

Huston says Hoover's real objection was to any board overseeing or evaluating the way he ran the F.B.I. (and, indeed, that very month, he cut off remaining liaison with all other Federal agencies except the White House). Others say Hoover was afraid an F.B.I. agent would get caught in a grossly illegal act and thus blot the director's carefully guarded image.

For a time after the intelligence plan was withdrawn, Huston lobbied vigorously for his baby. In an Aug. 5 memo to Haldeman, he wrote, "All of us are going to look damn silly in the eyes of Helms, Gayler, Bennett and the military chiefs if Hoover can unilaterally reverse a Presidential decision. . . ." But Hoover could and did. All Huston's efforts led only to the loss of his intelligence assignment (his duties were transferred to John Dean) and his eventual resignation.

Hoover's intransigence blocked efforts to gear up the domestic intelligence program for about six months. Then, in December, 1970, the White House tried again. It established an Intelligence Evaluation Committee composed of representatives of the White House, F.B.I., C.I.A., N.S.A., the Secret Service, and the Departments of Justice, Treasury and Defense. The group was supersecret and

reporting directly to the White House, was lodged under strict security precautions in the Justice Department's Internal Security Division. According to the President, the committee was "instructed to improve coordination among the intelligence community and to prepare evaluations and estimates of domestic intelligence." Among other things, it sought to predict the size of demonstrations and their potential for violence. "We were paper shufflers," says one Justice Department official who worked on the committee. "We didn't get into the operational side."

But someone seems to have been operational out there. There have been repeated reports of burglaries which fit the "surreptitious entry" section of the intelligence plan. Two defense lawyers and one defendant in the "Seattle 7" case have reported break-ins just before, during and after the December, 1970, trial. Senate investigators have been told that Government agents were involved in other burglaries at defense offices during the trials of Philip Berrigan, the Chicago Weatherpeople and the "Detroit 13." An attorney for Scott Camil, an indicted member of Vietnam Veterans Against the War, says Camil's papers were stolen from her office on July 8, 1972. Gerald Lefcourt, an attorney for

many protesters, says his New York office was burned and burglarized several times between 1970 and 1972. These reports remain unverified and the perpetrators unidentified.

Jeb Magruder, who was at the White House during this period, has suggested that the Administration's willingness to engage in illegal acts was related directly to the illegality on the part of the radicals and antiwar demonstrators. For Magruder, the most telling exemplar was William Sloane Coffin, under whom he had studied ethics at Williams College: "We saw continuing violations of the law by men like William Sloane Coffin. He tells me my ethics are bad. Yet he was indicted for criminal charges. He recommended on the Washington Monument grounds that students burn their draft cards and that we have mass demonstrations, shut down the city of Washington. . . we had become somewhat inured to using some activities that would help us in accomplishing what we thought was a cause, a legitimate cause."

And thus, in May of 1971, as the Mayday Tribe was laying siege to the city, inside the White House men were preparing their own direct-action plans. Within a month, the President would feel impelled to set them in motion.

# Leaks, Leaks, Leaks

**I don't find wiretapping a particularly attractive procedure. I similarly don't find the leakage of documents a particularly attractive procedure.**

—Henry Kissinger, news conference, May 23, 1973.

**O**N the morning of June 13, 1971, the Sunday edition of The New York Times plunked down on doorsteps along the East Coast bearing a laconic headline at the top of Page 1: "Vietnam Archive: Pentagon Study Traces 3 Decades of Growing U.S. Involvement." Inside were three more pages of stories and three pages of documents—the first installment of what were to become known as "The Pentagon Papers."

The President's early reaction to the Papers' publication was remarkably relaxed. He told Republican Congressional leaders at the White House the next Tuesday that since the massive Defense Department study of policymaking on Vietnam covered a period ending in early 1968, it was far more likely to embarrass former President Johnson and his aides than anybody in the Nixon Administration. But Sanford Ungar, in his book on the Papers dispute, reports: "A contrary attitude was developing among key White House advisers, especially in the office of Henry Kissinger."

