

# Colson Memo Told Haldeman, 'We Must Be

Special to The New York Times

WASHINGTON, July 18—Following is the text of a memorandum prepared by Charles W. Colson for President Nixon's chief aide, H. R. Haldeman, concerning the prosecution of Dr. Daniel Ellsberg.

Because I think that The New York Times/Kennedy-Johnson papers controversy is and will continue to be a very major issue with very important political ramifications, I think we should at each stage of the game very carefully assess where we stand, what our strategy is, short and long term, and we must be exceedingly careful not to overreact or to worry about the particular daily turn of events. This issue, in my opinion, has profound implications which could easily be extremely important if not even decisive the next election. Therefore, what happens tomorrow or even next week is of less consequence than how we play it over the long pull.

I think you know that I am very impulsive by nature. I tend to plunge hard into the issue of the moment and like to join battle on every hot topic that comes along. In this case, however, because I feel that the issues are so profound I am in effect advocating what is to me a very uncharacteristic caution.

Attached is a summary of where I think we stand at the moment, how I think the issues may develop and what some of their longer term implications are.

## A. WHERE WE STAND TODAY

As Opinion Research has pointed out, this issue has not had the enormous impact on the public that one would expect from the intensive press coverage. To the extent that the public is aware of it, they do not understand the issues very well. I believe there are two perceptions:

1. We are against the press.
2. The government lies—more specifically LBJ and the Democrats lied us into Vietnam.

## Heartland Not Aroused

The heartland isn't really aroused over this issue. There is nothing like the Calley case here. People know there is a controversy; but they're not entirely clear as to what it is all about. Partisan Republicans don't quite understand why we are suppressing information that could be damaging to the Democrats; some people, I am sure, think that we are covering up our own failures and most importantly, no one is really excited about what they regard as the leak of "ancient" documents. They do not understand the security issue (if on the other hand we prosecute Ellsberg and it becomes a notorious trial, this could spark a major readily understandable issue and a strong reaction with our natural constituency rallying behind us.)

The Democrats are horribly divided on this issue. They are split, confused, angry and scrambling to get away from it. As of today, they are delighted that the issue is focusing on Nixon vs. The New York Times but most of them are very well aware that the major thrust of the controversy will eventually become the Kennedy-Johnson mishandling of the war as to which every possible Democratic candidate except McGovern, McCarthy, Bayh and Hughes stand to lose badly.

## B. NIXON VS. THE PRESS ISSUE

Over the short term, this will remain



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a hot issue, but it will pass. After the court decision (regardless of the outcome) the vast majority of the people will forget it. The liberal press will keep bringing it up and will keep trying to knife us with it, but is it not the kind of an issue that will last. People just don't give a damn that we beat The New York Times in the Supreme Court or The New York Times beat us.

Those who believe we are anti-press will simply have their views confirmed even further, but most of those who believe we are anti-press aren't with us anyway. Those who believe the press is biased and irresponsible will continue to think so.

The prosecution of Ellsberg could have some positive benefits for us in that if he is really painted as a villain, the fact that he conspired with the press and the press printed the documents that he stole, is bound to have a bad ruboff on the press. Once again, however, the issue is going to tend simply to confirm beliefs people already have; it is not likely to switch very many people.

## Press Hostility Cited

As for the working press, as a result of this controversy, they will like us even less and that is the case whether we win or lose in the Supreme Court. The vast majority of the press are hostile to us; that is a fact, not just our paranoia. Yet we somehow manage to continue to maintain a solid base of popular support; hence we will survive the continued—yes, even aggravated—hostility of the working press.

On balance, therefore, I don't see any real gain or loss out of the press issue. The only way in which it hurts us is that for the moment, it obscures what are the real issues; that is, the Democrats, mishandling of the government during the Kennedy-Johnson years and the thefts of classified documents. Hence, it is clearly in our interest to let this issue fade. The longer it remains around the longer it will take to get into the public's mind what we want to be the continuing issues that emerge from this controversy.

For these reasons, I would not recommend that we use the Vice President;

that would only escalate the press issue. I would not recommend that we attack the press or that any Administration spokesmen attack the press. I would not even recommend that our supporters on the Hill start attacking the press because to do so would only keep the press issue itself alive. Let me qualify this by saying that I would prosecute any newsmen if it can be demonstrated (as in the case of Neil Sheehan perhaps) that they were conspirators in the theft of these documents or that they conspired in having them reproduced. It is worthwhile to paint an individual bad if it is part of the prosecution of a natural enemy like Ellsberg.

