

# Krogh Takes Blame for Burglary <sup>5/6/73</sup>

By George Lardner  
Washington Post Staff Writer

Former White House aide Egil Krogh Jr. is taking full responsibility for the September, 1971, burglary at the offices of Daniel Ellsberg's psychiatrist, reliable government sources said yesterday.

Krogh took the blame for the break-in, which was conducted with the CIA's help, in an affidavit given to government investigators Friday.

In the statement, Krogh said that neither President Nixon nor former White House domestic affairs adviser John D. Ehrlichman had advance knowledge of the burglary.

Krogh alluded to a conversation he had with Mr. Nixon in August, 1971, but, according to the Associated Press, he said the talk dealt with news leaks about the Strategic Arms Limitation Talks with the Soviet Union and Mr. Nixon's expressions of concern that the leaks might jeopardize those negotiations.

Currently on leave as under secretary of transportation, Krogh worked at the White House under Ehrlichman, who was until Monday Mr. Nixon's chief domestic adviser. Krogh went on leave Wednesday under orders, sources said, from Secretary of Transportation Claude S. Brinegar.

Ehrlichman told the FBI April 27 that he found out about the burglary only after it was carried out by a team headed by Watergate

See KROGH, A17, Col. 6

## KROGH, From A1

conspirators E. Howard Hunt and G. Gordon Liddy. The FBI quoted Ehrlichman as saying that he told the two men, who were then working for the White House, "not to do this again."

The Sept. 3, 1971, burglary was aimed at obtaining Ellsberg's psychiatric records. Hunt told the Watergate



Associated Press

**Egil Krogh: Did he have authority to call in the CIA?**

grand jury here Wednesday that it was carried out with cameras, disguises, false papers and other "technical assistance" from the CIA. The entire operation, Hunt said, was intended to help the White House assess Ellsberg's "prosecutability."

Government sources said that Krogh, in his affidavit, stated that he had general supervision over the scheme.

One source inside the executive branch voiced strong disbelief about Krogh's reported statement. He said Krogh was at too low a level in the White House to authorize CIA assistance for the Ellsberg burglary.

Reports of the CIA's involvement drew expressions of concern from Senate Majority Leader Mike Mans-

field (D-Mont.) and Sen. Henry M. Jackson (D-Wash.), both members of a special Senate oversight committee on the CIA that has been dormant since the death early in 1971 of its chairman, Sen. Richard Russell (D-Ga.).

Mansfield said the reported assistance "does raise a question about the CIA being involved in domestic affairs, which, as I recall, is a violation of law."

A spokesman for Jackson said that the senator "is going to take the matter up personally with the CIA." The oversight committee has not met since Russell's death.

The law setting up the CIA states that it "shall have no police, subpoena, law-enforcement powers, or internal-security functions."

Asked whether Hunt's allegations, if true, would put the CIA in violation of that proviso, a CIA spokesman declined comment.

"It's so complicated that I think we're not going out on

that plank," he said. "That takes lawyers."

Mansfield said he expects that the Senate's Watergate investigation committee, headed by Sen. Sam J. Ervin Jr. (D-N.C.), will take a careful look at the issue.

Krogh himself has been unavailable for comment. He has stayed away from the Department of Transportation since Wednesday morning, disconnected his home telephone and asked that he be left alone by DOT officials.

Transportation Secretary Brinegar, meanwhile, considers his case a "White House matter," for the moment at least, since the activities in question preceded his transfer to DOT. Officials say Krogh has yet to offer his resignation to Brinegar, and the secretary has not fired him.

Sources in Los Angeles said yesterday that Pentagon Papers trial Judge W. Matt Byrne Jr. received the Krogh affidavit Friday night. Chief defense attorney Leonard Boudin yesterday asked that the Krogh material be turned over to the defense at 9:30 Monday morning.



Boudin said he also would ask that Byrne hold a special court session Monday to take up President Nixon's renewal yesterday of his order barring aides and former aides from testifying with regard to White House matters. Byrne had said Friday that the trial would resume on Tuesday.

Boudin said that Mr. Nixon's action strengthens the defense contention that an immediate dismissal of the case is in order. He said the President's renewed order "nullifies" the value of any hearing that would seek to determine if government misconduct may have prejudiced the case against defendants Daniel Ellsberg and Anthony J. Russo Jr.

"The President's decision that even former presidential aides not testify with respect to communications with him means that Mr. Ehrlichman and Mr. Krogh, and possibly Mr. [Robert] Mardian [a former assistant attorney general] cannot tell the court the extent of the presidential involvement in the prosecution and the knowledge of the alleged activities such as examination of psychiatrist's confidential records," Boudin said in a statement yesterday.

"The President has taken the equivalent of the Fifth Amendment privilege against self-incrimination — and extended it to his aides. Assuming that the President does have constitutional privilege, he cannot legally use it to silence witnesses like Ehrlichman or Krogh in our case, or to cover the concealment or destruction of evidence.

"The President's claim of executive privilege together with Patrick Gray's (former acting FBI chief) destruction of files makes a hearing an impossible alternative to immediate dismissal."