

Ehrlichman Case Winds Up

Washington

A Watergate prosecutor said yesterday that John D. Ehrlichman may not have ordered a break-in by the White House "plumbers" but nevertheless sent them on an illegal mission to the office of psychiatrist Lewis Fielding.

Ehrlichman's attorneys, pointedly reminding the jury they were not defending President Nixon, argued that Ehrlichman never meant to authorize anything illegal and knew nothing about the Fielding break-in until after it had occurred.

Assistant Special Prosecutor William H. Merrill, in closing arguments as the case neared the jury, said two weeks of testimony had shown Ehrlichman approved a project to look at Fielding's files without his permission, which would have been a crime even without a break-in.

"The main issue is who was aware of the plan to search Dr. Fielding's files," Merrill said, "not who was

aware of the break-in."

Merrill said the forceful entry into Fielding's Beverly Hills office on Sept. 3, 1971, occurred only after the White House spy team arrived and found the office and files locked.

"All that was planned in the beginning was a covert operation to examine Dr. Fielding's files in his office," Merrill said.

Ehrlichman has conceded initialing a memo that authorized a "covert operation" to examine Fielding's files on Daniel Ellsberg, the man who leaked the Pentagon Papers. But he said he did not think that meant a "break-in."

Merrill argued that looking at Fielding's files against the psychiatrist's will still violated his civil rights and that there was "direct evidence" of Ehrlichman's "approval and authorization."

Ehrlichman and three others are on trial on charges of conspiring to violate the civil rights of Dr. Fielding.

William H. Frates, Ehr-

lichman's chief lawyer, said Ehrlichman ordered only a legitimate investigation and there was nothing wrong with having it done secretly.

"They're trying to have you believe the word 'covert' is an illegal operation," Frates said. "But what is the evidence from that witness stand? It doesn't mean illegal."

"The question is did John Ehrlichman conspire to an illegal entry," Frates said. "The answer is no."

Frates said statements made by Ehrlichman to the FBI and Watergate grand juries about the incident which brought perjury counts against him were the result of normal lapses of memory.

"I think it's a failing of all of us," Frates said.

The defense sharply attacked key government witnesses, including Egil Krogh and David Young, who once worked under Ehrlichman as co-directors of the plumbers.

Frates said Young

"couldn't answer a question straight if he wanted to" and characterized Krogh as "a young man trying to move too fast."

Merrill said the government did not dispute defense claims that the plumbers were organized with a legitimate purpose of stopping leaks of national security secrets. But Merrill said evidence had shown the group "also got involved in a conspiracy to enter Dr. Fielding's office and that they only did so after receiving defendant Ehrlichman's approval."

Merrill traced a series of memoranda and conversations which he said showed Ehrlichman knew about the plan in advance and knew that what he was authorizing could involve an illegal search.

U.S. District Judge Gerhard Gesell is to deliver his charge to the jury this morning. The jury is then expected to begin its deliberations after the lunch break.

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