

Krogh Tells of Order: 'Hang Tough' and Lie

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Former White House aide Egil Krogh said yesterday that he was told to lie and "hang tough" throughout the course of the Watergate scandal, in an effort to keep government investigators from uncovering the 1971 break-in at the office of Daniel Ellsberg's psychiatrist.

The head of the White House "plumbers unit" that carried out that top-secret operation, Krogh was called to the witness stand at the Watergate cover-up trial here for a final burst of evidence aimed at former White House domestic adviser Jon D. Ehrlichman.

Arms folded, Krogh recited in calm tones how he learned in March of 1973 that Watergate spy E. Howard Hunt was threatening to "blow the lid off" the still-secret Ellsberg burglary unless he was

quickly paid more than \$100,000.

Two days later, Krogh said, Ehrlichman told him that Hunt had become "stable" and that "now was the time to hang tough."

The testimony touched off a prolonged spate of protests from Ehrlichman's lawyers, who charged that their client was being put in double jeopardy, by the allegations.

Ehrlichman was convicted last July of conspiracy in the plumbers' operation, which was carried out at the Los Angeles offices of psychiatrist Lewis Fielding in an effort to obtain the medical records of Pentagon Papers defendant Ellsberg.

Watergate prosecutors charged that the long-secret burglary was a key factor behind Ehrlichman's participa-

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Associated Press

Egil Krogh leaves after testifying at cover-up trial.

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tion in the subsequent cover-up of the 1972 Watergate break-in.

Hunt, who took part in both burglaries, also testified during yesterday's session that he had the Ellsberg break-in uppermost in his mind in pressing his demands for hush money during the Watergate aftermath.

The legal wrangling all this touched off kept prosecutors from resting their case as was expected. Yesterday's session ended in a spirited debate over attempts by Ehrlichman's chief counsel, William S. Frates, to suggest the Ellsberg operation was really no crime at all in Ehrlichman's mind.

Repeating the argument that he unsuccessfully presented at Ehrlichman's trial in the plumbers' case, Frates said that all the one-time White House aide had authorized was "a covert operation" in the name of national security.

Consequently, the defense lawyer contended, after the jurors had been excused from the courtroom, Ehrlichman could not have had any criminal intent in trying to keep it a secret.

On top of that, Frates said, both Ehrlichman and Krogh had been instructed by then-President Nixon that "under no circumstances were they to discuss" the work of the plumbers' unit.

Chief trial prosecutor James F. Neal denounced the contentions in an impassioned rebuttal.

"We almost get back to a philosophical discussion in this matter—between pragmatism and natural rights and brooding omnipresence in the sky," Neal declared.

"It doesn't make any difference if the President of the United States, the leader of the free world, tells you that you are to do this in the name of national security. There are some things that are inherently wrong."

Clearly, the prosecutor contended, "it is wrong to go into a doctor's office in a covert operation and secure, surreptitiously and covertly, the most confidential of all communications between a patient who needs psychiatric help and a man who is giving it to him.

"If that is required to maintain this country, then we have lost sight of what this country is all about. There is nothing sacrosanct about three billion acres of land, the moon or the stars or the ocean, but what is sacrosanct about this country is the individual dignity and rights of human beings."

U.S. District Court Judge John J. Sirica agreed, "There isn't anyone above the law in this country and that includes the President of the United States," he said. "I am not a bit in sympathy with Dr. Ellsberg or whatever his name is .

... (but) this is taking the law into your own hands. It's that simple."

Hunt, who was the first to testify yesterday, said he "definitely" was thinking of the Ellsberg break-in when he wrote a threatening memo in November of 1972 in protest against the sluggish pace of payments for the Watergate burglars.

Written by Hunt and his late wife, Dorothy, the memo warned in part that "the Watergate bugging is only one of a number of highly illegal conspiracies engaged in by one or more of these defendants at the behest of senior White House officials."

A former CIA agent, Hunt said he was also talking about the Ellsberg operation when, in March of 1972, he threatened to expose "the seamy things" he had done for the White House before the Watergate burglary.

Under cross-examination by Frates, Hunt acknowledged that at the time of the Fielding break-in he considered Ellsberg "a traitor." But he denied that he had ever thought this made it all legal.

"I didn't think of myself in super-patriotic terms," Hunt testified.

The 35-year-old Krogh, who has already served a four-month prison term for his part in the Ellsberg operation, said he was first told to lie about it in August of 1972 when he was about to appear before the Watergate grand jury.