There are two points that we must make with respect to the whole press issue. We must make them through our most effective spokesmen and make them often enough so that we're sure that they are reasonably clear in the public's mind. We can then let the rest of the issue go away.

1. This Administration cannot allow stolen documents to be distributed, printed in the press, etc. Classified documents are classified for a good reason. Admittedly the government may overclassify. But we cannot risk having anyone take the law into his own hands to make that individual judgement, in

FRIDAY, JULY 19, 1974

Exceedingly Careful Not to Overreact

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15

effect to put himself above the law because one document could endanger lives—many lives.

2. The Government has a duty to enforce the law. When once the press was warned not to publish and then said that notwithstanding that warning it was going to publish, the Attorney General had no recourse but to bring the action he brought.

#### Two Points to Be Made

These two points need to be articulated very clearly, very crisply, very simply, very nonlegalistically. Several of our spokesmen can make the point. Klein does it very effectively when he goes around the country; Rogers is an excellent person to make the point (and we might get him to once the issue quiets down); the Attorney General can make this point as well. We should endeavor to get responsible lawyers around the country making the point. Professor Freund's argument in today's New York Times is very helpful. Finally the President should make these two points and just these two points, either in an address to the nation or in his next press conference. At the moment, I am very much inclined to think that an address to the nation would over-escalate the press issue and involve us much too deeply in the whole controversy. I think a press conference will probably be a far more desirable opportunity.

Over the long haul, we might well consider recommendations like Scali's that the President meet with a selective group of newsmen, perhaps the leaders of Sigma Delta Chi and the American Society of Newspaper Editors. These are things that can be done once the issue is quiet. They should not be done while the issue is hot because they will only escalate it and give the appearance that we are dealing from a position of weakness. In the course this can be done, both to get a better understanding, face to face, with journalists are able to demonstrate that we are not. Further we can continue to push declassification and declassification practices and procedures. For example,

at the right time an executive order or a clarifying memorandum pointing out the document should not be classified unless there is a real national security reasons will help make the point with the public that we do believe in the "right to know." Once again these should not be done now; they would only escalate the issue and would only appear to be reacting. We should over a period of time prove that we believe in the right to know by what we do. It is more important than what we say.

#### C. CREDIBILITY OF GOVERNMENT (AND THE DEMOCRATS IN PARTICULAR)

In my opinion, most people do in fact associate the Kennedy-Johnson papers with the Democrats. It is true that the issue is blurred; it is true that people believe that we are covering something up; partisan Republicans complain repeatedly that they can't understand why we are covering up Democratic papers and, of course, finally this has an impact on the office of the Presidency, its credibility and the credibility of government, generally.

As for the credibility of government, a case can be made that it has already reached its low point. This incident simply confirms what many people think anyway. According to Lou Harris' theory (and Howard Smith's interestingly enough) at least 50% of the American people at least will always believe what any President tells them because they want to believe what any President tells them. If the President goes on television and makes a flatout statement, people tend to want to believe it. They will still answer questions in polls that the government is not tell-

ing them all that it should or all that it knows, but they nonetheless will believe the President. I question, therefore, whether this incident has caused any further serious erosion of Presidential credibility—maybe some but not a great deal—and there are ways we can rebuild President Nixon's credibility. Indeed this incident may offer us an opportunity to do so by deed rather than by words.

#### A Strategy Outlined

For example, if we were to release authentic documents that demonstrate how the President arrived at his change in Vietnam policy (for example, a study of decisions leading up to the Nov. 3 speech) we would not have to say that we are being candid, that we are not covering up, we would prove that we are not. The more we talk about the fact that we are telling the truth, that there is no "credibility gap," that we are not misleading the people, the more people tend to be suspicious. In other words, talking about the fact that we are telling the truth, may in actual fact, be counter productive. But doing things that demonstrate that we are telling the truth and that we have been telling

the truth can be very powerful. The Kennedy-Johnson papers give us a real opportunity in this regard in that it permits us to do things that will be in vivid, sharp public contrast with the whole Kennedy-Johnson affair.

Further, we must make every effort to keep ourselves out of the controversy over the Kennedy-Johnson era. We must not attack LBJ; we must not defend LBJ; we must subtly, but very effectively encourage and fuel the division within the Democratic ranks without getting caught, because that simply would inject us back into it.

If we keep ourselves out of the fight over the Kennedy-Johnson papers and the issues they raise and at the same time demonstrate not by words but by deeds, our own candor and credibility, then it is my opinion that the President's credibility and indeed the government's credibility can be enhanced by this entire episode, rather than hurt by it. We can be the ones that restored credibility, honesty and candor to government and the contrast with the prior Administration is very dramatic and effective.

