

# IMPEACHMENT

FRIDAY,

## *Selected Judiciary*

### *Statement of Information—White House Surveillance Activities and Campaign Activities:*

1. In early May 1969, following conversations between FBI Director J. Edgar Hoover, Henry Kissinger and Attorney General John Mitchell, the President authorized a specific wiretapping program in an effort to discover the source of leaks of classified government material. Under this program, which remained in effect until Feb. 10, 1971, wiretaps were instituted against 13 government officials and four newsmen.

2. In each of the 17 cases of wiretapping in the program authorized by the President, the FBI wrote to Attorney General Mitchell requesting written authorization after receiving a directive for a tap. In each of the 17 cases, the Attorney General authorized the wiretap. Mitchell has denied seeing or signing any such authorizations and denied seeing any summaries of wiretap logs.

3. Although standard Department of Justice procedure required an Attorney General to review national security wiretaps every 90 days in order to reestablish their necessity, Attorney General Mitchell undertook no review of any of the seventeen wiretaps.

4. Unlike other national security wiretaps, the 1969-71 wiretaps were not entered in the FBI indices. The files and logs of the wiretaps were maintained only in the office of Director Hoover or Assistant Director William Sullivan and no copies were made. Such a procedure was requested by Col. Alexander Haig when the program began.

5. Following the President's authorization of the 1969-71 wiretapping program, wiretaps were placed on the telephones of seven members of the staff of the National Security Council. The wiretaps for the seven specific members of the NSC staff were requested orally by Col. Alexander Haig, who was then an assistant to the NSC Chairman, Kissinger. A renewed tap on one of these seven was later requested orally by H.R. Haldeman.

6. Five of the wiretaps on NSC employees were discontinued after a relatively short time (the shortest being one month); two continued for an extended period. Three of the staff members were subject to wiretaps for substantial periods after leaving the NSC. Two were tapped when they were no longer employed by the government, but were serving as advisers to a United States senator who was a Democratic presidential candidate.

7. In reports sent to the President, Henry Kissinger and H. R. Haldeman, none of the seven NSC employees was established to have been a source of leaked classified information.

8. In the cases of the four newsmen who were tapped, three were ordered by Col. Haig. Kissinger has testified that the name of one of these three was presented by FBI Director Hoover to the President as a man who had

## INQUIRY

JULY 19, 1974

## *Committee*

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## *Evidence*

connections with an allied foreign intelligence service and the decision to place a tap resulted from that presentation. The fourth newsman was a national television commentator. He was wiretapped at the direction of Attorney General Mitchell. The Attorney General stated that the President requested that the commentator be placed under immediate electronic surveillance following the review by the President of an FBI report about the individual. Mitchell also requested physical surveillance of the commentator, but withdrew this request after being advised by the FBI of the difficulties involved.

9. According to the FBI, the FBI reports on the wiretaps of the four newsmen showed that none of them had obtained information in a surreptitious or unauthorized manner.

10. Wiretaps were ordered on three White House staff members working in areas unrelated to national security and with no access to National Security Council materials. One wiretap was requested orally of Assistant FBI Director DeLoach by Attorney General Mitchell who represented the order as coming from the President. This tap was specifically denominated as off the record. This White House staff member worked for John Ehrlichman, who received the wiretap reports on him. A wiretap on a second White House staff member was requested orally by Col. Haig. The third White House staff member was wiretapped at the request of H. R. Haldeman.

11. None of the three White House staff members were ever reported by the FBI to have disclosed classified material. The material compiled on these staff members as a result of the wiretaps related primarily to their personal lives and their politics.

12. Three government employees were tapped in connection with the May, 1970, leak of the Cambodian bombing. Two held posts in the State Department at the ambassadorial level; the third was a high military aide to the Secretary of Defense. All three were tapped at the order of Col. Haig, who represented that the order for these wiretaps came from the President.

13. None of the three government employees tapped in connection with the Cambodian bombing story was ever reported by the FBI to have disclosed classified material.

14. In June, 1969, John Ehrlichman directed John Caulfield to have a wiretap installed on the office telephone in the home of Washington newspaper columnist Joseph Kraft. Ehrlichman has testified that he discussed the proposed wiretap with the President, but that he did not know the wiretap was ever instituted. The wiretap was installed by a former chief of security for the Republican National Committee with the aid of a Secret Service employee. It remained in place for one week during which Kraft was not at home. Caulfield has testified that Ehrlichman then told him to cancel the operation. At the same time, Deputy FBI Director William Sullivan was ordered

by FBI Director Hoover to travel to a European country and arrange for electronic surveillance of Kraft. A 19-page summary of conversations overheard from a surreptitious listening device in Kraft's hotel room was prepared, which was sent to Ehrlichman.

15. On July 8, 1969, Assistant FBI Director Sullivan reported to Director Hoover that the wiretap on one of the NSC employees produced nothing significant from the standpoint of discovering leaks and recommended that some of the coverage be removed. The tap on that employee was not removed; it remained in place until Feb. 10, 1971, 17 months after the employee resigned as a full-time employee of the NSC, and 9 months after he terminated his relationship as an NSC consultant.

16. Effective July 1969, Anthony Ulasewicz, a retired New York City policeman, was hired as an investigator by John Ehrlichman, Counsel to the President. From that date until mid-1972, under the direction of Caulfield, Ulasewicz conducted numerous investigations for the purpose of obtaining information of possible political value to the Nixon Administration. His salary and expenses were paid by campaign fundraiser Herbert Kalmbach from political contributions held by Kalmbach.

17. On or about Nov. 1, 1969, Attorney General Mitchell requested the FBI's views as to the type of coverage to be used on Joseph Kraft. The Domestic Intelligence Division of the FBI recommended "spot" physical surveillance and a survey to determine the feasibility of a telephone wiretap. Subsequently Director Hoover sent to the Attorney General a request that the wiretap be authorized. The spot physical surveillance was initiated on or about November 5, 1969, and continued until December 12, 1969, when it was discontinued as unproductive. The Attorney General never signed an approval of the wiretap and therefore, at that time, no wiretap was instituted.

18. In or about January, 1970, H.R. Haldeman and John Ehrlichman permitted the information contained in one of the summaries of the 1969-71 wiretaps to be used in connection with

political action in opposition to persons critical of the administration's Vietnam policy.

19. Until May 13, 1970, summaries of "top secret" wiretap material were sent by Director Hoover to the President and to Kissinger. After that date, following a meeting among the President, J. Edgar Hoover and Haldeman, the summaries were sent to Haldeman alone. According to the FBI, there were 37 letters to Kissinger between May 13, 1969, and May 11, 1970; there were 34 letters to the President dated from July 10, 1969, to May 12, 1970; there were 52 letters to Haldeman dated from July 10, 1969, to Feb. 11, 1971; and there were 15 letters to Ehrlichman dated from July 25, 1969, to Sept. 22, 1969.

20. On June 5, 1970, the President, H. R. Haldeman, John Ehrlichman and Presidential Staff Assistant Tom Huston met with FBI Director J. Edgar Hoover, Defense Intelligence Agency Director Donald Bennett, National Security Agency Director Noel Gayler, and Central Intelligence Agency Director Richard Helms. The President discussed the need for better domestic intelligence operations in light of an escalating level of bombings and other acts of domestic violence. He appointed Hoover, Gen. Bennett, Adm. Caylor, and Helms to be an ad hoc committee to study intelligence needs and restraints. He named Hoover as the chairman and Huston as the White House liaison.

21. On June 25, 1970, the committee completed its report entitled "Special Report: Interagency Committee on Intelligence (Ad Hoc)" known as "The Huston Plan." The report included a discussion of the current restraints on intelligence collection with respect to electronic surveillance, mail coverage, surreptitious entry, use of campus informers, use of military undercover agents, and other intelligence-gathering procedures. The report set forth the arguments for and against maintaining or relaxing existing restraints on the various forms of intelligence collection and of establishing an interagency intelligence evaluation committee. Specific options for expanded intelligence operations were set forth for the President's consideration. The report stated that two of the proposed intelligence-gathering procedures, surreptitious entry and opening first class mail, were illegal. At Director Hoover's insistence, the Report included notations that the FBI objected to proposals for establishing a permanent coordinating committee and for lifting restraints on intelligence collection methods in all categories except legal mail coverage and National Security Agency communications intelligence.

22. During the first week of July, 1970, Huston sent the Special Report and a Top Secret memorandum entitled "Operational Restraints on Intelligence Collection" to Haldeman. In the memorandum Huston recommended that the President, from among the options discussed by the Report, select in most areas discussed the option relaxing the restraints on intelligence collection. Huston specifically noted that covert mail covers and surreptitious entries were illegal but nonetheless recommended that the restraints on the use of these techniques be relaxed. Huston justified his recommendation in part on the past practices of the FBI. Huston also recommended the formation of an interagency evaluation committee, as outlined in the Report.

23. On July 14, 1970, H. R. Haldeman sent a Top Secret memorandum to Huston stating that the President had ap-

proved Huston's recommendations for relaxing restraints on intelligence collection. Haldeman requested that a formal decision memorandum be prepared. On or about July 23, 1970 Huston prepared and distributed to the members of the Ad Hoc Committee a Top Secret decision memorandum, with copies to the President and Haldeman, advising of the President's decision to relax the restraints on intelligence gathering by use of the techniques of covering international communications facilities, electronic surveillance and penetrations, illegal mail covers, surreptitious entries, and development of campus sources.

24. On or before July 27, 1970, Director Hoover met with Attorney General Mitchell, informed Mitchell for the first time of the June 5, 1970 meeting and the July 23, 1970 decision memorandum, and stated Hoover's opposition to the Plan. Mitchell joined with Hoover in opposing the Plan.

25. On either July 27 or July 28, 1970, Huston on instructions from Haldeman, recalled the decision memorandum of July 23, 1970, and requested that the members of the Ad Hoc Committee return their copies to the White House. Haldeman told Huston that Mitchell had called concerning the Plan, that the memorandum would be reconsidered and that Haldeman, Hoover and the Attorney General would meet to discuss the subject. Mitchell has testified that he informed the President and Haldeman of his opposition to the Plan.

26. In or around August, 1970, H.R. Haldeman transferred White House responsibility for matters of domestic intelligence for internal security purposes from Tom Charles Huston to John Dean. On Sept. 17, 1970 Dean and Attorney General Mitchell discussed procedures for commencing a domestic intelligence operation. On Sept. 18, 1970 Dean wrote a memorandum to the Attorney General regarding the establishment of an interagency domestic intelligence unit and the use of an existing group called the Inter-Divisional Information Unit (IDIU) as a cover for the operation of the new unit. Dean recommended that restraints should be removed as necessary to obtain needed intelligence rather than on a blanket basis. Dean informed Mitchell that Haldeman had suggested he would be happy to join Mitchell in a meeting with Hoover.

27. In or before December, 1970, the Intelligence Evaluation Committee was created to improve coordination among the intelligence community and to prepare evaluations and estimates of domestic intelligence.

28. In the latter part of 1970 the Se-

cret Service installed a wiretap on the telephone of Donald Nixon, the President's brother in Newport Beach, California, and also instituted physical surveillance. Caulfield was assigned by Ehrlichman to monitor an report to him on the wiretap. Caulfield has testified that the purpose of the surveillance was the concern that Donald Nixon might be involved with persons seeking to use him for improper political influence and thereby embarrass the President. The President has stated that his brother was aware of the surveillance while it was occurring because he asked about it, was told about it, and he approved of it.

29. On Feb. 10, 1971, in the month before Director Hoover was to appear before a House Subcommittee on Appropriations, the FBI terminated the nine wiretaps from the 1969-71 electronic surveillance program which were still in operation.



By Margaret Thomas—The Washington Post

30. In June, 1971, Dwight Chapin, the President's appointments secretary, and Gordon Strachan, an aide to H.R. Haldeman, recruited Donald Segretti to disrupt the campaigns of candidates for the Democratic presidential nomination. Shortly thereafter, Haldeman met with Herbert Kalmbach and authorized Kalmbach to pay out of political funds Segretti's salary and expenses, which totaled \$45,000 during the next year.

31. On June 13, 1971 The New York Times published the first installment of excerpts from the History of U.S. Decision-Making Process on Viet Nam Policy, popularly known as the "Pentagon Papers." The Pentagon Papers, prepared in 1967 and 1968 at the direction of the Secretary of Defense, were based largely upon CIA and State and Defense Department documents classified "top secret." On June 15, 1971, at the direction of the President, the government instituted legal actions in an unsuccessful attempt to prohibit further publication of Pentagon Papers material by The New York Times and by The Washington Post which also had gained access to it. On that day, at the request of Attorney General Mitchell, the FBI began an investigation to determine how the newspapers had obtained copies of the Pentagon Papers.

32. Following the June 13, 1971 publication of the "Pentagon Papers," Daniel Ellsberg publicly acknowledged copying and releasing the documents. On June 28, 1971 Ellsberg was indicted in California on charges of unauthorized possession of defense information and conversion of government property, the Pentagon Papers.

33. In the two weeks following the publication of the Pentagon Papers the President met at various meetings

with Haldeman, Ehrlichman, Kissinger and Colson. According to Ehrlichman and Colson the participants at these meetings discussed the adverse effect of the publication of the Pentagon Papers upon national security and foreign policy and considered the possibility that Daniel Ellsberg, identified as the probable source of the published papers, possessed additional sensitive information that he might disclose. During this period, White House

*These are the narratives of evidence from the House Judiciary Committee's impeachment inquiry on President Nixon, and selected portions of the committee's supporting evidence.*

*The narratives, which are followed by a submission on behalf of President Nixon, cover the following matters: the 1969-71 wiretaps of government employees and newsmen; the Joseph Kraft wiretap, the Donald Nixon wiretap, and other wiretaps; the activities of the White House "Plumbers" investigative group; other surveillance activities by White House employees; the campaign activities of*

*Donald Segretti and others, and allegations concerning efforts to conceal those activities; allegations concerning efforts to conceal the 1969-71 wiretaps and the activities of the Plumbers; allegations concerning presidential contacts with Pentagon Papers case Judge W. Matt Byrne Jr.*

*The materials contain sensitive documents from FBI files and executive sessions of several congressional committees. The material therefore contains a number of deletions and summaries, and some individuals, particularly wiretap targets, have been identified by letters.*

staff members were told by Assistant Attorney General in charge of the Internal Security Division that some or all of the Pentagon Papers had been delivered to the Soviet that some or all of the Pentagon Papers had been delivered to the Soviet Embassy on June 17, 1971.

34. The President has stated that in the week following the publication of the Pentagon Papers he authorized the creation of a Special Investigations Unit whose principal purpose would be to stop future disclosure of sensitive security matters and that he looked to John Ehrlichman to supervise that unit. This unit became known as the "Plumbers."

35. On June 23, 1971, Haldeman sent several projects to Strachan for implementation. One of the projects envisaged 24-hour-a-day surveillance of Sen. Edward Kennedy. Caulfield and Dean objected to this project because of the risks involved and the project was not implemented. Strachan has testified that Dean told him that physical surveillance of Kennedy was in fact conducted on a periodic basis and that Strachan received reports on Kennedy's activities.

36. On June 25, 1971, Colson sent a memorandum to Haldeman in which he analyzed in detail the political ramifications of the publication of the first installments of the Pentagon Papers, and government efforts to halt further publication. He considered among other things the political advantages which could accrue to the Administration from the criminal prosecution of Ellsberg.

37. During the last week of June 1971 Haldeman and Ehrlichman directed Colson to recommend a person to be responsible for research about the publication of the Pentagon Papers. One of Colson's several candidates for this position was his friend E. Howard Hunt, a retired career CIA agent.

38. On July 1, 1971, the Internal Security Division of the Justice Department sent a request to the FBI asking whether there was any electronic surveillance involving Daniel Ellsberg. According to the FBI, during the operation of the wiretap program authorized by the President in 1969, Ellsberg had been overheard 15 times on the telephone of Morton Halperin, one of the staff members of the NSC whose telephone was tapped. But no record of this overhearing was maintained in the regular files of the FBI.

39. On July 1, 1971, Colson and Hunt discussed various aspects of the Pentagon Papers matter. This telephone conversation was recorded and transcribed by Colson, and on July 2, 1971 he sent a copy of the transcript to Haldeman with the recommendation that Haldeman meet Hunt.

40. On July 6, 1971, Colson informed Ehrlichman that White House aide and speech writer Patrick J. Buchanan, Haldeman and Ehrlichman's first choice to head White House efforts on the Pentagon Papers matter, strongly believed he was not the man for the

job. Colson urged Ehrlichman to meet with Hunt. On July 8, 1971, Buchanan sent a memorandum to Ehrlichman recommending against the project because, while there were dividends to be derived from "Project Ellsberg," none would justify the magnitude of the investigation being considered. Ehrlichman forwarded this memorandum to Haldeman to read and return.

41. Effective July 6, 1971, Hunt was hired as a White House consultant and assigned the task of studying the Pentagon Papers and the origins of American involvement in the Vietnam war. On the following morning, Colson introduced Hunt to Ehrlichman.

42. On July 7, 1971, Ehrlichman called General Robert Cushman, Deputy Director of the CIA, and informed him that Hunt had been asked by the President to perform special consultant work on security problems and that Hunt might be contacting Cushman sometime in the future for some assistance. Ehrlichman told Cushman he should consider Hunt to have pretty much carte blanche. Prior to the discovery of a transcript of Ehrlichman's conversation with Cushman, in February 1974, Ehrlichman testified that he could not recall this phone call that he was certain the President did not instruct him to secure CIA aid for Hunt, and that it was not until July 24, 1971 that the President gave him special authority to call on the CIA for assistance in connection with the work of the Special Investigations Unit.

43. By memorandum dated July 6, 1971, entitled "More Pentagon Papers," Colson advised Ehrlichman that the Brookings Institution was conducting a study of American involvement in Vietnam; Colson characterized it as potentially another Pentagon Papers. According to Caulfield, a member of Dean's staff, Colson suggested that a fire be started at the Brookings Institution in the course of which the papers could be stolen. Caulfield objected to the plan and reported his objection to Dean. On July 11, 1971 Dean flew to San Clemente and told Ehrlichman that the Brookings Institution plan should be abandoned. Ehrlichman caused the project to be cancelled.

44. Between July 1 and July 11, 1971, Assistant FBI Director William Sullivan told Robert Mardian, Assistant Attorney General for Internal Security, that Sullivan had possession of the files and logs of the 1969-71 wiretaps, and that the taps were not entered in the FBI indices. Mardian has testified that Sullivan indicated to him that the files were extremely sensitive, that Sullivan was likely to be forced out of the FBI by Director Hoover with whom he had disagreed on FBI policy, and that he desired to turn over the logs to Mardian so that Hoover could not use them against the White House. On July 11, 1971, after seeking the advice of Attorney General Mitchell about what to do about the logs and files, Mardian flew to San Clemente, California on a military courier flight to report to the President.

45. On July 12, 1971, Robert Mardian met with the President and John Ehrlichman and related William Sullivan's concerns about the wiretap files and logs. The President directed Mardian to obtain the 1969-71 files and to deliver them to Ehrlichman. Mardian was also directed to verify that the copies of summaries sent to Kissinger and Haldeman were secure.

46. On July 13, 1971, the FBI reported to the Assistant Attorney General, Internal Security Division of the Department of Justice, that a review of the records of the FBI revealed that no conversations of Daniel Ellsberg had been monitored by electronic surveillance devices. On July 16, 1971 the FBI reported there had been no direct electronic surveillance of Morton Halperin.

47. On or about July 17, 1971, Ehrlichman assigned Egil Krogh, a member of Ehrlichman's staff, and David Young, who was then serving on the staff of the National Security Council, as co-chairmen of the Special Investigations Unit.

48. In the week following July 17, 1971, Krogh recruited Gordon Liddy, an ex-FBI agent, for the Special Investigations Unit, and Colson instructed Hunt to report to that unit. Office space, equipped as a high security area with a special alarm system and a

scrambler telephone was made available in the Executive Office Building.

49. During the period from July 1971 to December 1971 Ehrlichman authorized Gordon Liddy to conduct an unspecified number of wiretaps on persons whose names have not been disclosed.

50. Charles Colson's responsibility with respect to the Special Investigations Unit was to disseminate the information obtained by the Unit. In this connection, Colson prepared memoranda to Ehrlichman concerning efforts undertaken to encourage Congress to hold hearings on the Pentagon Papers matter.

51. On July 22, 1971, Howard Hunt met CIA Deputy Director Cushman and asked for CIA aid in connection with an interview Hunt was going to have with an unidentified person. The CIA provided Hunt with, among other things, material for physical disguise and voice alteration, and "alias" identification in the name of "Edward Warren." The material furnished to Hunt was intended to be used by Hunt to interview one Clifton DeMotte who was believed to have information reflecting unfavorably on certain members of the Kennedy political grouping.

52. On July 24, 1971 commencing at 12:36 p.m., the President held a meeting with Ehrlichman and Krogh. The day before The New York Times had published a story revealing details of the U.S. negotiating position in the Strategic Arms Limitation (SALT) talks then in progress. At the July 24 meeting there was a discussion of efforts to identify the source of the SALT leak and the use of a polygraph

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on State Department personnel suspected of being the source of the leak.

53. Following the meeting among the President, Ehrlichman and Krogh the Special Investigations Unit conducted an investigation of the SALT leak, and received the assistance of the CIA in obtaining polygraph equipment and operators.

54. Sometime prior to July 27, 1971, Young asked the Director of Security of the CIA to have a psychological profile of Ellsberg prepared. The project was personally authorized by CIA Director Helms. Young told both Helms and the CIA Director of Security that it was Ehrlichman's wish that the CIA undertake the project. By memorandum dated July 27, 1971 Young and Krogh advised Ehrlichman that preparation of the profile was underway.

55. Hunt sent a memorandum dated July 28, 1971 to Colson entitled "Neutralization of Ellsberg." Hunt proposed the building of a file on Ellsberg to contain all available overt, covert and derogatory information in order to determine how to destroy Ellsberg's public image and credibility. Hunt suggested that Ellsberg's psychiatric files be obtained. Hunt suggested a CIA psychological assessment/evaluation on Ellsberg. Colson has testified that he forwarded Hunt's memorandum to Krogh. By memorandum dated August 3, 1971 Young reported to Colson that the psychological profile and certain other items mentioned in Hunt's memorandum were already underway and that the other suggestions in Hunt's memorandum were under consideration.

56. In August 1971 William Sullivan delivered to Robert Mardian the files and logs respecting the 1969-71 wiretaps and the FBI surveillances on Joseph Kraft. Shortly thereafter Mardian delivered these records to the White House. According to Mardian, when the materials were delivered by him to the White House Henry Kissinger and

Alexander Haig were present and assured themselves that the summaries of wiretap information were identical to the summaries that Kissinger had previously received. A similar check was made with Haldeman as to summaries sent to him. Mardian has stated that two of the summaries sent to Haldeman were missing from Haldeman's records. Mardian then delivered the files and wiretap logs to the Oval Office of the White House.

57. On July 29, 1971 the President sent a letter to FBI Director Hoover asking him to furnish Krogh with files containing material about the investigation of Ellsberg and the Pentagon Papers. In response, on August 3, 1971, Hoover sent Krogh copies of FBI interviews and other material. In connection with its investigation of the disclosure and publication of the Pentagon Papers, the Special Investigations Unit also from time to time received information from the Department of Defense, the Department of State and other government agencies.

58. In the week prior to Aug. 5, 1971 Krogh, Hunt and Liddy discussed information that the FBI had sought to interview Ellsberg's psychiatrist, Lewis Fielding, but that Fielding had refused to discuss anything involving any of his patients. There was discussion about someone going into Fielding's office to find whatever information there was about Ellsberg. Liddy said that when he was in the FBI he had been involved in an entry operation. There was discussion of whether Cuban Americans who had worked with Hunt on the Bay of Pigs invasion might be available to make the actual entry into Fielding's office.

59. On or about Aug. 5, 1971 Krogh and Young reported to Ehrlichman that the FBI had been able to gain access to Fielding's files on Ellsberg. They told Ehrlichman that to examine these records something other than regular channels through the FBI or through the ongoing agencies would have to be undertaken. Krogh told Ehrlichman that there were individuals in the unit and individuals available who had professional experience in this kind of investigation. Ehrlichman said that he would think about it. Ehrlichman has stated that he discussed with the President the need to send Hunt and Liddy to California to pursue the Ellsberg investigation and the President responded that Krogh should do whatever was necessary to get to the bottom of the matter—to learn Daniel Ellsberg's motive and potential for further action.

60. According to a document in the file of the Special Investigations Unit entitled "Specific Projects as of August 10, 1971," in addition to the investigation of Ellsberg and the Pentagon Papers and the SALT disclosure, the Unit undertook projects with respect to an analysis of leaks, press regulations, classification and declassification systems, the cancellation of software contracts and a polygraph study.

61. On Aug. 11, 1971 the CIA delivered to Krogh and Young a psychological profile on Ellsberg dated Aug. 9, 1971. On the same day Krogh and Young submitted a written status report to Ehrlichman on the entire Pentagon Papers project. The report referred to the psychological profile of Ellsberg that had been received, but stated that Krogh and Young considered it to be superficial. Krogh and Young recommended that a covert operation be undertaken to examine all the medical files still held by Ellsberg's psychoanalyst covering the two year period in which Ellsberg was undergoing analysis. Ehrlichman stated his approval of the recommendation if done with Krogh and Young's assurance that it was not traceable. Copies of the Aug. 11 status report which were furnished by the White House to the House Judi-

ciary Committee had the paragraph recommending a covert operation and Ehrlichman's approval deleted.

62. By memorandum dated Aug. 11, 1971 Young contacted the State Department to enable Hunt to review and obtain copies of State Department cable files covering Vietnam during 1963. At an earlier date shortly after Hunt was employed at the White House, Hunt and Colson had talked to Colonel Lucien Conein, a retired CIA employee formerly stationed in Vietnam who was familiar with the events leading up to the overthrow and death of South Vietnamese President Diem in 1963. Hunt has testified that on the basis of material in the State Department files and apparent omissions from the files he concluded that there was reason to believe that the Kennedy Administration had been implic-



Sketch by David Suter for The Washington Post

itly responsible for the assassination of Diem and his brother. Hunt fabricated cables designed to implicate the Kennedy Administration in the deaths. Hunt then took steps to have the cables publicized. Hunt has testified that he was acting under the instructions of Colson. Colson has denied this. The copies of the State Department cables and the forged cables were taken from Hunt's safe in June 1972 and delivered to L. Patrick Gray, who later destroyed them.

63. On Aug. 12, 1971 Young, Hunt and Liddy met with the CIA staff psychiatrist who had directed the preparation of the Ellsberg psychological profile to discuss further development of the profile. Young told the psychiatrist of Ehrlichman's and Kissinger's personal interest in the profile and stated that the President had been informed of the study.

64. In discussions in mid-August 1971 concerning the plan to gain access to Dr. Fielding's files on Ellsberg, Krogh and Young told Hunt and Liddy not to be present when the operation was executed because of their association with the White House. During this period Hunt went to Miami, Florida where he recruited Bernard Barker for the operation. Barker had worked with Hunt in connection with the Bay of Pigs invasion. Barker then recruited Felipe DeDiego and Eugenio Martinez, who had participated in intelligence work with Barker on previous occasions.

65. On or about Aug. 19, 1971 Daniel Schorr, a television commentator for CBS News, was invited to the White House to meet with Presidential aides in connection with an allegedly unfavorable news analysis by Schorr of a Presidential speech. Thereafter, while traveling with the President, Haldeman directed Lawrence Higby, one of his aides, to obtain an FBI background report on Schorr. The FBI, following Higby's request, conducted an extensive investigation of Schorr. The FBI immediately interviewed 25 persons in seven hours, including members of

Schorr's family, friends, employers, and the like. Schorr never consented to such an investigation. Following public disclosure of the investigation, the White House stated that Schorr was investigated in connection with a potential appointment as an assistant to the chairman of the Environmental Quality Council. He was never appointed. Haldeman has testified that Schorr was not being considered for any federal appointment and that he could not remember why the request was made.

66. On Aug. 19, 1971 Krogh and Young informed Ehrlichman that Colson had been instructed by the President to get something out on the Pentagon Papers. On August 24, 1971 Ehrlichman forwarded to Colson a memorandum on Leonard Boudin, Daniel Ellsberg's attorney, which was prepared by Howard Hunt. Colson released the Hunt memorandum to a newspaper reporter.

67. On Aug. 25, 1971 Hunt requested and received from the CIA alias identification and disguise material for Liddy and a camera concealed in a tobacco pouch. Later that day Hunt and Liddy flew to Los Angeles for the purpose of obtaining information about Ellsberg and the Pentagon Papers disclosure. While in Los Angeles Hunt and Liddy sought to determine the feasibility of an operation to gain access to Dr. Fielding's files. Hunt and Liddy took photographs of the interior and exterior of Dr. Fielding's office. Upon Hunt's return from Los Angeles on either August 26 or 27, 1971 a CIA employee met Hunt at the airport, had the film processed and returned the prints to Hunt the same day. Hunt and Liddy showed the photographs to Krogh and Young and reported that a surreptitious entry was feasible.

68. On Aug. 26, 1971 Young sent a memorandum to Ehrlichman stating that the plan was to develop slowly a negative picture around the whole Pentagon study affair (preparation to publication) and to identify Ellsberg's associates and supporters on the new left with this negative image. The memorandum referred to material to be developed from the present Hunt/Liddy Project No. 1. The memo stated that it would be absolutely essential to have an overall game plan developed for its use in conjunction with a Congressional investigation. On the following day Ehrlichman sent a memorandum to Colson requesting a game plan for the use of materials obtained from Hunt/Liddy Special Project No. 1.

69. On Aug. 27, 1971 CIA Deputy Director Cushman telephoned Ehrlichman to request that Hunt be restrained in his requests to the CIA for further assistance. Hunt had requested from the CIA such items as a stenographer, credit cards, and an office in New York with a phone listed in New York that could be monitored in Washington. Ehrlichman agreed that the CIA need not meet Hunt's additional requests.

70. Krogh and Young have testified that they telephone Ehrlichman at Cape Cod on or about Aug. 30, 1971 and reported that Hunt and Liddy had returned from California and reported that a covert operation could be undertaken and would not be traceable. Ehrlichman gave his approval. Ehrlichman has testified that he does not recall receiving this telephone call.

71. Prior to Sept. 2, 1971 either Krogh (according to Krogh) or Ehrlichman (according to Colson) requested Colson to obtain \$5,000. The money was to be used to finance the Fielding operation. Colson requested Joseph Baroody, a Washington public relations consultant, to deliver \$5,000 to Krogh who turned it over to Liddy. Several weeks later Colson caused Baroody to

be repaid with \$5,000 from a political contribution by a dairy industry political organization.

72. On or about Sept. 2, 1971 Hunt and Liddy flew to Chicago where they purchased cameras and walkie-talkies. Then they flew to Los Angeles where they met Barker, Martinez and DeDiego and purchased a crow bar, glass cutter, and other burglary tools. On the night of Sept. 4, 1971, Barker, Martinez and DeDiego entered Dr. Fielding's office by breaking a first floor window of the building and breaking open the door to Dr. Fielding's second floor office. The file cabinets and desk in Dr. Fielding's office were broken into and searched. Liddy maintained a watch outside the building while Hunt, who was in communication by walkie-talkie, watched Dr. Fielding's residence. Barker, Martinez and DeDiego have testified that they did not locate any file on Ellsberg and that no information was obtained. Dr. Fielding has testified that his file cabinet had been broken into and the file on Ellsberg withdrawn.

73. On or about Sept. 7, 1971 Hunt and Liddy delivered reports to Krogh and Young which included photographs of the physical damage to Dr. Fielding's office. Hunt and Liddy recommended a further operation to seek the files at Dr. Fielding's home. Krogh reported these facts to Ehrlichman. Ehrlichman has testified that the action far exceeded the authorization he had given and disapproved any further covert activity. On the same day Hunt testified that he sought to discuss the entry into Fielding's office with Colson. Colson testified he declined to discuss the matter.

74. At 10:45 a.m. on Sept. 8, 1971 Ehrlichman met with Krogh and Young and they discussed the Fielding break-in. At 1:45 that afternoon Ehrlichman telephoned the President and between 3:26 p.m. and 5:10 p.m. Ehrlichman met with the President. Ehrlichman has testified that he did not tell the President about the Fielding break-in. On Sept. 10, 1971 Ehrlichman met with the President from 3:03 to 3:15 p.m. and at 4:00 p.m. Ehrlichman met with Krogh and Young.

75. In August or September, 1971, Caulfield submitted to John Dean a written proposal for a political intelligence operation entitled Operation Sandwedge with a budget of \$511,000. The proposal specified both clandestine offensive and defensive operations, including a black bag capability. The budget included an item of \$15,000 for Equipment-Electronic Surveillance. During September and October 1971, Strachan informed Haldeman that the proposal had been considered by Dean and Attorney General Mitchell. Haldeman instructed Strachan to arrange a meeting with Mitchell to discuss pending matters including the Sandwedge plan. On Nov. 4, 1971, Haldeman, Mitchell, Magruder and Strachan discussed the plan. Operation Sandwedge was never instituted. On November 24, 1971 Mitchell discussed with Caulfield a position at CRP.

76. Between September 1971 and June 16, 1972 Donald Segretti hired operatives to infiltrate the campaigns of various Democratic candidates, placed Senator Edmund Muskie under physical surveillance, disrupted campaign activities, and printed false and scurrilous materials attributed to various Democratic candidates. These publications, in violation of 18 U. S. C. Section 612, were mailed by Segretti to Dwight Chapin, the President's appointments secretary. During this same period, CRP employed individuals to infiltrate the Muskie, Humphrey and McGovern campaign staffs. These individuals were assigned code names such as Sedan Chair II and Fat Jack and supplied documents and intelligence infor-

mation about the Democratic campaigns. Strachan has testified that a Sedan Chair II report was included in a Political Matters Memorandum sent by Strachan to Haldeman.

77. On Nov. 1, 1971 John Ehrlichman was informed by Egil Krogh and David Young in a memorandum that the prosecution of Daniel Ellsberg would be more difficult because (1) Ellsberg gave classified information to the press, not to a foreign power, (2) a few months after Ellsberg went public, the Department of Defense published virtually the same materials, and (3) there had been no apparent damage as a result to Ellsberg's disclosures.

78. Prior to Nov. 9, 1971 members of the Plumbers Unit had conversed with the CIA staff psychiatrist who had directed the preparation of the Ellsberg psychological profile, and had sent materials to the CIA to be used in the development of that profile. On November 9, 1971 CIA Director Richard Helms wrote to David Young stating that the CIA's involvement in preparation of the Ellsberg profile should not be revealed in any context. On Nov. 12, 1972 the CIA delivered to the Plumbers an expanded psychological profile of Daniel Ellsberg.

79. On Dec. 14, 1971 after publication in a newspaper column of facts about the U.S. position on the India-Pakistan War, Krogh and Young were assigned to investigate the disclosure. Krogh was dropped from the Unit on December 20, 1971 after he refused to authorize specific wiretaps. Subsequently, four FBI wiretaps were authorized and instituted, and Young pursued the investigation that coincidentally uncovered the fact that classified documents were being passed to the Joint Chiefs of Staff from the military liaison office at the National Security Council in the White House. The FBI files contain no written instructions or authorization from either the Attorney General or the White House. The records of these taps were kept completely isolated from regular FBI files, and they were not entered in the electronic surveillance indices. Young rendered a report on the investigation in early January 1972, but the taps continued past that date, the last being terminated June 20, 1972. The liaison office was abolished.

80. On or about Dec. 14, 1971 Gordon Liddy left the White House staff to become counsel to CRP and then later to FCRP.

81. On Dec. 29, 1971, a 15-count indictment of Daniel Ellsberg was filed alleging violations of the conspiracy statutes, and statutes prohibiting the unauthorized distribution of classified information and misappropriation of government property. No counts were included alleging the transmission of documents to a foreign country or representatives of a foreign country because evidence was not developed to support such a charge.

82. On Dec. 30, 1971 Attorney General John Mitchell received a letter from Ehrlichman renewing Ehrlichman's suggestion that the Attorney General consider a voluntary non-suit of the Ellsberg prosecution.

83. On Feb. 11, 1972 at the direction of Haldeman and Attorney General John Mitchell, Gordon Liddy and Howard Hunt met with Donald Segretti in Miami to review Segretti's activities. This meeting was in response to a memorandum sent to Haldeman and Mitchell entitled "Matter of Potential Embarrassment" prepared by Jeb Magruder, which stated that Segretti should be under Liddy's control. This memorandum was destroyed by Gordon Strachan on June 20, 1972. Hunt has testified that he and Liddy recommended that Segretti's operation be terminated, but that their recommendation was overruled.

84. On May 27, and June 17, 1972 five men under the supervision of Liddy and Hunt, entered the offices of the DNC at the Watergate office building for the purpose of gathering political intelligence and effecting electronic surveillance. Two of these five, Bernard Barker and Eugenio Martinez, had participated with Liddy and Hunt in the break-in at the offices of Daniel Ellsberg's psychiatrist.

85. On or about June 8, 1972 in the course of pretrial proceedings in the Ellsberg case, the government, in response to an order of the court, stated in an affidavit which was filed in the case that there had been no electronic surveillance of conversations of Daniel Ellsberg. This statement was repeated in affidavits filed on Dec. 14, 1972 and Feb. 23, 1973.

86. On June 20 or 21, 1972 Fred LaRue, special assistant to CRP Campaign Director John Mitchell, and Robert Mardian, an official of CRP acting as its counsel, met in LaRue's apartment with Gordon Liddy. Liddy told LaRue and Mardian that certain persons involved in the Watergate break-in previously had been involved in operations of the White House "Plumbers" unit, including the entry into the offices of Daniel Ellsberg's psychiatrist. Liddy told Mardian and LaRue that commitments for bail money, maintenance and legal services had been made to those arrested in connection with the DNC break-in and that Hunt felt it was CRP's obligation to provide bail money and to get his men out of jail.

87. On or about June 21, 1972 Mardian and LaRue met with John Mitchell and told him of their meeting with Liddy, including Liddy's statements about the break-in into the office of Daniel Ellsberg's psychiatrist. Mitchell was also advised of Liddy's request for bail money and of Liddy's statement that he got his approval in the White House. Mitchell instructed Mardian to tell Liddy that bail money would not be forthcoming. Mitchell has testified that he refrained from advising the President of what he had learned because he did not think it appropriate for the President to have that type of knowledge, and that he believed that knowledge would cause the President to take action detrimental to the campaign and that the best thing to do was just to keep the lid on through the election.

88. On June 23, 1972, H. R. Haldeman met with the President. The President directed Haldeman to meet with CIA Director Richard Helms, Deputy CIA Director Vernon Walters and John Ehrlichman. The President directed Haldeman to discuss White House concern regarding possible disclosure of covert CIA operations and operations of the White House Special Investigation Unit (the "Plumbers"), not related to Watergate, that had been undertaken previously by some of the Watergate principals.

89. On or before June 25, 1972, immediately after the FBI had contacted Donald Segretti as part of the Watergate investigation, John Dean met with Segretti in the EOB to advise Segretti on how to deal with his impending FBI interview. In this meeting, arranged by Dwight Chapin and Gordon Strachan, Dean told Segretti not to reveal his relationship with Chapin, Strachan or Herbert Kalmbach to the FBI, if possible, and during the subsequent FBI interviews, Segretti withheld this information. A copy of the interview summary FBI 302 form was given to Dean by the FBI. In July 1972 Chapin instructed Segretti to destroy his records.

