1974


Don Edwards
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 John Ehrlichman in the White House.

56.1 Robert Mardian interview, FBI, May 10, 1973 (received from Department of Justice).

56.2 C. D. Brennan interview, FBI, May 9, 1973, 2-3 (received from Department of Justice).

56.3 Memorandum from T. J. Smith to E. S. Miller, May 13, 1973, 8 (received from Department of Justice).


56.5 Robert Mardian testimony, 6 SSC 240-08.

56.6 John Ehrlichman testimony, 6 SSC 2533-34.
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.

57.1 Letter from J. Edgar Hoover to President Nixon, August 2, 1971 (received from White House).

57.2 Letter from J. Edgar Hoover to Egil Krogh, August 3, 1971, SSC Exhibit No. 94, 6 SSC 2655.

57.3 E. Howard Hunt testimony, 9 SSC 3666-67.

57.4 John Ehrlichman testimony, Subcommittee of the Senate Appropriations Committee Executive Session, May 30, 1973, 339 (received from Senate Appropriations Committee).

57.5 Memorandum from Egil Krogh and David Young to John Ehrlichman, July 30, 1971 (received from White House).

57.6 Memorandum from Egil Krogh and David Young to John Ehrlichman, August 2, 1971 (received from White House).

57.7 Memorandum from Egil Krogh and David Young to John Ehrlichman, August 12, 1971 (received from White House).
58. In the week prior to August 5, 1971, Krogh, Young, 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.


58.2 David Young Grand Jury testimony, August 22, 1973, 54-55.

58.3 Lewis Fielding affidavit, United States v. Russo, April 29, 1973, 2.

59. On or about August 5, 1971 Krogh and Young reported to Ehrlichman that the FBI 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 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.

59.2 David Young Grand Jury testimony, August 22, 1973, 39-42.
59.3 John Ehrlichman testimony, Grand Jury, People v. Ehrlichman, June 8, 1973, 547-48, 603 (received from Los Angeles County Grand Jury).
59.4 John Ehrlichman affidavit, United States v. Ehrlichman, April 26, 1974, 7-8.
59.5 John Ehrlichman log, July 29, 1971 and August 5, 1971 (received from SSC).
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.

60.1 Document entitled "Specific Projects as of August 10, 1971" from the files of the Special Investigations Unit (received from White House).
61. On August 11, 1971 the CIA delivered to Krogh and Young a psychological profile on Ellsberg dated August 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 August 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.

61.1 CIA Director of Security affidavit, May 9, 1973 (received from CIA).

61.2 Letter from CIA Director of Security to David Young, August 11, 1971 (received from CIA).

61.3 Preliminary psychological study, August 9, 1971 (received from CIA).

61.4 John Ehrlichman testimony, 6 SSC 2545-46.

61.5 Memorandum from Egil Krogh and David Young to John Ehrlichman, August 11, 1971 and routing slip from John Ehrlichman to David Young and Egil Krogh, SSC Exhibit No. 90, 6 SSC 2643-45.

61.6 Memorandum from Egil Krogh and David Young to John Ehrlichman, August 11, 1971 (received from White House).
By memorandum dated August 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 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.

62.1 Memorandum from Egil Krogh and David Young to William Macomber, August 11, 1971 (received from White House).

62.2 Telephone transcript of Conein, Hunt and "F.C." (Colson), July 9, 1971, SSC Exhibit No. 149, 9 SSC 3881-85.

62.3 Memorandum from Howard Osborn to Inspector General, February 5, 1974. (received from CIA).
62.4 E. Howard Hunt testimony, 9 SSC 3667-70, 3672-73, 3732-33, 3771-72.


62.6 Memorandum from Charles Colson to Egil Krogh, July 30, 1971 and memorandum from E. Howard Hunt to Charles Colson, July 27, 1971 (received from White House).

62.7 Memorandum from E. Howard Hunt to Charles Colson, August 2, 1971 (received from White House).

62.8 Memorandum from Egil Krogh and David Young to John Ehrlichman, September 20, 1971 (received from White House).

62.9 Memorandum from Charles Colson to John Ehrlichman, September 24, 1971 (received from White House).

62.10 William Lambert interview, SSC, August 7, 1973, 1, 3-7 (received from SSC).

62.11 L. Patrick Gray testimony, 9 SSC 3467-70.
On August 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.

63.1 CIA staff psychiatrist affidavit, May 9, 1973 (received from CIA).

63.2 CIA staff psychiatrist testimony, Subcommittee of the Senate Appropriations Committee Executive Session, May 10, 1973, 111-12 (received from Senate Appropriations Committee).

63.3 E. Howard Hunt testimony, 9 SSC 3805-06.
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.

64.2 E. Howard Hunt testimony, 9 SSC 3773.
64.3 E. Howard Hunt testimony, Grand Jury, People v. Ehrlichman, June 6, 1973, 281-85 (received from Los Angeles County Grand Jury).
64.4 Bernard Barker testimony, 1 SSC 357, 375-76.
65. On or about August 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.

65.1 Daniel Schorr testimony, Subcommittee on Constitutional Rights of Senate Judiciary Committee, February 1, 1972, 416-18, 421-25.

65.2 H.R. Haldeman testimony, 8 SSC 3156-57.

65.3 Lawrence Higby interview, SSC, June 22, 1973, 4.

65.4 John Dean testimony, 3 SSC 1071.
66. On August 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.

66.1 E. Howard Hunt testimony, 9 SSC 3673.

66.2 Memorandum from Egil Krogh and David Young to John Ehrlichman, August 19, 1971 (received from White House).

66.3 Memorandum from John Ehrlichman to Charles Colson, August 24, 1971, with attachment (received from White House).

66.4 Jerald F. ter Horst affidavit, Exhibit 159, 9 SSC 3895-96.


66.6 United States v. Colson, transcript of proceedings, June 3, 1974, 4-11.
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 John Ehrlichman in the White House.

56.1 Robert Mardian interview, FBI, May 10, 1973 (received from Department of Justice).

56.2 C. D. Brennan interview, FBI, May 9, 1973, 2-3 (received from Department of Justice).

56.3 Memorandum from T. J. Smith to E. S. Miller, May 13, 1973, 8 (received from Department of Justice).


56.5 Robert Mardian testimony, 6 SSC 240-08.

56.6 John Ehrlichman testimony, 6 SSC 2533-34.

At the outset 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
Robert Mardian interview  
Federal Bureau of Investigation 302  
May 10, 1973

interview continue without specific references to people and specific circumstances. Mr. Mardian said that he would be willing to do this in order to show his cooperation with the Federal Bureau of Investigation. He said he preferred his comments would be off the record and just between us. He was immediately advised by Inspector William Maincke that this could not occur and any ensuing conversation was definitely and positively on the record. Mr. Mardian said, "Well, let's try it."

Mr. Mardian was asked if he knew Mr. Charles Brennan. He advised "Yes, I do." Mr. Mardian was asked if he recalled an incident in July of 1971 when he might have received a package or a bag containing information from Mr. Brennan. He replied "Yes," and then related the following information:

He said that he would like to start from the beginning and advised that sometime in July, 1971, Assistant to the Director of the FBI William C. Sullivan contacted him (the precise location he could not recall) and told him that he (Sullivan) was in trouble with the Director of the FBI, Mr. J. Edgar Hoover, and expected that he might in fact be fired. He did not explain why. He said that he had information that was "out of channel," that he wanted to turn over to the President of the United States. He said this was wiretap information and that, in his opinion, Mr. Hoover could not be entrusted with this wiretap information. Mr. Sullivan continued in conversation saying that Mr. Hoover had used wiretap information to blackmail other Presidents of the United States and was afraid that he could blackmail Mr. Nixon with this information. Mr. Sullivan reiterated his request of Mr. Mardian to personally contact the President of the United States and pass along Mr. Sullivan's information and request.

Mr. Mardian said that he could not do this. Mr. Mardian said he told Mr. Sullivan that he worked for the Attorney General of the United States, who obviously was his immediate superior, and if he had any contact with the President at all, it must be with Mr. John Mitchell's full knowledge and that he would bring this to Mr. Mitchell's attention immediately. Mr. Mardian recalled that Mr. Sullivan appeared to be displeased with the fact that he, Mr. Mardian, would not go directly to the President. However, he cannot now recall any specific comments Mr. Sullivan made in this regard.

Mr. Mardian said that this was the first time he knew of the existence of "out-of-channel" wiretap information. He said he subsequently learned
that this wiretap was ordered by Dr. Henry Kissinger on behalf of the President. He cannot recall if he learned this from the White House or from Mr. Sullivan. He said this point is simply not clear in his mind. In any event he is sure it was ordered by Dr. Kissinger and the purpose of the wiretap was to determine who in the White House was leaking information — very vital information — with regard to the Strategic Arms Limitation Talks (SALT) then in negotiation with Russia. Dr. Kissinger had learned that the United States bargaining position with regard to SALT was being threatened because the upper limits as well as the lower limits which the United States would agree upon were known outside of the White House. Dr. Kissinger felt that this was a very serious breach of national security and, for that reason, suggested to the President that the wiretaps be initiated.

Mr. Mardian said, as best he could recall, he went immediately to Mr. Mitchell with Mr. Sullivan's request and information. He advised he cannot recall the specific conversation other than the fact he simply relayed Mr. Sullivan's request. He said Mr. Mitchell replied that he would handle it.

Mr. Mardian said at this point his memory on time and dates is poor but feels that it was in a very short period of time after his conversation with Mr. Mitchell that he received a telephone call from the White House in San Clemente, California. Mr. Mardian said he would prefer not to say at this time who called him, but he received instructions at that time to take the White House shuttle, an Air Force plane, from Andrews Air Force Base and fly immediately to the White House at San Clemente, California. He advised he complied with that instruction, made arrangements, and immediately left. He said he believed this was on a Sunday and feels sure that it was either the last two weeks of July or the first two weeks in August of 1971. Upon further reflection, he said that it must have been during the last two weeks of July because he maintains a residence in California in close proximity to the Western White House in San Clemente and that this house was rented until the end of July. He said that had the house not been rented he is sure that he would have stayed there overnight, and he now recalls that he did not stay at his own residence. Therefore, he placed the time frame during the latter two weeks of July.

He said the following morning after his arrival in San Clemente, California, he went directly to the Western White House and spoke with the President of the United States, Mr. Nixon. He said he received at
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 said he made immediate flight arrangements and returned to Washington, D. C.

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 heat 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
Robert Mardian interview
Federal Bureau of Investigation 302
May 10, 1973

into the office, Dr. Kissinger addressed a remark which Mr. Mardian felt was in extremely 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.

Mr. Mardian said that in Dr. Kissinger's and General Haig's presence he opened the bag and removed a group of papers from the bag "clipped together" with a sheet of paper on top which had the chronological listing of summaries of wiretap information that had been previously furnished by the FBI to the White House. He said that he and Dr. Kissinger checked by date and satisfied themselves that Dr. Kissinger's material matched with the cover sheet which Mr. Mardian was using. Mr. Mardian said that he cannot recall ever looking at the summaries or ever discussing the summaries themselves but simply checking the cover sheet by date. He said that he cannot recall any yellow copies of summary information in the bag but said that his memory is poor on this point, and that is not to state that they were not in the bag. He said the bag was crammed full and it obtained from wiretaps and the logs from which the summaries were written. He said he was trying to be helpful on this point but simply cannot describe the appearance of the papers in the bag at this time but again reiterated it is his distinct impression that they were wiretap logs and summaries. At this point Mr. Mardian was specifically asked whether or not there were any letters in the bag to the Attorney General of the United States written by the FBI requesting the wiretaps be initiated. He replied immediately that he could not recall them being in the bag and said that it was his impression that they had not been authorized by the Attorney General. He was specifically asked to clarify this point at which time he retreated from the statement and said that that was simply a surmise of his. He said he never saw, to his recollection, any authorization by the Attorney General in connection with this series of wiretaps but said that no one told him there was no authorizations nor did he have any factual information that would indicate the wiretaps were anything but duly authorized by the Attorney General.
He said that after he and Dr. Kissinger and General Haig were satisfied that the material in Dr. Henry Kissinger's office matched the itemized list, he walked into Mr. Haldeman's office. He said again this point is not completely clear in his mind but he has the distinct impression that he left the check list with Mr. Haldeman to check against the summaries that Haldeman had in his possession in his own office.

He said that as a result of Mr. Haldeman's check, as best he can recall, two of the summaries which were sent to the White House did not check against the list. He said his memory could be at fault and that, in effect, it could have been two that were in Dr. Kissinger's possession; however, he feels that the two missing summaries were missing from the summaries which Mr. Haldeman checked against the itemized list.

After Mr. Haldeman completed his check, Mr. Mardian said he retrieved the bag with all its contents and walked into the Oval Room of the White House and left the bag. He was specifically asked to whom he gave the bag. He said he preferred not to answer because of the President's order concerning employees talking about national security information. Mr. Mardian was specifically asked "Did you give the bag to Mr. Nixon, the President of the United States?" He sat back in his chair, shrugged his shoulders, hesitated and said, "I cannot answer that question." Mr. Mardian said that this ended the entire incident as far as he was concerned with regard to the bag that was turned over to him by Mr. Brennan. He said that while he had the bag in his possession he seems to recall that he did check with someone in the Department of Justice to see if summaries they had received checked against the check list which was on top and clipped to the summaries. Mr. Mardian said that it is his intent to be completely candid with the FBI but that he cannot now reconstruct in his mind exactly when this latter incident occurred.

