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## THE ELLSBERG MASK

Whatever it conceals, it always faces the camera

I MAY BE DOWN ON SOMEONE'S LIST as a target in the White House smear campaign against Daniel Ellsberg. I may be down as a bull's-eye. David Young's memo to John Ehrlichman, dated July 24, 1971, and released at the Watergate hearings two years to the day later, promises that steps will be taken by the plumbers to undermine Ellsberg's image "among the friendly press." In no sense am I a member of the "friendly press." And yet odd things have happened in the past two years. And I do have my doubts about Ellsberg.

BY LAST MAY 11, WHEN U.S. District Court Judge William Matthew Byrne, Jr., declared a mistrial and dismissed all charges against Ellsberg and his co-defendant, Anthony Joseph Russo, Jr., the catalogue of government misconduct in the case was already appalling. It included selective and discriminatory prosecution, suppression of evidence, intimidation of witnesses, defiance of court orders, wiretapping of at least one defendant and his counsel, burglary, assault, and attempted bribery of a federal judge ("inferential bribery," let us call it: the kind you recognize "in hindsight"). It was revealed that the White House had hired a team of Cuban-American patriots from Miami to beat Ellsberg up at a rally on the steps of the Capitol, and that the CIA had provided the plumbers with false identity papers, disguises, curious little toothless lower plates known as "voice-altering devices," two "safehouses" and a "sterile" telephone in Washington (permitting them to operate without being bugged or observed by rival spies from other government agencies), and a camera concealed inside a tobacco pouch, all to assist them in their raid on the files in Dr. Lewis Fielding's office in Beverly Hills, a first-degree felony that was undertaken after the plumbers judged the CIA's illegally prepared psychological profile of Ellsberg too tame to enhance his "prosecutability." Ten days after the trial ended, President Nixon was reduced to confessing to an exorbitant interest not only in the "crucial national security

significance" of the Pentagon Papers case, but also in Ellsberg's private life and personality, as implied in the order that led to the dispatch of the psychiatric burglary team: "I told Mr. Krogh that as a matter of first priority, the unit should find out all it could about Mr. Ellsberg's associates and his motives."

At a time when millionaires and movie stars are flattered to find themselves named on the White House "enemies" list, it is not hard to imagine what this unhealthy display of Presidential enmity did for Ellsberg. No longer would conscience permit too skeptical a view of this patient captive of the limelight, who up until that moment had been spoken of by reporters covering the trial as the Modest Martyr, or the Self-Effacing Megalomaniac. The burglars had made him the envy of every neurotic in the country, not to say the shame of every lover of the law. The season of Startling Disclosures and New Revelations was upon us, and there at the catalytic center of events was Ellsberg, violated, outraged, triumphant. One could only feel bad that Tony Russo's analyst had been ignored, but it was no great matter. For, now that he thought back on it, Russo was just about positive that someone had ransacked his apartment a year or so before.

ALTHOUGH THE DEFENSE FELT CONFIDENT of winning an acquittal—and rightly so, as a poll of the jurors established later on—the gift of bad news arrived in court in the nick of time. The trial was about to reach a modest conclusion, having shrunk back an awkward distance from its original promise of becoming a historic courtroom encounter on the two great issues of secrecy and the war, "the political trial of our time," as Ellsberg's chief counsel, Leonard Boudin, sometimes permitted himself to say.

Even though Ellsberg's release of the 7,000-page Top Secret study was unquestionably the most embarrassing departure from the scruples of the secrecy system ever suffered by the government, it was nevertheless an act legally indistinguishable from the routine practice of count-

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less bureaucrats. It was a leak and nothing but a leak, no more than a serious "impropriety," as the FBI acknowledged early in 1970, when its agents first learned that Ellsberg was copying classified papers. By applying the weight of the espionage and theft statutes to *U.S. v. Russo, et al.* (as the mischievous prosecutor, David R. Nissen, had called the case on the assumption that Ellsberg would be wounded), the government was attempting an angry new reading of old laws that invited a cautious defense.

Accordingly, the portrait of Ellsberg to emerge at the trial was that of an ex-assistant-whiz kid of the uttermost probity, a scholar of such surpassing patriotism and loyalty that the keepers of the nation's significant secrets had seen fit to endow him over the years with twelve different clearances higher than Top Secret—clearances too secret to be named. Leslie Gelb and Morton Halperin, the two directors of the Defense Department Task Force that produced the study, had quite properly entrusted it to a man of Ellsberg's credentials and consuming "need-to-know"—and, apart from his celebrated indiscretions with the Xerox machine, Ellsberg had always been meticulous to ensure that the Pentagon Papers reposed in "appropriate Top Secret containers" at the RAND Corporation. Viewed on a suitably high plane, Ellsberg's release of the papers could be seen as a positive service to the overburdened secrecy system, as well as a valiant effort to stop the war.

