

Chapter 14

Involvement of the CIA in Improper Activities for the White House

During 1971, the CIA, at the request of members of the White House staff, provided alias documents and disguise materials, a tape recorder, camera, film and film processing to E. Howard Hunt. It also complied with a request to prepare a psychological profile of Daniel Ellsberg.

This assistance was requested by various members of the White House staff and some of the materials provided were later used in connection with improper activities, including the break-in into the office of Dr. Lewis Fielding, Ellsberg's psychiatrist.

President Nixon and his staff also insisted in this period that the CIA turn over to the President highly classified files relating to the Lebanon landings, the Bay of Pigs, the Cuban missile crisis, and the Vietnam war. The request was made on the stated ground that these files were needed by the President in the performance of his duties, but was in fact made to serve the President's personal political ends.

The Commission's staff has investigated the facts and circumstances surrounding these events.¹ On the basis of this investigation, the

¹ Documentation supporting this chapter is contained in the statement of information in Hearings before House Judiciary Committee on H.R. 803 (Impeachment of President Nixon) Book VII (May-June 1974); transcript of trial testimony in *United States v. Ehrlichman et al.*, No. 74-116 (June 28-July 9, 1974); transcript of testimony before House Special Subcommittee on Intelligence of the Armed Services Committee (May 1973-July 1974); transcripts of Executive Session Testimony before the Senate Select Committee on Presidential Campaign Activities (Watergate Hearings), principally between December 17, 1973, and March 8, 1974; the testimony and affidavits of witnesses examined by the Commission and its staff; and the files and records of the Central Intelligence Agency.

The Commission also requested permission to examine relevant papers of President Nixon's administration which are currently in the custody of the General Services Administration under the terms of an interim order of the United States District Court for the District of Columbia. The provisions of that order permit counsel for the former President to object to such requests and he in fact did so, threatening to seek sanctions from the court to prevent such an examination. With the limited period of time available to complete the Commission's work, it was not possible to obtain a determination by the court of the validity of the request.

Commission concludes that the CIA neither participated in nor knew in advance of the Fielding or Watergate break-ins. The Agency provided certain assistance to the White House staff because the staff (and, in the case of the production of certain sensitive files, the President) insisted that it do so, but it appears to have provided that assistance without actual knowledge that the White House staff was engaging in illegal activities.

The Agency knew, however, that some of the demands made on it by the White House, such as the demand for a psychological profile of Dr. Ellsberg, were of doubtful propriety, and it is subject to criticism for having at times failed to make sufficient efforts to resist those demands. Nevertheless, the principal responsibility for drawing the Agency into these activities falls on the White House staff.

Once it became known, however, following the arrest of the Watergate burglars, that some of the activities under investigation involved persons with past or present CIA connections, the Agency's leaders should have undertaken a thorough inquiry and should have disclosed all relevant information to investigating agencies. The Commission considers the Agency's delay of nearly a year in instituting such an investigation, the Agency's failure promptly to disclose relevant information in its possession, and the Agency's destruction of some materials which may have contained relevant information to reflect poor judgment and to be subject to criticism.

The evidence bearing on these matters is discussed in this chapter.

A. Employment of E. Howard Hunt by Robert R. Mullen and Company

In April 1970, E. Howard Hunt retired from the Central Intelligence Agency after having served in it for over twenty years. With the help of the Agency's External Employment Affairs Branch, he obtained a job with Robert R. Mullen and Company, a Washington, D.C., public relations firm. The Mullen Company itself had for years cooperated with the Agency by providing cover abroad for Agency officers, carrying them as ostensible employees of its offices overseas.

Hunt, while employed by Mullen, orchestrated and led the Fielding and Watergate break-ins and participated in other questionable activities. The Mullen Company had tangential associations with some activities of the White House staff.

These circumstances have led to suspicions and allegations of CIA involvement in or advance knowledge of some of Hunt's improper activities. In this section we review the circumstances of Hunt's em-

ployment and the nature of the Hunt-Mullen-CIA relationship in the light of these allegations.

Hunt retired from the Agency in April 1970 after having held a number of responsible positions in the Directorate for Plans (now the Directorate of Operations). After initial service in Europe, Hunt served in various Western Hemisphere stations. In the early 1960s he supervised a group of Cubans forming a skeleton government-in-exile in connection with the Bay of Pigs operation and subsequently was responsible for certain foreign publishing activities conducted under cover by the Agency. Hunt retired on his own volition and in good standing with the Agency.

In the course of looking for post-retirement employment, Hunt contacted the Agency's External Employment Assistance Branch, which among other things helps retirees find positions. One of its officers, Frank O'Malley, had known both Hunt and Mullen from his earlier work on the Agency's cover staff. In view of Hunt's interest in the public relations field, O'Malley, with the help of the CIA case officer assigned to Mullen, contacted Mullen for help in placing Hunt. Mullen, who had known Hunt at a time after World War II when both had served in the European Cooperation Administration in Paris, arranged several interviews for Hunt during March 1970, none of which produced results.

Meanwhile, Mullen decided to expand the operations of his company, and about April 10, 1970, offered Hunt a job which he accepted. Although in early testimony Mullen had claimed that Director Helms or others in the Agency had put pressure on him to hire Hunt, he later acknowledged that this was not correct and that he had hired Hunt on his own initiative. There does not appear to be support for the position taken by Mullen in his early testimony. While Helms had given Hunt permission to list Helms' name as a reference on Hunt's resume, and had written a letter of recommendation to a friend at another company (a copy of which Mullen might have seen), there is no evidence that he either wrote or communicated with Mullen about Hunt, or took part in Mullen's hiring of Hunt. Helms' testimony is that he did not even know Mullen. Within the Agency, Mullen's hiring of Hunt was in fact considered undesirable because it could attract attention to the existing cover relationship between Mullen and the Agency.

The Mullen Company was a legitimate public relations firm with a number of clients having no known relationship to the CIA. Robert Mullen had, however, for many years cooperated with the CIA by making some of his overseas offices available at different times as a cover for Agency employees operating abroad. The existence of Mullens' relationship with the CIA was, of course, kept secret to

protect the secrecy of the cover arrangements and this led to complications when, after Watergate, the Mullen Company came under investigation.

The existence of the cover arrangements did not involve the Mullen Company in the collection or transmission of intelligence itself. Its only involvement was in the administrative arrangements for operating the offices in which an Agency employee worked during various periods of time, maintaining the appearance of public relations activity by the employee, and handling in secret the related administrative details. The necessary transactions were generally handled between the CIA's case officer and Mullen's bookkeeper who was a retired CIA accountant.

After Hunt came to work for Mullen he was told, with CIA's consent, of the existing cover arrangement so that he could deal with administrative matters when necessary during Mullen's frequent absences from Washington. To this end his security clearance was extended by the Agency in October 1970. The record, however, discloses only two instances of Hunt's involvement in these cover arrangements. On one occasion he suggested a new arrangement which the Agency declined; on another, he successfully urged the Agency not to terminate an existing arrangement.

There is no evidence of other significant contacts between Hunt and the Agency from the time of his joining Mullen until July 1971 when he became a White House consultant. The only documented contacts were inconsequential in nature. Hunt corresponded with the Agency's General Counsel in an unsuccessful effort to change his election of survivorship benefits under the Agency's retirement program. In the fall of 1970, he was asked by the Agency to prepare a citation for a Civil Service award. And some time during this period, Hunt repaid a loan made to him by the employee's association to pay medical expenses incurred on behalf of his children.

Eight months after Hunt was hired by the Mullen Company, Robert Bennett joined the company. Bennett, the son of Senator Wallace Bennett (R-Utah), had been active in Republican Party affairs and served as Congressional relations officer of the Department of Transportation until January 1971 when he came to the Mullen firm. His political connections led him to be involved in some of Hunt's later activities, discussed below.

Mullen, who was planning to retire, had invited Bennett to become president of the firm and purchase it. This was a disappointment to Hunt who had himself expected to become president and owner of the business. Attempts by Hunt to negotiate a joint ownership arrangement with Bennett failed and Hunt began to think of leaving the firm.

There is no evidence of Bennett's having had prior CIA contacts. He

stated that he learned of the Mullen-CIA arrangement in February 1971 when he was examining Mullen's books preliminary to negotiating a purchase price for the company. At that time, he first met the CIA case officer and was briefed; occasional meetings followed from time to time to discuss the cover arrangements.

Bennett brought Hughes Tool Company (now Summa Corporation) as a client to Mullen. He had met Hughes representatives while at the Department of Transportation. Later in 1971, he introduced Hunt to representatives of Hughes and various contacts occurred which are discussed further below.

Conclusions

The investigation disclosed no participation by Hunt after his retirement in any operation of the CIA, other than as described. Nor has this investigation disclosed evidence of participation by the Mullen Company or its employees during the period following Hunt's employment in any operations of the CIA other than those described. There is evidence that various companies who were clients of the Mullen firm may in turn have had relationships with the CIA, but no evidence has been found that either the Mullen firm or any of its employees participated in those relationships.

