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NATIONAL SECURITY AGENCY  
CENTRAL SECURITY SERVICE  
FORT GEORGE G. MEADE, MARYLAND 20755-6000

FOIA Case: 101038A  
10 July 2017

JOHN GREENEWALD  
[REDACTED]

Dear Mr. Greenewald:

This is our final response to your Freedom of Information Act (FOIA) request of 6 March 2017 for Intellipedia entries on "PENTAGON PAPERS" and/or "Daniel Ellsberg" and/or "Daniel Sheehan" as well as any search results pages. A copy of your request is enclosed. As stated in our initial response to you, dated 7 March 2017, your request was assigned Case Number 101038. For purposes of this request and based on the information you provided in your letter, you are considered an "all other" requester. As such, you are allowed 2 hours of search and the duplication of 100 pages at no cost. There are no assessable fees for this request. Your request has been processed under the provisions of the FOIA.

For your information, NSA provides a service of common concern for the Intelligence Community (IC) by serving as the executive agent for Intelink. As such, NSA provides technical services that enable users to access and share information with peers and stakeholders across the IC and DoD. Intellipedia pages are living documents that may be originated by any user organization, and any user organization may contribute to or edit pages after their origination. Intellipedia pages should not be considered the final, coordinated position of the IC on any particular subject. The views and opinions of authors do not necessarily state or reflect those of the U.S. Government.

We conducted a search of all three levels of Intellipedia for the requested topics, and we located two documents that are responsive to your request. These documents are enclosed. Certain information, however, has been deleted from the documents.

This Agency is authorized by statute to protect certain information concerning its activities (in this case, internal URLs), as well as the names of its employees. Such information is exempt from disclosure pursuant to the third exemption of the FOIA, which provides for the withholding of information

specifically protected from disclosure by statute. The specific statute applicable in this case is Section 6, Public Law 86-36 (50 U.S. Code 3605). We have determined that such information exists in this record, and we have excised it accordingly.

In addition, personal information regarding individuals has been deleted from the enclosure in accordance with 5 U.S.C. 552 (b)(6). This exemption protects from disclosure information that would constitute a clearly unwarranted invasion of personal privacy. In balancing the public interest for the information you requested against the privacy interests involved, we have determined that the privacy interests sufficiently satisfy the requirements for the application of the (b)(6) exemption.

Since these deletions may be construed as a partial denial of your request, you are hereby advised of this Agency's appeal procedures. You may appeal this decision. If you decide to appeal, you should do so in the manner outlined below.

- The appeal must be in sent via U.S. postal mail, fax, or electronic delivery (e-mail) and addressed to:

NSA/CSS FOIA/PA Appeal Authority (P132)  
National Security Agency  
9800 Savage Road STE 6932  
Fort George G. Meade, MD 20755-6932

The facsimile number is (443)479-3612.

The appropriate email address to submit an appeal is [FOIARSC@nsa.gov](mailto:FOIARSC@nsa.gov).

- It must be postmarked or delivered electronically no later than 90 calendar days from the date of this letter. Decisions appealed after 90 days will not be addressed.
- Please include the case number provided above.
- Please describe with sufficient detail why you believe the denial was unwarranted.
- NSA will endeavor to respond within 20 working days of receiving your appeal, absent any unusual circumstances.

For further assistance and to discuss any aspect of your request, you may contact our FOIA Public Liaison at [foialo@nsa.gov](mailto:foialo@nsa.gov). You may also contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. OGIS contact information is: Office of Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park,

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MD 20740-6001; e-mail: [ogis@nara.gov](mailto:ogis@nara.gov); main: 202-741-5770; toll free: 1-877-684-6448; or fax: 202-741-5769.

Finally, regarding your request for a copy of the search results pages, please be advised that the FOIA only requires that this Agency search for records that already exist at the time the search is conducted. Since no search results pages existed for this case when it was received, we are not obligated to fulfill this portion of your request.

