

Krogh Indicted for Lying to

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Former White House aide Egil (Bud) Krogh Jr. was indicted yesterday for lying during the Watergate grand jury's investigation last year of the secret work of the White House "plumbers."

Krogh, who headed the plumbers until was charged with two counts of making false statements under oath involving the 1971 burglary at the offices of Daniel Ellsberg's California psychiatrist.

Once known as "Mr. Clean" on the White House staff, Krogh, 34, is expected to be arraigned next week before U. S. District Court Judge Gerhard A. Gesell.

Each count in the indictment, the first obtained by Watergate Special Prosecutor Archibald Cox since his appointment last May, carries a maximum penalty of five years in prison and a fine of \$10,000.

Krogh's attorney, Stephen N. Shulman, said that his client would plead not guilty.

Already indicted for the burglary by a state grand jury in California, Krogh admitted in May that he sent Watergate

conspirators E. Howard Hunt Jr. and G. Gordon Liddy to carry out the burglary in an effort to secure Ellsberg's psychiatric records over the 1971 Labor Day weekend.

Yesterday's indictment stemmed from a deposition Krogh gave on Aug. 28, 1972, at the Justice Department where he was questioned about Hunt's and Liddy's travels by government prosecutor Earl J. Silbert.

The testimony was subsequently turned over to the Watergate grand jury. Krogh's deposition was one of a controversial series that the Justice Department authorized during the initial Watergate investigation to prevent the publicity that might have stemmed from courthouse appearances before the grand jury itself.

According to the indictment, Krogh answered "no" when Silbert asked him if he knew of "any travel that Mr. Hunt made in connection with the declassification of the 'Pentagon Papers,' which Ellsberg had leaked to the press.

Krogh was also accused of lying in asserting that he



EGIL (BUD) KROGH JR.

... accused of lying

knew of no travels by Liddy "for the White House or for anyone else" aside from a trip to California on a customs and narcotics matter.

The charges of making "false declarations" are similar to perjury and carry approximately the same penalties, but they are much easier to prove.

Perjury requires the prose-

'Plumbers' Jury

ention to show that a witness willfully lied under oath. Krogh's indictment merely requires the government to show that two "irreconcilably contradictory declarations" had been made under oath. It need not prove which one was false.

Following initial disclosures about the burglary this year by former White House counsel John W. Dean III, Krogh took responsibility for the break-in in an affidavit submitted May 7 during Ellsberg's Pentagon papers trial in California. Krogh said he sent Hunt and Liddy to California twice, first on a scouting trip to case the psychiatrist's office and then on the Labor Day weekend mission to obtain the records.

Krogh has maintained that the break-in was a legitimate national security undertaking. His lawyer, Shulman, indicated that he would plead not guilty on the grounds that he was under a strict White House injunction of secrecy surrounding the plumbers unit when he gave the deposition last year, an injunction that was lifted only last May.

The attorney added that the indictment came as a

"surprise" with no advance warning beyond a phone call late yesterday morning from Cox's office.

The indictment was returned by the new federal grand jury impaneled in August to work with Cox in investigating alleged administration misdeeds aside from the Watergate scandal.

The new grand jury is expected to return a broad-gauged indictment for the Ellsberg break-in, but the prosecutor in charge of this investigation, William Merrill, refused yesterday to give any hint of when that might be expected. The interim indictment against Krogh may have been designed to put pressure on him to testify before the new grand jury, but Cox's office also refused to comment on that score.

Both Cox and Merrill stopped briefly to field newsmen's questions after the indictment was handed up to U. S. District Court Judge John J. Sirica at the federal courthouse here yesterday afternoon, but the session lasted only about a minute with Merrill ducking almost every query until Cox abruptly cut it off.