

Senators in Shouting Match

By George Lardner Jr.
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In testimony that produced a partisan senatorial shouting match, Daniel Ellsberg charged yesterday that his prosecution in the Pentagon papers case was "part of a scheme" to re-elect President Nixon.

He put the blame on what he called "the conspiratorial apparatus" that the Nixon administration inherited and that Ellsberg said had once even subtly corrupted him.

"It would be foolish to suppose that only individuals are involved," Ellsberg told a panel of Senate subcommittees headed by Sen. Edmund S. Muskie (D-Maine). "It is the system that has gone awry."

Freed of the charges against him last week because of government misconduct ranging from burglary to wiretapping, Ellsberg acknowledged that his conclusion of a link between his own prosecution and the political espionage behind the Watergate scandal was circumstantial.

But he repeatedly noted that Watergate conspirator E. Howard Hunt—whom the White House hired shortly after Ellsberg had been first indicted — kept popping up in clandestine operations designed not only to discredit him but Democratic presidential candidates as well.

Ellsberg charged that Hunt's real assignment, in trying to "smear me," was to find out whether Ellsberg could be turned into "a mud ball that would stick to a [Democratic] presidential candidate."

Ellsberg's allegations were met by an angry series of questions from Sen. Strom Thurmond (R-S.C.) who accused him of unfairly imputing guilt to individuals, such as Mr. Nixon, when they should still be considered innocent.

By contrast, Thurmond complained, Ellsberg's "in-

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nocence" of the government's charges of conspiracy, espionage and theft of the Pentagon papers had never been "proved."

Ellsberg replied that he was entitled to a presumption of innocence in a courtroom. But, he said, "that does not oblige me as an American citizen to think that he [Mr. Nixon] had no involvement" in the Watergate case, for example.

"Your guilt or innocence has never been determined by the court," Thurmond persisted near the close of the hearing.

His temper rising, Muskie broke in.

"Your innocence is given to you until proven otherwise," Muskie told Ellsberg. "I disagree with Sen. Thurmond utterly. The Constitution gives him his innocence."

"The court didn't pass on his guilt or innocence," Thurmond shot back again, his face growing red. "They threw out the case, as you well know," he told Muskie, "because of the prosecution's tactics in the case."

Glaring at Thurmond, Muskie said angrily: "Senator, you are guilty of the very posture that you have just attributed to the

witness."

"You are guilty yourself," Thurmond shouted at Muskie who began rapping his gavel loudly. Thurmond kept going.

"You are playing politics with this hearing," he told Muskie before subsiding. "You brought him here today to criticize the President of the United States. You are not fit to be a presidential candidate."

After a few seconds' silence, Muskie turned to Ellsberg and apologized "for this display of senatorial temper." The Maine Democrat, who began the round of hearings on government secrecy and executive privilege more than a month ago, said that he did not "Bring" Ellsberg to the hearing, but simply "invited" him to testify.

Maintaining an even temper throughout the stormy hearing, Ellsberg outlined a chilling "world of secrecy" within the government: secret reading rooms, each as big as the main room of the New York Public Library, behind nondescript doors at the Pentagon; four-star generals serving as secret couriers, and super-secret documents so tightly held that even the classification stamps on the pages are classified far above "Top Secret."

"I lived in a world of secrets for 12 years," Ellsberg said of his government service which ended as a special assistant to the Secretary of Defense during the Johnson administration. "I thought I was above the law."

In that vein, Ellsberg recalled having documents in his Pentagon safe during 1964-65 debates on Vietnam that would have shown that "two Cabinet secretaries [Dean Rusk and Robert McNamara] were lying directly to Senate committees in executive session." Instead of speaking up, Ells-



By Ken Feil—The Washington Post

Daniel Ellsberg, freed of charges in Pentagon papers case last week, testifies before group of Senate subcommittees.

berg said, "I kept my mouth shut."

Government secrecy, Ellsberg charged, has become so pervasive that there are some 20 classifications "above top secret."