He said he asked then-White House counsel John W. Dean II what he should do if the grand jury's questioning turned to what Hunt and Watergate straw boss G. Gordon Liddy had done as members of the plumbers' unit the year before.

Krogh said Dean told him: "You must lie like you've never lied in your life before." As a result, Krogh said he did not tell the truth when the Watergate grand jury asked him about Hunt's and Liddy's travels on the White House's behalf.

Hunt, however, became restive again in March of 1973 as he faced sentencing by Judge Sirica for the Watergate bugging of Democratic National Committee headquarters. His demands for more money were soon transmitted to Dean.

Krogh, who was under secretary of the Department of Transportation by then, ran into Dean on March 20 by chance at the Executive Office Building after a conference on mass transit legislation.

"We went into his office," Krogh recalled. "He said, 'Bud, we are now coming down to the short strokes.' He appeared very nervous, very upset. I asked him what he meant . . . He said that Mr. Howard Hunt had informed the White House that unless he received \$100,000-plus, I don't recall the exact figure, he would be telling all the

seamy things he had done for Ehrlichman."

Dean felt that Nixon "was not being well served, that he didn't know the full story of what was going on," Krogh added.

"I said I felt he had an obligation to lay it all on the table."

According to Dean's testimony, he called Nixon that evening and arranged a meeting for the next day. Meanwhile, Krogh returned to his office at the Transportation Department, where Ehrlichman called him about the Hunt threat.

Ehrlichman, Krogh said, told him Hunt might "blow the lid off" his activities in 1971.

Krogh said he asked Ehrlichman "what condition Hunt is in." The witness said his old White House boss replied that he had "no way to determine that because (former Attorney General John N.) Mitchell was responsible for the care and feeding of Howard Hunt."

When Dean told Nixon on March 21 of Hunt's new money demand, according to a tape transcript made public earlier, the President responded by saying "for Christ's sake, get it . . . it seems to me we have to keep the cap on the bottle that much, or we don't have any options."

Later the same day, Krogh said he met Ehrlichman at the White House for another discussion. He said Ehrlichman suggested the Ellsberg operation might be passed off as "a frolic" that Hunt and Liddy carried out "beyond the scope of their authority."

Krogh said he demurred because "there had been approval." Finally, he said, Ehrlichman told him Mitchell would be coming to Washington the next day. Krogh said

he was told to wait until then before doing anything.

That night, March 21, a messenger dispatched by Frederick C. LaRue, Mitchell's right-hand man in the 1972 Nixon re-election effort, delivered \$75,000 to Hunt's lawyer. Mitchell told Ehrlichman, Dean and White House chief of staff H. R. (Bob) Haldeman the next morning that Hunt was no longer "a problem."

Later that day, Krogh said Ehrlichman called him at his home.

"He said that they had had a meeting and his information was that Mr. Hunt was stable but he had no independent way to verify that. I asked him what I should do. It was his recommendation that now was the time to 'hang tough.'"

"Did you hang tough then, temporarily?" prosecutor Neal asked.

"Temporarily, I did, yes," Krogh replied. "for a few weeks."

Frates demanded a mistrial, protesting that the testimony amounted to a replay of Ehrlichman's earlier trial. "It is so highly prejudicial," the defense lawyer protested, "that it is impossible to proceed and get a fair trial in this case."

Sirica denied the motion after prosecutors pointed out that they had, months ago, specifically cited the Ellsberg break-in as one of the "illegal and improper activities" that prompted the Watergate cover-up.

Under cross-examination by Frates, Krogh acknowledged that he considered the Ellsberg affair "a national security operation" at the time, although Sirica observed after the jurors had been excused from the room that Krogh has since pleaded guilty and served a prison term for his role in it.

The government is expected to wind up its case Monday amid indications that Sirica may dismiss two of the 12 felony counts in the cover-up indictment. The two charges involve accusations that Mitchell and Ehrlichman lied to the FBI in July of 1972 in claiming that all they knew about the Watergate break-in was what they read in the newspapers.

Prosecutor Neal maintained that Mitchell and Ehrlichman knew of Liddy's involvement in the break-in although this had not appeared in the press at the time of their FBI interviews. But Neal acknowledged that the government's "proof on what was or was not in the newspapers was not overwhelming."

"I think it's very weak," Sirica observed.