But rage against the war and the makers of the war found only polite expression inside this prudent defense, and even the historic importance of the papers was sometimes left obscured by the argument that they contained nothing detrimental to the national defense. Disenchanted with the blandness and slow pace of the trial, the press had become increasingly perfunctory in its attentions to Ellsberg, and some reporters were displaying an unwelcome curiosity as to the numerous ambiguities left unresolved by anything said at the trial. Why hadn't the FBI stopped Ellsberg when it learned that he was copying documents almost a year and a half before the Pentagon Papers appeared in the *New York Times*? What other documents had he copied (for he had copied others), and why hadn't he been charged with them all? Who besides Russo had helped him?

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### The Reichstag fire theory

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ELLSBERG WAS NOT AN EASY PERSON to talk to: best just to listen and not risk an affront. Contentious, pedantic, forever infatuated with the power of his intellect, he could educate but seldom entertain. But his gift for analysis, for seeing a plausible scenario behind the illusion

of chaotic events, made him a compelling master of the monologue, and he could always be trusted to come up with an intriguing idea of the enemy's game plan. A month after the trial, a half-dozen phone calls led to an afternoon at his apartment in downtown Los Angeles, where, after brewing himself a cup of Constant Comment, he had this to say about the case:

"I think what Nixon saw in my prosecution was the Reichstag fire, an event which would give him the excuse he needed to put into action police-state emergency measures, the buggings and burglaries and assaults in his 1970 plan, which he had ready and waiting. It was the release of the Pentagon Papers that caused him to bring his secret intelligence operation into the White House. Nixon's lowest ebb in popularity, the actual bottom, was caused by Daniel Ellsberg and the Pentagon Papers. If you look at an actual chart of the Gallup poll, you'll see a low for June of '71 and a low for June of '73, right after the trial ended.

"The stuff that's come out since the trial indicates that the President quite personally took an interest in me. To Nixon I was Hiss. The first thing he told Egil Krogh when he put him in charge of the plumbers was to read his chapter on Hiss in *Six Crises*. He had made this connection between my case and his own past, his most glorious hour—dueling with an Eastern intellectual with marvelous Establishment connections, a member of the Council on Foreign Relations, a Harvard man, believed at first by everyone to be a very saintly and incredible figure, unmasked by Richard Nixon, the dogged little prosecutor from the West. His entire career was based on it and he wanted to do it again.

"What was at stake here was more than just winning an election. It was a basic change in our political system. From then on, politics was going to be run differently. Politics was going to be a charade manipulated by the holders of power in which the Secret Service, the CIA, and the FBI were to be used interchangeably. So the question was: could the trial be used? And the answer was yes, it could be used, but it wasn't good enough as it stood. I was too popular. I was getting awards all over the place. So they had to doctor up the prosecution, rough me up, muss me up a little bit. This explains the break-in at the psychiatrist's, and also the very peculiar business of the assault on me, which was totally confusing at the time. Why were they singling me out to call a traitor, to make me look violent by hitting me? They'd already indicted me, wasn't that enough? Why were they bothering to add injury to insult? And the answer was that they wanted to link me with Muskie and make me as bad a guy, as unpopular a figure, as unsavory a person as possible. Nixon was shining me up to be his Reichstag fire."

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**R**ESPECT FOR RADICAL CHANGE, for the inner revolution, was essential to an appreciation of Ellsberg, or so it seemed to those who admired his act of protest too much to accept his past. But his life revealed such a constant polymorphous striving after the varieties of American experience that he was less a changed man than a fusion of all he had been, a total American, a Harvard Fellow who was also a once-and-always combat-ready marine lieutenant, an author, scholar, and swinger, a sensitive interpreter of Chopin who could also do amazing card tricks and swim eighty-seven laps in a fair-size pool, an eloquent spokesman against secrecy and war still in possession of war secrets nothing could bring him to divulge. The dense and marvelous complexity of his enthusiasms sometimes seemed to leave him apprehensive (as if the people he was with last night might be silly enough to show up this morning), but it also permitted him to browse without embarrassment through all the streets and alleys of an improbably active life. He would show visitors photographs of himself in Vietnam, handsome pictures of a younger but no less ardent Ellsberg dressed in combat gear or surrounded by children with hands outstretched for chewing gum, classics of the genre. Russo also had a couple of pictures of himself that could be dimly made out through the splintered yellow plastic on old ID cards from RAND and Vietnam. They showed an ominous stranger staring straight ahead through heavy glasses.