90. On or about June 27, 1972 John Dean and Fred Fielding, his assistant,

delivered to FBI agents a portion of the materials from Howard Hunt's safe. The materials given to the FBI agents included top secret diplomatic dispatches relating to Vietnam. The portion withheld from the FBI agents included fabricated diplomatic cables purporting to show the involvement of the Kennedy administration in the fall of the Diem regime in Vietnam, memoranda concerning the Plumbers unit, a file relating to an investigation Hunt had conducted for Charles Colson at Chappaquidick, and two notebooks and a pop-up address book.

91. On or about June 28, 1972 John Dean was informed that the FBI was attempting to interview Kathleen Chenow, who was the secretary of David Young and Egil Krogh when they were active as part of the White House Special Investigations Unit. Dean has testified that he informed John Ehrlichman of problems connected with Chenow's interview and Ehrlichman agreed that before her FBI interview Chenow should be briefed not to disclose the activities of Howard Hunt and Gordon Liddy while at the White House. On June 28, 1972 Dean telephoned Acting FBI Director Gray and requested that Chenow's interview be temporarily held up for reasons of national security. Gray agreed to the request.

92. On June 28, 1972 L. Patrick Gray met with John Ehrlichman and John Dean. At this meeting Gray was given two folders containing documents which he was told had been retrieved from E. Howard Hunt's safe and had not been delivered to FBI agents when the remainder of the contents of the safe was delivered on June 27, 1972. Gray was told that these documents were politically sensitive, were unrelated to Watergate, and should never be made public. Gray destroyed these documents in December 1972. Dean did not deliver to Gray the two notebooks and pop-up address book that had been found in Hunt's safe; Dean has related that he discovered these items in a file

folder in his office in late January 1973, at which time he shredded the notebooks and discarded the address book.

93. In the summer of 1972 after Segretti had terminated his activities, Chapin met with Segretti in California. Segretti has testified Chapin told him to keep several thousand dollars of advanced expense money as a bonus. They also discussed the possibility of Chapin's finding Segretti a job.

94. In August 1972 Chapin arranged for Dean to meet with Segretti prior to his appearance before the Watergate Grand Jury. Dean advised Segretti again to withhold the names of Chapin, Strachan, and Kalmbach before the Grand Jury, if possible, but told him not to lie. On the basis of a call from Dean, Assistant Attorney General Henry Peterson instructed Assistant U.S. Attorney Earl Silbert to confine his questioning of Segretti to Watergate and Segretti's contacts with Hunt, and not to ask him about his contacts with Kalmbach.

95. On Aug. 28, 1972 Egil Krogh appeared and testified falsely before the Watergate Grand Jury that he had no knowledge that Howard Hunt had traveled any place other than Texas while he was working on the declassification of the "Pentagon Papers." He also testified falsely that he knew of no trips to California "for the White House" by Gordon Liddy.

96. After an Oct. 10, 1972 newspaper story disclosed Segretti's activities, Segretti met with Dean at the EOB. On October 11, according to Dean, at Ehrlichman's suggestion he told Segretti to go underground until after the election. On Oct. 13, 1972 Chapin, Ehrlichman, H.R. Haldeman, Ronald Ziegler and Richard Moore met at the White House. They discussed an impending Post story which stated that

Chapin was Segretti's White House contact in a sabotage operation against the Democrats. Chapin issued a statement which indicated that he had known Segretti in college, but labeled the Post story as hearsay and inaccurate.

97. In October 1972, according to Haldeman, the President read newspaper stories linking Segretti and Kalmbach and asked Haldeman about them. Haldeman has testified that he had specific information to answer the President's questions about Segretti.

98. After Nov. 5, 1972 Ehrlichman received a detailed factual chronology prepared by Chapin about White House involvement with Segretti. In preparing the chronology, Chapin used blanks instead of the names of Haldeman and Mitchell. Chapin has testified he did this out of a deep sense of loyalty to Haldeman.

99. On Nov. 10, 1972 Dean met with Segretti in California and taped the conversation, during which Segretti explained his activities, some of which were criminal, and his involvement with Chapin. Dean has testified that at Ehrlichman's direction, he played the tape recording for Haldeman and Ehrlichman at Key Biscayne on Nov. 12, 1972. On Nov. 15, 1972 at Camp David, Haldeman and Ehrlichman told Dean that the President had decided that Chapin had to leave the White House.

100. On Dec. 18, 1972 Ronald Ziegler, the President's Press Secretary, announced that Chapin would continue during the second term as Deputy Assistant to the President. In January 1973 Ziegler announced that Chapin would leave the Administration, but denied that his departure was a result of his relationship with Segretti. Chapin has testified that he left the White House because of the publicity about his connection with Segretti; that he was interested in protecting the President because the President did not know anything about Segretti's activities; that he was also interested in protecting Haldeman.

101. On Jan. 8, 1973 former CIA Deputy Director Cushman sent a memorandum to John Ehrlichman identifying as the person who requested CIA assistance for E. Howard Hunt in 1971 one of the following: Ehrlichman, Charles Colson or John Dean. On Jan. 10, 1973 after discussions with Ehrlichman and Dean, Cushman changed the memorandum to state that he did not recall the identity of the White House person who requested assistance for Hunt.

102. Early in 1973 John Dean met with Assistant Attorney General Petersen. Petersen showed Dean documents delivered by the CIA to the Department of Justice at an Oct. 24, 1972 meeting, including copies of the photographs connecting E. Howard Hunt and Gordon Liddy with Dr. Fielding's office. On a second occasion prior to Feb. 9, 1973 Dean met with Petersen and discussed what the Department of Justice would do if requested by the CIA to return materials. Petersen told him that a notation that the materials had been sent back to the CIA would have to be made in the Department's files.

103. On Feb. 9, 1973 Dean called CIA Director James Schlesinger. Dean suggested that the CIA request the Department of Justice to return a package of materials that had been sent to the Department of Justice in connection with the Watergate investigation. Deputy CIA Director Walters contacted Dean on Feb. 21, 1973 and refused Dean's request.

104. On or about Feb. 22 or 23, 1973 Dean has testified that Time magazine notified the White House that it was going to print a story that the White House had undertaken wiretaps of newsmen and White House staff mem-

bers. Dean made inquiries of Assistant FBI Director Mark Felt, former Attorney General Mitchell, and former Assistant FBI Director William Sullivan respecting this matter. According to Dean, he called John Ehrlichman. Ehrlichman admitted that he had the logs and files of these wiretaps in his safe, but directed Dean to have Presidential Press Secretary Ronald Ziegler flatly deny the story. According to Dean, he called Ziegler and so advised him. Time quoted a White House spokesman as stating that no one at the White House asked for or received any such tapes.

105. On Feb. 28, 1973 the President met with John Dean. They discussed the February 26 Time magazine story about the 1969-71 wiretaps. Dean also informed the President of his conversations with William Sullivan respecting conduct by prior administrations with relation to the FBI. Dean said the White House was stonewalling the Time magazine story totally, and the President said oh, absolutely. The

President stated that the tapping was a very unproductive thing and it never been useful in any operation that the President ever conducted.

106. On March 1, 1973 Acting FBI Director Gray testified publicly before the Senate Judiciary Committee that he had checked the records and indices of the FBI and had found a record that newsmen and White House officials had been wiretapped. By written report dated February 26, 1973 Assistant FBI Director E. S. Miller has furnished to Assistant FBI Director Mark Felt information respecting the wiretaps referred to by Time magazine.

107. On Feb. 28, March 8, 13 and 14, 1973 the President discussed the extent of Segretti's White House involvement with Dean. Between March 1 and March 22, 1973 Richard Moore prepared a factually accurate report about Segretti's relationship with Chapin and Kalmbach and a copy was forwarded to Ehrlichman, but it was not released to the public.

108. On March 13, 1973 the President met with John Dean. The President stated that Patrick Gray should not be FBI director and mentioned another possible appointee to that position. Dean also reported to the President on the information that Sullivan had about the 1969-71 wiretaps.

109. On March 20, 1973 Krogh has testified that he met with Dean at Dean's EOB office and they discussed Hunt's threat to tell all the seam things that he had done for Ehrlichman unless he was paid more than \$100,000. Following this meeting Krogh had a telephone conversation during which Ehrlichman said that Hunt was asking for a great deal of money and if the money was not paid Hunt might blow the lid off and tell all he knew. During the same period Ehrlichman reviewed with Young what Hunt might say in the light of the blackmail attempt.

110. On the afternoon of March 21, 1973 the President met with H. R. Haldeman, John Ehrlichman and John Dean. Ehrlichman stated that the disclosure of Hunt's activities regarding the break-in at Ellsberg's psychiatrist's office raised search and seizure problems which could result in a trial in the Daniel Ellsberg prosecution. Krogh has testified that on March 21, 1973 Ehrlichman said that perhaps Krogh and Young should tell the Department of Justice about the events of 1971 under a grant of limited immunity, but Ehrlichman told Krogh not to do anything about this possibility until the next day when Mitchell would arrive in Washington and could be learned how Hunt's demand would be or had been handled.

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111. On March 22, 1973 Ehrlichman telephoned Krogh. Krogh has testified that Ehrlichman told Krogh he had learned from Mitchell that Hunt was stable and would not disclose all; Ehrlichman told Krogh to hang tough. Krogh also has testified that DeLoach told Krogh on March 22, 1973 that Krogh should not do anything rash.

112. Prior to March 27, 1973 David Young, at Ehrlichman's request, delivered to Ehrlichman's office the Special Investigations Unit's files of the Pentagon Papers investigation. Young has testified that on March 27, 1973 Ehrlichman told Young that Hunt might reveal the Fielding break-in, that Ehrlichman had recently discussed the Fielding break-in with Krogh, who during that conversation said that he was responsible and that Ehrlichman had not known about the break-in until after it occurred. Young also has testified that he told Ehrlichman that he felt sure Ehrlichman had been aware of the California operation and that this fact was reflected in the documents delivered to Ehrlichman. According to Young, Ehrlichman said he would keep those memoranda because they were too sensitive and showed too much for thought. Ehrlichman has denied removing documents from the file.

113. On March 27, 1973 the President met with H. R. Haldeman and John Ehrlichman. The President decided that a new nominee for FBI Director should be announced at the time that Patrick Gray's name was withdrawn. The President said that a judge with prosecuting background might be a good nominee. Haldeman told the President that Hunt was appearing before the Grand Jury that day and he did not know how far Hunt was going to go. On March 28, 1973 Hunt was given immunity and ordered to testify before the Grand Jury. On the same day, Ehrlichman telephoned Attorney General Kleindienst and stated that the President might want to see the Attorney General in San Clemente on Saturday, March 31.

114. On March 31, 1973 John Ehrlichman and H. R. Haldeman met with Attorney General Kleindienst at San Clemente, California. There was a discussion of Judge Matthew Byrne Jr., the presiding judge in the ongoing criminal trial of Daniel Ellsberg, as a potential nominee for FBI Director. Ehrlichman has testified that he told Kleindienst that the President had instructed Ehrlichman to contact Byrne and Kleindienst and express wholehearted approval of the meeting. Kleindienst has testified while he approved of Byrne as the choice for the FBI Directorship, he does not recall Ehrlichman indicating that he planned to talk with Byrne because if Ehrlichman had, Kleindienst would have said this should not be done while the trial was going on. The President has stated that Kleindienst first recommended Byrne as FBI Director and then Ehrlichman called Byrne.

115. On April 4, 1973 John Ehrlichman telephoned Judge Byrne. Ehrlichman has testified that he asked Byrne if this was an appropriate time in light of the present situation in the Ellsberg trial for a conversation to discuss a non-judicial federal appointment and that Byrne responded that he could talk right away. Judge Byrne has stated that Ehrlichman requested a meeting on a subject which had a solution nothing to do with the case. On April 5, 1973 Ehrlichman met with Judge Byrne at San Clemente, California. Ehrlichman has testified that he told Judge Byrne to walk away from a subject arose which he felt might impinge on his ability to fairly try the Ellsberg case. Ehrlichman told Judge Byrne that the President was interested in knowing whether or not Judge Byrne had an interest in being non-

nated as the director of the Federal Bureau of Investigation. Ehrlichman has testified Judge Byrne indicated a very strong interest in the position. Judge Byrne has stated that he advised Ehrlichman that his initial reaction was that he could not and would not give consideration to any other position until the Ellsberg case was concluded. During this meeting the President was introduced to Judge Byrne and exchanged greetings with him.

116. On April 6, 1973 Judge Byrne requested a second meeting with Ehrlichman. On April 7, 1973 Ehrlichman met with Judge Byrne in a park at the corner of Ocean Avenue and Montana Street in Santa Monica, California. Ehrlichman has testified that Judge Byrne again evidenced a very sharp interest in the FBI directorship. Judge Byrne has stated that he, at Ehrlichman's suggestion, had reflected on his initial reaction and reaffirmed that he would not consider nor in any way discuss the position as director of the FBI while the Ellsberg case was pending before him.

117. On April 11, 1973 Chapin made false declarations before the Watergate Grand Jury in responding to questions about White House involvement with Segretti. Chapin testified that he wanted to protect Haldeman in his testimony and reported to the White House immediately after the appearance that Haldeman's name had been mentioned in connection with hiring Segretti.

118. On April 14, 1973 the President, Haldeman and Ehrlichman discussed at several meetings Haldeman's involvement with Segretti and the resulting legal or political problems of that connection. They discussed whether Haldeman should make a public disclosure of this activity.

119. On April 15, 1973 John Dean told the Watergate prosecutor that E. Howard Hunt and Gordon Liddy had participated in a break-in at the office of a psychiatrist of Daniel Ellsberg. In a memorandum dated April 16, 1973 Silbert reported to Henry Petersen the information he received respecting the break-in. Petersen ordered a Department of Justice investigation to determine if there was any information in the possession of the prosecutor in the Ellsberg trial then being conducted in Los Angeles, which emanated from the burglary of the psychiatrist's office. On April 18, 1973 Petersen received two memoranda stating that no information had been derived from such a source.

120. On April 16, 1973 from 10:00 to 10:40 a.m. the President met with John Dean. The President stated that the electronic surveillance of Kraft was done through private sources because Hoover did not want to do it, but it was finally turned over to the FBI. The President stated that the surveillance was necessary because leaks from the NSC were in Kraft's and other columns. The President stated that this information was privileged and Dean agreed.

121. On April 17, 1973 the President stated to William Rogers that he was thinking of Judge Byrne for the FBI directorship.

122. On April 18, 1973 the President had a telephone conversation with Henry Petersen. Petersen told the President that the prosecutors had obtained information that the office of Daniel Ellsberg's psychiatrist had been burglarized by Hunt and Liddy. The President replied that he knew of it, that it was a national security matter, and that the Department of Justice was not to investigate it. The President also ordered the Watergate prosecutors not to question E. Howard Hunt about these activities as they had planned.

Petersen immediately relayed the President's orders to Silbert.

123. On April 19, 1973 the President discussed with his special counsel, Richard Moore, Ehrlichman's possible criminal liability arising out of events connected with the Ellsberg case.

124. On April 25, 1973 Petersen delivered to Attorney General Kleindienst the Justice Department memoranda written by Silbert, Martin and Maroney respecting the break-in of the office of Ellsberg's psychiatrist. They agreed that the information about the break-in should be disclosed to Judge Byrne.

125. On the afternoon of April 25, 1973 Attorney General Kleindienst had a conversation with the President. Kleindienst showed the President the Justice Department memoranda relating to the break-in at the psychiatrist's office and informed the President that the information should be disclosed to the Court in the Ellsberg case. The President authorized him to do so.

126. On April 26, 1973 David Nissen, the prosecutor in the Ellsberg case, was instructed to file the four Justice Department memoranda relating to the break-in at the psychiatrist's office with the court in camera. Nissen filed the documents in camera after court had adjourned at 2:45 p.m. At 4:05 p.m. Judge Byrne reconvened court and stated that the prosecutors had made an in camera filing. He also stated that after examining the materials he would not accept the filed materials in camera, and asked the prosecutors to advise him by the next morning as to what the government's position would be with respect to turning the material over to the defendants. The next morning on April 27, 1973, Nissen informed Judge Byrne that the Washington office did not want the contents of the in camera filing disclosed to the defense. Judge Byrne ordered that the information be supplied to the defense and in open court read the memorandum from Silbert to Petersen dated April 16, 1973. Judge Byrne also ordered a government investigation to determine if the defendants' Constitutional rights had been violated by the break-in.

127. On April 27, 1973 FBI agents interviewed John Ehrlichman about the break-in of the office of Dr. Lewis Fielding, Daniel Ellsberg's psychiatrist. Ehrlichman stated E. Howard Hunt and Gordon Liddy had been designated in 1971 to conduct an investigation of the Pentagon Papers leak directly out of the White House. Ehrlichman stated that he knew Liddy and Hunt had gone to California to investigate Ellsberg's habits, mental attitudes and emotional and moral problems. Ehrlichman stated he learned of the break-in after it had occurred and he then instructed Hunt and Liddy not to do this again. Ehrlich-

man told the FBI he did not know if any information had been obtained in the burglary and that he had not authorized the burglary.

128. On April 30, 1973 in response to an inquiry by defense attorneys, Judge Byrne disclosed that he had met previously with Ehrlichman at which time a possible federal appointment was discussed, and that at the same time he had met the President. Judge Byrne also turned over to the defense the three additional Justice Department memoranda relating to the break-in at the psychiatrist's office and ordered the government to investigate and disclose all information that may exist concerning electronic surveillance of the defendants.

129. On April 30, 1973 John Ehrlichman met with David Young. Ehrlichman told Young that his files were to go to the President because the Ellsberg operation was a matter of national security. Young was instructed to decline to answer any inquiries on



grounds of national security and executive privilege. Young has testified that he expressed concern that Ehrlichman had not told the FBI that he had approved the California operation beforehand and Ehrlichman replied that he was not asked that question. Young has testified that Ehrlichman told him not to address the question of whether Ehrlichman had discussed the Fielding break-in with the President in advance of its occurrence.

130. On May 2, 1973 as a result of a renewed defense motion raising the propriety of Judge Byrne's meeting with Ehrlichman, Judge Byrne stated that he had met with Ehrlichman both on April 5, 1973 and April 7, 1973 and disclosed that the position discussed had been the FBI directorship.

131. On May 10, 1973 Judge Byrne received two memoranda, one from Acting FBI Director William Ruckelshaus and the other from Assistant Attorney General Henry Petersen. The Ruckelshaus memorandum stated that he had received a preliminary report indicating that Daniel Ellsberg had been overheard talking from the residence of Dr. Morton Halperin at a time when Ellsberg was a guest of Halperin. The Petersen memorandum informed Judge Byrne that the government did not know how many interceptions of Ellsberg took place, when they took place, between whom they occurred, or what was said. Nor did the government know what had happened to the tapes, logs or other records pertaining to the surveillance.

132. On May 10, 1973 former Assistant Attorney General Robert Mardian disclosed to agents of the FBI that at the direction of the President he had delivered the 1969-71 wiretap records to the Oval Room in the White House.

133. On May 11, 1973 Judge Byrne dismissed the indictment in the Ellsberg case on the grounds of governmental misconduct including the action taken by a special investigations unit established by White House officials to investigate Daniel Ellsberg and the inability of the government to produce the wiretap logs on Daniel Ellsberg. On that same day, at an interview which took place approximately one hour after Judge Byrne ordered dismissal, Ehrlichman informed agents of the FBI that records of the electronic surveillance delivered to him by Mardian were located in Ehrlichman's White House safe. On May 12, 1973 William Ruckelshaus went to the White House and retrieved the electronic surveillance records from a room into which Ehrlichman's records had been moved following his resignation.

*Memoranda from J. Edgar Hoover to his top aides, May 9, 1969.*

Dr. Henry A. Kissinger, National Security Adviser to the President, called from Key Biscayne, Florida. He advised that there is a story today on the front page of \_\_\_\_\_ by Q which is extraordinarily damaging and uses secret information. Dr. Kissinger said they wondered whether I could make a major effort to find out where that came from. I said I would. Dr. Kissinger said the article is in the lower right hand corner of the front page and to put whatever resources I need to find who did this. I told him I would take care of it right away. Dr. Kissinger said to do it discreetly, of course, but they would like to know where it came from because it is very damaging and potentially very dangerous. I commented it is this kind of thing that gives us headaches of where they come from; that if we can find the source one time and make an example it would put a stop to it. Dr. Kissinger agreed and said that is what they propose to do.

Very truly yours,  
John Edgar Hoover  
Director

Memorandum for Mr. Tolson, Mr. DeLoach, Mr. Sullivan, Mr. Bishop.

I called Dr. Henry A. Kissinger, National Security Adviser to the President, at Key Biscayne, Florida. I told him I had some information which I thought he ought to know about so as to bring him up to date.

I told him that in regards to the background of Q who wrote the article in (material deleted) today, he is formerly from the (deleted) and then went (deleted) and was later employed by (deleted). He has been active in the U. S. Army reserve program for a period of time and is described as particularly astute as to military affairs. In 1966 at the request of Marvin Watson, Assistant to the President as that time, we conducted an investigation as to a leak of information concerning United States government policy in the anti-missile field in connection with an article by Q in (deleted) of December —, 1966. Our investigation led to nothing very definite except the possibility that his story was primarily on informed speculation as there had been made available publicly a lot of source material from which he could draw his conclusions.

I stated that in regard to the current three articles, it is the conclusion of the contacts we have made that it could have come and probably did from a staff member of the National Security Council. I continued that Q while at undergraduate school at (deleted) had a roommate who is now a staff member of the National Security Council. There is a strong possibility also that he may have gotten some of his information from the Southeast Asian Desk, Public Affairs Office of the Department of Defense, as the

Public Affairs Office is constituted of employees who are pronounced anti-Nixon. I continued that Q frequents this office as well as the National Security Council, and the employees freely furnish him information inasmuch as they are largely Kennedy people and anti-Nixon. I said that also in the Systems Analysis Agency in the Pentagon, there are at least 110 of the 124 employees who are still McNamara people and express a very definite Kennedy philosophy. I continued that this situation has made it very easy for Q to obtain information; however, the source we have been working through said it should not be ruled out that a staff member of the National Security Council who obviously was in a position to know the information contained in all three articles could have assisted Q. Dr. Kissinger said he has heard this as an allegation, too, but there is no proof; that he has heard it as a speculation. I said, of course, this is speculation all the way through tying it into this man N. I said that Q works full time at the Pentagon and was asked today as to what his source of information was, and he said it was an excellent one. He said that his source was from the Air Force, but he did not reveal any names. I continued that he stated the Air Force was particularly anxious to soften up its press in its bomber program and is endeavoring to obtain a favorable image with the press. I commented that I thought that was probably a misleading statement by Q to throw it into the Air Force.

I continued that there is a man named \_\_\_\_\_ who attended the \_\_\_\_\_ College \_\_\_\_\_ and the University of \_\_\_\_\_ and is presently a State Department Foreign Service officer on detail to the National Security Council at the White House. I said he was formerly an assistant to \_\_\_\_\_ and is a close friend of Q.

I said in regards to N we conducted an applicant investigation of him in 1962 and in February 1969 and the in-

vestigation reflected N and other experts in his field are of the opinion that the United States leadership erred in the Vietnam commitment as we did not possess the interest or capabilities to obtain the original objectives. I said that in 1965 his name appeared on a list of individuals who responded to a request for a public hearing on Vietnam by agreeing to sponsor a national sit-in. I said the Royal Canadian Mounted Police in 1965 advised that N's name was on a list of Americans who had reportedly received the World Marxist Review Problems of Peace and Socialism, a communist publication.

I continued that from another source it was indicated we should not overlook the Systems Analysis Agency in the Defense Department who had an employee named \_\_\_\_\_ and another named N currently employed as staff employee of the National Security Council. I said they are very close to

each other and both are so-called arrogant Harvard-type Kennedy men who would not hesitate to do anything to save their jobs. I said it was stated that N was particularly anxious to save \_\_\_\_\_'s job with the Systems Analysis Agency. I said both men know Q and consider him a part of the Harvard clique, and, of course, of the Kennedy era and we should not ignore the possibility that N and/or \_\_\_\_\_ could be the source of the leak to Q.

I said that is as far as we have gotten so far. Dr. Kissinger said he appreciated this very much and he hoped I would follow it up as far as we can take it and they will destroy whoever did this if we can find him, no matter where he is.

I told Dr. Kissinger I wanted him to know the developments and he said he appreciated it very much and they will certainly keep looking into it at their end. I told him we would keep after it and he said they were counting on whatever we can find out.

Very truly yours,  
John Edgar Hoover  
Director

*Excerpts from Henry A. Kissinger's testimony before the Senate Foreign Relations Committee, Sept. 17, 1973:*

Sen. Case. I would like, if I may run over with you these several taps.

Sen. Symington. Talk a little louder.

Sen. Case. Yes, I would like to run over these several taps with you in relation to the matter of the leaks. The first one on the record was one of Q. As to that, may I just draw your attention to the fact that in general your explanation of the initiation of this procedure was that you had been concerned about it, you talked about it with the President, a meeting was held of you and the President and Mr. Mitchell.

Mr. Kissinger. Hoover.

Sen. Case. And Mr. Hoover and that apparently was on the 9th of May.

Mr. Kissinger. Or whatever the day was that that leak occurred.

Sen. Case. At least, in any event, you met on the 9th of May with Hoover and that may have been the only meeting you had with him but anyway, you met with him. The reason I make the point, one of those taps, that of Q of \_\_\_\_\_ was instituted by the request made on May 2nd of that year and I wonder if you could give an explanation of who initiated that.

Mr. Kissinger. To the best of my knowledge—

Sen. Case. It was stated that it was requested by General Haig, that is to say, your alter-ego, I guess, on behalf of the President. I wondered if you could go into it.

Mr. Kissinger. If it happened before that meeting, then I have no explanation for it because the first time I heard of wiretapping was that meeting.

Now, it is fairly conceivable, I think the easy way to check it is to find out

when that Q story appeared that — and whenever that story appeared was the date that my knowledge of the program begins. I was unaware of any wiretapping prior to that story. And, therefore, I would have no explanation for it.

Sen. Case. Do you have any recollection that you did discuss the desirability of that particular tap, before it was initiated?

Mr. Kissinger. No, I certainly did not.

Sen. Case. Did you talk with Haig about it? Did he go off on his own?

Mr. Kissinger. It would be inconceivable to me that Haig would go off on his own so it would have to be they are on instructions from me or Mr. Haldeman. But it is also possible that the meeting I remember happening on May 9th happened on May 2nd.

That seems to be the more likely reason.

Sen. Case. In general, as your recollection is now, the tap on Q was a part of this general program? . . .

*FBI summary of an interview with John Mitchell, May 11, 1973:*

John G. Mitchell, former United States Attorney General, furnished the following information to the best of his recollection:

Sometime during the Spring or Summer of 1969 former FBI Director Hoover met with him and advised him that the FBI at that time had some wiretap coverage on certain individuals specifically requested by the White House. These wiretaps were reportedly instituted to uncover possible leaks emanating from the White House, specifically from the National Security Council. Mitchell stated it was not unusual for him not to have known of this at its inception since on many occasions Mr. Hoover would deal directly with the President or the White House on extremely sensitive matters, and circumvent the Attorney General's office. Mitchell stated that up until this meeting with Director Hoover he had no knowledge that any such special wiretaps requested by the White House were in effect. He stated to the best of his recollection the requests were made directly by the White House to either Mr. Hoover or former Assistant Director W. C. Sullivan, and involved five or six individuals, including N, P, and E. He stated N was a carryover from the Johnson Administration. He could not recall any other names.

Mitchell stated he never saw nor approved any such requests for wiretap coverage from the FBI, stating none were submitted to him by the FBI. Mitchell stated the reason Mr. Hoover came to him at that time was because he, Mr. Hoover was greatly concerned that such wiretaps were in effect and wanted Mitchell to informally intercede with the White House in an effort to discontinue these wiretaps. To the best of Mitchell's recollection he did, sometime thereafter, discuss these wiretaps with either Colonel Haig or Dr. Kissinger at the White House and they (Mitchell, Haig and/or Kissinger) agreed that these wiretaps could become "explosive" and that this whole operation was a "dangerous game we were playing." Mitchell stated, however, that to the best of his recollection nothing was done as a result of his informal discussions mentioned above at the White House. Mitchell stated that he not only never saw any written requests for Attorney General authorization for the placement of these wiretaps but he was also unaware of any summaries that may have been prepared setting forth the results of these wiretaps. He stated if such authorizations were received at his office, he he would personally handle them.

Mitchell stated to the best of his recollection the next time he recalls hearing of this matter was during the period when former Assistant Director Sullivan was "on the skids" with Director Hoover and the FBI. The closest he could place this time was approximately early Fall of 1971. He vaguely remembers that Robert Mardian, the then Assistant Attorney General in Charge of the Internal Security Division, United States Department of Justice, contacted him, Mitchell, and at this meeting told Mitchell that he had just recently learned from W.C. Sullivan about the existence of wiretap coverage placed by the FBI at the request of the White House on certain individuals. Mardian indicated to Mitchell that Sullivan was furious over the way he was being treated by the Director and that for this reason he disclosed the information concerning the wiretaps to Mardian. Sometime thereafter, Sullivan turned over to Mardian all correspondence relating to this wiretap coverage.

During approximately this same period, Mr. Hoover contacted Mitchell and advised him of the problems he was having with Sullivan and, in fact, showed Mitchell a lengthy letter he, Hoover, received from Sullivan in which Sullivan accused Hoover of running contrary to the President's wishes in many instances. Mitchell recalls telling Mr. Hoover that he had no choice but to get rid of Mr. Sullivan. At this point Mr. Mitchell described Mr. Sullivan as being "a little nuts." Mitchell stated he recalls that after Mardian came to the Department of Justice as Assistant Attorney General in Charge of the Internal Security Division, Mr. Hoover became quite concerned over the fact that in many instances both Sullivan and his subordinate, 9 were going directly to Mardian concerning cases being handled by the Domestic Intelligence Division and the Internal Security Division of the Department, which was an attempt, Mr. Hoover felt, to cut him off from access to these discussions. To the best of his recollection Mitchell stated that Mardian informed him, Mitchell, that he subsequently turned over all wiretap correspondence that he had received from Sullivan to Mr. John Ehrlichman of the White House. According to Mitchell, Mardian felt this was in the best interests of the White House and everyone concerned. Mitchell adamantly stated that he had never seen any of these papers, that Mardian said that he had received from Sullivan and then later turned over to the White House. Mitchell could not recall any details concerning this transfer of correspondence to Mardian, for example, specifically whether the documents were turned over to Mardian by Sullivan voluntarily or perhaps whether Mardian requested that Sullivan turn over the documents to him.

Mitchell was specifically asked if on or about October 2, 1971, Hoover contacted him concerning the fact that Mardian had in his possession sensitive material relating to the wiretap coverage, and the fact that Mitchell assured Hoover that Mardian had destroyed this material. Mitchell stated this could not have been true inasmuch as Mardian had turned over the sensitive material in question to Mr. Ehrlichman (sic) in the White House. He stated to the best of his recollection such a conversation did not take place between him and the Director and that he received no correspondence from the Director confirming such a conversation.

Mitchell suggested that if it has not already been done, that the FBI consider reviewing all correspondence relating to wiretap coverage in all national security cases which he would have been aware of during his tenure as Attorney General and which would now be located presumably in the vault in his former office. Mitchell stated that while he was Attorney General and during the pertinent period in question (1969 to 1971)

his secretary was S5, whom he believes currently resides in ———, Florida.

Mitchell stated this was not the first instance where no record was made of sensitive wiretap coverage requested by the White House. Mitchell recalled soon after he came into office, Hoover related to him special wiretap coverage which was requested by former President Johnson on a highly sensitive matter. Mr. Mitchell would not furnish specifics concerning this particular coverage.

Concerning W. C. Sullivan, Mitchell related it was obvious he wanted the job of FBI Director since, on numerous occasions, Sullivan was in personal contact with various members of the White House staff and was always "name dropping and wheeling and dealing there" (White House).

*Letter, marked personal and confidential, from John Mitchell to Acting FBI Director William D. Ruckelshaus, May 17, 1973:*

Dear Director:

I have read with more than great interest your statement of May 14, 1973, relative to electronic surveillance of certain government employees and newsmen commencing in the Spring of 1969. Such statement attributes to me certain actions which are contrary to my recollection and I would appreciate being advised as to the source of the information upon which you based such statements.

First, it is stated with respect to authorizations of electronic surveillance, ". . . and if the Director approves, authority is then requested from the Attorney General. If he approves, as was done in this case, the surveillance commences . . ."

Upon what evidence or information was this statement of my approval founded?

Second, it is stated with respect to an F.B.I. investigation of this matter in the Fall of 1971, ". . . it commenced an inquiry which ended when Mr. Hoover was informed by Mr. Mitchell that the records had been destroyed."

Upon what evidence or information was this statement of my so informing Mr. Hoover founded?

I would like to make one further observation with respect to the text of your statement. Therein it states that, "These requests were handled in the same way as other requests involving national security for a number of years and in prior Administrations."

If this be the case you will find in the appropriate files of the Attorney General's office written requests for authorization from the Director and information with respect to the action taken thereon by the Attorney General. I would also call to your attention the requirements of the Attorney General that all authorizations for national security electronic surveillance must be renewed every ninety days if they are to be continued.

My purpose in writing this letter is not to generate a confrontation with the F.B.I. or its Acting Director, but rather to obtain factual information which, if it exists, is contrary to my best recollection of the circumstances described.

With kindest regards and best wishes for your success in your current undertaking, I am

Sincerely,

John N. Mitchell

*FBI internal memorandum concerning John Mitchell signatures on wiretap authorization:*

To Mr. Conrad

From C. F. Downing

Subject: Sensitive coverage placed at the request of the White House

Pursuant to the instructions of the Acting Director, relayed through Mr. Walters, an examination was conducted

of the questioned John N. Mitchell signatures on fifteen documents authorizing technical installations and a comparison made of these signatures with signatures appearing on a number of similar documents maintained by Mr. Felt.

The conclusion was reached that all signatures were prepared by the same individual.

Letter from Acting FBI Director William Ruckelshaus to John Mitchell, May 24, 1973:

TOP SECRET

Dear Mr. Mitchell:

Your letter of May 17, 1973, raises questions relating to my statement to the press on May 14, 1973, concerning electronic surveillances of certain individuals beginning in 1969.

Specifically, you requested information as to the source upon which my statement was based concerning your approval, as Attorney General, of the surveillances in question, and the basis or evidence upon which I stated that Mr. Hoover was informed by you that records relating to the above-mentioned electronic surveillances had been destroyed.

Inasmuch as the principals concerned with the implementation of the electronic surveillances are either deceased, as in the case of Mr. Hoover, or are no longer associated with the FBI, I relied on existing records of the FBI and on recollections of present and former employees of the FBI and the Department of Justice as the sources of my statement to the press.

As regards your approval of all these surveillances, we found in the records recovered from the White House all letters bearing both the signature of Mr. Hoover requesting the electronic surveillance and your own signature authorizing it on each such surveil-

lance. On at least one such letter handwritten comments were added by you to indicate expeditious installation. At the time you were interviewed by FBI Special Agents on May 11, 1973, and denied that you had seen or approved any such requests from the FBI for wiretap coverage, we had not recovered the FBI file material and, accordingly, the Agents were not in a position to apprise you that direct evidence to the contrary existed. There were statements by ex-employees that they had prepared Attorney General authorizations and had seen signed authorizations returned.

Handwritten notes of Mr. J. Edgar Hoover in the files of the FBI, as well as recollections of FBI officials, support my statement that Mr. Hoover was later informed by you that the records had been destroyed.

As to the practice of requiring from the Attorney General renewal author-

ity for national security electronic surveillances on a ninety-day basis, according to our records our instructions were to maintain no records of the surveillances, and this was pointed out in the initial letter to you dated May 12, 1969, requesting approval for the first group of surveillances. Our records also reveal that although no ninety-day continuations were apparently sought, you were kept informed by letter from time to time as to which electronic surveillances had been discontinued.

Various documents among those recovered from the White House indicate that you were kept informed as to the status and existence of the surveillances in question, up to the time you were informed that all such surveillances had been discontinued.

The FBI has not suggested, publicly or otherwise, that these were other than lawful national security surveillances with respect to the request, authorization and installation of the electronic surveillances in question. We do believe that improprieties occurred when the records relating to the surveillances were removed from the official custody of the FBI without the knowledge or approval of the Director of the FBI.

I trust this answers the questions you have raised.

Sincerely yours,  
William D. Ruckelshaus,  
Acting Director

NOTE: Foregoing cleared with Office of Legal Counsel Pursuant to AG Order 502-73, the Acting Director has authority to release such information to Mr. Mitchell. The documents involved may be subject to classification but the information in this letter would not reasonably be classified. The recollection of officials of the FBI referred to at top of page 2 refers to Messrs. Tolson and Felt.

FBI memorandum, May 11, 1969:

To: Mr. C. D. DeLoach  
From: W. C. Sullivan  
Subject: Colonel Alexander M. Haig  
Technical Surveillance  
Request

Pursuant to my conversation with the Director, Sunday, May 11, 1969, there is enclosed a memorandum for the Attorney General which the Director may want to discuss personally with the Attorney General. It involves a high-level request for technical surveillance on four individuals whose names are contained in the memorandum.

As I told the Director, the request emanated from Colonel Alexander M. Haig, who is assigned to Dr. Henry A. Kissinger's staff. Haig came to my office Saturday to advise me the request was being made on the highest authority and involves a matter of most grave and serious consequence to our national security. He stressed that it is so sensitive it demands handling on a need-to-know basis, with no record maintained. In fact, he said, if possible it would even be desirable to have the matter handled without going to the Department; however, I was told the Attorney General is aware in general of the main elements of this serious security problem.

Colonel Haig said it is believed these surveillances will only be necessary for a few days to resolve the issue. We, of course, can handle the matter most discreetly through our Washington Field Office. Colonel Haig said it is not desired that there be any formal dissemination of the results of our coverage to his office. Instead, he will come to my office to review the information developed, which will enable us to maintain tight control of it.

#### RECOMMENDATION:

If approved, attached memorandum will not be filed but will be maintained in a secure, off-the-record capacity as basis for authority to proceed in response to this request.

Memorandum of a telephone call from William Sullivan to J. Edgar Hoover, May 10, 1969, with Hoover note: "I talked to him on Sunday."

2:15 p.m.

Assistant Director Sullivan tele.

He said he had tried to reach Mr. Hoover at his home as he thought Mr. Hoover should know of certain developments in connection with the request of Dr. Kissinger yesterday.

He said Colonel Haig visited him this morning and made certain requests re a Colonel in the Pentagon. Mr. Sullivan does not want to move on this until he has gotten Mr. Hoover's approval—and "they" do not want anything in writing.

Mr. Sullivan said he would try to reach Mr. Hoover this evening or tomorrow.

Memorandum from J. Edgar Hoover to the Attorney General, May 12, 1969, marked "Approved," and signed "John N. Mitchell":

Re: Colonel Alexander M. Haig  
Technical Surveillance Request

On May 10, 1969, Colonel Alexander M. Haig, who is assigned to Dr. Henry A. Kissinger's staff, came to this Bureau to advise that a request was being made on the highest authority which involves a matter of most grave and serious consequence to our national security. He stressed that it is so sensitive it demands handling on a need-to-know basis, with no record maintained. He requested that telephone surveillance be placed on the

Continued on Next Page

Continued From Preceding Page

following individuals to determine if a serious security problem exists: O; N; G; and B.