According to Ungar, Kissinger argued that un hindered publication of the papers could damage two sets of secret negotiations then under way: the highly sensitive feelers through Pakistan to arrange Kissinger's trip to Peking (which, in turn, was to pave the way for the President's visit and the historic *rapprochement* with China); and, second, the secret negotiations which had then been going on for nearly two years with North Vietnamese officials in Paris seeking an end to the

Vietnam war. Kissinger argued that the Chinese and the North Vietnamese might back out of these negotiations because they feared the United States could not be counted on to negotiate secretly and keep confidences with other nations.

If these were the arguments being made to the President that week, it is unlikely that he needed much persuasion. For he had long been preoccupied with the need for Government secrecy, particularly in the development and execution of foreign policy. And his deep distaste for news leaks had been aggravated less than four months after his inauguration. On May 9, 1969, The New York Times carried a front-page story by William Beecher, then its Pentagon correspondent, which began: "American B-52 bombers in recent weeks have raided several Vietcong and North Vietnamese supply dumps and base camps in Cambodia for the first time, according to Nixon Administration sources, but Cambodia has not made any protest." This story is said to have caused "dismay and outrage" at the White House. It was regarded, one official recalls, as "a serious security breach." Of course, the bombing was no secret to the Communist forces in Cambodia, or to the villagers on whom some of those bombs were falling. But the story was a severe embarrassment to the White House because it emphasized that Cambodian authorities were acquiescing in this expansion of the war, indeed "cooperating with American and South Vietnamese military men at the border, often giving them information on Vietcong and North Vietnamese movements into South Vietnam." Officials feared that the story's publication would force the Sihanouk Government to curtail or even halt such cooperation.

Suspicion for the Cambodian leak fell at least partly on Morton Halperin, a senior member of the Kissinger staff. Halperin fell under almost automatic suspicion as a Johnson "holdover"—he had

served as a Deputy Assistant Secretary of Defense in the Johnson Administration. Moreover, from the start he and some of the other young "liberals" on the Kissinger staff had been regarded with open hostility by ideological conservatives in Nixon's inner circle. Finally, Kissinger recalls, there were other reasons to suspect a leak on the National Security Council staff. The Cambodia story, he says, "was not an isolated event: It capped a whole series of leaks, including those of detailed discussions of N.S.C. meetings on the Middle East and of other internal discussions."

Kissinger told Halperin he was believed to be the source of the leak. "I told him I was not," Halperin recalls. But shortly thereafter a tap was placed on Halperin's phone at his home in the Maryland suburb of Bethesda. It remained there for more than a year, even after Halperin resigned from the Security Council staff that September and became a relatively inactive consultant to Kissinger. The tap never produced any evidence against Halperin, although it did pick up several phone calls made by Daniel Ellsberg in late 1969 and early 1970, while he was a guest of the Halperins. (Later, Halperin and his wife, Ina, were to wonder just what had been overheard: their young sons—David, Mark and Gary—asking their friends out to play; anxious calls to New York about a relative's surgery; or perhaps those obscenities whispered by an unknown voice in the middle of the night.)

Halperin was one of 13 Government officials whose phones were tapped beginning in May, 1969, the month of Beecher's story. Most or all of the others were also members of Kissinger's National Security Council staff. Meanwhile, taps were placed on the phones of four newsmen suspected of receiving leaked material: Beecher; Hedrick Smith, a diplomatic correspondent of The New York Times; Henry Brandon of The (London) Sun-



**Leaks (cont.)**

day Times, and Marvin Kalb of C.B.S. The taps on both officials and newsmen were maintained for varying periods: two for less than 30 days, one for as long as 21 months.

Precise responsibility for the tapping is difficult to assess. Kissinger concedes that around the time of Becher's Cambodian story he met several times with J. Edgar Hoover to express his "very great concern" that national-security information be fully safeguarded. He also concedes that his office supplied the names of White House staff members with access to classified information. He says he took no further part in initiating the taps. But Justice Department officials say Kissinger gave the F.B.I. the names of several staff members whom he wanted tapped. "The request came from Kissinger," said one official. "Henry wanted some of those guys bugged."

