

Excerpts From Panel's Evidence

Special to The New York Times

WASHINGTON, July 18—The House Judiciary Committee released today four volumes of evidence gathered in its impeachment inquiry. These volumes deal with White House surveillance activities and campaign activities. Following is the text of a statement of information presented by the staff to the committee members. These volumes bring to 12 the total number of volumes of evidence released thus far by the committee. On July 12, The New York Times published excerpts from seven volumes of evidence on the Watergate break-in and cover-up; yesterday The Times published excerpts from a single volume, on the Internal Revenue Service.

STATEMENT OF INFORMATION White House Surveillance Activities and Campaign Activities

1. In early May, 1969, following conversations between F.B.I. 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 F.B.I. 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 17 wiretaps.

4. Unlike other national security wiretaps, the 1969-71 wiretaps were not entered in the F.B.I. 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 N.S.C. staff were requested orally by Col. Alexander Haig, who was then an assistant to the N.S.C. Chairman, Kissinger. A renewed tap on one of these seven was later requested orally by H. R. Haldeman.

6. Five of the wiretaps on N.S.C. 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

N.S.C. 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 N.S.C. employees was established to have been a source of leaked classified information.

Those Ordering Wiretaps

8. In the cases of the four newsmen who were tapped, three were ordered by Colonel Haig. Kissinger has testified that the name of one of these three was presented by F.B.I. Director Hoover to the President as a man who had 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 F.B.I. report about the individual. Mitchell also requested physical surveillance of the commentator, but withdrew this request after being advised by the F.B.I. of the difficulties involved.

9. According to the F.B.I., the F.B.I. 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 F.B.I. 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 Colonel 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 F.B.I. 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 Colonel Haig, who represented that the order for these wiretaps came from the President.

13. None of the three Government

FRIDAY, JULY 19, 1974

on White House

Surveillance

employees tapped in connection with the Cambodian bombing story was ever reported by the F.B.I. 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 employe. 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 F.B.I. Director William Sullivan was ordered by F.B.I. 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 F.B.I. Director Sullivan reported to Director Hoover that the wiretap on one of the N.S.C. employees produced nothing significant from the standpoint of discovering leaks and recommended that some of the coverage be removed. The tap on that employe was not removed; it remained in place until Feb. 10, 1971, 17 months after the employe resigned as a full-time employe of the N.S.C., and nine months after he terminated his relationship as an N.S.C. consultant.

Investigation by Ulasewicz

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 fund raiser Herbert Kalmbach from political contributions held by Kalmbach.

17. On or about Nov. 1, 1969, Attorney General Mitchell requested the F.B.I.'s views as to the type of coverage to be used on Joseph Kraft. The Domestic Intelligence Division of the F.B.I. recommended "spot" physical



UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

WASHINGTON, D.C. 20535

May 29, 1969

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 _____, and is with _____ Recently he has been telephonically in contact with N on whom you authorized a telephone surveillance in captioned case. P is _____ of _____ and was stationed in _____. 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,

J. E. Hoover
John Edgar Hoover
Director

APPROVED *J. E. Hoover*DATE 5/29/69

TOP SECRET

GROUP 1
Excluded from automatic
downgrading and

NOTE: AT THE REQUEST OF THE DEPARTMENT OF JUSTICE, THE CHAIRMAN AND RANKING MINORITY MEMBER DIRECTED THAT CERTAIN MATERIAL BE DELETED PRIOR TO PRESENTATION OF THE DOCUMENT TO THE COMMITTEE ON THE JUDICIARY. DELETED NAMES OF WIREAPPED INDIVIDUALS HAVE BEEN REPLACED BY LETTER DESIGNATION.

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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 Nov. 5, 1969, and continued until Dec. 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 F.B.I., 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 F.B.I. Director J. Edgar Hoover, Defense Intelligence Agency Director Donald Bennett, National Secur-

ity 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, General Bennett, Admiral Cayler, 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 inter-agency 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 F.B.I. 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 recom-

mended that the restraints on the use of these techniques be relaxed. Huston justified his recommendation in part on the past practices of the F.B.I. Huston also recommended the formation of an interagency evaluation committee, as outlined in the Report.

Top Secret Memorandum

23. On July 14, 1970, H. R. Haldeman sent a top secret memorandum to Huston stating that the President had approved 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 Aug, 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 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 joint 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.

Surveillance of Nixon's Brother

28. In the latter part of 1970 the Secret Service installed a wiretap on the telephone of Donald Nixon, the President's brother, in Newport Beach, Calif., and also instituted physical surveillance. Caulfield was assigned by Ehrlichman to monitor and 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 F.B.I. terminated the nine wiretaps from the 1969-71 electronic surveillance program which were still in operation.

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 Vietnam 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 C.I.A. 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 F.B.I. 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.

Pentagon Papers Discussed

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 staff members were told by the Assistant Attorney General in charge of the Internal Security Division 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 Senator 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 C.I.A. agent.

