

# Texts of Indictments by Watergate Jury in

WASHINGTON, March 7—Following are texts of indictments handed up today by the Watergate grand jury:

## Count One

The grand jury charge:

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 employe 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 employe 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 Dec. 19, 1971, G. Gordon Liddy, the defendant, was acting in the capacity of an officer and employe 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, con-

feredate 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 right and privileges secured to him by the Constitution 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 at 450 North Bedford Drive, Beverly Hills, Calif., 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 privileges.

6. Among the means by which the conspirators would carry out the aforesaid conspiracy were the following: (a) On or about Sept. 1, 1971, the con-

spirators would travel and cause others to travel to the State of California; (b) on or about Sept. 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, Calif.; (c) On or about Sept. 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 Sept. 3, 1971, the conspirators would conduct such unlawful and unreasonable search in a manner designed to conceal the involvement of officials and employes 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 "Neutraliza-

JAY, MARCH 8, 1974

## Alleged Ellsberg Break-in Conspiracy



Bernard L. Barker



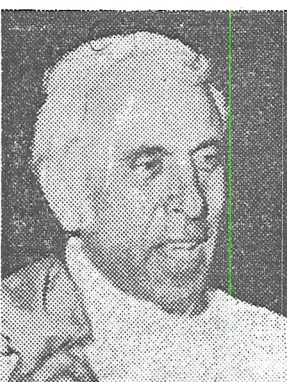
John D. Ehrlichman



Charles W. Colson



G. Gordon Liddy



Eugenio R. Martinez



Felipe de Diego

tion 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 Aug. 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 Aug. 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 Aug. 23, 1971, John D. Ehrlichman and David R. Young had a conversation in which Ehrlichman and Young discussed financing for "special project HI," a planned entry into the offices of Dr. Lewis J. Fielding to obtain confidential information concerning Daniel Ellsberg.

7. In late Aug. 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 Aug. 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 Aug. 26, 1971, David R. Young sent a memorandum to John D. Ehrlichman which referred to "Hunt/Liddy Project No. 12 and stated that Charles W. Colson would get "the information out" on Ellsberg.

10. On or about Aug. 27, 1971, John D. Ehrlichman sent a memorandum to Charles W. Colson entitled "Hunt/Liddy Special Project No. 1" 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 Aug. 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 nontraceable entry into the office of Dr. Lewis J. Fielding.

12. On or about Aug. 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 office of Dr. Lewis J. Fielding would not be traceable.

13. On or about Aug. 31, 1971, Charles W. Colson had a telephone conversation in which he arranged to obtain \$5,000 in cash.

14. On or about Sept. 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 Sept. 1, 1971, Charles W. Colson caused the delivery of \$5,000

in cash to Egil Krogh Jr.

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

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

18. On or about Sept. 3, 1971, Bernard L. Barker, Felipe de Diego and Eugenio R. Martinez searched the offices of Dr. Lewis J. Fielding located in Beverly Hills, Calif., 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, Calif., there had been obtained information which might taint the prosecution in the criminal case of United States of America v. Russo (No. 93 73-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

The grand jury further charges:

1. On or about May 14, 1973, in the District of Columbia, John D. Ehrlichman, the defendant, having duly taken an oath that he would testify truthfully in a proceeding before the June, 1972, grand jury, a grand jury of the United States duly empaneled and sworn in the United States District Court for the District of Columbia, did make false material declarations as hereinafter set forth.

2. At the time and place alleged, the said grand jury was conducting an investigation in conjunction with the United States Attorney's office for the District of Columbia, and the Federal Bureau of Investigation to determine whether violations of 18 U.S.C. (Secs. 371, 1001, 1503, 1621, 1623, 2511, and 22 D.C. Code 1801 (b), and of other statutes of the United States and of the

District of Columbia, had been committed in the District of Columbia and elsewhere, and to identify the individual or individuals who had committed, caused the commission of and conspired to commit such violations.

3. It was material to said investigation that the grand jury ascertain, among other things, the identity and motives of the individual or individuals who were responsible for, participated in, and had

knowledge of an entry into the offices of Dr. Lewis J. Fielding, located in Beverly Hills, Calif., and related activities.

4. At the time and place alleged, John D. Ehrlichman, the defendant, appearing as a witness under oath before the said grand jury, did knowingly declare with respect to the aforesaid material matters alleged in Paragraph 3 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 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.

5. The (italicized) portions of the material declarations quoted in Paragraph 4, made by John D. Ehrlichman, the defendant, were material to the said investigation and, as he then and there well knew, were false.

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

## Count Four

The grand jury further charges:

1. On or about May 14, 1973, in the District of Columbia, John D. Ehrlichman, the defendant, having duly taken an oath that he would testify truthfully in a proceeding before the June, 1972, grand jury, a grand jury of the United States duly empaneled and sworn in the United States District Court for

the District of Columbia, did make false material declarations as hereinafter set forth.

2. At the time and place alleged, the said grand jury was conducting an investigation in conjunction with the United States Attorney's office for the District of Columbia and the Federal Bureau of Investigation to determine whether violations of 18 U.S.C. (Secs.) 371, 1001, 1503, 1621, 1623, 2511, and 22 D.C. Code 1801 (b), and of other statutes of the United States and of the District of Columbia, had been committed in the District of Columbia and elsewhere, and to identify the individual or individuals who had committed, caused the commission of, and conspired to commit such violations.