Those activities of Hunt which culminated in the Fielding and Watergate break-ins, for some of which he sought CIA support, were, so far as the record shows, conducted independently of his Mullen employment. No evidence has been found that the Mullen Company or its employees were either involved in those activities or that they served as a vehicle for CIA involvement in them. These matters are discussed in greater detail in later sections.

B. CIA Assistance to Hunt

In July 1971 the CIA, at the request of Hunt, who had been hired as a White House consultant, provided him with personal disguise materials and alias identification. Within the next month the CIA provided Hunt with additional assistance, including a tape recorder and concealed camera, and disguise materials and alias identification for G. Gordon Liddy. Some of these materials were used by Hunt and Liddy in preparing for and carrying out the entry into the office of Dr. Fielding, Daniel Ellsberg's psychiatrist. In particular, the CIA at Hunt's request developed pictures taken by him of that office in the course of his reconnaissance for the break-in.

These circumstances have led to suspicions and allegations of CIA involvement in or knowledge of Hunt's unlawful activities. In this section we review the record concerning CIA's assistance to Hunt.

Early in July 1971, Charles W. Colson, Counselor to President Nixon, invited Hunt to become a part-time consultant for the White House. Colson and Hunt were acquainted and had occasionally met for lunch. Hunt had expressed interest in Colson's White House work. Colson was looking for someone to become familiar with the Pentagon Papers and to coordinate White House efforts resulting from their recent publication by the *New York Times*. Colson introduced Hunt to John D. Ehrlichman, Assistant to the President, either immediately before or just after he was hired.

Shortly after Hunt started to work at the White House, Bennett told him of an acquaintance, Clifford de Mott, who claimed to have derogatory information about the Kennedy family. Bennett knew and had approved of Hunt's White House job and thought de Mott might be of interest to the White House. Hunt and Colson agreed that de Mott should be interviewed. Hunt felt, however, that his identity as a White House staff member should be concealed and proposed to obtain a disguise from the CIA.

At Hunt's request, relayed by Colson, Ehrlichman called General Robert E. Cushman, Jr., then Deputy Director of the CIA, on July 7, 1971. According to notes of the conversation taken by Cushman's secretary, Ehrlichman alerted him that Hunt had been asked by the President to do some special consulting work on security problems, that he may be contacting Cushman, and that Cushman should consider "he has pretty much carte blanche." Ehrlichman has testified that he does not recall having called Cushman about Hunt and that he does not believe he did.

Cushman routinely reported the news about Hunt's White House employment at the Agency's July 8, 1971, Senior Staff meeting attended by Helms. He also advised the Agency's Director of Security of Hunt's assignment since it related to security, and the Director in turn may have called Hunt's office to establish contact.

On July 22, 1971, Hunt met Cushman at the Agency by appointment. Hunt, who had known Cushman during his service as an Agency employee, asked to speak to Cushman alone. Hidden equipment in Cushman's office recorded the conversation. Such recordings were made by Cushman on occasion, but he was not able to explain why this particular conversation was recorded.

Hunt explained that he had been charged with a "highly sensitive mission" by the White House and needed a physical disguise and some identification cards for what he described as a "one time operation—in and out." Cushman has stated that he did not consider this

request as something to be concerned about inasmuch as the request was made by an experienced ex-CIA officer with the endorsement of high-ranking White House staff. Cushman also stated that he assumed that the Agency's technical staff would require an appropriate accounting of materials given to Hunt. Moreover, materials of the sort requested by Hunt were considered by Agency personnel as being useful for disguising one's identity, not as implements for an unauthorized entry. And, indeed, Hunt's purpose when asking for these materials was simply to conceal his White House's connection while interviewing de Mott.

Cushman has testified (and a contemporaneous memorandum by his executive assistant confirms) that he reported this request to Helms routinely a few days after he had given authority to proceed, and that there was no discussion about it. Helms, however, did not recall having learned of Hunt's requests for technical assistance until later in August, either in connection with Hunt's subsequent request for secretarial assistance or in connection with the decision to terminate further assistance to him.

It was during this same period of time that Helms, at the request of David R. Young of the White House, authorized preparation of a psychological profile of Daniel Ellsberg, discussed in a later section of this chapter. The Commission has found no evidence indicating that Helms then knew that Hunt had a part in the profile project. Nor has it found evidence indicating Cushman knew of the request for preparation of the profile.

In any event, Cushman directed that his executive assistant handle Hunt's request for technical assistance. Since the materials requested would be provided by the Technical Services Division (TSD) of the Directorate for Plans, the executive assistant advised the office of the Deputy Director for Plans of the request and then contacted the Acting Chief of TSD. Hunt, at his request, was identified to TSD only as "Mr. Edward", not by his true name, but TSD was told that the request came from the White House. The materials were prepared and on the following day, July 23, 1971, a TSD technician met Hunt at a Washington apartment maintained by the Agency for clandestine meetings (where all subsequent meetings were also held) and supplied him with a wig, a pair of glasses, a speech-altering device, a driver's license and miscellaneous identification cards (not including credit cards). On his return, the technician briefed the Acting Chief on the meeting with Hunt. Hunt and the technician met again at Hunt's request about a week later to adjust Hunt's glasses.

Hunt used the disguise to interview de Mott in Rhode Island. There is no evidence that he disclosed to the Agency any information beyond the fact that he needed assistance to conduct an interview in disguise.

The Agency's regulations required the execution of authentication forms by an authorized officer before the issuance of technical assistance. In this manner the purposes for which assistance was required had to be disclosed and the material received had to be accounted for, either by its subsequent destruction or return. In the case of the assistance supplied to Hunt, the Acting Chief assumed, from the manner in which the request was given to him, that normal accounting procedures were to be dispensed with; he drew that conclusion from the fact that Hunt was identified to him only by an alias and that the entire request was treated as particularly sensitive. The Acting Chief and the technician did, however, continually request that Hunt promptly return the materials. According to the Acting Chief, it was Hunt's continuing evasion of these requests that eventually led him to express his concern to the executive assistant later in August.

Additional requests by Hunt for assistance followed. On August 18, 1971, he called the executive assistant requesting that a particular Agency secretary, then stationed in Paris, be detailed to him temporarily for a "highly sensitive assignment." After discussion with Cushman, the executive assistant turned Hunt down, offering him other qualified secretarial assistance available at Headquarters which Hunt, however, declined.

On August 20, 1971, Hunt again met with the technician and asked him for alias business cards. He also requested a tape recorder to record conversations in a noisy environment. TSD's Acting Chief approved these requests as being within the scope of the initial request.

About this time, Hunt also requested a so-called backstopped New York telephone number and a backstopped driver's license and credit cards. Backstopping requires arrangements such as a telephone answering service and cooperation with the issuing authority for providing independent verification for the alias identification. The Acting Chief advised the technician that this request would not be met without the Director's approval. He did, however, ask one of his electronic technicians to find out what would be required to provide this service, and the technician appears to have asked TSD what information would be needed to provide a backstopped telephone number. A typewritten note from another officer to the technician specified some of the needed information that would have to be obtained from Hunt. It is not known what was done with that note, but on August 26 or 27, 1971, Hunt's secretary telephoned certain of this information to the technician who typed a memorandum recording it. There is no evidence, however, that steps were taken within the Agency (beyond this gathering of information) to provide backstopped service; in any event, as discussed below, by August 27, 1971, instructions were issued cutting off all further assistance to Hunt.

Another meeting between the technician and Hunt had taken place on August 25, 1971, at which time the business cards and tape recorder were delivered to him. Hunt had brought Liddy—identified only as George—to this meeting and requested disguise materials for him as well as a concealed camera. These were provided by the technician later that day after approval had been given by TSD's Acting Chief. Hunt renewed his request for a backstopped telephone number. In the course of the meeting the technician heard Hunt and Liddy speak of being engaged in narcotics-related activities and of catching a plane that evening. In fact, Hunt and Liddy were about to fly to Beverly Hills for a reconnaissance of the office of Dr. Fielding, Ellsberg's psychiatrist, but the Commission has found no evidence that anyone at the Agency had knowledge of this plan.

On the evening of the next day, August 26, 1971, Hunt called the technician from Los Angeles and asked him to meet him at Dulles Airport at 6:00 a.m. the next morning (August 27). Having first cleared with his Acting Chief, the technician met Hunt and received the concealed camera and a cartridge of film to be developed. Hunt asked that the pictures be delivered to him as soon as possible. The technician took the film to the CIA laboratory and then returned to his office.