**I** MET ELLSBERG IN SAIGON in December 1965. His wife, Patricia, met him there a few months later. Both of us recall being bowled over by his dedication to the higher pursuits of the war and needing some time and distance to recapture our dim view of what he was doing. Ellsberg now says that in those days he considered it a good day's work if he could leave an anti-war visitor "confused." Oddly, my memory of how he was then is less confused than my impression of him now.

The symptom that led him to see Dr. Fielding, the Beverly Hills psychiatrist, was nothing to excite a plumber's attention. It was just that he was having trouble finishing his work. He would compose a study draft with apparent ease and facility, then find himself held in check by doubt, unable to let it go. Writer's block was decidedly not the problem. He could always write with unconscionable speed. His ability to summon the right words under pressure had been among his most conspicuous talents in the old days at the Pentagon. One of McNamara's aides would burst into the room and say, "The Chinese have shot down one of our drones and the press is asking about it. You've got fourteen minutes to give the Secretary ten alternative

lies." Dan Ellsberg would get cracking then, and he'd wind up beating the deadline with minutes and lies to spare.

**T**HE PENTAGON PAPERS TRIAL, with all its lapses and false starts, ran exactly 500 days from the defendants' first appearance in Judge Byrne's courtroom to the day that the case was dismissed. During this time, every rally and public meeting, as well as each piece of fundraising literature put out by the defense, was sure to include at least one reminder that "Dan and Tony face 150 years in prison for giving the Pentagon Papers to the American people." While it was clear from the outset that the penalties the government was asking had no significance outside the annals of hysteria—115 years for Ellsberg, thirty-five for Russo—it was also true that the jury risked losing its way in the tangles of the fifteen-count indictment. The indictment had all the elegance and logic of an accident on the freeway, with a dozen overpowered synonyms piling into the appearance of a calamity. But in fact it was a deviously clever instrument of injustice contrived to invite the kind of compromise verdict which allows a jury to feel it is striking a blow for sanity and justice in the course of sending two good men to prison for a token year or two.

Russo had already spent forty-seven days in jail for refusing to testify in secret before one of the grand juries empaneled in the summer of 1971 to investigate the leak of the papers; he was released when a federal judge ordered the government to comply with Russo's request that he be given a transcript of his testimony—the first of many court orders in the case that the government preferred to ignore. It was generally assumed that Russo's name had been added to the indictment as a punishment beyond jail, but because he was already evolving into the all-fronts revolutionary and affable conversation guerrilla one encountered at the trial, those forty-seven days were fondly cherished in memory as a baptism and vindication, and he wore the experience as righteously as a suit of Cuban fatigues. But there was something about Ellsberg, a fastidiousness, a rectitudinous damp of the eye, something private and fragile that made the dimly perceived image of him whispering for tea in the chow line at Terminal Island simply too painful to contemplate. Perhaps for this reason alone, Ellsberg's fear of going to prison was not widely shared. It was as though everyone supposed that wrists like his were too fine for American handcuffs.

**E**ARLY IN THE GAME, THE DEFENSE lawyers fell into the practice of objectifying one another's politics so rigidly that debate between

them was limited to the boundaries of their first impressions, and each wound up saddled with an often unplayable role. Boudin, the veteran defender of Dr. Spock and of Eqbal Ahmad at the Harrisburg conspiracy trial, was the genial and witty incarnation of the civilized Old Left, though in fact his attention to the meaning of the Constitution frequently led him to perceptions more radical than the younger lawyers dared. The Radical was Leonard Weinglass, Russo's chief counsel, who came into court trailing the smoke and fury of the Chicago Seven trial but soon established an easy rapport with Judge Byrne, being disarmingly alert, incisive, well-spoken, and dignified. Charles Nesson, a young and patrician Harvard Law School professor, might have been present to represent the Cambridge Establishment, but because Patricia Ellsberg harbored a long-standing resentment against Boudin (whom she suspected of encouraging Russo to get himself indicted and thus barging in on Daniel's action), Nesson was often spoken of as Patricia's attorney, and he came to play a very large role for a lawyer who had never been in court before. Relations between Weinglass and Russo were even worse than between Ellsberg and Boudin, with Russo denouncing his lawyer as "politically malformed" and Weinglass despairing that his client was "flipped out." Not much play came to the two remaining members of the courtroom staff, a young Marxist and First Amendment scholar named H. Peter Young, and Delores Donovan, an ACLU lawyer from San Francisco who had defended GIs in military trials in Vietnam, and who grew so resentful over being assigned the

role of Woman that she came to see the trial as a joust of male egos featuring two success-crazed forty-two-year-olds who both combed their hair into the deceit of youth: Ellsberg and Judge Byrne.