#### D. THE ELLSBERG PROSECUTION

There is another opportunity in this whole episode, that is the prosecution of Ellsberg. It could indeed arouse the heartland which is at present not very excited over the whole issue.

First of all, he is a natural villain to the extent that he can be painted evil. We can very effectively make the point of why we do what we did with The New York Times; we can discredit the peace movement and we have the Democrats on a marvelous hook because thus far most of them have defended the release of the documents. If we can change the issue from one of release of the documents to one of the theft of the documents we will have something going for us.

#### Prosecution of Ellsberg

Secondly, a prosecution of Ellsberg can help taint the press (to the extent that that in fact helps us). If he indeed conspired with members of the press and is painted black, they too, will be painted black.

Third, this is a clear, clean, understandable issue. People can relate to it.

Fourthly, the prosecution of Ellsberg protects the credibility of our case against The New York Times. It will dramatize why we had to go to court, it will make the case clear to the public that the release of classified information can be harmful.

Fifth, it helps keep the whole Kennedy-Johnson papers issue very much alive and on the front pages.

Finally, this is a motivational issue, particularly if the Democrats are foolish enough to defent him.

#### E. KEEP THE DEMOCRATS DIVIDED AND FIGHTING

This should happen anyway but we would be foolish to simply lie back and assume it. We should ensure in subtle ways that it happens. This needs to be planned out with great thoroughness and executed with utmost care. The greatest risk would be to get caught in what we are doing or to have our efforts become obvious. I have not yet thought through all of the subtle ways in which we can keep the Democratic party in a constant state of civil warfare, but I am convinced that with some imaginative and creative thought it can be done.

Some example do come to mind. The continued release of documents will keep the issue very much alive. We might of course orchestrate carefully and quietly a defense of LBJ; to the extent that his stock rises those who have now disowned him lose a valuable constituency. We could of course plant and try to prove the thesis that Bobby Kennedy was behind the preparation of these papers because he planned to use them to overthrow Lyndon Johnson (I suspect that there may be more truth than fantasy to this).

The Ellsberg case, if pressed hard by us, will of course keep the issue alive.

Developing the case factually of why the President changed the policies will continually bring the papers themselves back into the public spotlight.

We should encourage, not discourage, the Hill from carrying on intensive hearings and well publicized hearings over the Kennedy-Johnson papers and over how we got into Vietnam. If the Hill during the fall makes a major production out of an investigation of why we got into Vietnam at the same time the President is winding the war down in Vietnam the contrast is once again very vivid. We don't need to spell it out; the public is smart enough to see on the one hand the horrors; of how we got in and on the other hand, the skill with which the President is managing to get us out. I realize that Kissinger and others in the establishment at State and Defense will fight hard against these hearings. In my view, it can be in our political interest that they go on and be well publicized.

We can, of course, play up the Humphrey and Muskie comments of recent weeks which as time passes are going to look more and more stupid.

We can encourage through our political operation resolutions in various Democratic state conventions, damning the Johnson-Humphrey Administration and denouncing the Humphrey-Muskie ticket which ran in 1968—defending the Johnson Administration.

In short, there is a wide open political field which we can exploit if we play it right and keep ourselves out of it.

#### F. CONCLUSION

In recent days, an interesting collection of people whose political judgment I respect, have separately stated that they believe this incident has re-elected the President. While this is an obvious overstatement it does show how strongly people believe the politics of this issue will cut. People who have said this range from Lou Harris on one end of the spectrum to Bill White on the other, with Dave Bradshaw and a few of my liberal Congressional friends tossed in the middle. (Bradshaw by the way is a very shrewd politician with excellent political instincts, whose judgment I have always found to be very close to the mark.)

#### Political Implications

In short, I think it is very clear that there are profound political implica-

tions, that this offers us opportunities in ways we perhaps did not initially appreciate, that we can turn what appeared to be an issue that would impair Presidential credibility into one that we can use by effective contrast to improve the credibility of this Administration; and further, that it is a tailor-made issue for causing deep and lasting divisions within the Democratic ranks.

For this reason, I feel that we must not move precipitously or worry about tomorrow's headlines. We must keep our eye on the real target: to discredit the Democrats, to keep them fighting and to keep ourselves above it so that we do not appear to be either covering up or exploiting.

The foregoing thoughts need a lot of refinement, need to be sifted carefully through the staff, need a lot of creative input added and then our strategy needs to be very carefully executed. While I detest the term, this is one issue that calls for a full fledged, carefully thought out "game plan" that we pursue to the hilt.