Meanwhile, TSD's Acting Chief became concerned over Hunt's failure to return the alias materials which had been issued with the understanding that they would be for a "one time operation", coupled with the introduction of an unknown person (Liddy) and his requests for a concealed camera and backstopped alias materials. He instructed the technician to tell Hunt that no additional support would be given without further authorization from the Director. He then called Cushman's executive assistant on August 26, 1971, to report and express his concern. The executive assistant instructed that no further assistance should be provided to Hunt and directed him to get the camera and additional disguises back as soon as possible. The executive assistant also wrote a memorandum to Cushman expressing his concern over the assistance being requested by Hunt and noting that "there was also the question of its use in domestic clandestine activity." He recommended that all further requests be cleared in advance with the Deputy Director's office and that assurance be obtained from Ehrlichman that "Hunt's latest caper is OK." On the morning of August 27, 1971, after receipt of this memorandum, Cushman telephoned Ehrlichman and advised him that the Agency could not properly meet Hunt's requests and Ehrlichman agreed that he "would call a halt to this." Cushman passed the memoranda reflecting these communications to Helms who saw them several days later and noted his approval of the cutoff of assistance to Hunt.

By this time, the films which Hunt had delivered to the technician early on August 27, 1971, had been developed and printed. The laboratory made no extra copies of the prints, apparently because the matter was regarded as sensitive. When they were finished, the technician, prior to delivering them to Hunt, showed them to the Acting Chief who directed that xerox copies be made and retained in a file. He and the technician reviewed them briefly; their testimony is that they could not identify the subject of the pictures but speculated that it might be a California medical building having some connection with a narcotics training exercise, Liddy having previously mentioned narcotics. Through an enlarger they could make out the names "Dr. Fielding" and "Dr. Rothenberg" on the side of the building and the technician wrote the names on the xerox copies. The Acting Chief placed the xerox copies, along with other notes and papers related to the dealings with Hunt, in a folder labeled "Mr. Edward" (Hunt's alias) and the pictures were delivered to Hunt by the technician who advised him of the cut off of assistance.

Later that day the executive assistant, with Cushman also on the phone, called the Acting Chief and confirmed that Hunt was to receive no more assistance. They spoke briefly about the pictures. The Acting Chief has testified that they speculated that the pictures showed a medical building in Southern California, possibly involved in a narcotics exercise, but made no attempt to ascertain what they showed. On August 31, 1971, Hunt called the technician once again to renew his request for a backstopped telephone number but was turned down.

The disguise materials were not returned to the Agency and were eventually found in the possession of some of the men arrested at the Watergate in June 1972. Copies of the pictures taken with the CIA camera were turned over by the Agency to the Justice Department during the Watergate investigation in January 1973.

Conclusions

The providing of assistance to Hunt and Liddy was not within the Agency's authorized foreign intelligence functions. The Commission has found no evidence, however, indicating that the Agency was aware that Hunt's request would involve it in unauthorized activities, at least until request was made for a concealed camera and backstopped telephone number at which time prompt action was taken to terminate further support.

Nor has the investigation disclosed facts indicating that the CIA knew or had reason to believe that the assistance it provided to Hunt and Liddy would be used in connection with the planning of an illegal

entry. Indeed, as will be discussed below, when Hunt made his first request to Cushman, the plan for the Fielding break-in had not yet been formulated.

The responsibility for involvement of the Agency in providing support ultimately used for illegal activities must rest primarily on the White House staff. It is to some extent understandable that the Agency would want to accommodate high-level White House requests which on their face do not appear to be improper. Nevertheless, the Agency is subject to criticism for having used insufficient care in controlling the use of the materials it supplied. Inasmuch as the assistance provided in this case differed from the foreign intelligence services normally provided by the CIA to the White House, the responsible Agency officials would have been well advised to insist on compliance with the normal procedures for control of materials of this kind, notwithstanding (or perhaps particularly because of) the air of mystery that surrounded Hunt's request. Those procedures would at least have required disclosure of where and when the materials were to be used and might have served to deter the request. The Agency should also use particular care in accommodating requests by or on behalf of former employees or contractors.

C. The Ellsberg Psychological Profile

In July 1971, at the request of David R. Young of the White House staff, the CIA prepared a psychological profile of Daniel Ellsberg, then under indictment for theft of the Pentagon Papers. Various materials, including FBI reports, were provided for this purpose by the White House staff to the Agency's psychiatric staff. In November 1971, a second profile was prepared at the request of the White House on the basis of additional materials supplied by it to the Agency.

Daniel Ellsberg was a patient of Dr. Lewis Fielding, a Beverly Hills psychiatrist. In September 1971, Hunt and Liddy, after having received CIA support, engineered a break-in into his office in an attempt to obtain material on Ellsberg for use in the preparation of the second profile.

These circumstances have given rise to suspicions and allegations of Agency involvement in or prior knowledge of the Ellsberg break-in. In this section, we review the circumstances surrounding the preparation of the profile in the light of these allegations.

The publication of the Pentagon Papers, coming on top of a series of unauthorized disclosures of classified materials, caused consternation in the White House. It led to the creation in July 1971, at the

President's direction, of the Special Investigative Unit, headed by David Young and Egil Krogh. This group, which later became popularly known as the White House Plumbers, reported to Ehrlichman. Its principal purposes were to induce action by various Executive agencies to prevent unauthorized disclosures, to review classification and security practices and procedures, and to ensure thorough investigation of all aspects of the case against Daniel Ellsberg, who by then had been indicted.

On July 28, 1971, Hunt submitted a written proposal to Colson for a series of overt and covert operations to assemble a file on Daniel Ellsberg that would help "to destroy his public image and credibility." Among other things, he proposed that the CIA prepare a "covert psychological assessment-evaluation" and that Ellsberg's file be obtained from his psychiatrist.

Colson passed the proposal to Young and Krogh and, with Ehrlichman's approval, Young in July 1971 contacted the CIA's Director of Security with the request that such a profile be prepared. Young had previously been in contact with Helms in connection with White House projects to review classification and security procedures and Helms had authorized him to deal directly with the Director of Security.

Young told the Director of Security that the White House wanted a personality assessment on Ellsberg similar to others previously done by the Agency on foreign leaders to assist in determining the motivation for an implication of the theft of the papers, and that Ehrlichman had a personal interest in this project. The Security Director expressed his concern to Young and stated that he would have to take it up with the Director. A few days later, he discussed the request with Helms. The Director approved it, stating that he believed that since the request dealt with a major security leak, providing assistance would fall within his obligation to protect intelligence methods and sources. A CIA study had found that release of the Pentagon Papers disclosed the identity of certain CIA operations and connections. In addition, shortly before the decision was made, the Director had received a report that a full set of the Pentagon Papers had come into the possession of a major foreign embassy, and this report may have influenced his decision. Nevertheless, the approval had been given reluctantly. As Young later put it in a memorandum to Ehrlichman reporting on CIA's preparation of the profile:

CIA has been understandably reluctant to involve itself in the domestic area, but, responsive to the President's wishes, has done so. (Memorandum of August 20, 1971, p. 7)

On July 29, 1971, the Director of Security directed the Agency's Chief of Medical Services to prepare the profile, and he in turn assigned the task to the Chief of the Psychiatric Staff, who had had prior

experience along these lines. The latter called in a staff psychiatrist to prepare a first draft. All three doctors had reservations about the project as being outside the Agency's charter since it involved an American citizen. They were also disturbed that the order came from the Director of Security instead of their superior, the Deputy Director for Support. Nevertheless, when copies of FBI reports, newspaper and magazine clippings, and State Department security and evaluation reports arrived from the White House in a few days, a draft profile was prepared for the Director of Security, who sent it to Young on August 11, 1971.

Young, Hunt and Liddy reviewed the profile and considered it inadequate. On August 12, 1971, they met with the Chief of the Psychiatric Staff to discuss what could be done to improve it. He stated that the information given to him was insufficient. Liddy said that Ellsberg had been under the care of a psychiatrist named Dr. Fielding and that more information was available, but he did not specify what it was. Young and Liddy made the suggestion, rejected by the CIA psychiatrist, that the Agency could interview Ellsberg's former wife. Liddy and Hunt also stated that they wished to "try Dr. Ellsberg in public."

The Agency psychiatrist had known Hunt when he was with the Agency and had rendered services to his family. At the end of the meeting, Hunt took him aside and asked him not to tell anyone at the Agency of his presence. Later, the psychiatrist telephoned Hunt to say he could not conceal his presence, and he subsequently discussed it, as well as the substance of the meeting, with the other doctors involved.

It was after the meeting with the psychiatrist that Hunt, Liddy, Young and Krogh decided that an effort should be made to obtain Dr. Fielding's file on Ellsberg. This led to the Fielding break-in of September 3, 1971, discussed in the following section.

Meanwhile, also on August 12, 1971, Ehrlichman and Young met with Helms and the Director of Security apparently to impress on them the importance of the Pentagon Papers investigation and the problem of leaks, as well as the status of Young as Ehrlichman's representative.

The Agency shortly received additional materials of the same nature from Hunt; there is no evidence, however, that they included any psychiatric reports. On August 20, 1971, the doctors met with the Deputy Director of Support to discuss this project. They concluded that the new material did not assist in preparing a personality assessment, that Ellsberg's former wife should not be interviewed, that the prospective use of the study as well as Hunt's participation were matters of concern, and that these matters should be taken up with the Director of Central Intelligence. The doctors hoped, however, that

inasmuch as no significant new material had been received, the matter would simply come to an end at this point.

