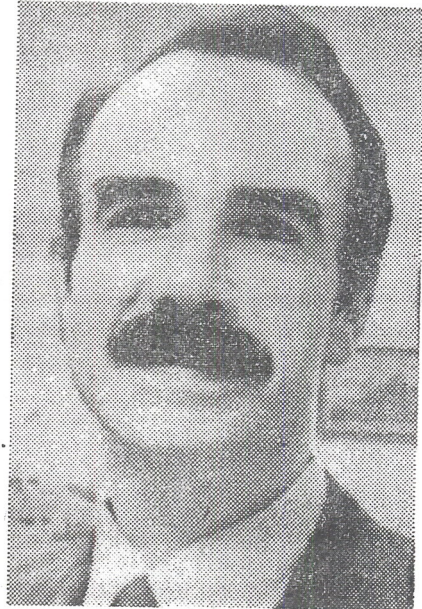




JOHN EHRLICHMAN



CHARLES W. COLSON



G. GORDON LIDDY

Ellsberg Case: Nixon Role in Question

Desire for Secrecy Held Motive

3/8/74

By Bob Woodward and Carl Bernstein
Washington Post Staff Writers

Yesterday's indictment in connection with the 1971 burglary of the office of Daniel Ellsberg's psychiatrist makes no charge or even a suggestion that President Nixon was involved.

Nonetheless, investigative sources said this week that serious questions still exist about Mr. Nixon's role in an alleged cover-up of the Ellsberg burglary.

According to the prosecutors' theory of the Watergate cover-up, possible exposure of the Ellsberg break-in was one of the main factors in the decision to try to buy the silence of the Watergate burglars.

This is because former White House aides E. Howard Hunt Jr. and G. Gordon

Liddy were involved in both illegal operations. According to this theory, a full, unfettered investigation of Watergate probably would have led to discovery of the Ellsberg burglary much sooner.

This is a matter dealt with in the main Watergate grand jury's secret report

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turned over to federal Judge John J. Sirica last Friday when the major Watergate indictments were issued, the sources said. That report is intended for the House Judiciary Committee investigating possible impeachment.

The grand jury that

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'Plumbers' Told to Plug Leaks

3/8/74

By Lawrence Meyer
Washington Post Staff Writer

A New Yorker out for the evening on June 12, 1971, who stopped to pick up the first edition of the next day's New York Times, was an unwitting witness to the first of a historic chain of events that still has not ended with yesterday's indictments concerning the White House "plumbers" operation.

The lead story in the June 13, 1971, edition of the Times concerned a warning from the United States to India and Pakistan about their explosive dispute over East Pakistan. At the top left of the front page was a story about the White House wedding of Tricia Nixon to Edward Finch Cox.

Sandwiched between these two stories was a four-col-

umn headline that understated the importance of six full pages of related stories and reprinted documents inside the paper. "Vietnam Archive: Pentagon Study Traces 3 Decades of Growing U.S. Involvement," the headline said.

The Times had obtained a copy of what quickly became known as the "Pentagon Papers" — the multivolume, top secret Pentagon study of the origins and conduct of the Vietnam war.

In rapid sequence, the United States government obtained temporary court orders barring newspapers from publishing this news

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NIXON, From A1

handed down yesterday's indictments in the Ellsberg case did not issue a similar report.

Yesterday's indictment charged three former Nixon aides and three other men from Miami, including two of the five men who broke into the Democrats' Watergate headquarters on June 17, 1972.

It presented for the first time the grand jury's legal conclusion that the break-in was a violation of the law.

By implication this means that the grand jury has concluded the Ellsberg break-in was not justified on national security grounds, as the President has at least twice maintained.

In addition, Mr. Nixon previously has said that he approved the creation of the White House special unit called the "plumbers" which was responsible for investigating news leaks.

"I approved the creation of a Special Investigations Unit with the White House—which later came to be known as the 'plumbers,'" the President said in a prepared statement issued last May 22.

