

A Background Paper on Leonard Boudin

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WASHINGTON, July 18—Following are the texts of a memo and a background paper prepared in the White House on Leonard B. Boudin, the lawyer who defended Dr. Daniel Ellsberg. The material was prepared by E. Howard Hunt and transmitted by John D. Ehrlichman to Charles W. Colson.

Aug. 24, 1971

MEMORANDUM FOR: CHARLES COLSON
EYES ONLY
FROM: JOHN D. EHRlichman

E. Howard Hunt Memorandum

The attached memorandum by Howard Hunt should be useful in connection with the recent request that we get something out on Ellsberg.

DEVIL'S ADVOCATE—The Strange Affinities of Attorney Leonard Boudin

Arrested after having killed President John Kennedy and police officer Tippit, self-proclaimed Marxist Lee Oswald cried, "Get me Abt!" John Abt was and is a leading attorney for the Communist Party of the United States of America (CP/USA).

Eight years later, facing Federal indictment for the theft and revelation of classified government documents, Daniel Ellsberg called upon attorney Leonard B. Boudin, choosing Boudin from among a host of activist lawyers, many of whom volunteered to defend Ellsberg.

What was there about Leonard Boudin that caused the most controversial figure in recent years, Daniel Ellsberg, copier and publicizer of the "Pentagon Papers," to single Boudin out from among all other available counsel?

The answer may lie within the outlines of Boudin's long and specialized career—and provide at least partial insight into Daniel Ellsberg's motivation for revealing so many of the nation's most sensitive secrets to America's citizens—and enemies.

In March, 1970, Boudin's name received brief publicity in connection with the flight of his daughter, Kathy, after the Weatherman bomb factory explosion in New York's Greenwich Village. In the explosion, three Weathermen died and Kathy remains a fugitive on the F.B.I.'s Ten Most Wanted list.

But there were other episodes extending over more than three decades, some known to the public—others little noticed, or unrevealed—all forming Boudin's unique reputation as an articulate and aggressive advocate of ultra-leftist causes.

Born in Brooklyn in 1912, of parents who emigrated from Russia and Austria, Leonard Boudin received his law degree from St. John's University in 1935. His career seemed unremarkable until 1941 when Boudin signed a public petition supporting and defending the CP/USA. During World War II, he worked for the National War Labor Board. Subsequently, Secretary of State John Foster Dulles was to charge that in the 1930's and 1940's Boudin had been a [concealed] member of the Communist Party as well as a member of the Young Communist League. In 1947, Boudin became a faculty member at the Jefferson School of Social Science, an institution

listed by the U.S. Attorney General as Communist. Significantly, although Boudin once testified that he had not since 1954, he would not elucidate on previous years.

He became attorney for Judith Coplon during her long trial for espionage, was counsel for the Emergency Civil Liberties Committee (a CP front), and acted been a member of the Communist Party as attorney for the Communist front group, Veterans of the Abraham Lincoln Brigade (of the Spanish Civil War).

So highly regarded is Boudin's talent for advocacy that Leonard Boudin is now visiting professor at Harvard's prestigious Law School, where his son, Michael, gained distinction as editor of the Law Review.

Louis Boudin Leonard Boudin's uncle, was long involved in radical and CP matters as attorney for Earl Browder, while Browder was leader of the CP/USA and became the CP's leading authority on labor law.

As for Boudin himself, even a partial roster of his left-wing and Communist associations is remarkably extensive:

- American-Russia Institute
- National Council American-Soviet Friendship
- National Council of the Arts, Sciences and Professions
- Harry Sacher
- Paul Robeson
- National Lawyer's Guild
- American Committee for the Protection of Foreign Born
- United Office and Professional Workers of America
- Rockwell Kent
- Rev. Philip Berrigan and the East Coast Conspiracy
- Cedric Belfrage
- Science and Society magazine
- The Rosenberg Family
- Citizens Committee for Constitutional Liberties
- Emergency Civil Liberties Committee
- The Cuban Revolutionary Government
- The Black Panther Party

*Boudin was attorney for Paul Robeson when the one-time Stalin Prize winner applied for a passport to travel abroad.

*In 1968, Boudin's name appeared in a New York Times ad soliciting contributions for Black Panther leader Eldridge Cleaver.

*Boudin represented Alger Hiss in Hiss' attempt to secure a passport for foreign travel following his release from prison.

In more recent times, Boudin and his law firm, Rabinowitz, Boudin and Standard, were involved in the Columbia University radical disruptions, and the defense of draft evaders and Black Muslims accused of attacks on F.B.I. employees. Both Boudin and his law partner, Victor Rabinowitz, are long-time members of the National Lawyers Guild, a CP front organization and foremost legal bulwark of the CP/USA. Although Rabinowitz is believed not to have been an active CP member for several years, he continues to hold high offices in the National Lawyers Guild.

As long ago as 1957, the House Committee on Un-American Activities noted



Associated Press

Leonard Boudin

that the National Lawyers Guild never failed to rally to the legal defense of the Communist Party and its members, including known espionage agents.

Probably with some precision, The Village Voice described Boudin as "the daddy of all practicing Leftists."

