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For the Record

Unsettled Questions At the Ellsberg Trial

From remarks by Sen. Barry Goldwater (R-Ariz.) in the Senate May 14

As we all know, nothing was settled at the time Judge W. Matthew Byrne Jr. dismissed the charges against Daniel Ellsberg and Anthony Russo Jr. for the theft and distribution of classified government material known in the press as the Pentagon Papers.

After all these months of litigation we still do not know whether people who steal classified information and make it public are to be held accountable under the laws. Nor do we know whether the defense contention that laws protecting classified information run counter to the first amendment have any legal validity.

Thanks to a group of ill-advised government officials who felt that it was proper and necessary to take the law into their own hands to speed the conviction of civilians who had taken the law into their own hands there are now no rules governing the theft and dissemination of classified government documents. Thanks to a group of self-appointed government officials who called themselves plumbers and who performed with the finesse of plumbers in a case involving the American system of jurisprudence it is now possible for anybody with a purpose to leak any kind of information he can get his hands on. Thanks to stupidity on the part of the government, nothing was settled in Los Angeles. Ellsberg and Russo were not convicted of their crimes; nor were they vindicated on the charges. In fact, nobody won in the Pentagon Papers case except muckrakers in the press who trade upon revealing secret government information and zealots within the government who believe, like Ellsberg, that their judgment is superior to that of men elected to operate the government and who feel that any means—even stealing classified materials—is justified to make their point with the public.