On August 23, 1971, the psychiatrist called Young to acknowledge receipt of the material. Young told him Hunt would contact him. No further work was done on the profile.

On September 30, 1971, however (some few weeks after the break-in at Dr. Fielding's office), Young called to reactivate the project and set up a meeting with the psychiatrist. On October 12, 1971, additional materials of the same kind as before were received from Hunt. They did not include, so far as could be ascertained, any psychiatric reports. On October 27, 1971, the psychiatrist met with Young, Liddy and Hunt and was asked to prepare a new profile incorporating the additional information supplied.

A second profile was then prepared. The doctors were still concerned that the Agency might be exceeding its charter but believed that the question had been considered and resolved by the Director. On November 8, 1971, the profile was sent to Helms who reviewed it. On November 9, 1971, Helms wrote to Young:

I have seen the two papers which [the psychiatrist] prepared for you. We are, of course, glad to be of assistance. I do wish to underline the point that our involvement in this matter should not be revealed in any context, formal or informal. I am sure that you appreciate our concern.

The psychiatrist himself delivered the profile to Young's office on November 12, 1971. Young, Hunt and Liddy were all present to receive it and a brief discussion of its contents was held.

At this point, the CIA's activities in connection with the psychological profile appear to have ended. Only after the Fielding break-in was disclosed by testimony to the Watergate Grand Jury in April 1973 did these activities come to light.

Conclusions

The preparation of a psychological profile of an American citizen who is not involved in foreign intelligence activities is not within the Agency's statutory authority. Although Ellsberg, by leaking the Pentagon Papers, may have jeopardized sources and methods of intelligence for which the Director is responsible, no evidence appears to have been presented to the Agency that the profile was desired for the purpose of protecting intelligence sources and methods. Indeed, by the time the second profile was prepared, at least one of the CIA doctors had reason to believe it might be leaked to the public—a highly improper activity and one not connected with the CIA's proper area of responsibility.

The Agency was induced to accept this assignment by pressure from the White House in the name of the President and purported national security. This request came from Young, who had previously served as the National Security Council's liaison to the Agency, but all of the CIA officers involved knew that it was of doubtful propriety.

However, the investigation has disclosed no evidence indicating that the Agency had prior knowledge of the break-in into Dr. Fielding's office or generally of efforts to secure additional information on Ellsberg by unlawful means. As a result of the Agency's normal practice of compartmentation, *i.e.*, restricting knowledge of an activity to those participating in it—evidently followed with particular care in the case of the White House projects because they were regarded as sensitive—there apparently was no communication between the two Directorates with which Hunt was dealing during the period. While the Directorate of Support was preparing the profile, the Operations Directorate was giving Hunt assistance, and neither seems to have known what the other was doing.

Only Director Helms appears to have had some knowledge of both activities, but the evidence indicates that his information was general and fragmentary and that he knew neither of Hunt's involvement in the profile project nor of the photographs of Fielding's office produced as a result of the technical support given Hunt. Although it would seem inappropriate to place responsibility on the Director on the basis of hindsight for failing to connect two seemingly unrelated series of events, it is clear to the Commission that procedures should be established which would allow sufficient information about White House requests to be gathered together at one point so that, in the future, the propriety of Agency participation can be judged with the benefit of all of the relevant facts.

In any event, the Commission concludes that the Agency is subject to criticism for proceeding with the preparation of a project considered to be of doubtful authority without consultation with its own counsel and other responsible White House officials. Moreover, the Agency's medical officers, in spite of their repeatedly expressed reservations, were negligent in failing to insist that those reservations (and all underlying facts) be presented to the Director, particularly after learning of the purpose to use the profile to try Ellsberg in public.

The Commission realizes that requests such as that for the profile confront the Director with a dilemma between his obligation to serve the President and compliance with his understanding of the Agency's statutory limitations; at times, as hereafter discussed, a Director may well have to conclude that he has no alternative but to submit his resignation. They also confront Agency staff with a similar dilemma

between obeying orders and acting within what they understand to be the Agency's authority. At the very least, the staff must make certain that their superiors have all the facts and considerations before them before they make their final decision.

D. The Break-in of Dr. Fielding's Office

On September 3, 1971, three Cuban emigres, under the command of Hunt and Liddy, broke into the office of Dr. Fielding, Ellsberg's psychiatrist. One of the Cubans was at the time a paid informer of the CIA in Miami; another had served the CIA as a contract agent for several years until 1966. Hunt and Liddy had previously reconnoitered the Fielding office, using the CIA-supplied camera and disguises. Their objective was to obtain psychiatric information useful in the preparation of the profile which the CIA had been asked to prepare.

Suspicious have arisen from these circumstances and charges have been made that the CIA was involved in the Fielding break-in or at least acquired prior knowledge of it. The relevant facts are reviewed in this section.

Following receipt of the first Ellsberg profile, which they regarded as unsatisfactory, Young and Krogh, in a memorandum to Ehrlichman, proposed an operation to obtain Ellsberg's psychiatric file. Hunt and Liddy made the reconnaissance of Dr. Fielding's office on August 26, 1971, referred to above. After their return, a so-called "covert operation" to obtain the file was authorized by Ehrlichman. Hunt went to Miami and recruited Bernard Barker and he in turn recruited Rolando Martinez and Felipe de Diego for the operation.

Both Barker and Martinez had a long history of association with the Agency. Barker was an American citizen who had lived in Cuba. He had joined the Cuban police force in the 1950's as a result of which he lost his American citizenship. While in the Cuban police, he was recruited by the Agency which helped him escape to the United States in 1959. Barker worked for Hunt during the Bay of Pigs period helping to organize a Cuban government-in-exile. He continued to serve in various CIA operations relating to Cuba until 1966, when the Agency no longer needed him and terminated his contract. Barker had entered the real estate business in Miami but made it clear to the Agency that he would be willing at any time to return to its service. There is, however, no record of any contacts or connections between Barker and the Agency after 1966.

Martinez was recruited by the Agency in Miami in 1961. Until 1969, he participated in a large number of maritime operations relating to

Cuba and compiled what the CIA considered a distinguished record. When these operations ended, Martinez obtained a real estate license and went to work for Barker. The Agency, in recognition of his services, had continued his contract payments until early 1970. At that time, the Agency had planned to terminate him but agreed to pay him \$100 per month for a year to help him make the transition to civilian life. In return he was required to report monthly to a CIA case officer in Miami on developments in the Cuban community. In July 1971 it was agreed that the retainer would be continued for one more year because of Martinez' ability to report illegal attempts by Cuban exiles to infiltrate Cuba, but it was intended that it should end in July 1972.

There is no record that Felipe de Diego, the third participant, ever had a CIA connection of any kind.

In April 1971, Hunt, on the occasion of a business trip to Miami, had renewed his acquaintance with Barker. Barker introduced Hunt to Martinez and de Diego and together they attended the tenth anniversary commemoration of the Bay of Pigs in Miami on April 17, 1971. In August 1971 Hunt contacted Barker and asked him to recruit a crew to undertake what he described as an important security operation.

On September 3, 1971, Barker, Martinez and de Diego broke into Dr. Fielding's office in Beverly Hills. Hunt and Liddy supervised the operation. The file cabinets in the office were pried open but, although the testimony has been conflicting, it appears that no files on Ellsberg were found. The office was left in a shambles to cover the group's tracks by making it appear that someone looking for drugs had broken in. That night the Cubans returned to Miami; Hunt and Liddy left Los Angeles the next morning.

Shortly after the break-in, the Los Angeles police picked up one Elmer Davis who was wanted on several charges. In return for the dismissal of other charges, he pleaded guilty to the Fielding burglary, although there is no evidence he had had any part in it, and the police file on it was thereafter closed. As a result, the burglary received no publicity, and it was not until John Dean and Hunt testified before the Watergate Grand Jury in April 1973 that the facts of this operation came to light.

The Agency, of course, had in its files xerox copies of the pictures taken by Hunt in August which showed Dr. Fielding's office building with his name on the wall above his parking space. Those copies had been placed in a folder in the safe of the Acting Chief of the Technical Services Division on August 27, 1971, and appear to have been examined only by him and his technician. The medical staff working on the Ellsberg profile evidently was not aware of them. The pictures were discovered after the Watergate break-in and turned over to the De-

partment of Justice in January 1973. There is no evidence that anyone in the Agency was aware of their significance until the Fielding break-in was disclosed to the Watergate Grand Jury in April 1973.

In addition, personnel in the Agency had certain contacts, described below, with participants in the break-in after it took place, but there is no evidence that as a result the Agency received any information about it.

Hunt, of course, had contacts with the CIA psychiatrist in October and November in connection with the preparation of the final version of the profile (discussed above). Hunt also met the Deputy Director for Plans for lunch in October 1971 to ask him to continue the existing cover arrangement with Mullen Company in Europe. In preparation for the lunch, the Deputy Director for Plans was briefed on the technical support which had been given Hunt in July and August by the Technical Services Division and was briefly shown the xerox copies of the Hunt photographs in the files.