ONE IS OBLIGED TO RECOGNIZE an element of greatness in Ellsberg. He is among the most efficacious persons in America today. His mojo is so strong that John Mitchell gets indicted the week that he goes free. Contemplating Ellsberg moves the President to ruinous excesses, but when he sets the CIA to the forbidden task of psychoanalyzing his upstart nemesis, the spy-doctors can only report that the man is brilliant, patriotic, and possessed of a Nixon-like zeal for achievement. At last, Ehrlichman appears like a bad fate to tempt Judge Byrne, offering him the grim prize of the FBI. Naïveté, ambition, or mistaken goodwill leads Byrne to see Ehrlichman twice, strolling in the unwired sunshine the better to discuss the offer. The judge is given the President's hand, unaware that it will draw him toward the domain of elite males in exile, where Ellsberg already reigns supreme. It is as if Judge Byrne is being punished by his luck for imposing himself between Ellsberg and the high courts of history.

BUNKER HILL TOWERS IS A "living complex" not unlike Watergate in its ambitions. It has a shopping mall, tennis courts, a swimming pool, special security keys, uniformed guards, and a commanding location in downtown Los

"The burglars had made Ellsberg the envy of every neurotic in the country, not to say the shame of every lover of the law."



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Angeles, not far from the courthouse. From the windows of the top-floor apartment where Tony Russo and his Lucy Stoner wife, Catherine Barkley, lived for the duration of the trial, you could look out into the spoiled sunshine and see acres of devastation. The Ellsbergs, four of the lawyers, at least a dozen members of the legal staff, and several reporters covering the trial also lived at Bunker Hill, but the Russo/Barkley apartment was unique, having been turned into a liberated zone by Catherine's art and Tony's clutter. After court, Tony would come home to it, put an environment-improving record of Pacific Ocean waves on the phonograph, roll up a joint, and sometimes talk about Dan:

"Dan Ellsberg is a cover story. He's so deep into the secrecy system that he can't reveal to himself who he is. It's classified. Secrecy has made him into the victim of dissonance you see before your eyes.

"When Dan came back to RAND in '67, he told this girl I knew that he wanted to meet some hippies. So she turned him on to me. People had warned me away from him, saying that he was a terrible climber and opportunist, cold, calculating, that whole rap. But he didn't strike me that way at first. He just hadn't been onto anything that was happening. He was kind of . . . *eager*, square, sort of sweet, actually, and I could dig a lot of what he was saying. He'd sit around his pad out in Malibu and get stoned and listen to Joan Baez on the record player and say far-out things like, 'Well, I guess I'll have to lead a life of poverty now.' He was very hung up on poverty. He must have thought he was going to have to drop out. I was thinking, wow, next thing I'll have Dan out in the streets, he'll really get loosened up and really get radical. And then Pat came along and—*ai-ai-ai!*—the screen fell. I mean *fell*. He wouldn't talk to me anymore. It was like he'd gotten himself a new security clearance. Very strange. I was totally left out.

"I haven't talked much to Dan since around September of '70. I haven't talked to him at *all* since then. His politics, his life, everything is bounded by Pat. He can become more radical in the sense that he might edge a little closer to the door. But he can only take one step before Pat realizes where he's headed and snatches him back to reality. He's found a mother, that's for sure. A real rectifier.

"Pat's screen still works today. I can call Dan up and Pat will answer. She'll say, 'And now, here is Daniel Ellsberg, who is tired and has laryngitis.' And then she'll hand him the phone and he'll say, 'Hi, I'm Dan Ellsberg. I'm tired and I have laryngitis. But, uh . . . what's happening?'"

Although the prosecution had Brig. Gen. Paul Gorman stashed away in the court-

house to coach witnesses on the grave damage done by the release of the Pentagon Papers, the government's case lacked whatever moral vigor might have derived from any indications that real harm had been done. The Pentagon officials and military officers who testified as to the great value of the papers to the "potential foreign analyst" upon whose hypothetical reading the government's espionage theory hinged seemed completely unprepared for the defense that nearly all the information the papers contained had already appeared in newspapers and books. They seemed not to have read anything in years that wasn't stamped Top Secret. Thus, in its earliest stages, the trial took on the quality of a dialogue of the deaf. The courtroom became a zone where irony was equal to anything, where the arch of an eyebrow conveyed an old acquaintance with absurdity, a dreadful worldliness deep enough to withstand whatever madness the unfolding case entailed.

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### An ontological venereal disease

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LAST FALL, DURING THE FOUR-MONTH hiatus in the trial, I began experiencing symptoms of what Russo told me was a possibly incurable case of ontological venereal disease, a condition arising from prolonged exposure to the secrecy system and characterized by a conspiratorial turn of mind. Perhaps I was just worn out from the mnemonic wrenchings one must submit to in order to find continued inspiration in the example of a war resister for whom 1969 was the year of decision. But, with the stunning clarity that only sick or mean thoughts can possess, every interpretation of Ellsberg's "gesture" other than the one that was popular and praiseworthy began to make powerful sense to me.

