

Text of Memo to Ehrlichman From Young on Plans

Special to The New York Times

WASHINGTON, July 24—Following is the text, as released by the Senate Water-gate committee today, of a memo to John D. Ehrlichman from David R. Young Jr., who with Egil Krogh Jr. was in charge of the White House special investigating unit known as "the plumbers":

MEMORANDUM FOR: John Ehrlichman

FROM: David R. Young

SUBJECT: Status of information which can be fed into congressional investigation on Pentagon papers affair.

Initial Situation

On July 20, 1971, after a meeting with Congressmen [F. Edward] Hébert and [Leslie C.] Arends [Chairman and ranking Republican on House Armed Services Committee], [Robert C.], Mardian Assistant Attorney General, [William B.], Macomber [Deputy Under Secretary of State], [J. Fred] Buzhardt [General Counsel Department of Defense] reported that the Congressmen:

—Were willing to pursue the idea of an investigation;

—Would begin the investigation in a low key under a sub-committee of the House Armed Services Committee. Beginning with the questions of security clearance, classification and declassification, they would then move into the more specific case of the Pentagon study:

—agreed that Mardian, Macomber and Buzhardt would set the format, supply the substantive data and develop the scenario.

At that time it was also person involved in the whole publication of the Pentagon study was, Ellsberg. On this basis it was estimated that it would take a little over 30 days to develop sufficient in-

formation for a Congressional investigation.

Negative Picture

The plan then was to slowly develop a very negative picture around the whole Pentagon study affair (preparation to publication) and then to identify Ellsberg's associates and supporters on the New Left with this negative image. The end result would be to show (1) how they were intent on undermining the policy of the Government they were supposedly serving, and (2) how they have sought to put themselves above the law.

Present Situation

The above assumption that Ellsberg was the principal person responsible for the publication in The Times is no longer valid. In fact, it appears that those in Justice and Defense most familiar with this whole enterprise believe that substantial evidence is being developed for the criminal prosecution of individuals other than Ellsberg: namely, [Leslie] Gelb, [Morton] Halperin, [Paul] Warnke and Rand executives. Buzhardt states that only the F.B.I. is disposed to thinking that Ellsberg is the sole prime mover.

Copies Expanded

In addition, the investigations have uncovered a proliferation of drafts involved in the 8, 43 and 7 volume sets and the number of copies of the sets has expanded far beyond what was initially estimated on the basis of distribution lists, etc.

It may well be that although Ellsberg is guilty of the crimes with which he is charged, he did not in fact turn the papers over to The New York Times. The Defense Department's analysis of the printed material may even show that Ellsberg

did not have some of the papers which The New York Times printed.

Furthermore, the whole distribution network may be the work of still another and even larger network.

Examples of the types of problems which are presently being examined are as follows:

1) The likelihood that a good portion of the four volumes were prepared in final during the spring of 1969 while Gelb was still at Defense, and Halperin at the N.S.C. [National Security Council].

2) The curious discovery that Bill Bundy [former Assistant Secretary of State] received his 47-volume set two months before anyone else.

Status of Actions

Over 30 people (some a number of times) have been interviewed by Defense and Justice, and this week investigative teams have been dispatched to Europe and Vietnam.

Buzhardt will be interviewing Clark Clifford this Friday:

Buzhardt will interview William Kaufman shortly and this could be quite helpful in that Kaufman was one of the few people that apparently quit the project after protesting to Gelb that it was biased. Buzhardt has reason to believe that Kaufman will name names and identify those who were using the study as a brief.

An interview with [Robert S.] McNamara [former Secretary of Defense] will be conducted by Buzhardt as soon as McNamara returns from vacation in early September.

An all-out adversary interrogation of Halperin, Gelb, Warnke, Rand executives and any other prime targets developed by that time is to be

undertaken by Buzhardt's team shortly.

Comment

My own impression of Buzhardt (and most of the above is based on his investigations, since Mardian's boys are concentrating on Ellsberg) is that, although he is not moving as fast as we'd like, he should get us what we want. He believes that within 14 days, when he has been able to reach some reasonably certain preliminary conclusions, we will have a good basis for setting a Congressional strategy. He is convinced that at least Gelb and the Rand executives are lying in a very grave manner, and if he can prove this I think we'll have a good idea of where we want to go and how to get there.

Recommendation

That we give Defense and Justice a little more time to develop their cases and that we set up a strategy meeting

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for Investigation of Disclosure of Pentagon Papers

for September 9, 1971, to determine an overall game plan.

Issues to be addressed would include the following:

(1) If there is enough to bring criminal actions against Gelb, the Rand executives, etc., do we want to prosecute or do we want to bring such material out through the Congressional investigation?

(2) If criminal prosecution is decided against for all except Ellsberg, when would it be most desirable to undertake the Congressional investigation?

(3) What strategy should be followed in the actual committee investigation (A) if only Ellsberg is to be prosecuted, or (B) if all the persons are to be prosecuted?

(4) Do we want the Congressional investigation to also get into the substance of the Pentagon study? If so, a game plan must be devised for determining what,

when and how information should be fed to the committee.

(5) If the decision is made to move ahead in these substantive areas careful consideration should be given to the effect of the credibility fallout on us. For this reason it might be best to stick with specific blunders such as the 1963 coup, the miscalculation on the need of forces, etc.

[Note: I am sending you a separate Hunt to Colson memorandum which attempts to select the politically damaging material involving the Democratic hierarchy. I personally believe a good deal more material could be developed along these lines. To begin with, we have [Lucien] Conein, [Edward G.] Lansdale, [both former C.I.A. officers] [Gen. Paul D.] Harkins [former commander in South Vietnam] and [Frederick E.] Nolting [former Ambassador in South Vietnam] who could

possibly be called upon to testify.]

(6) To what extent should we try to show the lack of objectivity and the intent of the participants in the Pentagon study to distort and mislead. (Note that exploitation of this theme undercuts points (4) and (5).

(7) Effect of South Vietnamese election of timing of investigation.

(8) Effect of Ellsberg trial which will not come up before March of 1972, on timing of investigation.

(9) How quickly do we want to try to bring about a change in Ellsberg's image?*

Action

That you schedule a strategy meeting on September 9th with Macomber, Mardian, Buzhardt, Krogh and Young. (I have discussed this approach with Bud and he is in agreement.

Approve [Ehrlichman]
Disapprove
Other

*In connection with issue (9), it is important to point out that with the recent article on Ellsberg's lawyer, [Leonard B.] Boudin, we have already started on a negative press image for Ellsberg. If the present Hunt/Liddy project Number 1 is successful, it will be absolutely essential to have an overall game plan developed for its use in conjunction with the Congressional investigation. In this connection, I believe that the point of Buchanan's memorandum on attacking Ellsberg through the press should be borne in mind; namely, that the situation being attacked is too big to be undermined by planted leaks among the friendly press.

The remainder of the text had not been received in time for this edition.