Mr. Mardian said that it is his recollection that when he compared the White House summaries with the check list in Dr. Kissinger's office with Dr. Kissinger and General Haig, that none of the summaries or the entries on the check list were beyond 1969. Upon further reflection, he said again that although he cannot recall any summary dated later than 1969, he cannot make the statement that he is absolutely positive on this point. He said he wants to be absolutely accurate in everything he is saying to the FBI and he simply cannot recall anything beyond 1969.

Mr. Mardian was asked if there was anything else he could recall that was not covered in the interview that was germane to the incident.
involving the bag which he received from Assistant Director Charles Brennan. He said "Yes," that just prior to this interview being then conducted he had received a call from William C. Sullivan. William C. Sullivan said that he was preparing answers for the FBI on this very incident and he wanted to clarify in his own mind the entire incident. Mr. Sullivan, in effect, in his telephone conversation said "Bob, do you recall my sending this wiretap information to you for review by the Department of Justice." Mr. Mardian replied to Mr. Sullivan that he did not recall that at all and said the facts as he, Mardian, knew them were that sometime in July, 1971, that Mr. Sullivan called him, asking him to call the President of the United States because Mr. Sullivan had wiretap material in his possession and at that time was in trouble with the Director of the FBI, Mr. J. Edgar Hoover, and might be fired. Mardian said he recounted to Mr. Sullivan that Mr. Sullivan had told him at that time that in Sullivan's opinion Mr. Hoover couldn't be trusted with this type of information in that Mr. Hoover might use it against the President, as he had done in previous Administrations, and for that reason he wanted the President notified of the existence of the material. Mr. Mardian also refreshed Mr. Sullivan's mind by asking if he recalled the fact that Mr. Mardian had first gone to the Attorney General and then received specific orders from the President of the United States. Mr. Sullivan replied "Bob, I think you're right," and said that his, Sullivan's, memory was getting very poor.

Mr. Mardian said at the conclusion of the interview that it was obvious he had gone way beyond the advice of his attorney and may have, in fact, violated the President's order with regard to national security information. Mr. Mardian said that although it may turn out that he should have followed his attorney's advice, he told the story candidly and as best he could recall and did it because it was the truth and he wanted members of the FBI and of the Department of Justice to know that he is a truthful and honorable person.

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 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 has 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 Erlichman, 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 aid the issues and the
Mr. Mardian was asked if he knew Mr. Charles Brennan. He advised "Yes, I do." Mr. Mardian was asked if he recalled an incident in July of 1971 when he might have received a package or a bag containing information from Mr. Brennan. He replied "Yes," and then related the following information:

He said that he would like to start from the beginning and advised that sometime in July, 1971, Assistant to the Director of the FBI William C. Sullivan contacted him (the precise location he could not recall) and told him that he (Sullivan) was in trouble with the Director of the FBI, Mr. J. Edgar Hoover, and expected that he might in fact be fired. He did not explain why. He said that he had information that was "out of channel," that he wanted to turn over to the President of the United States. He said this was wiretap information and that, in his opinion, Mr. Hoover could not beentrusted with this wiretap information. Mr. Sullivan continued in conversation saying that Mr. Hoover had used wiretap information to blackmail other Presidents of the United States and was afraid that he could blackmail Mr. Nixon with this information. Mr. Sullivan reiterated his request of Mr. Mardian to personally contact the President of the United States and pass along Mr. Sullivan's information and request.

Mr. Mardian said that he could not do this. Mr. Mardian said he told Mr. Sullivan that he worked for the Attorney General of the United States, who obviously was his immediate superior, and if he had any contact with the President at all, it must be with Mr. John Mitchell's full knowledge and that he would bring this to Mr. Mitchell's attention immediately. Mr. Mardian recalled that Mr. Sullivan appeared to be displeased with the fact that he, Mr. Mardian, would not go directly to the President. However, he cannot now recall any specific comments Mr. Sullivan made in this regard.

Mr. Mardian said that this was the first time he knew of the existence of "out-of-channel" wiretap information. He said he subsequently learned
that this wiretap was ordered by Dr. Henry Kissinger on behalf of the
President. He cannot recall if he learned this from the White House or
from Mr. Sullivan. He said this point is simply not clear in his mind.
In any event he is sure it was ordered by Dr. Kissinger and the purpose
of the wiretap was to determine who in the White House was leaking infor-
mation -- very vital information -- with regard to the Strategic Arms
Limitation Talks (SALT) then in negotiation with Russia. Dr. Kissinger
had learned that the United States bargaining position with regard to SALT
was being threatened because the upper limits as well as the lower limits
which the United States would agree upon were known outside of the White
House. Dr. Kissinger felt that this was a very serious breach of national
security and, for that reason, suggested to the President that the wiretaps
be initiated.

Mr. Mardian said, as best he could recall, he went immediately to
Mr. Mitchell with Mr. Sullivan's request and information. He advised he
cannot recall the specific conversation other than the fact he simply
relayed Mr. Sullivan's request. He said Mr. Mitchell replied that he
would handle it.

Mr. Mardian said at this point his memory on time and dates is poor
but feels that it was in a very short period of time after his conversation
with Mr. Mitchell that he received a telephone call from the White House
in San Clemente, California. Mr. Mardian said he would prefer not to
say at this time who called him, but he received instructions at that time
to take the White House shuttle, an Air Force plane, from Andrews Air
Force Base and fly immediately to the White House at San Clemente,
California. He advised he complied with that instruction, made arrange-
ments, and immediately left. He said he believed this was on a Sunday
and feels sure that it was either the last two weeks of July or the first two
weeks in August of 1971. Upon further reflection, he said that it must
have been during the last two weeks of July because he maintains a residence
in California in close proximity to the Western White House in San Clemente
and that this house was rented until the end of July. He said that had the
house not been rented he is sure that he would have stayed there overnight,
and he now recalls that he did not stay at his own residence. Therefore,
he placed the time frame during the latter two weeks of July.

He said the following morning after his arrival in San Clemente,
California, he went directly to the Western White House and spoke with
the President of the United States, Mr. Nixon. He said he received a
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 said he made immediate flight arrangements and returned to Washington, D. C.

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 3 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.
into the office, Dr. Kissinger addressed a remark which Mr. Mardian felt was in extremely 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.

Mr. Mardian said that in Dr. Kissinger's and General Haig's presence he opened the bag and removed a group of papers from the bag "clipped together" with a sheet of paper on top which had the chronological listing of summaries of wiretap information that had been previously furnished by the FBI to the White House. He said that he and Dr. Kissinger checked by date and satisfied themselves that Dr. Kissinger's material matched with the cover sheet which Mr. Mardian was using. Mr. Mardian said that he cannot recall ever looking at the summaries or ever discussing the summaries themselves but simply checking the cover sheet by date. He said that he cannot recall any yellow copies of summary information in the bag but said that his memory is poor on this point, and that is not to state that they were not in the bag. He said the bag was crammed full and it is his distinct recollection now that it contained summaries of information obtained from wiretaps and the logs from which the summaries were written. He said he was trying to be helpful on this point but simply cannot describe the appearance of the papers in the bag at this time but again reiterated it is his distinct impression that they were wiretap logs and summaries. At this point Mr. Mardian was specifically asked whether or not there were any letters in the bag to the Attorney General of the United States written by the FBI requesting the wiretaps be initiated. He replied immediately that he could not recall them being in the bag and said that it was his impression that they had not been authorized by the Attorney General. He was specifically asked to clarify this point at which time he retreated from the statement and said that that was simply a surmise of his. He said he never saw, to his recollection, any authorization by the Attorney General in connection with this series of wiretaps but said that no one told him there was no authorizations nor did he have any factual information that would indicate the wiretaps were anything but duly authorized by the Attorney General.
He said that after he and Dr. Kissinger and General Haig were satisfied that the material in Dr. Henry Kissinger's office matched the itemized list, he walked into Mr. Haldeman's office. He said again this point is not completely clear in his mind but he has the distinct impression that he left the check list with Mr. Haldeman to check against the summaries that Haldeman had in his possession in his own office.

He said that as a result of Mr. Haldeman's check, as best he can recall, two of the summaries which were sent to the White House did not check against the list. He said his memory could be at fault and that, in effect, it could have been two that were in Dr. Kissinger's possession; however, he feels that the two missing summaries were missing from the summaries which Mr. Haldeman checked against the itemized list.

After Mr. Haldeman completed his check, Mr. Mardian said he retrieved the bag with all its contents and walked into the Oval Room of the White House and left the bag. He was specifically asked to whom he gave the bag. He said he preferred not to answer because of the President's order concerning employees talking about national security information. Mr. Mardian was specifically asked "Did you give the bag to Mr. Nixon, the President of the United States?" He sat back in his chair, shrugged his shoulders, hesitated and said, "I cannot answer that question." Mr. Mardian said that this ended the entire incident as far as he was concerned with regard to the bag that was turned over to him by Mr. Brennan. He said that while he had the bag in his possession he seems to recall that he did check with someone in the Department of Justice to see if summaries they had received checked against the check list which was on top and clipped to the summaries. Mr. Mardian said that it is his intent to be completely candid with the FBI but that he cannot now reconstruct in his mind exactly when this latter incident occurred.

Mr. Mardian said that it is his recollection that when he compared the White House summaries with the check list in Dr. Kissinger's office with Dr. Kissinger and General Haig, that none of the summaries or the entries on the check list were beyond 1969. Upon further reflection, he said again that although he cannot recall any summary dates later than 1969, he cannot make the statement that he is absolutely positive on this point. He said he wants to be absolutely accurate in everything he is saying to the FBI and he simply cannot recall anything beyond 1969.

Mr. Mardian was asked if there was anything else he could recall that was not covered in the itemized list or summaries to the interview.
involving the bag which he received from Assistant Director Charles Brennan. He said "Yes," that just prior to this interview being then conducted he had received a call from William C. Sullivan. William C. Sullivan said that he was preparing answers for the FBI on this very incident and he wanted to clarify in his own mind the entire incident.

Mr. Sullivan, in effect, in his telephone conversation said "Bob, do you recall my sending this wiretap information to you for review by the Department of Justice." Mr. Mardian replied to Mr. Sullivan that he did not recall that at all and said the facts as he, Mardian, knew them were that sometime in July, 1971, that Mr. Sullivan called him, asking him to call the President of the United States because Mr. Sullivan had wiretap material in his possession and at that time was in trouble with the Director of the FBI, Mr. J. Edgar Hoover, and might be fired.

Mardian said he recounted to Mr. Sullivan that Mr. Sullivan had told him at that time that in Sullivan's opinion Mr. Hoover couldn't be trusted with this type of information in that Mr. Hoover might use it against the President, as he had done in previous Administrations, and for that reason he wanted the President notified of the existence of the material.

Mr. Mardian also refreshed Mr. Sullivan's mind by asking if he recalled the fact that Mr. Mardian had first gone to the Attorney General and then received specific orders from the President of the United States.

Mr. Sullivan replied "Bob, I think you're right," and said that his, Sullivan's, memory was getting very poor.

Mr. Mardian said at the conclusion of the interview that it was obvious he had gone far beyond the advice of his attorney and may have, in fact, violated the President's order with regard to national security information. Mr. Mardian said that although it may turn out that he should have followed his attorney's advice, he told the story candidly and as best he could recall and did it because it was the truth and he wanted members of the FBI and of the Department of Justice to know that he is a truthful and honorable person.
Charles D. Brennan SAC, Alexandria, Virginia, advised on 5/9/73 that in the Fall of 1969 or in early 1970, as he recalls, on a Sunday morning and after church at about noon, he received a telephone call from Assistant Director Sullivan who at that time was in charge of Domestic Intelligence Division. Sullivan wanted to know the mechanics for placing a wiretap, but was so nonspecific and refused to discuss the matter on the phone saying that it was an ultra-sensitive situation, that Brennan proceeded to the office. Brennan went to Sullivan's office immediately where Sullivan advised him that President Nixon was concerned about leaks in the White House and wiretaps were requested on members of the White House staff and some members of the press. It was Brennan's impression that Sullivan had received this call from the White House either early that Sunday morning or the previous Saturday night. Brennan said that Sullivan did not name the person requesting the coverage nor did he name any of the persons on whom the coverage was to be placed but he does seem to recall that there were several persons on whom the wiretaps were to be placed.

Sullivan told Brennan that he had called Director J. Edgar Hoover at home and received Hoover's okay, but that Hoover was very adamant about first getting the Attorney General's approval before initiating these wiretaps. Brennan said that Sullivan indicated that Mr. Hoover was most emphatic about going through the usual channels with the Attorney General for written approval.

