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An FBI Tale That Doesn't Wash

The rationale for burglarizing the office of Daniel Ellsberg's psychiatrist given by John D. Ehrlichman's sworn testimony is shredded by one fact not disclosed until now: a 1971 secret meeting between G. Gordon Liddy and FBI officials.

Liddy asked whether the FBI was seriously investigating Ellsberg's disclosure of the Pentagon Papers. The answer was an unequivocal yes. Indeed, facts not revealed previously repudiate suggestions by Ehrlichman—and President Nixon himself—that the FBI was restrained from probing Ellsberg by J. Edgar Hoover's non-cooperation.

Ehrlichman and the President were either given false information, or distorted the truth. The result was an illegal act, now defended by Ehrlichman as a proper exercise of presidential power, that never would have been entertained by the FBI. As elsewhere in Watergate, the Ellsberg burglary can be traced to one of two sources: presidential complicity or presidential confusion.

The dispute stems from Ehrlichman's testimony Tuesday that his lieutenant, Egil (Bud) Krogh (head of the new "Plumbers" unit), told him that "I am having real trouble getting the FBI to move on this (the Ellsberg case)."

In fact, a key Plumber, Liddy, visited FBI headquarters in the summer of 1971 after the Pentagon Papers were leaked and published. He told a Hoover lieutenant that a secret White House unit had been formed under Krogh's leadership to plug leaks of security information—the first the FBI

heard of the Plumbers. Liddy was told the FBI had plugged the leaks itself.

When Liddy next asked about the Ellsberg investigation, he was taken to the FBI official in charge of the case. This official told Liddy the Ellsberg probe was, in FBI parlance, "a special," with a separate staff, and that "we are going all out." Liddy did not dispute this.

In truth, nearly double the agents working on the Berrigan case, then Hoover's favorite cause, were assigned to the Ellsberg unit. Although Hoover's bureaucratic red tape probably hampered the investigation, nobody at the FBI gives any credence to Ehrlichman's testimony—previously attributed to Mr. Nixon—that Hoover smothered the Ellsberg probe.

Ehrlichman testified Tuesday that then Atty. Gen. John Mitchell told him "we have a very tough problem" because Hoover prohibited an FBI interview of millionaire toy manufacturer Louis Marx, Ellsberg's father-in-law and Hoover's close friend. Moreover, testifying earlier before the Ervin committee, presidential aide Richard Moore said Mr. Nixon told him this year the White House itself investigated the Ellsberg case because of Hoover's friendship with Marx.

The facts are that Marx was interviewed by the FBI. A proposed interview had been disapproved by Hoover, but Charles Brennan, then an assistant director, inadvertently overlooked Hoover's disapproval and authorized the interview (which turned out to be unproductive). Marx told the FBI

agent he disagreed philosophically with his super-dovish son-in-law and did not even know his whereabouts.

When he learned this, an outraged Hoover banished Brennan to a field office (a transfer overruled by Mitchell, as Ehrlichman testified). The bizarre case reveals the petty tyranny common in Hoover's later years. But even Hoover's toughest critics could not claim it remotely affected investigating the Ellsberg case.

Nor would those FBI officials critical of Hoover's latter-day caution have dreamed recommending a burglary of the psychiatrist's office. On July 20, 1971, Ellsberg's psychiatrist, Dr. Lewis J. Fielding, refused to talk to FBI agents because of the doctor-patient relationship. Under longstanding procedure, when refused the doctor's records, the FBI dropped the matter.

Accordingly, when Ehrlichman initiated the Aug. 11 memorandum authorizing a "covert operation," he was taking action impermissible in the FBI no matter what director Hoover's attitude. The FBI learned of the Sept. 3 break-in this past spring.

Some FBI officials feel that the Plumbers were running out of business and concocted the Fielding bag job as busy work. Whether they did or not, the Nixon-Ehrlichman explanation for taking over FBI duties had no basis in fact. The occurrence of this distortion of truth and the crime that resulted from it is one more severe indictment of Richard M. Nixon's administration.