

ATTORNEYS for Egil Krogh, a 34-year-old former assistant to the President and former Under Secretary of Transportation, have given the courts and the public a good sense of what their client's defenses will be in the two criminal cases now pending against him. The first is a prosecution in the criminal courts of the State of California for Mr. Krogh's alleged complicity in the burglary of the office of Dr. Lewis Fielding, a psychiatrist who once treated Daniel Ellsberg. The other is a prosecution pending in the Federal District Court here charging that Mr. Krogh issued false statements under oath when he was being questioned by prosecutors about his knowledge of the California travels of E. Howard Hunt and G. Gordon Liddy.

Mr. Krogh's lawyers have indicated that he will defend himself in both cases by asserting that he was merely acting on the orders of the President. In the case in the federal court here, Mr. Krogh's lawyer, Stephen N. Shulman, told Judge Gerhard A. Gesell that Mr. Krogh had been "instructed . . . to maintain secrecy" about the work of the White House investigations unit, the plumbers. "You mean to lie?" asked Judge Gesell. "To maintain secrecy," replied Mr. Shulman, "up to and including to lie if it's necessary to maintain secrecy." In the Los Angeles burglary case, Mr. Krogh's lawyers have argued that "any action which may have been taken by Krogh was pursuant to a directive of President Nixon."

Though Mr. Krogh's arguments may or may not save him, they pose serious problems for his former chief both because they add to the very substantial list of questions about obstruction of justice which Mr. Nixon has yet to answer and because they add dramatically to what we already know about the atmosphere of Mr. Nixon's White House.

On the first count, Mr. Krogh's defenses reinforce what we already knew about the President's touchiness on the subject of the Fielding burglary and about his insistence on classifying it as a "national security" matter. Henry Petersen testified last summer that the first time he raised the subject with Mr. Nixon, the President said that he knew all about the incident, asserted that it was a national security matter and instructed him to stay away from it. Now we have Mr. Krogh's lawyers telling us that whatever Mr. Krogh did with respect to that burglary was on the President's orders and that subsequently he was told to lie, under oath if necessary, to protect the secrecy of this "national security" matter.

And that, apparently, is just what Mr. Krogh did. He thus becomes another name on that list of young men who came to Washington to serve their country and got caught up in the particular morality of Mr. Nixon's White House. Similarly, he becomes yet another exhibit in the case for holding Mr. Nixon ultimately accountable for most of what happened that now comes under the general heading of Watergate. The President's supporters continue to argue, of course, over whether the President specifically authorized this or that illegal or improper activity, as if the issue turned entirely on Mr. Nixon's direct and demonstrable complicity in individual acts. In a legal, criminal sense, it does. But in the latest *Atlantic Monthly*, Arthur M. Schlesinger Jr. makes the point compellingly that, criminality aside, "whether Nixon himself was witting or unwitting, what is clearly beyond dispute is his responsibility for the moral atmosphere within his official family. White House aides do not often do things they know their principal would not

wish them to do . . . It is the President who both sets the example and picks the men." Mr. Schlesinger thereupon summons up in evidence the public testimony of some of Mr. Nixon's men:

"There was no independent sense of morality there," said Hugh Sloan, who served in the Nixon White House for two years. "If you worked for someone, he was God, and whatever the orders were, you did it . . . It was all so narrow, so closed . . . There emerged some kind of separate morality about things." "Because of a certain atmosphere that had developed in my working at the White House," said Jeb Stuart Magruder, "I was not as concerned about its illegality as I should have been." "The White House is another world," said John Dean. "Expediency is everything." "No one who had been in the White House," said Tom Charles Huston, "could help but feel he was in a state of siege." "On my first or second day in the White House," said Herbert Porter, "Dwight Chapin [the President's appointments secretary] said to me, 'One thing you should realize early on, we are practically an island here.' That was the way the world was viewed." The "original sin," Porter felt, was the "misuse" of young people "through the whole White House system. They were not criminals by birth or design. Left to their own devices, they wouldn't engage in this sort of thing. Someone had to be telling them to do it."

Someone had to be telling them to do it. That is part of the explanation—and part of the reason why it is irrelevant to argue that somehow that "someone" was not, in the last analysis, the President, who is at least supposed to set the tone and lay down the general lines of policy. And the other part of the explanation for the easy acquiescence in crimes and improprieties on the part of so many of the young men in Mr. Nixon's entourage was that the orders were issued more often than not in the sacred and awesome name of "national security"—which is also, incidentally, something that is the President's ultimate responsibility to define. From all we can learn, the mere mention of "national security" in the Nixon White House could become a license for lawbreaking, a signal that, as far as the chief was concerned, pretty nearly anything was permissible. It is a seductive doctrine, which confers rightness on wrong acts because the cause was judged to be right; the painful process of raising questions of lawfulness or making moral judgments is thus eliminated in favor of unthinking obedience. It is also a doctrine on which Richard Nixon will ultimately be held accountable by history, if not by the American people, just as he will be held accountable for the ruined or damaged careers—and honor—of the young men who came to serve his cause.

To their credit, a number of these young men have recognized the fatal weakness in this doctrine and have publicly repudiated it. Others, such as Mr. Krogh, apparently remain faithful to the concept that there is no crime in lying under oath when ordered to do so by the President for the sake of "secrecy" and in the sacred name of "national security"—however tenuously it may be invoked and for whatever purposes. For his part, Judge Gesell had a terse observation to make about this mentality and this morality; on hearing the case for lawful lying under oath, the judge declared, "I don't think that's an argument I can entertain . . . We would have no society. I will simply not accept that argument." Neither should anybody else—including, with all that he now must know, Mr. Krogh.