And yesterday's indictment named all the members of the plumbers unit as either indicted or unindicted coconspirators.

Investigative sources said that the existence of a special unit that operated outside of normal government channels also raised questions about its legality. One source went so far as to say that Mr. Nixon was "in effect the head 'plumber' because of his high interest in news leaks."

"Of course there was a cover-up of the Ellsberg burglary," another source said earlier this week. "Many people in government knew about it for 18 months before there was

any investigation . . . but the indictment will be silent on the issue. That's someone else's problem," indicating the House judiciary committee.

It is a matter of record, from the President's own statements and from sworn testimony of others, that Mr. Nixon knew of the Ellsberg burglary for about one month before it was disclosed to prosecutors.

The disclosure was made not by Mr. Nixon but by his counsel John W. Dean III who has testified that he was trying to stop the White House cover-up of Watergate and related activities, such as the Ellsberg burglary.

The President has said that he first learned of the Ellsberg burglary on March 17, 1973.

In mid-April—a month later—the President was informed by Assistant Attorney General Henry E. Petersen, who at the time was in charge of the Watergate investigation, that the prosecutors had just learned of the burglary.

In sworn testimony last summer before the Senate Watergate committee, Petersen quoted the President as responding: "I know about that. That is a national security matter. You stay out of that. Your mandate is to investigate Watergate."

Petersen testified that within about a week he and Attorney General Richard G. Kleindienst had persuaded the President to reverse his order and permit the forwarding of information of the burglary to the Los Angeles court where Ellsberg was on trial in the Pentagon Papers case—a trial later ended when the charges against Ellsberg were dismissed because of government misconduct.

Later, sources close to Elliot L. Richardson, who was nominated to succeed Kleindienst as attorney general on April 30, said that the President also tried to discourage Richardson from pursuing the investigation into matters relating to the Ellsberg burglary.

As previously reported, one source said that Mr. Nixon "told Richardson to keep the Pentagon Papers out of the Watergate investigation."

Also on April 30, Richardson had lunch with former

White House aide Egil "Bud" Krogh, Jr. who was named as an unindicted coconspirator in yesterday's indictment. Krogh headed the "plumbers" unit.

At that lunch, sources have said, Krogh told Richardson that he had received a message from presidential aide John D. Ehrlichman, who was indicted yesterday.

"Ehrlichman said the President didn't want any more to surface about the Ellsberg investigation," one source has said. "He (Ehrlichman) was emphatic that he was speaking for the President."

Specifically, sources have said, the President did not want it disclosed that the CIA had provided assistance to the "plumbers" for the break-in at the office of Ellsberg's psychiatrist.

The sources have said that Richardson expressed "horror" and "shock" at the suggestion that the President wanted a cover-up.

Richardson then discussed the matter with Assistant Attorney General Petersen who told him of the President's earlier action in attempting to prevent release of the information.

Thereupon, both Richardson and Petersen decided to comply with the President's stated wishes. The message was conveyed to Mr. Nixon who agreed that there should be no further attempts to contain the Ellsberg probe.

Five separate sources, have said that Mr. Nixon at no time suggested any other reason but national security for preventing release of information.

Within several days of Richardson's nomination as Attorney General, however, Krogh received guidelines from the White House stating that all former aides testifying in Watergate proceedings "are restricted from testifying as to matters relating to national security."

In his May 22 statement on Watergate-related matters, the President acknowledged that he directed Petersen in mid-April to "stay out of national security matters," but later reversed his decision after talking with Kleindienst on April 25.

The President has since

characterized the Ellsberg burglary as "stupid" and "illegal." Speaking before newspaper editors in Florida on Nov. 17, the President said: "I personally thought it was a stupid thing to do, apart from being an illegal thing to do . . ."

But earlier in his May 22 statement, the President seemed to voice sympathy with those involved in the burglary.

