

7/6/71

Dear Js,

Your 7/1 provides a welcome opportunity to change what is and has been in my mind, so I lay the other letters in today's mail aside and while awaiting the arrival of a volunteer informant now 2:15 overdue, at least begin to respond.

I do wish you'd not feel obligated to answer at the cost of sleep. It is more than enough that one of us is disciplined to sleep too little, no reason for us all to wear out prematurely.

I think that in carbons I've set me beliefs of the N.O. flap(s) forth, but I'll answer the specific things you mention. From recollection, I may be wrong on details. I was not aware of any Gervais separation from the PD, his actual employer, as with all DA investigators except the two losers JG got, the first at Lane's bidding: Jaffe and Boxley. In 1965 he became too great a burden and he resigned. He has then twice stolen the entire hoodle that was to have been divided among all those taking the organized and channelled graft. He was, rather than an enemy, the man closest to JG. He stayed this way. When I first got to N.O., JG did not trust any of his staff he size me up. Loisel kept me company in the coffee shop of the Fontainebleu until Gervais came and visited with us for a while.

You are correct on the sequence in the announcements, and I'd like to have copies of all of this. Mitchell did make the first announcement, and under conditions guaranteeing maximum presence an attention, his and the President's attendance upon the graduation of the FBI Academy, where Hoover always is. This is, I think, one of the factors on which ultimate legal decisions may hinge, part of my desire for copies of all. Mitchell made the announcement after the ceremonies. I have not seen the text of either. I've asked DJ for all, but that is like asking a lesbian to bed.

Perhaps must have become fabulously wealthy on and after the PD. He enjoyed life much and obviously, lived well and happily. He was always smiling, always jolly, never indirect or secretive about his own crookedness. Kind of enjoyed the forthrightness, that is, he did and I did. I think he was this way with almost everyone. So, I think that to get him to live the way he'll have to spend the rest of his life, hiding from the mob, with the FBI in constant attendance/guard, ~~to~~ really did have to be something very much, like death, which he now has to fear anyway. And the FBI has a fetish of not losing informants, so they have problems, too. Something much bigger than getting JG must be involved, for the cost is too great and, unless the law is stretched, as the current adm. tries constantly, one of the costs is the acquittal of everyone if, indeed, any can be brought to trial now, with the extent and nature of the publicity.

On the PPs flapⁱ you might want to consider that the SC decision is not a total victory, that in a different context the result would have been different, and that this may yet happen in the criminal proceedings that seem in prospect....I agree with your basic presumption, that when good things come to pass, it is usually not for good reasons. However, I think it also possible to believe that in this case the motives of the times may have been honorable. They have done this sort of thing, on smaller scale, in the past, as in sending Salisbury to Hanoi (which killed their second JFK inv.). I think that if Ellsberg was their source and he told them that Fullbright had been sitting on this for a year, they may have done it on principle. Perhaps not without a major inner fight. But bearing on the commercial aspects, I knew from the first that a book, now due within two weeks, was also in the works. Bantam. I think it was announced right after the SC decision.

If you are not aware of it, there was not a single source. The Post didn't get their copies from the Times, for example. Where I think you are on the button is in suggesting a CIA leak. I think there were multiple leaks, each with ulterior purposes, Ellsberg's honorable, the spooks' to make them look like the good guys in white hats. The problem with all of this is the great damage it does to the professional military, to its credibility and corruption-smear face, to its conspiracies to get us into wars, which I'll address is a simple, comprehensible instance that will suit you in TIGER. They are the real villains. But the PFS not leaked by the CIA smear them, too, as they probably anticipated, accounting for what they spread around.