3. It was material to said investigation that the grand jury ascertain, among other things, the identity and motives of the individual or individuals who were responsible for, participated in, and had knowledge of an entry into the offices of Dr. Lewis J. Fielding, located in Beverly Hills, Calif., and related activities.

4. At the time and place alleged, John D. Ehrlichman, the defendant, appearing as a witness under oath before the said grand jury, did knowingly declare with respect to the aforesaid material matters alleged in Paragraph 3 as follows:

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

A. Ahead of the fact? No.

5. The (italicized) portions of the material declarations quoted in Paragraph 4, made by John D. Ehrlichman, the defendant, were material to the said investigation and, as he then and there well knew, were false.

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

## Count Five

The grand jury further charges:

1. On or about May 14, 1973, in the District of Columbia, John D. Ehrlichman, the defendant, having duly taken an oath that he would testify truthfully in a proceeding before the June, 1972, grand jury, a grand jury of the United States duly empaneled and sworn in the United States District Court for the District of Columbia, did make false material declarations as hereinafter set forth.

2. At the time and place alleged, the said grand jury was conducting an investigation in conjunction with the United States Attorney's office for the District of Columbia and the Federal Bureau of Investigation to determine whether violations of 18 U.S.C. Secs. 371, 1001, 1503, 1621, 1623, 2511, and 22 D.C. Code 1801 (b), and of other statutes of the United States and the District of Columbia, had been committed in the District of Columbia and elsewhere, and to identify the individual or individuals who had committed, caused the commission of and conspired to commit such violations.

3. It was material to said investigation that the grand jury ascertain, among other things, the identity and

motives of the individual or individuals who were responsible for, participated in, and had knowledge of an entry into the offices of Dr. Lewis J. Fielding, located in Beverly Hills, Calif., and related activities.

4. At the time and place alleged, John D. Ehrlichman, the defendant, appearing as a witness under oath before the said grand jury, did knowingly declare with respect to the aforesaid material matters alleged in Paragraph 3 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, Sept. 3, 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 clipping 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 Sept. 3?

A. No, I don't believe so.

5. The (italicized) portions of the material declarations quoted in Paragraph 4, made by John D. Ehrlichman, the defendant, were material to the said investigation and, as he then and there well knew, were false.

Title 18, United States Code, Section 1623). (End first indictment)

The grand jury charges:

## Count One

1. Pursuant to Section 121 of the Legislative Reorganization Act of 1946, Public Law 601 (60 Stat. 822), as amended, House Resolution 6, 93d Con-

gress, dated Jan. 3, 1973, including Clause 3 of Rule XI of the rules of the House of Representatives adopted therein, and House Resolution 185, 93d Congress, dated Feb. 21, 1973, the House of Representatives was empowered to and did create the Committee on Armed Services, having duties and powers as set forth in said rules and resolutions.

2. Pursuant to House Resolution 185, 93d Congress, dated Feb. 21, 1973, and rule 6 (c) of the rules governing procedure of the Committee on Armed Services, the chairman of the Committee on Armed Services, at a meeting of the committee held on Feb. 27, 1973, established the Special Subcommittee on Intelligence, and delegated to that subcommittee the committee's authority "to make periodic inquiries into all phases of intelligence activities within the Department of Defense and within the agencies established under the National Security Act, and to make legislative recommendations when appropriate."

3. The Central Intelligence Agency is an agency established under Section 102 of the National Security Act of 1947, Public Law 253 (61 Stat. 497).

4. Pursuant to House Resolution 185, 93d Congress, dated Feb. 21, 1973, and a delegation of authority from the chairman of the Committee on Armed Services to the Special Subcommittee on Intelligence, by letter dated May 21, 1973, the subcommittee, through its chairman, was empowered to compel the attendance and testimony of witnesses; by subpoena or otherwise, and to administer oaths to witnesses.

5. On or about May 11, 1973, pursuant to rule 6 (d) of the rules governing procedure of the Committee on Armed Services and the directive of the chairman of the committee the special subcommittee on intelligence commenced hearings within its jurisdiction, to wit, hearings into the alleged involvement of the Central Intelligence Agency in (a) break-ins at, and electronic surveillance of, the offices of the Democratic National Committee located in the Watergate office building in Washington, D.C.; (b) any subsequent cover-up of the identities of the persons who were responsible for, participated in, and had knowledge of such activities, and (c) the burglary of the office of Dr. Lewis J. Fielding, the psychiatrist of Dr. Daniel Ellsberg, in Beverly Hills, Calif., on September 3, 1971.

6. On or about July 20, 1973, George Gordon Liddy, the defendant, having lawfully been summoned as a witness by the authority of the House of Representatives, as exercised by the Special Subcommittee on Intelligence of the Committee on Armed Services, to give testimony upon a matter under inquiry by the subcommittee, appeared before the subcommittee at an executive session being held within the District of Columbia and was directed by the chairman of the subcommittee to be sworn to testify, but did then and there refuse to be sworn to testify, and thereby did willfully make default.

(Title 2, United States Code, Section 192).

## Count Two

7. The grand jury realleges all of the allegations of Paragraphs 1, 2, 3, 4, and 5 of Count One of this indictment.

8. On or about July 20, 1973, George Gordon Liddy, the defendant, appeared as a witness before the Special Subcommittee on Intelligence of the Committee on Armed Services at an executive session within the District of Columbia to be asked certain questions which were pertinent to the question under inquiry by the subcommittee, but did then and there refuse to answer any question before the subcommittee.

(Title 2, United States Code, Section 192).