Brennan told Sullivan that Supervisor Mike Rozamus, now retired, was the mechanic for such matters and, to the best of his recollection, Brennan then called Mike Rozamus at home and instructed Rozamus to come into the office to meet with Sullivan to arrange for these wiretaps. Brennan believes he left the office before Rozamus arrived in Sullivan's office but he also believes that later that evening he telephoned Rozamus at which time Rozamus assured him that he had handled the work for Sullivan. If a stenographer had been ordered in and who she might be were not known to Brennan.
Brennan seems to recall that shortly after the project got started, Sullivan gave log review responsibilities and other responsibilities regarding this project to Supervisor Bernard Wells, now retired. Brennan’s recollection is that Wells thereafter prepared the summary letters and any other correspondence under Sullivan’s initials at all times unless after Sullivan was promoted to Assistant to the Director and Brennan promoted to Assistant Director, with Sullivan out of town. Wells may have prepared these communications using his (Brennan’s) initials. Nevertheless, Brennan advised that to the best of his recollection he does not recall ever seeing or initialling any requests for wiretaps, logs or summary letters to the White House although he stated he may have on occasion as a matter of expediency initialled yellow copies thereof.

Brennan advised that he never knew anything about the termination of this wiretap project and believed these wiretaps were still in effect under Acting Director L. Patrick Gray, III. Brennan stated that he never knew the names of any of the persons on whom the wiretaps were placed but does seem to recall the names of P, K, and B coming up in short discussions with Wells about the results of wiretaps. Brennan recalls Wells mentioning P because P was a "swinger" and he and his wife were involved in considerable social life. P also appeared to own a . Brennan also recalls that Wells told him on a few occasions that the project was fruitless as far as Wells was concerned since the majority of the material obtained through these wiretaps was mostly social gossip.

Brennan recalls receiving a visit in what he estimates was August of 1971 at his 9th and D Street office from Sullivan, who came into Brennan’s office with a heavily loaded brief case. Brennan could not recall the exact description of this brief case but indicated it was similar to a Bureau size brief case and also seems to recall that it was black cowhide and had straps on it. Brennan could not recall whether the brief case was locked or sealed or had any other security feature to it, but he did say that it was quite thick and heavy. Brennan said that Sullivan had told him that he (Sullivan) had been down to Robert Mardian’s office in the same building to turn this material over to Mardian since it was highly sensitive material which the Attorney General was interested in reviewing. Brennan advised that Sullivan did not tell him what was in the brief case, and when Sullivan left he promptly called Mardian’s office to determine when Mardian would be returning. He was told that Mr. Mardian would be back in about thirty minutes and then thirty minutes or so later Brennan hand carried this brief case to Mardian’s
office and turned it over to Mardian, who was expecting it from Sullivan. Brennan said he made no written record nor phone call to Sullivan or anyone else about the delivery of this brief case. Brennan said he did not open nor look into the brief case while it was in his possession.

When asked whether he recalled a visit by Sullivan to France during this time Brennan stated that he does recall Sullivan making inspection tours of various Legal Attache Offices in Europe around that time and seems to remember very slightly that Sullivan did make a trip to Paris but Brennan could not recall when this was or the reason for the visit.

Brennan stated that he last saw Sullivan on 5/8/73 at the funeral of the wife of a mutual friend but claimed he did not discuss this matter with Sullivan at that time and, in fact, has never discussed this matter with Sullivan since Sullivan left the Bureau. Brennan stated that this entire wiretap project was a special project which he understood was to be handled by Mr. Sullivan alone and, therefore, never at any time injected himself into its operation.
Memorandum

DATE: 5/13/73

FROM: Mr. T. J. Smith

TO: Mr. E. S. Miller

SUBJECT: SENSITIVE COVERAGE PLACED AT THE REQUEST OF THE WHITE HOUSE

Pursuant to instructions of the Acting Director, I met him at 11:00 AM on 5/12/73 in the office of Mr. Leonard Garment at room 128 of the Executive Office Building. We met Mr. Fred Buzhardt who took us to a room with a vault and turned over to us two sealed boxes which we determined to be official records of the FBI which had been in the protective custody of former Assistant to the Director William C. Sullivan prior to his retirement in October, 1971.

Mr. Buzhardt said that the records should be examined and that a receipt describing them should be prepared and signed by me before they were removed from the vault. I then proceeded to examine the records and make an inventory in the form of a receipt. Each box was inventoried separately and a copy of the receipt prepared by me is attached for information.

I finished the inventory at about 2:30 PM and Mr. Garment then looked over the inventory receipt and I signed out of the vault with the two boxes of records at 2:45 PM. A Secret Service Agent who had remained in the vault area while the records were being inventoried drove me to the Federal Triangle Building where the Intelligence Division is located. The records are presently being maintained under secure conditions in your office.

The two boxes contain the original logs of intercepts of the various electronic surveillances operated; the original, signed letters to the Attorney General, each signed by him, requesting authorization to install the electronic surveillances; Original letters to President Nixon, Dr. Kissinger, Mr. Haldeman, and Mr. Ehrlichman reporting on the results of the electronic surveillances; copies of letters to the Attorney General advising of discontinuances of the FBI yellow file copies on the above-mentioned letters; copies of letters to the Attorney General; The President, Dr. Kissinger, Mr. Haldeman; and Mr. Ehrlichman; miscellaneous other correspondence, including cables to and from there, and general background information.

Enclosures

ROUTE IN ENVELOPE

MAY 24, 1973

[8289]
The summaries are full of examples of careless and loose talk about matters being handled in the White House by the persons in the White House on whom coverage was placed. Even the wives had a habit of discussing their husbands' work unnecessarily. For example, in one case Mrs. N, in a conversation with a cemetery lot salesman, revealed that her husband had been working long hours preparing a speech for President Nixon to deliver shortly.

Various of the White House personnel were often in contact with newspaper men, and some were involved in close personal relationships with newsmen.

With specific respect to any monitoring of Daniel Ellsberg, a review of the logs of the Halperin electronic surveillance revealed fifteen instances of Ellsberg on the Halperin national security electronic surveillance. There is attached hereto a rough draft summary of the Ellsberg intercepts. It is to be noted that aside from one conversation on 11/22/70, which perhaps established a rationale for Ellsberg's anti-war posture, none of the intercepts of Ellsberg were related in any way to the Pentagon Papers investigation. Some of the intercepted conversations related to drugs such as LSD and marijuana.

There is one folder in the material bearing the code word "..." This has to do with Joseph Kraft, the syndicated columnist. Nothing in the folder suggested that coverage of Kraft had been requested by the White House or anyone. However, a number of personal letters marked "Top Secret - Do Not File" addressed to Mr. Hoover suggests that Mr. Hoover was aware of the "..." project. In essence, Joe Kraft apparently made a European trip in 1969 and someone desired electronic coverage of him while he was abroad. Sullivan made a special trip to ... where he apparently arranged through the Attache to have the authorities place a microphone in Kraft's hotel room in ... There are logs indicating that microphone coverage was instituted and reported through the ... Attache. There are no tickler or file copies of any summary memoranda to indicate that the results of the coverage on Kraft were ever furnished to anyone but Mr. Hoover.

For the time being all of these records are being maintained under secure conditions in Intelligence Division space. We will begin immediately to integrate the records into our regular "June" files and to prepare appropriate general and special electronic surveillance indices so that the integrity of FBI records will be restored.
John D. Ehrlichman, residence 330 Chesapeake Drive, Great Falls, Virginia, 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. Ehrlichman was advised at the onset of the interview that he was being contacted concerning any information he may possess concerning the delivery of wiretap information from the Federal Bureau of Investigation by Mr. Robert Mardian, in a brief case or satchel sometime in July, 1971.

Mr. Ehrlichman said that although he cannot recall the exact date he does recall Mr. Mardian being associated with the delivery of a stack of wiretap logs and other written material which he knew to be summaries of the wiretap logs to the White House. Mr. Ehrlichman said that this was a long time ago and his memory is somewhat hazy, but he recalls that Mr. Mardian was definitely associated with the logs and other written material at the time of delivery. He said the material to his best recollection was in several brief cases or packages bound together or it may have simply been loose and stacked on the desk in his outer office. He said that he received specific instructions as to what to do with this wiretap material; however, he said that he would not name the individual who issued these instructions. He said the instructions were to file the material in his office, which he did. He said that he recalls "sampling" the material at the time he took possession. He said by "sampling" he simply meant that he only looked at a random sampling of the contents of the stack of material rather than perusing or leafing through the entire contents. He said that he recalled there was really nothing of any vital importance in the material, as best he could recall. He said he never looked at the contents of this material again.

He was specifically asked whether or not he noticed any letters authorizing wiretaps by the Attorney General in this group of correspondence.
He said no, that he cannot recall seeing any letters of authorization. He said that when he speaks of filing, according to the instructions which were given to him, he really means that he would order his Executive Assistant, Mr. Tod Hullin, to perform the actual filing function.

Mr. Ehrlichman said the material to which he was referring was filed in a two-drawer, safe-type cabinet located in his outer office. Mr. Ehrlichman said that from the time he received the material it remained in this cabinet until about April 30, 1973. He said that it was on or about this date, April 30, 1973, that he was considering submitting his resignation to the President of the United States. He recalled the presence of this wiretap information and issued orders to have this wiretap information removed from his office and filed with "Presidential papers." He said that he could not now recall who physically filed these papers but believes it would probably be Mr. Hullin. He does not know precisely where, among the President's papers, the material was filed although he is positive it was in a safe. He was specifically asked whether or not he heard any information or if any information came to his attention in any way as to whether or not these wiretap documents had been removed since April 30, 1973, from the Presidential papers. He said "No," that they definitely would still be there as far as he knew. He said that if the FBI wanted to see these papers or remove any of the papers, only two people could give such authorization. One was the President of the United States himself or Mr. Buzhardt, who would act under the specific authorization of the President of the United States.

Mr. Ehrlichman was asked whether he could recall if any of the papers among the wiretap information was yellow in color. He said "Yes," some of them were yellow in color but he could not estimate how much of the correspondence was yellow, again reiterating that he simply sampled the correspondence.

Mr. Ehrlichman advised that his office at the White House is not on the same floor as the Oval Room nor on the same floor as Mr. Haldeman's office.

Mr. Ehrlichman was asked if he could specifically recall whether or not the wiretap information was delivered to him in the Oval Room rather than in his office as he had previously stated. He said it definitely was not delivered to him in the Oval Room at the White House. He advised that the Oval Room has desk facilities for only one person and that is the
President of the United States. There are no White House Aides, clerical or secretarial people in that office in the Oval Room. He was specifically asked to try and recall Mr. Mardian's part in the delivery of the wiretap information. He said that he simply cannot recall the incident that vividly. He feels sure that Mr. Mardian was present at the White House on the day he received the wiretap material and feels he was with Mardian at the time the wiretap material was furnished to him. He said it was entirely possible, however, that he had seen Mardian on the same day and that Mardian could have been elsewhere in the White House when he, Ehrlichman, actually received the material.

He said that during the time the material was in his safe-type cabinet, to his knowledge, no one made reference to it or used it. He said, however, that to be absolutely sure on this point that Tod Hullin would have to be interviewed inasmuch as he would have had more direct knowledge inasmuch as it was physically under his, Mr. Hullin's custody and control. He said that he did not even have the combination of the safe-type cabinet in which the material was stored and that only Tod Hullin had that combination.

Mr. Ehrlichman advised that he had no personal knowledge of who and under what circumstances the wiretap operation was initiated nor did he know the duration of the wiretap program.
John D. Ehrlichman, residence 333 Chesapeake Drive, Great Falls, Virginia, 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. Ehrlichman was advised at the onset of the interview that he was being contacted concerning any information he may possess concerning the delivery of wiretap information from the Federal Bureau of Investigation by Mr. Robert Mardian, in a brief case or satchel sometime in July, 1971.

Mr. Ehrlichman said that although he cannot recall the exact date he does recall Mr. Mardian being associated with the delivery of a stack of wiretap logs and other written material which he knew to be summaries of the wiretap logs to the White House. Mr. Ehrlichman said that this was a long time ago and his memory is somewhat hazy, but he recalls that Mr. Mardian was definitely associated with the logs and other written material at the time of delivery. He said the material to his best recollection was in several brief cases or packages bound together or it may have simply been loose and stacked on the desk in his outer office. He said that he received specific instructions as to what to do with this wiretap material; however, he said that he would not name the individual who issued these instructions. He said the instructions were to file the material in his office, which he did. He said that he recalls "sampling" the material at the time he took possession. He says by "sampling" he simply meant that he only looked at a random sampling of the contents of the stack of material rather than perusing or leafing through the entire contents. He said that he recalled there was really nothing of any vital importance in the material, as best he could recall. He said he never looked at the contents of this material again.

He was specifically asked whether or not he noticed any letters authorizing wiretaps by the Attorney General in this group of correspondence.
He said no, that he cannot recall seeing any letters of authorization. He said that when he speaks of filing, according to the instructions which were given to him, he really means that he would order his Executive Assistant, Mr. Ted Mullin, to perform the actual filing function.

