

Ellsberg, Hiss (Deleted)

TEST OF LOYALTY: Daniel Ellsberg and the Rituals of Secret Government.
By Peter Schrag. Simon & Schuster.
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By STANLEY KARNOW

GARRY WILLS has observed that Richard Nixon's paranoid personality prompts him to focus his wrath against a convenient public enemy, real or contrived. His public enemy in 1948 was Alger Hiss; in 1972 it was Daniel Ellsberg. Their cases differed significantly, however. The conviction of Hiss, who protested his innocence against charges of involvement in a Communist conspiracy, served to propel Mr. Nixon forward on his career. The prosecution of Ellsberg, who sought martyrdom as a means of dramatizing the horrors of the Vietnam war, collapsed amid evidence that White House aides had engaged in a variety of illicit

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shenanigans, and, as a consequence, it exacerbated the President's Watergate woes. Thus Hiss and Ellsberg were both milestones in Mr. Nixon's experience.

But neither case concluded decisively. Hiss went to jail for perjury, leaving unproved whether he had in fact been a Kremlin agent, and his imprisonment touched off a witch hunt in which many other Americans were deprived of their civil liberties on the flimsiest of allegations. Ellsberg went free, leaving unresolved the definition of official secrecy or the meaning of national security, and the government to this day continues to pursue policies of dubious constitutionality. So the two cases were futile exercises in the sense that they failed to land on solid ground. Yet they were crucial to the extent that they reflected the atmosphere of their respective periods.

Alistair Cooke did a brilliant job on the Hiss case in *A Generation on Trial*, published in 1950, and it ought to be reread in tandem with Peter Schrag's equally brilliant account of the Ellsberg case. Just as Cooke caught the mood of the time, Schrag not only captures ambience, but with superb economy of style he delineates the characters, issues and legal complications of the event.

Here we are in Los Angeles, on the margin of America, and here are the figures in the case: Judge William Matthew Byrne, "movieland hero playing the role of good-guy politician"; government attorney David Nissen, "uncontaminated by Harvard associations or elitist pretensions . . . his roots squarely in Middle America"; defense counsel Leonard Boudin, who operated with "a personal

courtliness that contained more than a hint of elite exclusivity"; co-defendant Anthony Russo, playing Sancho Panza to the Great Don Ellsberg; and, of course, Ellsberg himself, with his intense, sometimes piercing eyes, "looking for something inside himself." He had purloined the Pentagon Papers in the hope that people would study the war, but instead they were fascinated by him.

And far off in Washington, yet present in the courtroom, was the Nixon administration, with its "obsessive need to control every aspect of the political environment," seeing in Ellsberg the symbol of everything detestable—intellectual, neurotic, radical, (expletive deleted.)

Throughout the trial, Schrag perceives Ellsberg appeared to be "outside the frame of the action . . . still searching for something to become." As it developed, he was not the Zola of his dreams and the trial was not a showpiece about the war. He lacked the capacity or inclination to convert his notoriety into a position of continuing leadership, perhaps because, as Schrag suggests, he was torn between his desire for self-sacrifice and his assertion that he had violated no law. In short, he seemed to be shapeless, and, for that reason, the trial languished in ambiguity until the disclosure that the office of his psychiatrist had been burglarized moved Judge Byrne to dismiss the case.

It remains to be seen whether Ellsberg's tribulations survive as a separate subject or merely become a footnote in the sordid history of the Nixon administration. If they endure, I believe, it will have largely been due to Schrag's enormous talent. □