He and the Chief of TSD glanced at the pictures which, according to their testimony, meant nothing to them. At the lunch, the conversation was confined to the Mullen matter. Hunt did not talk about his other activities. Shortly thereafter, Hunt asked an officer in the European Division for some unclassified information concerning a French security leak in 1954, which was supplied. There is no evidence of further Agency contacts with Hunt during the period immediately following the break-in.

Martinez served as a paid informer of the Agency's Miami Station during the period both before and after the break-in. Although he saw his case officer about once a month, there is no evidence that he ever disclosed anything about his activities for Hunt. Martinez testified that late in 1971 he casually mentioned to his case officer that Hunt had been in Miami and was working for the White House. The case officer later told him that he had run a name check on Hunt at the Station (as indeed he had) and that there was no information respecting Hunt's being employed by the White House. Martinez took that response to mean that Hunt was on a secret CIA mission of which the Miami Station was not to know. On the strength of his past experience with maintaining the secrecy of CIA operations, he therefore disclosed none of the Hunt-related activities to his case officer.

Conclusions

The investigation has disclosed no evidence to suggest that the Agency knew or suspected that Hunt had participated in a burglary or other illegal operations in the period in which the Fielding break-in occurred.

As discussed above, only Director Helms knew that the Agency was preparing the Ellsberg profile at the time when it was also providing certain technical support to Hunt. The Commission has found no evidence, however, that either the Director or any other Agency employee had knowledge of facts sufficient to disclose the plans for or the carrying out of the Fielding break-in.

E. White House Efforts to Declassify CIA Files

During 1971, a major effort was undertaken by the White House staff on instructions from the President to declassify documents and files of historical interest. Within the White House, the declassification campaign, although inherently legitimate, was also sought to be used for political purposes by providing materials embarrassing to critics of the administration. The White House staff at first, and finally President Nixon, brought pressure to bear on the CIA to turn over to the President highly sensitive materials ostensibly for legitimate government purposes, but in fact for the President's personal political ends. These events, which took place during the same time period in which CIA support for Hunt was sought and the Ellsberg profile was ordered, and which involved the same group of White House aides, are reviewed in this section.

During 1971, the White House staff, largely through David Young, conducted a major campaign to bring about the declassification of the many files and documents of historical interest which no longer required classification. A parallel effort was made to improve the security of those government papers requiring continued classification.

With the publication of the Pentagon Papers in June 1971, these activities gained added significance and urgency. While the Administration was concerned over the breach of security caused by the leak of the Pentagon Papers, it was also concerned over what it considered to be an unfairly selective disclosure of embarrassing historical data. By declassifying additional sensitive files relating to prior events—mainly the Bay of Pigs, the Cuban missile crisis, and the fall of the Diem Government in South Vietnam—it sought to obtain material helpful in neutralizing critics of the Administration's policies and particularly Senator Edward Kennedy, who in 1971 was regarded as Nixon's principal challenger. Beginning in June 1971, Colson and Young urged on Haldeman and Ehrlichman a campaign in which disclosures embarrassing to past administrations would be used for the political advantage of the Nixon Administration. That program involved the use of the Pentagon Papers as well as the declassification of other files.

Colson set Hunt to work examining the Pentagon Papers and other "overtly printed documentation . . . [to determine] the most useful in demonstrating the collective bad judgment of the Kennedy Administration and/or a number of its high-level appointees." The State Department was directed to turn over various files and cables, including those dealing with the fall of the Diem Government. Hunt and Colson interviewed Lucien Conein, a retired CIA employee formerly stationed in Vietnam, whom the Pentagon Papers identified as active in dealings with Vietnamese officials at the time of the overthrow and death of President Diem.

On September 20, 1971, Ehrlichman, Young, and Krogh met to review the program of obtaining previously classified CIA materials on the fall of the Diem Government, the Bay of Pigs, and the Cuban Missile Crisis. The agenda for that meeting describes the materials and the "exposure" to be given them through "briefing of selected newsmen," "Senate Foreign Relations Committee inquiry" and "other Congressional investigations." It states, opposite various listed items under each of the three subject heads, that Ehrlichman was to see Helms to obtain materials not previously turned over by CIA. A handwritten notation states that Young was to see Helms to "set up appointment for tomorrow."

On September 22, 1971, Ehrlichman met with Helms, advised him that the President wanted to declassify the documents relating to Vietnam, the Bay of Pigs, the Cuban missile crisis and the Lebanon landings, and asked to have the CIA's files on these matters turned over to him. Helms directed an internal review of these papers to make an assessment of the impact of their possible declassification.

Meanwhile on September 24, 1971, Colson sent a memorandum to Ehrlichman entitled, "Rekindling the Pentagon Papers Issue". Colson suggested various strategies in Congress to keep the Pentagon Papers issue alive and "each day hopefully creating some minor embarrassment for the Democrats." He also recommended other steps including "program[ming] Lucien Conein to write a letter to Senator Mathias complaining that he has been muzzled by the CIA, was paid money to get out of town and instructed to talk to no one." He concludes by urging that "we should very soon release declassified documents relating to the Lebanon crisis, the Cuban missile crisis and perhaps one or two others. Releasing of declassified documents will keep press interest alive in the whole issue. We should start doing it soon to avoid the charge of election year politicking."

On October 1, 1971, Ehrlichman again met with Helms at the Agency. Helms showed Ehrlichman the files which he proposed to turn over in response to the earlier requests and asked that they be returned as soon as possible. He declined, however, to release the files

relating to Vietnam. The other files were delivered to Ehrlichman that day.

On October 8, 1971, Helms was called to a meeting at the White House with the President and Ehrlichman, apparently because he had declined to release the Vietnam file. A contemporaneous CIA memorandum states that Nixon and Ehrlichman assured Helms that the President was interested in helping the CIA and had no intention of releasing CIA papers, but needed to know the specific background of these matters to meet possible press questions and to handle further Soviet negotiations that might touch on agreements reached during the Cuban Missile Crisis. Both Ehrlichman and Helms have testified that Helms was not told of the President's intention to use the information in these files for political purposes. The memorandum states that Helms replied that he worked for only one President at a time and that any papers in this possession were at the President's disposal. He then handed the requested Vietnam file to Nixon who slipped it into his desk drawer.

On November 16, 1971, Ehrlichman lunched with William Colby, who had become the CIA's Executive Director-Comptroller, and reaffirmed the President's desire to declassify documents on these subjects. Nothing more came of the program, however, and no action was taken on declassification of these files. So far as is known, none of the information in the documents was disclosed by the White House.

Conclusions

The White House demand for sensitive CIA files—cloaked in what appear to be at least in part false representations that they were needed for valid government purposes when, in fact, they were wanted to discredit critics of the administration—as thoroughly reprehensible. It represents another serious instance of misuse of the Agency by the White House.

So far as the Agency knew, the demand was for a proper purpose—there is no evidence that it had notice of the intentions revealed in later-discovered White House documents. Senior officials of the Agency did, however, consider the surrender of these files to be a highly sensitive matter, giving it great concern. The most sensitive of these files was turned over by the Director only upon direct request from the President.

The Commission recognizes that the Director cannot be expected to disobey a direct request or order from the President without being prepared to resign. The instances in which resignation may be called for cannot be specified in advance and must be left to the Director's judgment.

The Commission believes that in the final analysis the proper functioning of the Agency must depend in large part on the judgment, ability and integrity of its Director. The best assurance against misuse of the Agency lies in the appointment to that position of persons of such stature, maturity and integrity that they will be able to resist outside pressure and importuning. The Director should be able not only to manage the Agency, but also to reassure the public that he will do so properly.

F. CIA's Relation to Events Preceding the Watergate Break-in

The origins of Watergate go back to a program for political espionage in connection with the 1972 Presidential campaign on which Hunt and Liddy began to work early that year. That program had various facets of which espionage directed against the headquarters of the Democratic National Committee was one.

This investigation has disclosed no evidence that the Agency provided support for the espionage program which culminated in the Watergate break-in.

As has been discussed, however, four of the participants in the break-in—Hunt, Martinez, Barker and McCord—had ties to the Agency. Martinez continued on the CIA payroll as an informer until after his arrest. Hunt had dealings with the Agency in the summer and fall of 1971 in connection with the White House projects previously discussed. And he continued to be employed by Mullen, which had a CIA relationship, and to be associated with Bennett in several projects with political or espionage overtones.

These and connected circumstances have led to suspicions and allegations of CIA involvement in or prior knowledge of the Watergate break-in. In this section we review the relevant facts in the light of these charges.

1. Hunt's Contacts with the CIA

Hunt's contacts with the Agency in connection with his request for a disguise and related support and with the Ellsberg profile have been discussed above. The Commission has found no evidence to indicate that the Agency acquired notice in the course of these contacts that Hunt was engaged in or planning illegal activities.

