

Grand Jury Lists

The following represents the major portions of the text of yesterday's federal indictments in the 1971 break-in at the office of Dr. Lewis Fielding, Daniel Ellsberg's psychiatrist.

NAMES:

John Ehrlichman, 48, Seattle.
 Charles Colson, 42, McLean, Va.
 G. Gordon Liddy, 43, Oxon Hill, Md.
 Bernard L. Barker, 56, Miami.
 Felipe De Diego, 45, Miami.
 Eugenio Martinez, 51, Miami.

CHARGE:

Each defendant was charged with a single count of violation of Title 18, USC, Section 241, Conspiracy against rights of citizens.*

Ehrlichman was also charged with one count of violation of Title 18, USC, Section 1001, making false statement to agents of the Federal Bureau of Investigation, and three counts of violation of Title 18, USC, Section 1623, making false declaration to grand jury or court.

*Named as co-conspirators, but not indicted, were the following: Egil Krogh, Jr., E. Howard Hunt, Jr., and David R. Young. Krogh pleaded guilty on November 30, 1973, to a charge of violation of Title 18, USC, Section 241. Hunt was granted immunity by order of U.S. District Court Chief Judge John J. Sirica on March 28, 1973. Young was granted immunity by Chief Judge Sirica on May 16, 1973.

PENALTIES

SECTION 241. Fine of not more than \$10,000 or imprisonment for not more than 10 years, or both.

SECTION 1001. Fine of not more than \$10,000 or imprisonment not more than five years, or both.

SECTION 1623. Fine of not more than \$10,000 or imprisonment not more than five years, or both.

The Indictments

COUNT ONE

The Grand Jury charges:

1. At all times material herein up to on or about April 30, 1973, John D. Ehrlichman, the defendant, was acting in the capacity of an officer and employee of the United States Government, as Assistant for Domestic Affairs to the President of the United States.

2. At all times material herein up to on or about March 10, 1973, Charles W. Colson, the defendant, was acting in the capacity of an officer and employee of the United States Government, as Special Counsel to the President of the United States.

3. From on or about July 20, 1971, up to on or about December 10, 1971, G. Gordon Liddy, the defendant, was acting in the capacity of an officer and employee of the United States Government, as Staff Assistant to the President of the United States.

4. From on or about July 1, 1971 up to and including the date of the filing of this indictment, in the District of Columbia and elsewhere, John D. Ehrlichman, Charles W. Colson, G. Gordon Liddy, Bernard L. Barker, Felipe de Diego, and Eugenio R. Martinez, the defendants, and Egil Krogh, Jr., David R. Young, E. Howard Hunt, Jr., named herein as co-conspirators but not as defendants, unlawfully, willfully and knowingly did combine, conspire, confederate and agree together and with each other to injure, oppress, threaten, and intimidate Dr. Lewis J. Fielding, a citizen of the United States, in the free exercise and enjoyment of rights and privileges secured to him by the Con-

stitution and laws of the United States, in violation of Title 18, United States Code, Section 241 (a).

5. It was part of the conspiracy that the conspirators would, without legal process, probable cause, search warrant, or other lawful authority, covertly and unlawfully enter the offices of Dr. Lewis J. Fielding located at 450 North Bedford Drive, Beverly Hills, California, with intent to search for confidential information concerning Daniel Ellsberg, thereby injuring, oppressing, threatening, and intimidating Dr. Lewis J. Fielding in the free exercise and enjoyment of the right and privilege secured to him by the Fourth Amendment to the Constitution of the United States to be secure in his person, house, papers and effects against unreasonable searches and seizures, and that they would thereafter conceal such activities, so as to prevent Dr. Lewis J. Fielding from securing redress for the violation of such right and privilege.

6. Among the means by which the conspirators would carry out the aforesaid conspiracy were the following: (a) on or about September 1, 1971, the conspirators would travel and cause others to travel to the State of California; (b) on or about September 3, 1971, the conspirators would, without legal process, probable cause, search warrant or other lawful authority, covertly and unlawfully enter and cause to be entered the offices of Dr. Lewis J. Fielding located in Beverly Hills, California; (c) on or about September 3, 1971, the conspirators would unlawfully and unreasonably search and cause to be searched the said offices of Dr. Lewis J. Fielding; and (d) on or about September 3, 1971, the conspirators would conduct such unlawful and unreasonable search in a manner designed to conceal the involvement of officials and employees of the United States Government.

7. In furtherance of the conspiracy, and in order to effectuate the objects thereof, the following overt acts, among others, were committed in the District of Columbia and elsewhere:

OVERT ACTS

1. On or about July 27, 1971, Egil Krogh, Jr. and David R. Young sent a memorandum to John D. Ehrlichman, which discussed a request for the preparation of a psychiatric study on Daniel Ellsberg.