O is aged (deleted) and is Department of State employee who has been on detail to the National Security Council since (deleted). He was assigned to the Paris peace conference between (deleted) and (deleted). Applicant-type investigation by this Bureau indicated, while in Paris, he reportedly leaked information to newspaper concerning happenings at the peace conference. This apparently was at the beginning of his assignment, and after being warned he discontinued his reported leaks.

N, aged (deleted), was detailed from the Department of Defense to the National Security Council as a senior staff member on (deleted). He was the subject of an applicant-type investigation by this Bureau. While admittedly he has had contact with Soviet nationals the investigation did not disclose at that time any pertinent derogatory information.

The files of this Bureau contain no identifiable information concerning G.

B was detailed to the National Security Council on (deleted), from the Department of State, where he had been employed in various administrative capacities since (deleted). An applicant-type investigation disclosed that during mid 1950's and early 1960's he was suspected of leaking classified information to unauthorized sources. Thorough investigations were conducted by Department of State; however, no information was developed indicating he was responsible



Sketch by David Suter for The Washington Post

for leaks.

Colonel Haig is Military Assistant to the Assistant to the President for national security affairs. He was the subject of an applicant-type investigation and no derogatory information was developed concerning him.

This Bureau is in a position to conduct the necessary telephone surveillances requested by Colonel Haig.

Respectfully,  
John Edgar Hoover  
Director

*Memorandum from J. Edgar Hoover to the Attorney General, May 13, 1970:*

Memorandum for the Attorney General

Re: Technical Surveillance Request  
On May 12, 1970, Brigadier General Alexander M. Haig of the National Security Council Staff, advised that Dr. Henry A. Kissinger of the White House Staff, had requested that as soon as possible a telephone surveillance be instituted on the home of L of the National Security Council Staff.

A survey has been conducted and it has determined that the installation of this telephone surveillance is feasible. If you approve, this installation will be placed by this Bureau.

Respectfully,  
John Edgar Hoover  
Director

*Memorandum from J. Edgar Hoover to the Attorney General, Oct. 16, 1970, marked "Approved," and signed "John N. Mitchell":*

Memorandum for the Attorney General

Re: Special Coverage at the request of the White House

The Honorable H. R. Haldeman, Assistant to the President, has requested that the telephone surveillance on B be reinstated.

B is an employee of the U.S. Department of State. You previously approved a telephone surveillance of him on May 12, 1969, which was discontinued on June 20, 1969.

This Bureau is in a position to conduct the necessary telephone surveillance requested by Mr. Haldeman.

Respectfully,  
John Edgar Hoover  
Director

*Testimony by Henry Kissinger before the Senate Foreign Relations Committee, Sept. 17, 1973:*

Sen. Case. The next person chronologically whose tap was requested was Mr. L., requested on May 13, 1969. And as to that — I am just trying to get the record — requested by General Haig on behalf of Dr. Kissinger. Would you comment on what category this falls into?

Mr. Kissinger. Well, I have been — you have to remember, Senator Case, that I have not seen this report until the day before I testified, and that I was one of those who strongly recommended that the report be given to the Committee, and when there was nuances of difference between by recollection and this report I nevertheless decided to stick to my recollection.

Now, the decision in the case of Mr. L., was my personal assistant, who knew everything in my office, who had been with me on secret negotiations with Le Duc Tho and who literally before whom I had no secrets, a man for whom I had then and for whom I continue to have the highest personal regard, and who will be able to verify the fact that even after he resigned I on many occasions told him if he ever wanted to reenter the Government I

would do my best to help him in that respect.

L resigned early — during the Cambodian incursion in protest against the governmental policy. On the other hand, for financial and other reasons he was not prepared to leave his office right away. Now, I could have insisted that he depart but I had great personal affection for him and great confidence in him.

On the other hand, I think you will appreciate that within the White House my own judgment in hiring him was not exactly applauded, so we had a potential security problem here in the sense that a man had resigned in strong opposition to the President's policy but was still continued on the staff in a sensitive position and, moreover, still had all the files.

Now, I would not have remembered that I personally, that it was at my personal direction and I think again this may well have been an FBI euphemism but this was the reasoning that led to the tapping of Mr. L.

Sen. Case. L indicated to you in May

of 1970, I guess, that he wanted to leave and I think he did leave in June of 1970.

Mr. Kissinger. It can be easily determined when he in fact left, I know it was several weeks later or several months later.

Sen. Case. Yes The tap was suggested, asked for on May 13, 1969, yes, May 13, 1969. I do not mean — I just want to point that out because it was a year later.

Mr. Kissinger. No, that is incorrect. It must be May 1970. I am certain that that is incorrect. He was not even working for me in May 1969. He joined my staff in June 1969, I believe.

Sen. Case. I see.

Mr. Kissinger. And I am certain either your notes or the FBI report is wrong. It certainly followed his resignation from my staff.

Sen. Case. From the staff, and we will check on that particular item.

Mr. Kissinger. I do not have the report here but it could not have been in May 1969, because he was not on my staff then.

Sen. Case. He resigned then in June?

Mr. Kissinger. No, he resigned within a week of the Cambodian incursion.

Sen. Case. Right. He left in June?

Mr. Kissinger. And he left the end of June.

Sen. Case. 1970.

Mr. Kissinger. And I really have to check whether he left finally in June or whether it was a little later because he could have been kept on in some consultant status.

Sen. Case. The fact that the taps were kept on him until February 10, 1971, after which — during a part of which period he was part-time adviser to Senator Muskie that was not known to you at that time?

Mr. Kissinger. I think you will find, Senator Case, that certainly after May 1970, I never saw any reports on these taps.

Sen. Case. Your statement here added to the, to Dr. Marcy's summary, indicates that is your position.

Mr. Kissinger. Yes, and therefore, I never saw any reports after that.

*Summaries of FBI letters reporting on wiretaps on National Security Council employees:*

MR. B.

A summary addressed to Henry Kissinger on May 29, 1969, reported that Mr. B., a member of the National Security Council staff, had been in contact with a newspaper reporter who had had numerous contacts with individuals assigned to Soviet-bloc embassies.

MR. C.

None of the summaries furnished to the House Judiciary Committee contained references to information obtained by the electronic surveillance of Mr. C., a member of the National Security Council staff.

MR. I.

None of the summaries furnished to the House Judiciary Committee contained references to information obtained by the electronic surveillance of Mr. I., a member of the National Security Council staff.

MR. K.

A total of eight summaries of information obtained from a wiretap on Mr. K., a member of the National Security Council staff, were sent to H. R. Haldeman between May 14, 1970 and December 28, 1970. The summaries reported only conversations regarding Mr. K.'s dissatisfaction with his job and some of the decisions being made. One summary reported on the political activity of an acquaintance of K. In addition, a summary dated November 3, 1970, was addressed to Mr. Kissinger and reported a conversation in which the parties made uncomplimentary remarks about Mr. Kissinger and the President.

None of the summaries reported on discussions of classified material. Detailed material contained in the summaries has been withheld from publication by the House Judiciary Committee to protect the privacy of the individuals involved.

MR. L

H. R. Haldeman received 28 reports between May 14, 1970 and February 10, 1971 from the electronic surveillance of Mr. L., an employee of the National Security Council. The summaries reported the prospects that Mr. L. and others could secure employment with Democratic politicians. The later summaries reported the activities of certain potential Democratic candidates for national office by whom Mr. L. was then employed. Some summaries reported contacts between Mr. L. and journalists.

None of the summaries reported on discussions of classified material. Detailed material contained in the summaries has been withheld from publication by the House Judiciary Committee to protect the privacy of the individuals involved.

MR. N.

A total of 27 summaries were prepared from the electronic surveillance of Mr. N.: Eleven were addressed to the President starting on August 8, 1969 and ending on May 11, 1970; two were addressed to Dr. Kissinger in May and October 1969; and sixteen were addressed to H. R. Haldeman starting on May 14, 1970 and ending on January 29, 1971. The summaries reported conversations between Mr. N. and journalists, representatives of special interest groups and members of politicians' staffs expressing opposition to the Vietnam war. The summaries also reported the activities of potential Democratic candidates as those activities were mentioned to Mr. N. and the activities of a Democratic candidate for the Presidency by whom Mr. N. was employed in the latter part of the time covered by the wiretap. One summary reported Mr. N.'s refusal to follow a suggestion that he leak to a journalist a statement by Kissinger.

None of the summaries reported on discussions of classified material. Detailed material contained in the summaries has been withheld from publi-

cation by the House Judiciary Committee to protect the privacy of the individuals involved.

MR. O.

The President received summaries on May 28, 1969, July 25, 1969, August 1, 8, and 14, 1969 and September 3, 1969, and Henry Kissinger received a report dated May 20, 1969 with respect

to the electronic surveillance of Mr. O., a former National Security Council staff member. The majority of the summaries reported contacts between Mr. O. and journalists. Although some of the discussions involved foreign policy negotiations, none of them revealed classified information.

None of the summaries reported on discussions of classified material. Detailed material contained in the summaries has been withheld from publication by the House Judiciary Committee to protect the privacy of the individuals involved.

*Memorandum for the Attorney General, May 29, 1969, marked "Approved," and signed "John N. Mitchell."*

Memorandum for the Attorney General

RE: Colonel Alexander M. Haig technical surveillance request

My memoranda of May 12, 1969, and May 20, 1969, reported that Colonel Alexander M. Haig, who is assigned to Dr. Henry A. Kissinger's staff, advised this Bureau that a request for telephone surveillances was being made on the highest authority which involved a matter of most grave and serious consequence to our national security. He stressed that because of its sensitive nature, it should be handled on a need-to-know basis, with no record maintained. In response to his request, you authorized the requested telephone surveillances.

On May 28, 1969, Colonel Haig presented an additional request in connection with the same sensitive matter. He requested that a telephone surveillance be placed on (P. P) resides at (DELETED), and is with (DELETED). Recently he has been telephonically in contact with (N) on whom you authorize a telephone surveillance in captioned case. (P) is (DELETED) of (DELETED) and was stationed in (DELETED). He is extremely active in Washington and has developed very sensitive high level contacts.

If you approve, a telephone surveillance will be placed by this Bureau on (P).

Respectfully,  
John Edgar Hoover  
Director

*Memorandum from C. D. DeLoach to Clyde Tolson, Sept. 10, 1969, marked "Do Not File."*  
TO Mr. Tolson

FROM: C. D. DeLoach

SUBJECT: M request for electronic surveillance by Attorney General and President

The Attorney General (AG) called at 4:35 p.m. this afternoon and indicated that the President had reviewed the file on captioned individual which the Director had sent over to the AG yesterday afternoon, September 9, 1969. The AG stated that after reviewing the file, the President told him he wanted an immediate electronic surveillance (wiretap) put on this man. The AG stated this of course should be "accompanied by the other business."

I asked the AG what he meant. He stated that we should use whatever we might need to order to obtain information inasmuch as the President thought that M might be receiving information. I told the AG I of course was aware of the ramifications of a wiretap, but "by the other business" did he mean physical surveillance. It was pointed out that such a surveillance tied up six men on a 24-hour basis. The AG thought for a moment and then stated he thought the electronic surveillance would be sufficient at this time. He stated that copies of memoranda regarding this surveillance should be sent only to Mr. Ehrlichman at the White House and to himself.

This matter was immediately brought to your and the Director's attention.

ACTION:

There is attached a suggested memorandum to the AG, for the Director's signature, soliciting the AG's signature for approval of this wiretap. All memoranda pertaining to this matter should, as usual, be forwarded to (DELETED) for retention.

*Memorandum from J. Edgar Hoover to the Attorney General, Sept. 10, 1969, marked "Approve," and signed John N. Mitchell."*

Memorandum for the Attorney General

RE: M

Pursuant to your request, a telephone surveillance will be placed on captioned individual upon receipt of your written approval.

M is a correspondent in Washington, D.C., for (DELETED). He has previously worked abroad for (DELETED) in several countries, including the Soviet Union.

During interview in October, 1967, by Agents of this Bureau, he readily volunteered information concerning his contacts with Soviet-bloc personnel, but indicated he was not aware that any of them might have had intelligence significance, but if such should occur he would promptly contact the FBI.

Available information indicates that M resides at (DELETED). This Bureau will place a telephone surveillance at his residence upon receipt of your written approval. In view of the sensitive nature of this investigation, no record is being made concerning the coverage and it is requested that this memorandum be returned upon approval.

Respectfully,  
John Edgar Hoover  
Director

Undated FBI note on surveillance of newsman: Washington Correspondent for the P and N lunched at the Occidental Restaurant on August 6, 1969. P arrived at about 1 p.m., and N joined him at a table in the West Room at 1:10 p.m. They engaged in a continuing conversation while they lunched and departed the restaurant at 2:45 p.m. They walked to the vicinity of the Executive Office Building, during which time they continued in conversation.

They parted in the vicinity of the Executive Office Building at about 3 p.m. Enclosed are the photographs of N and P taken as they departed the West Room of the Occidental Restaurant, leaving the entrance to the restaurant and walking thereafter toward the White House.

Summaries of FBI letters reporting on surveillance of newsmen

MR. D.

Reports were sent to the President on August 1, 1969, and August 13, 1969,

and to H.R. Haldeman on June 19, 1970, with respect to electronic surveillance of the residence of Mr. D., a newsman. The summaries reported on discussions between Mr. D. and persons employed by the present and past administrations relating to policy in Vietnam and other foreign policy matters.

MR. M.

Reports were sent to Attorney General Mitchell on October 9, 1969, and to the President on October 10, 1969, with respect to electronic surveillance of the residence of Mr. M., a newsman. The summaries reported only personal family matters, news coverage of future events, and a discussion of criticism of the President by the media.

MR. P.

With respect to the electronic surveillance of Mr. P., a newsman, reports were sent to the President on May 28, 1969, July 10, 15, 25, 1969, August 1, 13, 1969, October 24, 1969, November 6, 14, 17, 27, 1970, and May 11, 1970; to Henry Kissinger on May 29, 1969, December 3, 1969 January 15, 21, 1970; and to H.R. Haldeman on May 14, 21, 1970, June 23, 25, 29, 1970, July 7, 10, 1970, October 29, 1970, December 15, 18, 22, 1970, and January 7, 19, 22, 27, w9, 1971.

The summaries reported conversations between Mr. P. and other journalists, State Department officials of both present and past administrations, past and present cabinet officers and others, about foreign policy in Vietnam, Europe and the Middle East and a wide variety of domestic political matters. Summaries reported on the personal life of Mr. P. and others, and on the activities, both personal and political, of persons in Congress.

MR. Q.

A report was sent to Henry Kissinger on May 13, 1969, and reports were sent to H.R. Haldeman on May 18, 1970, September 4, 1970, October 23, 1970, November 13, 1970, and January 5, 7, and 19, 1971, with respect to the electronic surveillance of Mr. Q. a newsman. The Summaries related to stories Mr. Q. was writing or checking about foreign policy, primarily in the Middle East and Vietnam, none of which related to leaked material

*Elliot Richardson testimony, Sept. 10, 1973, Executive Session, Senate Foreign Relations Committee:*

Sen. McGee. Were there any items or factors not associated with the sensitive diplomacy that were associated with the leaks that were presented that entered into the decisions that were made?

Mr. Richardson. No, certainly not as to that list. It is possible with respect to two or three names on the list as to which there is no obvious relationship to national Security Council staff or the distribution of national security council papers. In any event these are individuals, and I think this is clear from all the information available to us as to whom Dr. Kissinger was entirely unaware that there was any tap at all.

Sen. McGee. Is there anyone on the list of 17, obviously other than the newspapermen, four newsmen, who did not have known access to the leaked material?

Mr. Richardson. Could you repeat that?

Sen. McGee. Yes. Anyone on the list of 17 except for the four newsmen obviously who did not have access to the known leaked material?

Mr. Richardson. Yes, there were in two or three instances and these are the same individuals to whom I referred in response to your earlier question. . . .

Sen. Case. The next one was on July 22nd and that was E.

The Chairman. Who is E?

Sen. Case. E

Mr. Kissinger. I know nothing about

him.

Sen. Case. July 22nd, it said requested by the Attorney General. This is interesting, and that on behalf of the President.

Mr. Kissinger. All I think one would have to investigate, I can only surmise that his name may have shown up in other wiretaps and during the course of the investigation. I did not even know E. In fact, to this day I do not know E.

Sen. Case. So far as the summary goes, it is quite clear that your office was not involved in this.

Mr. Kissinger. I do not know that.

Sen. Case. There is a special note that the information collected—

The Chairman. Could you identify him for the record, who was E, what did he do? Who can?

Mr. Kissinger. I do not know.

Mr. Marcy. He was [a White House aide on the Domestic Council Staff].

Mr. Kissinger. I have never met E.

Sen. Case. You were not included in the inclusion of this thing?

Sen. Symington. Just to be sure, who instructed that a tap be put on the [White House aide on the Domestic Council Staff]?

Sen. Case. The Attorney General.

The Chairman. Mr. Marcy, who was he?

Mr. Marcy. I have forgotten.

Mr. Dockery. I believe he is listed as a former member of the White House Domestic Council.

Sen. Case. The information in the summary only states the tap was instituted from Mr. Haldeman, from December 14, 1970, to January 27, 1971.

Mr. Kissinger. I never even knew J existed.

Sen. Case. That office had nothing to do with that?

Mr. Kissinger. No, but one would have to go through the files and see if he appeared in the course of the investigation and I have been told that he did.

Sen. Case. December 14, when it was instituted?

Mr. Kissinger. In any event, my office had nothing to do with it.

Sen. Case. And your connection with it had ceased before December 14, 1970?

Mr. Kissinger. My receiving ports?

Sen. Case. And your initiation of taps, I take it.

Mr. Kissinger. Yes.

Sen. Case. May 2, 1971 was H?

The Chairman. Who was he at the time, which H?

Mr. Marcy. H, who was counsellor to the Department of Defense.

Mr. Kissinger. He was the focal point for NSC documents in the Department of State.

Sen. Case. You do not recall, the statement here is that it was requested by General Haig in behalf of the President. That the tap ran from May 2, 1970, to February 10, 1971.

Mr. Kissinger. This was at the time of, during the Cambodian . . . . . considered for leaks to newspapers no matter how severe. I cannot, secondly, cannot now conceive any security case and the only loophole I want to leave is one of the kind that Mr. Ruckelshaus gave you when you have clear overwhelming information of a potential major security risk. In that case it would have to be recommended by the security agencies, and I would hope to be able to justify it to the Chairman at an appropriate point but the idea that this would be an ongoing program is inconceivable, will not happen.

Sen. Case. Thank you, Mr. Chairman. The next individual I have here in the summary is F.

The Chairman. What was his position?

Mr. Kissinger. His position was, as I recall, was speech writer. Again, you know as much as I do, it having arisen from the report. My impression is that he appeared on one of these—as a result of the investigation, he appeared on one of these wiretaps as having offered to a newsman some advance information on something, and if I remember the tap was authorized on the day on which I was even in Rumania, so there was no way I could have known it.

Sen. Case. You were not personally requested of that tap?

Mr. Kissinger. No.

Sen. Case. Or do you recall receiving information as a result of the taps on F?

Mr. Kissinger. No, neither. And I was astonished when The New York Times called me about it.

*J. Edgar Hoover memoranda:*

August 4, 1969

MEMORANDUM FOR THE  
ATTORNEY GENERAL  
RE: COL. ALEXANDER M. HAIG  
TECHNICAL SURVEILLANCE  
REQUEST

Previous memoranda have requested and you have approved telephone surveillances requested by Colonel Alexander M. Haig, who is assigned to the staff of Dr. Henry A. Kissinger of the White House.

Colonel Haig has now presented an additional request advising that it is being made on the highest authority in connection with the same sensitive matter. He requested that a telephone surveillance be placed on F of the White House staff.

F resides at [material deleted] and has unlisted telephone number [material deleted].

Recently F was in contact with P correspondent for the [deleted] on whom you previously authorized a telephone surveillance in this case. F agreed to advise P in advance of the contents of a speech to be made in the future by the President.

TOP SECRET

*J. Edgar Hoover memoranda:*

December 14, 1970

MEMORANDUM FOR THE  
ATTORNEY GENERAL  
RE: SPECIAL COVERAGE AT THE  
REQUEST OF THE WHITE HOUSE  
The Honorable H. R. Haldeman, Assistant to the President, has requested that the Bureau institute a telephone surveillance on the home telephone of J.

This Bureau is in a position to conduct the necessary telephone surveillance requested by Mr. Haldeman.

TOP SECRET

*C. D. DeLoach memorandum:*

July 23, 1969

MR. TOLSON:

By reference from the Director's office, I talked to the Attorney General (AG) at 5:15 p.m. on July 22, 1969. The AG inquired as to whether I was familiar with "the wiretapping business at the White House." I answered in the affirmative. He then asked me if I had heard the name of E. I told him I was not certain about this name; however, I thought he must be one of the individuals involved in this matter. The AG stated this was correct. He then added that the President was extremely exercised and very aggravated over this matter. He stated the President wanted "to set E up" and planned to send material from Guam this coming Thursday night which E would definitely see.

The AG indicated that the President had ordered him to tell the Director that he wanted a 24-hour surveillance and a tap placed on E. He said that

we should report to Ehrlichman's office the results of the surveillance and the tap. I asked him if he also wanted the results in this regard and he stated he would appreciate being kept advised.

The Director was advised of the above information at 5:30 p.m. on July 22, 1969. The Domestic Intelligence Division has been instructed to check on the name of E and to prepare a memorandum expeditiously for the Director concerning this individual. Instructions have also been issued to conduct the 24-hour surveillance requested as well as to make an immediate security check to determine the possibility of placing a wiretap on E home telephone. It being noted that it is completely impractical to try to place such a wiretap at the White House.

Although a summary memorandum is being prepared by the Domestic Intelligence Division concerning E as mentioned above, I have been advised by [deleted] Domestic Intelligence Division, that files reflect we investigated E at the request of the White House in January, 1969, and that E was apparently at that time in Ehrlichman's office. This is believed to be true inasmuch as "Time" magazine had an article reflecting

that E, one of the assistants to the Legal Counsel, had originally thought he was going to be close to the President; however, found that he was overshadowed by Ehrlichman and Haldeman. E later lost his title to [deleted] who was formerly (deleted). A more detailed memorandum will follow.

*H. R. Haldeman interview, May 12, 1973, FBI:*

Harry R. Haldeman, residence 3402 R Street, Northwest, Washington, D.C., was interviewed by Inspector 14 and Special Agent 15 in the presence of his attorney, Mr. J. J. Wilson, at Mr. Wilson's office, 815 15th Street, Northwest, Washington, D.C.

Mr. Haldeman was advised at the onset of the interview that he was being contacted concerning any information he may possess concerning wiretap information which he received by courier from the FBI during the period 1969 to 1971. The purpose of these wiretaps would have been to determine any leaks by White House staff members or their employees concerning the Strategic Arms Limitation Talks.

Mr. Haldeman advised that he recalled receiving summary letters concerning these wiretaps and that he received them routinely from the FBI. He said he could not recall who the courier was because the summary letters would actually go to his administrative assistant, Mr. Lawrence M. Higby. He said at first he read all the summaries which came into his office but found them to contain information which really was not of much interest to him. The contents of the letters did not contain any startling information and he eventually delegated the authority to read this material to Mr. Higby, who would review the summary letters and bring to his, Mr. Haldeman's, attention only those matters which Mr. Higby thought would be of interest.

Mr. Haldeman said that as he recalled the summary letters which he had were addressed to him, but he knew that the wiretap program had been going on for some time and originally the letters went to Dr. Henry Kissinger.

Mr. Haldeman said that sometime in the summer of 1971, the exact date he could not recall, he received a re-

quest to gather this material he had under his control so the material could be returned to the FBI. He was specifically asked who made such a request. He said that he simply could not now remember who made that request. He said that he knew the letters were assembled and sent to the Federal Bureau of Investigation. He said he could not recall making any inventory of the correspondence prior to its being returned to the Federal Bureau of Investigation. He said he is positive he made no inventory; however, this is not to preclude the possibility that Mr. Higby may have done so, although he doubts it. He was specifically asked whether or not he, acting for the President of the United States, authorized any of these wiretaps. He said definitely not. He said that Dr. Henry Kissinger may have made this request but this is speculation on his part.

He was asked specifically whether or not he had any knowledge of Mr. Robert Mardian returning this material to the White House at a later date. He said he had no direct knowledge but that he had heard from Mr. John Ehrlichman that the material had been returned. He was asked specifically if he at any time engaged in checking White House summary letters against FBI copies of these letters with Mr. Mardian. He said as best he could recall the answer would be "No," he could not recall such an instance. He said that if any checking had been done it may have been done by his administrative assistant, Mr. Higby.

Mr. Haldeman was specifically asked if he ever saw the White House summary letters again after they had been sent back to the FBI. He replied, "No."

Mr. Haldeman was asked if he had any reason to believe the material had been destroyed to which he replied, "No." Although he had no direct knowledge, from the information he learned from Mr. Ehrlichman, they were still at the White House.

Mr. Haldeman was asked if he recalls any mention of Daniel Ellsberg in the summary reports he received at the White House. Mr. Haldeman replied "No."

*William Ruckelshaus and Elliot Richardson testimony, Sept. 10, 1973, Senate Foreign Relations Committee executive session:*

Sen. Symington. Well you see, Sen. Javits' question is extremely pertinent because we would like to know why first the tap was put on and secondly, why it was taken off so quick, I mean if we are going to get the facts. You say he went on the White House—

Mr. Richardson. The reason it was put on was simply that papers flowed through his hands. It was not a question of the existence of any suspicion.

Sen. Symington. Well, things happened, he resigned, he retired. He was not discharged.

Mr. Richardson. That is true.

Sen. Symington. And I would like to leave it right there. Now, you say that you returned the record from Mr. Ehrlichman and Mr. Ehrlichman, how do you know he has not got these tapes, these tapes. It is very easy to copy a tape.

Mr. Ruckelshaus. Well, the records are fairly voluminous, senator and what I think Mr. Ehrlichman did simply—Mr. Ehrlichman simply held the tapes as custodian from the White House after they were transferred from the FBI to the White House.

Sen. Symington. My next to the last question would be have you taken any action against anybody as a result of information that you received on these tapes?

Mr. Ruckelshaus. The FBI has taken no action at all.

Sen. Symington. No, I meant—we talk about raw files, and again, if I may quote my colleague from New York, they may be raw to us but they are not raw to you, and you know the facts, and we don't. My question would be based on the information that was

Continued on Next Page

Continued From Preceding Page

in the tapes has any action been taken with respect to anybody who was tapped?

Mr. Ruckelshaus. I think Dr. Kissinger would be the best witness to that, senator, because the purpose of the taps themselves was to discover whether any of these individuals was the source of leaks and there could be no way you could tell from that information just exactly how it could be put together with other information that could lead to that conclusion.

Mr. Richardson. The other corollary of what Mr. Ruckelshaus has said is there is nothing in the report we have been discussing in itself establishes that either an individual was the source of leaked information or that any action was taken with regard to him as a consequence of the taps.

Sen. Symington. Would you file for the record, Mr. Attorney General, those people in the government who have seen the raw files in this particular case and also file for the record the names of anybody outside the government who has a copy of the FBI report?

Mr. Richardson. I certainly can't do the latter because . . . .

*John Caulfield Testimony, March 16, 1974, Executive Session, Senate Watergate Committee:*

Mr. Sears. For the record, I think it would be a good idea, since we have gone through various chronological points here with the questions that have been asked, if Jack could just in a narrative, perhaps, state his recollection of the sequence of the events that transpired in regard to the Kraft wiretap.

Mr. Lackritz. That's fine.

Mr. Caulfield. Well, we started with June of '69 when Mr. Ehrlichman called me in and indicated he wanted to—in a high national security priority matter—he wanted to have a wiretap installed on the home telephone of Joseph Kraft.

I immediately indicated to him that I felt, since it was a national security matter, that it would properly be within the purview of the Federal Bureau of Investigation.

He indicated that the FBI was a "Civ," and that he wanted the matter handled in this fashion; he also indicated at that time—and I don't recall the specifics the matter related to—the Cambodian situation, which at that time was of deep concern in the country.

Mr. Caulfield. Well, we started with June of '69 when Mr. Ehrlichman called me in and indicated he wanted to—in a high national security priority matter—he wanted to have a wiretap installed on the home telephone of Joseph Kraft.

I immediately indicated to him that I felt, since it was a national security matter, that it would properly be within the purview of the Federal Bureau of Investigation.

He indicated that the FBI was a "Civ," and that he wanted the matter handled in this fashion; he also indicated at that time—and I don't recall the specifics the matter related to—the

Cambodian situation, which at that time was of deep concern in the country.

I subsequently contacted Mr. Jack Ragan of the Republican National Committee and indicated to him that I had this directive from Mr. Ehrlichman, it was a high priority national security matter, and they wanted a wiretap installed at Mr. Kraft's residence. Mr. Ragan and I went out and took a look at Mr. Kraft's residence, and we both came to a consensus agreement that it was very difficult a matter to handle, Mr. Kraft lived in a very prestigious area of Georgetown. I went back and spoke to Mr. Ehrlichman and reported that back to him.

He indicated that it had to be done, and I was to attempt to proceed to have the wiretap installed. I so directed Mr. Ragan to attempt to see what he could do with respect to the wiretap. I learned subsequently that Mr. Ragan went out and with an individual from New York whom I don't know, apparently installed some sort of a device on the rear pole of Mr. Kraft's residence.

Just about that time Mr. Ehrlichman called me in and said I was to desist in the matter, they had decided—he didn't indicate who—that it had been decided that the FBI was going to take care of the matter.

I went back to Mr. Ragan and we met at the Congressional Hotel, and I told him that I had been directed that we should no longer be involved in the matter. He said he and another gentleman, whom he did not identify, had had some success with the wiretap, and presented me with a tape which allegedly contained some conversation.

He, as I recall, indicated that Mr. Kraft was not on the wiretap, his voice was not on the wiretap, there was some conversation. As I recall it might have been a maid.

I took the tape back to my office and ran out part of the reel, approximately 30, 40, 50 feet, and destroyed that. Kept the tape in my office for about a month or two, and subsequently destroyed both the remainder of the reel and the reel itself; put it in the burn bag in the White House.

Mr. Sears. That's about it.

Mr. Caulfield. I did not at any time ever indicate to Mr. Ehrlichman there had been a tape in connection with his directive.

Mr. Lenzner. When you say you ran it out, Mr. Caulfield, what does that mean when you say you "ran" the tape out?

Mr. Caulfield. I took the tape, unwound part of the tape, I estimate maybe 40, 50 feet, and destroyed that shortly after it was given to me; within a day or two. I kept the reel and the tape in my office and within a month or two thereafter decided to put the reel and the remainder of the tape as well into the burn bag.

Mr. Lenzner. Well, why did you destroy that 40, or 50 feet of it initially?

Mr. Caulfield. Well, Mr. Ragan indicated to me that there was a short conversation on the tape that he had given to me; I never listened to it. I estimated, just a calculated guess as to how much it would be, a minute or two, and destroyed that part of it. And then subsequently I put the reel and the remainder of the tape also in the burn bag of the White House. . . .

Mr. Lackritz. All right. When was this meeting in Mr. Ehrlichman's office, to the best of your recollection?

Mr. Caulfield. The best I recall, it was in June of 1969.

Mr. Lackritz. And did you agree to follow Mr. Ehrlichman's direction and implement a national security wiretap?

Mr. Caulfield. I agreed to evaluate

the directive, see if it could be done.

Mr. Lackritz. All right, sir. Could you explain what you did after you left Mr. Ehrlichman's office?

Mr. Caulfield. I contacted Mr. John Ragan subsequent to the meeting and advised him of the directive. And I requested that he and I confer with the view toward seeing that the wiretap would be implemented.

Mr. Lackritz. All right, who was Mr. John Ragan?

Mr. Caulfield. Mr. Ragan was the chief of security at the Republican National Committee.

Mr. Lackritz. And how had you known Mr. Ragan from before?

Mr. Caulfield. I had known him since '68, the campaign.

Mr. Lackritz. Did Mr. Ragan have the capability of implementing wiretaps?

Mr. Caulfield. Well, Mr. Ragan was a former employee of the FBI, and was knowledgeable in the area of wiretapping during his tenure at the FBI.

Mr. Lackritz. I see. Do you know how long he had been in the FBI?

Mr. Caulfield. I know he retired from the Federal Bureau of Investigation. I have no idea how long a tenure that was.

Mr. Lackritz. Did Mr. Ragan have any wiretapping capability that was used in the 1968 campaign.

Mr. Caulfield. No, Mr. Ragan's function in the 1968 campaign was the countermeasure security expert. In other words, his role would have been to insure the integrity of the communications system of the traveling campaign staff.

Mr. Lackritz. So, he directed you to go ahead and carry out the tap. Was there any discussion with Mr. Ragan about the need for getting the parent cable numbers of the telephone lines?

Mr. Caulfield. Yes.

Mr. Lackritz. Did Mr. Ragan request you to obtain that information for him?

Mr. Caulfield. I don't specifically recall whether he requested, or we both came to an agreement, a consensus agreement that that would be necessary for him to proceed, if he were to proceed. At that time there was no hard judgment made that we were going to go ahead and do it.

Mr. Lackritz. I see. But after you spoke with Mr. Ehrlichman, I take it he directed you to go ahead and implement the project.

Mr. Caulfield. He indicated he wanted it done, yes.

Mr. Lackritz. Did you then secure the information of the parent cable numbers for Mr. Ragan?

Mr. Caulfield. Yes, I was able to do that.

Mr. Lackritz. And how were you able to do that?

Mr. Caulfield. I contacted a personal friend of mine; and I prefer not to mention his name.

Mr. Lackritz. Well, I think for the purposes of the record we would like to identify the individual. I believe that individual was in the Secret Service, is that correct?

Mr. Caulfield. Well, that may well be, but at this hearing I prefer not to mention his name.

Mr. Lackritz. Well, let me put it this way: This record is at the present not for public release; the committee at some later time may wish to vote to release the testimony given here this morning. If in fact the committee decides to release the testimony you will have the opportunity of deleting information that you feel is not appropriate to be released to the public.

But at this time it is appropriate to have you state for the record the individual from whom you received—

Mr. Caulfield. I can't do that. I have had trouble with this particular area in other forums, and I steadfastly maintained that I don't think that's important because the individual who provided the information was totally unaware of the reasons for the wiretap.

It was done as a favor to me. It is a person of life-long friendship and I will not have his name dragged into this. He was totally unaware of just what the specifics of this matter were.

Mr. Sears. Can we go off the record?

Mr. Lenzner. Let me say one thing on the record before we do that. The significance as we see it is not whether he knew, or didn't know what the purpose of that information was; but the question of why he would give you, as a member of another agency that kind of information. That seems to me to be entirely appropriate for this committee to have some legislative review on.

Mr. Sears. Now let's go off the record.

(Discussion off the record.)

Mr. Lenzner. Back on the record.

The discussion off the record related to the need on Mr. Caulfield's and Mr. Sears' part to not disclose the name—how many agents are we talking about?

Mr. Caulfield. One agent.

Mr. Lenzner. One agent who furnished this information to Mr. Caulfield. As I understand it, if Sen. Ervin is agreeable, the name of that individual will be forwarded to Sen. Ervin in a letter from Mr. Sears and Mr. Caulfield, with Sen. Ervin's discretion to use that information as he sees appropriate; and the letter will indicate that they prefer it not be disseminated widely, I assume.

Now, for the record, was the agent who furnished you that employed by the Secret Service?

Mr. Caulfield. Shall I indicate it at this time?

Mr. Sears. Yes.

Mr. Caulfield. The answer is yes.

Mr. Lackritz. Right. Did you explain to this individual from the Secret Serv-

you were requesting his assistance on? Mr. Caulfield. Yes.

Mr. Lackritz. Did you explain what specifically you were doing on behalf of Mr. Ehrlichman.

Mr. Caulfield. No, I did not.

Mr. Lackritz. All right. And this individual obtained the parent cable numbers for you.

Mr. Caulfield. Yes.

Mr. Lackritz. How did he obtain them?

Mr. Caulfield. I have no idea how he did it.

Mr. Lackritz. Did he get them from a friend of his?

Mr. Caulfield. I'm not certain whether or not that happened.

*Summary of notes of FBI file on Joseph Kraft wiretap, June, 1973:*

Sensitive FBI documents dealing with the wiretap of Joseph Kraft examined by the House Judiciary Committee disclosed that the FBI has no record that a wiretap of Joseph Kraft was ever conducted by the FBI itself. The FBI records disclose that the FBI did have information that in 1969 John Ehrlichman had directed a wiretap on Kraft that was installed while Kraft was on vacation. The wiretap was removed before his return, and John Caulfield, who installed the tap, assumed that the "bug" was removed because the White House had convinced the FBI to take over the tap.

The FBI documents also contain 19 pages of recorded material from microphone coverage of Kraft in a foreign country. The records indicate that Assistant FBI Director William Sullivan, apparently with the knowledge and consent of Director Hoover, traveled to the foreign country and arranged for microphone coverage of Kraft's hotel room through local authorities.

The FBI documents also show letters from the FBI to John Ehrlichman concerning this wiretap, dated July 15, 1969, and Nov. 7, 1969. A copy of the Nov. 7 letter was also sent to Attorney General Mitchell.

Consideration was given to installing a wiretap on Kraft in the United States, but due to failure of the Attorney General to provide written approval, a tap was never installed.

A memorandum from William Sullivan to Assistant FBI Director C. D. DeLoach, dated November 4, 1969, discussed the Attorney General's request for coverage on Kraft. The Attorney General had asked for the FBI's views as to the most effective type of coverage. The FBI had responded that close physical surveillance of Kraft was too dangerous, but that a selective spot surveillance in the evenings to check on his social contacts would be safe and productive. The FBI was directed to study the feasibility of installing a wiretap on Kraft's telephone at his office and residence, but the Attorney General never signed an authorization, and the tap was not installed.

Sullivan sent a further memorandum dated Dec. 11, 1969, reporting that the spot physical surveillance of Kraft had been unproductive from an intelligence standpoint, and recommending that it be terminated. Sullivan's memorandum further noted that the Attorney General had not responded to the FBI request for authorization of a wiretap, and that the matter should therefore be dropped. The spot physical surveillance was discontinued on Dec. 12, 1969.

*J. Edgar Hoover letter, Dec. 29, 1969:*

Dear Mr. President:

Previous communications have set forth information which we obtained from extremely sensitive sources concerning contacts made by N, a former White House staff member who is now



Sketch by David Suter for The Washington Post

ice that that was a matter of national security?

Mr. Caulfield. Let's go off the record here.

(Discussion off the record.)

Mr. Lackritz. The question was, did you explain to this individual that this was a matter of national security that



employed by (deleted).

N was recently in contact with an unidentified individual who told N that he had received a call from Clark Clifford. Clifford is probably identical with the former Secretary of Defense. According to this individual he and Clifford discussed an article which Clifford may be preparing. He said that Clifford is concerned about "sharpening up his attack on Nixon" and that apparently he had obtained "old Nixon statements," one being to the effect that President Thieu is one

of the five greatest men of our time. Another statement is that Vietnam is one of the finest hours in United States history. He said that Clifford felt that whether the article will be published will depend on what alternative he, Clifford, has to offer and that Clifford asked him what alternative he could offer. This unidentified individual did not indicate what he told Clifford.