"Because of the emphasis I put on the crucial importance of protecting the national security," the President said, "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."

While disassociating himself from the illegal burglary, Mr. Nixon said, "Consequently, as President, I must and do assume responsibility for such actions despite the fact that I, at no time approved or had knowledge of them."

The President's national security argument to contain the investigation into the plumbers was described in his May 22 statement:

"At about the time the unit was created (July, 1971), 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.

"Because of the extreme gravity of the situation, and not then knowing what additional national secrets Mr. Ellsberg might disclose, I did impress upon Mr. Krogh the vital importance to the national security of his assignment.

"I did not authorize and had no knowledge of any illegal means to be used to achieve this goal."

PLUMBERS, From A1

story, the Supreme Court upheld the newspapers' right to publish the Pentagon Papers, a relatively obscure former government economist named Daniel Ellsberg was arrested for "leaking" the documents to the press, and the Nixon administration set about tracing and stopping such leaks of sensitive information.

Eventually, there occurred an unsuccessful burglary and search of the Los Angeles office of Daniel Ellsberg's psychiatrist, which allegedly led to the cover-up of the Watergate affair. In the end, an unexpected remark from a former White House official to a prosecutor investigating the then, seemingly unconnected Watergate cover-up revealed the Ellsberg burglary and other so-called "White House horrors," which helped lead to the resignations and indictments of several top Nixon administration officials.

On June 14, 1971, the day after the Pentagon Papers began appearing in the Times, Attorney General John N. Mitchell asked the newspaper to stop publishing documents drawn from the study and return them to the government. Mitchell said publication would cause "irreparable injury to the defense interests of the United States."

The Times refused, initiating a succession of encounters between the United States government and newspapers across the country as they obtained their own copies of the papers and began publishing stories based on them. After The Times came The Washington Post, The Boston Globe, the Knight Newspapers and The St. Louis Post-Dispatch.

On June 26, the Supreme Court, meeting in an extraordinary Saturday session, heard oral arguments in the cases of *The United States of America v. The Washington Post Co.* and *The New York Times Co. v. The United States of America.*

Morning papers that same day carried the news that an arrest warrant had been issued in Los Angeles for Daniel Ellsberg, 40, a senior research associate at the center for international studies at Massachusetts Institute of Technology. He was charged with unauthorized possession of top secret government documents.

Ellsberg had been named as the source of the papers on a New York radio program on June 16, by Sidney Zion, a former reporter for The Times. After disappearing for days, Ellsberg appeared on the CBS evening news on June 23 for an interview with Walter Cronkite, in which he said that, besides helping to write one volume of the papers, he had read them all. "I think it obviously led me to kinds of activity against the war publicity," Ellsberg told Cronkite.

On June 30, the Supreme Court ruled 6 to 3 in favor of the newspapers and publication of the Pentagon Pa-

pers resumed immediately.

Even though the Pentagon Papers were damning for the Johnson administration, the Nixon White House was traumatized by the release of the documents, according to the sworn testimony of former White House counsel John W. Dean III.

"While there was an always present concern about leaks," Dean testified before the Senate select Watergate committee, "that concern took a quantum jump when the New York Times began publishing the Pentagon Papers in June 1971. After the initial legal skirmish to enjoin publication of the papers had died down, the White House concern about the problem of leaks had heightened."

In his May 22, 1973 statement on the Watergate affair, President Nixon reflected the concern that Dean described. "There was every reason to believe this was a security leak of unprecedented proportions" Mr. Nixon said.

"It created a situation in which the ability of the government to carry on foreign relations even in the best of circumstances could have been severely compromised. . . . Therefore, during the week following the Pentagon Papers publication, I approved the creation of a special investigations unit within the White House—which later came to be known as 'the plumbers.' This was a small group at the White House whose principal purpose was to stop security leaks and to investigate other sensitive security matters. I looked to John Ehrlichman for the supervision of the group."