Sincerely,

A handwritten signature in cursive script, appearing to read "Paul H. Chapman".

for  
JOHN R. CHAPMAN  
Chief, FOIA/PA Office  
NSA Initial Denial Authority

Encls:  
a/s

# (U) Daniel Ellsberg



UNCLASSIFIED

From Intellipedia

You have new messages (last change).

(U) **Daniel Ellsberg** (born April 7, 1931) is a former United States military analyst employed by the RAND Corporation who precipitated a national political controversy in 1971 when he released the *Pentagon Papers*, a top secret Pentagon study of US government decision-making about the Vietnam War, to *The New York Times* and other newspapers.

## Daniel Ellsberg



Daniel Ellsberg in 2006

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<b>Born</b>	April 7, 1931 (aged 79)
<b>Education</b>	Harvard University, Ph.D. (Economics), Cambridge University
<b>Employer</b>	RAND Corporation
<b>Known for</b>	Pentagon Papers
<b>Children</b>	Robert, Mary (1st marriage), Michael Ellsberg (2nd marriage)
<b>Website</b>	
<i>"Daniel Ellsberg's Website"</i> ( <a href="http://www.ellsberg.net">http://www.ellsberg.net</a> )	

## Biography

(U) Ellsberg was born in Chicago, Illinois in 1931 to Jewish parents and grew up in Detroit, Michigan and attended Cranbrook School. His mother wanted him to be a concert pianist but he stopped playing in July 1946 when she was killed, together with his sister, after his father fell asleep at the wheel of the car the family was travelling in and crashed into a culvert wall. From this, Ellsberg stated he learned the need to monitor the actions of those in authority not because people were bad but because they could be inattentive.<sup>[1]</sup>

(U) He attended Harvard University, graduating with a Ph.D. (summa cum laude) in Economics in 1962 in which he described a paradox in decision theory now known as the Ellsberg paradox. He graduated first in a

class of almost 1,100 lieutenants at the Marine Corps Basic School in Quantico, Virginia, and served as an officer in the Marine Corps for two years. After his discharge, he became an analyst at the RAND Corporation.

(U) Daniel Ellsberg has been married twice. First to Carol Cummings (the daughter of a Marine Corps Brigadier General), a marriage that lasted 13 years and ended in a divorce (at her request as he has stated in his memoirs titled "Secrets"). Two children (Robert and Mary) were born of this marriage. He later married Patricia Marx (whom he had dated earlier). A son (Michael) resulted from this marriage.

(U) Ellsberg served in the Pentagon from August 1964<sup>[1]</sup> under Secretary of Defense Robert McNamara (and, in fact, was on duty on the evening of the Gulf of Tonkin incident, reporting the incident to McNamara). He then served for two years in Vietnam working for General Edward Lansdale as a civilian in the State Department.

## The Pentagon Papers

(U) After returning from Vietnam, Ellsberg went back to work at the RAND Corporation. In 1967, he contributed to a top-secret study of classified documents regarding the conduct of the Vietnam War that had been commissioned by Defense Secretary McNamara.<sup>[2]</sup> These documents, completed in 1968, later became known collectively as the Pentagon Papers. Because he held an extremely high-level security clearance, Ellsberg was one of very few individuals who had access to the complete set of documents.<sup>[3]</sup> The *New York Times* says "they demonstrated, among other things, that the Johnson Administration had systematically lied, not only to the public but also to Congress, about a subject of transcendent national interest and significance".<sup>[4]</sup> The documents provided evidence that high-level officials were concealing serious doubts about whether the U.S. and allies would prevail in the Indochina conflict; they also seemed to suggest that these officials had callous attitudes (similarly concealed) about the likelihood of very high casualties in the future.<sup>[5]</sup>

(U) By 1969 Ellsberg began attending anti-war events while still remaining in his position at RAND. He experienced an epiphany attending a War Resisters League conference at Haverford College in August 1969, listening to a speech given by a draft resister named Randy Kehler, who calmly said he was "very excited" that he would soon be able to join his friends in prison.<sup>[6]</sup> Ellsberg described his reaction:

(U) And he said this very calmly. I hadn't known that he was about to be sentenced for draft resistance. It hit me as a total surprise and shock, because I heard his words in the midst of actually feeling proud of my country listening to him. And then I heard he was going to prison. It wasn't what he said exactly that changed my worldview. It was the example he was setting with his life. How his words in general showed that he was a stellar American, and that he was going to jail as a very deliberate choice — because he thought it was the right thing to do. (U) There was no question in my mind that my government was involved in an unjust war that was going to continue and get larger. Thousands of young men were dying each year. I left the auditorium and found a deserted men's room. I sat on the floor and cried for over an hour, just sobbing. The only time in my life I've reacted to something like that.<sup>[7]</sup>

(U) In late 1969, with the assistance of his former RAND Corporation colleague, Anthony Russo, Ellsberg secretly made several sets of photocopies of the classified documents he had access to - these became known as the Pentagon Papers.

(U) Throughout 1970, Ellsberg covertly attempted to persuade a few sympathetic U.S. Senators — among them

J. William Fulbright, chair of the Senate Foreign Relations Committee, and George McGovern, a leading opponent of the war — to release the papers on the Senate floor, because a Senator could not be prosecuted for anything he said on-the-record before the Senate. Ellsberg told U.S. Senators that they should be prepared to go to jail in order to end the Vietnam War.<sup>[8]</sup>

(U) When these efforts failed, Ellsberg released the documents to *New York Times* correspondent Neil Sheehan. On Sunday, June 13, 1971, the *Times* published the first of nine excerpts and commentaries on the 7,000 page collection. For 15 days, the *Times* was prevented from publishing its articles by court order requested by the Nixon administration. Meanwhile, Ellsberg leaked the documents to *The Washington Post* and 17 other newspapers.<sup>[9][10]</sup> On June 30, the Supreme Court ordered publication of the *Times* to resume freely (*New York Times Co. v. United States*). Although the *Times* did not reveal Ellsberg as their source, he went into hiding for 13 days afterwards, suspecting that the evidence would point to him as the source of the theft.<sup>[11]</sup>

(U) On June 29, 1971, U.S. Senator Mike Gravel of Alaska entered 4,100 pages of the Papers into the record of his Subcommittee on Public Buildings and Grounds, which he had received from Ellsberg via Ben Bagdikian—then an editor at the Washington Post. These portions of the Papers were subsequently published by Beacon Press.<sup>[12]</sup>

(U) Randy Kehler never thought his going to prison would end the war. If I hadn't met Randy Kehler it wouldn't have occurred to me to copy those papers. His actions spoke to me as no mere words would have done. He put the right question in my mind at the right time.<sup>[13]</sup>

## Fallout

(U) Nixon's Oval Office tape from June 14 shows H. R. Haldeman describing the situation to Nixon:

(U) To the ordinary guy, all this is a bunch of gobbledygook. But out of the gobbledygook comes a very clear thing: You can't trust the government; you can't believe what they say; and you can't rely on their judgment; and the implicit infallibility of presidents, which has been an accepted thing in America, is badly hurt by this, because it shows that people do things the President wants to do even though it's wrong, and the President can be wrong.

(U) The release of these papers was politically embarrassing to those involved in the Johnson and Kennedy administrations but also to the incumbent Nixon administration. John Mitchell, Nixon's Attorney General, almost immediately issued a telegram to the *Times* ordering that it halt publication. The *Times* refused, and the government brought suit against it.

(U) Although the *Times* eventually won the trial before the Supreme Court, an appellate court ordered that the *Times* temporarily halt further publication. This was the first successful attempt by the federal government to restrain the publication of a major newspaper since the presidency of Abraham Lincoln during the US Civil War. Ellsberg released the Pentagon Papers to 17 other newspapers in rapid succession.<sup>[14]</sup> The right of the press to publish the papers was upheld in *New York Times Co. v. United States*.