This individual also wondered whether he could ethically go to a meeting with "Henry" today, December 29, 1969, to discuss the same subject, as L had told him "Henry" wants to see him then. He also told N that an article may appear in "Life" magazine which would be followed by an interview of Clifford in "Time" magazine. Clifford then may appear on "Meet the Press." This individual then discussed the fact that he had to submit an outline of the article and an introduction to it to Clifford. He said that he had told Clifford that the main thrust of the article should be "everything out by the end of 1971," and that Clifford had not rejected this idea.

*Memorandum from Alexander Butterfield to Jeb Magruder, Jan. 8, 1970, marked "Top Secret":*

Memorandum for: Mr. Magruder  
From: Alexander P. Butterfield  
Re: J. Edgar Hoover's December 29th Letter to The President Concerning "Letter" and Clark Clifford.

In response to your query, here are my initial thoughts on the matter:

- You should go—first of all—to Al Haig (not to L) and find out who participated in Henry's December 29th meeting. If he had more than one group meeting on that day, you could say that it is your understanding that this particular meeting concerned Vietnam and options as to our future courses of action there.

- You should get ahold of the speeches or talks in which Mr. Nixon (the candidate) made the statements mentioned in the second paragraph . . . in order to know and understand the context.

- The name of the game, of course, is to get ourselves springloaded to a position from which we can effectively counter whatever tack Clifford takes . . . and it would appear that the memorandum you showed to me provides the basic framework for his plan.

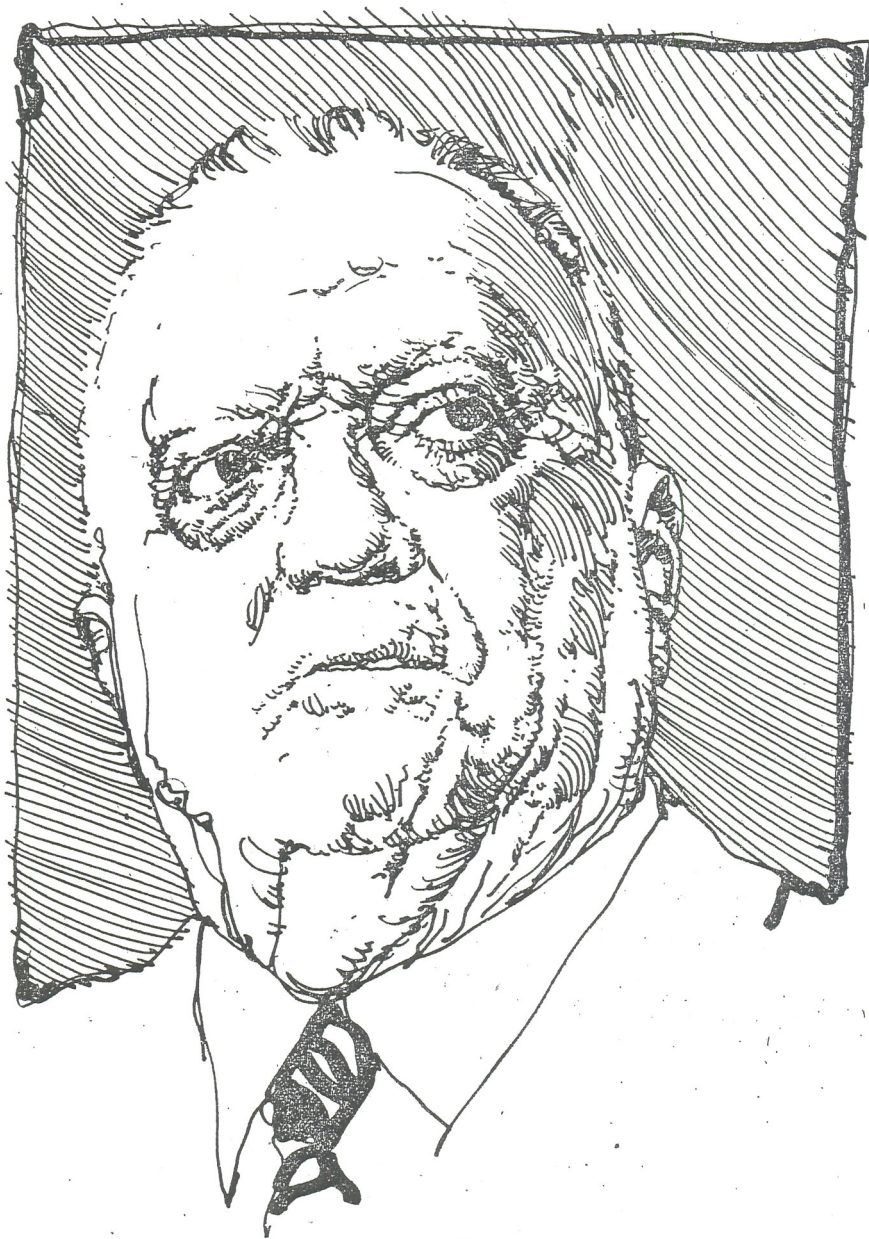
- Al Haig can get you squared away on at least a preliminary scheme. We can build from there.

- Needless to say, this item is every bit as sensitive as the memorandum indicates.

*Excerpts from "The Huston Plan" prepared by Tom Charles Huston in June, 1970:*

#### Preface

The objectives of this report are to: (1) assess the current internal security threat; (2) evaluate current intelligence collection procedures; identify restraints under which U.S. intelligence services operate; and list the advantages and disadvantages of such



Sketch by David Suter for The Washington Post

restraints; and (3) evaluate current interagency coordination and recommend means to improve it.

The Committee has attempted to set forth the essence of the issues and the major policy considerations involved which fall within the scope of its mandates . . .

#### Part One SUMMARY OF INTERNAL SECURITY THREAT

##### 1. MILITANT NEW LEFT GROUPS

###### A. Assessment of Current Internal Security Threat

The movement of rebellious youth known as the "New Left," involving and influencing a substantial number of college students, is having a serious impact on contemporary society with a potential for serious domestic strife. The revolutionary aims of the New Left are apparent when their identification with Marxism-Leninism is examined. They pointedly advertise their objective as the overthrow of our system of government by force and violence. Under the guise of freedom of speech, they seek to confront all established authority and provoke disorder. They intend to smash the U.S. educational system, the economic structure, and, finally, the Government itself. New Left groups do not have a large enough number of rank-and-file followers, nor do they have a unity of purpose to carry out massive or paralyzing acts of insurrection. They do, on

the other hand, have the will to carry on more militant efforts in local situations and an inclination to utilize more extreme means to attain their objectives.

1. Student Protest Groups. The Students for a Democratic Society (SDS) has, in the past year, split into several factions, including the Revolutionary

Youth Movement (RYM), which has control over 30 chapters; and the Worker Student Alliance (WSA), which consists of 63 chapters. The WSA faction aims to build a worker-student movement in keeping with the aim of developing a broad worker-based revolutionary movement in the United States.

There are some 85 unaffiliated SDS chapters generally sympathetic to revolutionary tactics and goals. The trend of increased radical campus organizations is noticeable at campuses where recognition of SDS has been refused or rescinded and SDS members have banded together, with or without sanction, under a new title to attract student support. In addition, numerous ad hoc groups have been established on campuses and elsewhere to exploit specific issues.

The National Student Strike (NSS), also known as the National Strike Information Center, was formed following the entry of the United States forces into Cambodia and the deaths of four students at Kent State University. NSS, which helped to coordinate the nationwide student strike in May, 1970, has three regional centers and includes among its leadership SDS members and other New Left activists. The NSS has established a nationwide communications system of "ham" radio stations on campuses to encourage student demonstrations and disruptions. This communications capability may have a significant impact on campus stability in the coming school year.

The Venceremos Brigade (VB), established to send United States youth to Cuba to aid in the 1970 harvests, has continually received favorable publicity in Cuban propaganda media. To date, over 900 members of the VB have visited Cuba and another group of approximately 500 members are expected

to follow suit. While in Cuba, VB members were individually photographed and questioned in detail about their backgrounds. Because of their contacts with Cuban officials, these individuals must be considered as potential recruits for Cuban intelligence activities and sabotage in the United States.

The greatest threat posed to the security of the country by student protest groups is their potential for fomenting violence and unrest on college campuses. Demonstrations have triggered acts of arson by extremists against war-oriented research and ROTC facilities and have virtually paralyzed many schools. There has been a growing number of noncampus, but student-related, acts of violence which

increase tensions between "town and gown" and which constitute a marked escalation of the scope and level of protest activities. Few student protests are currently related to exclusively campus issues; virtually all involve political and social issues. Increasingly, the battlefield is the community with the campus serving primarily as a staging area.

The efforts of the New Left aimed at fomenting unrest and subversion among civil servants, labor unions, and mass media have met with very limited success, although the

have attempted through their "Summer Work-Ins" to infiltrate and radicalize labor. The inability of these groups to subvert and control the mass media has led to the establishment of a large network of underground publications which serve the dual purpose of an internal communication network and an external propaganda organ.

Leaders of student protest groups have traveled extensively over the years to communist countries; have openly stated their sympathy with the international communist revolutionary movements in South Vietnam and Cuba; and have directed others into activities which support these movements. These individuals must be considered to have potential for

The military and educational institutions are the prime targets of the antiwar movement. In addition to vandalism, arsons, and bombings of ROTC facilities, there has been stepped-up activity to spread antiwar sympathy among American servicemen from within through sympathetic members in the military and from without through such programs as "GI Coffeehouses" and the proposed National GI Alliance. The increasing access by members of the military to the underground press, the establishment of servicemen's unions, and organizations which facilitate desertions, have contributed significantly to the increasing instances of dissent in the military services.

NMC and SMC leaders are constantly speaking before student groups and endeavoring to use student radicals to further the antiwar movement. They have called for an end to the ROTC and have demonstrated, often violently, to force universities to halt war-related research projects.

The Central Intelligence Agency (CIA), in its analysis of bloc intelligence, is of the view that the Soviet and bloc intelligence services are committed at the political level to exploit all domestic dissidents wherever possible. This attack is being conducted through recruited agents, agents of influence, and the use of front groups. It is established bloc policy to deploy its forces against the United States as "the main enemy" and to direct all bloc intelligence forces toward ultimately political objectives which disrupt U.S. domestic and foreign policies.

3. New Left Terrorist Groups. The Weatherman terrorist group, which

emerged from a factional split of SDS during the Summer of 1969, is a revolutionary youth movement which actively supports the recruitment and participation in foreign-directed intelligence activity.

2. Antiwar Activists. The impetus and continuity for the antiwar movement is provided by the New Mobilization Committee to End the War in Vietnam (NMC) and the Student Mobilization Committee to End the War in Vietnam (SMC). The NMC is a coalition of numerous antiwar groups and individuals including communist "old left" elements. The SMC is under the control of the Trotskyist Socialist Workers Party (SWP)

The NMC and SMC have announced

a policy of "nonexclusion" which places no limitation on the type of individuals allowed to participate in demonstrations. This policy opens the door for violence-prone individuals who want to capitalize on the activities of these groups. Both groups profess to follow a policy of nonviolence; however, the very nature of the protests that they sponsor sets the stage for civil disobedience and police confrontation by irresponsible dissident elements. Various individuals in NMC and SMC are calling for more militant protest activities, a subject to be discussed at national meetings by both groups in late June, 1970.

Although antiwar groups are not known to be collecting weapons, engaging in paramilitary training, or advocating terrorist tactics, the pro-Hanoi attitude of their leaders, the unstable nature of many NMC advocates and their policy of "nonexclusion" underscore the use of the antiwar movement as a conduit for civil disorder. This is further emphasized by the NMC leadership's advocacy of civil disobedience to achieve desire objectives.

There is no indication that the antiwar movement has made serious inroads or achieved any more than a slight degree of influence among labor unions, the mass media, and civil servants. One group, however, the Federal Employees for a Democratic Society (FEDS), offers a means of protest for recent radical graduates employed by the Federal Government.

3. New Left Terrorist Groups. The Weatherman terrorist group, which emerged from a factional split of SDS during the summer of 1969, is a revolutionary youth movement which actively supports the revolutionary leadership role of the Negro in the United States. It has evolved into a number of small commando-type units which plan to utilize bombings, arsons, and assassinations as political weapons.

There has been evidence of Weatherman involvement in terrorist tactics, including the accidental explosion of a "Weatherman bomb factory" in New York City on March 6, 1970; the discovery of two undetonated bombs in Detroit police facilities on the same date; and the blast at New York City police installations on June 9, 1970.

While Weatherman membership is not clearly defined, it is estimated that at least 1,000 individuals adhere to Weatherman ideology. In addition, groups such as the White Panther Party, Running Dog, Mad Dog, and the Youth International Party (Yippies) are supporters of Weatherman terrorism but have no clearly definable ideology of their own.

Adherents to Weatherman ideology are also found within radical elements on campuses, among those living in off-campus communes, among New Left movement lawyers and doctors, and the underground press. Individuals who adhere to the Weatherman ideology have offered support and aid to hard-core Weatherman members, including 21 Weatherman members currently in hiding to avoid apprehension.

They identify themselves politically with North Vietnam, Cuba, and North Korea and consider pro-Soviet and pro-Chinese organizations as being aligned with imperialist powers. In addition, some of the Weatherman leaders and adherents have traveled to communist countries or have met in Western countries with communist representatives.

Weatherman leaders and other members of terrorist groups are not known at this time to be involved in foreign-directed intelligence collection activity. The fugitive and underground status of many of these people, as well as their involvement in activities which would likely bring them to the attention of American authorities, would be a deterrent to contacts by foreign intelligence organizations.

B. Assessment of Current Intelligence Collection Procedures

1. Scope and Effectiveness of Current Coverage. Although New Left groups have been responsible for widespread damage to ROTC facilities, for the halting of some weapons-related research, and for the increasing dissent within the military services, the major threat to the internal security of the United States is that directed against the civilian sector of our society.

Coverage of student groups is handled primarily through live informants and it is generally effective at the national level or at major meetings of these groups where overall policy, aims, and objectives of the groups are determined.

The antiwar movement's activities are covered through the FBI by live informants in all organizations of interest. This is supported by information furnished by all members of the intelligence community and other Federal, state, and local agencies. Key leaders and activists are afforded concentrated and intensified investigative coverage on a continuing basis and, in situations where there are positive indications of violence, electronic surveillances have been implemented on a selective basis. Informant and electronic coverage does not meet present requirements.

2. Gaps in Current Coverage. Established, long-term coverage is not available within student protest groups, due to the fact that the student body itself changes yearly, necessitating a constant turnover in the informants targeted against these groups. His idealism and immaturity, as well as the sensitive issues of academic freedom and the right to dissent, all serve to increase the risk that the student informant will be exposed as such.

Generally, day-to-day coverage of the planned activities of student protest groups, which are somewhat autonomous and disjointed, could be strengthened. Advance notice of foreign travel by student militants is particularly needed. Campus violence is generally attributable to small, close-knit extremist groups among radical students. Coverage of these latter groups is minimal.

The antiwar movement is comprised of a great many organizations and people which represent varied political, moral and ethnic beliefs. Current manpower commitments preclude optimum coverage of all antiwar activities on a day-to-day basis.

Existing coverage of New Left extremists, the Weatherman group in particular, is negligible. Most of the Weatherman group has gone underground and formed floating, commando-type units composed of three to six individuals. The transitory nature

Continued on Next Page

## Continued From Preceding Page

of these units hinders the installation of electronic surveillances and their smallness and distrust of outsiders make penetration of these units through live informants extremely difficult.

Financially, the Weatherman group appears to be without a centralized source of funds. Wealthy parents have furnished funds to some of these individuals, including those in a fugitive status. Many members have also been involved in the thefts of credit and identification cards, as well as checks, and have utilized them for obtaining operating expenses.

3. Possible Measures to Improve Intelligence Collection. To establish effective coverage of student protest groups would require the expansion of live informant coverage of individual campus chapters of these organizations. This would entail extensive use of student informants to obtain maximum utilization of their services for the periods of their college attendance.

Because of the great number of individuals and groups in the antiwar movement, an increase in the manpower assigned to these investigations would facilitate more intensive coverage. In addition, there are several key leaders involved in virtually all antiwar activities, including international contacts, against whom electronic surveillances and mail covers would be particularly effective.

Improvement of intelligence gatherings against New Left terrorists depends on a combination of live informant coverage among key leaders and selective electronic surveillances. Because of the nature of the Weatherman groups, live informant coverage will most likely result through the defection of a key leader...

## II. BLACK EXTREMIST MOVEMENT

### A. Assessment of Current Internal Security Threat

1. Black Panther Party. The most active and dangerous black extremist group in the United States is the Black Panther Party (BPP). Despite its relatively small number of hard-core members—approximately 800 in 40 chapters nationwide—the BPP is in the forefront of black extremist activity today. The BPP has publicly advertised its goals of organizing revolution, insurrection, assassination and other terrorist-type activities. Moreover, a recent poll indicates that approximately 25 per cent of the black population has a great respect for the BPP, including 43 per cent of blacks under 21 years of age.

The Panther newspaper has a current circulation of approximately 150,000 copies weekly. Its pages are filled with messages of racial hatred and call for terrorist guerrilla activity in an attempt to overthrow the Government. The BPP has been involved in a substantial number of planned attacks against law enforcement officers, and its leadership is composed in large part of criminally inclined, violence-prone individuals.

Weapons are regularly stockpiled by the Party. During 1968 and 1969, quantities of machine guns, shotguns, rifles, hand grenades, homemade bombs, and ammunition were uncovered in Panther offices.

2. New Left Support for BPP. The BPP has received increasing support from radical New Left elements. During 1970, the BPP formed a working relationship with radical student dissenters by injecting the issue of government "repression" of Panthers into the antiwar cause. Students for a Democratic Society (SDS) supported the BPP in a 1969 "united front against fascism." The probability that black extremists, including the BPP, will work closely with New Left white radi-

cals in the future increases the threat of escalating terrorist activities. It would be safe to project that racial strife and student turmoil fomented by black extremists will definitely increase.

3. BPP Propaganda Appearances. Despite its small membership, the BPP has scored major successes in the propaganda arena. In 1969, BPP representatives spoke at 189 colleges throughout the Nation, while in 1967 there were only 11 such appearances. Although no direct information has been received to date indicating that the BPP has initiated any large-scale racial disorders, the year 1970 has seen an escalation of racial disorders across the Nation compared to 1969. This fact, coupled with an increasing amount of violent Panther activity, presents a great potential for racial and civil unrest for the future.

4. Appeal to Military. The BPP has made pointed appeals to black servicemen with racist propaganda. High priority has been placed on the recruitment of veterans with weapons and explosives training. The BPP has also called for infiltration of the Government. These activities, should they achieve even minimum success, present a grave threat.

5. BPP Philosophy and Foreign Support. The BPP relies heavily on foreign communist ideology to shape its goals. Quotations from Mao Tse-tung were the initial ideological bible of the BPP. Currently, the writing of North Korean Premier Kim Il-sung are followed and extensive use of North Korean propaganda material is made in BPP publications and training. The Marxist-oriented philosophy of the BPP presents a favorable environment for support of the Panthers from other communist countries.

BPP leaders have traveled extensively abroad including visits to Cuba, Russia, North Korea, and Algeria. International operations of the BPP are directed by Eldridge Cleaver, a fugitive from United States courts.

Radical white students in Western Europe and the Scandinavian countries have organized solidarity-committees in support of the BPP. These committees are the sources of financial contributions to the Party and provide outlets for the BPP newspaper.

6. Other Black Extremist Groups. The Nation of Islam (NOI) is the largest single black extremist organization in the United States with an estimated membership of 6,000 in approximately 100 Mosques. The NOI preaches hatred of the white race and advocates separatism of the races. The NOI as a group has, to date, not instigated any civil disorders; however, the followers of this semi-religious cult are extremely dedicated individuals who could be expected to perform acts of violence if so ordered by the NOI head, Elijah Muhammed. When Muhammed, who is over 70 years of age, is replaced, a new

leader could completely alter current nonviolent tactics of the organization. For example, Muhammed's son-in-law, Raymond Sharrieff, now among the top hierarchy of NOI, could rise to a leadership position. Sharrieff is vicious, domineering and unpredictable.

There are numerous other black extremist organizations, small in numbers, located across the country. There is also a large number of unaffiliated black extremists who advocate violence and guerrilla warfare. One particular group, the Republic of New Africa (RNA), headquartered in Detroit, Michigan, calls for the establishment of a separate black nation in the South to be protected by armed forces. These groups, although small, are dedicated to the destruction of our form of government and consequently present a definite potential for instigating civil disorder or guerrilla warfare activity.

7. Black Student Extremist Influence. Black student extremists activities at colleges and secondary schools have increased alarmingly. Although currently there is no dominant leadership, coordination or specific direction between these individuals, they are in frequent contact with each other. Consequently, should any type of organization or cohesiveness develop, it would present a grave potential for future violent activities at United States schools. Increased informant coverage would be particularly productive in this area. Black student extremists have frequently engaged in violence and disruptive activity on campuses. Major universities which made concessions to nonnegotiable black student demands have not succeeded in calming extremist activities. During the school year 1969-70, there were 227 college disturbances having racial overtones. There were 530 such disturbances in secondary schools compared with only 320 during the previous school year.

8. Foreign Influence in the Black Extremist Movement. Although there is no hard evidence indicating that the black extremist movement is substantially controlled or directed by foreign students, there is a marked potential for foreign-directed intelligence or subversive activity among black extremist leaders and organizations. These groups are highly susceptible to exploitation by hostile foreign intelligence services.

Currently the most important foreign aspect of the black extremist movement is the availability of foreign asylum, especially with regard to black extremists subject to criminal prosecution in the United States. Some foreign countries, such as Cuba, provide a temporary safe haven for these individuals. Information has been received that Communist intelligence services are capable of using their personnel, facilities, and agent assets to work in the black extremist field. The Soviet and Cuban services have major capabilities available.

### B. Assessment of Current Intelligence Collection Procedures

1. Other Black Extremist Organizations. Informant coverage of the NOI is substantial, enabling its activities to be followed on a current basis. Coverage of militant black student groups and individuals is very limited because of the sensitive areas involved. An effective source of such coverage would be reliable, former members of the Armed Forces presently attending college. Live informant coverage, particularly with respect to the activities and plans of unaffiliated black militants, needs to be increased. More sources both in the United States and abroad in a position to determine the amount of foreign involvement in black extremist activities need to be developed. Maximum use of communication interceptions would materially increase the current capabilities of the intelligence community to develop highly important data regarding black extremist activities.

## III. INTELLIGENCE SERVICES OF COMMUNIST COUNTRIES

### A. Assessment of Current Internal Security Threat

The threat posed by the communist intelligence services must be assessed in two areas: (1) direct intervention in fomenting and/or influencing domestic unrest; (2) extensive espionage activities.

Taken in complete context, these services constitute a grave threat to the internal security of the United States because of their size, capabilities, widespread spheres of influence, and targeting of the United States as "enemy number one." The largest and most skilled of these services is the So-

viet Committee for State Security (KGE) which has roughly 300,000 personnel of whom some 10,000 are engaged in foreign operations.

1. Intervention in Domestic Unrest. There have been no substantial indications that the communist intelligence services have actively fomented domestic unrest. Their capability cannot, however be minimized and the likelihood of their initiating direct intervention would be in direct relationship to the deterioration of the political climate and/or imminence of hostilities. The ingredients for a first-rate capability are present, including both the personnel and the ingrained philosophy and know-how for using such tactics.

Communist intelligence has shown a real capability to foment disorder in a number of trouble spots. The dissidence and violence in the United States today present adversary intelligence services with opportunities unparalleled for forty years. While fostering disorder and rebellion through communist parties and fronts as a potent weapon in the communist arsenal, their past success has been evident in clandestine recruitment efforts on campuses during times of unrest. H.A.R. (Kim) Philby, Guy Burgess, and Donald Maclean were all students at Cambridge during the depression period of the 1930's and were in the vanguard of what was then the New Left. Their recruitment and cooperation with Soviet intelligence wreaked havoc on British intelligence and also compromised U.S. security in those sectors where they had authorized access.

For instance, about 900 members of the Venceremos Brigade, a group of American youths, recently completed a round trip to Cuba. This travel was financed by the Cuban Government. While in Cuba, they were exhorted to actively participate in United States revolutionary activities upon their return to the United States.

The communist intelligence services maintain contacts and exert influence among a variety of individuals and or-

ganizations through the exploitation of ideological, cultural, and ethnic ties. Most of these liaisons are maintained with some degree of openness with individuals associated with the Communist Party, USA, various of its front groups, other pro-Soviet organizations, nationality groups, and foreign-language newspapers. These contacts are exploited as sources for and propaganda outlets of communist intelligence services. Regarded individually, these efforts cannot be considered a major threat to our internal security; however, in total, they represent a sizable element of our population which can be influence in varying degrees by communist intelligence service operations.

2. Intelligence Operations. Persistent and pervasive intelligence operations which have their inspiration and direction supplied by communist intelligence services represent a major threat to the internal security . . .

B. Assessment of Current Intelligence Collection

1. Scope and Effectiveness. The scope of overall intelligence efforts is encompassed in the threefold goals of penetration, intelligence, and prosecution. Domestic implementation of these goals is delimited by agreement among United States intelligence agencies. Intelligence components of the United States military services are immediately concerned with protecting the integrity of their personnel and installations.

Methods used in these endeavors, employed in varying degrees by U.S. intelligence agencies dependent upon their specific tasks are: penetrations; defectors; double agent operations; physical, technical, and photographic surveillances; examination and analy-

sis of overt publications; information supplied by friendly intelligence services; and COMINT . . .

#### IV. OTHER REVOLUTIONARY GROUPS

##### A. Assessment of Current Internal Security Threat

1. Communist Party. The Communist Party continues as a distinct threat to the internal security because of its extremely close ties and total commitment to the Soviet Union. There are many thousands of people in the United States who adhere to a Marxist philosophy and agree with the basic objectives of the Communist Party although they do not identify themselves specifically with the organization. The Party receives most of its finances from the Soviet Union, adheres to Soviet policies explicitly, and provides a major outlet for Soviet propaganda. The Party will without question continue to implement whatever orders it receives from the Soviets in the future.

There is little likelihood that the Communist Party, USA, will instigate civil disorders or use terrorist tactics in the foreseeable future. Its strong suit is propaganda. Through its publications and propaganda it will continue its efforts to intensify civil disorders, and foment unrest in the Armed Forces, labor unions, and minority groups. The Party is on the periphery of the radical youth movement and is striving to strengthen its role in this movement and to attract new members through a recently formed youth organization, but it does not appear this group will achieve any substantial results for the Party in the future.

2. Socialist Workers Party and Other Trotskyist Groups. These organizations have an estimated membership of (deleted). The major Trotskyist organization, the Socialist Workers Party, has attained an influential role in the anti-war movement through its youth affiliate, the Young Socialist Alliance, which dominates the Student Mobilization Committee to End the War in Vietnam and which has more than doubled its size on college campuses in the past year. Trotskyist groups have participated in major confrontations with authorities both on and off campuses and have consistently supported civil disorders. At this time they do not pose a major threat to instigate insurrection or to commit terrorist acts. The propaganda of these groups, while emphasizing student unrest, is also aimed at creating dissatisfaction in labor organizations and in the Armed Forces. The Trotskyist organizations maintain close relations with the Fourth International, a foreign-based worldwide Trotskyist movement . . .

4. Puerto Rican Nationalist Extremist Groups. The radical Puerto Rican independence movement has spawned approximately ten violently anti-American groups committed to Puerto Rican self-determination. Revolutionary violence is a major aim of the estimated — members of these groups and if sufficiently strong, they would not hesitate to mount armed insurrection. Since July, 1967, some 130 bombings in Puerto Rico and in the New York City area have been attributed to these extremists. American-owned businesses have been the main targets, but there has been a recent upsurge of violence against U.S. defense facilities in Puerto Rico.

B. Assessment of Current Intelligence Coverage . . .

3. Possible Measures to Improve Intelligence Collection. The selective use of electronic surveillances would materially enhance the intelligence coverage of the policy-making levels of these organizations. A particular benefit of electronic surveillance in the Puerto Rican field could be the development of information identifying persons involved in terrorist activities.

Communications intelligence coverage and travel control measures could be improved to provide greater awareness of the travel and other activities of individuals of security interest. Through the establishment of additional informant coverage on college campuses, the involvement of these organizations in the radicalization of students could be assessed with increased accuracy.

Part Two

#### RESTRAINTS ON INTELLIGENCE COLLECTION

The Committee noted that the President had made it clear that he desired full consideration be given to any regulations, policies, or procedures which tend to limit the effectiveness of domestic intelligence collection. The Committee further noted that the President wanted the pros and cons of such restraints clearly set forth so that the President will be able to decide whether or not a change in current policies, practices, or procedures should be made.

During meetings of the Committee,

a variety of limitations and restraints were discussed. All of the agencies involved, Defense Intelligence Agency (DIA), the three military counterintelligence services, the Central Intelligence Agency (CIA), the National Security Agency (NSA), and the Federal Bureau of Investigation (FBI), participated in these considerations.

In the light of the directives furnished to the Committee by the White House, the subject matters hereinafter set forth were reviewed for the consideration and decision of the President.

##### I. SPECIFIC OPERATIONAL RESTRAINTS

A. Interpretive Restraint on Communications Intelligence Preliminary Discussion . . .

B. Electronic Surveillances and Penetrations

Preliminary Discussion

The limited number of electronic surveillances and penetrations substantially restricts the collection of valuable intelligence information of material importance to the entire intelligence community.

Nature of Restrictions

Electronic surveillances have been used on a selective basis. Restrictions, initiated at the highest levels of the Executive Branch, arose as a result of the condemnation of these techniques by civil rights groups, Congressional concern for invasion of privacy, and the possibility of their adverse effect on criminal prosecutions.

Advantages of Maintaining Restrictions

1. Disclosure and embarrassment to the using agency and/or the United States is always possible since such techniques often require that the services or advice of outside personnel be used in the process of installation.

2. . . .

3. Certain elements of the press in the United States and abroad would undoubtedly seize upon disclosure of electronic coverage in an effort to discredit the United States.

4. The monitoring of electronic surveillances requires considerable manpower and, where foreign establishments are involved, the language resources of the agencies could be severely taxed.

Advantages of Relaxing Restrictions

1. The U.S. Government has an overriding obligation to use every available scientific means to detect and neutralize forces which pose a direct threat to the Nation.

2. Every major intelligence service in the world, including those of the communist bloc, use such techniques as an essential part of their operations and it is believed the general public

would support their use by the United States for the same purpose.

3. The President historically has had the authority to act in matters of national security. In addition, Title III of the Omnibus Crime Control and Safe Streets Act of 1968 provides a statutory basis.

4. Intelligence data from electronic coverage is not readily obtainable from other techniques or sources. Such data includes information which might assist in formulating foreign policy decisions, information leading to the identification of intelligence and/or espionage principals and could well include the first indication of intention to commit hostile action against the United States.

5. Acquisition of such material from COMINT without benefit of the assistance which electronic surveillance techniques can provide, if possible at all, would be extremely expensive. Therefore, this approach could result in considerable dollar savings compared to collection methods . . .

#### C. Mail Coverage

##### Preliminary Discussion

The use of mail covers can result in the collection of valuable information relating to contacts between U.S. nationals and foreign governments and intelligence services. CIA and the military investigative agencies have found this information particularly helpful in the past. Essentially, there are two types of mail coverage: routine coverage is legal, while the second—covert coverage—is not. Routine coverage involves recording information from the face of envelopes. It is available, legally, to any duly authorized Federal or state investigative agency submitting a written request to the Post Office Department and has been used frequently by the military intelligence services. Covert mail coverage, also known as "sophisticated mail coverage," or "flaps and seals," entails surreptitious screening and may include opening and examination of domestic or foreign mail. This technique is based on high-level cooperation of top echelon postal officials.

##### Nature of Restrictions

Covert coverage has been discontinued while routine coverage has been reduced primarily as an outgrowth of publicity arising from disclosure of routine mail coverage during legal proceedings and publicity afforded this matter in Congressional hearings involving accusations of governmental invasion of privacy.

##### Advantages of Maintaining Restrictions

###### Routine Coverage:

1. Although this coverage is legal, charges of invasion of privacy, no matter how ill-founded, are possible.

2. This coverage depends on the cooperation of rank-and file postal employees and is, therefore, more susceptible to compromise.

###### Covert Coverage:

1. Coverage directed against diplomatic establishments, if disclosed, could have adverse diplomatic repercussions.

2. This coverage, not having sanction of law, runs the risk of any illicit act magnified by the involvement of a Government agency.

3. Information secured from such coverage could not be used for prosecutive purposes.

##### Advantages of Relaxing Restrictions

###### Routine Coverage:

1. Legal mail coverage is used daily by both local and many Federal authorities in criminal investigations. The use of this technique should be available to permit coverage of individuals and groups in the United States who pose a threat to the internal security.

###### Covert coverage:

1. High-level postal authorities have, in the past, provided complete cooperation and have maintained full security of this program.

2. This technique involves negligible

risk of compromise. Only high echelon postal authorities know of its existence, and personnel involved are highly trained, trustworthy, and under complete control of the intelligence agency.

3. This coverage has been extremely successful in producing hard-core and authentic intelligence which is not obtainable from any other source . . .

#### D. Surreptitious Entry

##### Preliminary Discussion

##### Nature of Restrictions

Use of surreptitious entry, also referred to as "anonymous sources; and "black bag jobs," has been virtually eliminated.

##### Advantages of Maintaining Restrictions

1. The activity involves illegal entry and trespass.

2. Information which is obtained through this technique could not be used for prosecutive purposes.

3. The public disclosure of this technique would result in widespread publicity and embarrassment. The news media would portray the incident as a flagrant violation of civil rights.

##### Advantages of Relaxing Restrictions

1. Operations of this type are performed by a small number of carefully trained and selected personnel under strict supervision. The technique is implemented only after full security is assured. It has been used in the past with highly successful results and without adverse effects.

2. Benefits accruing from this technique in the past have been innumerable.

3. In the past this technique, when used against subversives, has produced valuable intelligence material . . .

#### E. Development of Campus Sources

##### Preliminary Discussion

Public disclosure of CIA links with the National Student Association and the subsequent issuance of the Katzenbach Report have contributed to a climate adverse to intelligence-type activity on college campuses and with student-related groups. It should be noted that the Katzenbach Report itself does not specifically restrain CIA from developing positive or counterintelligence sources to work on targets abroad.

Restrictions currently in force limit certain other elements of the intelligence community access to some of the most troublesome areas: campuses, college faculties, foreign and domestic youth groups, leftist journalists, and black militants.

##### Nature of Restrictions

The need for great circumspection in making contacts with students, faculty members, and employees of institutions of learning is widely recognized. However, the requirements of the intelligence community for increased information in this area is obvious from the concern of the White House at the absence of hard information about the plans and programs of campus and student-related militant organization. At the present time no sources are developed among secondary school students and with respect to college and universities, sources are developed only among individuals who have reached legal age, with few exceptions. This policy is designed to minimize the possibility of embarrassment and adverse publicity, including charges of infringement of academic freedom.

##### Advantages of Maintaining Restrictions

1. Students, faculty members, and others connected with educational institutions are frequently sensitive to and hostile towards any Government activity which smacks of infringement on academic freedom. They are prone to publicize inquiries by governmental agencies and the resulting publicity can often be misleading in portraying the Government's interest.

2. Students are frequently immature and unpredictable. They cannot be relied on to maintain confidences or act with discretion to the same extent as adult sources.

##### Advantages of Relaxing Restrictions

1. To a substantial degree, militant New Left and antiwar groups in the United States are comprised of students, faculty members, and others connected with educational institutions. To a corresponding degree, effective coverage of these groups and activities depends upon development of knowledgeable sources in the categories named. In this connection, the military services have capabilities which could be of value to the FBI.

2. Much of the violence and disorders which have occurred on college campuses have been of a hastily planned nature. Unless sources are available within the student bodies, it is virtually impossible to develop advance information concerning such violence.

3. The development of sources among students affiliated with New Left elements affords a unique opportunity to cultivate informant prospects who may rise to positions of leadership in the revolutionary movement or otherwise become of great long-range value.

4. The extraordinary and unprecedented wave of destruction which has swept U.S. campuses in the past several months and which in some respects represents a virtual effort to overthrow our system provides a clear justification for the development of campus informants in the interest of national security.

5. Contacts with students will make it possible to obtain information about travel abroad by U.S. students and about attendance at international conferences . . .

#### F. Use of Military Undercover Agents

##### Preliminary Discussion

The use of undercover agents by the military services to develop domestic intelligence is currently limited to penetration of organizations whose membership includes military personnel and whose activities pose a direct threat to the military establishment. For example, although the Navy has approximately 54 Naval ROTC units and numerous classified Government contract projects on various campuses across the country, the Naval Investigative Service conducts no covert collection on college campuses. The same is true of the other military services.

##### Nature of Restrictions

The use of undercover agents by the military investigative services to develop domestic intelligence among civilian targets is believed beyond the statutory intent of the Congress as expressed in Title 10, U.S. Code, and in current resource authorizations. The Delimitations Agreement (1949 agreement signed by the FBI, Army, Navy

and Air Force which delimits responsibility for each agency with regard to investigations of espionage, counter-espionage, subversion and sabotage) reflects the current missions of the FBI and the military services. Further, there is a lack of assets to undertake this mission unless essential service-related counterintelligence missions are reduced. There is also concern for morale and disciplinary reactions within the services should the existence of such covert operations become known.

##### Advantages of Maintaining Restrictions

1. If the utilization of military counterintelligence in this mission is contrary to the intent of Congress, discovery of employment may result in unfavorable legislation and further reductions in appropriations.

2. Lacking direct statutory authority, the use of the military services in this mission could result in legal action di-

rected against the Executive Branch.

3. The use of military personnel to report on civilian activities for the benefit of civilian agencies will reduce the ability of the military services to meet service-oriented intelligence responsibilities.

4. If expansion of the mission of the military services with regard to college campuses is to provide coverage of any significance, it will require corollary increases in resources.

5. Prosecutions for violations of law discovered in the course of military penetration of civilian organizations must be tried in civil courts. The providing of military witnesses will require complicated interdepartmental coordination to a much greater extent than the present and will serve, in the long run, to reduce security.

6. Disclosure that military counterintelligence agencies have been furnishing information obtained through this technique to nonmilitary investigative agencies with respect to civilian activities would certainly result in considerable adverse publicity. The Army's recent experience with former military intelligence personnel confirms this estimate. Since obligated service officers, first enlistees and draftees are drawn from a peer group in which reaction is most unfavorable, morale and disciplinary problems can be anticipated.

#### Advantages of Relaxing Restrictions

1. Lifting these restrictions would expand the scope of domestic intelligence collection efforts by diverting additional manpower and resources for the collection of information on college campuses and in the vicinity of military installations.

2. The use of undercover agents by the military counter-intelligence agencies could be limited to localized targets where the threat is great and the likelihood of exposure minimal. Moreover, controlled use of trusted personnel leaving the service to return to college could expand the collection capabilities at an acceptable risk.

3. The military services have a certain number of personnel pursuing special academic courses on campuses and universities. Such personnel, who in many instances have already been investigated for security clearance, would represent a valuable pool of potential sources for reporting on subversive activities of campus and student-related groups.

#### II. BUDGET AND MANPOWER RESTRICTIONS

The capability of member agencies, NSA, CIA, DIA, FBI, and the military counterintelligence services, to collect intelligence data is limited by available resources, particularly in terms of budget and/or qualified manpower. For some agencies fiscal limitations or recent cutbacks have been acute. Budgetary requirements for some agencies, other than the FBI, are reviewed and passed upon by officials who, in some instances, may not be fully informed concerning intelligence requirements.