My misgivings rose to a howl one night when I attended "An Evening With Daniel Ellsberg" at the Aquarius Theater on Hollywood Boulevard, where two new films were to be shown. In the first, *A Conversation With Daniel Ellsberg*, Dan had the usual trenchant things to say about the war and acts of resistance, but I couldn't free my mind to listen. His voice-over sounded so pious, as he walked solitary in the woods, with everything back-lit, as in a shampoo ad. In the other film, Ellsberg and Russo are shown accosting citizens on the sidewalks of Los Angeles, asking them for their thoughts about the war. Unlike the hundred or so venere-men observed at the trial, these folks all had stirring or poignant things to say, and some even displayed that rarest of all American attainments, a working knowledge of the Pentagon Papers.

After the films, Ellsberg appeared onstage to a standing ovation. He began by denying what-

ever rumors might be going around that sainthood was in the offing, then went on to urge his listeners to be willing to change their lives if they wanted to stop the war. It went without saying that Ellsberg had already done so. No longer was he the strategic analyst with the twelve security clearances too secret to be named. Now, having copied the papers and won the hand of Patricia Marx, he was America's favorite millionaire moralist.

I apologize now for these bitter thoughts, having since learned from Patricia's own lips that Dan means to earn a living after he spends a year or two "reading and thinking and going to beautiful places." In truth, I was never much attracted to the notion that Patricia's millions figured importantly in Dan's move to end the war. In moments when I found it difficult to maintain the simple confidence that he had acted out of an overwhelming sense of moral responsibility, I much preferred to imagine him returning from Vietnam in the summer of '67 (the summer of the flower children), turning on and tuning in until he was ready to drop out spectacularly by copying the papers—one month after Woodstock.

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### A face for the nation

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ELLSBERG'S DEMEANOR AT THE TRIAL would have done credit to a defendant at an eighteenth-century court martial. His silent role was a frustration that left him afflicted with the feeling of being invisible, insubstantial, "as though my ectoplasm had faded." But in fact he was a magnet of attention. Some days he was resolutely ashen, with the formidable furrows of his brow italicizing his seriousness. At other times he would appear almost boyishly atwitter—you could draw a light bulb over his head and get Archie from the comics. His face seemed to be going through the process of Balkanization so commonly suffered by American celebrities, the Jackie Kennedy syndrome, where the eyes break off relations with the mouth and forehead, permitting a look of sadness or concern to go undisturbed by the hummingbird passage of a smile. The smile he reserved for Patricia, wafted across the walnut pews in court, could be so intensely loving that one blushed to observe it.

Patricia, a recent convert to the Arica movement, was in court each day, beautifully dressed and almost lotus-like in the perfection of her posture, with one hand resting on each knee, palms up and fingers arched as if to cradle invisible ostrich eggs. When recess came the Ellsbergs would stroll the corridor arm in arm, and at lunchtime they would hurry off together as soon as Dan had faced the nation from the courthouse steps.

The courthouse steps offered Ellsberg an im-

portant compensation for the silence endured inside. Almost every noontime, he could bury his nose in a sweet bouquet of microphones the minute he stepped out the door. His relations with newspaper reporters were icy and suspicious, but, under the discipline of the seven o'clock news, he became a cogent and effective voice against injustice and the war, honing his thoughts into well-aimed arrows and letting fly in a tone so determinedly low that every soundman's volume-control needle would thrash about wildly in the danger zone. Patricia would always be with him, drawn close by interlocking arms, head tilted at an impossible angle of adoration as he spoke.

Patricia offered a novel explanation of why Dan was so late turning against the war: having been in Vietnam, he didn't get a chance to see the horror of the war on TV until the summer of 1967.

JUROR #12, WILFRED BALTODANO, had a hard time looking Ellsberg's way. The defense grew worried about him, since he was one juror they were counting on. At twenty-four, Baltodano was the youngest of the jurors as well as the only one to have served in Vietnam. He came back 40 percent disabled, the lone survivor of an accident in which thirteen members of his Marine platoon were killed. Once recovered from his injuries, he became a bazooka, flame-thrower, and recoilless-rifle instructor at Camp Pendleton and spent a few evenings cruising around Los Angeles in search of hippie war protesters—"We duked a couple of 'em pretty good," he recalled after the trial. By the time the Pentagon Papers were released in the press, Baltodano was out of the Marines and had changed enough in his views to feel some admiration for Ellsberg's courage. But it was sitting through the trial that fired him with the indignation he feels today. "The underhandedness of our government!" he says. "And we've got 'In God We Trust' stamped on our coins. I'd get this sick feeling at the trial. I'd hear these things said and think that a lot of good men were gone. When I think about what I was taught in the Marines, the indoctrination, all that killing!"

