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Approval Of Break-in Felt Implied

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By Timothy S. Robinson
Washington Post Staff Writer

White House plumbers chief Egil (Bud) Krogh Jr. testified yesterday that he informed White House adviser John D. Ehrlichman that since a psychiatrist would not give the FBI confidential information about Pentagon Papers figure Daniel Ellsberg, the plumbers "would have to conduct an operation on our own" to obtain it.

"I was trying to convey to him the unit would have to become operational," Krogh said from the witness stand during the fifth day of the trial against Ehrlichman and three others charged in the break-in of the psychiatrist's office.

Krogh said that while the specific term "break-in" was not used to describe the possible operation, the context of his conversations with Ehrlichman was that the unit would be forced to resort to some kind of clandestine activity to obtain the information the White House wanted in order to attack Ellsberg at the time he was to be prosecuted for leaking the top-secret Pentagon Papers.

Ehrlichman has said he is innocent of the charge that he had prior knowledge of a planned break-in into the Beverly Hills, Calif., office of Dr. Lewis Fielding, Ellsberg's psychiatrist. The entry occurred Sept. 3, 1971.

Krogh followed to the stand former National Security Council aide David R. Young. Both Young and Krogh said that the term "break-in" was never used to discuss the operation with Ehrlichman. Instead, they both testified, the planned entry was referred to as a covert operation. In addition, Krogh testified that Ehr-

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ichman specifically asked on two occasions that the operation not be traceable to the White House.

Ehrlichman, former White House aide G. Gordon Liddy, Eugenio Martinez and Bernard L. Barker are charged with conspiring to violate the civil rights of Dr. Lewis Fielding, Ellsberg's psychiatrist, by planning the break-in to his office. Ehrlichman is also charged with four counts of lying to federal investigators probing the break-in.

Krogh testified yesterday, it was that Ehrlichman was trying to keep the break-in secret in March, 1973, at the same time that he and others are accused of trying to contain the Watergate coverup.

Krogh said Ehrlichman words to the effect that he had received information that convicted Watergate coconspirator E. Howard Hunt would be revealing information about the plumbers activities in general.

"He told me that Mr. Mitchell (former Attorney General John N.) was responsible for the care and feeding of Howard Hunt," Krogh added.

Krogh said he met with Ehrlichman on March 21, and they discussed how to handle the situation. Krogh said Ehrlichman said Krogh and Young might be able to get immunity in the case, and "I told him I did not feel immunity was possible."

"Ehrlichman said you've got to be practical," and said that he was attending a meeting the next day with Mitchell and others, "including—I assume—the President," Krogh continued.

On March 22, Krogh continued, "Ehrlichman called and said that Hunt was stable . . . and "now is the time to hang tough."

Krogh also said he had two conversations with Ehrlichman in April in which Ehrlichman conveyed to him that the President felt the Ellsberg matter should not be discussed with anyone. Toward the end of that month, Krogh said, Ehrlichman called to say that the President had con-

cluded it was necessary to say that the break-in had taken place, Krogh said.

Ehrlichman also told him that Ehrlichman "had to dissemble" to the FBI in an interview earlier that month, Krogh continued. Krogh later defined "dissembling" as "being somewhat less than candid."

In one of the counts of the indictment, Ehrlichman is charged with lying to FBI agents in that interview.

Krogh, who has just finished a six-month prison sentence for conspiring to violate Dr. Fielding's civil rights in the break-in, appeared tanned and calm as he testified yesterday.

Krogh traced his relationship with Ehrlichman from a family gathering in 1951 in Seattle, when Krogh was a 12-year-old and Ehrlichman was practicing law there. He said Ehrlichman had strongly influenced his decision to attend law school, and that his only employment had been with Ehrlichman's law firm or for the government.

Under questioning from Assistant Watergate Special Prosecutor William H. Merrill, Krogh described the plan for the plumbers to prepare a psychological profile of Ellsberg after they learned the FBI had been unsuccessful in its attempts to interview Fielding.

The discussion then began of a "covert operation" to examine Fielding's files without his knowledge, Krogh said.

"Did you discuss the matter of examining files with anyone else (other than Hunt, Liddy and Young?)" Merrill asked.

"I recall a meeting with Mr. Ehrlichman . . . in which we reported to him that the FBI had been unsuccessful in interviewing Dr. Fielding," Krogh said. He later pinpointed that meeting as being on Aug. 5, 1971, a month before the Ellsberg break-in.

He said he told Ehrlichman that if the unit was to be successful in getting information for the profile, "we would have to conduct an operation on our own."

Krogh said he discussed the matter with Ehrlichman, in

Young's presence, because he felt he needed higher authorization for such a project. Krogh said he did not recall the specific terminology used, but that he thought he said "covert operation . . . clandestine . . . something to that effect."

At that meeting, Krogh related, Ehrlichman asked for his assurance that the operation would not be traceable to the White House.

Krogh said approval came in an Aug. 11 memorandum in which Ehrlichman initialed his acquiescence to a "covert operation to examine psychiatric files" held by Fielding, to which Ehrlichman added: "If it is not traceable."

