

1 July 1971

Dear Harold:

This is by way of a postscript to my letter dated June 30, which was written after midnight, hours before word came through of Garrison's arrest. By the time it was mailed we had heard about his arrest and release on bond, but went ahead and mailed it as it was. The interesting thing to us is that the arrest appears to have been announced in Washington in Mitchell's name before it was announced in New Orleans -- at least that's the way it came on the AP A wire. I say in Mitchell's name because he apparently was in Quantico with Nixon at the FBI ceremony.

I've not had time, to look back in our files to get a fix on Gervais. It appears ~~had~~<sup>he</sup> had been ousted from the police force as a detective before Garrison took him on as his chief investigator in 1962. When the DA ran for re-election the first time, in 1965, Gervais resigned saying he had become an issue in the campaign. Does someone have something terrific on him? Were he and Garrison personal enemies any more than normal in New Orleans? Perhaps you may have some insight here which would explain why Gervais was used.

Thanks very much for filling us in on Judge Gesell, particularly the fact that your case could have conditioned him for his decision in the Washington Post case. Now that the Supreme Court has ruled in both the Post's case and that of the NY Times, we need to set down our ruminations on the possible reasons behind them. They are no more than speculation, but if not set down are likely to be forgotten later on.

Perhaps our fundamental point of departure is our persistent apprehension that in this society little ever happens for the right reason. A current example is today's news that the White House is suddenly willing to consider an allegedly new NLF proposal about gradually releasing prisoners as troops are withdrawn. The reason, of course, is not that the war should be ended but that Nixon wants to get into position to be re-elected. This he cannot do without appearing to be ending it, nor without absolving himself as much as possible of responsibility for it. We feel that the central impact of the Pentagon papers furthers both purposes. By describing the sordid origins of our involvement, the larger onus falls upon the Democratic administrations. The onus they cast upon the Republicans appears, but can be minimized by manipulation. At the same time these grisly disclosures -- while stating little that any literate adult should not have suspected if all along if he didn't actually become convinced of it -- soften up the American public to accept a settlement which in other times would be described as less than honorable.

We think we discern three possibilities as to how this thing evolved. The first is the one we are given, that Ellsberg changed his mind and decided to do his duty to his country instead of to his government.

The second is that the Nixon administration itself arranged for the leak because of Nixon's need to prepare the ground for the 1972 campaign. This is what we first suspected. We still regard it as possible but unlikely because the decision makers who would be involved are too stupid and locked in by their own methods.



The third is ~~that~~ the CIA, which thus far has come out of the Pentagon papers looking relatively good. I say relatively because we all know that they do highly selective reporting to other agencies, and later on can dig back for what was left out to make their presentation look quite different from what it actually was at the time.

Thus far we are increasingly inclined to our later suspicion: that the CIA arranged for the leak after careful preparation and that Nixon found it to his liking for reasons the CIA well could have anticipated.

As to Ellsberg, there is no reason<sup>to</sup> suppose he did not actually change his mind and become convinced the war must end. The key question is what convinced him that he could make the disclosures without disastrous personal consequences, and we find it easy to accept the idea that he could have learned from almost any source that nothing much would happen.

If there is one thing you can say about the CIA, it is that it operates without the same restraints that govern other government agencies such as the State Department. In other words, it can set policy, and arrange things so that others find it pleasant if not necessary to go along. While we all find much to criticize in it, we must not blind ourselves either to its dynamic or its capability of reaching and implementing a decision it is convinced is in the national interest. The only thing surprising about this decision, if that's what it is, is that it has come so many years later than it should have.

If this line of thought is correct, let us suppose that the CIA decided to arrange things to end the present phase, at least, of this miserable war, in such a way that Nixon could not refuse to go along. If this is valid, then it follows that Nixon found it acceptable because it blames the Democrats, on balance, for the war, which is depicted of such unsavory origin that the average flagwaver will be willing to accept less than total victory in order to end it. If the disclosure of the Pentagon papers in the press implied a test in the courts, Nixon could hardly lose. If it went against him, the disclosures would be made and the Democrats tarred more than anyone else. If the courts upheld the government in suppressing the papers, this merely afforded another opportunity for Nixon and Mitchell to continue their campaign of harassment against freedom of information.

As to why the Times and the Post, among others, decided to go along and use the leak, I don't think this is just a simple matter of their having decided it was time to say they've had it with the war and all the dishonesty. Again, I would remind you that we rarely do the right thing for the right reason. Any newspaperman worth his salt has known from the beginning how vile and dishonest our whole posture has been in Vietnam. A decision on that basis could have been made at least 10 years ago. In my opinion it should have been made in 1945-6 when we got the British to take the French back in.




No, I suggest that the executive decisions made in the editorial boards were made as publishers, not as newsmen; as businessmen, not as professional journalists. This was simply too big a story to pass up; the climate of public opinion has changed in regard to the war, and it was not only now safe to tell the truth about the war in unvarnished terms, it would be good news business. The pious platitudes about responsibility to the public naturally reinforce the decision, but are less impressive than the knowledge that a story of this dimension cannot be indefinitely suppressed and that the danger of being scopped far outweighs the danger and the costs of defending one's self in court against possible prosecution.

You seem to indicate you feel something of the same in your last paragraph of your 6/18/71 where you note that Nixon waited three days in order to let LBJ take the rap and then started hollering national security. In any case, we thought it would hurt nothing to get this ABC of the whole business down on paper and compare notes with you.

Many thanks for the clippings, particularly the thing about De Antonio's movie. And Art Buchwald is nearly always delightful. Jenifer is searching for a suitable frame with which to preserve one you sent earlier about Cake Control.

Best from us both,



jdw

ps - apologies for the haste and the messiness. I'm about to leave for work.

P.S. -- I hereby affirm that I have read the above and do not dissent.

The reason for the P.S. is to add that we're keeping in mind the possibility that because of the experience of the past few years we may have built a trap for ourselves, since the thing we find the most difficult to believe is what actually may be the truth, that Elsborg simply felt he had to do it, without any signals from anyone.