

Krogh Held Unable to See Data on Plumbers Unit

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WASHINGTON, Nov. 5—The White House has balked at meeting a request by Egil Krogh Jr. that he examine documents of the "plumbers" unit he directed at the time of the Ellsberg break-in in 1971, his attorney said today.

"It's not as though he's asking for files on the milk fund," said the attorney, Stephen N. Shulman, in a telephone interview. "He's asking for files on a national security project for which the Government has charged him with a number of criminal offenses."

Report Disputed

Asked about the matter, a White House official disputed the report that Mr. Krogh had been denied access to the documents, which are now part of the Presidential files. "His request is pending and has not been rejected," the official said. The request for the documents was apparently made in September.

Other sources depicted the matter as due to "bureaucratic inertia" and said that "no decision" had been made about Mr. Krogh's request.

A number of former White House aides have been allowed to examine files in connection with allegations stemming from the Watergate scandal. H. R. Haldeman, Mr. Nixon's former chief of staff, was permitted to review some of the Presidential tape recordings prior to his appearance last summer before the Senate Watergate committee.

Mr. Krogh, a former White House aide who has been indicted here and in Los Angeles for his role in directing the break-in and subsequent cover-up efforts, has been considered—up to now—a Nixon loyalist.

Last May, he resigned as Under Secretary of Transportation after publicly stating that he burglary of the offices of Dr. Daniel Ellsberg's former psychiatrist was "a step taken in excess of instructions and without the knowledge or permission of any superior."

Since then, Mr. Krogh has repeatedly shunned interviews about the activities of the White House special investigations unit, which was called the plumbers unit because it was formed to plug apparent national security leaks.

Las June, however, John W. Dean 3d, the former White House counsel, told the Senate Watergate committee that Mr. Krogh had informed him that he had received his orders for the break-in "right out of the Oval Office [of the President]."

In a motion filed last week, Mr. Shulman urged Judge Gerhard A. Gesell of United States District Court to direct the White House to release the plumbers files as well as make available a series of Presidential tapes dating to July 24, 1971, when President Nixon discussed the project with Mr. Krogh and John D. Ehrlichman, the President's former chief adviser for domestic affairs. Judge Gesell said he would rule on the motion next Tuesday.

The President's supporters are known to be concerned about the potential impact of Mr. Krogh's testimony concerning the President's instructions regarding the Ellsberg break-in. "He's the last guy in the world I'd want to see angry at the President," said one person with close White House ties.

Mr. Krogh was indicted last Sept. 4 by a grand jury in Los Angeles County on charges of burglary and conspiracy to commit burglary for his role in

ordering E. Howard Hunt Jr. and G. Gordon Liddy, two Watergate conspirators, to break into the office of Dr. Lewis Fielding, who was then Dr. Ellsberg's psychiatrist.

On Oct. 11, he was indicted on two counts of perjury for making false statements to the Federal grand jury investigation that began shortly after the June 17, 1972, break-in at the Democratic National Committee's headquarters in the Watergate Hotel and office complex here. According to the indictment, Mr. Krogh twice lied when asked in August, 1972, whether he knew of any travels by Hunt and Liddy.

Activities Called Lawful

Mr. Shulman said he initiated his request for access to the White House records and tapes shortly after the Los Angeles indictment was handed up. The attorney noted that Mr. Krogh had said he regarded his activities "as being fully authorized and lawful." Mr. Shulman added: "It seems to me to be unquestionably relevant for us to have access to the files and the tapes that contain the instructions of the President. The White House is not giving us this."

Asked what he expected the documents and tapes to show, Mr. Shulman replied: "I won't say now specifically what the President's instructions were. Nobody has yet stated publicly what the precise situation is."

Investigative sources noted that, if Mr. Krogh chose to do so, he could provide information about other known operations undertaken by the plumbers unit. Archibald Cox, the former special prosecutor, told newsmen last week that he was rebuffed in an attempt Aug. 23 to obtain White House

files on the plumbers unit, and specifically cited two operations that were still little-known—"Special Project No. M-1" and Project Odessa."

In light of Mr. Krogh's inside knowledge, some officials close to the Watergate inquiry have expressed bafflement at the White House refusal to cooperate with Mr. Krogh, who was considered to be the leader of the four-man plumbers unit. The group, formed in the aftermath of the publication of the Pentagon papers in June, 1971, is known to have conducted political inquiries as well as prepared falsified documents for political purposes.

"He's standing out there all alone," one official said in reference to Mr. Krogh's separate indictments in Los Angeles and Washington, "and now the White House has turned its back on him."

"Psychologically, it must be rough for him," the official added.

In his Federal court motion, Mr. Shulman specifically requested all the White House tapes of meetings between President Nixon and his staff on the initial Ellsberg inquiry in 1971, as well as the tapes of a series of meetings held last March, April and May in connection with the national security aspects of the Plumbers inquiry.

Mr. Nixon, citing national security, is known to have initially resisted any disclosure this spring of the Ellsberg break-in after it became known to Federal prosecutors. In addition, the President is known to have informed Mr. Krogh of his feelings on the issue shortly after the break-in was made public last April 27 at the Pentagon papers trial of Dr. Ellsberg in Los Angeles.