

## Jack Anderson and Les Whitten

# The Other 'Ellsberg' Leak Case

Buried in the Justice Department's musty files is the story of a leak that might have prevented the Watergate break-in.

The files reveal that the State Department in 1970 began an investigation of a Washington Star story taken from classified documents. The story was traced to the now celebrated leaker, Daniel Ellsberg. But strangely, the case against him was dropped.

If Ellsberg had been prosecuted, it is unlikely that he would have leaked the Pentagon Papers to The New York Times the following year. This was the leak that caused Richard M. Nixon, then ensconced in the White House, to form his notorious plumbers.

It was the White House plumbers, of course, who staged the Watergate break-in. Thus the government's failure to prosecute Ellsberg in 1970 began the chain of events that led to Watergate starting in 1972.

To compound the irony, then-Under Secretary of State Elliot Richardson was linked to the 1970 Ellsberg leak. Richardson went on to become Attorney General and then dramatically resigned in protest against Nixon's handling of the Watergate investigation.

Here are the fascinating details: The Washington Star story, revealing dates and details from classified State Department cables, told in terms favorable to Richardson how he was trying to free a persecuted South Vietnamese assemblyman.

The leak was traced to a trusted Richardson aide, Charles M. Cooke Jr., who slipped the documents to Ellsberg, then working in Richardson's office. This came to the attention of the Pentagon's dogged chief investigator,

W. Donald Stewart, during one of his many investigations of us.

"During the course of a series of Jack Anderson leaks in February-May, 1971," Stewart reported in a memo, "I came across Cooke's name' ... I reviewed his State Department security file and learned that he had been identified as the person who allowed Daniel Ellsberg of the Rand Corporation to review highly classified information."

No disciplinary action had been taken against Cooke for the security breach. Thereafter, Stewart himself went to the Justice Department. This resulted in the criminal investigation.

Cooke admitted under intense questions that he gave Ellsberg access to the classified information and that Ellsberg undoubtedly was responsible for the leak.

"I talked to Richardson immediately and said, 'I'm pretty sure, 99 per cent sure, that Ellsberg was the guy who leaked the stuff,'" Cooke confessed to Justice Department attorneys.

"What action was taken against Ellsberg?" demanded the attorneys.

"It just sort of fell into limbo at the time," he replied. "Nobody did anything that I know of. Richardson, I know, had discussed the case with [then-Secretary of State William] Rogers a couple of times."

If Rogers and Richardson had not left the case in "limbo," history probably would have been different.

Footnote: Rogers told us he had "no recollection" of any talks with Richardson about the leak. If he had been informed of the leak, he would have referred it to the Justice Department, he said. Richardson's memory was

vague, too, but he said he was sure Cooke's version was correct.

Curious George—The House ethics committee solemnly examined Rep. George Hansen's ethics after he pleaded guilty to criminal misdemeanor in 1975 and found nothing unethical about his conduct. Earlier this year, the committee sternly forbade him from soliciting funds to pay off the personal debts he had run up while he was under investigation.

The Idaho Republican turned the tin cup over to his wife instead, thus demonstrating there is more than one way around the barn. The defiant Mrs. Hansen, meanwhile, has fired off solicitation letters to conservatives around the country begging for funds.

George had been plunged into debt, she wrote, because of "vicious years of personal and political attacks on my husband by powerful liberals and labor bosses." In fact, he was brought to justice by the Justice Department under President Ford.

"They have charged him wildly and pushed him into investigation after investigation which never proved anything but his honesty." In fact, he finally pleaded guilty and paid a \$2,000 fine for criminal misdemeanors.

The congressman said his wife is soliciting funds on her own, not at his request. She concurred that it was entirely her idea. Our associate Gary Cohn asked why she had stated that the investigation proved her husband's innocence when, in fact, he had pleaded guilty. "He was exonerated," she replied, "since a misdemeanor is not a crime." In fact, a misdemeanor is a crime and there is nothing innocent about it.