

Ellsberg papers released to Congress

The papers stolen from the Mill Valley home of Daniel Ellsberg are now in the hands of a Congressional subcommittee.

Mill Valley police last Saturday turned over the papers to James Kronfeld, counsel to the House Subcommittee on Foreign Operations and Government Information.

Kronfeld served police chief William Walsh with a Congressional subpoena for "all papers and documents" stolen from the Ellsberg home between Sept. 28 and Oct. 1.

In addition to the subpoena, Walsh received a letter from Ellsberg stating his agreement to release the papers. Ellsberg's attorney, Benjamin Dreyfus of Strawberry, composed a letter on the spot essentially holding the city and county harmless for giving the papers to Kronfeld.

Since the burglary became public Walsh has said he would not release the papers unless Ellsberg agreed or a court ordered him to do it.

In his letter to Walsh, Ellsberg not only did not object to the subcommittee getting the papers, he fully supported it.

"Indeed," Ellsberg wrote, "it is my desire that Congress have this data, since it has been my precise purpose to use these working notes and papers as a basis for further testimony by me before Congressional Committees investigating and legislating the issues of governmental secrecy and deception."

Kronfeld said the subcommittee has been trying to gather evidence to determine how the government classifies information. He said the investigation has determined that many documents are classified "to keep them away" from Congress and the public.

He told reporters that the papers will eventually be returned "to their rightful owner."



Police inspector Robert Sisk (right) and chief William Walsh take the

Ellsberg papers from police vault.
—photo by Jim Rutherford

When asked who "the rightful owner" is, Kronfeld replied "that will have to be determined at a later date."

Such a determination could involve a court decision over ownership of the papers, an action which would extend the scope of the Pentagon Papers court case.

Kronfeld said he received "excellent cooperation" from Walsh, deputy city attorney George Silvestri and Ellsberg. After a 30-minute negotiating session, Kronfeld emerged

from Walsh's office to fetch a large, oblong case which would cart the Ellsberg documents back to Washington.

The four briefcases, one small zipped case and one cardboard box of papers were hauled out of the police vault by Silvestri and dispatched to an upstairs room where they remained until Kronfeld took physical custody of them later in the afternoon.

The result of the brief session in Walsh's office was a one-page "acknowledgment"

describing the released material. The document was signed by Kronfeld, Walsh, Dreyfus, Silvestri, Patricia Ellsberg, police inspector Robert Sisk and assistant district attorney Josh Thomas.

Silvestri and others reportedly spent nearly two days last week compiling an inventory of all papers to be released to Kronfeld.

Kronfeld said he hoped that "any papers not properly classified will be released to the public."

At the other end of the bar is James Kronfeld, counsel to the House Subcommittee on Foreign Operations and Government Information, the man who will take the Ellsberg papers back to Washington.

Maybe it's his moustache and gold wire-rimmed glasses, but Kronfeld seems the perfect man for Washington to send to Mill Valley. He shows no traces of official up-tightness. He treats Walsh and some others to anecdotes of his career in Washington, peopled by figures like the Kennedys. In fact, it is Kronfeld who buys most of the rather substantial rounds.

The two hours in Quinn's bar take on the nature of a celebration. True, there is the feeling of relief that the first chapter of this story is over. But what are they really celebrating?

Somebody asks Silvestri about the significance of Mill Valley

in this thing. There is agreement, provincial though it may be, that if this had to go down at all, Mill Valley was the perfect place for it.

"Maybe this will show that if it happened this way here, it should happen this way everywhere," Silvestri observes.

Silvestri's comment is perhaps the key to the celebrant nature of these proceedings.

In many ways, the Ellsberg papers case is the United States' first post-resignation bout with some of the very issues which over the past two years has laid low America's opinion of itself. There is the question of secrecy, of intervention by branches of the federal government, of who really holds power over United States citizens.

Perhaps the bottom line on

Walsh's thinking was that he, just like Ellsberg himself, didn't really trust the buggers who were clamoring for the papers. At the very least, Walsh said at one point that his primary job was to protect Ellsberg's rights.

The darkness of night is beginning to paint its way across Mill Valley. Kronfeld has to wait for his plane back to Washington. Others have begun drifting out of Quinn's. The first confrontation over the Ellsberg papers has ended in a small, quiet, tinted-window, neon-sign, neighborhood kind of bar in the center of Mill Valley, Calif. There was something to win here, and somebody won it. It is still too early to say what or who, but the people in Quinn's seem to feel pretty good about.

Jimmy Quinn, the frail but still feisty patriarch of this

tavern, has sat in his chair by the window throughout the entire afternoon. He looks out across Lytton Square and carries on conversation with some of the regulars.

As we leave Jimmy is still on his stool, looking as though nothing has happened. But maybe something has.