The military services noted that cuts in budget requirements for counterintelligence activities have the effect of severely hampering the ability of these services to accomplish missions relating to coverage of threats to the national security. Budgetary deficiencies have occurred at a time when investigative work loads are increasing significantly.

Manpower limitations constitute a major restriction on the FBI's capabilities in the investigation of subversive activities. The problem is further complicated by the fact that, even if substantial numbers of Agents could be recruited on a crash basis, the time required to conduct background investigations and to provide essential training would mean several months' delay

in personnel being available for use against the rapidly escalating subversive situation.

In the event, as a result of this report, additional collection requirements should be levied on the agencies involved it would be necessary to provide for essential funding.

#### EVALUATION OF INTERAGENCY COORDINATION

##### I. CURRENT PROCEDURES TO EFFECT COORDINATION.

There is currently no operational body or mechanism specifically charged with the overall analysis, coordination, and continuing evaluation of practices and policies governing the acquisition and dissemination of intelligence, the pooling of resources, and the correlation of operational activities in the domestic field.

Although a substantial exchange of intelligence and research material between certain of the interested agencies already exists, much remains to be done in the following areas: (1) the preparation of coordinated intelligence estimates in a format useful for policy formulation; (2) the coordination of intelligence collection resources of the member agencies and the establishment of clear-cut priorities for the various agencies; and (3) the coordination of the operational activities of member agencies in developing the required intelligence.

##### II. SUGGESTED MEASURES TO IMPROVE THE COORDINATION OF DOMESTIC INTELLIGENCE COLLECTION

It is believed that an interagency group on domestic intelligence should be established to effect coordination between the various member agencies. This group would define the specific requirements of the various agencies, provide regular evaluations of domestic intelligence, develop recommendations relative to policies governing op-

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erations in the field of domestic intelligence, and prepare periodic domestic intelligence estimates which would incorporate the results of the combined efforts of the entire intelligence community.

Membership in this group should consist of the principal officers responsible for domestic intelligence collection activities of the Federal Bureau of Investigation, the Central Intelligence Agency, the National Security Agency, the Defense Intelligence Agency, and the counterintelligence agencies of the Departments of the Army, Navy, and Air Force. In addition, an appropriate representative of the White House would have membership. The committee would report periodically to the White House, and a White House staff representative would coordinate intelligence originating with this committee in the same manner as Dr. Henry Kissinger, Assistant to the President, coordinates foreign intelligence on behalf of the President. The chairman would be appointed by the President.

This interagency group would have authority to determine appropriate staff requirements and to implement these requirements, subject to the approval of the President, in order to meet the responsibilities and objectives described above.

The testimony of Tom Charles Huston, contained in classified transcripts obtained from the Senate Armed Services Committee, has been withheld from publication in accordance with the rules of that committee.

Mr. Huston testified on May 21, 1973, and stated that a report was prepared by the intelligence services as directed by the President on June 5, entitled "Special Report Interagency Commit-

tee on Intelligence (Ad Hoc)." Following the preparation of the Special Report, FBI Director Hoover objected to the inclusion of options for the President to lift restraints on intelligence gathering methods. Mr. Huston understood that Mr. Hoover originally wanted to place his objections in the body of the report, but he was prevailed on to place them in the form of footnotes to those parts of the report setting out options for lifting restraints on intelligence gathering methods.

Memorandum from H. R. Haldeman to Tom Charles Huston, July 14, 1970:

Memorandum for: Mr. Huston  
Subject: Domestic Intelligence Review  
The recommendations you have proposed as a result of the review have been approved by the President.

He does not, however, want to follow the procedure you outlined on page 4 of your memorandum regarding implementation. He would prefer that the thing simply be put into motion on the basis of this approval.

The formal official memorandum should, of course, be prepared and that should be the device by which to carry it out.

I realize this is contrary to your feeling as to the best way to get this done. If you feel very strongly that this procedure won't work you had better let me know and we'll take another stab at it. Otherwise let's go ahead.

H. R. HALDEMAN.

Memorandum from Tom Charles Huston to Richard Helms, July 23, 1970:

Memorandum for: Richard Helms,  
Director Central Intelligence Agency  
Subject: Domestic Intelligence

The President has carefully studied the Special Report of the Interagency Committee on Intelligence (Ad Hoc) and made the following decisions:

1. Interpretive Restraint on Communications Intelligence. National Security Council Intelligence Directive Number 6 (NSCID-6) is to be interpreted to permit NSA to program for coverage the communications of U.S. citizens using international facilities.

2. Electronic Surveillances and Penetrations. The intelligence community is directed to intensify coverage of individuals and groups in the United States who pose a major threat to the internal security. Also, coverage of foreign nationals and diplomatic establishments in the United States of interest to the intelligence community is to be intensified.

3. Mail Coverage. Restrictions on legal coverage are to be removed. Restrictions on covert coverage are to be relaxed to permit use of this technique on selected targets of priority foreign intelligence and internal security interest.

4. Surreptitious Entry. Restraints on the use of surreptitious entry are to be removed. The technique is to be used to permit procurement of vitally needed foreign cryptographic material and against other urgent and high priority internal security targets.

5. Development of Campus Sources. Coverage of violence-prone campus and student-related groups is to be increased. All restraints which limit this coverage are to be removed. Also, CIA coverage of American students (and others) traveling or living abroad is to be increased.

6. Use of Military Undercover Agents. Present restrictions are to be retained.

7. Budget and Manpower. Each agency is to submit a detailed estimate as to projected manpower needs and other costs required to implement the above decisions.

8. Domestic Intelligence Operations. A committee consisting of the Directors or other appropriate representatives appointed by the Directors, of the FBI, CIA, NSA, DIA, and the military counter-intelligence agencies is to be constituted effective August 1, 1970, to provide evaluations of domestic intelligence, prepare periodic domestic intelligence estimates, carry out the other objectives specified in the report, and perform such other duties as the President shall, from time to time, assign. The Director of the FBI shall serve as chairman of the committee. Further details on the organization and operations of this committee are set forth in an attached memorandum.

The President has directed that each addressee submit a detailed report, due on September 1, 1970, or the steps taken to implement these decisions. Further such periodic reports will be

requested as circumstances merit.

The President is aware that procedural problems may arise in the course of implementing these decisions. How-

from, publication in accordance with the rules of that committee.

Mr. Huston testified on May 21, 1973, and in that testimony stated that shortly after the decision memorandum of July 23, 1970 had been received by Mr. Hoover, Huston received a telephone call from Assistant FBI Director William Sullivan indicating that Hoover had been very upset by the decision memorandum, and that Hoover either had talked or intended to talk to the Attorney General to undertake steps to have the decisions reflected in the memorandum reversed. Huston did not believe that the Attorney General had been consulted as to the contents of the memorandum prior to that time.

Shortly after the telephone conversation with Sullivan, Huston received a call from Haldeman indicating that the Attorney General had talked to the President, or that Haldeman had talked to the Attorney General and then to the President, but that, in any event, Huston was instructed to recall the decision memorandum; that the President desired to reconsider the matter, and that Haldeman, Hoover, and the Attorney General would have a meeting in the near future to discuss the matter.

Huston further testified that he did not send a memorandum out to recall the decision memorandum, but that the recall of the document was arranged through the White House Situation Room. Huston recalled that although the copies of the document were received back at the White House, it was apparent that each of them had been taken apart by the recipient and copied prior to its return. Huston believed that the decision memorandum was recalled approximately the last week of July or the first week of August 1970.

*Memorandum from John Dean to Attorney General Mitchell, Sept. 18, 1970:*

Memorandum for the Attorney General

Pursuant to our conversation yesterday, September 17, 1970, I suggest the following procedures to commence our domestic intelligence operation as quickly as possible.

1. Interagency Domestic Intelligence Unit. A key to the entire operation will be the creation of an interagency intelligence unit for both operational and evaluation purposes. Obviously, the selection of persons to this unit will be of vital importance to the success of the mission. As we discussed, the selection of the personnel for this unit is an appropriate first step for several reasons. First, effective coordination of the different agencies must be developed at an early stage through the establishment of the unit. Second, Hoover has indicated a strong opposition to the creation of such a unit and, to bring the FBI fully on board, this seems an appropriate first step to guarantee their proper and full participation in the program. Third, the unit can serve to make appropriate recommendations for the type of intelligence that should be immediately pursued by the various agencies. In regard to this third point, I believe we agreed that it would be inappropriate to have any blanket removal of restrictions; rather, the most appropriate procedure would be to decide on the type of intelligence we need, based on an assessment of the recommendations of this unit, and then to proceed to remove the restraints as necessary to obtain such intelligence.

To proceed to create the interagency

intelligence unit, particularly the evaluation group or committee, I recommend that we request the names of four nominees from each of the intelligence agencies involved. While the precise composition of the unit may vary as we gain experience, I think that two members should be appointed initially from each agency in addition

to your personal representative who should also be involved in the proceedings. Because of the interagency aspects of this request, it would probably be best if the request were from the White House. If you agree, I will make such a request of the agency heads; however, I feel that it is essential that you work this out with Hoover before I have any dealings with him directly.

2. Housing. We discussed the appropriate housing of this operation and, upon reflection, I believe that rather than a White House staffer looking for suitable space, that a professional intelligence person should be assigned the task of locating such space. Accordingly, I would suggest that a request be made that Mr. Hoover assign an agent to this task. In connection with the housing problem, I think serious consideration must be given to the appropriate Justice Department cover for the domestic intelligence operation. We discussed yesterday using IDIU as a cover and as I indicated I believe that that is a most appropriate cover. I believe that it is generally felt that IDIU is already a far more extensive intelligence operation than has been mentioned publicly, and that the IDIU operation cover would eliminate the problem of discovering a new intelligence operation in the Department of Justice. However, I have reservations about the personnel in IDIU and its present operation activities and would suggest that they either be given a minor function within the new intelligence operation or that the staff be completely removed. I have had only incidental dealings with the personnel other than Jim Devine, and cannot speak to their discretion and loyalty for such an operation. I do not believe that Jim Devine is capable of any major position within the new intelligence operation. However, I do believe that he could help perpetuate the cover and he has evidenced a loyalty to you, the Deputy and other key people in the Department of Justice, despite his strong links with the prior Administration. I would defer to your judgement, of course, on any recommendation regarding Jim Devine's continue presence in such an intelligence operation.

3. Assistant to Attorney General. We also discussed the need for you to have a right hand man to assist in running this operation. It would seem that what is needed is a man with administrative skills, a sensitivity to the implications of the current radical and subversive movements within the United States, and preferably, some background in intelligence work. To maintain the cover, I would think it appropriate for the man to have a law degree in that he will be a part of the Department of Justice. You suggested the possibility of using a prosecutor who had had experience with cases of this type. Accordingly, I have spoken with Harlington Wood to ask him to submit the names of five Assistant U.S. Attorneys who have had experience in dealing with demonstrations or riot type cases and who are mature individuals that might be appropriately given a sensitive assignment in the Department of Justice. I did not discuss the matter in any further detail with Wood other than to request the submission of some nominees. I would also like to suggest that we request

*Memorandum for the record by Richard Helms, July 28, 1970:*

MEMORANDUM FOR THE RECORD

SUBJECT: Discussion with Attorney General Mitchell on Domestic Intelligence

1. During a private meeting with the Attorney General on 27 July 1970, it became clear, to my great surprise, that he had heard nothing whatever about the President's instructions on "Domestic Intelligence" until that very morning. In other words, the Attorney General had not been told of the meeting at the White House on 5 June 1970 or of the ad hoc committee meetings chaired by the FBI which had followed or about the report which was sent to the President around 1 July, setting forth constraints on domestic intelligence collection. As I understand it, the Attorney General first heard about these matters when the Director of the FBI complained to him about a memorandum from Mr. Tom Charles Huston which must be essentially the same text as the one I received under date of 23 July 1970. . . .

2. I told the Attorney General that we had put our backs into this exercise, because we had thought that he knew all about it and was behind it. The Attorney General was frank with me. In addition, he said that he had told Mr. Hoover to "sit tight" until he (the Attorney General) had an opportunity to discuss this whole matter with the President upon his return to Washington from San Clemente next week.

3. In connection with the problems involved in domestic intelligence collection, I again suggested to the Attorney General that he have a talk with Mr. Sam J. Papich who, I pointed out, has now fully retired from the FBI. The Attorney General again wrote down Mr. Papich's name.

*Summary of Testimony by Tom Charles Huston before the Senate Armed Services Committee, May 21, 1973:*

The testimony of Tom Charles Huston, contained in classified transcripts obtained from the Senate Armed Services Committee, has been withheld

names from the various intelligence agencies involved for personnel that might be appropriately involved in this activity or who might serve as your assistant.

In summary, I recommend the following immediate action:

(1) You meet with Hoover, explain what must be done, and request his nominees for the interagency unit.

(2) You request that Hoover assign an agent to the task of locating appropriate housing for the operations.

(3) I request that other involved intelligence agencies submit nominees for the interagency unit.

(4) I request from the agencies names of appropriate personnel for assignment to the operation.

Finally, I would suggest that you call weekly meetings to monitor the problems as they emerge and to make certain that we are moving this program into implementation as quickly as possible.

JOHN DEAN

N.B. Bob Haldeman has suggested to me that if you would like him to join you in a meeting with Hoover he will be happy to do so.

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*Excerpts from testimony by John Caulfield before an executive session of the Senate Watergate committee, March 16, 1974:*

Mr. Lackritz. Now, I take it when we talked to you on September 11, 1973, we were making an effort to determine the purposes of some checks that Mr. Ragan had written to you.

Mr. Caulfield. Yes.

Mr. Lackritz. It is our understanding, Mr. Caulfield, that you are still attempting to refresh your recollection as to the purpose of those checks.

Mr. Caulfield. That's correct.

Mr. Lackritz. Okay. I take it, then, at the time when you are able to determine the purpose of those checks, we will get into that matter.

Mr. Caulfield. Yes, that is correct.

Mr. Lackritz. Okay, just for the record, I would like to note that there are, I believe approximately eight checks totaling roughly \$800; does that give you any help in trying to refresh your recollection?

Mr. Caulfield. If I can recall specifically what areas they dealt with, I will come back and be happy to notify the Committee.

Mr. Lackritz. Fine.

Now, did you in the White House, in your responsibility, have any responsibilities for overseeing, keeping tabs on the activities of the President's brother, Mr. F. Donald Nixon?

Mr. Caulfield. Well, I would like to explain my area of involvement with respect to Donald Nixon. Sometime in 1969, I believe it was October of 1969, it came to my attention that Mr. Donald Nixon had visited the Dominican Republic with three other gentlemen; they were the guests of the President of the Dominican Republic, Balaguer. There were newspaper accounts of that visit in a Dominican newspaper, which I forwarded to Mr. Ehrlichman for his information.

Approximately a year later, and I have difficulty remembering that date, Mr. Ehrlichman contacted me and indicated to me that he wanted me to monitor a project which involved the United States Secret Service, the idea being that a wiretap was being placed on the telephone of Mr. Donald Nixon by the Secret Service with the view of ascertaining whether or not persons of unsavory character might be attempting to embarrass the President through his brother Donald.



Sketch by David Suter for The Washington Post

My direction from Mr. Ehrlichman was to monitor the results of the Secret Service wiretap and report back to him any information of substantive nature which might indicate that the President's brother was being embarrassed, or attempts were being made to use Mr. Nixon to embarrass the President of the United States.

I did in fact confer with the Secret Service on this matter, and they reported to me verbally the results of the wiretap that was installed out in Newport Beach, and I reported back the general substance of the results of the wiretap.

After approximately three weeks the Secret Service people indicated there was nothing of any substance coming across the wiretap, and made a suggestion to me which I concurred with, that the wiretap should be terminated. I so advised Mr. Ehrlichman, and he agreed it should be terminated. As I recall, the time frame was approximately a three-week period. That would make it sometime in 1970, and I for the life of me can't remember the dates.

Mr. Lackritz. All right. Now, going back to the first information from which you learned of Mr. Nixon's trip to the Dominican Republic, how did you come across this information initially?

Mr. Caulfield. From Mr. Juliano, James Juliano, who was a sugar lobbyist for the Dominican Republic, brought it to my attention. There had been an article in the Dominican newspapers mentioning that Donald Nixon had visited the Dominican Republic. I asked him if he could get me copies of the newspapers carrying that story, he did; and I transmitted them to Mr. Ehrlichman.

Mr. Lackritz. Did you know that Mr. Ehrlichman at that time had responsibilities for overseeing Mr. Donald Nixon's activities?

Mr. Caulfield. Well, I knew that was the way to get it possibly to the attention of the President, and I gave it to Mr. Ehrlichman with that in mind.

Mr. Lackritz. Well, prior to that, did Mr. Ehrlichman ask you to keep track of any information that you could learn about?

Mr. Caulfield. Prior to that I had no involvement with the President's brother, or keeping track of the President's brother, anything of that nature. This was just a piece of intelligence information that I felt belonged with Mr. Ehrlichman.

Mr. Lackritz. I see. Do you have any recollection of any of the individuals who accompanied Mr. Nixon on the trip to the Dominican Republic?

Mr. Caulfield. As I recall, there were three people. I think one of them was Mr. Meyers —

Mr. Lackritz. Is this John Meyers?

Mr. Caulfield. I believe John Meyers and another gentleman from the Democratic National Committee — formerly of the Democratic National Committee.

Mr. Lackritz. Mr. Napolitan?

Mr. Caulfield. Yes, Joseph Napolitan, and there was another gentleman and I can't remember —

Mr. Lenzner. Tony Hatsis, does that ring a bell?

Mr. Caulfield. It rings a bell, I can't say for sure. I remember Mr. Meyers and Mr. Napolitan.

Mr. Lenzner. Did you become aware at some time that Mr. Ehrlichman had responsibilities to supervise F. Donald Nixon's financial activities?

Mr. Caulfield. No, I had no knowledge of Mr. Ehrlichman's supervising his financial activities. I knew, if there were to be any problems arising out of Mr. Donald Nixon's associates, Mr.

Ehrlichman would have been the one to transmit it to; but I had no specific information about Mr. Ehrlichman being charged with supervision of his financial situation.

Mr. Lenzner. Did you get any reaction to the initial memo from Mr. Ehrlichman?

Mr. Caulfield. Other than interest, no. I mean, I am trying to recall; I remember transmitting it as a memo, and I don't recall if I had a conversation. I probably called him up and indicated that I had this, and I would send it over.

Mr. Lenzner. Did he indicate that he had already received this information with regard to this trip, and discuss that information with you?

Mr. Caulfield. No.

Mr. Lenzner. Do you know what stimulated Mr. Ehrlichman's desire to have his project begun on Mr. Nixon's phone?

Mr. Caulfield. No, that has always been a mystery to me, exactly why at the particular time. I can't recall the date, the best I can do is put it a year after the transmittal of the newspaper accounts. But what precipitated it, I don't know.

Mr. Lenzner. Was the tap placed on



his home phone in Newport Beach?

Mr. Caulfield. That's what I was led to believe.

Mr. Lenzner. Did you ever see the log of the surveillance?

Mr. Caulfield. I don't believe I have ever seen the logs. What was shown to me by the Secret Service was some photographs of Donald Nixon at an airport.

Mr. Lenzner. Orange County Airport?

Mr. Caulfield. That rings a bell. Getting on a plane, or meeting some people at a plane. I do recall it was out in California, I didn't recall it was Orange County. And there was a question as to who these people were in the photograph. There was Mr. Nixon and some other people, and I just don't recall who they were, very frankly.

Mr. Sears. But you did not see the logs of the wiretaps.

Mr. Caulfield. No, I didn't see the logs of wiretaps. The assignment indicated that I would report to Ehrlichman anything of substance that was to come over the wiretaps. I had conversations with members of the Secret Service, and they would indicate to me what the substance of those conversations was. As I previously indicated, there was nothing of any substance that would have justified a continuation of the wiretap.

Mr. Lenzner. Was physical surveillance conducted of Mr. Donald Nixon?

Mr. Caulfield. I recall that there was some physical surveillance by the Secret Service. What it entailed, and how it was done I do not know. But, I do recall some physical surveillance in the vicinity of the residence.

Mr. Sears. I think it is fair to say that Mr. Caulfield assumed there was because of the fact he saw pictures and you would have to have physical surveillance to be able to take pictures. I don't know that he knows of his own knowledge just what kind of surveillance was going on; is that correct?

Mr. Caulfield. I would say that is substantially correct.

Mr. Lenzner. Well, did you receive information with regard to meetings Mr. Donald Nixon was having that didn't come off the wire?

Mr. Caulfield. If I did, I don't remember at this time. I recall one picture at the airport in California, I believe, of Donald Nixon with two, or three individuals in the vicinity of a plane; that is all I remember about it.

Mr. Lenzner. And was that picture taken by a Secret Service agent, do you know?

Mr. Caulfield. I assume it was.

Mr. Lenzner. And it appeared in nature to be a surveillance photograph?

Mr. Caulfield. Again, I would have to assume.

Mr. Lenzner. You were not advised, or were you advised; or don't you recall whether it was a surreptitious photograph?

Mr. Caulfield. Just how the hell—I don't recall just exactly how it was presented. I remember being shown the photograph that was in a file having to do with Donald Nixon; and I assume it would have been a surreptitious photograph.

Mr. Lenzner. And was any effort made to identify the other individuals?

Mr. Caulfield. Yes, the Secret Service was attempting to identify them; and if they knew who they were and told me, I don't recall who the persons were at this time.

Mr. Lenzner. Well, were you asked to make any effort to help identify them?

Mr. Caulfield. I may have expressed an interest in who they were, yes.

Mr. Sears. The question was, were you asked.

Mr. Caulfield. Was I asked to identify them by whom?

Mr. Lenzner. The Secret Service.

Mr. Caulfield. No, I was not asked to identify them by the Secret Service.

Mr. Lenzner. Did you make any effort to show that photograph to anybody else?

Mr. Caulfield. No.

Mr. Lenzner. To Mr. Ehrlichman, it was not transmitted to Mr. Ehrlichman?

Mr. Caulfield. If it was, it wasn't by me.

Mr. Lenzner. Did you later learn that Mr. Johnny Meyers and Tony Matsis were among the individuals at the airport?

Mr. Caulfield. See, I got a problem in this context I associate Johnny Meyers with the newspaper articles. Tony Matsis name rings a bell, but I don't tie it in to the photograph. My recollection would be that they would have been tied in with the visit to the Dominican Republic. Now, whether they were the individuals in the photograph I cannot say here today.

Mr. Lenzner. Do you have any recollection of Mr. Ehrlichman having an FBI check run on Mr. Matsis?

Mr. Caulfield. No, I do not.

Mr. Lenzner. Was Mr. F. Donald Nixon aware of the physical, or electronic surveillance, to your knowledge?

Mr. Caulfield. I have no way of knowing that. Mr. Ehrlichman didn't go into the specifics of what he considered to be the overriding interest in Donald Nixon, and I didn't inquire because I did not feel that was my area.

My function was to keep Mr. Ehrlichman appraised of anything that appeared to be of substantive nature with regard to unsavory people connected, that might be connected with Donald Nixon.

Mr. Lenzner. How could you have identified them as unsavory characters?

Mr. Caulfield. I would have hoped the Secret Service might provide me with that information.

Mr. Lenzner. Did they ever give you names of individuals they checked out and found to be unsavory?

Mr. Caulfield. They gave me the name of an individual, and I testified I tried to recall the name?

Mr. Lenzner. Do you remember whether the files were maintained by the Secret Service, or the White House?

Mr. Caulfield. They were Secret Service files.

Mr. Lenzner. Did you report verbally, or in writing to Mr. Ehrlichman?

Mr. Caulfield. Verbally.

Mr. Lenzner. And do you know whether a file was maintained in the White House on Donald Nixon?

Mr. Caulfield. I have no way of knowing that, I didn't maintain a file.

Mr. Lenzner. Do you know whether Rosemary Woods maintained a file, or had any responsibility for F. Donald Nixon?

Mr. Caulfield. No knowledge at all.

Mr. Lenzner. Did you, yourself, have a file on F. Donald Nixon in your office?

Mr. Caulfield. Not a file as such, I might have had a memo or two that I could have sent to Mr. Ehrlichman. But as to a file, I wouldn't classify it as a file. Probably the memos you have there.

Mr. Lackritz. Who were the individuals in the Secret Service that you were dealing with on this question of the surveillance of Mr. Nixon?

Mr. Caulfield. Off the record a moment.

(Discussion off the record.)

Mr. Caulfield. Again I have the same problems, not as great as we discussed

earlier with the Joseph Kraft matter. Could we do this, could we handle the names of these individuals in the same manner?

Mr. Lenzner. I have no objection to that, we will pursue of Joseph Kraft, surveillance of that nature.

Mr. Caulfield. I never discussed the surveillance of Joseph Kraft with anyone other than Mr. Ehrlichman at the White House.

Mr. Boggs and I had quite a bit of contact on the demonstrations and the anti-war groups in the vicinity of the White House; but as far as political figures, the answer would be no.

Mr. Lenzner. Well, in regard with the demonstrations, did you have discussions about physical or electronic surveillance with regard to people involved in demonstrations?

Mr. Caulfield. No, by that I mean I was the liaison at one time for the White House. At one time most of my time in the White House was in connection with anti-war activities. When you mention Secret Service, that would have to do with the security at the White House complex. I would be designated White House staff member to be present at the command post at the White House.

Mr. Lenzner. I understand that. My question was, did you ever discuss with Boggs physical or electronic surveillance of, say, leaders of demonstrations?

Mr. Caulfield. No.

Mr. Lackritz. I have a few questions about the purpose of this project that the Secret Service was implementing. As I understand, Mr. Caulfield, the Secret Service had placed this electronic surveillance on Mr. Nixon's home phone to determine if there were any individuals who might be in contact with Mr. Nixon, who might subsequently be an embarrassment to the President; is that correct?

Mr. Caulfield. That is the sum and substance, as I understood it, yes.

Mr. Lackritz. And that was the primary substance of the surveillance, as you understood it.

Mr. Caulfield. Yes. Now, I want to qualify that this way. As I indicated earlier, I was not privy to any decision-making which would have precipitated this ongoing interest in Donald Nixon.

I took particular note of the fact that there might have well been a number of things happening with respect to Donald Nixon that properly did not belong in my area, or that I should have knowledge of. I accepted that and performed my role as I was directed by Mr. Ehrlichman.

Now, it may well be that there were all kinds of things going on, and I have no knowledge of them.

Mr. Lackritz. Sure, but I am limiting my question now to your assignment. Your assignment was to insure there were no unsavory characters who attempted to use Mr. Nixon.

Mr. Caulfield. My function was to forward to Mr. Ehrlichman the results of this wiretap that was being conducted out there in California, see, if there was any information that would be indicating that persons of unsavory nature were involved with Donald Nixon; that was the substance of the assignment.

Mr. Lackritz. All right. Now, were you aware of any other wiretaps that were placed, of similar nature, during your tenure at the White House?

Mr. Caulfield. In the context with political figures?

Mr. Lackritz. Or relative to the President?

Mr. Caulfield. No, I was not.

Mr. Lackritz. Were you aware of any other physical surveillance that was implemented on relatives of the President or other individuals that were close to the President's family?

Mr. Caulfield. No . . .

Excerpts from a report by Sens. John Sparkman and Clifford Case to the Foreign Relations Committee following their examination of FBI summaries of wiretap surveillance reports:

4. It was noted by the subcommittee that the summaries of information referred frequently to meetings with individuals opposed to United States policy in Vietnam, such as Clifford, Harriman, Mankiewicz, and others, thus suggesting that the motive for surveillance may have been political rather than concern for national security.

Continued on Next Page

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Dr. Kissinger noted that these summaries might reveal attitudes of the FBI, but that they were not evidence that the requests for surveillance (as distinguished from the product) were based on anything but national security.

5. The subcommittee noted that many of the taps continued to the date of February 10, 1971. Mr. Ruckelshaus stated that this date was significant only because it had been the practice of Mr. Hoover to discontinue wire taps just prior to his Congressional appearances so that he could report minimum taps in effect if he were questioned. (The first appearance of Mr. Hoover after February 10, 1971 was on March 17, 1971 before a House Subcommittee on Appropriations for the FBI.)

Dr. Kissinger indicated that he did not receive information on taps after May, 1970 when domestic surveillance had been separated from the NSC. Thus, he did not know why Mr. L's surveillance had continued after Mr. L had left the NSC....

Letter from J. Edgar Hoover to H. R. Haldeman, July 6, 1971:

Dear Mr. Haldeman:

On June 15, 1971, the Attorney General requested that this Bureau conduct all necessary investigation into the matter relating to the publication by "The New York Times" of the so-called "McNamara Study," which deals with United States-Vietnam relations during the period 1945 to 1967.

Daniel Ellsberg, Senior Research Associate, Center for International Studies, Massachusetts Institute of Technology, Cambridge, Massachusetts, admitted during a press conference on June 28, 1971, that in the Fall of 1969 he went to the head of the Senate Foreign Relations Committee to try to pass information to him but that he got nowhere. Ellsberg said this information was known only to him and a few others and was not public. He further stated that he made the decision completely on his own to give the information to "The New York Times," admitting that he was solely responsible for his actions and that he knew he was violating Defense Department regulations in doing this. He further indicated that during the preceding two-week period, when he noted that "The New York Times" had been stopped temporarily from publishing the material, "it was being made available to other newspapers."

Our investigation to date has developed substantiating information regarding Ellsberg's admissions. In addition, it has indicated that the fol-

lowing news media personnel have been involved in this matter.

Cornelius M. Sheehan, usually referred to as Neil Sheehan, is "The New York Times" reporter whose by-line appeared on the articles based on the "McNamara Study" which appeared in "The New York Times."

His wife, Susan M. Sheehan, who has also utilized the name Susan Dowling, has claimed to be a reporter for "The New York Times," although this has not been substantiated by investigation. Neil and Susan Sheehan arranged for and participated in the copying of what appeared to be Xerox copies of some of the classified material appearing in the "McNamara Study" at two separate duplicating firms in Massachusetts, one located in Bedford and the other in Boston. This duplicating was done during the period March 21-23, 1971.

William Kovach, a staff reporter for "The New York Times," is possibly identical with an individual who on March 21, 1971, arranged by telephone for Susan Sheehan to have a large duplicating job done at the firm in Bedford. The caller identified himself as Bill Kowich (phonetic) of Carlisle, Massachusetts, and conveyed the impression that he had used the services of this firm as a representative of the military at the Hanscom Air Force Base in Bedford.

Between the time that Neil Sheehan duplicated the documents mentioned above and the time of the publication of the first material based on the "McNamara Study" in "The New York Times" on June 13, 1971, arrangements were made for three staff writers of "The New York Times" to work with Sheehan in the preparation of material for publication. They were reported to have worked secretly in a suite in the Hilton Hotel in New York City. These staff writers have been identified as E. W. Kenworthy, Fox Butterfield and Hedrick Smith.

Aside from "The New York Times" personnel, our investigation has indicated that Lloyd Shearer, West Coast Chief of "Parade Magazine," a Sunday newspaper supplement, published the earliest comment regarding the existence of the "McNamara Study." Recent developments have indicated that he was a close associate of Daniel Ellsberg in California. Within the last two weeks, he has attempted to cultivate the friendship of Daniel Ellsberg's divorced wife, Carol Ellsberg.

Anthony J. Russo, Jr., a long-time associate of Daniel Ellsberg who worked with him at Rand Corporation, Santa Monica, California, is reported to have assisted Ellsberg in making copies of material from the "McNamara Study" during the Fall of 1969. Russo was served with a subpoena on June 22, 1971, to appear before a Federal grand jury in Los Angeles, California. Our investigation has shown that he immediately consulted with Lloyd Shearer and sought his advice. Shearer recommended that he select as his attorney Mr. Joseph Ball, a prominent California lawyer who was Senior Trial Counsel of the President's Commission to Investigate the Assassination of John F. Kennedy. On the advice of Mr. Ball, Russo appeared before the grand jury on June 24, 1971, and refused to testify on grounds that he might incriminate himself. Arrangements were then made to grant him immunity from prosecution but he again declined to testify and contempt charges were placed against him. Mr. Ball claimed the immunization was invalid, but at a hearing on July 2, 1971, the contempt charges were upheld, with execution of sentencing

postponed until July 7, 1971, to permit Russo to file an appeal.

In view of the injunction proceedings instituted against "The New York Times" and other newspapers by the United States Government, which matter was resolved by the Supreme Court last week, our investigation into the facets of this matter relating to news media personnel has necessarily been on a most discreet basis. We are now proceeding with intensive investigation into all phases of this case and you will be kept advised of our progress.

Sincerely yours,  
J. EDGAR HOOVER

"Eyes only" memorandum from Charles Colson to John Ehrlichman, July 13, 1971:

Memorandum For: John Ehrlichman  
From: Charles Colson

Subject: Further on Pentagon Papers  
Per our conversation last week I have briefed Howard L. Smith on the "reasons" as to why the Justice Department had to bring the case in the Pentagon Papers. I have also gotten this out to Jerry terHorst.

This was based on the documents you and I talked about. I, of course, did not get into certain key specifics, but I was able to get across the general framework of the paper involved. It had an enormous impression on both of them. Smith wants to try to tie it together as a commentary, if it can be tagged to some news event in the near future. I think we will see some playback from this that should be very helpful in getting across our point as to why the Justice Department moved as it did.

During the conversation with Smith he asked whether there was any truth to the fact that the Pentagon Papers were delivered to the Soviet Embassy. I told him that I had heard this, but that I could not establish it as fact. As you and I know there is truth to it. Laskey wrote a column about it which got the predictable reaction because of the author. Smith said that if it is true he would like to use it. My question to you is, do we want him to? It could be a helpful story as we develop the Ellsberg conspiracy.

I am making contact with the key Eichord staff member in the morning and will report the progress to you.

Hunt is with Lansdale. We will need the signal from you as soon as possible whether any of that information should be let out. We will also need to think about Conein's status, i.e. do we put him under wraps? There are some very strong arguments on both sides of that question.

I have the Hunt Cuban memoirs which are fascinating and will proceed with your suggestion. At some point we will have to clear with the CIA which has one copy.

I touched base today with Mardian on the Hoops question. That's it for the moment on this end.

cc: H. R. Haldeman

White House memorandum of conversation from a meeting of the Subcommittee of the President's Foreign Intelligence Advisory Board, July 14, 1971:

Board Members present were: Franklin Lincoln, Gordon Gray, Dr. Baker.

Members of the PFIAB staff present were: Byers, Achstelle, Burke. In addition, Russ Ash of the FBI sat in.

Fred Buzhardt, Counsel to the Defense Department, and Mr. Mitchell from NSA briefed in the morning between 10:00 and 11:00 and then George

Carver from CIA briefed from about 11:00 to 12:30, along with Mr. Huston, Counsel at CIA, and Armand Guise Deputy Director of Security.

Much of the material covered by Buzhardt, Mitchell, Carver, Guise and Huston was given to me the previous day in my talks with them individually. Various questions which were brought up by the Board Members, however, have been noted below in case they might generate ideas or leads for us in our overall project. The most persistent questioner and most concerned to me seemed to be Gordon Gray. He said that he wanted everyone first to know that he was a trustee with Brookings and that soon he would be going on the Executive Committee. He found this whole episode very disturbing and he wasn't too sure about his own position and whether there was a conflict of interest with his learning about the participation of Halperin and Gelve who are now at Brookings and their role in the study itself.

Questions addressed were as follows:

Why were the Pentagon Papers given to Rand?

Who paid for the study itself?

Was Rand paid for its own study on the Pentagon Papers?

Were the Pentagon Papers themselves done wholly within the Defense Department?

Buzhardt, in response to questions, said that the study was transmitted to Rand by former government officials after they had left. Gray said that he never ever, ever, can recall any such transmittal of security classified documents before. Buzhardt also said he did not know whether there were any copies at Brookings. He confirmed that all copies were delivered after the change of Administrations. They were not delivered to the State Department as such, but to individuals in the State Department.

Who was the courier? Buzhardt said that we did know who he was.

Did Clifford know about it? Buzhardt said, "Yes, he did."

McNamara's copy went to the Archieves in the summer of '69 and to his office in October, '69.

Was there any paper or evidence exacting what the task force was to do? Buzhardt—"No, there was no paper. It was done by word of mouth, but there is no doubt that they had complete access." Buzhardt added that one of the projects he was undertaking was to find out all of the material that the Task Force had access to.

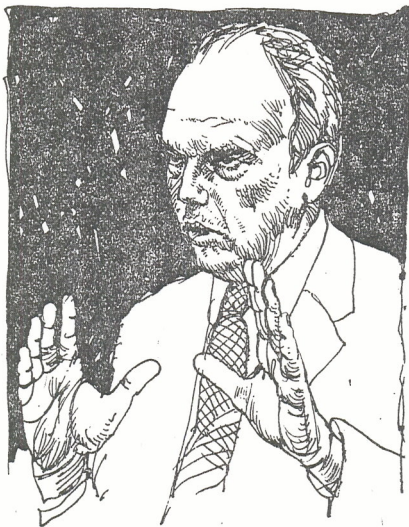
On the question of the 38, 43-47 volumes, Buzhardt noted that the last four volumes of the 47 volume set, except for the 47th which was an index, were in the 38 volume set.

Gray asked what did Buzhardt think McNamara's motives were. Buzhardt said that he had been told that Mc-

Namara never really intended any writing and there are indications that he never opened the boxes until the story broke in the Times.

Buzhardt also noted that in the Court case, it had listed six super sensitive items which would be damaging to the government in a very critical way. The Post complied with this list and did not publish any. However, the Times did publish some. NOTE: The New York Times filed in the Court case, a list of the articles which they have published which have classified documents just to show that it was a normal and routine procedure. NOTE: We better get a copy of this and look for a pattern.

Gordon Gray then told a story in-



Sketch by David Suter for The Washington Post

volving Kay Graham and Scottie Reston in a conversation the Saturday night before the New York Times published its first Sunday article, in which it was clear that the Post was completely unaware of the study and of the upcoming articles.

Buzhardt also indicated that the Japanese had gotten a full set of the Papers before the New York Times article was published.

#### Carver Briefing

There was no written message from McNamara to CIA, only an oral message from McNamara to Hand, CIA liaison. And Hand wrote a note to Helms, or possibly it could have been General Persley who spoke with Hand. NOTE: Follow-up required.

The first CIA set of documents was on June 21, 1971. The first day he got a copy was on July 1, 1971. Note also that FBI report on June 17, 1971, that on June 17, 1971, the Soviet Union Embassy here in Washington received 5,000 or 6,000 pages of the Pentagon Papers.

Carver's theory is that he thinks the whole thing was preplanned. The task force heads expanded their mandate, figured out how they would get out the papers, and still have access after they left government but without violating any technical regulations. Carver went through the damage assessments that CIA prepared which I had attached in my previous Memcon of my meeting at CIA. One critical one is the Soviet car radio intercepts which is mentioned in one of the 47 volumes but has not yet been printed.

Huston, lawyer from the CIA, then went through the legislation which they were examining and their recommendation that Title 50, Section 783b be amended to change "officer of foreign government" to "any unauthorized person." This would expand a crime to cover someone who is not an officer of a foreign government, such as a newspaper man. CIA has also implemented a new de-briefing item in which they demand any documents to be returned and in this way if any later documents are found, that person is deemed to be in unlawful possession.

In closing, Gordon Gray emphasized that he hoped that someone would be sure to be exploring who had delivered the papers to the outsiders and was that delivery authorized.