Mr. Ehrlichman said the material to which he was referring was filed in a two-drawer, safe-type cabinet located in his outer office. Mr. Ehrlichman said that from the time he received the material it remained in this cabinet until about April 30, 1973. He said that it was on or about this date, April 30, 1973, that he was considering submitting his resignation to the President of the United States. He recalled the presence of this wiretap information and issued orders to have this wiretap information removed from his office and filled with "Presidential papers." He said that he could not now recall who physically filed these papers but believes it would probably be Mr. Mullin. He does not know precisely where, among the President's papers, the material was filed although he is positive it was in a safe. He was specifically asked whether or not he heard any information or if any information came to his attention in any way as to whether or not these wiretap documents had been removed since April 30, 1973, from the Presidential papers. He said "No," that they definitely would still be there as far as he knew. He said that if the FBI wanted to see these papers or remove any of the papers, only two people could give such authorization. One was the President of the United States himself or Mr. Ehrlichman, who would act under the specific authorization of the President of the United States.

Mr. Ehrlichman was asked whether he could recall if any of the papers among the wiretap information was yellow in color. He said "Yes," some of them were yellow in color but he could not estimate how much of the correspondence was yellow, again reiterating that he simply sampled the correspondence.

Mr. Ehrlichman advised that his office at the White House is not on the same floor as the Oval Room nor on the same floor as Mr. Haldeman's office.

Mr. Ehrlichman was asked if he could specifically recall whether or not the wiretap information was delivered to him in the Oval Room rather than in his office as he had previously stated. He said it definitely was not delivered to him in the Oval Room at the White House. He advised that the Oval Room has desk facilities for only one person and that is the
President of the United States. There are no White House Aides, clerical or secretarial people in that office in the Oval Room. He was specifically asked to try and recall Mr. Mardian's part in the delivery of the wiretap information. He said that he simply cannot recall the incident that vividly. He feels sure that Mr. Mardian was present at the White House on the day he received the wiretap material and feels he was with Mardian at the time the wiretap material was furnished to him. He said it was entirely possible, however, that he had seen Mardian on the same day and that Mardian could have been elsewhere in the White House when he, Ehrlichman, actually received the material.

He said that during the time the material was in his safe-type cabinet, to his knowledge, no one made reference to it or used it. He said, however, that to be absolutely sure on this point that Ted Hullin would have to be interviewed inasmuch as he would have had more direct knowledge inasmuch as it was physically under his, Mr. Hullin's custody and control. He said that he did not even have the combination of the safe-type cabinet in which the material was stored and that only Ted Hullin had that combination.

Mr. Ehrlichman advised that he had no personal knowledge of who and under what circumstances the wiretap operation was initiated nor did he know the duration of the wiretap program.
PRESIDENTIAL CAMPAIGN ACTIVITIES OF 1972
SENATE RESOLUTION 60

HEARINGS
BEFORE THE
SELECT COMMITTEE ON
PRESIDENTIAL CAMPAIGN ACTIVITIES
OF THE
UNITED STATES SENATE
NINETY-THIRD CONGRESS
FIRST SESSION

WATERGATE AND RELATED ACTIVITIES
Phase I: Watergate Investigation
WASHINGTON, D.C., JULY 18, 19, 20, 23, 24, AND 25, 1973
Book 6

Printed for the use of the
Select Committee on Presidential Campaign Activities

U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON : 1973

For sale by the Superintendent of Documents, U.S. Government Printing Office
Washington, D.C. 20402 - Price $3
Stock Number 570-01466

[8299]
Mr. MARDIAN. He instructed me to obtain the materials from Mr. Sullivan—deliver them to Mr. Ehrlichman.

Senator WEICKER. Did you know at that time, at the time of those instructions, that the material to be handed over to you by Mr. Sullivan included more than just the material held by Mr. Sullivan?

Mr. MARDIAN. I don't quite follow that.

Senator WEICKER. Let me be very specific. I think both you and I know exactly what we are talking about.

Mr. MARDIAN. You have the advantage; I don't.

Senator WEICKER. Were the materials to be collected by Mr. Sullivan or some of the materials to be collected in the hands of Mr. Haldeman?

Mr. MARDIAN. No, sir.

Senator WEICKER. In the hands of Mr. Ehrlichman?

Mr. MARDIAN. No, sir.

Senator WEICKER. Mr. Haldeman, Mr. Ehrlichman, for example, had none of the summaries and none of the correspondence based on these tapes?

Mr. MARDIAN. The—we are getting into areas of procedure at the Department of Justice, but I presume—

Senator WEICKER. No. Let me be very specific. Mr. Mardian. Was not the object of turning this task over to Mr. Sullivan to assure that all materials connected with these tapes collected by one man, Mr. Sullivan, to be turned over to you to be turned over to Mr. Ehrlichman?

Mr. MARDIAN. No, sir. I was given the obligation of checking with Dr. Kissinger and with Mr. Haldeman to assure that they had copies of their summaries, but they were never collected or delivered to me.

Senator WEICKER. Were they collected by Mr. Sullivan?

Mr. MARDIAN. No, sir.

Senator WEICKER. So the only thing, the only task, that was assigned to Mr. Sullivan was to hand over to you what he personally had; nothing else?

Mr. MARDIAN. That is right.

Senator WEICKER. You indicated there was correspondence based on these logs. Did Mr. Sullivan write himself?

Mr. MARDIAN. No; I don't recall any correspondence, and I didn't know there was correspondence in these two parcels.

Senator WEICKER. Mr. Mardian, I think if we go over the testimony that you have given to me here this morning, you indicated there were logs, there were summaries, and possibly correspondence based on those logs.

Mr. MARDIAN. Mr. Sullivan told me that there were logs, summaries, and correspondence.

Senator WEICKER. In his files?

Mr. MARDIAN. In his possession, yes.

Senator WEICKER. And that nothing turned over to you came from any other source except from his own personal files?

Mr. MARDIAN. Bureau files.

Senator WEICKER. Bureau files? Is that correct?

Mr. MARDIAN. Yes; if you would tell me what you are driving at.

Senator WEICKER. I wish I had Mr. Sullivan here and I am sure the committee will have Mr. Sullivan here so he could in a firsthand way, and I think we will leave it in that fashion to describe what his orders were.
Let's move on to the—is there anything further? I don't want to leave this; I don't want you to speculate. I don't want hearsay information, I only want your firsthand testimony. What you are telling this committee is you returned to Mr. Sullivan and ordered him to turn over those materials in his possession relative to the Kissinger tapes?

Mr. MARDIAN. I didn't order him. I told him what my instructions were and he—

Senator Weicker. On the authority of the President, is that correct?

Mr. MARDIAN. I told him that is where my instructions came from. I may not have. I don't know. I may have said the Attorney General, I am not sure. My recollection is that I told him that I talked to the President, and that those were my instructions.

Senator Weicker. So that at that particular moment in time he had nothing further to do but empty out his drawers and give you the materials therein, is that right? You received those materials right then?

Mr. MARDIAN. No, sir.

Senator Weicker. You did not?

Mr. MARDIAN. No, sir.

Senator Weicker. When did you receive them?

Mr. MARDIAN. I don't recall; it was sometime later.

Senator Weicker. Why the delay, Mr. Mardian?

Mr. MARDIAN. Well, he didn't have them with him. My conversation with him took place in my office.

Senator Weicker. Well, by sometime later, in other words you are only indicating a matter of hours or are you indicating a matter of days or weeks?

Mr. MARDIAN. It may have been a day, it may have been 2 days; I don't know. It may have been a week. I am not—

Senator Weicker. Obviously this was a matter of some urgency if, in fact, you had been put aboard a courier plane to fly out to California and given orders personally by the President. This is not something that is just left hanging. It was obviously a matter of considerable urgency to the President, wasn't it?

Mr. MARDIAN. The urgency, if there was any, is the President wanted to talk to me and if he was in San Clemente and I was in Washington and if a plane was leaving, I don't think he would have thought anything of having me get on a plane and get out there.

Senator Weicker. So there wasn't anything particularly urgent about picking up these materials from Mr. Sullivan?

Mr. MARDIAN. I did not obtain any expressions of urgency. The only urgency was on the part of Mr. Sullivan.

Senator Weicker. Did you think it rather strange that he should go the route of you to Mr. Ehrlichman rather than to have these materials handed over to the Director of the FBI?

Mr. MARDIAN. The purpose was to take them out of the custody of his office because of the concern he expressed with respect to the Director of the FBI.

Senator Weicker. All right, then, Mr. Mardian, the concern then just wasn't Mr. Sullivan's concern. It was also the concern of yourself and the concern of the President; is that correct?

Mr. MARDIAN. I can't say that I was concerned. I didn't know—I didn't want to assess the dispute between Mr. Sullivan and Mr. Hoover.
Senator Weicker. But the dispute was assessed by the President when, in fact, the order was to turn the tapes over to you and then to give them to Mr. Ehrlichman, was it not?

Mr. Mardian. I believe Mr. Sullivan made an assessment and I would say the President made a judgment.

Senator Weicker. Made a judgment based on Mr. Sullivan's assessment?

Mr. Mardian. Yes, sir.

Senator Weicker. Can you try to recollect again as to the period of time that elapsed between your request of Mr. Sullivan and when you received the materials from him as ordered by the President?

Mr. Mardian. I can't, Senator.

Senator Weicker. You made some reference to the fact that you contacted certain individuals to try to get materials relative to the same set of tapes or am I unclear on that?

Mr. Mardian. There was an index of summaries, in other words, a list of all of the summaries that had been sent to Dr. Kissinger and the President.

Senator Weicker. They are the only ones that received summaries.

Mr. Mardian. I am not sure. When I was questioned about this I think the Attorney General received some of them but not all of them.

Senator Weicker. Right, right.

Mr. Mardian. The President wanted to make sure that each of these people had in their possession the summaries that had been sent to them by the FBI.

Senator Weicker. Did you have any—do you have any recollection of Mr. Haldeman, Mr. Ehrlichman receiving summaries?

Mr. Mardian. Not Mr. Ehrlichman. Mr. Haldeman held them for the President. And he requested—I gave—I believe I gave Mr. Haldeman a list of the documents which he was to—supposed to have received for him to check against what he had in his possession. I believe I went to see—I know I went to see Dr. Kissinger, and General Haig was present, and they checked their files at that time.

Senator Weicker. So this was not really a minor matter. This was a roundup of trying to pull together all aspects of what we call the Kissinger tapes.

Would that not be a fair—

Mr. Mardian. It wasn't a roundup of Dr. Kissinger's tapes as I recall but to find out if he had all of his summaries; that is all. I didn't collect anything. I simply gave Dr. Kissinger or General Haig a copy of the summaries, a list of the summaries that—by dates—that they were to have been received, and I believe General Haig, while Dr. Kissinger and I were in his office, went out to check to see if they had intact everything that they were supposed to have. And that was the end of my discussion with them.

Senator Weicker. When was it then that the matter was closed out as between yourself and Mr. Sullivan?

Mr. Mardian. When he delivered them; when he delivered what he had to my office.

Senator Weicker. And then you delivered that to Mr. Ehrlichman?

Mr. Mardian. Yes, sir.

Senator Weicker. All right.

Now, if we can move just for a minute over to the Pentagon Papers. I wonder if you might not consider very carefully a statement you
Mr. Ehrlichman. The strategic arms limitations negotiations were underway in the summer of 1971 and a newspaper obtained the U.S. negotiating position, in effect, the secret script for the U.S. negotiators in that negotiation. That came close on the heels of the Pentagon Papers episode and was a major cause of concern for the President and for those dealing in this area of foreign policy. This special unit was asked to see if they could determine the source of that leak.

Mr. Dash. Do you know what actions the special unit took in seeking to carry out that responsibility?

Mr. Ehrlichman. In general terms, I do. I know that they worked through the security people at the State Department and the Defense Department. They narrowed down the probable source of that leak, and I believe there were some personnel actions taken as a result of that.

Mr. Dash. Did you become aware of any wiretapping that took place at the request of the President and approved by the Attorney General in regard to that?

Mr. Ehrlichman. In regard to the SALT leak?

Mr. Dash. Yes.

Mr. Ehrlichman. No.

Mr. Dash. Did you become aware of any wiretapping that was authorized by the President and also the Attorney General with regard to any particular leaks involving national security at this time?

Mr. Ehrlichman. The answer to your question, Mr. Dash, is "Yes." It was in relation to an investigation in 1971. Beyond that I cannot go.

Mr. Dash. You say it did not relate to the SALT leaks?

Mr. Ehrlichman. Yes. sir.

Mr. Dash. Did you know anything about the so-called Kissinger taps?

Mr. Ehrlichman. Yes. I knew—I did not know at the time the details of those taps; that is, who was being tapped, the purpose, the extent, and so on. I knew generally that such a thing was going on.

Mr. Dash. And did you know who had approved that?

Mr. Ehrlichman. I do not know of my own knowledge; no.

Mr. Dash. Well, how did you know? You said you knew generally. How did it come to your attention?

Mr. Ehrlichman. I think Mr. Haldeman told me obliquely and not directly and not with any degree of specific fact that such a thing was going on.

Mr. Dash. Did there come a time when you had more specific facts?

Mr. Ehrlichman. Well, obviously, in the last few months, I have learned a great deal more about that whole episode than I knew previously.

Mr. Dash. Well, did you ever receive the logs of those taps?

Mr. Ehrlichman. Yes. I evidently did without scrutinizing them, but I did receive them.

Mr. Dash. Could you tell us how you received them?

