

150 Years in Jail ... Or the Pulitzer Prize?

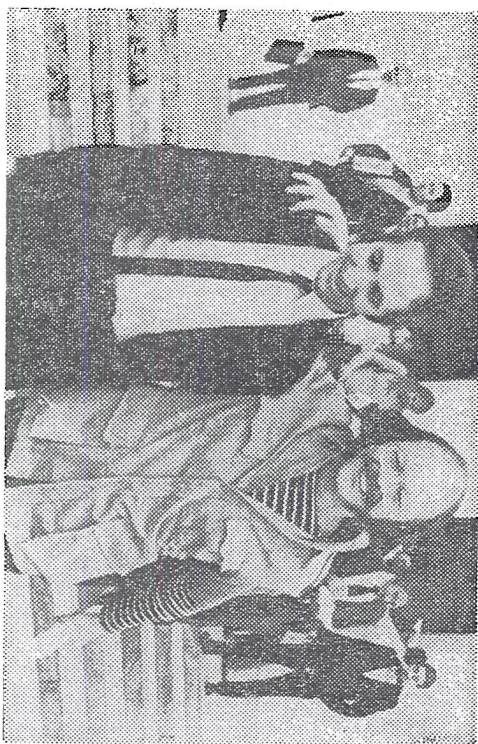
NYTimes

Daniel Ellsberg and Anthony Russo face 150 years in prison because they gave the Pentagon Papers to the American people. They will go on trial in Los Angeles this summer, charged with violation of the espionage, theft and conspiracy statutes.

Their defense depends on your support.

Dan and Tony are neither thieves, spies nor conspirators.

The theft statute has been applied in the past only when the government was *deprived* of the use of what was taken—for example, funds or property. The government still has the Pentagon Papers. Ellsberg and Russo simply made sure the rest of us can read them, too. If the government successfully uses this statute to punish the mere revelation of information, it will have written new repressive law through the courts.



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Release of classified information is not a crime in the United States. Classified information is leaked daily by government officials when it is to their advantage, even in memoirs written after leaving office. Lyndon Johnson received *a million dollars* for his recent book, which quoted extensive portions of the Pentagon Papers. And The New York Times received journalism's most coveted award—The Pulitzer Prize—for printing portions of these same Pentagon Papers. *The fact is that no one has ever been prosecuted for revealing information to the American public, not under the Espionage Act or any other statute.*

Ellsberg and Russo are charged with conspiracy to “defraud the United States and an agency thereof by impairing, obstructing, and defeating its lawful governmental function of controlling the dissemination of classified government studies . . .”

They are so charged because they tore away the protective shield of secrecy and disclosed that the government itself—administration after administration—has systematically defrauded the people of the United States. The Pentagon Papers detail deliberate manipulations of public opinion. They contain, for example, an April 1965 Presidential Directive that the first change in mission of U.S. troops in Southeast Asia to an offensive role should be concealed from the public; descriptions of “provocation plans” prepared to justify escalation in the 1960's; memoranda detailing U.S. complicity in the overthrow of Diem, the Saigon government leader previously installed in office by the United States.

And so, the executive branch of government is afraid. Afraid that if these men do not suffer for their act, other

Q What was your reaction to the revelations of the Pentagon Papers?

Lippmann: They were a great surprise to me. I didn't know they existed, and then, as soon as I knew enough about what they contained and how they were obtained, I felt at once that publication was a thing that had to be done. It rather resembled the Boston Tea Party. When you have a grievance and the grievance is to know how you got into one of the most costly wars in your history, and the government won't tell you, and has over-classified and hidden things—then, you have to do something to force information out into the open. In the Boston Tea Party the colonists couldn't get redress from the king, and so they poured his tea in the water. They didn't kill anybody, and they didn't pretend they weren't doing what they did.

*WALTER LIPPMANN on Democracy
in Crisis: A Conversation with Ronald Steel
The Washington Post, (Oct. 17, 1971)*

For the tremendous service Daniel Ellsberg and Anthony Russo have performed for their country, they now face a total of 150 years in prison.

Their defense is clearly the responsibility of all of us. But also at stake in this trial—indeed to be raised in the courtroom—will be the ability and inclination of Washington administrations to deceive and mislead the American people into war by means of gross misuse of secrecy and the classification system.

These, too, are issues that are our responsibility. Please contribute as much as you can.

THE PENTAGON PAPERS FUND, Inc. **THE ELLSBERG DEFENSE COMMITTEE**
Stanley K. Sheinbaum, Chairman Former Sen. Charles E. Goodell, Chairman
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*SUPREME COURT, 6-3, UPHOLDS NEWSPAPERS
ON PUBLICATION OF THE PENTAGON REPORT;
TIMES RESUMES ITS SERIES, HALTED 15 DAYS*

government servants may also follow their conscience and reveal, not military secrets, but *political secrets*, information improperly withheld from Congress and the American people. We may learn in detail, for instance, why the bombing of Vietnam continues today; why we "tilted" toward West Pakistan against India and Bangladesh; or perhaps even why the ITT case was settled.

The Defense holds that, under the Espionage Act, release of classified information is an offense only if the information involves military secrets and the individual releasing the information intends or has reason to believe that the disclosure will injure the United States or benefit a foreign nation. (In this case, the indictment would seem to imply that the government considers the American people an alien power.) The Ellsberg-Russo trial offers a unique opportunity to raise fundamental issues — never before litigated — *about the Executive's deception of Congress and the public, the people's right to be informed, the legality of the war, and the entire decision-making process concerning the country's military commitment abroad.*

In Los Angeles this summer, Ellsberg and Russo will ask the jury to rule that it is proper for Americans to restore justice and honesty to the nation when the government has come to function by habitually deceiving the public. They will ask the jury to redeem American values now buried in the tragedy of a war we were tricked into fighting against people who have been our victims, but never really our enemies.

The Justice Department will use millions of our tax dollars to prosecute Dan and Tony. Such resources cannot be matched by the defense. But with the voluntary support of many Americans, we believe a proper defense can be mounted. It will require at least \$400,000.

Your contribution is important. Please send what you can.

Sincerely,



Stanley K. Sheinbaum, Chairman
The Pentagon Papers Fund

The Pentagon Papers Fund, Inc.

P.O. Box 1630, Grand Central Station
New York, N.Y. 10017

Enclosed is my contribution to the legal defense of Daniel Ellsberg and Anthony Russo, in the amount of:

- \$5 \$10 \$25 \$50 \$100
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*Your contribution of \$25 or more will bring you a copy of *The New York Times* clothbound library edition of *The Pentagon Papers* (\$15.00 list) with 60 pages of photographs.