"Secrecy corrupts just as power corrupts," Ellsberg said, recalling how he tried to warn White House national security adviser Henry A. Kissinger of what could happen to him. It was in December of 1968 at the Hotel Pierre in New York City, Ellsberg said, and "I wanted perhaps to innoculate him."

Ellsberg, who said he had 12 above-top-secret clearances that few people know even exist, told of telling Kissinger that "the first impact will be . . . that you will feel like a fool. You have written articles and rubbed shoulders for decades with people who had these clearances. But . . . after a week or so of having four-star generals bring you special pouches and brief cases . . . you will forget that you were once a fool and remember only that everyone else is a fool who does not have that information."

Describing his own experiences, Ellsberg said only "the elect" at the Pentagon, for example, know of entire document rooms there behind safe doors, each with a

special guard armed with computerized lists, updated daily, of who may enter.

With four or five of these separate clearances, Ellsberg said, "you become aware that there is no limit to this." He said there could "even be clearances the President doesn't know about."

"I don't say that's the case in Watergate," Ellsberg said. "I don't believe it is. The President likely knows all those details. But could it be withheld from him? The answer is yes."

Of all the above-top-secret clearances, Ellsberg said, "the lowest" is called COMINT (communication intercept—data such as that gained from a wiretap). He estimated that about 120,000 people, all in the executive branch, have that clearance—in contrast to the 400,000 to 500,000 who have "top secret" clearance.

"The next clearance above that," he said, "cuts way down—to about 14,000 to 20,000—a large number but still a small portion of the electorate."

It all amounts, Ellsberg protested, to "a government of espionage cells. The President knows all of this and spends too much of his time running a James Bond apparatus." Non of the classifications, Ellsberg added, are

authorized by law—as distance from executive regulation — except perhaps COMINT.

Besides encouraging the notion that those outside the

government "priesthood" have no right to make decisions, Ellsberg said, the system makes it "your duty to lie" when asked about the information.

Ellsberg accused Kissinger of doing just that in telling newsmen in June of 1971—when the Pentagon papers were first disclosed in The New York Times—that he hadn't read the Pentagon papers until then.

"That was a lie," Ellsberg charged. He recalled meeting with Kissinger at San Clemente in 1969, about a year after their talk at the Hotel Pierre, and urging him to read the Pentagon papers and "to learn" from them. Ellsberg said Kissinger told him then that "yes, he had read the Pentagon papers. . . . He said, 'But we make decisions very differently now.'"

Ellsberg told the senators that he was convinced that newly installed White House special counsel J. Fred Buzhardt lied at Ellsberg's trial in January in testifying—as the Pentagon's general counsel then—that he had never heard of Pentagon studies concluding that the disclosure of the Pentagon papers would not affect "national defense." Buzhardt also said at the trial that he gave no order that the studies should be "removed from the files" where they had been lodged.

Turning to his charges of a connection between his prosecution and the discrediting of Democratic presidential candidates, including Muskie, Ellsberg pointed out that E. Howard Hunt was hired by the White

House on July 6, 1971, "more than a week after I was indicted." At that time, Ellsberg said, Muskie was leading Mr. Nixon in some polls.

Meanwhile, Ellsberg said, Muskie's advisers included former Defense officials Paul Warnke and Leslie Gelb who had given their copies of the Pentagon papers to the Rand Corp. where Ellsberg was still working. Former Defense Secretary Clark Clifford, another Muskie adviser, also had a copy of the war history.

In short, Ellsberg told Muskie at the hearing, "there was thus a strong circumstantial case for linking the existence of the papers at Rand to your presidential campaign." Ellsberg said that was the reason he took public responsibility for leaking the history to the press; he said then he had never met Muskie.

Finally, Ellsberg said, his indictment charged a conspiracy dating back to March of 1969, although, he said, he did not decide to make the Pentagon papers public until that September. By contrast, he said, March was the month that Muskie adviser Gelb and another old government colleague, Morton Halperin, gave their copies to the Rand Corp.

"The process of my prosecution," Ellsberg concluded, "was part of a scheme to affect the (Democratic presidential) primaries and reelect the President."