The somber effect of these thoughts made it difficult for Baltodano to feel particular affection for the Cassandra-like defendants. He was convinced of the truth of what they were saying, so much so that he resented any departure from what he considered to be a mood of appropriate solemnity. For these reasons, Baltodano was thoroughly disgusted when he thought he saw Ellsberg wink at him. John Kenneth Galbraith had just taken the stand, and to Baltodano (who had described himself during the *voir dire* as an oil refinery worker who hoped to get an econom-

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ics degree in night school), John Kenneth Galbraith is a god. "That man possesses so much in his mind that it was really a thrill when he walked past, only a couple of feet away. I guess Ellsberg must have noticed the admiration in my face, and darned if he doesn't wink at me. I didn't like that even a little. And then all that snickering in the crowd, like they knew something you didn't. You'd look out in the audience and there would be Patricia, sitting with a movie star and grinning like a cut cat. It got so I didn't feel like looking anywhere, so I wound up just staring into my lap."

**N**O INTELLIGENCE SYSTEM can predict what a government will do if it doesn't know itself.—John Kenneth Galbraith, testifying for the defense at the Pentagon Papers trial

DANIEL ELLSBERG stoutly denies winking.

**A**LTHOUGH THE DEFENSE CASE lacked a coherent political center, it did present a reassuring spectrum of voices against the war, ranging all the way from Tom Hayden to McGeorge Bundy. The first phase of the defense was a rebuttal of the government's claim that the papers contained information vital to the national defense, an argument carried by a retired rear admiral, a number of diplomats, Rep. Paul McCloskey, and a parade of Camelot survivors who, apart from Bundy, gave the jury little more than some matchless lessons in self-assurance. Morton Halperin (on leave from the Brookings Institution and in court every day as a consultant to the defense) took the stand to sever every strand in the government's case, but he was no success with the jury. Having gone a little Hollywood, he was an image in transition, and the jurors were not yet ready to cope with the idea of an ex-Deputy Assistant Secretary of Defense for International Security Affairs who wore sandals and a shoulder bag.

Midway through the defense case, it became clear that the educational value of the papers was being crushed by the stress on their insignificance to the national defense. Argument raged between the polarized factions, with Ellsberg's advisers wanting to leave well enough alone and Russo at his hottest wanting to call everyone from Lyndon Johnson to Angela Davis. It was Russo's side that eventually prevailed, and a list of anti-war witnesses was drawn up that began with the mild and humane Howard Zinn, author and professor; the premise here was that if the jury could handle the softly stated radical analysis of Zinn, the defense could then risk calling Hayden, Noam Chomsky, and others. As it turned out, Zinn, Chomsky, and

Donald Luce, the free-lance writer who several years ago came up with the story of the "tiger cages" in which the political enemies of Saigon were kept, were among the witnesses who most impressed the jury, and they gave the trial its only deeply felt encounters with the gravest lessons of the war. Russo was vindicated by the turn the trial took, and while Zinn was on the stand, he wrote him a poem that caught the spirit of the hour:

*Fly face on,  
Pan American wounds,  
Wounded heart,  
Wounded Knee,  
Right the Arm of Lady  
Liberty.*

**E**LLSBERG WAS DISTRESSED AT REPORTS that he had opposed calling Zinn and Chomsky, pointing out that they were "two of my best friends." Russo, Halperin, and Harry Rowen, formerly the president of RAND, were also best friends, but they were arrayed so differently by the dynamics of the trial that I was led to ask Ellsberg how the release of the papers had affected his friendships:

"I didn't call anybody for a year after the papers came out. I deliberately avoided it so as not to lead the FBI to anyone, not to embarrass anyone, so that everyone could tell the FBI they hadn't heard from me. All the people from RAND, from the DOD, from Vietnam, no one called at all. I never got a letter, never got a call. None of the old friendships survived.

"There were a number of reasons for this. The fear of implication was sufficient for most people who were holding a clearance, and nearly everyone who had been my friend held a clearance. Second, some of them probably just thought, 'I'll put it off for a while,' without necessarily being unfriendly. They preferred there to be a hiatus of a couple of years in our friendship. One or two said that—'I'll talk to you when this is over.' I said, 'That may be twenty-five years.' But they were willing to take their chances. And then a third group, not small, felt very angry at me because of what they thought I had done to RAND. I had jeopardized RAND, jeopardized their jobs. If I wanted to send you to someone who really knows me best, I'd say Harry Rowen, but such a person as Harry now sees me through such a screen of anger that he would not be motivated, let's say, to look at me objectively. So it would be kind of hard to find out about me from old friends. The people that I'm on quite friendly terms with now have known me only recently. Four years ago, I would have said there are a lot of people who might have the basis of a good interpretation of me, but now it would be hard to come by anyone but Patricia."

