

# Halt to Indictment of 3 Sought by White House

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The White House has attempted to discourage the possible indictment of three former top presidential aides in Watergate related cases in the last several months on the grounds that the prosecution of the cases would jeopardize national security, according to informed sources.

Certain federal indictments of former presidential aides John D. Ehrlichman, Charles W. Colson and Egil (Bud) Krogh Jr. would threaten national security, the sources said, because the three men might disclose other covert national security operations as part of their defense.

White House special counsel J. Fred Buzhardt lobbied heavily over the summer and early fall with former Attorney General Elliot L. Richardson and former special Watergate prosecutor

Archibald Cox, arguing that indictment of Ehrlichman, Colson and Krogh could not be brought.

"The President's position is that certain cases could

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not be brought and if they were, the prosecutions would have to be dropped," one knowledgeable White House source said.

All the sources agreed that the disclosures would be embarrassing, and that the activities in question includes previously undisclosed domestic wiretapping and other physical surveillance.

There was strong disagreement among the sources whether the public disclosure of the activities of Ehrlichman, Colson and Krogh have some knowledge, would actually jeopardize national security or whether disclosure would simply constitute another embarrassment to the Nixon administration.

Two sources said that aspects of the activities were probably illegal, but others disagreed and cautioned that the matters were top security.

Both Richardson and Cox were less than responsive to Buzhardt's lobbying efforts, the sources said, and both

wanted a complete investigation of all Watergate-related cases before reaching a decision whether to bring indictments.

Richardson, Cox and Buzhardt could not be reached for comment last night.

A White House spokesman refused to discuss specific parts of the information provided by the sources, but the spokesman issued the following statement: "We are not going to comment on misinformation provided by unidentified sources which leads to a distortion of the true facts."

The sources said that Richardson's and Cox's unwillingness to take White House direction on these indictments helped precipitate the confrontation that led to the resignation of Richardson and the firing of Cox on Oct. 20.

As part of his lobbying effort, Buzhardt made partial disclosure of the activities in question to the Justice Department to buttress his argument that national security interests were more important than bringing prosecution against Ehrlichman,

Colson and Krogh in certain cases.

That, however, did not include any attempt to discourage indictments in the Watergate bugging operation or the cover-up, the sources said. The discouragement, according to the sources, had to do with related matters such as—though not necessarily including—the wiretaps on the telephones of syndicated columnist Joseph Kraft and the President's brother, F. Donald Nixon.

President Nixon has previously invoked national security to limit various facets of Watergate-related investigations. Within six days of the June, 1972 Watergate break-in, the President has said, he ordered that the

FBI investigation be restricted to avoid exposing "either an unrelated covert activity of the CIA or the activities of the White House investigations unit"—the plumbers. The investigation was restricted for about two weeks.

In April of this year the President attempted to prevent the Justice Department from providing information on the burglary of the office of Daniel Ellsberg's psychiatrist to the Los Angeles court where Ellsberg was on trial. This was done on the grounds that the information might adversely affect national security.

Richard Kleindienst, who was then attorney general, balked at the President's decision and insisted that the

information be supplied. It was forwarded to the judge in the case after a delay of about 10 days. The Ellsberg case was subsequently dismissed.

Sources in the last two weeks have said that still undisclosed national security operations "overlap" and are "intertwined" with matters under investigation by the Watergate special prosecutor's office.

"It's unavoidably under one subject heading," one White House source said. "Ehrlichman, and Colson and Krogh to a lesser extent, realize they have a lever . . . if they're to defend themselves and be given every opportunity, then they might blow the lid on the rest."

The source said that in the scale of national priorities, the White House still feels it is more important to protect national security than to proceed with prosecution in several cases.

"Here we go again," the source said. "It's going to be taken as another cover-up . . . when this comes out, as it will inevitably, we're going to be back at square one."

All the sources were unwilling to discuss the exact nature of the national security activity that the White House feels might be compromised if indictments were brought against the three former White House aides.

Ehrlichman is a target of

the federal investigation here into the Watergate cover-up and the Ellsberg burglary. He has already been indicted by a separate California state grand jury for his alleged role in the Ellsberg case. Colson and Krogh are also targets of the federal probe into the Ellsberg matter.

Krogh has been indicted by the California grand jury and was the only person named in a separate grand jury indictment here on charges of making false statements.

The federal grand jury here has not issued major indictments in the Ellsberg investigation, though several have been expected for months.