[illegible] a sense of discrimination not Always apparent in some of the litigation it handles, the American Civil Liberties Union ceased representing Georgia Legislator-elect Julian Bond when Leonard Boudin joined the legal effort to seat Bond in the Georgia Legislature.

Agent for Castro

After service to Castro's revolutionary 26th of July Movement, prior to Batista's overthrow, Boudin's firm was selected in 1960 by Fidel Castro to represent the Cuban Revolutionary Gov-

Prepared for White House by Hunt

ernment in litigation arising from confiscations, ship seizures and problems involving the Cuban Mission to the United Nations. (During their first 4 years representing Fidel Castro in the United States, fellow lawyers say the firm collected nearly \$400,000 in fees and expenses from the Cuban Government.) Despite this open and lucrative relationship with his Cuban client, Boudin fought registration as an agent of the Castro Government until finally forced to register by Supreme Court decree. As Castro's lawyer, he travels frequently to Cuba where he enjoys the revolutionary amenities of the "Havana Libre" (formerly Hilton) Hotel, as an honored guest.

But if manual labor is not the traditional hallmark of the Boudin family, they turn to it when ideology is involved. Leonard Boudin once cut sugar cane to help Castro meet Cuba's export commitments to the Soviet Union, and in 1962 daughter Kathy worked on a kolkhoz in the Soviet Union, along with Rockwell Kent's daughter, Natasha.

The Odor of Espionage?

The art of espionage, of course, is seldom conducted in the open for its very success depends upon those involved remaining hidden from public view. Nevertheless, it has been said with some certainty that over the years Leonard Boudin has been a contact of both the Czech and Soviet espionage organizations, the latter best known by its initials, KGB. Because of the secrecy normally surrounding meetings between foreign agents and American citizens, it is impossible to say whether Boudin was providing information to Communist governments or—as seems more likely—receiving instructions or advice concerning the defense of clients in whom the Czechs or Russians had a special interest.

And what of Boudin's client, Daniel Ellsberg?

Most of what Daniel Ellsberg has said in public since he acknowledged stealing the Pentagon Papers seems calculated to position him as having responded to an order of morality higher than his onetime solemn undertakings to his country. This rationale, let it be remembered, was earlier employed by atomic spies Klaus Fuchs, David Greenglass, Morton Sobell and Bruno Pontecorvo.

And although there is as yet no conclusive evidence that Daniel Ellsberg acted on specific instructions of the Soviet Union—as did those earlier informants—the distinct possibility remains that Ellsberg's "higher order" will one day be revealed as the Soviet Fatherland. For history is replete with repetition and notable similarities exist.

The notorious Amerasia case, for example, involved the revelation to Soviet Intelligence of 1,700 classified documents by an interlocking directorate of wartime government employes and officials. (The total seems small compared to Ellsberg's 47 volumes but the Xerox machine was yet to be invented.)

Turning again to history, one wonders whether, as the date of his trial approaches, Ellsberg will lose his nerve and flee to Communist asylum as did his fellow Cambridge alumni, Guy Burgess, Donald MacLean and Kim Philby.

Or will continuing confidence in the track record of Leonard Boudin persuade Ellsberg to remain and take his chances with the American legal system?

Of the future one can only speculate; but it seems certain that whatever decision Daniel Ellsberg makes will be shaped in large measure by the advice and personality of lawyer Leonard Boudin.

Cui Bono

The legal query cui bono (to whose benefit) is relevant to Ellsberg's acts of professional disloyalty, for the leaders of North Vietnam, Red China and the Soviet Union were the undoubted bene-

ficiaries of Ellsberg's revelations. The question is equally applicable to the relationship between Boudin and Ellsberg as attorney and client. Here, quite clearly, the retention of Boudin was undertaken in the hope that Ellsberg would escape with impunity—a reprise of what occurred in 1949 when Boudin's intervention in behalf of accused Soviet espionage agent Judith Coplon was ultimately successful.

But in the case of Daniel Ellsberg the benefits of such an outcome will accrue to the Soviet Union, the Vietcong and Communist China. For if Boudin is again successful—as he has been so often in the past—the agents of foreign powers will enjoy a liberty of action never before accorded them in the history of our country. Moreover, concealed enemies within our government will be vastly encouraged to go even farther than Ellsberg did, secure in the knowledge that someone—perhaps the celebrated Leonard Boudin himself—will direct their legal defense, if in fact it will then even be possible to indict Americans for compromising government documents.

Daniel Ellsberg stated, and continues to maintain, that Americans have a right to know. If this is truly his profound belief, then Ellsberg should let America know why he retained an attorney who is both famous and notorious for his career-long defense of the Communist Party, Castro Cuba, assorted spies, perjurers, fellow travelers, conspirators, agitators and violent revolutionaries. To the dismay of his admirers Ellsberg, by retaining Boudin to defend him, tarnishes the idealistic image he tries to project, and becomes just one more client of a man and a law firm whose dedication over the years to the interests of our foreign and domestic enemies has remained unwavering and absolute.

As Daniel Ellsberg so earnestly put it, Americans do have a right to know. But the answers can come only from him—or Leonard Boudin.