I think you should temper your judgement that the WH is now willing to seriously consider the NLF proposal. Nixon gives this appearance while having every other spokesman say it is impossible. Aside from his disposition toward authoritarianism and his affinity for the mil-ind complex, he has the very real problem of causing a depression by the very slight reduction in military spending complicated by his inability to withdraw troops for Europe to reduce it when it hurts the economy most. The stupidity of this guerrilla war is that none of the big brains in the mil-ind complex understood it is not the kind they require for real profits and priming the economy/corporate pumps. Can't use enough of the right kind of stuff. They can use up helicopters and men, many big bombs, but little of the kind of ~~junk~~ profitable junk, as in static, positional warfare with big, organized armies. So, while Nixon may appear to be wanting to end it, he dare not, for many reason, and he will not, for he has already expanded and formalized the earlier expansion into adjacent lands. He has talked only of withdrawal from Viet Nam and then only under conditions leaving our finks in control of a divided lan. Nobody will accept that and our finks can't pull it. In short, talky-talk, but as you say he can't be re-elected without some such achievement. The alternative is severe repression. To that he has already started to turn. JG may be part. Chicago was the conspicuous beginning, although there were earlier things, and the new use of new law. Plus the changing interpretations of old.

I do not think it likely that as an official act any responsible top one in the adm leaked these papers because they depend upon the holiness of the war and the support and loyalty of the military. Upon whom else but some cops can they depend?

Of all, I agree the CIA looks best, for where they did dirty things, everyone will conclude they did not set policy, merely took orders, which is false and true.

Meanwhile, prosecuting Ellsberg will present some problems because they have not located any of the others who leaked and it can be proven that high officials did exactly the same thing, for Presidents down. That is a lousy case to take to court, and he'll be flooded with offers of help from the nation's top news people who can and would give first-person accounts, with names, dates, material, etc. There will be big trouble with this save possibly for Nixon personally, for the types he'd have trusted are least likely to come forward.

Agreed on the CIA. In COUP I called them the government of the government, an advance over the "Invisible Government" (great book). Wise/Ross's chapter on Laos is an excellent exposition of how they fix policy and bind the President so he can do nix.

The added problems with believing that the administration was responsible for or even desired leaks is that in the total picture, going back to Truman, everybody looks bad, including Ike, whose v.p. ^{Tricky} was. His record (with Dulles (you should recall). Atom bomb, take over from French, finance them (which we did, 80% as I recall).

The harassment is much broader than you put it, against freedom of information. That is merely part, the part of most concern to those of us who deal with info. There is no less significance in the departures from the law and Constitution, the effort to broaden interpretations, the packing of the courts, etc, and the attacks on the

most militant, blacks, young, etc.

Bad days are upon us. We are fortunate in the excesses of the stupid and evil but powerful, as in going after CBS and threatening Times, Post, etc. I think they'll back down if the decision gets out of Mitchell-Kleindinst control. Either way they'll win, for they have hit the press in its most tender nerve, the \$\$\$\$ nerve. And they will have them scared, if they do not prosecute. I hope they do, for that will limit the choices of the copouts.

I would encourage you to pay close attention to Burger and what he says. He has a political, not a judicial role. That is just his cover. Years ago he was Nixon's inside wrecker, when he was in DJ. Some of his stuff was so raw, as in Peters case, that the solicitor general, in even the McCarthy era, refused to take the case to the Supreme Court and, as I now recall, Burger did it himself. Peters was a Harvard doctor of some kind. Loyalty/security, and this is the kind of stuff Burger leaked. Can you conceive a better temperament for a man in his position today, if you understand the main purpose is to change the character of society?....

I've also backgrounded Paul Valentine of the Post on the McGovern "threat" this a.m. He is fascinated and agrees with me. I read it to him over the phone and he copied it word for word, line for line. He agrees that there was a constable from Barnstable in the Chappaquiddick case. If you recall anything on this, please fill me in, here I would ask as soon as you can. Also, if you recall the nursery rhyme of that title, as I think there was one. And, can you think of anything covered, if in ellipsis, by "fission chips" and "The Glix Glebe and Mouse nightspot"? The e is a Glebe Road in Arlington, Va. One of the main ones there.