In the afternoon, Bob Mardian briefed the group on where the case stood. Bud Krogh attended. Nothing new was really discussed.

Memorandum from Charles Colson to H. R. Haldeman, June 25, 1971:

Subject: New York Times Article

Because I think that the New York Times/Kennedy-Johnson papers controversy is and will continue to be a very major issue with very important political ramifications, I think we should at each stage of the game very carefully assess where we stand, what our strategy is, short and long term, and we must be exceedingly careful not to overreact or to worry about the particular daily turn of events. This issue, in my opinion, has profound implications which could easily be extremely important, if not even decisive in the next election. Therefore, what happens tomorrow or even next week is of less consequence than how we play it over the long pull.

I think you know that I am very impulsive by nature. I tend to plunge hard into the issue of the moment and like to join battle on every hot topic that comes along. In this case, however, because I feel that the issues are so profound I am in effect advocating what is for me a very uncharacteristic caution.

Attached is a summary of where I think we stand at the moment, how I think the issues may develop and what some of their longer term implications are.

As Opinion Research has pointed out, this issue has not had the enormous impact on the public that one would expect from the intensive press coverage. To the extent that the public is aware of it, they do not understand the issues very well. I believe there are two perceptions:

1. We are against the press;
2. The government lies—more specifically LBJ and the Democrats lied us into Vietnam.

The heartland isn't really aroused over this issue. There is nothing like the Calley case here. People know there is a controversy; but they're not entirely clear as to what it is all about. Partisan Republicans don't quite understand why we are suppressing information that could be damaging to the Democrats; some people, I am sure, think that we are covering up our own failures and most importantly, no one

is really excited about what they regard as the leak of "ancient" documents. They do not understand the security issue (if on the other hand we prosecute Ellsberg and it becomes a notorious trial, this could spark a major readily understandable issue and a strong public reaction with our natural constituency rallying behind us.)

The Democrats are horribly divided on this issue. They are split, confused, angry and scrambling to get away from it. As of today, they are delighted that the issue is focusing on Nixon vs. the New York Times but most of them are very well aware that the major thrust of the controversy will eventually become the Kennedy-Johnson mishandling of the war as to which every possible Democratic candidate except McGovern, McCarthy, Bayh and Hughes stand to lose badly.

#### B. Nixon Vs. The Press Issue

Over the short term, this will remain a hot issue, but it will pass. After the court decision (regardless of the outcome) the vast majority of the people will forget it. The liberal press will keep bringing it up and will keep trying to knife us with it, but is it not the kind of an issue that will last. People just don't give a damn that we beat the New York Times in the Supreme Court or the New York Times beat us.

Those who believe we are anti-press will simply have their views confirmed even further, but most of those who

believe we are anti-press aren't with us anyway. Those who believe the press is biased and irresponsible will continue to think so.

The prosecution of Ellsberg could have some positive benefits for us in that if he is really painted as a villain, the fact that he conspired with the press and the press printed the documents that he stole, is bound to have a bad ruboff on the press. Once again, however, the issue is going to tend simply to confirm beliefs people already have; it is not likely to switch very many people.

As for the working press, as a result of this controversy, they will like us even less and that is the case whether we win or lose in the Supreme Court. The vast majority of the press are hostile to us; that is a fact, not just our paranoia. Yet we somehow manage to continue to maintain a solid base of popular support; hence we will survive the continued—yes, even aggravated—hostility of the working press.

On balance, therefore, I don't see any real gain or loss out of the press issue. The only way in which it hurts us is that for the moment, it obscures what are the real issues; that is, the Democrats' mishandling of the government during the Kennedy-Johnson years and the theft of classified documents. Hence, it is clearly in our interest to let this issue fade. The longer it remains around the longer it will take to get into the public's mind what we want to be the continuing issues that emerge from this controversy.

For these reasons, I would not recommend that we use the Vice President; that would only escalate the press issue. I would not recommend that we attack the press or that any Administration spokesmen attack the press. I would not even recommend that our supporters on the Hill start attacking the press because to do so would only keep the press issue itself alive. Let me qualify this by saying that I would prosecute any newsmen if that can be demonstrated (as in the case of Neil Sheehan perhaps) that they were conspirators in the theft of these documents or that they conspired in having them reproduced. It is worthwhile to paint an individual bad if it is part of the prosecution of a natural enemy like Ellsberg.

There are two points that we must make with respect to the whole press issue. We must make them through our most effective spokesmen and make them often enough so that we're sure that they are reasonably clear in the public's mind. We can then let the rest of the issue go away.

1. This Administration cannot allow stolen documents to be distributed, printed in the press, etc. Classified documents are classified for a good reason. Admittedly the government may overclassify. But we cannot risk having anyone take the law into his own hands to make that individual judgment, in effect to put himself above the law because one document could endanger lives—many lives.

2. The Government has a duty to enforce the law. When once the press was warned not to publish and then said that notwithstanding that warning it was going to publish, the Attorney General had no recourse but to bring the action he brought.

These two points need to be articulated very clearly, very crisply, very simply very nonlegalistically. Several of our spokesmen can make the point. Klein does it very effectively when he goes around the country; Rogers is an excellent person to make the point (and we might get him to once the issue quiets down); the Attorney General can make this point as well. We should endeavor to get responsible lawyers around the country making the point. Professor Freund's argu-

ment in today's New York Times is very helpful. Finally the President should make these two points and just these two points, either in an address to the nation or in his next press conference. At the moment, I am very much inclined to think that an address to the nation would over-escalate the press issue and involve us much too deeply in the whole controversy. I think a press conference will probably be a far more desirable opportunity.

Over the long haul, we might well consider recommendations like Scali's that the President meet with a selective group of newsmen, perhaps the leaders of Sigma Delta Chi and the American Society of Newspaper Editors. These are things that can be done once the issue is quiet. They should not be done while the issue is hot because they will only escalate it and give the appearance that we are dealing from a position of weakness. In the course this can be done, both to get a better understanding, face to face, with journalists and also to demonstrate that we are not "anti-press."

Further we can continue to push declassification and declassification practices and procedures. For example, at the right time an executive order or a clarifying memorandum pointing out the document should not be classified unless there is a real national security reasons will help make the point with

the public that we do believe in the "right to know". Once again these should not be done now; they would only escalate the issue and would only appear to be reacting. We should over a period of time prove that we believe in the right to know by what we do. It is more important than what we say.

#### C. Credibility of Government (And the Democrats in Particular)

In my opinion, most people do in fact associate the Kennedy-Johnson papers with the Democrats. It is true that the issue is blurred; it is true that people believe that we are covering something up; partisan Republicans complain repeatedly that they can't understand why we are covering up Democratic papers and, of course, finally this has an impact the office of the Presidency, its credibility and the credibility of government, generally.

As for the credibility of government, a case can be made that it has already reached its low point. This incident simply confirms what many people think anyway. According to Lou Harris' theory (and Howard Smith's interestingly enough) at least 50% of the American people at least will always believe what any President tells them because they want to believe what any President tells them. If the President goes on television and makes a flatout statement, people tend to want to believe it. They will still answer questions in polls that the government is not telling them all that it should or all that it knows, but they nonetheless will believe the President. I question, therefore, whether this incident has caused any further serious erosion of Presidential credibility—maybe some but not a great deal—and there are ways we can rebuild President Nixon's credibility. Indeed this incident may offer us an opportunity to do so by deed rather than by words.

For example, if we were to release authentic documents that demonstrate how the President arrived at his change in Vietnam policy (for example, a study of decisions leading up to the November 3 speech) we would not have to say that we are being candid, that we are not covering up, we would prove that we are not. The more we talk about the fact that we are telling the truth, that there is no "credibility gap," that we are not misleading the people, the more people tend to be sus-

icious. In other words, talking about the fact that we are telling the truth, may in actual fact, be counterproductive. But doing things that demonstrate that we are telling the truth and that we have been telling the truth can be very powerful. The Kennedy-Johnson papers give us a real opportunity in this regard in that it permits us to do things that will be in vivid, sharp public contrast with the whole Kennedy-Johnson affair.

Further, we must make every effort to keep ourselves out of the controversy over the Kennedy-Johnson era. We must not attack LBJ; we must not defend LBJ; we must subtly, and very effectively encourage and fuel the division within the Democratic ranks without getting caught, because that simply would inject us back into it.

If we keep ourselves out of the fight over the Kennedy-Johnson papers and the issues they raise and at the same time demonstrate not by words but by deeds, our own candor and credibility, then it is my opinion that the President's credibility and indeed the government's credibility can be enhanced by this entire episode, rather than hurt by it. We can be the ones that restored credibility, honesty and candor to government and the contrast with the prior Administration is very dramatic and effective.

#### D. The Ellsberg Prosecution

There is another opportunity in this whole episode, that is the prosecution of Ellsberg. It could indeed arouse the heartland which is at present not very excited over the whole issue.

First of all, he is a natural villain to the extent that he can be painted evil. We can very effectively make the point of why we do what we did with the New York Times; we can discredit the peace movement and we have the Democrats on a marvelous hook because thus far most of them have defended the release of the documents. If we can change the issue from one of release of the documents to one of the theft of the documents we will have something going for us.

Secondly, a prosecution of Ellsberg can help taint the press (to the extent that in fact helps us). If he indeed conspired with members of the press and he is painted black, they too; will be painted black.

Third, this is a clear, clean, understandable issue. People can relate to it.

Fourthly, the prosecution of Ellsberg protects the credibility of our case against the New York Times. It will dramatize why we had to go to court, it will make the case clear to the public that the release of classified information can be harmful.

Fifth, it helps keep the whole Kennedy-Johnson papers issue very much alive and on the front pages.

Finally, this is a motivational issue, particularly if the Democrats are foolish enough to defend him.

#### E. Keep the Democrats Divided and Fighting

This should happen anyway but we would be foolish to simply lie back and assume it. We should ensure in subtle way that it happens. This needs to be planned out with great thoroughness and executed with utmost care. The greatest risk would be to get caught in what we are doing or to have our efforts become obvious. I have not yet thought through all of the subtle ways in which we can keep the Democratic party in a constant state of civil warfare, but I am convinced that with some imaginative and creative thought it can be done.

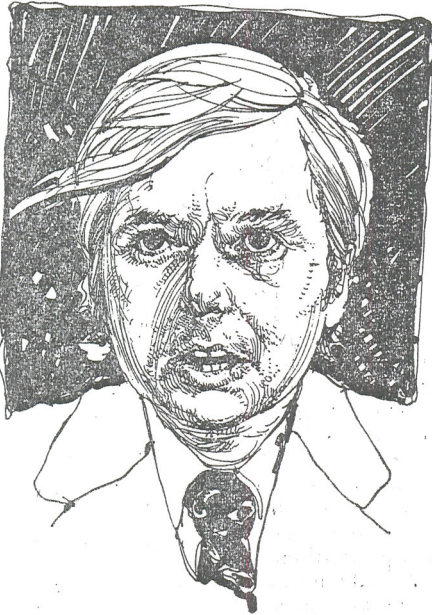
Some examples do come to mind. The continued release of documents will keep the issue very much alive. We might of course orchestrate carefully and quietly a defense of LBJ; to the extent that his stock rises those

who have now disowned him lose a valuable constituency. We could of course plant and try to prove the thesis that Bobby Kennedy was behind the preparation of these papers because he planned to use them to overthrow Lyndon Johnson (I suspect that there may be more truth than fantasy to this.)

The Ellsberg case, if pressed hard by us, will of course keep the issue alive. Developing the case factually of why the President changed the policies will continually bring the papers them-

selves back into the public spotlight.

We should encourage, not discourage, the Hill from carrying on intensive hearings and well publicized hearings over the Kennedy-Johnson papers and over how we got into Vietnam. If the Hill during the Fall makes a major production out of an investigation of why we got into Vietnam at the same time the President is winding the war down in Vietnam the contrast is once again very vivid. We don't need to spell it out; the public is smart enough to see on the one hand the horrors; of how we got in and on the other hand, the skill with which the President is managing to get us out. I realize that Kissinger and others in the establishment at State and Defense will fight hard against these hearings. In my



Sketch by David Suter for The Washington Post

view, it can be in our political interest that they go on and be well publicized.

We can, of course, play up the Humphrey and Muskie comments of recent weeks which as time passes are going to look more and more stupid.

We can encourage through our political operation resolutions in various Democratic state conventions, damning the Johnson-Humphrey Administration and denouncing the Humphrey-Muskie ticket which ran in 1968 — defending the Johnson Administration.

In short, there is a wide open political field which we can exploit if we play it right and keep ourselves out of it.

#### F Conclusion

In recent days, an interesting collection of people whose political judgment I respect, have separately stated that they believe this incident has re-elected the President. While this is an obvious overstatement it does show how strongly people believe the politics of this issue will cut. People who have said this range from Lou Harris on one end of the spectrum to Bill White on the other, with Dave Bradshaw and a few of my liberal congressional friends tossed in the middle. (Bradshaw by the way is a very shrewd

politician with excellent political instincts, whose judgment I have always found to be very close to the mark.)

In short, I think it is very clear that there are profound political implications, that this offers us opportunities in ways we perhaps did not initially appreciate, that we can turn what appeared to be an issue that would impair Presidential credibility into one that we can use by effective contrast to improve the credibility of this Administration; and further, that it is a tailor-made issue for causing deep and lasting divisions within the Democratic ranks.

For this reason, I feel that we must not move precipitously or worry about tomorrow's headlines. We must keep our eye on the real target: to discredit the Democrats, to keep them fighting and to keep ourselves above it so that we do not appear to be either covering up or exploiting.

The foregoing thoughts need a lot of refinement, need to be sifted carefully through the staff, need a lot of creative input added and then our strategy needs to be very carefully executed. While I detest the term, this is one issue that calls for a full fledged, carefully thought out "game plan" that we pursue to the hilt.

"Eyes only" memorandum from Charles Colson to H. R. Haldeman, July 2, 1971.

Subject: Possible Candidates

In addition to Howard Hunt, I have some other possible candidates. Russ Blandford is a real pro, totally loyal, very knowledgeable and would probably relish this assignment. He is presently Staff Director of the House Armed Services Committee (although he is a Republican). Blandford is now in his early 50's and has been sick with a kidney infection, but I assume this is only temporary. He is tough as nails and very discreet.

I assume someone has also thought of Deke Deloach who is now at Pepsi Cola and whom Kendall might loan us. I do not know why Deke left the FBI. I suspect because he saw no promotional opportunity. At one time he was very high on Hoover's lists; I do not know how he stands at the moment. He is a really shrewd operator.

A third possibility would be Ben Gilles on the staff of the Senate Armed Services Committee. A professional investigator with the FBI, nowhere near as bright as Blandford, but a good, plodding, effective guy (He could work under someone, but I doubt that his personality would make it with the President's; Blandford's would).

In addition to Mardian, one who you've thought about (it would seem to me he would have to move out of Justice), there is also the possibility of Pat Buchanan. Steve Karalekas, who is now in my office, is a hard line writer and might take over some of Buchanan's stock, if Pat will put on this full time.

As for Hill types, someone should also consider Sam Stratton. his is just his meat. He is articulate and ambitious and although he is a Democrat, he's totally on our side on these issues.

Memorandum dated July 2, 1971, to

Continued From Preceding Page

FBI director from Assistant Attorney-General Robert C. Mardian, stamped "secret":

Daniel Ellsberg is under indictment for violation of 18 U.S.C., 793 (e) and other sections (espionage). It is anticipated that his defense counsel will file

a motion to produce all evidence obtained by electronic surveillance.

Therefore would you please supply us with electronic surveillance information on the above named individual, following the form given in the memorandum from Assistant Attorney General Will Wilson to you dated April 16, 1969, captioned "Electronic Surveillance, (deleted) et al."

In addition, should your files reveal the individual or the premises in which he had a proprietary interest was subjected to electronic surveillance, we would appreciate your furnishing us with the following:

1. Logs disclosing the conversations of the defendant and logs of any of the premises in which the defendant is or was the owner, lessee or licensee.

2. Any airtels which expand or summarize the portions of the logs disclosed unless fully reflected in the log itself.

3. Any memoranda, including reports to the Department of Justice, which expand or summarize the portions of the logs mentioned above or which demonstrate pertinent leads which may have come from the electronic surveillance.

If your records indicate that the individual has used names other than that given, please check your electronic surveillance indices with respect to the additional names.

Finally, please refer to the Attorney General's memorandum of July 14, 1969, captioned "Electronic Surveillance" outlining certain procedures to be followed to insure against the monitoring of defendant's attorneys or defense strategy conversations in connection with the Dellinger prosecution in Chicago. As Ellsberg is under indictment, similar procedures should be instituted by your Bureau with respect to the monitoring of future conversations of Ellsberg and any conversations, between any two persons, relating to defense strategy.

Because of the pendency of court proceedings we ask that you handle this matter as expeditiously as possible.

Memorandum from Charles Colson to John Ehrlichmann dated July 6, 1971, stamped "eyes only":

I have just had another conversation with Buchanan who very strongly believes that he is not the man for this project. I doubt that I am going to be able to persuade him. I think it will take something from you or the President.

We probably should also think carefully whether in this frame of mind, he is indeed the right person.

I have had a long talk with Howard Hunt who is dying to get with it and will drop everything if we ask him to. I really think you perhaps should spend a few minutes with him to assure yourself as to the kind of man we're getting.

Memorandum from Patrick Buchanan July 8, 1971:

Neil Sheehan, at the time of Dick Dudman's capture by the VC sent a telegram to Hanoi all but saying let him go, "Dudman is on our side." Our intelligence intercepted this—and this could be utilized.

Fox Butterfield has visited Hanoi—I just read a particularly slobbering piece by him out of the enemy capital which is being run in Edith Efron's new book on the media.

If Ellsberg is from MIT, his connections with Noam Chomsky might be explored.

In the last analysis, however, the

permanent discrediting of all these people, while good for the country, would not, it seems to me, be particularly helpful to the President, politically.

Portion of H. R. Haldeman testimony July 31, 1973, before Senate Watergate Committee:

Mr. Haldeman. I was aware that such a unit was set up, at the President's request, yes.

Mr. Dash. And did you know who was put in charge of that?

Mr. Haldeman. I think that David Young of the National Security Council staff and Bud Krogh of the Domestic Council staff were the principal men assigned to that work.

Mr. Dash. Mr. Wilson, if we can have that memo back, we will make a Xerox copy for you.

You say Mr. Krogh was taking general supervision with Mr. Young in that area?

Mr. Haldeman. I knew that Krogh and Young were assigned to this responsibility. I do not believe I know, or knew at the time, who was over whom.

Mr. Dash. Did you know that Mr. Hunt and Liddy took a part in the role of the so-called Plumbers?

Mr. Haldeman. I guess so; it is hard, now knowing it so thoroughly through testimony here, to know whether I specifically knew they were, as those two names were involved in this assignment at that time or not.

Mr. Dash. Well, is it your testimony, Mr. Haldeman, that in your role as chief of staff, where you certainly had administrative responsibilities over everything that was going on in the White House, office space, and where the telephones would be set up and things like that, that an operation of this kind, a special investigative unit would not come to your attention, so you would know who was involved, who the staff people would be, who would be working, who would be on its payroll?

Mr. Haldeman. No; I would know that such a unit existed but this unit was set up as an internal unit using as the two principal staff people, people that were already on staff. This wasn't an addition to staff. This was a reassignment of people, one on Dr Kissinger's staff and one on Mr. Ehrlichman's staff, to a special project. That

was done very frequently and probably most of the time without my knowledge because these were assignments that would come and go.

Mr. Dash. Well, if new people were brought on the staff like Mr. Hunt or Mr. Liddy, wouldn't you have to know about that as the Staff Director?

Mr. Haldeman. Not necessarily by name. If they were brought on without an existing budget, each division within the White House—the White House budget was broken down by divisions within the White House and each division had an individual responsibility for it. In addition—I don't know if this was true at that time but at some point in time the domestic council, Mr. Ehrlichman's area, had a separate budget, funded separately by the Congress, not from the White House budget. So any activities of the domestic council or conducted within the domestic council budget I would very frequently not be aware of at all.

Mr. Dash. Well, you knew at least Ehrlichman.

Mr. Haldeman. The same would be true of the National Security Council budget which was also separate

Memorandum from Charles Colson to John Ehrlichman dated July 14, 1971:

I met today with Bill Hecht who is a Republican hard-liner, but very close to Ichord. He has been temporarily placed on the staff of the House Internal Security Committee. From all I know, Hecht is very reliable. Most importantly he is very much in sympathy with what we would like to do with the Ellsberg conspiracy issue.

The purpose of the meeting was to explore with Hecht whether he could act as the principal coordinator from the Hill end on the Ellsberg operation. He would be the contact through whom Hunt would feed material and in turn he would see that Ichord, Fletcher Thompson and others used it properly.

Hecht was enthusiastic over the prospect, is all for it, believes a case can be made and is in all respects a good Hill counterpart for the Hunt operation. Hecht tells me, however, that the week after he joined the Committee staff, Ichord reached the decision definitely to run for Governor of Missouri. Ichord is not worried about the general election because he gets significant Republican and conservative support. He is worried about the Democratic primary and is, therefore, very reluctant to start any sensational HISC hearings. Hecht tells me that the argument the hearings would "make" him as Governor fall on deaf ears. Ichord has to appeal to the liberals and if he gets by the nomination, he feels he has already made the governorship.

Hecht says, however, that Ichord is the first and foremost a patriot and

that if the President personally were to tell Ichord that this was a matter "important to the national security" Ichord would order the hearings immediately, notwithstanding the impact it might have on his chances for the governorship. Ichord also has planned a full month of campaigning in Missouri during August, but again would cancel this and hold the hearings if he were to receive such a phone call. August would be ideal from every standpoint; more importantly the Committee could dominate the media since Congress will be out of session.

The Ichord attitude raises some very serious questions. First, I would be personally reluctant to recommend that the President make the call unless he could cover it in such terms that it would never come back to haunt him. Secondly, we must be certain that we have a very good case to give Ichord. If we were to really twist his arm and one way or another get him to hold hearings and then couldn't supply him with a lot of information, there is a risk that he would bounce back at us very hard and the whole exercise could backfire.

We have a number of options at this point. We could go to another committee. Hebert of the House Armed Services Committee might be prevailed upon to set up a Subcommittee under the Chairmanship of Samuel Stratton. We could place a couple good investigators on it and carefully select the hord or try for Sam Stratton and the membership and probably get the desired result. We could continue to press the Ichord prospect or we could move over to the Senate and work through Eastland.

I think what is urgently needed is an assessment of how good our information is and how effective we think we can be in putting our case together. After that judgement is made, then decide whether we should press for Ichord.

This may be academic in view of Mardians' call to me tonight?

In any event, I think we need to make some basic decisions and get this rolling or we will lose the August recess opportunity.

This may be academic in view of Mardian's call to me tonight?

Memorandum "for the record" by David R. Young, dated July 20, 1971, concerning meetings with Fred Buzhardt and other Department of Defense officials:

My objective was to gain an overview of exactly what Defense was doing in connection with the Ellsberg case and related matters. Specifically, the whole question of security in the aftermath of the Pentagon Papers.

The following are points discussed or issues raised in the course of the meetings.

1. Buzhardt said that the meeting between Mardian, Macomber and Congressmen Hebert and Arends went well:

A. The Congressmen were willing to pursue the idea of an investigation.

B. The mechanics were worked out; mainly that the Hebert-Arends Subcommittee of the House Armed Services Committee would begin a rather low-key investigation into the question of security as a result of the resolution which they had introduced—beginning with the subjects of why documents need to be classified, who classifies them, etc. The inquiry would then become more specific with as much being held in the open as possible. It was agreed that we would set the format.

C. We would supply the substantive data and the scenario.

It was generally agreed by all that it would take at least 30 days to crank up the material necessary for this investigation.

2. The Defense analysis and investigation team on this matter involves about 40 persons full time. The analysis team is basically trying to find out:

- what documents were used in the published papers;
- who prepared those documents;
- who their superior was;
- who had access to the documents;
- who controlled them;
- what parts were printed in what newspapers.

Points 3 through 7 omitted to condense.

8. On April 27, 1970 (?) (Rand-Rowen) was told by the FBI that Ellsberg was copying classified material.

9. Some of the problems cited by Buzhardt who made it clear that the case gets more confusing as you go deeper into it.

A. Cannot find original, although there was testimony in Boston Grand Jury by one of Xerox operators that some of the documents were originals.

B. Some of the papers listed in the New York Times index are not in 47 volumes study and have not been located elsewhere e.g. LBJ internal commitments section.

10. Rand has apparently prepared a "White Paper" setting out their account of what happened but according to Buzhardt, no one would agree to sign it.

11. The Defense Supply Agency, DSA, has spent two weeks in the Rand facilities and a good portion of the above findings were in their preliminary briefing given this morning.

12. There is the school of thought that McNamara never considered the study and that it was surreptitious operation from the beginning. McNamara simply wanted all documents collected. There are interim reports, however, there is no indication that McNamara

ever saw them.

The last half hour of our discussion involved an argument over my request for copies of various papers which I had read there (discussed above) and Buzhardt's refusal to let me have same.

I suggested that he clean-up his Defense Supply Agencies' briefing to his satisfaction and get us copies as soon as possible.

He said he would have to send it through Laird. I said I didn't care how just as long as it was sent right away. We also discussed the possibility of having our man meet with investigators during regular meetings. I said I would let him know on this.

*Memorandum from Charles Colson to John Ehrlichman July 26, 1971:*

I noted in the News Summary that the funds for the Senate investigation of the origin of the Vietnam War/Pentagon Papers have been cut from a requested \$250,000 to \$100,000.

In my opinion, the Democrats are getting wise to the fact that any inquiry into the origin of the Vietnam War can only hurt the Democrats. I would not in the slightest be surprised to see a continuing effort to downplay the hearings that a few weeks ago all of the Democratic senators were so eager to undertake.

It is clearly in our interest to see that hearings are held and that they are extensive and well publicized.

If you concur, perhaps Clark MacGregor should have some quiet meetings with the Republican Leadership with a view to insuring that our best political interests are served.  
cc: Clark MacGregor

*Transcript prepared by the impeachment inquiry staff for the House Judiciary Committee of a recording of a meeting among the President, John Ehrlichman and Egil Krogh, July 24, 1971:*

Ehrlichman: Sir, Bud (Krogh) is here and, uh, has staff information on this leak.

President: Right. Just a second (unintelligible). Just got to talk to the guard a bit. All right. (President leaves room.)

Ehrlichman: I think that's the place to start, is to hit this guy.

Krogh: And hit him very hard in the next day or two.

Ehrlichman: Well,

Krogh: I don't know why—

Ehrlichman: today,

Krogh: anybody can institute it.

Ehrlichman: today—Yeah, get him in and polygraph him. Take it over, and then, uh, if you don't immediately get a confession from him, start with Henderson.

Krogh: Okay.

Ehrlichman: Do you agree with that?

Krogh: Yes I do. It's, uh—Haig said that you'll get resignations and you'll get legal action. If you do it this way. He said that—

Ehrlichman: En masse?

Krogh: En masse.

Ehrlichman: Well, we're only going to do, what, twenty—

Krogh: Twenty, twenty or thirty people.

Ehrlichman: Yeah.

Krogh: Might be thirty.

Ehrlichman: Yeah.

Krogh: He said you could influence ten to fifteen people that will resign. We don't know these people.

Ehrlichman: In State or in Defense?

Krogh: He didn't tell me exactly where. Just be aware of what will happen.

Ehrlichman: Yup.

Krogh: And (unintelligible) came

back, back with us.

Ehrlichman: Oh.

Krogh: You know, and said, "All right," he said, "we've got a prime suspect." I said, "Fine, let's start there and let's just grill the hell out of that guy and people around him in that one unit."

Ehrlichman: Um huh.

Krogh: It's Van Cleve right now.

Ehrlichman: What does he do?

Krogh: He didn't tell me, yet. (President returns.)

President: Oh, come in Bud.

Krogh: Yes, sir.

President: What's the dope?

Krogh: Well, we've got one person that comes out of DOD according to Al Haig who is the prime suspect right now. A man by the name of Van Cleve who, they feel, is very much the guy

that did it. He spent two hours with Beecher, apparently this week. He had access to the document. Uh, he apparently has views very similar to those which were reflected in the Beecher article. And, it would be my feeling that we should begin with him and those immediately around him before going to a dragnet polygraph.

President: Okay.

Krogh: with the other people.

President: Right.

Krogh: If he doesn't pan out—then to move on to the rest.

President: Polygraph him.

Krogh: Yes, sir.

President: You understand.

Krogh: Yes, sir. I do.

President: Well, uh, uh, are his views what—hawkish or dovish?

Krogh: Well, Haig was not able to tell me at this point. This is just what they got from, from his man over in DOD. That they've got this man nailed down, but they didn't give me substance.

President: Now, has he leaked before, or something?

Krogh: They don't know that either.

EHRlichman: We're, we're taking this hearsay, about twice removed.

KROGH: That's right.

EHRlichman: No, will he say —

KROGH: (Unintelligible)

PRESIDENT: I don't care whether he's a hawk or a dove or a — If the son-of-a-bitch leaked, he's not for the government.

KROGH: Sir.

PRESIDENT: Uh, that's it. Is he an appointee? Or, uh —

KROGH: Sir, I, I don't

PRESIDENT: Fine.

KROGH: have a lot more than this.

PRESIDENT: All right. Now, I want you to get over there; I want to get over there, but I don't want any ifs, ands or buts. But, if Van Cleve answers questions you can say, "All right, we're going to give you a polygraph." That's orders. Fair enough. I've decided something on the polygraph thing, John, today, and it makes more sense. Trying to get a million people to — Are there a million that have TOP SECRET clearances in government?

EHRlichman: No. Not that many.

PRESIDENT: Well — four hundred thousand?

KROGH: Yeah. Yeah.

EHRlichman: I would say in the neighborhood of three.

PRESIDENT: All right.

EHRlichman: four, five.

PRESIDENT: Fine.

EHRlichman: thousand.

PRESIDENT: Here's what I want. I believe that what we have to do, first with regard to all, all the people of, uh, uh, uh, li—, little people do not leak.

EHRlichman: That's right.

PRESIDENT: This crap to the effect: Well, a stenographer did it, or the waste pap—, paper basket did it.

it's never that case. I've studied these cases long enough, and it's always a son-of-a-bitch that leaks. You agree or not?

EHRlichman: In that judgment —

PRESIDENT: (Unintelligible) or, uh

EHRlichman or KROGH: Oh, sure.

KROGH: Sure.

PRESIDENT: Yeah. Yeah. Sure, they're, they're (unintelligible). So, what I plan to do is to have everybody down through GS something or other, you know, in the foreign service and so forth and so on, and, uh, uh, and, and you know what I mean.

PRESIDENT: Here, in Washington, and just in Washington, I want all of them who have TOP SECRET clearances. It means if we can get them to, to agree to take a polygraph. Then—

EHRlichman or KROGH: I think

PRESIDENT: And maybe another approach to it would be to set up and remember I already mentioned to set up a new classification.

EHRlichman: Right.

PRESIDENT: Which we would call what? Let's just call it a new classifica-

— Don't use TOP SECRET for me ever again. I never want to see TOP SECRET in this God damn office. I think we just solved — shall we call it

—Uh, John, what would be a good name? "President's Secure —" Or, uh

— "Eyes Only" is a silly thing too. It doesn't mean anything anymore. Uh—

KROGH: We used "Presidential Document" before with one of the counsel we were working with, but that didn't

— There's some —

EHRlichman: How about — Uh, uh, looking forward to the court case, I wonder if we could get the words "National Security" in it.

PRESIDENT: Yeah.

EHRlichman: So that "National," uh, just say "National Security Classification" or "National Security —

KROGH: (Unintelligible)

EHRlichman: "Secret" or uh —

PRESIDENT: Well, uh, not the word "Secret" should not be used.

EHRlichman: All right, uh, uh—

PRESIDENT: Because you see

"Secret" has been now compromised.

EHRlichman: How about

"Privilege"?

PRESIDENT: "Privilege" is, is not strong.

EHRlichman: Too soft, too soft.

PRESIDENT: "National Security —"

uh, "National Security—" uh—

EHRlichman: "Restricted."

"Restricted."

PRESIDENT: Right. "National Security—" and, uh — I agree to "National,

Na—, National Security—"

EHRlichman: "Restriction"?

PRESIDENT: "Priority."

EHRlichman: "Controlled"?

PRESIDENT: Or "National Security" — "Priority" — "Restricted" —

"Controlled."

EHRlichman: Oh, we'll — Let us

work on it.

PRESIDENT: What I am getting at

is this: I want a new classification for

that purpose and everything that I

consider important, and only those

things I consider important will have

that classification. Then on that classification every document that is out is

to be numbered. You see what I mean?

EHRlichman: Um hm.

PRESIDENT: There's the — and the

people — so that we'll know what people

have it. Now the fact that a hundred

had this is — was terrible. That

— and I want to find out why a hundred

had it. Henry grumbled around

and said, "Well, who we going to clear

it out with?" Well, God damn it, I'd

told them two weeks not to put this

out. See, Haig didn't follow up on it.

Nobody follows up on a God damn

thing. We've got to follow up on this thing; however, we uh, we uh, we had that meeting. You remember the meeting we had when I told that group of clowns we had around there. Renschburg and that group. What's his name?

EHRlichman: Renschquist.

EHRlichman: Rehnquist.

EHRlichman: Yeah.

PRESIDENT: I said, "Look, let's limit the number of people." What have they done about limiting the number of people?

EHRlichman: Oh, they're, they're at work.

PRESIDENT: What have they done about limiting—

EHRlichman: They're going to come back at you with a whole new class—

PRESIDENT: Good.

EHRlichman: —fication scheme.

PRESIDENT: Right.

EHRlichman: In this, but in this

PRESIDENT: What I'm getting at is this —

KROGH: Haig confirmed this morning that they're doing this

PRESIDENT: Yeah.

KROGH: (Unintelligible) the thing with, uh —

PRESIDENT: Good. What I want them to introduce, what I want with this, what I want, what I want with the polygraph — I, uh, uh, is — You put your finger on the real problem. A person in government or a person who has access to TOP SECRET can refuse to take a polygraph. Nobody is to have access to the "President Cla —" or, uh, uh, no — "National Security." Uh, "National Security" — no. And that's — Why don't we just say "National Security"? I — Maybe you're right. "National Security" — not TOP SECRET. "National Security," uh — or "Special National Security," or, uh, it's something like that. But anyway, get that. So that it's just three letters. Like, uh, "SN s—," "SNS" or something like that.

EHRlichman or KROGH: Um huh.

PRESIDENT: Or, uh — And then on those, that kind of a thing. As I say, let's limit the number of people that get it. We know who'll get it, and then everybody who gets must sign the, the, the agreement to take a polygraph. And also, with regard to, with regard to the agreement to take polygraphs, Bud, I want that to be done now with about four or five hundred people in State, Defense and so forth, so that we can s—, uh, immediately scare the bastards. Don't you agree?

KROGH: Right.

PRESIDENT: Maybe start now.

KROGH: Yes, sir. We're getting a draft of that waiver prepared and that stamp—We're having a look at what the stamp

PRESIDENT: Yeah.

KROGH: indicates developed first and then

PRESIDENT: Yeah.

KROGH: how we draft the tape request on that.

PRESIDENT: You see (unintelligible). An agreement to take the, uh, uh, an agreement—I mean, just say that all people who you're doing this with the top executives in government, who have access to TOP SECRET things. That should include everybody in the NSC Staff, for example. You start with them. It should include about, uh, a hundred people. But, uh, probably four or five hundred at State; four or five hundred at Defense, and, uh, two or three hundred over at, uh, CIA. And, uh, that's it.

KROGH: All —

PRESIDENT: I don't care about these other agencies. Forget them.

KROGH: All CIA people have gone

through a polygraph. They take their own polygraph.

PRESIDENT: But they, they obviously, then have waived any rights to refuse to take them.

KROGH: That's right.

EHRlichman: No, no. They go, they, they take a polygraph —

KROGH: — as an applicant.

KROGH and EHRlichman: (Unintelligible)

EHRlichman: — as a part of their employment process.

PRESIDENT or KROGH: Right.

EHRlichman: That doesn't waive their right not to take a polygraph.

KROGH: That's right.

(Unintelligible)  
PRESIDENT: I want everybody that — just have everybody — just Helms can do those. They should have that. Every CIA person should have, should waive the polygraph.

EHRlichman or KROGH: Yeah.

PRESIDENT: But I, uh, but, uh, I'm, uh — Listen, I don't know anything about polygraphs and I don't know how accurate they are but I know they'll scare the hell out of people.

KROGH: They scare people. They're clumsy. They ask a lot of tough questions.

PRESIDENT: Um.

KROGH: personal questions about a man's sex life. About

PRESIDENT: Um.

KROGH: what his mother was like and things like that. These polygraph tests, if we run them, would, would be more restrictive. Would ask four or five basic questions about this story; the familiarity with the issues; whether they talked to Beecher; what he said to Beecher, things in that line. I've got the — this thing is set up now.

EHRlichman: If you are, uh (unintelligible). Haig's point is, he's, he said you not do this. He says, on this, his advice to you (unintelligible) making a critical (unintelligible)

KROGH: Haig, Haig has told me that you just —

PRESIDENT: Oh, no, no, no, no. We're talking about one person.

EHRlichman: If you do the — He's just for taking the one guy, that's all. So I said, "No, —"

KROGH: Yeah. That's the way.

EHRlichman: What he's objecting to is, is problems that go past that. He says you will find for yourself (unintelligible)

PRESIDENT: I don't think that's the point. The point is going on this one person now.

EHRlichman: Okay.

PRESIDENT: And then I'll decide whether we have to go beyond it.

EHRlichman: Right.

KROGH: What I'd like to do is —

EHRlichman: That's fine.

KROGH: I'll do a report on this guy and those immediately around him.

PRESIDENT: That's right.

KROGH: Once we get that, then come back

PRESIDENT: That's right.

KROGH: and —

PRESIDENT: Come back and see what else we have to do. But we're going to start shaking them, shaking the trees around here.

EHRlichman: We'd like to keep this moving through the week-end so we may send something back to you.

PRESIDENT: Oh, I'll be available.

EHRlichman: this afternoon or tomorrow.

PRESIDENT: I'll be available. I'd just like to know.

EHRlichman: All right.

PRESIDENT: And if we catch the guy his resignation is speedy, and, and, and that's what I like. Not quietly.

EHRlichman: Right.

PRESIDENT: Understand, any person. On one condition. You catch any-

body, it's not going to be quiet. I'm going to — we're going to put the God damn story out and he's going to be dismissed and prosecuted. There're prosecution —

EHRlichman: You can't—

KROGH: Uh, the polygraph is not useful in prosecution,

PRESIDENT: All right.

KROGH: sir.

PRESIDENT: But the point is, it is taken.

EHRlichman: That's right.

PRESIDENT: Doesn't make any difference. If it's taken, we're going to catch him and he needs to be prosecuted.

EHRlichman or KROGH—Doesn't make any difference.

EHRlichman: The polygraph, per se, is that your knowledge of what's in it —

PRESIDENT: I know, you —

EHRlichman or KROGH: That's right.

PRESIDENT: You use it for the purposes of cross-examination.

KROGH: You use it to correct. Yeah.

EHRlichman: All right, sir?

PRESIDENT: Well, I just think we ought to go out ahead and it, it does happen. This does affect the National Security—this particular one. This isn't like the Pentagon Papers. This one involves a current negotiation and it should not have been, and if, its getting out jeopardizes the negotiating position. Now, God damn it, we're not going to allow it. We just aren't going to allow it.

