

# Defense of Ellsberg burglary

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LOS ANGELES — John Ehrlichman and three White House "plumbers" maintain they could not have conspired because they did not intend to, did not burglarize because nothing was taken, and should not be prosecuted because they acted as "officers of the United States."

Attorneys for the four filed briefs yesterday with Superior Court Judge James G. Kolts outlining the defense case in the Watergate West trial.

They are charged with conspiracy and burglary in connection with the break-in by the plumbers at the office of Dr. Lea Fielding, Daniel Ellsberg's psychiatrist,

Kolts is to preside at a hearing Friday into motions by the defense to dismiss the charges against Ehrlichman, formerly domestic affairs adviser to President Nixon; Egil "Bud" Krogh; David Young; and G. Gordon Liddy.

Ehrlichman's attorneys argued the "essence of the crime of conspiracy . . . evil intent. The association of persons with honest intent is not conspiracy, and the association of Ehrlichman with the others on a presidential assignment cannot be "transformed into a criminal conspiracy."

Krogh's lawyers said there had been no burglary because the plumbers — who were looking for confidential information about Ellsberg but never found any — did not have "the specific intent to permanently deprive the rightful owner of his property."

"Entry with intent to find out information" is not legally burglary, said Deputy Public Defender Charles Gessler, representing Liddy, a convicted Watergate conspirator.

Krogh's lawyer also said that "every action taken by him was taken as an officer of the United States, acting under and at the direction of other officers of the United States, in respect to foreign powers."