These contacts ended in November 1971, and thereafter Hunt had what appear to have been only a few sporadic and insignificant contacts with Agency personnel.

Hunt called the Agency's External Employment Affairs Branch

on a few occasions to ask them to refer him to persons having certain qualifications needed for his projects. At one time Hunt asked to be referred to a firm qualified to locate possible hostile electronic listening devices. On another occasion he asked to be referred to an electronics expert. The Agency referred a man named Thomas Amato, experienced both in electronics and picking locks—the record is not clear whether Hunt had requested the latter capability. In any event, the Agency employee who routinely made the referral was not told by Hunt of his purpose, and he has stated that he did not consider that any illegal activity was contemplated.

Hunt, at the suggestion of Barker and Martinez, interviewed a Cuban refugee who had been close to Castro, using Martinez' tape recorder. He believes that he may have sent a transcript gratuitously to the Agency, but it has no record of it.

Hunt frequently played tennis with a long-time friend who was a CIA officer and may have had other occasional social contacts with CIA employees. There is no record, however, of any communications between him and the Agency disclosing facts which might have indicated that he was planning or pursuing illegal activities.

Hunt, of course, had been in contact with Martinez in connection with the Fielding break-in and, later, the two Watergate break-ins. As previously discussed, Martinez reported to his case officer in Miami on an average of once a month. Although he had mentioned Hunt in passing on two occasions in 1971, for reasons discussed, Martinez chose not to disclose Hunt's activities.

Nonetheless, the case officer's superior, the Miami Chief of Station, had been disturbed when he later learned that the case officer had not promptly reported the reference to Hunt's name, a name that meant nothing to the case officer. The Chief felt that he should be advised of the presence of any former CIA officers in his territory. His lingering and undefined concern over Hunt was evidently in his mind in March 1972, when he met Martinez in connection with another intelligence requirement. In the course of that conversation, Martinez again mentioned that Hunt had been in and out of Miami on a foreign business deal. Separately, he asked the Chief of Station whether he was certain that he was aware of all CIA activity in the Miami area.

These repeated references to Hunt, in whom the station chief from past experience had limited confidence, and Martinez' unusual question led the station chief to contact his superior at CIA Headquarters. He cabled that Martinez had reported that Hunt had been in the Miami area twice recently contacting old friends and although "on the surface Hunt seems to be trying to promote business deals of one sort or another," he had indicated that he was a White House counsellor "trying to create the impression that this could be of importance to his

Cuban friends." The cable asked that Hunt's White House employment be checked out.

On receipt of this cable it was discussed with the Associate Deputy Director for Plans who stated that he had previously learned from the Deputy Director for Plans that Hunt was a White House consultant supposedly engaged in domestic activities having nothing to do with foreign intelligence and that it was neither necessary nor proper for CIA to check into Hunt's activities since domestic activities were involved.

As a result of this advice from the Associate Deputy Director, premised not only on concern that the Agency should not become involved in domestic political activity but also on his estimate of Hunt's erratic judgment, a strongly worded letter was sent to the Miami Chief of Station advising that Hunt "undoubtedly is on domestic White House business, no interest to us, in essence, cool it." Neither the Associate Director nor the parties to these communications apparently knew of the prior support to Hunt or of the Ellsberg profile.

After receipt of this letter, the station chief, through the case officer, asked Martinez to write up for him in Spanish a summary of his contacts with Hunt. Martinez was disturbed but complied when the case officer told him to write something that he would not be afraid to have shown to him later. The station chief placed it in the file. The summary failed to disclose anything beyond what Martinez had previously reported and gave no hint of any questionable activities. Martinez met his case officer again in May and on June 6, but said nothing further relating to Hunt's activities.

The station chief testified that while he had been distressed over the blunt response from Headquarters, and uneasy over Martinez' question respecting his knowledge of CIA activities, he had no reason to suspect Hunt of unlawful activities. His basic concern was that he should know what a former Agency employee was doing in his territory. He did not suspect that Martinez, of whom he thought as a boat captain, was engaged in domestic espionage activities. As for the officers in Headquarters, their overriding concern appeared to have been not to become involved in a domestic investigation and, in particular, not to cross paths with the White House.

Although Martinez was the one person in regular contact with the CIA who had knowledge of Hunt's improper activities, the Commission has found no evidence to indicate that he provided the Agency with information about those activities.

2. Bennett's Contacts with Hunt and the CIA

During the period preceding Watergate, Hunt continued to be employed by Mullen Co. and was in regular contact with Robert Bennett,

its president. Mullen continued to provide cover for CIA officers abroad and Bennett and Hunt had a few meetings with the case officer respecting these arrangements.

Bennett learned of several of Hunt's planned or executed political activities in this period, not including, however, the Fielding or Watergate operations. By June 1972, Bennett had come to doubt Hunt's reliability and judgment and had determined that Hunt should eventually leave Mullen, but he decided to take no action until after the election. According to Bennett, nothing had come to his attention that he considered sufficiently serious to justify the risk of White House displeasure should he discharge Hunt. There is no evidence that he learned anything that gave him notice of Hunt's illegal activities until they became public knowledge.

The following paragraphs summarize Bennett's relevant contacts with Hunt during this period.

At Colson's request, Hunt interviewed Dita Beard, public relations representative of ITT Corp., in her Denver hospital room in March 1972. A memorandum attributed to Beard had been published indicating that ITT had offered a large contribution to the Republican Party if the 1972 convention were to utilize the Sheraton Hotel facilities in San Diego. Bennett had received a tip from the Hughes organization that the memorandum might be a forgery and passed it to Hunt or Colson. Hunt, using the wig furnished by the CIA in August, interrogated Beard, attempting to establish that the memorandum was a forgery. On his return he gave a statement to Colson. Arrangements were made in the Senate for the release of a statement in a form useful to the media. Beard's lawyer called on Bennett, who himself had had no prior participation in this matter, to assist in its preparation. There is no evidence of any CIA knowledge of or involvement in these events.

At one time Hunt approached Bennett with a proposal to obtain the assistance of the Hughes organization for a burglary in Las Vegas to secure purported information about Senator Muskie. Bennett, at Hunt's request, introduced Hunt to a Hughes organization employee, but later learned that Hunt's proposal had been rejected. It was apparently in this connection that Hunt had called the Agency's External Employment Affairs Branch for referral of a technician. It was also this proposal which first gave Bennett concern with respect to Hunt's judgment; he assumed, however, that Hunt, being attached to the White House staff, would be adequately supervised and controlled. There is no evidence that CIA had knowledge of or any part in this plan.

During this period Bennett was asked by Hughes' attorneys to get a bid for surveillance of Clifford Irving, who was then writing a book

describing his earlier preparation of the fraudulent Hughes biography. Hunt got an estimate from James McCord and gave it to Bennett who passed it to the attorneys. They rejected it as too high. There is no evidence that the CIA had knowledge or was involved.

Bennett, active in Republican politics, participated in the reelection campaign and assisted in the formation of a number of committees to receive contributions. Neither Hunt nor Liddy evidently had any part in this effort; Bennett merely delivered Hughes' campaign contribution to Liddy. There is no evidence that the CIA had knowledge of or was involved in this activity.

Bennett's nephew, Fletcher, wanted a summer job and he referred him to Hunt. Hunt sought to recruit him to serve as a spy at Muskie Headquarters. Fletcher turned him down but referred Hunt to a friend, Tom Gregory, who took the job. Gregory was not related to Bennett but did visit Bennett and Fletcher occasionally and told them generally of his activities. According to Bennett, however, he was not told of any illegal activity until June 14, two days before Watergate, when Gregory told Bennett that Hunt had asked him to bug the office of Frank Mankiewicz in McGovern Headquarters. Gregory declined and went home. This plan evidently was not carried out. There is no evidence that Bennett (or the CIA) learned of the first Watergate break-in which had taken place in May 1972 or of the plans for the second Watergate operation until it became public knowledge.

Bennett's contacts with the CIA during the pre-Watergate period apparently were confined to the Mullen Company cover arrangements. There is no evidence that Bennett personally performed services for the CIA or had other operational contacts with the Agency. His communications with the case officer prior to Watergate evidently were limited to matters relating to the cover arrangements. There is no evidence that Bennett discussed Hunt with the case officer prior to the Watergate break-in.

In the days immediately following Watergate, a number of communications passed among Hunt, Liddy, and Bennett. Among other things, Hunt asked Bennett for help in finding him a lawyer. Liddy called Bennett to locate Hunt and pass messages to him. Nothing has been found in these communications suggesting Bennett's involvement in the Watergate operation.

