



Pentagon Papers A Freak Case

Joseph Kraft

THE fumbling efforts to draw clear general principles from the six opinions of the Supreme Court in the case of the Pentagon Papers have a lesson for all of us. It is that the case is not a landmark case.

On the contrary, it is a freak case, distinguished above all by special circumstances. And all of us need to be careful about drawing from it sweeping conclusions with regard to the right state of relations between the Government and the press.

The first special circumstance was Defense Secretary Robert McNamara's decision to prepare a systematic study of the involvement in Vietnam. McNamara, once a partisan of the war, had begun to have grave doubts about the course he had advocated. That in itself is unusual.

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MOREOVER, unlike almost all officials who have doubts, he wanted an independent assessment of what went wrong. So he authorized a group of analysts to make a study of how intervention came about. He gave them access to vast stores of highly classified documents, and he left their work relatively unsupervised — still another rarity.

McNamara's unexpected departure from the Pentagon in March 1968 combined with the change in administration at the end of the year to leave the explosive documents in a kind of limbo. There was no policing of the documents by senior interested officials. There were copies at the State Department and the Pentagon, but also at some semi-private institutions such as the Rand Corp. in Santa Monica — another rarity.

By a further fluke, Daniel Ellsberg came into the picture. He had been assigned to the original Pentagon study, but had excited the suspicion of two colonels on McNamara's staff and had been discreetly bumped from the project. So discreetly that his exclusion was unknown to the Rand officials who gave him continued access to the documents — still another rarity.

Ellsberg turned out to be not only a hawk turned dove and an insider prepared to go outside. It also developed that he had a positive flair for the strategy of news presentation, not to say management.

The result was the most massive security leak in history. The material emerged without advance warning, a true thunderclap. After the first explosion, others followed in train. It was a stroke of public relations genius—yet another rarity.

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THE Nixon Administration was caught wholly by surprise. One White House official presumed the stuff was leaked by Defense Secretary Melvin Laird to embarrass the Democrats, and started to call him down. And it was in these dazed conditions that the administration moved to bar publication by legal injunction.

That action, as the decision by the Supreme Court shows, was wrong. Moreover, the court decision is a salutary reminder — the kind of reminder we need every few years — that there is a first amendment underwriting freedom of belief and expression.

But none of that makes a classic case.