

A Chain of Events

President Nixon in his Watergate report to the nation on May 22, 1973:

... On June 5, 1970 I met with the Director of the FBI (Mr. Hoover), the Director of the Central Intelligence Agency (Mr. Richard Helms), the Director of the Defense Intelligence Agency (General Donald V. Bennett) and the Director of the National Security Agency (Admiral Noel Gayler). We discussed the urgent need for better intelligence operations. I appointed Director Hoover as chairman of an interagency committee to prepare recommendations. On June 25, the committee submitted a report which included specific options for expanded intelligence operations, and on July 23 the agencies were notified by memorandum of the options approved. After reconsideration, however, prompted by the opposition of Director Hoover, the agencies were notified five days later, on July 28, that the approval had been rescinded. The options initially approved had included resumption of certain intelligence operations which had been suspended in 1966. These in turn had included authorization for surreptitious entry — breaking and entering, in effect — on specified categories of targets in specified situations related to national security.

... During the week following the Pentagon Papers publications, I approved the creation of a Special Investigations Unit within the White House — which later came to be known as the "plumbers." ... I looked to John Ehrlichman for the supervision of this group. Egil Krogh, Mr. Ehrlichman's assistant, was put in charge. The unit operated under extremely tight security rules. Its existence and functions were known only to a very few persons at the White House ... At about the time the unit was created, Daniel Ellsberg was identified as the person who had given the Pentagon Papers to the New York Times. I told Mr. Krogh that as a matter of first priority, the unit should find out all it could about Mr. Ellsberg's associates and his motives ...

Egil Krogh, in his statement to the court at the time of his sentencing to a six-month jail term for his part in the break-in of Mr. Ellsberg's psychiatrist office:

My role began on July 15 or 16, 1971, in San Clemente. At that time, John Ehrlichman informed

me that the President wanted me to perform an urgent assignment in response to the unauthorized disclosure of the Pentagon Papers.

... Because Dr. Daniel Ellsberg had been identified as responsible for the leak of the Pentagon Papers, he was to be a vital part of the inquiry. Specifically, his motivations, his possible collaborators, and his potential for further disclosures were to be determined to the extent possible ...

On July 24, I was summoned to the President's office with Mr. Ehrlichman. This meeting followed by one day the appearance in the New York Times of the fallback position of the United States in the SALT talks at Helsinki. The President appeared deeply troubled by this unauthorized disclosure and directed me to expand the work of the unit to cover it ... The intensity of the national security concern expressed by the President fired up and overshadowed every aspect of the unit's work.

It was in this context that the Fielding incident, the break-in into the offices of Dr. Ellsberg's psychiatrist, took place ... I received no specific instruction or authority whatsoever regarding the break-in from the President, directly or indirectly (but) Mr. Ehrlichman gave the unit authority to engage in cov-

ert activity to obtain information on Dr. Ellsberg ... I considered that a break-in was within the authority of the unit ... The break-in came about because the unit felt it could leave no stone unturned in the investigation of Dr. Ellsberg.

Egil Krogh in an interview with Mike Wallace on CBS's "60 Minutes":

Krogh: I think that what happened in the Ellsberg case specifically, which is what has given me such a sense of deep unhappiness, was that while there was an effect, I assume, on the national security, which we talked about earlier, he cannot be considered an enemy of the state as such ...

Wallace: But he was so regarded by the White House?

Krogh: I think that he was considered an enemy of the state and the word "traitor" was used.

Wallace: And who was responsible for the climate — Richard Nixon?

Krogh: Again, the climate is set

by the top man.

Charles Colson, in his plea to the court on June 21, 1974, before being sentenced on a felony charge of obstructing justice for his part in a scheme to collect and disseminate derogatory information about Daniel Ellsberg:

As to the specific offense charged, the President on numerous occasions urged me to disseminate damaging information about Daniel Ellsberg, including information about Ellsberg's attorney and others with whom Ellsberg has been in close contact. I endeavored to do so — and willingly. I don't mean to shift my responsibility to the President. I believed what I was doing was right. The President, I am convinced, believed he was acting in the national interest.

Federal Judge Gerhard A. Gesell, in his charge to the jury which found John Ehrlichman guilty of conspiracy and of lying to the grand jury and to the FBI in connection with the break-in of Daniel Ellsberg's psychiatrist's office:

... An individual cannot escape criminal liability simply because he sincerely but incorrectly believes that his acts are justified in the name of patriotism, or national security or a need to create an unfavorable press image or that his superiors have the authority without a warrant to suspend the constitutional protections of the Fourth Amendment ... Even the proper concern of the President of the United States and others in high office to prevent leaks of national security information would not have justified a warrantless search of Dr. Fielding's office without his permission.

There is no evidence that the President authorized such a search, and as a matter of law neither he nor any agency such as the FBI or the CIA had the authority to order it.

President Nixon, in the May 22, 1973 Watergate report:

I did not authorize and had no knowledge of any illegal means to be used to achieve this goal. However, because of the emphasis I put on the crucial importance of protecting the national security, I can understand how highly motivated individuals could have felt justified in engaging in specific activities that I would have disapproved had they been brought to my attention.

Consequently, as President, I must and do assume responsibility ...