38. On July 1, 1971, the Internal Security Division of the Justice Department sent a request to the F.B.I. asking whether there was any electronic surveillance involving Daniel Ellsberg.

According to the F.B.I., 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 N.S.C. whose telephone was tapped. But no record of this overhearing was maintained in the regular files of the F.B.I.

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 transcripts 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 Gen. Robert Cushman, Deputy Director of the C.I.A., 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 C.I.A. aid for Hunt, and that it was not until July 24, 1971 that the President gave him special authority to call on the C.I.A. for assistance in connection with the work of the special investigations unit.

'More Pentagon Papers'

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 politically 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 canceled.

44. Between July 1 and July 11, 1971, Assistant F.B.I. 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 F.B.I. 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 F.B.I. by Director Hoover with whom he had disagreed on F.B.I. 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, Cal., 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 F.B.I. reported to the Assistant Attorney General, Internal Security Division of the Department of the record of Justice, that a review of the F.B.I. revealed that no conversations of Daniel Ellsberg had been monitored by electronic surveillance devices. On July 16, 1971, the F.B.I. 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.

High-Security Office Space

48. In the week following July 17, 1971, Krogh recruited Gordon Liddy, and ex-F.B.I. 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 C.I.A. Deputy Director Cushman and asked for C.I.A. aid in connection with an interview Hunt was going to have with an unidentified person. The C.I.A. 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 United States 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 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 C.I.A. in obtaining polygraph equipment and operators.

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

'Neutralization of Ellsberg'

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 C.I.A. 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 under way and 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 F.B.I. 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 F.B.I. 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 F.B.I. 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.

Refusal by Fielding

58. In the week prior to Aug. 5, 1971, Krogh, Young, Hunt and Liddy discussed information that the F.B.I. 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 F.B.I. 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 F.B.I. had been unable to gain access to Fielding's files on Ellsberg. They told Ehrlichman that to examine these records something other than regular channels through the F.B.I. 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 Aug. 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 system, the cancelation of software contracts and a polygraph study.

61. On Aug. 11, 1971, the C.I.A. 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 psy-

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

62. By memorandum dated Aug. 11, 1971, Young contacted the State De-

partment 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 Col. Lucien Conein, a retired C.I.A. employe 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 implicitly 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 C.I.A. 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.

Hunt Recruited Barker

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, 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 C.B.S. 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 F.B.I. background report on Schorr. The F.B.I. following Higby's request, conducted an extensive investigation of Schorr. The F.B.I. 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 Aug. 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 C.I.A. 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 Aug. 26 or 27, 1971, a C.I.A. employe 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.

The Plan Outlined

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. The memo stated that it would be absolutely essential to have an over-all 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 #1.

69. On Aug. 27, 1971, C.I.A. Deputy Director Cushman telephoned Ehrlichman to request that Hunt be restrained in his requests to the C.I.A. for further assistance. Hunt had requested from the C.I.A. 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 C.I.A. need not meet Hunt's additional requests.

70. Krogh and Young have testified that they telephoned 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 crowbar, glass cutter, and other burglary tools. On the night of Sept. 3, 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.

Photographs of Damage

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 3:51 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 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 [Committee for the Re-election of the President].

Democrats Infiltrated

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, C.R.P. 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 information 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 of Ellsberg's disclosures.

78. Prior to Nov. 9, 1971, members of the plumbers unit had conversed with the C.I.A. staff psychiatrist who had directed the preparation of the Ellsberg psychological profile, and had sent materials to the C.I.A. to be used in the development of that profile. On Nov. 9, 1971, C.I.A. Director Richard Helms wrote to David Young stating that the C.I.A.'s involvement in preparation of the Ellsberg profile should not be revealed in any context. On Nov. 12, 1971, the C.I.A. delivered to the plumb-

ers an expanded psychological profile of Daniel Ellsberg.

F.B.I. Wiretaps Approved

79. On Dec. 14, 1971, after publication in a newspaper column of facts about the United States position on the India-Pakistan war, Krogh and Young were assigned to investigate the disclosure. Krogh was dropped from the Unit on Dec. 20, 1971, after he refused to authorize specific wiretaps. Subsequently, four F.B.I. 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 F.B.I. 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 F.B.I. 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 C.R.P. and then later to F.C.R.P. [The financial Committee to Re-elect the President.]

81. On Dec. 29, 1971, a fifteen-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.

Segretti Role Reviewed

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 D.N.C. 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 C.R.P. cam-

paign director John Mitchell, and Robert Mardian, an official of C.R.P. 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-ins previously had been involved in operations of the White House plumbers unit, including the entry into the offices of Daniel Ellsberg's psychia-

trist. Liddy told Mardian and LaRue that commitments for bail money, maintenance and legal services had been made to those arrested in connection with the D.N.C. break-in and that Hunt felt it was C.R.P.'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. Halde- man met with the President. The President directed Haldeman to meet with C.I.A. Director Richard Helms, Deputy C.I.A. Director Vernon Walters and John Ehrlichman. The President directed Haldeman to discuss White House concern regarding possible disclosure of covert C.I.A. operations and operations of the White House Special Investigations Unit (the "plumbers"), not related to Watergate, that had been undertaken previously by some of the Watergate principals.