Mr. Ehrlichman. Yes, I received them from Mr. Mardian at the Justice Department.
Mr. Dash. And why did you receive them?

Mr. Ehrlichman. Well, pardon me. I did not make that clear. Mr. Mardian was at the Justice Department. I did not receive them at the Justice Department. I received them at the White House.

Mr. Dash. Why did Mr. Mardian give them to you?

Mr. Ehrlichman. He gave them to me because he felt that they should be in the custody of the White House and proposed that they be moved out of the Justice Department because he could not assure their safekeeping there.

Mr. Dash. Well, did Mr. Mardian give them to you at the direction of the President?

Mr. Ehrlichman. I did not know that until I heard him testify to that here. In point of fact, I referred the question to the President, perhaps unnecessarily, after Mr. Mardian originally talked to me about it. The President asked me then to take custody of them, which I did.

Mr. Dash. At that time, did you look at them or did you know what they contained?

Mr. Ehrlichman. I looked at them very, very quickly. He told me what they purported, what he said they were, which was the logs and correspondence and synopses of a national security investigation in 1969. Well, then, I related that to what Mr. Haldeman had described to me, and I——

Mr. Dash. And these were the logs and taps that were put on certain newspaper persons and certain staff members of Mr. Kissinger?

Mr. Ehrlichman. That is what I understand.

Mr. Dash. Where did you lodge these logs?

Mr. Ehrlichman. I lodged those in a two-drawer combination filing cabinet in one of the rooms of my office.

Mr. Dash. Do you know what time this was when you did that?

Mr. Ehrlichman. It would have been in the fall of 1971.

Mr. Dash. And how long did they stay there?

Mr. Ehrlichman. They stayed there until the day I resigned, which would have been the 30th of April of this year.

Mr. Dash. On that date, did something happen to them?

Mr. Ehrlichman. Yes, sir, those papers and all the papers in my office were then turned over to the President as Presidential papers.

Mr. Dash. Now, you were beginning to tell us about some of the other assignments that the Special Investigations Unit had. Would you go on and tell us about those?

Mr. Ehrlichman. There is only one other that is in the public domain that I know of, and that is an investigation into the circumstances of the leak of a CIA document relating to relations between India and Russia.

Mr. Dash. Now, did you, Mr. Ehrlichman, authorize the taps we just discussed or have any part in authorizing them, or any other wiretaps?

Mr. Ehrlichman. Would you break the question down for me, Mr. Dash? It is very compound.

Mr. Dash. Well, the first question is, Did you have any part or role in authorizing the taps we just talked about, of which you ended up being the custodian of the logs?

Mr. Ehrlichman. No.
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.

57.1 Letter from J. Edgar Hoover to President Nixon, August 2, 1971 (received from White House).

57.2 Letter from J. Edgar Hoover to Egil Krogh, August 3, 1971, SSC Exhibit No. 94, 6 SSC 2655.

57.3 E. Howard Hunt testimony, 9 SSC 3666-67.

57.4 John Ehrlichman testimony, Subcommittee of the Senate Appropriations Committee Executive Session, May 30, 1973, 339 (received from Senate Appropriations Committee).

57.5 Memorandum from Egil Krogh and David Young to John Ehrlichman, July 30, 1971 (received from White House).

57.6 Memorandum from Egil Krogh and David Young to John Ehrlichman, August 2, 1971 (received from White House).

57.7 Memorandum from Egil Krogh and David Young to John Ehrlichman, August 12, 1971 (received from White House).
August 2, 1971

BY LIAISON

The President
The White House
Washington, D.C.

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,

[Signature]

J. Edgar Hoover

Federal Bureau of Investigation
United States Department of Justice
Washington, D.C.
PRESIDENTIAL CAMPAIGN ACTIVITIES OF 1972
SENATE RESOLUTION 60

HEARINGS
BEFORE THE
SELECT COMMITTEE ON
PRESIDENTIAL CAMPAIGN ACTIVITIES
OF THE
UNITED STATES SENATE
NINETY-THIRD CONGRESS
FIRST SESSION
WATERGATE AND RELATED ACTIVITIES
Phase I: Watergate Investigation
WASHINGTON, D.C., JULY 18, 19, 20, 23, 24, AND 25, 1973
Book 6

Printed for the use of the
Select Committee on Presidential Campaign Activities
U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON : 1973

For sale by the Superintendent of Documents, U.S. Government Printing Office
Washington, D.C. 20402 - Price 23
Stock Number 550-01706
EXHIBITS SUBMITTED FOR THE RECORD

Nos. 78 through 86—(2276) Photographs used during the interrogation of Mr. Ulasewicz.------------------------ 2228-2230

No. 87—(2328) Letter to Fred M. Vinson, Jr., Esq., from Archibald Cox, Special Prosecutor, dated June 12, 1973. 2634

No. 88—(2344) Various letters between Robert W. Barker, Esq., Fred M. Vinson, Esq., Maurice H. Stans, and Fred C. LaRue re: Finance Committee To Re-Elect the President funds in possession of LaRue.------------------------ 2635

No. 89—(2367) Contents of a handwritten note furnished by Mr. Mardian after a telephone conversation with Mr. Stans on May 1, 1973. 2642

No. 90—(2354) White House note for Young/Krogh from John Ehrlichman with attached memorandum from Bud Krogh and David Young. Subject: Pentagon Papers Project—Status Report as of August 11, 1971.------------------------ 2643

No. 91—(2354) Memorandum for John Ehrlichman from David R. Young. Subject: Status of Information Which Can Be Fed Into Congressional Investigation on Pentagon Papers Affair. Also memorandum for Charles Colson from John Ehrlichman. Subject: Hunt/Liddy Special Project No. 1.------------------------ 2646

No. 92—(2554) For identification only and not for publication.

No. 93—(2607) Affidavit of Henry E. Petersen------------------------ 2652

No. 94—(2626) Letter to Egil Krogh from J. Edgar Hoover re: President Nixon's letter of July 29, 1971, regarding disclosures of top-secret material to the public------------------------ 2653

Note: Figures in parentheses indicate page that exhibit was officially made part of the record.
August 3, 1971

BY LIAISON

Honorable Earle Krogh, Jr.
Deputy Assistant to the President
For Domestic Affairs
The White House
Washington, D. C.

Dear Mr. Krogh:

By letter dated July 29, 1971, the President advised me that he had directed that you examine in depth the circumstances of the many recent disclosures of Top Secret and other sensitive material to the public. He asked that I forward to you all information acquired to date, including individual reports of interviews, with respect to 17 persons who were named in an attachment to his letter. One of these was Daniel Ellsberg, principal suspect in the disclosure of the "McNamara Study" to various newspapers. He asked that a comprehensive background paper on Ellsberg be sent to you.

Enclosed are 17 memoranda containing the information mentioned by the President. We have interviewed five of the individuals involved in connection with our investigation in the Ellsberg case. We also endeavored to interview a sixth one, Mr. Charles M. Cooke, but he declined to submit to interview by the FBI without the specific clearance of Deputy Attorney General Richard G. Kleindienst.

If you concur, we will proceed with interviews of all of the remaining individuals except Daniel Ellsberg.

By separate communication, I am furnishing a copy of each of the enclosures to the Attorney General. Upon removal of the classified enclosures, this transmittal letter may be declassified.

Sincerely yours,

[Signature]

Enclosures - 17

SECRET
Mr. Thompson. Could we delay momentarily until we get copies of that, so we will be able to follow along?

Mr. Dash. I can continue the questioning without reference to that transcript, Mr. Thompson.

Mr. Thompson. All right.

Mr. Dash. Did you understand, by the way, Mr. Hunt, that from that conversation, Mr. Colson was exploring the idea with you of a major effort to discredit Mr. Ellsberg in the press?

Mr. Hunt. Yes.

Mr. Dash. Now, did Mr. Colson eventually offer you a position in the White House?

Mr. Hunt. He did.

Mr. Dash. And I think you have indicated in your statement that he referred to specific qualifications. Can you repeat that? What did he indicate to you were your qualifications which led you to that particular position? What qualifications?

Mr. Hunt. The fact that I had an investigative background of some years and also, that I had been involved in political action operations.

Mr. Dash. Now, were you interviewed by anyone besides Mr. Colson?

Mr. Hunt. Yes.

Mr. Dash. Who was that?

Mr. Hunt. Mr. John D. Ehrlichman.

Mr. Dash. At whose directions, Mr. Hunt, did you work when you took this position? Under whose directions?

Mr. Hunt. Under Mr. Colson's direction.

Mr. Dash. Can you describe your initial assignment under Mr. Colson?

Mr. Hunt. Mr. Colson instructed me to become the White House resident expert on the origins of the Vietnam war. At the same time, I had a collateral responsibility for determining certain leaks of highly classified information which included the leaks of the Pentagon Papers.

Mr. Dash. Now, is it true, Mr. Hunt, that from the beginning of your employment, Mr. Colson asked you to collect what could be called derogatory information about Daniel Ellsberg?

Mr. Hunt. Yes.

Mr. Dash. What was to be done with this information when it was collected?

Mr. Hunt. My assumption was that it would be made available by Mr. Colson or someone in his confidence to selected members of the media.

Mr. Dash. Did you by the way, early in your employment, collect the list of certain media representatives who might be interested in such material?

Mr. Hunt. I did.

Mr. Dash. Now, following the assignment you received from Mr. Colson, how did you develop the information on Mr. Ellsberg?

Mr. Hunt. It was developed through intensive study of reports furnished by the Federal Bureau of Investigation.

Mr. Dash. Were there any other materials that you used?

Mr. Hunt. There were certain overt materials.
Mr. Dash. I didn’t hear your answer.

Mr. Hunt. There were overt materials.

Mr. Dash. What do you mean by overt materials?

Mr. Hunt. Materials published in the press. To be more responsive, Mr. Dash, I have a feeling I have left something hanging here which I don’t want to do.

The same unit, the special investigations unit that was receiving information on a frequent basis from the Federal Bureau of Investigation, was also receiving reports from other Government agencies such as the Department of Defense, the Department of State, National Security Agency, the Immigration and Naturalization Service, and so on. So that as part of my reply to your question, I would include those Government agencies as sources of information on Dr. Ellsberg.

Mr. Dash. Now, do you recall Mr. Colson asking you to interview Col. Lucien Conein?

Mr. Hunt. I do.

Mr. Dash. Who is Lucien Conein, or who was he at the time you interviewed him?

Mr. Hunt. At the time I interviewed Colonel Conein, he had just returned from the Army, I believe, and was in the process of retiring from the CIA, or had retired therefrom. He and I had trained together in the Office of Strategic Services for service in the Far East. In fact, we had shipped out to China together and worked in China together during World War II. I had seen him infrequently during the intervening years, but we had maintained a friendly relationship.

Mr. Dash. Do you recall when the initial interview with Colonel Conein took place?

Mr. Hunt. It was on or about July 8, 1971.

Mr. Sachs. Excuse me, Mr. Dash, could we confer for just a moment?

Mr. Dash. Yes.

Mr. Sachs. Mr. Chairman, is it possible that the photographers who are right here, just a few feet from us and clicking their cameras, could be asked to remove themselves to some more distant place so that there would be less distraction to Mr. Hunt? There are, as you can see, Your Honor, maybe a dozen people here who are doing their jobs, undoubtedly, but it is a little distracting.

Senator Ervin. Mr. Hunt, do they distract you?

Mr. Hunt. They do, Mr. Chairman.

Senator Ervin. I will have to ask the photographers to sort of get over to the side somewhere where they won’t distract Mr. Hunt. [Laughter.]

As far as this committee is concerned, we have to receive Mr. Hunt’s testimony.

Mr. Hunt. Thank you, Mr. Chairman, and I apologize to the photographers involved.

Mr. Dash. All right now, Mr. Hunt, are you ready to proceed?

Mr. Hunt. Yes, sir.

Mr. Dash. Will you just briefly describe what occurred. Did you initially interview Colonel Conein?

Mr. Hunt. I did.

Mr. Dash. Did you follow that interview by a telephone conversation with Colonel Conein?
EX E C U T I V E S E S S I O N

PURPORTED ATTEMPT TO INVOLVE THE CENTRAL INTELLIGENCE AGENCY IN THE WATERGATE AND ELLSBERG INCIDENTS

WEDNESDAY, MAY 30, 1973

United States Senate,
Subcommittee of the Committee on Appropriations,
Washington, D.C.

The subcommittee met at 10:10 a.m., pursuant to call, in room 1223, Dirksen Senate Office Building, Hon. John L. McClellan (chairman of the subcommittee) presiding.

Present: Senators McClellan, Pastore, Young and Hruska.

Chairman McClellan. The committee will come to order.

Mr. Ehrlichman, we welcome you here this morning. We appreciate your response to our invitation to appear before the committee. I note you have counsel with you. In this particular inquiry in these executive sessions we have been having we have permitted counsel to be present. They can only, of course, advise you regarding your legal rights and so forth. Other than that, they are not permitted to ask questions or interrupt the proceedings in any way.

We have heretofore and in view of the delicacy of the inquiry that the committee is making and its importance we
the President for the formation of a special group to manage
and act on the Pentagon Papers and other leak problems.