EHRlichman or KROGH: All right.

PRESIDENT: Good luck

EHRlichman or KROGH: Yes, sir. Thank you.

PRESIDENT: Fine

Memorandum dated July 24, 1973, from Don Sanders and Howard Liebengood regarding interview with Donald Stewart:

Stewart resigned from the FBI in 1965. I have a personal recollection that he spent about 15 years with the FBI, and that his wife was the personal nurse to J. Edgar Hoover up until his death. At the time of resignation, Stewart was a GS14 supervisor in FBI headquarters. He took a GS15 job as the chief, investigative division, directorate for inspection services, office of assistant secretary of defense for administration. He held this office until December, 1972, at which time he became inspector general of the defense investigative service under the DOD comptroller. Until December, 1972, Stewart's superior was D. O. Cooke, who was acting assistant secretary of defense for administration. In his present position, Stewart's immediate superior is General Cappucci, who is the director of the defense investigative service.

Stewart works in the Forestal Building, room 1F048, telephone—OX 3-0421. He was previously in the Pentagon, having worked in room 3E993 until September, 1972, when he moved to 3C942.

In the July 22, 1973, issue of Parade in the Washington Post, Jack Anderson states in an article on the Watergate that Anderson's suspected sources were grilled in room 3E993 of the Pentagon. He further states that the Plumbers mistakenly concluded that Anderson's source was located on Kissinger's staff, that innocent staffers were dragged to the polygraph, that an entire section of Kissinger's staff was scattered around the world, and that Admiral Robert Welander, who headed it,



was exiled to the Atlantic Fleet.

On July 24, I called the office of General Cappucci to state that I wished to arrange an interview with Stewart. He subsequently appeared in our office for interview by Liebgood and me. Stewart was questioned concerning the matter raised in the Anderson article and related aspects. He furnished the following information:

(For purposes of reference, the initial SALT leak occurred in a New York Times article by Beecher on July 23, 1971. The India-Pakistani War began on December 3, 1971, and continued for 14 days.)

On July 24, 1971, Stewart was called to the office of Cooke. Egil Krogh and David Young were there. The purpose of the conference was the SALT leak. The primary objective was to find Beecher's source. Stewart conducted some interviews, some persons were put under polygraph at State Department, the FBI entered the case, and many DOD people were questioned. The matter was not resolved. Nevertheless, Beecher is now serving as deputy assistant secretary of defense for public affairs. After another SALT leak this year, Stewart wrote a history of SALT leaks which tended to show that they were contrived, and that the very sensitive material had always appeared in Beecher's column.

About December 14, 1971, Anderson published articles containing information obviously derived from National Security Council secret documents. On December 16, Stewart was called by Cooke to a meeting where he met with David Young and Egil Krogh. Rear Admiral Welander was also with them. Welander said that in one of the Anderson articles, he had noticed something which was of such a personal nature to him that he believed the original document had to be one which he had typed from rough draft notes given to Yeoman First Class Radford. Welander was then assistant for national security affairs to the chairman

Continued on Next Page

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of staff group, Joint Chiefs of Staff. He had another capacity as senior member of the NSC staff.

Welander maintained one office in the Pentagon and one in the White House. He had about one-half dozen men working for him, including Radford. Radford was a Mormon convert who had served in the Embassy in India up until 1970. Thereafter, he was employed on the NSC staff under the supervision of Welander's predecessor, Admiral Rembrandt Robinson. While on the NSC staff, Radford accompanied Kissinger, Haig and other key NSC officials on foreign travel.

Following receipt of the information from Welander concerning possible complicity on the part of Radford, Stewart conducted interviews with Radford and had a polygraph test administered to him by Ray Weir of NSA. Radford admitted acquaintanceship with Jack Anderson, but he denied that he provided information or documents to him. He stated that he had met Anderson's parents while at the Embassy in New Delhi. Thereafter, they corresponded. Later in Washington, Radford was called by Anderson's parents in December, 1970, to join them for dinner at Anderson's home. It was about December, 1970, that Radford commenced his duty with NSC. Radford said that again in December, 1971, he was called by Anderson's parents to join them in a 50th anniversary celebration at Anderson's home.

During the polygraph examination in a room alone with Weir, Radford became emotionally upset. He said that due to very sensitive security aspects, he could not continue without the explicit permission of Admiral Welander.

In contact with Welander on the telephone, Radford was told that he should not withhold any information. He then admitted that he had taken documents from the briefcases of NSC officials, including Kissinger and Haig, and furnished them to Welander. The polygraph operator concluded there was deception, however, with regard to Radford's denial that he had furnished information to Anderson.

Memorandum July 27, 1971, from "Bud" Krogh and David Young to John Ehrlichman:

(1) Internal Security Division (Mardian) is focusing on U.S. vs. Ellsberg. The FBI support and investigations are accordingly narrowed to this objective.

(2) ISD's special intelligence unit has not made even a preliminary assessment yet on the big picture. It is awaiting DoD input.

(3) DoD has just gotten started on its investigation of individuals involved. It has made some progress on i) who did what in the preparation of the study, and ii) what has been published to date.

(4) DoD is trying to reconstruct the track of all the sets. This proceeding but has a long way to go. (See: Questions for Follow-Up: Track)

(5) We must i) gather all fall-out leads from U.S. v. Ellsberg, ii) get FBI to broaden investigation (See draft Presidential Memorandum to Hoover), iii) get DoD to move quickly and thoroughly on the named participants so far and to follow-up all leads. (See draft Memorandum from the President to Department Heads).

(6) Complete psychiatric study should be done on Ellsberg. (Have requested all related information from FBI to date and asked CIA to proceed with complete study).

(7) Those outside the White House must know that John D. Ehrlichman has overall responsibility for this, and that Krogh and Young have action. (See draft Memorandum from President to Department Heads).

Questions for Follow-Up

Track of Papers

(1) Who received the 38 volume set?

(2) Who received the 43-volume set? Was there such a set?

(3) Who received the 47-volume set?

(4) When were such sets received by each?

(5) Who delivered the sets?

(6) If there were only 43 volumes in January of 1969, where did the other 4 come from?

(7) Were the last 4 volumes already in the 38-volume set? The 43-volume set?

(8) Who sent the sets out?

(9) Who received sets? (See distribution memo)

(10) Why is distribution memo dated January 14, 1969, when it appears that sets were delivered in the summer of 1969, eg. Katzenbach on July 30, 1969?

Questions for Follow-Up

Warnke/Halperin/Gelb

(1) How could three former government officials (Halperin, Gelb, and Warnke) control access to Top Secret documents after they had left the government?

(2) Did they have consultant status which gave them need to know basis for their own access?

(3) What was basis for Rowen's access assuming the three had basis for giving same?

(4) Who hired participants of Task Force?

(5) Were any of them employees of RAND?

(6) Who paid these participants? RAND? DoD?

(7) Has check of Brookings been

made by Defense Supply Agency since case broke?

(8) Do the three have need to know now? Do they have access to classified papers now?

(9) Isn't there some way we can find out what they still have?

Questions for Follow-Up  
McNamara

(1) What did McNamara originally want study group to do?

(2) Why gross miscalculation? He thought six men could do in three months, but it took thirty men and over eighteen months.

(3) Was the White House aware of the study?

(4) Was there a deliberate attempt to keep the White House ignorant of study?

(5) Was McNamara apprised of progress or lack of progress of task force?

Memorandum July 28, 1971, from Howard Hunt to Charles Colson:

I am proposing a skeletal operations plan aimed at building a file on Ells-

berg that will contain all available overt, covert and derogatory information. This basic tool is essential in determining how to destroy his public image and credibility.

Items:

Obtain all overt press material on Ellsberg and continue its collection;

Request CIA to perform a covert psychological assessment/evaluation on Ellsberg;

Interview Ellsberg's first wife;

Interview Ellsberg's Saigon contacts: the restaurant owner, Nicolini, and his mistress whom Ellsberg coveted;

Request CIA, FBI, and CIC for their full holdings on Ellsberg;

Examine Ellsberg personnel files at 15A (Pentagon) and the Rand Corporation, including clearance materials;

Obtain Ellsberg's files from his psychiatric analyst;

Inventory Ellsberg's ISA and Rand colleagues; determine where they are, and whether any might be approachable.

I realize that, as a practical matter, not all the foregoing items can be accomplished; even so, they represent desiderata.

Memorandum Aug. 3, 1971, from "Bud" Krogh and David Young to Charles Colson referring to previous Hunt memo:

We already have in train the following projects mentioned in the Hunt memorandum.

(1) A complete psychological assessment and evaluation of Ellsberg by CIA.

(2) We are continuing to collect all press material on Ellsberg.

(3) There have been several interviews with Ellsberg's first wife; and we are in the process now of getting transcripts.

(4) We have asked the FBI to pull together all their holdings on Ellsberg.

We will look into the other suggestions which Hunt made.

FBI interview with Robert Mardian: Robert C. Mardian, residence 2323 North Central (Regency House) Phoenix, Arizona; home phone 263-3959, business phone 264-5981, was interviewed on May 10, 1973.

At the onset of the interview Mr. Mardian was advised of his constitutional rights. He was specifically advised that he did not have to make any statements and if he did they could be used against him in a court of law. He was advised that he had a right to an attorney. Mr. Mardian replied that he was an attorney and formerly an Assistant Attorney General of the United States and was aware of his rights.

Mr. Mardian was advised that this

interview specifically pertained to records of wiretap information allegedly given to him on or about July, 1971, by Charles Brennan who was then an Assistant Director of the FBI.

Mr. Mardian advised that on the advice of his counsel, Mr. David Bress, he could not answer any questions concerning material he may have received from Assistant Director Brennan. He said further that the President of the United States had issued an order that no Federal employee was to talk about matters concerning national security. He said that although he was not now a Federal employee, he felt the President's order applied to him. He said that he wanted to cooperate with the FBI; that he was specifically instructed by his attorney, Mr. Bress, to tell any inquiring Special Agent who may interview him from the FBI that General Alexander Haig had the information the FBI wanted and to go no further in his conversation or interview.

He said further that he felt compelled not to disclose any information concerning any direct communication he had had with the President of the United States and suggested that the information desired by the FBI could be obtained from General Haig, John Ehrlichman, H. R. Haldeman and Dr. Henry Kissinger.

Mr. Mardian was advised that for the purposes of this inquiry perhaps he, Mr. Mardian, would be willing to skirt the issues and the (document indistinct) that time two instructions—one was to get the FBI material from Mr. W. C. Sullivan and deliver it to the White House, and the second was to check to see if all the material the White House had in Washington, D.C., matched the material supplied by Mr. Sullivan.

Mr. Mardian advised that he cannot now recall how he contacted Mr. Sullivan, bearing in mind that he had had many contacts with Mr. Sullivan during his, Mr. Mardian's tenure with the Department of Justice. He said that he conveyed the President's message to Mr. Sullivan and asked him to supply all of the wiretap material to him as soon as possible.

Mr. Mardian said shortly thereafter Mr. Charles Brennan, Assistant Director of the FBI, appeared in his office with an "old beat up" satchel, as best he could recall olive drab in color, measuring approximately 8 inches by 12 inches by 17 inches. He said he also specifically remembered that this satchel had William C. Sullivan's initials on it. He said he cannot specifically recall a middle initial but he is sure that W.S. was on the satchel. He said he specifically recalls the initials being on the satchel because they were affixed by a tape upon which the initials were stamped.

He cannot recall any conversation with Mr. Brennan at this time concerning Mr. Brennan's turning over this material. He said he has the distinct impression that Mr. Brennan did not know anything about the contents of the satchel.

Mr. Mardian said that he placed the satchel in a locked closet in his office. He said that he then called the White House in Washington, D.C., advising that he had the material. Again, Mr. Mardian said he would prefer not to name the individual in the White House to whom he made the call. He said that at this point the timing is hazy. He says, as best he can remember, the satchel stayed in his office for approximately two days, before he got a call from the White House to bring it over and to deliver it to Dr. Kissinger and General Haig. Mr. Mardian said he responded to the White House request right away.

He said when he went into the White House he went directly to Dr. Kissinger's office. Dr. Kissinger and General Haig were present. He said he specifically remembered the incident because when he came into the office, Dr. Kissinger addressed a remark which Mr. Mardian felt was in ex-

tremely poor taste under the circumstances, to himself, Mr. Mardian, and to Dr. Kissinger's secretary. Dr. Kissinger said something to the effect, "Do you have what I said on the phone," implying according to Mr. Mardian, that Mardian had results of a wiretap on Dr. Kissinger. Mr. Mardian said that he felt this was in such poor taste that it did not require a reply. Dr. Kissinger also said that he had been keeping logs for the time when he writes his memoirs, but laughed and said he doesn't keep them any more. Mr. Mardian felt that this was simply a jocular response, and there was no truth whatever in it nor was there intended to be.

*Letter Aug. 2, 1972, from J. Edgar Hoover to the President:*

Dear Mr. President:

I have received your letter of July 29, 1971, which requested certain information for Mr. Egil Krogh relative to our continuing investigation of Daniel Ellsberg, as well as information regarding individuals of interest to Mr. Krogh in his examination of the circumstances of man, recent disclosures of Top Secret and other sensitive material to the public.

The information is being compiled and will be furnished expeditiously to Mr. Krogh in accordance with your request.

Sincerely yours,  
Edgar

*Memorandum July 30, 1971, from Egil Krogh and David Young to John Ehrlichman:*

The following is an initial report on what we have found out, what we set up in order to monitor and give direction to the bureaucracy and what actions we have taken.

#### Operations Underway

(1) We have had meetings with the Departments of Defense, State, Justice and the CIA, to determine what each is doing in the wake of the Pentagon Papers case. In addition to the general classification and declassification study being carried out by the Rehnquist Committee, each department has set up a committee to review its clearance procedures and each is in the process of preparing damage assessments.

(2) We have established a liaison relationship with Justice and Defense in order for us to be fed the information which they are developing in their various investigations. We will also be able to initiate the investigation of leads through this channel.

(3) The specific projects which have been undertaken by the departments are as follows:

(A) Defense is conducting:

(i) A detailed analysis of the preparation of the Study and the track of its distribution;

(ii) An analysis of the published material to determine what parts of the Study have been published and what proportion has come from other classified sources;

(iii) An investigation of all individuals still in the military or defense related positions who participated in the Study;

(iv) An investigation of the security arrangements at RAND and is inventorying all its documents.

(B) Justice:

(1) The Criminal Prosecution Section of the Internal Security Division is pursuing *U.S. v. Ellsberg*:

(ii) The FBI is investigating all individuals in connections with *U.S. v. Ellsberg:66*

(iii) The Internal Security Division is doing an analysis and evaluation of all information gathered on Ellsberg and associated individuals.

(4) An overall study of the classification and declassification system under NSSM 113 is being done by the Rehn-

quist Interdepartmental Committee. (A preliminary report by them for a new system of classification is attached.)

#### Actions Taken

(1) The FBI has been asked to expand its investigation to cover all non Defense related individuals connected with the preparation of the Study and to follow-up any other leads falling out of the investigations in the *U.S. v. Ellsberg* case itself.

(2) We have instructed the CIA to do a thorough psychological study on Ellsberg.

(3) We have asked Mr. Smyser for an opinion (for Henry A. Kissinger) on the relationship of timing between October South Vietnam election and the political exploitation of the Democrats' involvement in the 1963 coup against Diem. (Initial oral reaction is that it would be disastrous for us to put anything out before the South Vietnam election.)

*Memorandum Aug. 2, 1971, from Egil Krogh and David Young to John D. Ehrlichman regarding prospective meeting Aug. 3 with Secretary Laird and Fred Buzhardt:*

1. The purpose of the meeting is:

(a) to emphasize the seriousness with which the President views the investigation into the publication of the "Pentagon Papers";

(b) to make it clear that we are interested in the gathering of all information relevant to the preparations, the distribution and the participants of the Study;

(c) to point out that the White House expects a direct information flow.

2. So far we have gotten very little out of Defense, in spite of the fact that they do have a complete report from the Defense Supply Agency team which inspected Rand, etc. You could use this as an example of the kind of material that we expect to get directly.

3. We should also get, as soon as they are available, the interviews with the various individuals who participated in the preparation of the Study and are being investigated by Defense (Attached at Tab A is list of names).

4. Attached at Tab B for your background information is our earlier memorandum on what projects are presently in operation and what we have set up.

Attached at Tab C is a copy of the draft organizational chart.

*Memorandum Aug. 12, 1971, from "Bud" Krogh and David Young to John Ehrlichman regarding prospective meeting that day with Richard Helms and Howard Osborn:*

*Helms and Howard Osborn:*

#### Purpose of the Meeting:

To impress upon Helms the President's personal interests and your primary responsibility in all matters surrounding the publication of the Pentagon Papers (as was done with the Attorney General and Secretary Laird.

#### Particular Points You May Want to

##### Cover:

(1) That the general areas under this mandate include the whole problem of leaks, the NSSM 113 study and recommendations on classification and declassification, and the gathering of information on the McNamara Study itself and Ellsberg's role.

(2) That since you have been tasked by the President on this matter, any information which he wants brought to the President's attention on this subject should be sent to you.

(3) That we will be calling upon CIA to perform specific ad hoc projects, e.g. psychological study, leak analysis 1969-1971, development of non-xeroxable paper, etc.

(4) That Helms give us the name of

one person, e.g. Howard Osborn, who we can contact to get these projects done [FYI — So far CIA seems to have been cooperative, although their product in the psychological study was unsatisfactory.]

(5) That you try to get Helms' feel on his present relationship with the FBI and the degree to which there has been a breakdown of communications.

(6) That you reviewed with the President, Helms' letter of June on leaks so far this year, and that we will be developing a procedure which will attempt to have authorized leaks checked through the White House.

Memorandum to David Young, Aug. 11, 1971, from CIA official whose name was deleted at CIA request:

Dave:

Attached is the personality assessment you requested on Ellsberg. If there are any aspects of this assessment which, in your opinion require amplification, we would be happy to arrange to make the individual who prepared it available for discussion.

I know that you appreciate that however this is used, the Agency should not become involved.

#### Director of Security

This indirect personality assessment is based primarily on background material and current impressions derived from press reports, including newspaper and magazine articles and television interviews. In addition, selected State department and Federal Bureau of Investigation memoranda have been reviewed. As the data base is fragmentary and there has been no direct clinical evaluation of the subject, this indirect assessment should be considered highly speculative and in no way definitive.

There is nothing to suggest in the material reviewed that Subject suffers from a serious mental disorder in the sense of being psychotic and out of contact with reality. There are suggestions, however, that some of his long-standing personality needs were intensified by psychological pressures of the mid-life period and that this may have contributed significantly to his recent actions.

An extremely intelligent and talented individual, Subject apparently early made his brilliance evident. It seems likely that there were substantial pressures to succeed and that Subject early had instilled in him expectations of success, that he absorbed the impression that he was special and destined for greatness. And indeed, he did attain considerable academic success and seemed slated for a brilliant career.

There has been a notable zealous intensity about the subject throughout his career. Apparently finding it difficult to tolerate ambiguity and ambivalence, he was either strongly for something or strongly against it. There were suggestions of problems in achieving full success, for although his ideas glittered, he had trouble committing himself in writing. He had a knack for drawing attention to himself and at early ages attained positions of considerable distinction, usually attaching himself as a "bright young man" to an older and experienced man of considerable stature who was attracted by his brilliance and flair.

But one can only sustain the role of "bright young man" so long. Most men between the ages of 35 and 45 go through a period of re-evaluation. Realizing that youth is at an end, that many of their goals and dreams cannot be achieved, many men transiently sink into despair at this time. In an attempt to escape from these feelings of despair and to regain a sense of competence and mastery, there is an increased thrust towards new activity at

this time. Thus this is a time of career changes, of extra-marital affairs and divorce. It is a time when many men come to doubt their earlier commitments and are impelled to strike off in new directions. For the individual who is particularly driven towards the height of success and prominence, this mid-life period may be a particularly difficult time. The evidence reviewed suggests that this was so for Ellsberg, a man whose career had taken off like a rocket, but who found himself at mid-life not nearly having achieved the prominence and success he expected and desired. Thus it may well have been an intensified need to achieve significance that impelled him to release the Pentagon Papers.

There is no suggestion that Subject saw anything treasonous in his act. Rather, he seemed to be responding to what he deemed a higher order of patriotism. His exclusion of the three volumes of the papers concerned with the secret negotiations would support this.

Many of Subject's own words would confirm the impression that he saw himself as having a special mission, and indeed as bearing a special responsibility. On several occasions he castigated himself for not releasing the papers earlier, observing that since he first brought them to the attention of the Foreign Relations Committee, there had been "two invasions," more than 9,000 American lives lost, and hundreds of thousands of Vietnamese deaths." He also on several occasions had suggested quite strongly that his action will not only alter the shape of the Vietnam war, but will materially influence the conduct of our foreign policy and the relationship between



Sketch by David Suter for The Washington Post

the people and the government.

Ellsberg's reactions since emerging from seclusion have been instructive. Initially there was jubilation, an apparent enjoyment of the limelight. This was succeeded by a transient period wherein there was a sense of quiet satisfaction, of acceptance of his new-found stature, as if his personally significant action had accomplished what he sought to achieve. But then, embittered that Congress and the press had not wholeheartedly supported him, he turned against them. This is not surprising, for there would seem to be an insatiable quality to Ellsberg's strong needs for success and recognition.

Memorandum Aug. 11, 1971, from "Bud" Krogh and David Young to John Ehrlichman:

(1) Where things stand in the Grand Jury investigations.

The Los Angeles Grand Jury last week subpoenaed six people. Messrs. Burt Wallrich, Arne Guilfoile, Spencer Marx and Jackie Barnett all appeared and took the Fifth Amendment. Albert Appleby and Jane Youman are presently outside of California on vacation and will be subpoenaed when they can be served. Ellsberg's old telephone records were also subpoenaed but were not available since the records were not kept back that far. His Bankamerica records have also been subpoenaed but have not yet been received.

The Boston Grand Jury will meet next week. Justice has not made a final decision but is considering subpoenaing the following individuals:

Mrs. Louis Marx (mother of Mrs. Ellsberg)

Samuel Popkin (Harvard)

Richard Falk (Princeton)

Ralph Stavins (IPS)

Richard Barnett (IPS)

Marcus Raskin

K. Dunn Gifford (A friend of Sheehan and Ellsberg who stayed at Treadway Motor House March 20th, when Sheehan was there.)

Richard Steadman

It seems unlikely that Barnett, Raskin and Gifford will be called because they have been overheard.

(There is no item 2 in the original memorandum)

(3) We have received a letter from Director Hoover confirming that the Ellsberg case and related matters will be handled on a "Bureau Special" basis.

(4) We have tasked CIA with doing a leak assessment on all leaks since January, 1969, along the lines of the attached memorandum at Tab B.

Approve \_\_\_\_\_ disapprove \_\_\_\_\_

(6) We are continuing to press the FBI to determine whether the report of a foot locker containing film magazines stored for Ellsberg with Bekins Van and Storage Company in California is indeed accurate, and what the content of the films is. The foot locker was apparently picked up by a friend of Ellsberg, a reporter for Dispatch News Service, Davis Obst, who indicated that the contents of the foot locker were needed for a book to be published in New York.

(7) Attached at Tab C is a memorandum from Richard Smyser on impact of (a) Ellsberg case, (b) and expose of the 1963 coup, and (c) the drug situation in South Vietnam, on (a) South Vietnamese election, (b) the U.S. election, and (c) on peace negotiations.

Memorandum Aug. 11, 1971, from Egil Krogh and David Young to William B. McComber Jr., Department of State:

In view of the interest here in the various developments, investigations, reviews, etc. in the aftermath of the publication of the Pentagon Papers, it is requested that copies of the following described items be provided to us. If the particular item is not immediately available, we will need a status report.

(1) A list of all State personnel who participated in or who had knowledge of the McNamara Study.

(2) Transcripts of the interviews with each of the individuals named in the list under Item (1). (These interviews we assume are being conducted under the guidance of and in coordination with the investigators working under Mr. Maridian at Justice and Mr. Buzhardt at Defense. We also assume they will cover all available informa-

tion on Ellsberg's interests and contacts within the State Department.)

(3) A copy of the detailed State damage assessment as a result of the publication of the McNamara Study.

(4) A report identifying all files in the Chau case and copies thereof. (These should include two or three memoranda on the Chau case prepared by Charles Cooke for Elliot Richardson. In addition, all papers made available to and reviewed by Ellsberg should so indicate.)

(5) Copies of all cables between the State Department on the White House and the American Embassy in Saigon for the period April through November, 1963.

We have been informed that the State Department at present has no written guidelines or rules to be followed by employees in contacts with the press. If this is incorrect, would you please give us a copy of whatever materials are available.

It is our understanding that the Internal Security Division of the Justice Department is also interested in receiving copies of the above listed items.

bcc: John D. Ehrlichman

2

"Eyes only" memorandum July 27, 1971, from Howard Hunt to Charles Colson:

1. If not done already, Bill Bundy should be denied access to his office and files as State. The files should be frozen.

2. Obtain copies of Harriman, Hilsman, Bundy VN cables and memos prior to the (anti-Diem coup, for the period April-November, 1963.

3. Ask Dick Helms to expand on his allegation that Harriman engineered the coup.

4. Look into the advisability of removing John Paul Vann from government service. Allegedly he has large personal files with which he is now writing a book. At this point, we don't need another book on VN, and certainly not by a pal of Ellsberg's.

Memorandum Aug. 2, 1971, from Howard Hunt to Charles Colson:

1. Per your instructions I have examined the overtly printed documentation and comment, and the attached items are submitted as being the most useful in demonstrating the collective bad judgment of the Kennedy Administration and/or a number of its high-level appointees.

2. I have drawn also upon the "New York Review of Books" of July 22, 1971 selling significant segments from the Ralph Stavins article, "Kennedy's Private War". The article, given its source, authorship and thrust, is almost unbelievable in the savagery of its attack upon the Kennedy circle of advisers, RFK, and JFK himself. The excerpts I've made stand by themselves as an extraordinary liberal indictment of the Round Table and its fallible King.

3. From our point of view what remains to be examined (per my earlier memorandum suggestion) are the actual documents themselves. Clearly, what has been surfaced is not the totality of the relevant communications from the April - November 1963 period. Cablegrams originating at State or in Saigon, as well memoranda and dispatches bear explicit routings indicating who drafted, who originated, who authenticated, who coordinated and who ultimately released a particular document to its addressee. To build an even more detailed case, we should have access to this material.

4. I think our posture, concerning the attached excerpts, has to ignore what Nixon might have done under

circumstances then prevailing. Salient points add up to an indictment of Kennedy and his advisers, and they played false with the nation and, for better or worse, with As Madame Nhu said at the time, the blood of Diem and Nhu is on Kennedy's hands (and Lodge's as well). But we are not speculating about what Nixon might have done; rather, the significance is what Kennedy actually did.

5. I would also make the sincerely humble suggestion that LBJ not be attacked directly (as we have done here with JFK). My reasoning is that the hippies and yuppies have been doing so for years, and Bob Dole or others adopting such a line would not only be a form of overkill, but possibly counter-productive. LBJ and his allies, after all, have much to gain from indicting the Kennedy Administration, and can be expected to augment whatever we are able to do. In short, we can hit at the advisers LBJ received from Kennedy without attacking LBJ directly on this issue.

6. Finally, it is well worth remembering that in 1954 President Eisenhower refused to intervene to save the French colonial regime in Vietnam, saying, "I cannot conceive of a greater tragedy for America than to get heavily involved now in an all-out war in any of those (Indochinese) regions."

Memorandum Sept. 24, 1971, from Charles Colson to John Ehrlichman:

The publication of the declassified version of the Pentagon Papers this week has reraised the issue publicly; in one sense this may help prod the Congress to hold hearings and in another sense the Committee may argue that since the papers are released here is no purpose in extensive hearings.

Congressman Morse will raise the question of House hearings in the Foreign Affairs Committee this coming week. Chairman Morgan had earlier stated that he would hold hearings but the House Committee, like the Senate Committee, has of late shown no interest. I doubt that Morse can do much other than create a little embarrassment within the Committee.

John Tower could raise the issue within the Senate Armed Services Committee and make a formal request for hearings before that Committee, or before Foreign Relations and Armed Services jointly, which was the original Mansfield proposal. I recommend that MacGregor talk to Tower. If we think it's safe we could also talk to Hugh Scott who is on the Foreign Relations Committee and who could make a similar request of Fulbright.

Presumably these requests will be turned down but Tower and/or Scott could begin to speak about it on the floor each day hopefully creating some minor embarrassment for the Democrats.

Dave Broder is scheduled to have a column very shortly along the lines of "whatever happened to the Pentagon Papers" pointing out that the Democrats have deliberately suppressed the open hearings that they had earlier called for. We will try for additional columns, preferably "doves".

We can program Lucien Conein to write a letter to Senator Mathias complaining that he has been muzzled by the CIA, was paid money to

Continued From Preceding Page

get out of town and instructed to talk to no one. Mathias is just the kind of guy who would rise to the bait and I dare say create a fair amount of hoopla over the muzzling issue. This would automatically make Conein newsworthy again. Conein could offer to Mathias a full disclosure if Mathias arranges Senate hearings.

We can also, if you agree, arrange to have General HAARKINS INTERVIEWED BY U.S. News and World Report. He is a bitter man who was sharply by odds with the Kennedy Administration policies and was removed because of his disagreement. In all of the flap of the Pentagon Papers no one thought to interview him, but I am sure we can plant the idea.

My own feeling is that none of these things will stir enough controversy to force either the House or Senate Committees to hold the open hearings that we would like. The Democrats recognize full well the political risks for them. We will not get enough help from the media to force their hand.

There is one way that I am certain would create a major controversy. I have had a very off the record talk with Bill Lambert of Life. We could easily arrange for Life to have "access" to Conein, Nolting, Harbinks, Lansdale and others. We could also make available to Lambert certain documents which have not been published. Lambert assures us that he would make it a major Life expose - the true story behind the Diem coup. He would also put someone else's by-line on the story (the press would surely recall that Lambert was the author of the Tydings story; on the other hand there might be advantages in having Lambert sign it, because although he is a Republican he was an intimate friend of Bobby Kennedy. We can decide this anytime.) Lambert also assured me that he could guarantee Life's cover. We could further develop the kind of pictorial treatment you suggested yesterday.

Life could be in print in four weeks from the date that we give it the go-ahead, which is perfect timing. Not only would we have a major story in a large circulation national magazine but it would almost certainly be written in such a way as to create a very significant national news story. I suspect that the Congress could then be embarrassed into holding hearings.

The Life operation could be run completely by Howard Hunt working out of his home or his private office. Lambert would further construct an elaborate cover and slant the story in such a way that it would appear to be the product of Conein and/or late. That really would surprise no one in view of the number of leaks

in State Department anyway.

I, therefore, recommend that we try the columns and Congress pressure route but do so with the recognition that it's doubtless not going to succeed fully. I, therefore, also recommend that we immediately equip Hunt with facts, information and material and give Lambert a go-ahead.

We should very soon release declassified documents relating to the Lebanon crisis, the Cuban missile crisis and perhaps one or two others. Releasing of declassified documents will keep press interest alive in the whole issue. We should start doing it soon to avoid the charge of election

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year politicking.

The Ellsberg operation can continue independently. It may or may not prove fruitful; but we do have certain pay dirt in the coup story.

Interview Aug. 7, 1973, with William Lambert.

William G. Lambert was formerly a journalist for Life magazine and is a personal friend of Charles Colson. Lambert's present address is 11 Marlene Court, Rye, New York 10580. His telephone number is (914) 967-4378. He knows Colson both as a former source and a personal friend.

Lambert began his association with Time, Inc., in 1962 in the Los Angeles Bureau as a correspondent with Time. When the Kennedy administration came into office, Lambert, an old friend of the Kennedys, was asked to come into the government. His interests, however, were in investigative reporting, and he refused the offer. At that time Life was looking for an investigative reporter, and an approach was made to Lambert. As a result, he was interviewed by Life and went to work with them in the summer of 1963. He eventually became a Staff Writer as a full-time investigator, and headed a team of investigative reporters.

Late in December of 1971, Ralph Graves took over as Managing Editor of Life. Shortly thereafter, there were drastic cut-backs in staff, and Lambert's Investigative Research Department was wiped out completely. Lambert had previously been offered a position with the Time-Life News Service, and he went to Graves and told him that he was willing to take this position. He then went to work in this position, in which his principal vehicle was still Life. When Life folded, he was asked to be a minor correspondent in the Washington Bureau, since his contract ran until 1975; but he refused this position and decided to free-lance.

When asked about his associations with Colson, Lambert said that he first met Colson when he (Lambert) was working on an article about Joe Tydings in the early spring of 1970. Lambert said that Colson seems to remember that they had met some years earlier, but Lambert does not recall this.

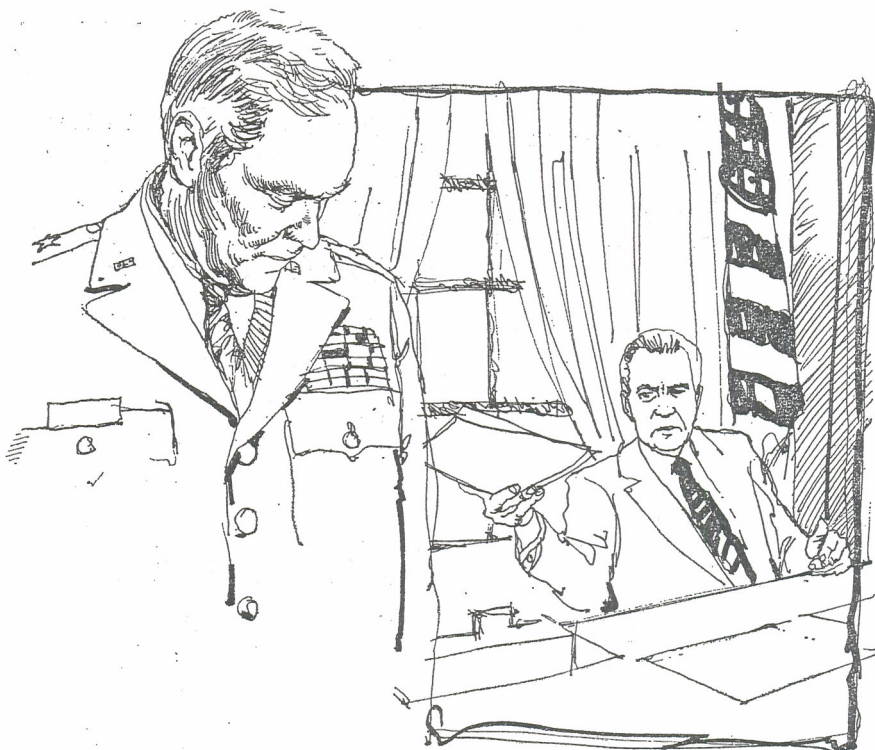
Lambert stated that although he might have discussed his findings in the Tydings case with Colson, it was never a situation of "reporting back" about what he had discovered. Lambert stated that he had never taped any conversations with Colson, although he did tape one conversation with Raymond Mason. Mason did not know he was being taped, and Lambert was astonished that Mason was so candid about damaging information concerning Tydings and himself. Lambert had also taped his conversation with Bridston.

After the story was printed, Tydings accused Lambert and the White House of being in collusion to destroy him.

Lambert then tried to get Colson to issue a statement saying that their relationship was innocent. Ziegler was said to have prepared such a statement, but it was never issued. After Lambert found out that the statement was not to be read, he again tried to get Colson to issue a statement describing precisely what their relationship had been, but Colson did not do this.

After this time Lambert had a continuing relationship with Colson. Lambert stated that Colson tried several times to get Lambert to come into the government, but Lambert always refused. He dropped in to see Colson at his office frequently.

During the week of September 20-24, 1971, Lambert was in Washington and



Sketch by David Suter for The Washington Post

stopped to see Colson at his office. Their conversation at this time lasted for about half an hour. Colson told Lambert that he might have a story for him but that he wasn't sure whether he should discuss the matter with Lambert at all. He told Lambert that there was more in connection with the assassination of Diem than appeared in the Pentagon Papers, but that he wanted to think about it before he discussed it with Lambert. Lambert doesn't recall whether it was at this meeting or a subsequent meeting that Colson told him to refer to the President's September 16 press conference for further information.

The next time Lambert was in Washington was during the week of September 28 through October 1. Lambert thinks it was during this week that Colson told him that there were materials found in the investigation of the Pentagon Papers that showed an additional complicity on the part of the Kennedy administration in the murder of Diem and Nhu. At one point, as they walked to Colson's car, Colson mentioned that there had been a meeting in Harriman's office in connection with the Diem coup. Colson said that he did not know the details of the meeting but he believed there was some form of a written record transcript.

Colson told Lambert that he would have Hunt get in touch with him in connection to the story. When Lambert asked who Hunt was, Colson said that he was a White House consultant who had been reviewing the Pentagon Papers in connection with a massive leak of information. Colson said that there had been a panic in connection with this leak and that Hunt had been called in as a result of this panic. It seems to Lambert that there were two or three meetings or calls with Colson before Lambert finally conferred with Hunt. Colson had said at first that Lou Conein would be the logical contact to furnish Lambert with the desired information, then at some later time he said he would have Hunt get in touch with Lambert.

Lambert does not recall whether Hunt first called him, or whether Colson gave him (Lambert) a phone number and he called Hunt. Lambert assumed that since Hunt was a White House consultant, that he would have an office in the White House or in the EOB offices. Therefore, Lambert suggested to Hunt over the phone that Hunt come to his (Lambert's) hotel

room rather than Lambert's going to the White House. Lambert does not remember the exact date of this telephone conversation, but says that it must have been either in the week of September 28 to October 1, or in the week of October 5 to October 8.

Hunt came to Lambert's hotel room, and Lambert found him to be a very friendly, likeable man. Lambert asked Hunt if he had access to any of the documents Colson had referred to, that is, some type of transcript of the meeting. Hunt said that he did have documentation, but that the materials were locked in his files. Hunt asked Lambert to meet him at his office at the Mullen Company. Either the next day or the day after that, Hunt and Lambert met at the Mullen Company. During this meeting, Hunt produced a manila envelope about one-fourth inch thick and pulled out a sheaf of 20 to 40 documents, in Lambert's estimation. All of the documents were State Department cables. Lambert leafed through the cables, but didn't see anything of particularly great significance. At this point, he cannot recall any of the language on any of the other documents. Lambert asked Hunt what was so significant about the cables, and Hunt shuffled through the documents and picked out one. (Hunt has testified that there were paper clips on the documents, but Lambert says this is not true. Hunt also said that he and Lambert met at the Mullen Company and then walked to the EOB, and Lambert says that this is not true.)

Some of the cables Lambert saw were labeled "Top Secret" but the particular document he handled was labeled "Secret." Hunt told Lambert that the documents came out of the CIA files. The particular document given to Lambert by Hunt was a Xeroxed copy of a State Department cable. There was a date-time stamp in the corner, but the date on the document was obscure. The document was one page, and Hunt allowed Lambert to make a verbatim, handwritten copy.

He said that he could not allow Lambert to make a Xerox copy.

Lambert asked Hunt to go back to the original of the document and find out the date and the color of the document. Hunt said that the original was blue, and that the date on the original was October 29, 1963. Hunt gave Lambert this information later in a telephone conversation.