Whoever initiated the request, the White House says that President Nixon personally authorized the 17 taps to protect "national security." Whether he was legally justified in doing so is still in dispute, and the answer will depend on a judicial determination of what "national security" means in these matters. The Federal Government has wiretapped for decades—beginning with Prohibition bootleggers—but the first taps for "national-security" purposes came in 1940 when President Roosevelt ordered the F.B.I. to use them against the "Fifth Column," limiting its targets "insofar as possible to aliens." In 1946, Attorney General Tom Clark persuaded President Truman to broaden this category to include domestic subversives.

Efforts to curb taps began in 1967, when the Supreme Court held that the practice came under the Fourth Amendment's stricture against unreasonable search and seizure, and thus required a court-ordered warrant. In 1968, Congress specifically authorized law-enforcement officers to seek warrants in the fight against crime, notably gambling and the narcotics trade. But neither Court nor Congress limited the President's constitutional power "to protect national-security information against foreign intelligence activities." Then, in June, 1969, Attorney General Mitchell proclaimed an audacious doctrine. He claimed that these Presidential powers permitted wiretapping of any domestic group "which seeks to attack and subvert the Government by unlawful means."



"This Attorney General may be as close to the President as Robert Kennedy was to Jack Kennedy," John Dean was told in 1969. The relations between John Mitchell and Richard Nixon may not have been quite fraternal, but the two men were as close as law partners ever get. Richard

Whalen, a former Nixon aide, writes: "Mitchell was Number 1, tied to the White House by a direct telephone line, the uniquely intimate counselor to whom Nixon turned on every subject from minor political matters to Supreme Court appointments." They first met in 1963, when Nixon began practicing law in New York with the firm of Nixon Mudge Rose Guthrie & Alexander. Mitchell was already one of Wall Street's most renowned bond lawyers. In 1967, Nixon Mudge Rose absorbed Mitchell's firm and the two men practiced law and politics together until Nixon asked Mitchell to manage his 1968 Presidential campaign. As Attorney General, Mitchell took a tough line, calling for wiretaps, preventive detention, no-knock and stop-and-frisk laws. Some found him cold, even

ruthless, but his ebullient wife, Martha, called him "a cute, cuddly, adorable fellow."

In June, 1972, the Supreme Court rejected the Mitchell wiretap doctrine, holding that no such domestic group or individual could be tapped without a warrant. But the Court still did not touch the President's right to tap, without warrants, when the case involved foreign intelligence. Some officials therefore contend that the 1969 taps were legal because they were designed to prevent "national-security" information from falling into the hands of the press and then of foreign agents. Others are convinced that the Court would never construe the President's power that broadly, and thus argue that the 1969 taps were illegal from the start.

The last of the 17 F.B.I. taps installed on newsmen and N.S.C. staff members in 1969 were removed in February, 1971. "We found what we wanted to find out," one official says. "We found the people who were the weak links." At least three "blabbermouths" were eased out of their jobs. "There were a couple of guys who could have been prosecuted," the official says. "But we just let them go out of the Government."

To have prosecuted them would have required the Government to reveal the existence of the taps. But these taps were so "sensitive" that some officials didn't want them even in the regular F.B.I. files. Eventually they were passed on to Robert Mardian, the Assistant Attorney General in charge of the Internal Security Division. Mardian says the President ordered him to deliver them to the White House, where they turned up eventually in Ehrlichman's safe.

The White House tapped at least one news-

man's phone: that of the syndicated columnist Joseph Kraft. Dean says Caulfield told him the tap was ordered by Ehrlichman. According to another source, Caulfield asked Ehrlichman why he didn't get the F.B.I. to do it and Ehrlichman said, "The F.B.I.'s a sieve. Things get out that way."