Shortly after Watergate, the office of the United States Attorney questioned Bennett, and the evidence indicates that he responded truthfully to the questions, including disclosing the firm's relationship to the CIA. When he later appeared before the grand jury, he was asked few questions by the prosecutor. Having previously disclosed the facts concerning the CIA relationship, he did not volunteer them either to the grand jury or to the FBI when he was later

interviewed by it. These events, which occurred within the three weeks following Watergate, along with other comments and observations by Bennett, were reported by the CIA case officer to his superiors after he met with Bennett on July 10, 1972. A copy of the handwritten report was sent to the Director. At this time, the CIA was gravely concerned over the impact of the Watergate investigation on the security of the Mullen cover and the information received from Bennett was considered important for that reason. The case officer's report reflects that at the time the Agency was also concerned over the disclosures being made by an ex-employee named Philip Agee which threatened the Mullen cover, among other things. This development was treated as highly classified by the Agency and had not been disclosed to Bennett. It was referred to as the "WH flap" for the reason that Agee's disclosures dealt mostly with the Agency's Western Hemisphere operations. All of these matters were then being reviewed within the Agency in connection with the question whether the cover arrangements with Mullen should be terminated as no longer secure.

This investigation has disclosed no evidence indicating that the Agency, through Bennett, was implicated in the Watergate break-in.

3. *Miscellaneous Contacts and Relations*

Various miscellaneous contacts and relationships have been mentioned as giving rise to suspicion of CIA involvement or advance notice of the Watergate break-in.

One of these is the fact that James McCord, another retired CIA employee, participated in the break-in. McCord had retired in January 1970 to form his own security firm and had become Director of Security of the Committee to Reelect the President early in 1972. He also had been in contact with the External Employment Affairs Branch for referrals to qualified ex-employees. In April 1972, he began to work with Hunt on plans for the break-in. There is no evidence that the Agency participated in or gained advance knowledge of the Watergate break-in through McCord.

Another concerns alleged telephone calls to and from the Agency immediately after the arrests of the burglars. The Watergate burglars were arrested at 2:30 A.M. on June 17, 1972. The first contact with the Agency, according to its records, occurred at 5 P.M. that day when an inquiry about the arrested men was received from a *Washington Post* reporter. That call was followed by calls from the Secret Service for a check on the aliases and from the FBI advising of the identification of McCord and Hunt, two ex-employees. This news was relayed to the Acting Director of Security who promptly called the Director of Security at 8:45 P.M. The Director returned to the Agency and then

called Helms at 10 P.M. to report that former Agency employees (McCord and Hunt) were involved in the burglary.

There is no evidence in the communications by Agency personnel immediately following the break-in to suggest that any Agency employee had advance knowledge of the break-in.

Conclusions

The Commission concludes, on the basis of this investigation, that there is no evidence either that the CIA was a participant in the planning or execution of the Watergate break-in or that it had advance knowledge of it.

G. The Agency's Response to the Post-Watergate Investigations

Within hours of the arrest of the Watergate burglars on June 17, 1972, it became known that McCord, Martinez and Barker had connections with the Agency. Hunt's connection was disclosed not long afterward. Inasmuch as the burglary had occurred within the District of Columbia, it fell within the jurisdiction of the FBI, and the FBI's attention soon focused on the CIA and its possible involvement in the Watergate operation. The Agency also became an object of White House efforts to inhibit the FBI investigation and to keep the arrested burglars silent. And eventually, the CIA came under the scrutiny of the Senate Select Committee on Presidential Campaign Activities (under Senator Ervin).

The manner in which the Agency responded to these investigations, its failure to make timely disclosure of information in its possession, and its destruction of certain tapes, has led to suspicions and allegations concerning its involvement in the Watergate operation or the subsequent cover-up. In this section, we examine the relevant events in the light of these charges.

1. CIA Attempts to Limit the Scope of the FBI Investigation

From the outset of the post-Watergate investigation, the Director took the position that inasmuch as the CIA had not been involved in Watergate, it should not become involved in the investigation. He has testified that he was particularly concerned over disclosing information to FBI field offices because leaks had occurred there immediately after Watergate, and he was concerned over the failure of the FBI to disclose the purposes for which it sought information from CIA.

Within the first ten days after the break-in, the Agency nevertheless responded to certain requests from the FBI field office in Alexandria, Virginia. Helms, however, attempted to handle such requests directly with Acting FBI Director, L. Patrick Gray, and confine them as much as possible. In a memorandum dated June 28, 1972, he reported having urged Gray that this should be done because the CIA was not involved in Watergate and requested that the FBI "confine themselves to the personalities already arrested or directly under suspicion and that they desist from expanding this investigation into other areas which may well, eventually, run afoul of our operations."

There is no clear explanation why Helms wrote this memorandum. There is no evidence that he in fact made that request to Gray. According to Gray and Helms, Gray had called Helms on June 22, 1972, to inquire about possible CIA involvement in the Watergate operation. Helms simply told him that although the CIA knew the people who had been arrested, it was not involved in the operation.

On June 23, 1972, Helms and Lt. General Vernon A. Walters, the Agency's Deputy Director, were called to the White House to meet with Ehrlichman and H. R. Haldeman, the President's Chief of Staff. At this meeting, Haldeman suggested that the CIA ask the FBI to limit its investigation on the grounds that it might jeopardize the security of CIA operations. Helms, however, stated that he knew of no CIA operations that might be affected, and that he had so informed Gray on the preceding day. Haldeman, nevertheless, directed Walters to call on Gray with the suggestion that further investigation of activities in Mexico involving moneys found on the Watergate burglars would endanger CIA operations. Walters then saw Gray and, after referring to Helms' call to him of the preceding day, passed on that suggestion. Walters has testified that he considered this to have been a reasonable request, assuming, in the light of his own past experience, that it must have been intended to protect highly sensitive operations presumably known only to the White House. Walters was not asked at the meeting to have the FBI restrict its investigation in other ways.

During the following days, Walters had several meetings with John Dean, Counsel to the President, who, at the direction of Ehrlichman and Haldeman, suggested the possibility that the FBI investigation might expose CIA operations and asked what could be done about it. He also asked whether the CIA could pay the salaries and bail of the jailed burglars. Walters firmly rebuffed the suggestions implied in the questions. Helms had a further telephone conversation with Gray in which he advised him that the CIA had no interest in the Mexicans the FBI was then investigating.

On June 28 Helms left on a three week trip out of the country,

leaving the memorandum previously quoted. During his absence, information continued to be transmitted to the FBI through Walters. William E. Colby, then the Executive Director, handled the in-house coordination of the responses to the investigation.

During October and November 1972, the United States Attorney requested information concerning the CIA's connection with various activities of the Watergate defendants in order to prepare for the coming trial. Inquiries on this subject had earlier been made by the FBI. The United States Attorney was particularly concerned that the defendants might claim that they were acting on orders of the CIA. The Agency provided information in response to specific inquiries but sought to restrict it to the Attorney General and the Assistant Attorney General. Eventually, information respecting Hunt's request for support in July and August 1971 and the Agency's response was supplied to the United States Attorney.

The Agency, however, volunteered no information and withheld some appearing to have a bearing on these matters. For example, in July 1972 and again in December 1972 and January 1973, the Agency received letters from McCord relating to the attempts to involve the CIA in the defense of the Watergate burglars at their forthcoming trial. The letters reflected McCord's efforts to resist proposals that the Watergate burglars should implicate the CIA in order to bolster their defense. Helms obtained advice from the CIA's General Counsel that he was under no obligation voluntarily to turn the letters over to the FBI (which did not know of them) and on the strength of that advice, retained them in the Agency's files.

In July 1972, xerox copies of Hunt's pictures of Fielding's office, as well as of the alias identification given Hunt (contained in TSD's "Mr. Edward" file) were turned over to Helms and Colby. In spite of the well publicized fact that the originals of some of these alias materials had been found on the arrested Watergate burglars, and in spite of requests from the Assistant Attorney General for information about Agency support to Hunt, the Agency apparently did not deliver these materials to the Department of Justice until January 1973. Other material held by the Agency's management and not disclosed or delivered until 1973 included the tape of the Cushman-Hunt conversation of July 22, 1971.

Not only did the Agency continue to hold material relevant to the investigation, but it undertook no comprehensive in-house investigation of its own into its connections with the activities of the men who were coming to trial. No general effort was made until May, 1973, to collect all relevant information and documents from Agency employees.

On December 15, 1972, Helms and Colby went to the White House to

report to Ehrlichman and Dean on the status of the FBI and Department of Justice investigations. Colby's memorandum of the meeting records the CIA's efforts "to respond [to inquiries] at the highest level only". It also reports on the United States Attorney's efforts to learn the name of the person who authorized Hunt's request for support in July 1971, and states that Colby sought to avoid answering these questions but was eventually compelled to disclose Ehrlichman's name. Colby and Helms also showed Dean the package of information (possibly containing the xerox copies of the Hunt photos and alias materials) which had been prepared for delivery to the Assistant Attorney General. The memorandum states: "It was agreed that these would be held up." It was also agreed that Cushman would be asked to call Ehrlichman to discuss his recollection of who had made the July 1971 phone call to him.

In January 1973, this package of information was finally turned over to the Department of Justice.