Lambert asked Hunt about the meet-



ing in Harriman's office which Colson had mentioned. Hunt informed him that this meeting was not important—that the only important thing was this particular document. Lambert did not make notes on any of the other documents, because it was his understanding that they would be made available to him later. Hunt told Lambert that Lou Conein might have further information concerning the cables, and that Lambert should call Conein. He wrote Conein's phone number down for Lambert, indicating that the number was unlisted. Lambert pressed Hunt for the original of the document, and Hunt said he would have to check on that. Then Lambert left Hunt's office and told Graves, his boss, about their conversation shortly thereafter.

Lambert returned to Washington on October 12, but doesn't recall whether he saw Hunt, or not. He called Hunt at some time either shortly before or shortly after October 12 and again asked about the original of the document. Lambert says he must have seen Hunt or talked to him on the phone at least twice between October 8 and October 12. Lambert insisted to Hunt that the document must exist in more than one place, but Hunt disagreed. Any and all meetings between Lambert and Hunt were held in the Mullen Company.

Lambert went back to work full time on December 13, when he began working for the Time-Life News Service. He talked to Hunt several times between December 14 and December 18. Lambert had been ill, and Colson has stated that he talked to Lambert on the phone during the period of this illness—Lambert doesn't recall any conversations with Colson during this period.

It was during this time that the Hughes book came out, and Lambert had a call from Colson at some time in late December asking if Nixon had appeared in the book. Lambert had not yet read the manuscript, and could not tell Colson. Lambert stated that the call only lasted for about a minute and a half and that this was the last time Lambert spoke to Colson until after the Watergate incident. All during the period between the call and the Watergate break-in, Lambert tried to get in touch with Colson and could not reach him.

Lambert was again in Washington from January 3 to January 8 and from January 12 to January 15. At some time during this period, Hunt told

Lambert that he (Hunt) had given certain of the State Department cables to Lou Conein.

At this point Lambert mentioned that the FBI investigation had uncovered calls from Hunt to Lambert . . . Lambert does not remember these calls but . . . memos from his office indicating two of the calls. He did not (see) these memos until recently, and he did not receive or answer the calls.

*Affidavit May 9, 1973, by CIA staff psychiatrist. Some names deleted at request of CIA.*

I, (deleted) being first duly sworn, depose and say:

1. I was born on 2 September 1928, . . . and have been employed by the Central Intelligence Agency since November 1958. I have been in the Psychiatric Staff of the Office of Medical Services of the Agency since that time.

2. In the summer of 1971 the Medical Office was approached by the Director of Security concerning the preparation of a psychiatric study on Daniel Ells-

berg, who had been accused of leaking the Pentagon papers. To the best of my recollection, it was my understanding from the Director of Medical Services that the DCI was knowledgeable and had approved the Director of Security's visit and the request that was being made of the Medical Office. There was general reservation and concern expressed about such an effort involving as it did potentially controversial and highly speculative efforts. It was felt that such activity, involving as this did an American citizen, might be outside of the Agency's purview. It was recognized that such efforts, while desirable in some quarters, could be misunderstood, misinterpreted, and mistakenly considered to have been derived from the doctor-patient therapeutic relationship which was in fact far from the case. An initial effort was prepared by Dr. (deleted) under the direction of myself based upon a review of magazine and newspaper articles containing biographical data about Ellsberg, as well as some FBI documents consisting of interview reports by informants about Ellsberg.

3. On 12 August 1971, on instructions from the Director of Medical Services, the writer met with Mr. David Young, Room 16, Executive Office Building, to discuss the matter of a psychiatric write-up on the case of Daniel Ellsberg. Mr. Young, at the time the ap-

pointment was made, had stated that there was more information which he wished to discuss. The meeting lasted for approximately an hour and Mr. Young was joined by a Mr. Linney (probably Liddy), who seemed to be an assistant. Mr. Young stated that the Ellsberg study had the highest priority and had been requested by Mr. Ehrlichman and Dr. Kissinger. Mr. Young also stated that the President had been informed of this study. He stated that it was a multi-faceted approach and the psychiatric report would be only one facet. He stated that he understood that the Agency was uneasy about undertaking such a study and assured me that there had been no delineation as to how information derived from the study would be utilized, and if there were any utilization that great care would be given to make it nonattributable to the Agency. Mr. Young was interested in knowing what kind of data would be needed in order to provide further study of the sort done "on Fidel Castro." Later on Mr. Howard Hunt joined the group. Mr. Hunt recognized me, being a former Agency employee, and we greeted cordially. Mr. Hunt amplified on Mr. Young's comments and stated it was his wish to "try Dr. Ellsberg in public." Other comments were made by Mr. Hunt or "Mr. Linney" to the effect that the aim would be to render Dr. Ellsberg ineffective or to make him the object of pity as a broken man. Mr. Hunt stated that he wished to see data of the sort that "psychiatrists found out about Barry Goldwater in 1964," and he expressed interest in being able to refer in a knowledgeable way to Dr. Ellsberg's oedipal conflicts or castration fears and other similar points.

4. It seemed from Mr. Young and "Mr. Linney" that there was considerable concern that Dr. Ellsberg had a great deal more sensitive information which it was feared he would from time to time periodically expose. "Mr. Linney" stated that Dr. Ellsberg thought of himself as "having the white hat and the President as having the black hat."

5. A discussion was held with the group concerning the dangers of preparing such a study in isolation and without the opportunity for the free give and take discussion among experts, as had been the case in our other studies. I was informed that more biographic material was available. I was requested to give examples of the kind of information needed. I pointed out that insofar as possible, "although possibly not available," data from early life from nurses or close relatives would be useful. I agreed with "Mr. Linney" that school prog-

ress, including testing, would be helpful. In the same way, year books, his years in college and in the military comments from friends would be helpful. Mr. Hunt also stated that it would be useful for Dr. Ellsberg's first wife to be interviewed and he felt, "You can easily arrange that under an operational alias." It was pointed out that the first Mrs. Ellsberg would be cooperative.

6. Information was also offered by Mr. Hunt or "Mr. Linney" to the effect that Dr. Ellsberg had been in analysis although times or location were not known for certain. "Mr. Linney" pointed out that after Dr. Ellsberg gave the Pentagon papers away, he telephoned his analyst stating, "Now I am free."

7. "Mr. Linney" and Mr. Young, with Mr. Hunt's assent, pointed out that the Ellsberg study was of the highest priority, even over the SALT negotiations. It was agreed that the further biographic information regarding Dr. Ellsberg would be sent to us and Mr. Hunt agreed to manage this. Mr. Hunt would also make arrangements whereby periodic conferences would be held as necessary. Mr. Hunt did, however, offer that he did not wish to come out to the Agency if he could avoid it.

8. At this point Mr. Hunt made some comments in the presence of the group based on his previous acquaintanceship with me and he remained behind and made some further comments expressing a desire that his presence and participation in the meeting not be mentioned at the Agency. After arriving back at the Agency I informed Mr. Hunt by telephone that it was not feasible for me to avoid reporting Mr. Hunt's presence at the meeting. Mr. Hunt expressed great regret that this was necessary, stating that he had adequate contact with General Cushman and was on good terms with the Director. He was reluctant agreeing to my statement that it was necessary to inform the Director of Medical Services. Mr. Hunt wished to know if this could be treated as confidential medical information, but could not tell the writer in what way. I discussed the entire situation—the dangers and the reservations and the gravity of the situation with the Deputy Chief, Psychiatric Staff, the Director and Deputy Director of Medical Services.

9. On 13 August 1971, additional information was received from the White House. To the best of my knowledge this was from Howard Hunt and consisted of poorly Xeroxed classified FBI reports and Department of State documents. This material provided additional data and on 20 August 1971 the Director of Medical Services and the writer met with the Deputy Director for Support concerning the White House request in the Ellsberg case and the continuing pressure and desire for a psychiatric study. The problems associated with developing the study and our continuing reservations were discussed in detail. In view of Mr. Hunt's enthusiasm, concerns existed about the checks and balances to actions based on a study if one were to be undertaken. To the best of my recall the Deputy Director for Support was in agreement with us. While the additional information furnished further suggested that Ellsberg was under emotional pressure it was not possible to arrive at any firm conclusions or comprehensive understanding of the man's personality. The additional information indicated that:

a. He had revealed quasi-Secret information while still in the service when he was applying for a Ph.D. fellowship.

b. He had volunteered for Vietnamese service for the State Department in 1965 while under the stress of obtaining a divorce from his first wife.

c. He had sought psychoanalytic treatment between the fall of 1968 and 1970 with a psychoanalyst (who was determined to be professionally qualified and reputable) in California.

*Excerpts from a summer, 1971 proposal by John Caulfield to John Dean for a political intelligence-gathering plan called Operation Sandwedge:*

Operation Sandwedge proposes that it be charged in this regard with the following responsibilities:

OFFENSIVE (New York City based-clandestine operation)

A) Supervise penetration of nominees entourage and headquarters with undercover personnel.

) "Black Bag" capability (discuss privately) including all covert steps necessary to minimize Democratic voting violations in Illinois, Texas, etc.

C) Surveillance of Democratic primaries, convention, meetings, etc.

D) Derogatory information investigative capability, world-wide.

E) Any other offensive requirement deemed advisable.

DEFENSIVE OPERATIONS

A) Select and supervise the private security force hired in connection with the Republican National Convention. Conduct all political security investigations at Republican Convention.

B) Establish and supervise nationwide electronic countermeasures capability in connection with all non-presidential security aspects of '72 campaign.

C) Supervise all security operations at 1701 Pennsylvania Avenue, RNC. Conduct all security investigations (leaks, personnel, etc.)

D) Ensure the political security aspects of the travelling campaign staff.

E) Conduct any Republican Party-Campaign oriented investigation nationwide.

OPERATING COVER

The consensus dictates that a privately created corporate business entity would be the most effective tool to implement the sensitive responsibilities indicated above. The corporation would posture itself as a newly formed security consulting organization—security experts with impeccable Republican credentials who actively seek only Republican Corporations and law firms as clients.

Since the key operating principals (3 or 4 persons) in the corporate entity would be well known Nixon loyalists in the law enforcement area, the defensive involvement, as outlined above, would be plausible and readily acceptable to all friend or foe inquiries.

The offensive involvement outlined above would be supported, supervised and programmed by the principals, but completely disassociated (separate foolproof financing) from the corporate structure and located in New York City in extreme clandestine fashion. My source would be charged with setting up and supervising this operation. In other words, he would not surface. Rather, his responsibilities would be increased and he would be charged with setting up the clandestine operation in exactly the same fashion as he did during his career. . . .

*Memorandum from Gordon Strachan to H.R. Haldeman, Sept. 24, 1971:*

Subject: Political Matters

Recent developments that you may find of interest are:

1) Finances—Kalmbach told me he appreciated the opportunity to meet with

you on September 21. A review of decisions and subsequent developments includes:

a) Stans cannot be assured any particular post if he becomes Nixon Finance Chairman, but something of the calibre of the World Bank would be expected;

b) All of Stans requests upon departure would be accepted except his desire to delay his departure from Commerce. It is the Attorney General's view that it might be advantageous to delay Stans' departure until after the campaign spending legislation becomes final. These matters should be covered when you meet with the Attorney General and Stans to reach an "understanding";

c) Kalmbach will obtain from Stans a list of the 1968 commitments which are frequently mentioned to you without specifics;

d) Stans postponed the meeting of the finance people (Nunn, Sloan, Dugan, Washburn) until September 29. Kalmbach will not attend as he wishes to retain his role of reporting directly to you. The Stans meeting will review the current financial situation (1,400 received, 400 spent), the Campaign budget, and the participants' responsibilities;

e) You told Kalmbach you would cover the 800 special fund with the Attorney General;

f) At Kalmbach's meeting with the Attorney General on September 21, he was informed that "sandwedge" has been put on "hold" as there is concern about the structuring of the project;

g) DeRoulet and Symington—You agreed with the Kalmbach that their 100 each should be returned since the European Roulet in New York on September 11. The repayment because of non-delivery on the European ambassadorship was covered by Kalmbach and DeRoulet was "really upset". However, the C.V. Whitney move to Spain was not covered, and since DeRoulet wants to meet with you while he is in the

U.S. for the next two days, Kalmbach believes you should cover the C.V. Whitney/Spain matter. DeRoulet will see Flanigan on September 24, and Kalmbach expects Flanigan to be "hamhanded" in emphasizing to DeRoulet that a European post is out. Kalmbach hopes that either Malta or Mexico may be "doable" in 1973;

h) Firestone for 100, Schreiber for 100, and Jules Stein for 150 are in on the condition that the money will be used in California;

i) (The only commitment that Kalmbach is aware of at this time is Farcas for Costa Rica;

j) In spite of Kalmbach's 1,200 European trip, there is no assurance on those posts after 1973;

k) I have asked General Haig to call Professor Edward Glaser, the friend of Dr. Ed David, about the "intelligence matter" referred to by Kalmbach while discussing Kent Smith;

l) You were going to check with the President whether or not the San Clemente maintenance should be changed from Lynch to Gavin Herbert;

m) Ford is in for 100; Fisher may be in for 250, but you weren't sure "we could pay his price";

n) Tricia not Eddie is to receive the information on her assets from Kalmbach;

o) The site selection project is on hold.

2) RNC Convention—

a) Network coverage will be gavel-to-gavel each day by CBS and NBC. They hope the Convention begins at 4:30 PDT so live coverage can begin at 7:30 EDT. ABC will begin at 9:30 EDT and continue to the close of the session. CBS and ABC have scheduled

"specials" for Sunday, August 20, 1972;

b) The Attorney General agrees that Timmons should continue to act as Chairman of Magruder's task force on the RNC Convention;

c) The Timmons memorandum for Magruder on hotel accommodations, transportation, and seating is attached at Tab A per your request;

d) The Ehrlichman and Timmons recommendations for Convention Appointments is attached with a talking paper for the Attorney General at Tab B.

### 3) Magruder's Projects—

a) Magruder will attempt to implement Buchanan's suggestions for Muskie's trip to Chicago and Milwaukee this weekend. The suggestions include: Black pickets with "Conyers for President", "No Bigots for President", etc.; leaflets in the South Side encouraging demonstrations at the Hilton where Muskie will speak; letters to Chicago papers, and an Ogilvie statement hitting Muskie on his black Vice Presidential statement and pro-busing stand;

b) The Attorney General cancelled the "political meeting" with Rumsfeld, Kleindienst, LaRue, Flemming, and Magruder. I shall attend when it is again on the Attorney General's schedule;

c) Press policy at the Committee for the Re-Election of the President includes: Francis Dale as the official for quotation spokesman; the Attorney General or MWAGRUDER IN A "minor situation" will determine whether or not Magruder should talk with the press on a background basis; any involvement by the Attorney General is denied; no one besides Magruder may speak with the press; Martha Mitchell receives help from the Committee because the Comm would "help

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any key Republican"; Nunn and Sloan are raising day-to-day expenses only; a Committee Press Spokesman will be added in January.

4) Harry Dent's Recommendations are as follows—

a) The Vice President should sign the Gerald Ford Congressional Committee fund raising letter if the draft were changed to delete the negativism and hucksterism;

b) Congressman Jim McClure should receive White House support in his attempt to replace Jordan of Idaho in 1972. The Vice President's office (Art Sohmer) has been advised;

c) He is increasingly concerned that the Attorney General is not spending enough time on the hard organizational decisions: Harry Flemming is doing only the most obvious, lightweight work; the "political meetings" (last one held on June 30) are not reaching decisions; there are no regional men active yet, etc. Dent believes that the Attorney General is just too busy with his Justice, domestic policy, and NSC responsibilities. He has no "political staff" at Justice and is simply inundated with pending Campaign decisions submitted by Magruder.

Subjects that you have raised with the Attorney General that indicate he is too busy include: state by state Campaign leader dinners, recommendations on state leader assignments, and a strategy for the primaries.

Magruder concurs that the Attorney General is too busy and has not been able to focus on the accumulating hard Campaign decisions.

Subject: Political Matters  
Finances

1) Secretary Stans met with Hugh Sloan, Lee Nunn, and Herb Kalmbach on September 29. They reviewed Stans'

fourteen points concerning financial control of the Campaign. Stans sent Hugh Sloan to the Attorney General with fourteen points and the joint Attorney General-Stans decisions are:

a) The Budget Committee will have representatives from the Finance Committee for the Re-Election of the President, but the Campaign Chairman makes the final decisions;

b) Outside groups (e.g. Businessmen for Nixon) will be self-sustaining;

c) Any Citizens organization will be merely a division of the Committee for the Re-Election of the President instead of an independent unit;

d) There will be no fund raising activities until after the November 9 RNC dinners. The RNFC will be controlled by the Finance Committee for the Re-Election of the President beginning November 10 or January 1 depending on a decision to be made by the Attorney General and Stans at a later date;

e) Hugh Sloan is acting Chairman of the Finance Committee for the Re-Election of the President until Stans decides to accept the post or an interim Chairman (General Clay or Tom Patton) is chosen;

f) The Attorney General is currently retaining complete financial control, exercised through Hugh Sloan until Stans decides whether to accept or reject the position of Finance Chairman or the Campaign.

g) Preliminary budgets for the Committee for the Re-Election of the President (\$23,000,000) and for the Finance Committee (\$3,000,000) have been submitted to Stans but not put in final form for review by you and the Attorney General yet.

2) The Vice President's re-drafted fund raising letter for the Congressional Committee will go out on October 9.

3) Lee Nunn reports a complete impasse in his attempts to collect \$25,000 from Secretary Morton, who borrowed the money from you and the Attorney General in May for the Bill Mills Congressional Campaign. The Attorney General has raised the subject with Morton twice but only an acknowledgement of the commitment with no date for payment has developed. Either you or the Attorney General will have to come down very hard on Morton to get him to stand by his pledge. A talking paper for Secretary Morton is attached, and the subject is raised in paragraph one of the talking paper for the Attorney General.

4) Colson sent you a memorandum noting a Justice Department Anti-Trust Division investigation of the milk producers association exemption, which was upheld by the District of Columbia Federal District Court in 1956. John Dean verified the report. Colson urges his own non-involvement.

Lee Nunn forwarded a letter from John Rarick (D-La.) to Secretary Hardin about a new merger of milk producers and what type of control is to be exerted.

The subject is covered in paragraph 2 of the talking paper for the Attorney General.

### Harry Dent Matters

1) The Attorney General called Harry Dent to say that "the campaign organization in the key states has not yet been developed to the point where we could be sure of having the right people there." (At Key state dinners at the White House.) The immediate result is that the October 21 dinner for the New York people has been indefinitely postponed. The Attorney General doubts whether any Key state dinners can be held before January 1, 1972. Dave Parker is preparing a memorandum tracing the Presidential request for these dinners back to February 1971.

2) Also, the Attorney General advises that any Presidential reception for members of the RNC should be delayed until the spring.

3) A young Aide to Senator Gurney mistakenly attributed to Harry Dent statements about Gurney's vice presidential opportunities.

4) At the Delaware reception on October 5, John Rollins talked to the President about a fourth party situation. The President called Dent and told him to have Rollins meet with you and perhaps the Attorney General. The subject is presumably the funding of the black candidate project that the President discussed with you on the Spirit of '76 while returning from Alaska . . .

### John Dean

Father McLaughlin will hold a fund-raising dinner in Rhode Island on November 4. When you asked John Dean to turn off the project, it was too far along—letters of invitation had al-

ready been sent. Dean did talk with Father McLaughlin, but did not accept Dean's advice to stop the project. In addition, Ray Price told Dean "not to worry," that there would be no incidents, and that the event would be held "with restraint."

### Murray Chotiner

Magruder reports that the Attorney General informed Chotiner that the \$1,500 per month services of "Chapman's Friend" would be terminated.

You received a carbon of a memorandum from Chotiner to the Attorney General suggesting that "Lee Nunn, or someone like him," should be contacting "Governors and Senators and other VIP's." Although Chotiner says this is not a reflection on anyone, the implication is that Harry Flemming is neither old enough nor known for past endeavors.

### Magruder's Projects

1) Martha Mitchell will not do a TV talk show but will begin doing a syndicated column, probably for King Features. A 1701 staff writer will prepare the material;

2) The Attorney General told Lyn Nofziger he would not be the California Campaign Manager. Magruder believes it will be Gordon Luce, but the Attorney General has not decided;

3) Additional office space is being acquired at 1701 in anticipation of the staffing up between November 1 and January 1;

4) The Attorney General was pleased that the GOP Moderates Meeting at the Army Navy Club leaked to the press pursuant to plan. He believes that this undermined the "dump Agnew" overtones. The Attorney General has a list of those who attended;

5) The New Hampshire Committee for the Re-election of the President, with Lane Dwinell as chairman and Allen Walker as the action person, will be announced toward the end of October. There will be no direct connection with the national Committee for the Re-Election of the President, and the press policy will be the same: no Presidential or White House involvement but occasional discussion with the National Committee for the Re-Election of the President;

6) Although the Attorney General has not reviewed Ken Rietz' youth campaign plan, he has approved Rietz plan for a new voter registration plan in Orange County, Florida, beginning with a kickoff speech by Senator Brock on November 1. The drive will conclude November 20, to be followed with appropriate publicity;

7) Representatives of Harold Dobbs, the Republican challenging Alioto in San Francisco's mayoralty race, approached Magruder for \$150,000. Political sources in California informed Ma-



gruder that Dobbs cannot win, and so if any money were to be given, "it would be basically for public relations purposes". The Attorney General has not made a decision;

8) Bob Marik, who prepared the Computers, Polling, and Research Planning Study for Flanigan's signature, went to New York to assess the reapportionment project in New York. The Attorney General directed Magruder and Marik to work with Dick Scolaro on the reapportionment project but with (Chuck) Lanigan for political matters such as strengthening the RNC - NY Republican party cooperation;

9) Magruder suggested to the Attorney General that when Governor Reagan returns from Taiwan and other Asian countries it would be appropriate for Reagan to speak to the National Press Club and reaffirm his support for the President's dialogue with China. The Attorney General agreed. The National Press Club speech by Reagan could be immediately after Reagan's personal report "to the President on the results of his findings" according to Magruder;

10) After you acted on the Bull-Chapin memorandum on the scheduling of Senator Goldwater and other surrogate candidates, Magruder checked with the Attorney General to confirm his understanding that there were no conflicts between your decisions and the Attorney General's views. The only minor divergence concerned the role of the White House Speakers Bureau. You decided that "official spokesmen from official non-political functions up through the Convention" should be handled by Colson's operation. The Attorney General gave a tentative approval "pending further consideration."

12) After the YAF Convention debate, Buchanan was asked to comment on suggested methods of courting conservatives. Buchanan urged extreme caution on all the suggestions including the NSC talking paper on China (a Kilpatrick column would be better); post-Presidential speech telephone calls (several might not even accept the call); assistance getting Administration explanations in Battle Line,

etc. (the key editors and writers have already broken with the Administration so extraordinary assistance would be of no value); only Presidential Commissions and invitations might be accepted, but Buchanan or Dave Keene of the Vice President's office will see that these are handled correctly.

#### The Democratic Contenders

Pat Buchanan, as the chairman of the Attorney General's task force on the Democratic Contenders, supervises the RMC research on the contenders, drafts materials for Monday, and clears "political hard ball" suggestions for Magruder's implementation. Buchanan reports that he has had significant success in all three areas.

Ed DeBolt at the RNC supervises the preparation of weekly reports on the Democratic Contenders which are detailed and useable enough to preclude the necessity to "assign one White House staff member to . . . each candidate" according to Buchanan.

Both Monday and the anti-Democratic Contenders' signs, demonstrations, State Chairmen statements, and letters to the editors have been "not inconsiderable in terms of harrasing our adversaries." He forwarded the attached memorandum and clippings to prove his point.

In addition, Buchanan has prepared an excellent updated strategy memorandum entitled "dividing the Democrats". A copy is attached as you may want to read it prior to the general discussion of approach to the Democrats with the Attorney General. Buchanan has led the attack against Muskie but



Sketch by David Suter, for The Washington Post

now asks guidance as to whether the attack shouldn't be shifted to "Kennedy, whom some consider (Nofziger among them) the most difficult candidate the President could face." Buchanan also believe that Jackson should receive his share of the attack as a Democratic contender.

Finally, Buchanan reports that "Bob Finch feels very strongly that the time has come to lay the groundwork for the "Do Nothing" Congress charge. Finch believes that the President should open a Cabinet meeting, "clear of Aides," encourage the Cabinet to do a series of speeches supporting the President, and then "depart leaving Bob Finch to fill in the details."

#### The Attorney General

As mentioned in m September 24 Political Matters memorandum some involved in the campaign are concerned that the Attorney General is not spending the time necessary to make the early important decisions. Rumsfeld and Flanigan now agree with Dent and Magruder that the time has come for hard decisions by the Attorney General in these areas, for which the Task Force "planning studies" have been completed:

- 1) Young Voters for Nixon—Rietz proposal;
- 2) Polling computers, and research—Flanigan
- 3) Democratic Contenders Strategy—Buchanan memoranda;
- 4) RNC Convention Appointments—Timmons suggestions;
- 5) Voter Block Staff Requirements—Magruder;
- 6) Advertising Director—The Attorney General saw Peter Dailey on October 11 and will see Richard O'Reilly on October 13.
- 7) RNC—Dole Problems—raised by Colson, Nofziger, Evans Dent, etc.;
- 8) Sandwedge and other Covert Activities—Dean;
- 9) The Farm Vote — Whitaker recommendations;
- 10) State Organizations: Fleming is doing only the preliminary, light weight work which is being criticized by Chotiner and Sears. The Attorney

General has not held a "political meeting" since June. None of the State or organizational dinners, first suggested in February 1971 will occur before January 1972.

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Memorandum from Egil Krogh and David Young to John Ehrlichman, Nov. 1, 1971:

Subject: Ellsberg et al. — DoD Damage Assessment

As you are aware from prior discussions, information on damage is a sine qua non of a successful prosecution of Daniel Ellsberg. This is particularly true in this case as:

(a) Ellsberg gave classified information to the Press, not to a foreign power;

(b) Just a few months after Ellsberg went public, DoD published virtually the same material;

(c) There has been no apparent damage as a result of Ellsberg's disclosures.

Generally, successful prosecution under 18 U.S.C. 793 (Espionage) requires only that the documents involved relate to the national defense and that their disclosure could affect adversely

the defense interests of the nation. For the reasons set forth in (a), (b) and (c) above, however, Justice believes it will have to prove at least that the Ellsberg disclosures would damage our defense interests and, probably, that in fact they did.

What is needed are specifics; e.g. examples of actual interruption of, or damage to, U.S.-Hanoi negotiations on POW release and/or interruption or compromise of U.S. communications intelligence. It will not suffice for a ranking military officer to do what was done (with unsuccessful results) in the civil suit against the New York Times: state that Ellsberg's disclosure caused damage to the defense interests of the U.S. That is a conclusion which must be arrived at by the jury. What is

necessary are the concrete examples from which such a conclusion can logically be drawn.

On September 30th, at a meeting between Buzhardt and his staff and Mardian and his staff, Mardian stressed the urgency of Justice's need for specific information on damage. Buzhardt promised to speak separately to Mardian about it.

By October 19th, when the promised meeting had not yet taken place, Justice inquired into the matter. DoD advised that no one is working on the problem, and that there is no information to give to Justice. DoD suggested, in the alternative, that Justice review the 47-volume McNamara Study and refer in writing to those portions thereof which "troubled" them. This is an unacceptable situation.

Justice has thought out the damage problem well and knows exactly what it needs from DoD. It is necessary that Defense be instructed immediately to accept Justice's detailed request and respond thereto fully within 10 days.

Recommendation: That you sign the attached letter to Secretary Laird.

Dear Mel:

We are having considerable difficulty in obtaining from Fred Buzhardt the specific information on damage to the defense interests of the Nation necessary to prosecute Ellsberg successfully under the espionage statutes.

Justice has analyzed this question well; knows precisely what it wants from Defense and time is of the essence.

I would appreciate it if you could give this matter your personal attention so that Buzhardt will accept Mardian's request immediately, and do the necessary to respond fully within ten days.

Yours sincerely,

John D. Ehrlichman

Indistinct document retyped by  
House Judiciary Committee staff

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*Letter from Richard Helms to David Youn, Nov. 9 1971, referring to the psychiatric profile of Daniel Ellsberg prepared by the CIA:*

Dear David:

I have seen the two papers which Dr. 6 prepared for you. We are, of course, glad to be of assistance. I do wish to underline the point that our involvement in this matter should not be revealed in any context, formal or informal. I am sure that you appreciate our concern.

Sincerely,  
Richard Helms  
Director

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*CIA psychiatric profile of Daniel Ellsberg, November, 1971:*

In considering the comments contained in these notes, it is important to hold in mind a number of factors, any one of which might seriously distort the picture. While an effort has been made to illustrate historically the basis for the ideas presented, the overall result must necessarily be highly impressionistic and at any given juncture further investigation of the facts might support other (and contrary) conclusions. All of the material is available second hand (or further removed) and the sine qua non of the psychiatric approach is to obtain information directly from the person himself (even the Subject's direct quotations are subject to the distortions of the reporter). There has of course been no exhaustive or complete review of all available material and the impressions contained herein are based only on what has been supplied and what has been

available in open sources. These ideas have not been subjected to the usual leavening effect of time, nor has it been possible because of time pressures to subject these concepts to the time-tested procedure of peer review. Unusually candid autobiographical material contained in a Look, October 1971 article may seem at first blush very helpful and clear, but because of the Subject's propensity to seemingly abrupt about-faces, the information may be all the more distorted. Finally, the circumstances and uncertainties surrounding the entire case, the vagaries of the future, and the difficulties in foreseeing how or if or in what way the ideas contained herein can be utilized have entered into the drawing up of these notes.

A very intelligent man, the Subject also seems to be a person with very strong, although fluctuant, emotional attachments. There is however, no available evidence to indicate that he is emotionally disturbed in a psychotic or gross manner. Very little is available about his early background, but at 15 he did an about-switch when he gave up the piano at which he had been very proficient, and by his senior high school year he was captain of the basketball team. The loss of interest in the piano, and the subsequent concentration on a sport were associated with an automobile accident which led to his wearing a cast for a year because of a broken knee. His father was driving and his mother and sister were killed. His father subsequently remarried. It is possible that strong feelings or resentment and rage and frustration stirred up by death and personal illness or injury are associated with his apparently sudden and extreme shifts in loyalty and enthusiasm.

In April 1967, the Subject was ill with hepatitis in Bangkok. That summer he returned from Vietnam. He had vigorously favored and participated in the pacification efforts of the Vietnam countryside as espoused by General Lansdale, and he had not been ostensibly distressed at that time by taking

part in search and destroy missions in which it is quite possible that he actually killed the enemy himself. In 1967, John McNaughton, for whom he had worked in 1964-1965, was killed in an airplane accident. It was in these circumstances, and on returning to the United States that he retrospectively first speaks of feeling more and more that the U.S. should get out of Vietnam. It is possible that the anger and frustration engendered by his hepatitis (and immobilization by bedrest) combined with the loss by an accident of an erstwhile mentor (McNaughton), mobilized a shift in his views. (There may also have been disappointment in his relationship with General Lansdale.)

But if the Subject were this sensitive to these not uncommon stresses of life, what would account for the sudden shifts in his ideals, and in their emotional underpinnings? His central theme for leaking the Pentagon Paper has been that "the Executive" should not alone have so much unshared power as to plunge the country into war and the misery and death that it brings. It is probable that the Subject is not only referring here to the various Presidents, but also to his own father whom, after all, he saw as responsible for the death of his mother and sister, injuring him to boot. Such feel-

ings of jealousy toward his father (or later-day versions of it) are the outgrowth of the male child's intensive unsettled rivalry with his father for the mother. Whether this intense anger toward his father arose out of resentment toward him for taking the mother from him by death, or whether out of resentment at the father for not accepting him in her place and for marrying another woman, cannot be discerned from the material available. However, the writer would incline toward the latter because of his recurring disappointment in men whom he looks up to and tries to please. Through the years his intense resentment of his father and later those in authority over him was probably to some degree masked by his intellectual gifts which enabled him to differ, to contend, and to disagree in a rather useful way. It is even likely that important men were attracted and interested in this brilliant young man. But the relationships never seem to have been lasting ones, probably because at close range his essentially destructive resentment toward these men was sensed. (He was nudged out of the McNamara Study because his supervisors were uneasy with him.)

And yet, there is also an element of desiring to please, to be influenced by, and to placate an important man, through the use of his natural gifts.

*Statement of information submitted on behalf of the President with regard to White House surveillance activities.*

1. On June 5, 1971, Ehrlichman sent a memorandum to Dean in which he stated there was a recent episode in which information was leaked to a newspaperman and asking whether this is in violation of any statute and also if there is any oath or commitment taken by intelligence people regarding secrecy of information in their possession. Tod Hullin inquired of Dean as to the status of this request in a memorandum dated June 25, 1971. Dean inquired of Hullin on June 29, 1971, whether in light of the New York Times matter the report was still wanted. On July 2, 1971, Dean forwarded this memorandum for Ehrlichman, dated June 16, 1971, to Hullin.
2. The Special Investigative Unit was established to deal with the problem of security leaks and only afterwards did it become a field operative investigative force, because, in part, of problems arising with the FBI.
3. On June 30, 1971, General Haig sent a memorandum to the heads of all U.S. Departments and Agencies indicating the President's request for a security clearance review.
4. Colson, during the period immediately following the Pentagon Papers disclosure, was responsible for analyzing the accuracy of the Pentagon Papers and the relationship between the White House and the Congressional Committees that were planning to investigate this affair. In late June, Halderman asked him to find a person who could assume full-time responsibility for these functions. E. Howard Hunt was finally chosen for this position.
5. On July 2, 1971, Colson sent a memorandum to Haldeman with an attachment containing a portion of Alexander Bickel's argument before the Supreme Court.
6. On July 3, 1971, Colson sent a memorandum to Ray Price setting forth several points the President wanted included in a Presidential statement.
7. On or about July 15, 1971, Ehrlichman told Krogh to begin this "special" national security project. While Krogh was under the overall aegis of Ehrlichman, he did not regularly report to Ehrlichman.
8. On July 16, 1971, Colson sent a memorandum to Ehrlichman indicating that according to a report from Frank Stanton the FBI made an extensive investigation of the Rand Corporation centering on an alleged leak of documents by Ellsberg and the FBI had a "solid case" but the FBI elected not to act.
9. The FBI made two unsuccessful attempts to interview Dr. Lewis Fielding on July 20 and 26, 1971.
10. On July 21, 1971, David Young attended a meeting at CIA headquarters, Langley, Virginia, discussing the CIA's involvement with the Pentagon Papers.
11. On July 24, 1971, the President held a meeting with Ehrlichman and Krogh, to discuss efforts to identify the source of the SALT leak and the use of a polygraph on State Department personnel suspected of being the source of the leak. The President did not authorize the use of illegal means by the Unit.
12. On July 26, 1971, David Young attended a meeting at the State Department to discuss the specifics related to the preparation of the Pentagon Papers.
13. On July 26, 1971, Colson sent a memorandum to Ehrlichman recommending that a study be prepared of Top Secret leaks that appeared in the New York Times and suggesting that Krogh and Young could do this.
14. On July 28, 1971, Young prepared a memorandum for the record summarizing a meeting he attended concerning overall White House direction of the matters surrounding the Ellsberg inquiry.
15. On July 30, 1971, Krogh and Young sent a memorandum to Ehrlichman on the status of the Ellsberg inquiry.
16. On August 9, 1971, Young attended a meeting at CIA headquarters to discuss the problem of leaks.
17. On August 13, 1971, Young and Krogh sent a memorandum to Ehrlichman indicating that an attached newspaper article endangered the life of a clandestine CIA operative.
18. Ehrlichman testified that he first learned of the Ellsberg break-in when he returned from a vacation on Cape Cod and that was a few days after the event.
19. Following a National Security Council meeting on March 28, 1969, the President directed that the several studies be conducted on alternative solutions to the Vietnam War. One alternative to be studied was a unilateral troop withdrawal. The study directive was issued on April 1, 1969 and on April 6, 1969, the New York Times printed an article by Max Frankel indicating that the United States was considering unilateral withdrawal from Vietnam. At the time the article was published no official discussions regarding this alternative had been taken up with the government of South Vietnam.
20. On June 3, 1969, shortly after the decision had been reached to begin withdrawal of troops from Vietnam, George Sherman reported the decision in The Evening Star and indicated that it would be made public following the President's meeting with South Vietnam's President Nguyen Van Thieu. Hedrick Smith made a similar advance release in the June 4, 1969, New York Times. The decision to begin withdrawing troops had not been formally discussed with the South Vietnamese at the time of the disclosure.
21. In early March, 1969, a decision was reached to conduct B-52 raids into Cambodia. These raids were conducted secretly to maintain the tacit approval of neutralist Cambodian Prince Norodom Sihanouk.
- However, on May 6, 1969, William Beecher accurately reported these raids in the New York Times jeopardizing the relationship with Prince Sihanouk.
22. In the May 1, 1969, New York

Times, William Beecher reported the five strategic options under study for the SALT negotiations with close estimates of the costs for each option. These options were published before they were considered by the National Security Council.

23. On June 18, 1969 in the New York Times, Peter Grese reported on the secret official estimates for the first strike capabilities of the Soviet Union. This was published during the SALT negotiations thereby prematurely revealing the intelligence basis upon which the United States was developing its SALT position.

24. Hedrick Smith, in the June 3, 1969, edition of the New York Times, reported that the President had determined to remove nuclear weapons from Okinawa in the upcoming negotiations with Japan over the reversion of the Island. The article stated that the President's decision had not yet been communicated to Japan, thereby preempting the possibility of obtaining a more favorable outcome during the negotiations.

25. Morton Halperin was chief of the National Security Council planning group and therefore was one of several persons having access to the information which leaked. In this position and during his tenure as consultant to the NSC, Dr. Halperin received extensive exposure to classified information much of which remains confidential to this day. Dr. Halperin was removed from access to sensitive material regarding national security matters following publication of one of the Beecher articles in the New York Times.

*NOTE: There was no paragraph 25 in the notebook presented to the Committee on the Judiciary.*

27. A letter dated September 12, 1973 from Attorney General Elliot Richardson to the Senate Foreign Relations Committee referring to the placement of these seventeen national security wiretaps stated that "the Department of Justice scrupulously observes the law as interpreted by the court."

28. There was clear legal authority on the legality of warrantless national security wiretaps at the time the seventeen wiretaps were conducted.

29. After the termination of these seventeen taps, the Supreme Court stated that the legality of foreign policy warrantless wiretapping was an open question. Attorney General Richardson has indicated that under these circumstances, the Department of Justice can reasonably rely on decisions of lower courts in justifying these wiretaps. Under current legal standards, warrantless foreign policy wiretapping is legal.

30. On May 31, 1974 the court-appointed panel of experts filed its final report on the 18½-minute gap on the June 20, 1972 EOB. One of the bases supporting the panel's final conclusions is the assumption that the Uher 5000 recorder used by Rose Mary Woods was functioning normally when it produced the erasure and on the June 20, 1972 EOB tape.

31. Stanford Research Institute, Dektor Counterintelligence and Security, Inc. and Home Services, Inc. believe that the Uher 5000 was malfunctioning at the time the erasure on the June 20, 1972 EOB tape was produced. They also disagree with the panel's conclusion that the erasure was produced exclusively by keyboard manipulation and not by internal machine malfunction.

32. Haldeman's contemporaneous notes of his June 20, 1972 meeting with the President do not reflect that the President had prior knowledge on the Watergate burglary or was aware of any subsequent cover-up.