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IN THE EARLY DAYS OF THE TRIAL, Paul Krassner, the editor of *The Realist*, told me a sad story about Ellsberg. A friend of Krassner's who thought he had met Ellsberg at an orgy went to a rally where he was speaking to see if his hunch was right. Sure enough, when Ellsberg appeared onstage, it was obvious that the person he knew as Don Hunter was really Dan Ellsberg. When the rally ended, Krassner's friend pushed through the crowd to shake Ellsberg's hand and tell him how proud he was to have known him. Ellsberg was horror-stricken and asked Krassner's friend to forget about Don Hunter. Krassner's friend went home crestfallen, having believed that all forms of liberation were the same.

“THE USE OF THE PSEUDONYM? Obvious reasons. Going to a nudist camp, working for RAND, having a security clearance. RAND wouldn't have been too pleased. I didn't know most of the people on those scenes, and I didn't know what they were into or what their backgrounds were, and I just didn't want my real name to be found in their address books. If they were to get in trouble one way or another, it seemed a prudent thing for me to do. I still would do it. A lot of those people were into group sex, and nobody was quite clear as to what the legal status of group sex was. They thought it was legal, but they weren't 100 percent sure.

‘Don Hunter’ was a name that had a genealogy related to a pseudonym that was used on the Harvard *Advocate*, ‘Andrew Hunt.’ Anybody who wanted to write an anonymous letter would sign it ‘Andrew Hunt.’ I used that name for awhile, in fact, but then I thought, well, I shouldn't appropriate it for these purposes, so I modified it to ‘Don Hunter.’

“It was really a rather short period when I was into all that. The summer of '68, and it was not a period of very great liberation. I was a bachelor, and I'd always been very uninhibited about sex, but hadn't had a chance to express that during my marriage. I told my father early on, the first time I talked to him after the papers came out, that there would be a lot of stuff like this coming out. We were braced for it. We knew they were collecting it. But what does it come down to? So what? There's nothing extraordinary about it. You want to go to an orgy? Answer an ad in the *Free Press*. That's what I did. So how much could they do with it? It's tricky stuff for them. They don't go into it casually because it could backfire on them. You'll notice that they never brought out that kind of stuff against Jack Kennedy, or against Ted.”

THE NOTION THAT THE PENTAGON PAPERS trial was a Hollywood event has been greatly overstated. While it is true that the Mod Squad marshals who sometimes stood watch at the door, the occasional appearance of a Roman Polanski or a Jane Fonda, and the unavoidable fact of a fat lady in a decorated army jacket and a green wig, front and center almost every day, all bespoke the flavors of Los Angeles, the only out-and-out movie star to attend the trial with any regularity was George Segal. It is also true that the Ellsbergs dined at some of the most fashionable tables of Beverly Hills and Malibu, that one party alone raised \$75,000 for their defense, that all the Beatles except Paul once stood in line to get an autograph from Dan. But the actual interplay between the Ellsbergs and the locomotives of Hollywood was not all that it might have seemed, even to their hostesses. One possible explanation for the currency of this myth is that Dan would usually do a tremendous amount of talking when dining out, touching with apparently equal fervor on all parts of his crowded life and mind, often naively assuming that some code of social *omertà* applied, that everyone had a clearance, as it were. The result was that one dinner with the actual Ellsbergs was good for at least a half-dozen others with the phantom Ellsbergs, whose company everyone found delightful.

LATE IN THE TRIAL, Russo began bringing a book to court every day. It was a thick book in a bright red jacket, a book called *The Secret Team*. Russo would place it faceup on the defense table as though planning to introduce it as an exhibit, pleasantly aware that three chairs down sat Daniel Ellsberg, who knew that the book named him as a CIA man.

The thesis of *The Secret Team*, argued with some force by L. Fletcher Prouty, a retired Air Force colonel with a CIA background of his own, is that most political events are manipulated by an invisible government of industrialists, scientists, military officers, intellectuals, and people from the intelligence community. One such event, Prouty says, was the release of the Pentagon Papers, which he describes as “a new rewrite” of the war from which the activities of the covert side of American intelligence had been carefully laundered out. The papers put the best possible face on the performance of the CIA during the war, and by making them public Ellsberg was doing an important service to his secret colleagues, while at the same time providing himself with the best of all possible cover stories. Russo said it was the only analysis Ellsberg that made any sense to him.