After receipt of that memo, Krogh said, "It was clear to me that an entry operation would have to be undertaken to examine those files." He said the Aug. 11 memo refer-

red specifically back to the Aug. 5 meeting with Ehrlichman.

Krogh said, "We (Krogh and Young) conveyed to Mr. Ehrlichman (in an Aug. 30 telephone call) that we felt the investigation could be conducted . . . all conditions had been met."

Krogh said he could not remember the specific words used by Ehrlichman but, "We felt it had been approved, authorized."

"I expressed great alarm" when shown pictures of substantial damage to Fielding's office," after the break-in Krogh said. "My reaction was one of great distress. I felt it could be traced back. It was obviously beyond what I had expected. I expected no damage—just go in and go out."

He said he explained to Ehrlichman that Hunt and Liddy had gone beyond their instructions by damaging the office and being in the area when the entry team carried out the project.

"Mr. Ehrlichman expressed great surprise this had taken place . . . (he) felt it was excessive, (and he was) extremely upset," Krogh said. Ehrlichman agreed that no further operation of this type was to be undertaken, and I so instructed Hunt and Liddy," Krogh said.

Krogh, who will resume testifying today on direct examination, is the seventh witness



By Bob Burchette—The Washington Post

Alexander P. Butterfield arrives at the Rayburn Building to testify yesterday.

against Ehrlichman. Testifying earlier yesterday were Young and plumbers unit secretary Kathleen Chenow.

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Earlier yesterday, Ehrlichman's lawyer, William S. Frates questioned Young about terminology used to discuss the break-in.

"You did not consider the word 'covert' to mean illegal, did you?" Frates asked Young.

"That is correct," Young replied.

"You meant covert like some CIA operations, didn't you," Frates asked again.

"That is correct," Young replied.

Then, Frates concentrated on what he sees as the main issue in the conspiracy charge.

"Did you authorize a break-in at Dr. Fielding's office?" Frates asked Young.

"I recommended a covert operation to examine files held by the psychiatrist," Young replied.

Answer my question," Frates shot back, his voice rising. "Did you authorize a break-in at Dr. Fielding's office?"

"I did not authorize it," Young said.

"Did you ever discuss a break-in at Dr. Fielding's office with John Ehrlichman, prior to the break-in?" Frates continued.

"Using the word 'break-in', we didn't discuss it," Young said.

Frates then turned to the alteration of files relating to the Ellsberg case by Young during November or December, 1972, and Young's later removal of those files from the White House to give them to prose-

cutors in return for immunity.

"Wasn't there a prohibition against taking those documents out of the White House?" Frates asked.

"There may have been . . . there are some regulations against taking your work product," Young said.

"Did you ask anyone's authorization to take those papers?" Frates asked.

"No, I didn't," Young replied.

Young said he had altered certain files, or had them altered by removing references to the California escapade because he thought they were sensitive.

"Were they sensitive because they involved you?" Frates asked.

"That's one reason . . ." Young answered.

"Were you trying to protect yourself?" Frates asked again later.

"That certainly was a factor, Mr. Frates, there's no doubt about it," Young replied.

Frates' cross examination of Young lasted for about one and one-half hours.

Peter Maroulis, attorney for defendant G. Gordon Liddy, asked Young to give the purpose of the California operation.

"The purpose was to determine, in part, to what extent Mr. Ellsberg was involved with a wider effort to make unauthorized disclosure of find out if he had furnished classified material . . . to his psychiatrist; and third, the motive side, . . . whether he was acting on his own or taking blame for a whole group of people," Young said.

Assistant Watergate Prosecutor William H. Merrill attempted on redirect examination to pinpoint specific conversations between Ehrlichman and Young prior to the break-in. He asked, for example, if the purpose for the co-

vert operation were discussed with Ehrlichman.

"I think in general terms of a covert operation. . . . When we brought it up with Mr. Ehrlichman, it was phrased with Mr. Ehrlichman in terms of this may be a means or a way . . . I elaborated on the details . . . as to who and why," Young said.

The former NSC aide was asked by Merrill if he thought the covert operation was illegal.

Young replied: "I did not focus at that time on whether it would be legal or illegal. I focused on the objective and I recognized it as a serious invasion of privacy. Whether I can say (then or now) that I view that as a violation of law, I don't know."

Young said it was presumed in his discussions of the covert operation that someone would have to enter the doctor's of-

fice to get the files; he said it was understood that the entry would be without the doctor's knowledge and consent.

"You've testified that the word 'break-in' was not discussed with Ehrlichman; was the examination of files discussed with Ehrlichman?" Merrill asked.

"Yes," Young replied.

"Did you withhold any information about the plan from Mr. Ehrlichman (in an Aug. 5 meeting)?" Merrill asked.

"I do not believe we withheld any information," Young answered.

Young testified that at some point after the break-in, Ehrlichman said "there should be no more, or words to the effect that he knew what had happened and didn't want any more of that." Young said that Ehrlichman had told him that he had seen photographs taken during the operation.