

Krogh's False Answers Laid to Nixon Edict

By Timothy S. Robinson
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Attorneys for former White House assistant Egil (Bud) Krogh Jr. said yesterday that he falsely answered questions from prosecutors during the Watergate investigation last fall because the proper answers would have disclosed information "that had been officially classified by the highest security office in the government of the United States, the President himself."

The statement came in one of four motions filed in U.S. District Court here. Attorneys asked in those four motions:

- That the indictment against Krogh be dismissed.
- That, if the first motion is denied, his trial be shifted to Peoria, Ill., where his indictment has not been widely publicized.
- That he be given access to presidential tapes and files concerning the White House plumbers unit he headed.
- That the two separate charges against him be consolidated.

Krogh is indicted on charges of making false declarations before a grand jury as a result of telling prosecutors last fall that he was not aware of any travel by convicted Watergate conspirators E. Howard Hunt and G. Gordon Liddy.

He later admitted that he knew at the time the two men had traveled to Los Angeles, where they participated in a break-in at the office of the psychiatrist of Pentagon papers defendant Daniel Ellsberg.

The false statements came in a deposition taken by Assistant U.S. Attorney Donald Campbell at the Justice Department under an arrangement reached between prosecutors and White House lawyers.

In support of his motion to dismiss charges against him, Krogh said that deposition was not a "proceeding before or ancillary to" a grand jury, as the indictment charges.

Krogh's attorneys, led by Stephen N. Shulman, labeled that arrangement "an invention of the moment . . . a novel invention without any statutory basis."

As a second reason for dismissing the indictment, Krogh's attorneys said that he is immune from prosecution because he was acting in his capacity as a member of the White House staff

when he answered the questions.

"(Krogh) was called upon to exercise the broadcast range of discretion in his overall duties as a member of the White House staff," the attorneys said. "The protection of classified information from unauthorized disclosure is among the highest duties of a federal officer," they added in saying why he lied concerning the activities of the plumbers.

Attorney Shulman related telephone conversations he had with editor Charles Dancey of The Peoria Journal-Star as his reason for suggesting the trial be moved to Peoria.

"Mr. Dancey informed me that The Peoria Journal-Star . . . has not published any mention whatever of the indictment pending before this court," Shulman said in an affidavit.

The presidential tapes requested by Krogh in his defense are of the following meetings:

- A July 24, 1971, meeting between Mr. Nixon, Krogh and Erlichman concerning the work of the plumbers unit.
- Meetings between Mr. Nixon, Erlichman and White House aide David Young in December, 1971, through February, 1972, in which the secrecy of the unit was discussed.
- Meetings with Mr. Nixon and Erlichman in March through May, 1973, concerning secrecy of the plumbers unit.
- A meeting with Mr. Nixon and Erlichman on May 1 or May 2, 1973, regarding the release of Krogh from the obligation of secrecy about the plumbers unit.

The tapes and other requested files on the plumbers would show "why the orders of absolute secrecy were reasonable under the circumstances and why defendant understandably felt obliged to obey them rather than risk disclosure of national security material," the attorneys said.