

Krogh Pleads Innocent

Defends Role In Burglary As Authorized

By William Greider
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LOS ANGELES, Sept. 6 —Egil Krogh, the former presidential aide who directed the White House "plumbers," pleaded innocent to a burglary and conspiracy indictment here today and defended his own role in the Ellsberg burglary as "fully authorized and lawful."

After his arraignment, the young lawyer told reporters: "I have some real regrets over what has taken place in terms of injuring innocent persons."

"But I also felt it is right to say that at the time in 1971 when this job was presented to me as something of extraordinary national importance, that what I undertook was fully authorized and lawful," he said.

That posed the question of who in the White House authorized the 1971 break-in, but Krogh declined to answer any questions and said that further development of his "national security" defense should be reserved for his trial.

Krogh is the first of four defendants to appear here and surrender voluntarily in answer to an indictment handed down by the Los Angeles County grand jury on the attempt to steal medical records from the office of Dr. Lewis J. Fielding, a psychiatrist who had treated Daniel Ellsberg, the man who leaked the Pentagon papers in the summer of 1971.

The other defendants, including Krogh's former boss at the White House, John D. Ehrlichman, are expected to appear in the next few days. Also named were David Young, a National Security Council aide who helped Krogh with the special investigative unit known popularly as the plumbers, and G. Gordon Liddy, already convicted

in the Watergate burglary.

The text of the indictment released today lists 16 "overt acts" which involve the four defendants in the accusation of conspiracy to commit bur-

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was touched off by Cox's efforts to secure the tapes for glary. Krogh is accused separately of solicitation to commit a burglary. Ehrlichman is accused separately of perjury, based on his denial before the grand jury here that he had

any prior knowledge that the plumbers were trying to obtain information from the psychiatrist's files.

Krogh, 34, a tall and slender man with an athletic build, curly brown hair and wire-rimmed glasses, seemed relaxed and good natured when he appeared before Superior Court Judge James G. Kolts to enter his plea.

Krogh, a lawyer, has been unemployed since May 9, when he resigned as under secretary of transportation, just as the public first learned about the Ellsberg break-in.

In the meantime, he said, "I've been trying to get my thoughts down on paper, trying to help Steve (Shulman, his lawyer) as much as I can. I'm thinking about trying to do some writing." But not about Watergate, he said.

A deputy district attorney, Stephen Trott, read the general charge to Krogh and then asked: "Mr. Krogh, as to the charges brought against you by this grand jury, how do you now plead?"

"Not guilty," Krogh said without any evident emotion.

Outside in the corridor, he elaborated on his own view of the burglary, delivering a careful statement before the television cameras without the benefit of notes.

"I feel now that the decision that was made in 1971 to go forward with the covert operation was a mistake," he said, "and I felt that it was a mistake immediately thereafter when the details of its execution were presented to me."

However, he said the question of legality raises "some very profound constitutional issues" surrounding covert intelligence operations done in the name of defending national security. The issues will be developed at his trial, he said.

Krogh did not elaborate, but a similar line of argument was made by Ehrlichman at the Senate Watergate hearings when he said the inherent powers of the President to defend the nation could be construed to permit a break-in

like the one involving Ellsberg's psychiatrist.

After his arraignment and the hallway press statement, Krogh and his lawyer went to the Los Angeles sheriff's office, where Krogh was booked on the charge. He was then released on his own recognizance, requiring no bail. His next appearance in court was set for Sept. 20, but the judge said Krogh will not have to appear at pretrial hearings, which are purely procedural, because of the great expense of flying back and forth from his home in Washington, D.C.

The perjury charge against Ehrlichman, who is expected to surrender here Tuesday, centers on his testimony before the Los Angeles grand jury on June 8, one of four appearances he made.

According to the indictment, Ehrlichman was asked: "Had you in any way or fashion approved that activity in advance?"

"Do you mean this break-in?" Ehrlichman replied.

The prosecutor said he did. Ehrlichman said, "No, sir." "Had you in any way or fashion authorized that activity in advance?"

Ehrlichman: "No."

Then he was asked: "Did Krogh tell you at any time, prior to the Labor Day weekend of 1971, that consideration was being given to obtaining information from Dr. Ellsberg's psychiatric file?"

Ehrlichman: "No."

"Did Mr. Young tell you that?"

"No," Ehrlichman said.

That appears to clash with what Ehrlichman told the Senate Watergate committee about his advance knowledge of the Ellsberg break-in. He denied there that he had any advance knowledge that a burglary was going to be committed, but he acknowledged that he had initialed his approval to an Aug. 11, 1971, memorandum from Young describing a "covert operation" to obtain the medical records.

The Los Angeles grand jury also asked Ehrlichman whether he would have permitted the break-in if he had known about the plan beforehand.

"I don't believe so, no," he answered.

At the Senate hearings, he argued that the burglary could be justified on the grounds of national security even though he did not authorize it.

The indictment cited his June testimony here and then concluded "that in truth and in fact the defendant John Ehrlichman, well known said testimony was false and untrue."



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Egil Krogh heads for arraignment in Los Angeles.