Their proposal was discussed with the President and he
approved it in general terms on Saturday, July 24.

Before that date Howard Hunt was not engaged in activities
of the plumbers, simply because they didn't then exist. And
so his visit to General Cushman, and his requests of July 22,
must have related to some other project. I do not know what
that might have been.

Once the President approved establishment of the unit
I began a round of meetings to introduce Krogh and Young to
members of the Cabinet and Agency heads in whose areas they
would be working. On July 28 we met with Attorney General
Kleindienst. On August 5, 1971, Krogh, Young and I met with
Secretary of Defense Laird and his general counsel for this
purpose.

On August 12, we met with Director Helms of the CIA and
Mr. Osborne.

As I recall this meeting reviewed the President's charter
to Mr. Krogh and we discussed the ability and propriety of the
CIA analyzing the news reports and providing a complete cata-
logue of leaks.

As Mr. Helms has previously testified, neither the psycho-
logical profile project nor Howard Hunt's request for aid were
discussed at this meeting (Tr. 257, 271).
SECRET

WASHINGTON, D. C.

The subcommittee met at 10:10 a.m., pursuant to call, in room 113, Dirksen Senate Office Building, Hon. John F.

McClellan (chairman of the subcommittee) presiding.

Present: Senators McClellan, Pastore, Young and Kalmus.

Chairman McClellan. The committee will come to order.

Mr. Ehrlichman, we welcome you here this morning. We appreciate your response to our invitation to appear before the committee. I note you have counsel with you. In this particular inquiry in these despatches, sessions we have been having in the past pursuant to a previous, they are only of course, advice you regarding your legal rights and on that basis on this basis they are not permitted to...

We have come before you in want of the following of the inquiry can take a place for written, live importance we
the President for the formation of a special group to replace
and add to the Pentagon Papers and other leak problems.

Their proposal was discussed with the President and
approved it in general terms on Saturday, July 24.

Before that date Howard Hunt was not involved in
implementation of the plans but, simply because they didn't then exist. I'm
told his visit to General Cushman, and his requests of July 22,
must have related to some other project. I do not know what
that might have been.

Once the President approved establishment of the unit
I began a round of meetings to introduce Krogh and Young to
members of the Cabinet and Agency Heads in those areas they
would be working. On July 26 we met with Attorney General
Kleindienst. On August 5, 1971, Krogh, Young and Timó with
Secretary of Defense Beind and his general counsel for this
purpose.

On August 12, we met with Director Helms of the CIA and
Mr. Cabalma.

As I recall this meeting reviewed the President's charter
to Mr. Krogh and we discussed the ability and procedures of
CIA analyzing the news reports and providing a complete report
August of latter.
July 30, 1971

MEMORANDUM FOR: JOHN D. EHRLICHMAN
FROM: EGIL KROGH, JR. AND DAVID R. YOUNG
SUBJECT: STATUS OF ELLSBERG ET AL. INQUIRY AS OF JULY 30, 1971

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 de-classification 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:

(i) The Criminal Prosecution Section of the Internal Security Division is pursuing U.S. v. Ellsberg;

(ii) The FBI is investigating all individuals in connection with U.S. v. Ellsberg;

(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 Rehnquist 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.)
July 30, 1971

MEMORANDUM FOR:  
JOHN D. EHRICH

FROM:  
EGIL KROGH, JR. AND DAVID R. YOUNG

SUBJECT:  
STATUS OF ELLISBERG ET AL. INQUIRY AS OF JULY 30, 1971

The following is an initial report on what we have found out, what we are 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 in inventorying all its documents.
(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 NSM 113 is being done by the Rohanqist 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. Sayeser 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 FOR: JOHN D. EHRLICHMAN
FROM: EGIL KROGH, JR. AND DAVID YOUNG
SUBJECT: MEETING WITH SECRETARY LAIRD AND FRED BUZHARDT ON TUESDAY, AUGUST 3, 1971 AT 11:00 A.M.

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 preparation, 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, despite 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.
August 2, 1971

MEMORANDUM FOR: JOHN D. EHRLICHMAN

FROM: EGIL KROGH, JR. AND DAVID YOUNG

SUBJECT: MEETING WITH SECRETARY LAIRD AND FRED BUSHARDT ON TUESDAY, AUGUST 3, 1971 AT 11:00 A.M.

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 preparation, 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, inspite 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.
August 12, 1971

MEMORANDUM FOR: JOHN EHRlichMAN
FROM BUD KROGH AND DAVID R. YOUNG
SUBJECT: MEETING WITH RICHARD HELMS AND HOWARD OSBORN AT 5:00 P.M. TODAY

Purpose of the Meeting:

To impress upon Helms the President's personal interest 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.
August 12, 1971

MEMORANDUM FOR: JOHN EHRLICHMAN
FROM: BUD KROGH AND DAVID R. YOUNG
SUBJECT: MEETING WITH RICHARD HELMS AND HOWARD OSBORNE AT 5:00 P.M. TODAY

Purpose of the Meeting:
To impress upon Helms the President's personal interest 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-xerograph 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.
58. In the week prior to August 5, 1971, Krogh, Young, 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.


58.2 David Young Grand Jury testimony, August 22, 1973, 54-55.

58.3 Lewis Fielding affidavit, United States v. Russo, April 29, 1973, 2.

NOTE

Portions of the Grand Jury testimony of Egil Krogh have been separately distributed to Committee members.
NOTE

Portions of the Grand Jury testimony of David Young have been separately distributed to Committee members.
I, LEWIS J. FIELDING, being duly sworn depose and say:

I am a psychiatrist licensed to practice medicine in the State of New York in 1937 and in the State of California in 1949. My office is located at 450 North Bedford, Beverly Hills, California.

I am and have been since 1938 a psychiatrist; since 1949 I have specialized in psychoanalysis. I am certified in both psychiatry and neurology. I am a member of the American Psychiatric Association, the American Psychoanalytical Association, the American Medical Association and other professional organizations.

For some time prior to July, 1970, Dr. Ellsberg was
one of my patients. I have seen him on a few occasions since.

On July 20, 1971, at approximately 10:30 a.m. there was a knock on the door of my office leading from the waiting room to the consultation room. Upon responding I found two men who stated that they were agents from the Federal Bureau of Investigation and showed me their official identification cards. One of them was Richard C. Kilcourse; the other agent gave his name but I did not take particular notice of it. The agents stated that they wished to talk to me. They advised me that they wished to talk to me about Dr. Ellsberg. I told them that I could not have any discussions with them until I consulted my lawyer. They departed with the understanding that I would telephone Mr. Kilcourse to advise him of my decision.

On July 22, 1971, after consultation with my attorney, I decided that I should not discuss my patient or his affairs and asked my attorney to so advise Mr. Kilcourse.

On July 26, 1971, I received a telephone call from a Mr. Morehead, who described himself as a F.B.I. agent. I believe, although I am not positive, that he was the agent who accompanied Mr. Kilcourse on the July 20, 1971 visit with me. Mr. Morehead asked me what decision I had reached with respect to the agents' request of July 20, 1971 for a discussion with me about my patient. I told him that my attorney had contacted Mr. Kilcourse concerning my decision. Mr. Morehead then told me that Mr. Kilcourse was no longer on the case. Accordingly, I gave Mr. Morehead my attorney's name and telephone number and I am advised that Mr. Morehead or some other representative of the F.B.I. communicated with my attorney and was told of my decision.

On Saturday, September 4, 1971 at approximately 9:00 p.m., during the Labor Day weekend while I was at my home, I was
telephoned by Officer Bottleman of the Beverly Hills Police Department. Officer Bottleman informed me that my office had been broken into and that a police officer was present in my office checking into the matter.

I called Mr. Wakeman, the general manager of the building, and he suggested that I come to the building. I drove down to the office with my wife, Elizabeth, and found my papers and records strewn about. A police officer, a Mr. Brickley, Shield #603, of the Beverly Hills Police Department, was present and was checking the office for fingerprints.

I observed that the locks on my office doors had been pried open and that the wood part of the door near the lock had been hacked away. I also observed that the locks on my wood cabinet and on my steel filing cabinet behind it had also been pried open and bent completely out of shape. These cabinets contained information and records concerning my patients including Dr. Ellsberg. The files in my cabinet were in considerable disarray. My personal papers, including those pertaining to Dr. Ellsberg, appeared to have been thoroughly rummaged through.

I then learned some of the facts as to the actual break-in from Mr. Efrain Martinez, the cleaning man. He told me the following story in the presence of my wife, Elizabeth, the maintenance superintendent, Mr. J.C. Boone, and Officer Brickley:

On the previous night, September 3, while Mr. Martinez was at his night job at about 11:00 p.m. cleaning up the building, two men arrived at the building. Mr. Martinez said that they were wearing uniforms, somewhat like those of a postman or United Parcel Post delivery man and they were carrying a large suitcase.

He said that they talked in an accent which he recognized to be Cuban and that he would know such an accent. They told him that they were supposed to deliver the suitcase to me. While Mr.
Martinez thought this somewhat unusual, he permitted them to enter my office and believed that they had left the suitcase in my office.

I, of course, had made no arrangements for that or any other delivery. I had expected no suitcase and found no suitcase on my arrival at my office in response to the call from Officer Bottleman.

As I looked over the office I attempted to do some re-arranging. I could not tell what was missing, although the incoming Saturday mail which was usually neatly stacked on my desk by the cleaning people was not there and never turned up. My wife and I left the office at approximately 10:45 p.m. in considerable distress.

I contacted the Beverly Hills Police Department several weeks later to find out if they had any further information regarding the break-in. I was advised that they did not. With this exception, from the time of the break-in until the present, I have not been contacted by anyone nor have I contacted anyone (with the exception of my counsel whom I spoke with immediately after the weekend of the break-in) regarding this matter until Friday, April 27, 1973.

On that day, Dr. Ellsberg telephoned my office and informed me that the Court had informed him of a Government report of a break-in at the office of a psychiatrist of Dr. Ellsberg. I could not speak to Dr. Ellsberg in any detail at that time since I was with a patient. Later that day when Dr. Ellsberg telephoned me again, I confirmed the fact of the break-in.

The next day I received a telephone call from Dr. Ellsberg and his counsel, Leonard B. Boudin. Mr. Boudin requested a meeting with me and such a meeting occurred in my attorney's office on Saturday afternoon, April 28, 1973. The meeting was
attended by my attorneys, Harry B. Swerdlow and Irving A. Shimer, Mr. Boudin, Dr. Ellsberg and myself at which time I related the foregoing facts.

Subscribed and sworn to before me this 29th day of April, 1973.

Notary Public in and for Said County and State.

LEWIS J. FIELDING, M.D.

IRVING A. SHIMER
NOTARY PUBLIC, CALIFORNIA
PRINCIPAL OFFICE IN LOS ANGELES COUNTY
My Commission Expires March 23, 1974
People v. Ehrlichman, et al. (A 300 388)

LOS ANGELES COUNTY GRAND JURY TESTIMONY

E. Howard Hunt

June 6, 1973
Q. During the meeting that you just made reference to, were any statements additionally made in support of a so-called bag job on Dr. Fielding's office?

A. Well, that was the subject of the meeting, sir. And we all discussed it.

I believe I was asked if my technical skills extended to that area, and I indicated: Yes, that I had been trained for it in the CIA.

Mr. Liddy indicated that he had had some FBI experience of it; and we thought that if a -- if the go-ahead were given the operation could be accomplished.

Q. Based upon what discussion occurred, particularly in the statements made by Mr. Krogh, if any, did you reach any conclusion as to whether or not Mr. Krogh was making this decision to go ahead on this study by himself, or whether or not he had conferred with anyone else about the matter?

A. This is inferential on my part, Mr. Hecht. I inferred that Mr. Krogh was (not empowered) to make a decision of that nature personally.

Q. Was it ever suggested by anyone that the FBI might obtain the kind of information that you made reference to in a legitimate fashion?

A. It was -- it was suggested by myself, sir.

Q. And what did you say?

A. I said: If -- to this effect: I said, "If this material is required, why can't we just simply request the Bureau to acquire it for us?"

Q. Did someone respond?
To the best of my recollection, Mr. Liddy responded.

What did he say?

He indicated that within the past five or six -- the preceding five or six years, under the aegis of the late Edgar J. Hoover, that surreptitious entry operations had become a thing of the past within the FBI; and that the specially trained cadres who used to conduct -- or had formerly conducted entry operations for the FBI, those gentlemen had been disbanded and posted elsewhere in the United States.

And in fact, that there was no single body of expertise within the Bureau.

Did Mr. Krogh appear to accept that explanation?

Yes, sir.

All right. Was it ever suggested by anyone during that same meeting that the Secret Service might obtain such information in a legitimate fashion?

Yes. I made that suggestion.

And what did you say in that regard?

I said, "Well, if the Bureau can't do it, what about the Secret Service?"

Did anybody respond?

Yes.

Who was that?

Either Mr. Liddy or Mr. Krogh indicated to me that the Secret Service did not have the full confidence of the White House for a matter as sensitive as this.

All right. Lastly, was it ever suggested by anyo
59. On or about August 5, 1971 Krogh and Young reported to Ehrlichman that the FBI 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 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.