According to Dean, Caulfield said he placed the Kraft tap aided by Ulasewicz and John Ragan, a security consultant to the Republican National Committee, and recalled it as "a rather harrowing experience when he was holding the ladder in a back alley of Georgetown while also trying to keep a lookout as another member of the group was working at the top of the ladder." The tap was apparently taken off several weeks later. "They had it another way," Ehrlichman is said to have commented.



According to Evans and Novak, John Ehrlichman began his political career as an "espionage agent" for Richard Nixon. In 1960, he followed Nelson Rockefeller's abortive campaign for the Republican nomination, feeding reports back to the Nixon camp. He told a Seattle Times reporter of driving

a Rockefeller car in the Governor's caravan through North Dakota: "The Rockefeller people thought I was from North Dakota and the North Dakota people thought I was from Rockefeller." Later, Evans and Novak say, Ehrlichman was sent as a secret observer to the Democratic National Con-



Disguise for a Plumber: "He was very eerie," said Mrs. Beard's son, "with this huge red wig on cockeyed."



vention, where he prepared a dossier on the Kennedy campaign apparatus. Ehrlichman was brought into the Nixon campaign that year by his classmate and old friend from U.C.L.A., Bob Haldeman. After the 1960 loss, he went back to practicing land-use law in Seattle, worked briefly in the 1962 campaign, then was the "tour director" of the 1968 campaign. His reputation for hard-nosed efficiency is legendary. At the White House, Ehrlichman served first as counsel to the President, then as the President's chief assistant for domestic affairs. A Christian Scientist who neither smokes nor drinks, he became known as a cool executor of Presidential wishes. One colleague says: "He leaves no more blood on the floor than he has to."

Meanwhile, the publication of the Pentagon Papers was setting off another security crackdown, this one even more stringent and wide-ranging than the hunt for the Cambodia leak. Colson recalls that following the Papers' publication White House staffers held a series of "panic sessions." Several factors caused particular panic. One was the officials' fear that 31 of the 45 documents appearing in *The Times* had come not from the Pentagon Papers but from other secret Government sources. (They were wrong.) Another factor which contributed to the agitation at the White House that month was the knowledge that a copy of the Pentagon Papers had found its way into the hands of the Soviet Embassy only a few days after

The *Times* began publication of the documents. According to Government sources, the papers were delivered to the embassy on June 16 by a man who handed over a letter signed with an alias. Within a few days, the White House became convinced—as the President recently put it—that it was dealing with "a security leak of unprecedented proportions... a threat so grave as to require extraordinary actions." In the first such action, the Justice Department went to court seeking "prior restraint" on continued publication of the Papers (on June 15 and 19, it got temporary restraining orders against *The Times* and *The Post*, but the Supreme Court permitted the newspapers to resume publication of the Papers on June 30).

# The Plumbers

**Anyone who opposes us, we'll destroy. As a matter of fact, anyone who doesn't support us, we'll destroy.**

—Egil Krogh Jr.  
in a 1969 conversation with Daniel X. Freedman,  
chairman of the psychiatry department,  
University of Chicago.

**S**OMETIME in the spring of 1971, John Caulfield noticed that he and Tony Ulasewicz were getting fewer assignments. "For some reason," a former White House aide recalls, "it was decided that Caulfield couldn't handle the really heavy stuff." Within a week of the Pentagon Papers' publication, the President authorized another "extraordinary action": establishment within the White House of a Special Investigations Unit whose task, as the President later put it, was to "stop security leaks and to investigate other sensitive security matters." In other words, "the heavy stuff."

The President asked John Ehrlichman to supervise the project, and in early July Ehrlichman assigned 31-year-old Egil Krogh Jr., one of his assistants, to head the unit.