2. On or about July 28, 1971, E. Howard Hunt, Jr. sent a memorandum to Charles W. Colson entitled "Neutralization of Ellsberg" which discussed a proposal to "obtain Ellsberg's files from his psychiatric analyst."

3. On or about July 30, 1971, Egil Krogh, Jr. and David R. Young sent a memorandum to John D. Ehrlichman which informed Ehrlichman that the Central Intelligence Agency had been "instructed . . . to do a thorough psychological study on Daniel Ellsberg."

4. On or about August 3, 1971, Egil Krogh, Jr. and David R. Young sent a memorandum to Charles W. Colson which referred to the memorandum described in Overt Act No. 2 and which stated that "we will look into" the suggestions made by E. Howard Hunt, Jr.

5. On or about August 11, 1971, John D. Ehrlichman approved a covert operation proposed by Egil Krogh, Jr. and David R. Young to examine all the medical files still held by Ellsberg's psychoanalyst if he were given an "assurance it is not traceable."

6. On or about August 23, 1971, John D. Ehrlichman and David R. Young had a conversation in which

19 Overt Acts

Ehrlichman and Young discussed financing for "Special Project No. 1," a planned entry into the offices of Dr. Lewis J. Fielding to obtain confidential information concerning Daniel Ellsberg.

7. In late August 1971, Charles W. Colson had a telephone conversation with Egil Krogh, Jr. in which Colson and Krogh discussed providing money for E. Howard Hunt, Jr. and G. Gordon Liddy.

8. During the week of August 22, 1971, Charles W. Colson and David R. Young had a conversation in which Colson and Young discussed providing money for E. Howard Hunt, Jr. and G. Gordon Liddy and preparing a plan to disseminate information regarding Daniel Ellsberg.

9. On or about August 26, 1971, David R. Young sent a memorandum to John D. Ehrlichman which referred to "Hunt/Liddy Project No. 1" and stated that Charles W. Colson would get "the information out" on Ellsberg.

10. On or about August 27, 1971, John D. Ehrlichman sent a memorandum to Charles W. Colson entitled "Hunt/Liddy Special Project No. One" which requested Colson to prepare a "game plan" for the use of materials to be derived from the "proposed undertaking by Hunt and Liddy."

11. On or about August 30, 1971, G. Gordon Liddy had a meeting with Egil Krogh, Jr., David R. Young, and E. Howard Hunt, Jr. in which there was a discussion of the means by which there would be a non-traceable entry into the offices of Dr. Lewis J. Fielding.

12. On or about August 30, 1971, John D. Ehrlichman had a telephone conversation with Egil Krogh, Jr. and David R. Young in which Krogh and Young assured Ehrlichman that the planned entry into the offices of Dr. Lewis J. Fielding would not be traceable.

13. On or about August 31, 1971, Charles W. Colson had a telephone conversation in which he arranged to obtain \$5000 in cash.

14. On or about September 1, 1971, Charles W. Colson arranged for the transfer of \$5,000 from the Trust for Agricultural Political Education in order to repay the \$5,000 cash described in Overt Act. No. 13.

15. On or about September 1, 1971, Charles W. Colson caused the delivery of \$5,000 in cash to Egil Krogh, Jr.

16. On or about September 1, 1971, Egil Krogh, Jr. delivered \$5,000 in cash to G. Gordon Liddy.

17. On or about September 1, 1971, G. Gordon Liddy and E. Howard Hunt, Jr. travelled from Washington, D.C. via Chicago, Illinois to Los Angeles, California for the purpose of meeting with Bernard L. Barker, Felipe de Diego and Eugenio R. Martinez.

18. On or about September 3, 1971, Bernard L. Barker, Felipe de Diego and Eugenio R. Martinez searched the office of Dr. Lewis J. Fielding located in Beverly Hills, California for the purpose of obtaining confidential information concerning Daniel Ellsberg.

19. On or about March 27, 1973, John D. Ehrlichman caused the removal of certain memoranda related to the entry into the offices of Dr. Lewis J. Fielding from files maintained at the White House in which such memoranda would be kept in the ordinary course of business.

(Title 18, United States Code, Section 241.)

COUNT TWO

The Grand Jury further charges: On or about May 1, 1973, in the

District of Columbia, John D. Ehrlichman, the defendant, did knowingly and willfully make false, fictitious and fraudulent statements to agents of the Federal Bureau of Investigation, Department of Justice, which Department was then conducting an investigation into a matter within its jurisdiction pursuant to an order of the United States District Court for the Central District of California to investigate whether, as a result of an entry conducted by White House employees into the offices of Dr. Lewis J. Fielding located in Beverly Hills, California, there had been obtained information which might taint the prosecution in the criminal case of United States of America v. Russo (No. 9373-CD-WMB), the trial of which was then pending before said Court, in that he stated that it had been over a year since he had seen anything on the "Pentagon Papers" investigation, and that he had not seen any material covering the White House investigation of the "Pentagon Papers" case for more than a year.