59.2 David Young Grand Jury testimony, August 22, 1973, 39-42.
59.3 John Ehrlichman testimony, Grand Jury, People v. Ehrlichman, June 8, 1973, 547-48, 603 (received from Los Angeles County Grand Jury).
59.4 John Ehrlichman affidavit, United States v. Ehrlichman, April 26, 1974, 7-8.
59.5 John Ehrlichman log, July 29, 1971 and August 5, 1971 (received from SSC).
NOTE

Portions of the Grand Jury testimony of Egil Krogh have been separately distributed to Committee members.
NOTE

Portions of the Grand Jury testimony of David Young have been separately distributed to Committee members.
People v. Ehrlichman, et al. (A 300 388)

LOS ANGELES COUNTY GRAND JURY TESTIMONY

John Ehrlichman

June 8, 1973
having, in cooperation from the F.B.I.

Q. Did Mr. Young ever seek your advice and counsel with respect to any projects of the special unit or Plumbers Group?

A. Yes, he did.

Q. In what connection?

A. In a connection which I am really not at liberty to discuss, but which has no -- no connection with this matter.

Q. Did Mr. Krogh ever seek your approval in connection with any contemplated courses of action that were to be undertaken by the members of the Plumbers Group or special unit?

A. Yes. In the former connection, in the matter of the F.B.I. He -- and I think he -- he and David Young probably jointly came to the conclusion that it was going to be necessary for them to do some first party investigation, so to speak.

And since this was a departure from the original concept, we discussed it.

Q. What was the first party investigation --

A. Well, specifically, sending Hunt and Liddy out here to do some investigation for Krogh and Young, first party.

Q. When was that discussion entered into, sir?

A. I can't recall specifically, but it would have been sometime, I would guess -- oh, the late part of July or the early part of August, some place in there.

Q. Did Mr. Krogh discuss this with you privately,
or was Mr. Young present at the same time?

A. I don't know. I can't recall. I think it was discussed more than once, as a matter of fact.
Dennis - what does that mean — that the Pres. knew
with the Bulgars

Dorn: — That Pres. had sent
operators.
Q. From the testimony of others, when combined with your testimony, I'm left with the impression that up until this new approach was taken -- excuse me, allegedly taken -- that there was a kind of coordinated effort between you and among a number of agencies directed toward solving the leakage problem, is that correct?

A. Yes.

Q. Now, when this new approach came into being, that seems to be characterized as a "Do-it-yourself" approach as distinguished from a coordinated approach.

Would you agree with that observation?

A. It was a fall-back. It was a last resort.

Q. Did the President know about this change of approach?

A. Yes, he did.

Q. Did he specifically approve it?

A. Yes, he did.

Q. What limitations, other than the one that Liddy and Hunt should be in the background in connection with their trip to California to avoid White House implication, so to speak, what other limitations were imposed that you know of?

A. I don't know that any were expressly imposed. I don't think anybody said, "Now, don't go out there and break the law," or something of that kind. I think it was just -- it was just understood that they were going to do a quiet investigation of facts.

Q. In terms of this quiet investigation of facts, do you acquaint that with the expression "Covert activity"
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

CR. CASE NO. 74-116 (Judge Gesell)

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOHN EHRlichMAN, et al.,

Defendants

AFFIDAVIT OF JOHN D. EHRlichMAN

DISTRICT OF
COLUMBIA

JOHN D. EHRlichMAN, being duly sworn, on oath deposes
and says:

The following narrative account of the formation and
authorization of the investigation of the theft of the Pentagon
Papers and subsequent events, going to the question of the
President's instructions, authorization and approval, is made
in response to the Court's request of April 19, 1974.

The Pentagon Papers Theft:

In mid-June, 1971, it was learned at the White House
that part of the 47-volume secret study of the Viet Nam War
had been copied and delivered to the New York Times and other
papers.
The SALT Leak:

During the week of July 19, 1971, the media carried a story which disclosed this country's secret negotiating strategy in the Strategic Arms Limitation Treaty negotiations with the Russians.

In my presence, both the President and members of the National Security Council staff expressed deep concern and even agitation about the damaging effect of this leak.

When the President discussed leaks with Egil Krogh and me, on July 24, 1971, he demanded that Krogh find those responsible for the SALT leak, resorting to polygraph tests regardless of Government employees' objections, and gave the clear impression to me that Krogh was to use extraordinary measures to carry out his assignment.

This conversation with Krogh left me with the belief that now Krogh had a one-on-one relationship with the President which accomplished the assignment given me by the President July 2, to find someone to take over the Ellsberg matter.

Both before and after the Krogh meeting, July 24, the President also gave me instructions to pass along to Krogh and Young. Invariably when they made recommendations, jointly or severally, the President concurred. His only criticism of the effort was that it was not vigorous enough.

The Unit was ordered to investigate on some date which could probably be determined from my notes (now in the Government's custody). Mr. Krogh complained of the F.B.I.'s failure to cooperate fully in the Ellsberg investigation. I discussed
the problem with the Attorney General. He advised me of a continuing problem with Mr. Hoover. I recall specifically Mr. Krogh complaining that the F.B.I. had not even designated the Ellsberg case as a primary or priority case.

I advised Krogh of my talk with the Attorney General, and he recommended that some of the Unit's people be sent out to quickly complete the California investigation of Ellsberg.

I told the President of these conversations, sometime between July 26 and August 5, as nearly as I can now reconstruct it.

He responded that Krogh should, of course, do whatever he considered necessary to get to the bottom of the matter—to learn what Ellsberg's motives and potential further harmful action might be.

I told Krogh, in substance, that he should do whatever he considered necessary.

On August 6, I left Washington for a period of 5 days. August 11 was my first full day back in the office.

Sometime later, I initialled and wrote on a Memorandum, dated August 11, in which Krogh and Young proposed that the investigation include a covert attempt to learn what Ellsberg may have disclosed to Dr. Fielding. In my opinion, this was well within the President's mandate.

So far as I am personally concerned, I was not aware of any intent on anyone's part to break into Dr. Fielding's premises before that occurrence.
WEDNESDAY, JULY 28, 1971

8:00  HRH office
8:15  Roosevelt Room
9:00  Car at west basement (Krogh, Young)
9:15  AG's office - Kleindienst, Krogh, Young
11:30 Dr. Roger Eyesberg, Ken Cole
11:50 President
1:00  Lunch in Mess with Bill Magruder, Ken Cole
2:30  Governor Dan Evans
3:30  Wes Vernon (Bonneville Broadcasting) + cameraman
4:30  Art Fletcher, Ken Cole
5:40  President
6:45  Tennis at River Bend Country Club - Mrs. E, Jan, Diana

THURSDAY, JULY 29, 1971

8:00  HRH office
8:15  Roosevelt Room
11:00 Ed Harper, Ken Cole
12:00 Paul Healy
12:30 President (Ed Coate, Martin Anderson)
2:00  Emergency school aid - Richardson, Shultz, Morgan, Nathan, MacGregor, Kurzman, Hastings
3:30  Car at west basement
3:45  Sec. Rogers’ office - AG, Connally, Helms, Downey, Ingersoll
5:10  Krogh, HRH
5:30-7:00  Tennis with the Belks, Mrs. E
8:15  Dinner for 4 at El Tio Pepe

FRIDAY, JULY 30, 1971

8:00  HRH office
8:15  Roosevelt Room
10:00 Howard Allen
10:45 Russell Train
11:00 Shultz' office - R&D briefing
12:30 Jack Sutherland
1:00  Lunch with Mrs. E, Jody, Bob (Old Ebbitt Grill)
2:00  Secretary Richardson
3:25  Attorney General
4:13  Lou Clement - theater (Mell project slides)
6:15  Apollo 13 landing on moon
8:00  Attorney Clement
THURSDAY, AUGUST 5, 1971

8:00  HRH office
8:15  Roosevelt Room
10:00 Cabinet
11:30 Laird, Buchanat, Krook, Young
2:00  Peter Flanigan's office
3:15  President, Romney, Shultz, Flanigan, Connally
5:00  Reception
7:30  Japanese photographers

FRIDAY, AUGUST 5, 1971

8:00  HRH office
8:15  Roosevelt Room
9:30  Depart Andrews
11:00 Arrive Colorado
2:00  Semi-Annual meeting of Adventure/Unlimited

SATURDAY, August 7, 1971

3:30  Adventure/Unlimited adjourns

TUESDAY, August 10, 1971

Meeting with member of FEB Policy Comms. & Reg. Cncl.
11:55  Depart Denver
5:00  Arrive Andrews

WEDNESDAY, AUGUST 11, 1971

8:00  HRH office
8:15  Roosevelt Room
9:30  Christian Science Students - Theatre
11:00 Shultz - Flanigan - US Service - Asst. Sec., Baker and
Don Rice - Transportation Delegation
12:30  Victorinsky
2:00  Bart Security
2:15  Review schedule, meeting - lunch - review meeting
5:30  Dinner with Ronald's - Naval Staff Army
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.

60.1 Document entitled "Specific Projects as of August 10, 1971" from the files of the Special Investigations Unit (received from White House).
### SPECIFIC PROJECTS as of August 10, 1971

#### WHO HAS ACTION

<table>
<thead>
<tr>
<th>Specific Action</th>
<th>Due Date</th>
<th>Who Has Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) Ellsberg - factual</td>
<td>August 16</td>
<td>Liddy</td>
</tr>
<tr>
<td>2) Psychological Study</td>
<td>August 16</td>
<td>CIA (Osborn)</td>
</tr>
<tr>
<td>3) Leak Analysis</td>
<td>August 16</td>
<td>CIA (Paisley)</td>
</tr>
<tr>
<td>Qualitative/Quantitative</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4) Beecher/SALT Leak</td>
<td></td>
<td>Krogh/Young</td>
</tr>
<tr>
<td>5) Present Press Regs. Review/Recommendation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6) NSSM 113 (New sensitive classification system)</td>
<td>Draft Done</td>
<td>Dean</td>
</tr>
<tr>
<td>(New sensitive declassification system)</td>
<td>September 1</td>
<td></td>
</tr>
<tr>
<td>7) Software Contracts (cancellation thereof)</td>
<td>Draft NSDM w/II AK</td>
<td>Haig</td>
</tr>
<tr>
<td>8) Polygraph Study</td>
<td>In Draft</td>
<td>Nordahl</td>
</tr>
</tbody>
</table>

Specific Projects as of August 10, 1971
61. 6 in altered version:

Who altered it? Brother. He was

avuncular. Young army's he

and didn't alter them. But

young did had already been

delirium wrote some with

Jaunari lawyer came to with

of corporal 276 etc.
On August 11, 1971 the CIA delivered to Krogh and Young a psychological profile on Ellsberg dated August 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 August 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.

61.1 CIA Director of Security affidavit, May 9, 1973 (received from CIA).

61.2 Letter from CIA Director of Security to David Young, August 11, 1971 (received from CIA).

61.3 Preliminary psychological study, August 9, 1971 (received from CIA).

61.4 John Ehrlichman testimony, 6 SSC 2545-46.

61.5 Memorandum from Egil Krogh and David Young to John Ehrlichman, August 11, 1971 and routing slip from John Ehrlichman to David Young and Egil Krogh, SSC Exhibit No. 90, 6 SSC 2643-45.

61.6 Memorandum from Egil Krogh and David Young to John Ehrlichman, August 11, 1971 (received from White House).
IMPEACHMENT INQUIRY
Vol 9 - CIA

DOCUMENTATION PROVIDED BY CIA
1 June 1973
VOLUME I
STATE OF VIRGINIA
COUNTY OF FAIRFAX, to-wit:

COMES NOW, 1 who, being first duly sworn, deposes and says:

1. I am the Director of Security of the Central Intelligence Agency.

2. The purpose of this statement is to record my involvement in events leading up to the preparation of a psychological profile on Daniel Ellsberg prepared at the request of Mr. David Young of the White House staff.

3. Mr. David Young first came to my attention as a result of a telephone call from the Director of the Agency, Mr. Richard Helms, who informed me that Mr. David Young of the White House had just been detailed from the National Security Council staff to the staff of Mr. John Ehrlichman, the President's Counsel for Domestic Affairs, and that he would be working on security matters. I was instructed by Mr. Helms to be cooperative in my relations with Mr. Young and to keep him (The Director) generally informed. To the best of my recollection, there was a distinct implication that Mr. Young would be specializing in the matter of unauthorized disclosures of classified information.

4. Early in the summer of 1971, I briefed Mr. Young in my office on the experiences that the Security Committee of the United States Intelligence Board had had in the field of unauthorized disclosures over the years and subsequently provided him with several reports and summaries that had...
preparation of the profile in question, adding that information available to him on which to prepare such a profile was very sparse.

8. On 10 August 1971, Dr. S had carried to me an "indirect assessment" on Daniel Ellsberg, dated 9 August 1971. (I had previously reviewed a rough draft of the assessment from a security point of view).

I cleared the assessment with Mr. Helms, the Director, and had it delivered to Mr. David Young on 11 August 1971 by a special Security courier. In my note of transmittal, I stipulated "I know that you appreciate that however this is used, the Agency should not become involved."