Ehrlichman, the top White House domestic adviser, in turn tapped two other White House aides, Egil (Bud) Krogh Jr., and David R. Young, to serve as the operating heads of the group. Krogh said last Jan. 24 that, on July 15 or 16, 1971, while in San Clemente, Ehrlichman told him of the assignment with the plumbers and that the work was to be given the "highest priority."

Since Ellsberg had been identified as the source of the Pentagon Papers leak, Krogh said, "he was to be a vital part of the inquiry."

Krogh also has claimed that the plumbers had received reports from the FBI and the CIA that a full set of the Pentagon Papers had been delivered to the Soviet embassy, a claim that has not been substantiated by attempts to verify it publicly.

On July 24, according to Krogh, he was "summoned to the President's office" with Ehrlichman. The meeting was one day after The New York Times had published the United States' fallback position in the strategic arms limitation talks (SALT) in Helsinki. Mr. Nixon was "deeply troubled" by this story, according to Krogh.

"He (Nixon) was deeply concerned that any further disclosure of such information could only undermine the

SALT and Vietnam peace negotiations," Krogh said. "His intense determination was evident. He instructed that further leaks would not be allowed and made me feel personally responsible for carrying out this instruction."

Krogh's account exonerates Mr. Nixon of any responsibility for the Ellsberg break-in that occurred about six weeks later. Krogh said that Ellsberg's name was apparently not even mentioned in the White House meeting. Nevertheless, Krogh came away from the meeting with zeal for his mission, according to his account. "The intensity of the national security con-

cern expressed by the President fired up and overshadowed every aspect of the unit's work," Krogh said.

Exactly what happened, and why it occurred, after that still is not entirely clear. Some three weeks before Krogh met with Mr. Nixon, special presidential counsel Charles W. Colson had a telephone conversation with E. Howard Hunt Jr., a former CIA agent who was a personal friend of Colson. Colson recorded the conversation and later sent a transcript of it to the White House chief of staff H. R. (Bob) Haldeeman.

Discussing Ellsberg with Hunt during the July 1 phone conversation, Colson said, "This thing could go one of two ways. Ellsberg could be turned into a martyr of the new left—he probably will be anyway—or it could be another Alger Hiss case, where the guy is exposed, other people were operating with him, and this may be the way to really carry it out. We might be able to put this bastard into a helluva situation and discredit the new left."

Then, a moment later in the conversation, this exchange took place between Hunt and Colson, according to the transcript:

Colson: Let me ask you this, Howard, this question. Do you think with the right resources employed that this thing could be turned into a major public case against Ellsberg and coconspirators?

Hunt: Yes, I do, but you've established a qualification here that I don't know whether it can be met.

Colson: What's that?

Hunt: Well, with the proper resources.

Colson: Well, I think the resources are there.

Hunt: Well, I would say so, absolutely.

Colson: Then your answer would be we should go down the line to nail the guy cold?

Hunt: Go down the line to nail the guy cold, yes.

On Colson's recommendation, Hunt was hired to work in the White House as a \$100-day-consultant, purportedly

working on declassifying the Pentagon Papers.

Within a relatively short period of time, however, Hunt had found his way to Room 16 in the Executive Office Building, where he formed a bond with G. Gordon Liddy, a former FBI agent, former assistant Dutchess County, New York, prosecutor, former Treasury Department official and something of a domestic soldier of fortune. Room 16 was the headquarters of the plumbers and, according to Hunt, the repository of materials he needed for his research on Ellsberg.

On July 28, 1971—four days after Krogh met with Mr. Nixon—Hunt sent Colson a memo concerning the "neutralization of Ellsberg." In the memo Hunt outlined steps he proposed to gather information on Ellsberg, including interviewing Ellsberg's first wife, examining files at the CIA, the FBI and the Pentagon, requesting the CIA to prepare a "covert psychological assessment/evaluation on Ellsberg" and trying to "obtain Ellsberg's files from his psychiatric analyst."

