David R. Young Jr., another former White House deputy—one count each of burglary and conspiracy.
- G. Gordon Liddy—a former White House assistant, now serving a jail term in the Watergate case—one count each of burglary and conspiracy.

All four were members of a secret investigative unit established by President Nixon in 1971 to plug security leaks—the now famous Plumbers squad. Ehrlichman, who was in charge of the unit, has denied advance knowledge of the plans to burglarize the Beverly Hills office of Dr. Lewis J. Fielding, who had been treating Ellsberg, the central figure in the 1971 disclosure of the Pentagon Papers.

But allegedly contradictory statements made by Ehrlichman to the Los Angeles County grand jury, the Senate Watergate committee and in a memo from Krogh to Ehrlichman dated

Aug. 11, 1971, apparently form the basis for the perjury charge. The burglary took place in September, 1971.

One of Ehrlichman's Washington attorneys, Frank Strickler, commented today that "perhaps this is the best thing for the nation for this to come out in the open, where everyone has the right to cross examination."

Stephen Shulman, attorney for Krogh, said his client would surrender Thursday afternoon. Krogh, who supervised the Plumbers unit, exercised his Fifth Amendment rights, as did Young, when questioned

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by the Los Angeles County grand jury last summer.

Judge Kolts set bail at \$500 for each defendant, and gave each of them a week to surrender before issuing warrants for their arrests. Attorneys for Young could not be reached today. Peter Maroulis, Liddy's lawyer, said he would discuss his client's intentions with him on Thursday. Liddy has consistently refused to cooperate with Watergate-related investigations.

In another development, the existence of a dispute between the district attorney's office here and Watergate Special Prosecutor Archibald Cox surfaced along with the indictments. Apparently the Cox team was anxious to delay the indictments, at least until Ehrlichman could be questioned about the Fielding burglary by the federal Watergate grand jury sitting in Washington.

Ehrlichman has been subpoenaed to testify on the burglary before that grand

jury next Monday, although his attorneys filed a motion today to quash the subpoena. Watergate investigators were concerned that indictments here would provide legal grounds for Ehrlichman to remain silent.

As late as Tuesday, it was understood, the Cox team tried to win a week's postponement of the indictments. Los Angeles District Attorney Joseph P. Busch would say only that he had talked with Cox on the phone at noon Tuesday. The indictments were returned five hours later.

Other sources said the indictments already had been put off two months, at least partly in cooperation with the Cox team. They indicated that the grand jury here was ready to indict and probably would not have agreed to a further delay.

The Los Angeles grand jury began its investigation June 5 after it became public knowledge during the Pentagon Papers trial here that a White House-sponsored attempt had been made to take Ellsberg files from Fielding's office. It came out that the White House was anxious to compile a profile-dossier in 1971 on Ellsberg, who a few months before had been indicted for theft of the Pentagon documents.

The Plumbers unit dispatched Liddy and E. Howard Hunt to Los Angeles. The two men enlisted three others—former Cuba residents Bernard Barker, Eugenio Martinez and Felipe de Diego—to perform the burglary on Labor Day weekend, 1971.

All five men were later convicted as conspirators in the Watergate burglary. Hunt and the three from Cuba were granted immunity in the Fielding case, and testified before the grand jury here last June.

The new indictments carry maximum penalties of 1 to 14 years for each count, except solicitation, which has a 5-year maximum.

In Seattle, newsmen who went to the Ehrlichman home were told by his children that their father would have no comment.