Many a noon these past few years, a lone figure in a gray sweatsuit might have been seen jogging around the Ellipse behind the White House. The runner was Egil (Bud) Krogh, who jogged five miles a day to keep in shape. Krogh maintains a similar regimen in the rest of his life. One acquaintance describes him as "a brisk, polite, dynamic young executive—he had all the facts, he'd done his homework. Never mused, never damp, absolutely spic and span." Others called him "straight as an arrow" and "a very spiritual guy" (like Ehrlichman and Haldeman, he is a Christian Scientist), and some liked to call him "evil Krogh," because he was so patently the opposite. Brought to the White House by Ehrlichman, with whom he served in a Seattle law firm, Krogh was assigned to the staff of the President's Domestic Council, specializing in transportation and crime prevention. He was also the White House liaison

man with the District of Columbia, seeking to create "a new psychological climate." Partly, that meant law and order, he said, "but it doesn't mean repression. We're trying to create a respect for authority, not necessarily for power."

The Special Investigations Unit opened offices in Room 16 in the basement of the Executive Office Building next door to the White House. Krogh was assigned an associate—David Young, a 32-year-old lawyer from Kissinger's National Security Council staff—and a secretary, 23-year-old Kathleen Chenow. To insiders, the outfit was often known simply as "the Room 16 Project," but soon it acquired another nickname. Miss Chenow recalls: "David Young's mother-in-law or grandmother or somebody saw in *The New York Times* that Krogh and Young were working on leaks. She called the story to his attention, saying, 'Your grandfather would be proud of you, working on leaks at the White House. He was a plumber.' So David put up a sign on the door which said, 'Mr. Young—Plumber.'"

New urgency was attached to the Plumbers' work as a result of several other developments that summer. One, Krogh recalls, was a report from the C.I.A. that a news story had "put in jeopardy the life of an intelligence agent." But by far the most important came on July 23 when William Beecher produced another of his annoying scoops. This one began: "American negotiators have proposed to the Soviet Union an arms-control agreement that would halt construction of both land-based missiles and missile submarines," and went on to spell out the American proposals at the U.S.-Soviet strategic arms limitation (SALT) talks under way in Helsinki. Author John Newhouse says the Beecher story stirred "rage" in the White House. The U.S. and the Russians had a firm agreement not to release details of their proposals to the press. Not only was Beecher's article full of such details, but it came out the morning before the U.S. delegation was to make its first presentation of the proposal to the Russians in Helsinki. And, worse yet, it disclosed one of the American fallback positions. Nevertheless, some observers believe the Administration was more concerned about domestic considerations, fearing that the proposal would now become the subject of political pulls and counterpulls at home.

In subsequent statements, White House officials

have given the impression that this and other leaks were part of a plot orchestrated by the radical left and abetted by its allies in Government. But the known facts on the SALT leak do not support that premise. The precise identity of Beecher's source has never been revealed. But six Pentagon officials were shifted out of their positions supposedly as a result of the leak. And the State Department asked three of its officials known to have talked to Beecher during this period to take lie-detector tests, administered by the C.I.A. in apparent violation of the statute that bars that agency from domestic operations. A State Department spokesman says the officials still occupy "positions of responsibility" at the department. Some believe Beecher's story came from Pentagon officials who sought to sabotage the SALT talks because they disapproved of any *rapprochement* with the Soviets; others think it came from those who wanted to "freeze" the United States negotiating position. But it almost certainly came from Government officials with no current ties to Dan Ellsberg or the Weathermen.

By then, it hardly mattered where it came from. That summer of '71, many men in the White House apparently felt events closing in on them, as if somehow all the people on their "enemies list" had joined hands to destroy them. In part, their fears involved national-security considerations. But plainly there were political considerations, too. By that summer, the President knew that he was going to be campaigning for re-election largely in Peking and Moscow. Any obstacles on his road to those two capitals also blocked his parallel campaign trail. Part of the problem in succeeding months may have been the inability of the President and the men around him adequately to distinguish between those two thoroughfares.

Egil Krogh recalls that, following the SALT leak, he and John Ehrlichman met with the President. Mr. Nixon instructed Krogh to move ahead with "the greatest urgency" to determine the source of those leaks.

To meet the Pentagon Papers "crisis," the White House needed more operatives trained in security and intelligence. Chuck Colson, who was then working part-time on the problem, thought of a man whom he had first met five years before at a Brown University party and whom he had since come to know well.