With self-invited guest not arrived after 3 hrs, I'm about to take a pre-lunch dip with Lil, who has made good progress but has had a bit more discomfort for four-five days. I'm really trying to do some rebuilding these days and most mornings take what for me is a stiff walk in mountains like yours. A brisk half-hour almost straight up, by which time returning down does feel too easy! Feels good, tho.

And as long as Lil clips and sees the funs stuff, I'll send, except now I have to send some, like this a.m.'s excellent Herblock cartoon, to Ivon, where it relates to repression and such.

Best,

Later, guestless, cooler: Whatever you have on Gervais, I'd welcome, even if it seems to duplicate what I've said. He and the federal legal misbehavior, the staging and timing are still ~~great~~ areas. Everything about him is inconsistent, everything federal is wrong and the reasons are wrong, not accidental. That power corrupts is not sufficient explanation. I'd like to know too many answers, as could this be Hoover and his pressing needs alone (as Harrisburg could be explained this way, aside from policy interests), why do they run what I regard as an enormous risk with Pershing, and especially by publicizing him and what he did, so utterly (legally) needlessly? And at this time. Why not later, when the political benefit could be greater? Has it any connection with the unusual attention Agnew has been paying to that area? So, here, especially, I'd appreciate every scrap... And do you know anything of deep USSR penetrations of RB 47s before U-2? Not urgent, but serious interest, with reasons: report it happened and the Russian went wild-but quietly. Learned by monitoring, not their public statements, of which I recall none. ...enclosed is Lil's retyping of identified possibly related to threat. The Occam is the closest thing she could find to Ockie, signature. Valentine things of may suggesty Yockey, for Francis Parker Yockey, whose mysterious death in your parts is fascinating. It was in jail. He wrote fascists bible, "Imperium". Rightist youth group named for him. ...Lil says that of several books Bible discussing same thing, the words fitting the return address are in Luke only.

1 July 1971

Dear Harold:

This is by way of a postscript to my letter dated June 30, which was written after midnight, hours before word came through of Garrison's arrest. By the time it was mailed we had heard about his arrest and release on bond, but went ahead and mailed it as it was. The interesting thing to us is that the arrest appears to have been announced in Washington in Mitchell's name before it was announced in New Orleans -- at least that's the way it came on the AP A wire. I say in Mitchell's name because he apparently was in Quantico with Nixon at the FBI ceremony.

I've not had time to look back in our files to get a fix on Gervais. It appears ^{he} had been ousted from the police force as a detective before Garrison took him on as his chief investigator in 1962. When the DA ran for re-election the first time, in 1965, Gervais resigned saying he had become an issue in the campaign. Does someone have something terrific on him? Were he and Garrison personal enemies any more than normal in New Orleans? Perhaps you may have some insight here which would explain why Gervais was used.

Thanks very much for filling us in on Judge Gesell, particularly the fact that your case could have conditioned him for his decision in the Washington Post case. Now that the Supreme Court has ruled in both the Post's case and that of the NY Times, we need to set down our ruminations on the possible reasons behind them. They are no more than speculation, but if not set down are likely to be forgotten later on.

Perhaps our fundamental point of departure is our persistent apprehension that in this society little ever happens for the right reason. A current example is today's news that the White House is suddenly willing to consider an allegedly new NLF proposal about gradually releasing prisoners as troops are withdrawn. The reason, of course, is not that the war should be ended but that Nixon wants to get into position to be re-elected. This he cannot do without appearing to be ending it, nor without absolving himself as much as possible of responsibility for it. We feel that the central impact of the Pentagon papers furthers both purposes. By describing the sordid origins of our involvement, the larger onus falls upon the Democratic administrations. The onus they cast upon the Republicans appears, but can be minimized by manipulation. At the same time these grisly disclosures -- while stating little that any literate adult should not have suspected if all along if he didn't actually become convinced of it -- soften up the American public to accept a settlement which in other times would be described as less than honorable.