Conclusions

While the Agency has a legitimate concern to protect sensitive information against disclosure, its response to the investigation of the Watergate burglary cannot be justified by any requirements for secrecy. The Agency failed to turn over to the Department of Justice information in its possession which it should have known could be relevant to the ongoing investigation and preparation for the first Watergate trial in January 1973. Much of the information requested could have been provided with little, if any, risk to the security of Agency activities. Some of it was eventually provided, but only after some delay. The Agency is subject to serious criticism for this conduct.

The basis for the Agency's action appears to have been the Director's opinion that since the Agency was not involved in Watergate, it should not become involved in the Watergate investigation. The Commission considers this to be no justification for the Agency's failure to aid an investigation of possible violations of law by employees or ex-employees with whom it had had recent contacts. The provision of the Agency's charter barring it from exercising "police, subpoena [and] law enforcement powers" does not excuse that failure.

The Commission has found no evidence, however, that leads it to believe that officers of the Agency actively joined in the cover-up conspiracy formed by the White House staff in June 1972. There is no evidence that the Agency sought to block the FBI investigation. General Walters' statement to Gray concerned only the investigation in Mexico, and he has stated that it was based on his belief, supported

by prior experience, that the White House had knowledge of some highly classified activity in Mexico not known to others. Subsequent cover-up overtures by the White House were firmly rejected by him. Later reluctance of Agency management to disclose the identity of White House personnel and provide materials to the Department of Justice are subject to the criticism previously made. The evidence does not indicate, however, that Agency personnel ever knew of or participated in a plan of the White House staff to abort or impede investigation into possible violations of law by members of that staff.

2. Destruction of Helms' Tapes and Transcripts

About January 17, 1973, seven months after the Watergate break-in Director Helms received a letter from Senator Mansfield, dated January 16, 1973, requesting that the Agency retain "any records or documents which have a bearing on the Senate's forthcoming investigation into the Watergate break-in, political sabotage and espionage, and practices of agencies in investigating such activities." At the time the letter arrived, Helms and his secretary were in the process of cleaning out his files preparatory to his departure from the Agency.

Approximately a week after receipt of this letter, Helms' secretary asked him what should be done about the voluminous tapes and transcripts which were then in storage. The tapes were produced by a recording system installed in the offices of the Director, the Deputy Director and what was then an adjoining conference room (the French Room). This system had been installed some ten years earlier. It was removed from the Deputy Director's office in February 1972 and from the office of the Director in January and February 1973.

The taping system permitted the recording of telephone calls and of room conversations on activation by the occupant of the office. Helms used it occasionally, apparently considering it as an efficient way to prepare a memorandum to assist his recollection. Cushman used it only rarely and Walters, who followed him, not at all.

The tapes were transcribed routinely and the transcripts were retained by the respective secretary. Prior to January 1973, tapes were from time to time erased or, if worn out, destroyed.

About January 24, 1973, Helms, in response to his secretary's question, told her to destroy his remaining tapes and transcripts and she so instructed the technicians in charge of the system. At that time there were approximately three file drawers of transcripts covering his years as Director. Both Helms and his secretary made a cursory review of them and recalled none to have related to Watergate. They were then destroyed. Along with the tapes and transcripts the logs identifying them were also destroyed. No tapes were erased.

Director Helms has testified that he considered this destruction of what he regarded as his personal notes to be a routine part of vacating his office. He said that he felt that the Agency had produced whatever Watergate-related materials it had and that these tapes and transcripts had nothing to do with anything he considered relevant to Watergate. He also stated that he assumed that anything of permanent value had been transferred from the tapes to the Agency's records, and he felt obligated that records of confidential conversations between him and others should not become part of Agency files.

Conclusions

It must be recalled that in January 1973 the Watergate affair had not yet assumed the dimensions which subsequent revelations gave it. Neither the activities of the Plumbers nor the extent of the White House involvement in the cover-up had come to light. Accordingly, destruction of Helms' personal office records cannot be judged with the benefit of hindsight, derived from subsequent revelations.

For the same reasons, however, Helms stated interpretation of what was Watergate-related presumably was narrower than it would have been after all the facts disclosed to the Watergate Grand Jury in April, 1973, and other information had come to light. Hence, no comfort can be derived from Helms' assurances that no Watergate-related material was destroyed, since what was destroyed had not been reviewed for relevance in light of the later disclosures.

The destruction of the tapes and transcripts, coming immediately after Senator Mansfield's request not to destroy materials bearing on the Watergate investigation, reflected poor judgment. It cannot be justified on the ground that the Agency produced its Watergate-related papers from other files; there is no way in which it can ever be established whether relevant evidence has been destroyed. When taken together with the Agency's general non-responsiveness to the ongoing investigation, it reflects a serious lack of comprehension of the obligation of any citizen to produce for investigating authorities evidence in his possession of possible relevance to criminal conduct.

3. Miscellaneous Matters Concerning the Investigation

a. Pennington

In the foregoing sections we have discussed the response to the Watergate investigation at the level of the Director's office. A separate failure to respond properly occurred within the Office of Security.

In August 1972, the FBI's Alexandria field office, in the course of

its Watergate investigation, asked for information about one Pennington, said to have been an employee who may have been McCord's supervisor a number of years ago. The inquiry was received by an officer of the Office of Security who customarily dealt with the FBI. The officer had personnel files checked and furnished the FBI with information concerning one Cecil B. Pennington, a retired employee of the Office of Security who had had no connection with McCord. The FBI shortly thereafter advised that this was not the person in whom it had an interest.

Meanwhile, officers in the Office of Security knew that one Lee Pennington was a long-time friend of the McCords who, shortly after the Watergate arrests, had helped Mrs. McCord burn some of McCord's papers and effects at his house, probably including McCord's retirement records which showed his past Agency employment.

In addition, some members of the Security Research Staff within the Office of Security also knew that Lee Pennington had for years been a secret informer of that staff who was paid \$250 per month to supply clippings, legislative developments and other miscellaneous information. Whether this fact was then known to the Director of Security or his Deputy is disputed.

The undisputed fact, however, is that information in the Office of Security on Lee Pennington was treated as "sensitive" and was deliberately withheld from the FBI when the inquiry about Pennington was received. That information did not come to light until January, 1974, when a proposed response to a Senate inquiry was passed through the Office of Security. That response stated that all information concerning Watergate had been disclosed. Officers who had handled the prior Watergate investigation advised the Inspector General's office of the Pennington file and the facts were then disclosed to the Senate Select Committee.

Investigation has not disclosed any link between Pennington's burning of McCord's papers and the Agency. So far as can be determined, no one at the Agency either directed this action or knew of it in advance. Pennington was not acting for the Agency or with its knowledge or consent but rather seems to have acted simply to help Mrs. McCord dispose of papers which McCord said he considered to be both personal and a fire hazard. McCord had received several bomb threats and was also concerned about his papers and effects falling into the hands of newspapers. The Commission has found no evidence to justify inferring from these events that the CIA was involved in the destruction of files of McCord having possible relevance to Watergate.

b. Payment of Bennett's Attorney's Fees

About June 1973, Robert Bennett, President of the Mullen Company, was again called before the grand jury in connection with questions raised by the recent revelations. Bennett felt that the security problems raised by the Mullen-CIA cover relationship made it necessary for him to obtain the assistance of counsel. When he received a bill for some \$800, he asked the Agency to pay half of it, and it agreed.

The investigation has disclosed no evidence of any motive or purpose by the Agency in this connection to withhold information from the grand jury. Nor does the evidence of this transaction indicate any involvement of the CIA or Bennett in Watergate.

Conclusions

The failure to provide information about Pennington to the FBI was in this case the responsibility of officers at the operational level, apparently acting without direction from above. For the reasons discussed in connection with the preceding sections, their conduct was unjustified and subject to criticism.

At the same time, however, there is no evidence that this decision was intended to cover-up any possible connection between the CIA and Watergate—no evidence of such connection has been found.

The Commission concludes that there is no evidence indicating that the CIA either had advance knowledge of or participated in the break-ins into Dr. Fielding's office or the Democratic National Committee at the Watergate.

The Commission also concludes that in providing the disguise and alias materials, tape recorder, and camera to Hunt, as well as in providing the Ellsberg profile, the Agency acted in excess of its authorized foreign intelligence functions and failed to comply with its own internal control procedures.

The Agency provided these materials in response to demands from highly-placed members of the White House staff and, except in the case of the Ellsberg profile, without knowledge that they were intended for improper purposes. Those demands reflect a pattern of actual and attempted misuse to which the CIA was subjected by the Nixon administration.

Finally, the Commission concludes that the Agency was delinquent when it failed, after public disclosure of the improper White House activities, to undertake a thorough investigation of its own and to

respond promptly and fully to the investigations conducted by other departments of the government.

Recommendation (26)

a. A single and exclusive high-level channel should be established for transmission of all White House staff requests to the CIA. This channel should run between an officer of the National Security Council staff designated by the President and the office of the Director or his Deputy.

b. All Agency officers and employees should be instructed that any direction or request reaching them directly and outside of regularly established channels should be immediately reported to the Director of Central Intelligence.