9. A few days after Mr. Young's receipt of the assessment, he telephoned me and expressed some dissatisfaction with the assessment and I responded by pointing out that material available to the Agency's psychiatrists was very sparse. He offered to provide me with additional information and asked that "we try again." Mr. Young provided me copies of clippings, FBI reports, and other material which I forwarded to Dr. S as it was received. Eventually, Dr. S returned at least some of the material to me which I then returned to David Young.

10. To the best of my recollection some time in September of 1971, I arranged to put Dr. S of the Agency's Medical Services staff in direct contact with Mr. Young and I had no further discussions with him on this subject. I do recall that subsequently Dr. S mentioned to me that he had briefed Mr. S then the Deputy Director for Support, on the matter and shortly thereafter Mr. S telephoned me and I repeated to him the Director's stipulation that he wanted to approve personally all material forwarded to the White House on this matter.

11. I continued to have many telephone contacts with
Mr. David Young and met with him on several occasions involving specific unauthorized disclosures of classified information. We provided him with extensive material from our files and performed several specific damage assessments at his request. In none of these contacts was there ever any implication that his requests were in any way designed to camouflage any other activities. Mr. Young was a frequent visitor to the Agency's Headquarters Building and although our records indicate that he was never assigned a "Visitor No Escort Badge," he was usually given a Conference Badge which permitted him free access, unescorted, to all areas of the Building other than restricted compartmented areas.

12. In August of 1972, I attended a meeting in Mr. Ehrlichman's office with Mr. Helms. Mr. Egil Krogh and Mr. David Young were also present. Mr. Ehrlichman stated that on behalf of the President he wanted to emphasize the importance of pressing on with the investigation of unauthorized disclosures of classified information. It was apparent from Mr. David Young's participation in this meeting that he had the confidence and trust of Mr. Ehrlichman. At that time, Mr. Young apparently enjoyed considerable influence with Mr. Ehrlichman and any reluctance to comply with his requests were invariably met with the rejoinder that "I will have Mr. Ehrlichman call Mr. Helms."

13. My records of my contacts with Mr. Young insofar as specific dates are concerned are incomplete but the above has been prepared based on my considered and best recollection of the events as they occurred.

Subscribed and sworn to before me, a Notary Public, in and for the County of Fairfax, State of Virginia, this 9th day of May, 1973. My commission expires 29 September 1976.

/\

Shirley R. Swink
Notary Public

Confirmed: certified to be true and accurate copy of original, executed affidavit.

[8383]
Mr. David Young  
Room 16  
Executive Office Building  
The White House

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.

11 August 1971

Director of Security
Mr. David Young
Room 15
Executive Office Building
The White House

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.

11 August 1971

Director of Security
9 August 1971.

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 longstanding 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 extramarital 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 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.
9 August 1971

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. DV

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 longstanding 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
sublimainty, 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 pos-
tions 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. DV

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 those 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 Hillberg, 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. DV

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 the people and the government.

Allen'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 newfound 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.

DV
PRESIDENTIAL CAMPAIGN ACTIVITIES OF 1972
SENATE RESOLUTION 60

HEARINGS
BEFORE THE
SELECT COMMITTEE ON
PRESIDENTIAL CAMPAIGN ACTIVITIES
OF THE
UNITED STATES SENATE
NINETY-THIRD CONGRESS
FIRST SESSION

WATERGATE AND RELATED ACTIVITIES
Phase I: Watergate Investigation
WASHINGTON, D.C., JULY 18, 19, 20, 23, 24, AND 25, 1973
Book 6

Printed for the use of the
Select Committee on Presidential Campaign Activities

U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON : 1973

For sale by the Superintendent of Documents, U.S. Government Printing Office
Washington, D.C. 20402 - Price $3
Stock Number 550-016-0005
AFTERNOON SESSION, TUESDAY, JULY 24, 1973

Senator Ervin. The committee will come to order.

Mr. Dash. Mr. Ehrlichman, prior to the luncheon recess you stated that in your opinion, the entry into the Ellsberg psychiatrist's office was legal because of national security reasons. I think that was your testimony.

Mr. Ehrlichman. Yes.

Mr. Dash. Have you always maintained that position?

Mr. Ehrlichman. Well, I do not know——

Mr. Dash. When I say always, I am not going back into eons of time.

Mr. Ehrlichman. I do not know that I have ever been asked to maintain it one way or the other. I have had a—I had an awareness of the President's constitutional powers and capacity.

Mr. Dash. Well, do you recall when we had our first interview in my office, and we discussed this issue, you expressed shock that such a thing had occurred, and indicated that you had informed Mr. Young or Mr. Krogh to see that this thing should not happen again but you did not take any action such as ordering the firing of these people because of the general sensitive issues that were involved. Do you recall that?

Mr. Ehrlichman. Well, that is not on the ground of illegality, Mr. Dash. I do not think you asked me at that time whether—what my legal opinion was, for whatever it is worth. What you were asking me was what I did, and that is what I did.

Mr. Dash. Well, if it was legal you would ordinarily have approved it, would you not?

Mr. Ehrlichman. Well, no, the thing that troubled me about it was that it was totally unanticipated.

Mr. Dash. Totally what?

Mr. Ehrlichman. Unanticipated by me, unauthorized by me.

Mr. Dash. Who was it authorized by?

Mr. Ehrlichman. Well, I am under the impression that it was authorized by Mr. Krogh. I say under the impression, that has been my consistent impression, but it is not based on any personal knowledge.

Mr. Dash. Well, now, as a matter of fact, Mr. Ehrlichman, did you not personally approve in advance a covert entry into the Ellsberg psychiatrist's office for the purpose of gaining access to the psychoanalyist's reports?

Mr. Ehrlichman. A covert entry?

Mr. Dash. Yes.

Mr. Ehrlichman. I approved a covert investigation. Now, if a covert entry means a breaking and entering, the answer to your question is, "No."

Mr. Dash. Well, let me read to you a memorandum, and then I will have it shown to you—would someone bring to Mr. Ehrlichman and his counsel a copy of a memorandum and also have it distributed to members of the committee? The memorandum is dated August 11, 1971, and it is a memorandum to you from Bud Krogh and David
Young, "Subject: Pentagon Papers Project—status report as of August 11, 1971."

I think the relevant information is in paragraph 2 rather than the progress report of paragraph 1. Let me just read paragraph 2.

We have received the CIA preliminary psychological study (copy attached at Tab A) which I must say I am disappointed in and consider very superficial. We will meet tomorrow with the head psychiatrist, Mr. Bernard Malloy, to impress upon him the detail and depth that we expect. We will also make available to him here some of the other information we have received from the FBI on Ellsberg.

Now, more significant:

In this connection we would recommend that a covert operation be undertaken to examine all the medical files still held by Ellsberg’s psychoanalyst covering the 2-year period in which he was undergoing analysis.

And there is a provision here for approve, disapprove. There is an "E," which I take it you would recognize as your "E," and in handwriting which I would ask if it is your handwriting, the approval and the handwriting is: "If done under your assurance that it is not traceable."

Mr. Ehrlichman. That is correct.

Mr. Dash. Now, how would you interpret in this connection your assistance recommending to you in this connection, "We would recommend that a covert operation be undertaken to examine all medical files still held by Ellsberg’s psychoanalyst covering the 2-year period in which he was undergoing analysis," and their recommendation taking place some time prior to the entry and approved by you?

Mr. Ehrlichman. Well, no interpretation necessary, Mr. Dash. This was in the setting of a previous conversation in which it was contemplated that these two men would go to the coast to do this investigation as the President’s statement of May 22 says.

The effort here was to find out everything that could be found out about the people and the circumstances surrounding Ellsberg in all respects.

Now, whether a psychiatric profile, as such helps an investigation or in that situation, is something that the experts would have to tell you. It is something that I certainly cannot second-guess about. But the point here is that the investigation was already authorized and was going to go forward. Now, covert, in its literal meaning, and in its everyday meaning, is simply that it is a covered operation: that is to say, you do not identify yourself as being an investigator from the separate committee or—

Mr. Dash. Would it cover this, Mr. Ehrlichman, so at least we agree on terms—

Mr. Ehrlichman. Do you want to hear the rest of it?

Mr. Dash. I am sorry. I didn’t want to interrupt you.

Mr. Ehrlichman. Thank you.

My concern, and the reason that I certainly acquiesced in the use of the term "cover" here, was that I was not keen on the concept of the White House having investigators in the field and known to be in the field, and I just don’t think from a public standpoint, from a public relations standpoint, from a public policy standpoint, that is a desirable situation, and I was not anxious to have anybody go in and flash a White House pass, credentials, and say "I am from the White House and I want this or that and I want to ask questions."
PRESIDENTIAL CAMPAIGN ACTIVITIES OF 1972
SENATE RESOLUTION 60

HEARINGS
BEFORE THE
SELECT COMMITTEE ON
PRESIDENTIAL CAMPAIGN ACTIVITIES
OF THE
UNITED STATES SENATE
NINETY-THIRD CONGRESS
FIRST SESSION
WATERGATE AND RELATED ACTIVITIES
Phase I: Watergate Investigation
WASHINGTON, D.C., JULY 18, 19, 20, 23, 24, AND 25, 1973
Book 6

Printed for the use of the
Select Committee on Presidential Campaign Activities

U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON : 1973

For sale by the Superintendent of Documents, U.S. Government Printing Office
Washington, D.C. 20402 - Price $.30
Stock Number 5570-00566
Weicker, Hon. Lowell P., Jr.  

Dash, Samuel, chief counsel and staff director.  

Thompson, Fred D., minority counsel.  

Lenzner, Terry F., assistant chief counsel.  

EXHIBITS SUBMITTED FOR THE RECORD

Nos. 78 through 86—(2276) Photographs used during the interrogation of Mr. Ulasewicz.  
2228–2230

2634

No. 88—(2344) Various letters between Robert W. Barker, Esq., Fred M. Vinson, Esq., Maurice H. Stans, and Fred C. LaRue re: Finance Committee To Re-Elect the President and funds in possession of LaRue.  
2635

No. 89—(2367) Contents of a handwritten note furnished by Mr. Mardian after a telephone conversation with Mr. Stans on May 1, 1973.  
2642

2643

2646

No. 92—(2554) For identification only and not for publication.  
2652

No. 93—(2607) Affidavit of Henry E. Petersen.  
2655

No. 94—(2626) Letter to Egil Krogh from J. Edgar Hoover re: President Nixon's letter of July 29, 1971, regarding disclosures of top-secret material to the public.  
2656

Note: Figures in parentheses indicate page that exhibit was officially made part of the record.

[8402]
EXHIBIT No. 90

THE WHITE HOUSE
WASHINGTON

Date ________________
For __________________
From John Enlichman
MEMORANDUM FOR: JOHN D. EHRlichMAN
FROM: BUD KROG!/AND DAVID YOUNG
SUBJECT: PENTAGON PAPERS PROJECT - STATUS
        REPORT AS OF AUGUST 11, 1971

(1) Where things stand in the Grand Jury investigations.

The Los Angeles Grand Jury last week subpoenaed six people. Messrs.
Burt Wallrich, Arne Guillole, Spencer Marx and Jackie Barnet 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 BankAmericard 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 Barnet (IPS)
Marcus Raskin
K. Dunn Gifford (A friend of Sheehan and Ellsberg who stayed
at Trendway Motor House March 20th, when Sheehan was
there.)
Richard Steedman

It seems unlikely that Barnet, Raskin and Gifford will be called because
they have been overheard.

(2) We have received the CIA preliminary psychological study (copy
attached at Tab A) which I must say I am disappointed in and consider
very superficial. We will meet tomorrow with the head psychiatrist,
Mr. Bernard Malley, to impress upon him the detail and depth that we
expect. We will also make available to him here some of the other information
we have received from the FBI on Ellsberg. In this connection we would recommend that a covert operation be undertaken to examining all the medical files still held by Ellsberg's psychoanalyst covering the two-year period in which he was undergoing analysis.

Approve _C_ Disapprove

if done under your assurance that it is not traceable.

(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 asked CIA with doing a leak assessment on all leaks since January, 1969, along the lines of the attached memorandum at Tab B.

(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, David 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) an 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.
August 11, 1971

MEMORANDUM FOR: JOHN D. EHRlichMAN
FROM: BUD KROGH AND DAVID YOUNG
SUBJECT: PENTAGON PAPERS PROJECT - STATUS REPORT AS OF AUGUST 11, 1971

(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 Barnet 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 Bankamericard 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 Barnet (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 Barnet, 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, David 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) an 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.
August 11, 1971

MEMORANDUM FOR: JOHN D. EHRLICHMAN

FROM: BUD KROGH AND DAVID YOUNG

SUBJECT: PENTAGON PAPERS PROJECT - STATUS REPORT AS OF AUGUST 11, 1971

(1) Where things stand in the Grand Jury investigations.

The Los Angeles Grand Jury last week subpoenaed six people - Messrs. Burt Wallrich, Arna Guilfoile, Spencer Marx and Jackie Barnet 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 BankAmericard 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 Barnet (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 Barnet, Raskin and Gifford will be called because they have been overheard.
(3) We have received a letter from Director Hoover confirming that the E. *barg 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.

(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, David 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) an 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.