We think we discern three possibilities as to how this thing evolved. The first is the one we are given, that Ellsberg changed his mind and decided to do his duty to his country instead of to his government.

The second is that the Nixon administration itself arranged for the leak because of Nixon's need to prepare the ground for the 1972 campaign. This is what we first suspected. We still regard it as possible but unlikely because the decision makers who would be involved are too stupid and locked in by their own methods.

The third is ~~that~~ the CIA, which thus far has come out of the Pentagon papers looking relatively good. I say relatively because we all know that they do highly selective reporting to other agencies, and later on can dig back for what was left out to make their presentation look quite different from what it actually was at the time.

Thus far we are increasingly inclined to our later suspicion: that the CIA arranged for the leak after careful preparation and that Nixon found it to his liking for reasons the CIA well could have anticipated.

As to Ellsberg, there is no reason suppose he did not actually change his mind and become convinced the war must end. The key question is what convinced him that he could make the disclosures without disastrous personal consequences, and we find it easy to accept the idea that he could have learned from almost any source that nothing much would happen.

If there is one thing you can say about the CIA, it is that it operates without the same restraints that govern other government agencies such as the State Department. In other words, it can set policy, and arrange things so that others find it pleasant if not necessary to go along. While we all find much to criticize in it, we must not blind ourselves either to its dynamic or its capability of reaching and implementing a decision it is convinced in the national interest. The only thing surprising about this decision, if that's what it is, is that it has come so many years later than it should have.

If this line of thought is correct, let us suppose that the CIA decided to arrange things to end the present phase, at least, of this miserable war, in such a way that Nixon could not refuse to go along. If this is valid, then it follows that Nixon found it acceptable because it blames the Democrats, on balance, for the war, which is depicted of such unsavory origin that the average flagwaver will be willing to accept less than total victory in order to end it. If the disclosure of the Pentagon papers in the press implied a test in the courts, Nixon could hardly lose. If it went against him, the disclosures would be made and the Democrats tarred more than anyone else. If the courts upheld the government in suppressing the papers, this merely afforded another opportunity for Nixon and Mitchell to continue their campaign of harassment against freedom of information.

As to why the Times and the Post, among others, decided to go along and use the leak, I don't think this is just a simple matter of their having decided it was time to say they've had it with the war and all the dishonesty. Again, I would remind you that we rarely do the right thing for the right reason. Any newspaperman worth his salt has known from the beginning how vile and dishonest our whole posture has been in Vietnam. A decision on that basis could have been made at least 10 years ago. In my opinion it should have been made in 1945-6 when we got the British to take the French back in.

No, I suggest that the executive decisions made in the editorial boards were made as publishers, not as newsmen; as businessmen, not as professional journalists. This was simply too big a story to pass up; the climate of public opinion has changed in regard to the war, and it was not only now safe to tell the truth about the war in unvarnished terms, it would be good news business. The pious platitudes about responsibility to the public naturally reinforce the decision, but are less impressive than the knowledge that a story of this dimension cannot be indefinitely suppressed and that the danger of being scopped far outweighs the danger and the costs of defending one's self in court against possible prosecution.

You seem to indicate you feel something of the same in your last paragraph of your 6/18/71 where you note that Nixon waited three days in order to let LBJ take the rap and then started hollering national security. In any case, we thought it would hurt nothing to get this ABC of the whole business down on paper and compare notes with you.

Many thanks for the clippings, particularly the thing about De Antonio's movie. And Art Buchwald is nearly always delightful. Jenifer is searching for a suitable frame with which to preserve one you sent earlier about Cake Control.

Best from us both,



jdw

ps - apologies for the haste and the messiness. I'm about to leave for work.x

P.S. - I hereby affirm that I have read the above and do not dissent.

The reason for the P.S. is to add that we're keeping in mind the possibility that because of the experience of the past few years we may have built a trap for ourselves, since the thing we find the most difficult to believe is what actually may be the truth, that Elsborg simply felt he had to do it, without any signals from anyone.