Ellsberg called Prouty after the book came out and talked to him for ninety minutes, Los Angeles to Washington. Ellsberg says that Prouty agreed to take out any damaging references to him in the book's next edition. Prouty says he agreed only to delete one direct statement that Ellsberg was a former employee of the CIA, but that his argument as to his connections with the agency remains intact. Ellsberg says he would be surprised to learn that the special intelligence team he was part of in Vietnam was a CIA cover, but then "who could be amazed at this point?" Prouty says that Ellsberg is significantly hazy on the details of who paid his expenses while he was in Vietnam. Ellsberg says that you used to be able to get a weapon from the CIA armory, but that was about it.

### Gaps and chasms

WHEN GEN. ALEXANDER HAIG showed up late in the trial to offer rebuttal testimony so inscrutable and harmless that one could only surmise that it was the glory of his medals and the blue of his eye with which the government hoped to impress the jury, Ellsberg shook his hand and recalled to reporters that he had dined with Haig at San Clemente in December 1968. Russo, meanwhile, raced after Haig's departing figure, waving a copy of a radical digest of the Pentagon Papers and shouting, "Hey, general! Genocidal warrior! Don't you want to learn about the credibility gap?" Observing Russo streak past an unsmiling Ellsberg in his effort to catch up with Haig, someone hit upon a title for a book about the trial: *Abbott and Costello Meet the Wolfman*.

WHEN AT LAST THE TRIAL was caught in the undertow of Watergate, those who had the unfortunate privilege of being in court found it difficult to keep each day's fresh outrage from mashing their impression of all that had gone before. The defense was beset with luxurious problems, for now with the case just days away from the jury, the prospect of a dismissal began to look inevitable. Once again the defense attorneys found themselves beleaguered by the two defendants as well as by an uninhibited and highly vocal staff of law researchers and office workers, whose steady attention to the politics of the case had given them an undeniable voice. While Ellsberg's side was inclined to go for the dismissal (the collaborationist position), Russo insisted on taking the case through to the jury (all power to the people). But now Russo found himself isolated, with Ellsberg seizing the moral advantage attendant upon the 115 years. Weinglass would tell his client, "We're just the tail on the dog"; then, escalating the pressure, he

would invoke the powerful image of the Vietnamese: "Tony, if the Vietnamese were offered a dismissal, they'd take it."

Russo writhed with anger: "Whenever we get down to cases, Ellsberg says, 'Have you thought what this could do to me?' I refuse to be cast in the role of the one who decides Dan Ellsberg's future. I'm just trying to get my own shit together. It's the courts, the Establishment, that Dan has to deal with. It ain't me. I know that things are difficult during a trial, but I would have been perfectly within my rights had I never said anything to Dan, just gotten myself a movement lawyer and told him at the beginning, 'Look, this guy Ellsberg's weird, he's hard to deal with, hard to talk to, so fuck him.' Instead, I did my utmost to be cooperative. I tried not to freak Dan out. And if things didn't go right, let's look at the relationships between people, the dichotomies between fan clubs and factions, and that way you can figure it out. I would say that there's a yawning chasm separating the two sides, and I would say that the chasm came about because of the ruling class split. It was analogous to an earthquake, and one of the faults ran right down the hall of the RAND Corporation. I managed to escape it and hang onto one side, whereas Dan fell into the hole. He could emerge. Let me know when he emerges. But to tell you the truth, I really don't want to ever see him again."

A SHORT TIME AFTER THE TRIAL, fifteen of the jurors met to discuss the case in a day-long seminar at UCLA, which was recorded on videotape. All present felt sorely deprived of a chance to express themselves in the jury room, and they were at some odds with a system of justice that would lead them such a long way into the depths of war and injustice, only to expel them with thanks but no regrets, as though their opinions hadn't mattered. At the end of the day, they voted as they would have had the case not been dismissed. Applying the prosecution's suggested instructions (which were preposterous), they voted 15-0 to acquit on the conspiracy and espionage charges, and 8-7 to convict on theft. With the defense instructions, it was 15-0 to acquit on all charges.

The Ellsbergs attended a screening of the tape a month or so later and were enthralled with what the jurors had to say about the government and the war. Several jurors expressed some uncertainty in their estimate of Ellsberg, but none was as dubious as Baltodano, who observed that Ellsberg had drawn "an awful lot of light on himself" and that "only time will tell us what kind of man he really is." Riding home afterwards, Ellsberg was disturbed by just one thing—Baltodano's failure to acknowledge him as a fellow Marine. □

"Dan Ellsberg is a cover story. He's so deep into the secrecy system that he can't reveal to himself who he is. It's classified."