Colson apparently sent Hunt's memo on to Krogh and Young, because on Aug. 3, 1971 they sent a memo back to Colson referring to Hunt's memo and stating that they were already working on Hunt's suggestion or would begin doing so.

Toward the end of the month, according to Hunt's testimony before a county grand jury in Los Angeles, a decision was made that the information gathered on Ellsberg was "insufficient on which to base the sort of a crucial judgment that they felt should be rendered." And so, according to Hunt's later testimony, a consensus developed within the plumbers that "it would be advisable to conduct an entry operation at the offices of his psychiatrist, Dr. Lewis Fielding."

"The purpose of the Ellsberg operation is not entirely clear, however. Some documents indicate that the intent was to gather intelligence for reasons of national security. Other documents, and some of Colson's remarks, indicate that the purpose may have been political.

In an Aug. 11, 1971 memo to Ehrlichman, Krogh and Young recommended that a "covert operation be undertaken to examine all the medical files still held by Ellsberg's psychoanalyst covering the two-year period in which he was undergoing analysis."

Ehrlichman initialed the memo, writing in the notation, "if done under your assurance that it is not traceable."

On Aug. 25 or 26, Hunt and Liddy flew to Los Angeles on a scouting mission. Using some equipment supplied to them by the CIA, they made photographs of Fielding's office and the surrounding area for use in their operation.

While Hunt and Liddy were away, their superiors in Washington were making their own plans. In an Aug. 26 memo to Ehrlichman, Young reviewed the status of the investigation against

Ellsberg and others, summarized contacts with prominent congressmen and listed a series of alternatives that could be followed.

One of the questions Young posed in his memo was, "How quickly do we want to try to bring about a change in Ellsberg's image?" An asterisk in the memo referred Ehrlichman to this footnote on the bottom of page 5:

"I connection with (this), it is important to point out that with the recent article on Ellsberg's lawyer, (Leonard) Boudin, we have already started on a negative press image for Ellsberg. If the present Hunt/Liddy Project No. 1 is successful, it will be absolutely essential to have an overall game plan developed for its use in conjunction with the congressional investigation.

"If there is to be any damaging of Ellsberg's image and those associated with him, it will therefore be necessary to fold in the press planting with the congressional investigation. I mentioned these points to Colson earlier this week, and his reply was that we should just leave it to him and he would take care of getting the information out. I believe, however, that in order to orchestrate this whole operation, we have to be aware of precisely what Colson wants to do," Young concluded.

In an Aug. 27, 1971 memo from Ehrlichman to Colson on the subject of "Hunt/Liddy Special Project No. 1," Ehrlichman said, "On the assumption that the proposed undertaking by Hunt and Liddy would be carried out and would be successful. I would appreciate receiving from you by Wednesday a game plan as to how and when you believe the materials should be used."

After a brief stay in Los Angeles, according to Hunt's grand jury testimony, Hunt and Liddy returned to Washington where they received approval to carry out the break-in.

Krogh, in his statement last Jan. 24, declined to give any details concerning how the final decision was made to carry out the break-in, which was conducted over the Labor Day weekend.

Hunt testified that he had to recruit others to perform the break-in since one of the instructions to him and Liddy was not to involve the White House directly. So Hunt recruited Bernard L. Barker, whom he had known from the Bay of Pigs operation in 1962 to perform the mission. Barker in turn recruited two other men, Eugenio R. Martinez and Felipe De Diego, to join in the operation.

According to all accounts, the break-in was unsuccessful since the team was unable to find any documents relating to Ellsberg.

That might well have been the end of it, had Hunt not again called on Barker, Martinez and three other men to pull another "bag job," this time in the Democratic National Committee's Watergate headquarters, where officers of the metropolitan police department arrested all five men in the early

morning hours of June 17, 1972. Their arrest led to the Watergate cover-up, for which seven former Nixon administration officials, including Ehrlichman and Colson, have been indicted.