Advice From John Dean

89. On or before June 25, 1972, immediately after the F.B.I. had contacted Donald Segretti as part of the Watergate investigation, John Dean met with Segretti in the E.O.B. to advise Segretti on how to deal with his impending F.B.I. 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 F.B.I. if possible, and during the subsequent F.B.I. interviews, Segretti withheld this information. A copy of the interview summary F.B.I. 302 form was given to Dean by the F.B.I. 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 F.B.I. agents a portion of the materials from Howard Hunt's safe. The materials given to the F.B.I. agent included top secret diplomatic dispatches relating to Vietnam. The portion withheld from the F.B.I. 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 Chappaquiddick, and two notebooks and a pop-up address book.

91. On or about June 28, 1972, John Dean was informed that the F.B.I. 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 F.B.I. 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 F.B.I. 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 F.B.I. 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 Petersen instructed Assistant United States 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.

False Testimony Given

95. On August 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 E.O.B. On Oct. 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.

Dean Taped Conversation

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 Halde- man.

101. On Jan. 8, 1973, former C.I.A. Deputy Director Cushman sent a memorandum to John Ehrlichman identifying as the person who requested C.I.A. 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 C.I.A. 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 C.I.A. to return materials. Petersen told him that a notation that the materials had been sent

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back to the C.I.A. would have to be made in the Department's files.

103. On Feb. 9, 1973 Dean called C.I.A. Director James Schlesinger. Dean suggested that the C.I.A. 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 C.I.A. Director Walters contacted Dean on Feb. 21, 1973, and refused Dean's request.

104. On or about Feb. 22 or 23, Dean had 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 members. Dean made inquiries of Assistant F.B.I. Director Mark Felt, former Attorney General Mitchell, and former Assistant F.B.I. 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 taps.

105. On Feb. 28, 1973 the President met with John Dean. They discussed the Feb. 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 F.B.I. 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 had never been useful in any operation that the President ever conducted.

Testimony by Gray

106. On March 1 1973, Acting F.B.I. Director Gray testified publicly before the Senate Judiciary Committee that he had checked the records and indices of the F.B.I. and had found no record that newsmen and White House officials had been wiretapped. By a written report dated February 26, 1973, Assistant F.B.I. Director E. S. Miller had furnished to Assistant F.B.I. Director Mark Felt information respecting the wiretaps referred to by Time magazine.

107. On Feb. 28 and March 8, 13 and 14, 1973, the President discussed the extent of Segretti's White House involvement with Dean. Between March 18 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 F.B.I. 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 in Dean's E.O.B. office and they discussed Hunt's threat to tell all the seamy 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 mistrial 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 it could be learned how Hunt's demand would be or had been handled.

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 Dean 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 on 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 memorandums because they were too sensitive and showed too much forethought. 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 F.B.I. 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 on-going criminal trial of Daniel Ellsberg, as a potential nominee for F.B.I. director. Ehrlichman has testified that he told Kleindienst that the President had instructed Ehrlichman to contact Byrne and Kleindienst expressed wholehearted approval of the meeting. Kleindienst has testified while he approved of Byrne as the choice for the F.B.I. 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 F.B.I. 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 nonjudicial Federal appointment and that Byrne responded they could talk right away. Judge Byrne has stated that Ehrlichman requested a meeting on a subject which had absolutely nothing to do with the case. On April 5, 1973, Ehrlichman met with Judge Byrne at San Clemente, Calif. Ehrlichman has testified that he told Judge Byrne to walk away if 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 nominated 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, Calif. Ehrlichman has testified that Judge Byrne again evidenced a very sharp interest in the F.B.I. directorship. Judge Byrne has stated that he, at Ehrlichman's sugges-

tion, had reflected on his initial reaction and reaffirmed that he would not consider nor in any way discuss the position as director of the F.B.I. 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 memorandums 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 F.B.I. The President stated that the surveillance was necessary because leaks from the N.S.C. 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 F.B.I. 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.

Possible Criminal Liability

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 memorandums 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 memorandums 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 ordered a Government investigation to determine if the defendants' constitutional rights had been violated by the break-in.

127. On April 27, 1973, F.B.I. 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. Ehrlichman told the F.B.I. 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 attorney, 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 memorandums 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.

Matter of National Security

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 F.B.I. 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 F.B.I. directorship.

131. On May 10, 1973, Judge Byrne received two memorandums, one from acting F.B.I. 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, log or other records pertaining to the surveillance.

132. On May 10, 1973, former Assistant Attorney General Robert Mardian disclosed to agents of the F.B.I. 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 F.B.I. 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.