(Title 18, United States Code, Section 1001.)

COUNT THREE

JOHN D. EHRLICHMAN, the DEFENDANT, appearing as a witness under oath (on or about May 14, 1973,) before the . . . Grand Jury, did knowingly declare . . . as follows:

Q. Very well, sir. Now there came a time when this operation became concerned with Dr. Ellsberg himself, is that not correct?

A. Yes.

Q. And then there was an attempt or a decision made to find out as much about Dr. Ellsberg as could be done, is that correct?

A. Yes.

Q. And even part of that investigation was going to center on his psychological profile, his mental attitudes, his habits, and possible motivations. Is that correct?

A. Well, I learned about that after the fact, but that is my understanding of the decision that was made.

Q. When you say you learned about it after the fact, what do you mean by that, sir?

A. Well, I learned after the the break-in that they were looking for information for what they call a psychological profile.

I was not aware of that before the fact.

Q. So before the fact you were not aware that there was an attempt by Mr. Krogh, or persons working under his supervision or authority, to—there was no attempt made by these people to ascertain information that would be helpful in drawing out the psychological profile if I understood what you just said. Is that right?

A. I didn't know if they made an attempt or not. I was just saying that I didn't learn of it until after I learned of the break-in.

Q. Just so that the Grand Jury and we are clear on this, prior to receiving information about the break-in, you had no information, direct or indirect, that a psychological profile of Dr. Ellsberg was being drawn up?

A. I can't recall hearing of a psychological profile until after I had heard of the break-in.

. . . The (italicized) portions of the material declarations made by John D. Ehrlichman, the Defendant, . . . as he then and there well knew, were false.

COUNT FOUR

John D. Ehrlichman, the defendant, appearing as a witness under oath be-

Against Six

fore the . . . Grand Jury, did knowingly declare . . . as follows:

Q. Now were you aware before this break-in, which took place on or about September 3rd, 1971, that an effort was going to be directed towards obtaining information from Dr. Ellsberg's psychiatrist?

A. *Ahead of the fact? No.*

. . . The (italicized) portion of the material declarations . . . made by John D. Ehrlichman, the defendant, . . . as he then and there well knew, were false.

COUNT FIVE

. . . JOHN D. EHRLICHMAN, the DEFENDANT, appearing as a witness under oath before the . . . Grand Jury, did knowingly declare . . . as follows:

Q. You indicate here that you did maintain a newspaper clipping file on the Pentagon Papers case.

A. Right.

Q. But you say there were other papers in addition?

A. I think there were some others. There was a small file and it just went out. I didn't have occasion to look at it before it went, but it went.

* * *

Q. You mentioned a moment ago, in response to Mr. Silbert's question, that there were some files. Did you have a file relating to —

A. No. I don't believe I kept a file.

Q. Who had a file?

A. I think Mr. Krogh had a file.

Q. Anybody else have a file?

A. *I don't know.*

Q. So as far as you know, prior to the break-in, whenever that was, I think it was sometime in September, September 3rd, the only person that had a file that you knew of was Mr Krogh?

A. *I believe that's right.* I, of course, had a great many other things going on. He would, from time to time, post me on the whole Pentagon Papers matter.

This was not just Ellsberg at that time. There were all kinds of things going on. There were lawsuits involving the New York Times. There was a lot of activity going on.

He would inform me from time to time of things that would happen. But I kept no paper as I recall. I would move paper out if any came in on this, and usually sign it over to Krogh.

Q. And subsequent to the break-in, did you learn that there were any files anywhere in existence?

A. I think there were a number of files both before and after.

Q. In whose hands?

A. Well, I assume Krogh. I think that he would be the one that I would always look to for paper work on this with the exception of—I do recall running across this very bulky clipping file that we had in our office, and why we had it I don't know.

But at sometime or another we accumulated a tremendous amount of newspaper clippings on this case. That was the whole Pentagon Papers case.

Q. Any other files in the custody of anybody else involved in this operation?

A. *Not that I know of. I would assume that Krogh had them all*

Q. Did you ever learn that anybody had any files before or after September 3rd?

A. *No, I don't believe so.*

. . . The (italicized) portions of the material declarations . . . made by John D. Ehrlichman, the defendant . . . as he then and there well knew, were false.

(Title 18, United States Code, Section 1623.)