In July, 1972, after a month of hearings preliminary to the beginning of Ellsberg's trial on charges of theft and unauthorized possession of government property, the proceedings were brought to an abrupt halt by litigation over a government wiretap. The Ellsberg trial was delayed four months. On Dec. 11, 1972, U.S. District Judge W. Matt Byrne Jr. declared a mistrial.

On Sept. 7, the day after Labor Day, Hunt showed up for work at the White House and waited for Colson outside his office, according to Hunt's grand jury and Senate testimony. "And as he (Colson) came through the door, I said, 'I have something here I would like to show you, in connection with my activity last weekend,'" Hunt later testified. "And he (Colson) said 'I don't want to hear anything about them,' and went right to his office and closed the door."

Some time after the break-in, according to a sworn statement by Krogh, Ehrlichman was told about it. Krogh said later that Ehrlichman told him that the operation "far exceeded the scope of any covert activity which had been approved in advance" and that Hunt and Liddy were to be told "that no additional covert activity was to be undertaken."

On Jan. 16, 1973, the Ellsberg trial resumed in Los Angeles with a new jury. By April, as the Watergate cover-up was beginning to unravel, the Ellsberg trial was nearing its conclusion.

On April 5, during a lull in the Ellsberg trial, Judge Byrne met in San Clemente with Ehrlichman in the first of two meetings in which Ehrlichman raised the possibility of Byrne's becoming director of the FBI. The second meeting between the two men was nearby in Santa Monica on April 7.

Although Byrne asserted on May 2, when he disclosed the meetings from the bench in open court, that he had refused to "discuss or consider" the offer until after the trial, defense lawyers said later Byrne had been "compromised" by the discussion.

According to Ehrlichman, "the judge indicated a very strong interest" in the job although Byrne did not "press" for an offer. Ehrlichman testified before the Senate committee last summer that he saw nothing wrong or improper about his approach to Byrne and that he was "surprised" by the adverse reaction in the legal community.

At about the same time that Ehrlichman was approaching Byrne in California, White House counsel Dean was beginning discussions of the Watergate affair in Washington with the Watergate prosecution team of principal assistant United States Attorney Earl J. Silbert and assistant United States Attorneys Seymour Glanzer and Donald Campbell.

It was on Sunday, April 15, at a meeting of Silbert, Glanzer and Dean

at Dean's lawyer's office that Dean told Silbert he wanted to tell him something new. And then, without fanfare as he and Silbert stood conversing, Dean informed the prosecutor that Hunt and Liddy had conducted a break-in at the offices of Ellsberg's psychiatrist. As he heard the news, Silbert sat down.

Later that day, Silbert went to the home of Assistant Attorney General Henry E. Petersen to tell him about the Ellsberg break-in.

The following day, Silbert dictated a memo to Petersen on the burglary. By April 18, Petersen, who at that time was in direct communication with President Nixon about the Watergate investigation, was ready to tell him about the Ellsberg break-in.

According to Petersen testifying before the Senate select Watergate committee, he told Mr. Nixon the news, and the President said, "I know about that. That is a national security matter. You stay out of that. Your mandate is to investigate Watergate."

Petersen said Silbert was told to "forget it." But, Petersen testified, he could not forget it. On April 25, he said he went to Attorney General Richard G. Kleindienst and told him, "I need some help." Kleindienst, Petersen said, agreed that the matter should be disclosed to Judge Byrne.

Petersen said Kleindienst went to Mr. Nixon, reopened the matter and secured his approval. On April 27, Judge Byrne revealed in open court that Hunt and Liddy had conducted a break-in at the offices of Ellsberg's psychiatrist.

On May 11, citing governmental misconduct so severe as to "offend the sense of justice," Byrne dismissed all charges against Ellsberg and his codefendant, Anthony J. Russo Jr. For them, at least, the ordeal was over.