(U) As a response to the leaks, the Nixon administration began a campaign against further leaks and against Ellsberg personally.<sup>[15]</sup> Aides Egil Krogh and David Young under John Ehrlichman's supervision created the

"White House Plumbers," which would later lead to the Watergate burglaries.

## Fielding break-in

(U) In August 1971, Krogh and Young met with G. Gordon Liddy and E. Howard Hunt in a basement office in the Old Executive Office Building. Hunt and Liddy recommended a "covert operation" to get a "mother lode" of information about Ellsberg's mental state to discredit him. Krogh and Young sent a memo to Ehrlichman seeking his approval for a "covert operation [to] be undertaken to examine all of the medical files still held by Ellsberg's psychiatrist." Ehrlichman approved under the condition that it be "done under your assurance that it is not traceable."<sup>[16]</sup>

(U) On September 3, 1971, the burglary of Lewis Fielding's office, titled "Hunt/Liddy Special Project No.1" in Ehrlichman's notes, was carried out by Hunt, Liddy and CIA agents Eugenio Martinez, Felipe de Diego and Bernard Barker. The "Plumbers" failed to find Ellsberg's file. Hunt and Liddy subsequently planned to break into Fielding's home, but Ehrlichman did not approve the second burglary.

(U) The break-in was not known to Ellsberg or to the public until it came to light during Ellsberg and Russo's trial in April 1973.

## Trial and mistrial

(U) On June 28, 1971, Ellsberg publicly surrendered to the United States Attorney's Office for the District of Massachusetts in Boston. He and Russo faced charges under the Espionage Act of 1917 and other charges including theft and conspiracy, carrying a total maximum sentence of 115 years. Their trial commenced in Los Angeles on January 3, 1973, presided over by U.S. District Judge William Matthew Byrne, Jr.

(U) On April 26, the break-in of Fielding's office was revealed to the court in a memo to Judge Byrne, who then ordered it to be shared with the defense.<sup>[17][18]</sup>

(U) On May 9, further evidence of illegal wiretapping against Ellsberg was revealed in court. The FBI had recorded numerous conversations between Morton Halperin and Ellsberg without a court order, and furthermore the prosecution had failed to share this evidence with the defense.<sup>[19][20]</sup>

(U) During the trial, Byrne also revealed that he personally met twice with John Ehrlichman, who offered him directorship of the FBI. Byrne said he refused to consider the offer while the Ellsberg case was pending, though he was criticized for even agreeing to meet with Ehrlichman during the case.<sup>[21]</sup>

(U) Due to the gross governmental misconduct and illegal evidence gathering, and the defense by Leonard Boudin and Harvard Law School professor Charles Nesson, Judge Byrne dismissed all charges against Ellsberg and Russo on May 11, 1973 after the government claimed it had "lost" records of wiretapping against Ellsberg. Byrne ruled: "The totality of the circumstances of this case which I have only briefly sketched offend a sense of justice. The bizarre events have incurably infected the prosecution of this case."<sup>[22]</sup>

(U) As a result of the revelation of the Fielding break-in during the trial, Ehrlichman, H. R. Haldeman, Richard Kleindienst and John Dean were forced out of office on April 30, and all would later be convicted of crimes



related to the Watergate scandal. Egil Krogh later pled guilty to conspiracy, and White House counsel Charles Colson pled no contest for obstruction of justice in the burglary. "The court concluded that Nixon, Mitchell, and Haldeman had violated the Halperins' Fourth Amendment rights, but not the terms of Title III. The Halperins were awarded \$1 in nominal damages in August 1977."<sup>[23][24]</sup>

(U) Ellsberg later claimed that after his trial ended, Watergate prosecutor William H. Merrill informed him of an aborted plot by Liddy and the "plumbers" to have 12 Cuban-Americans who had previously worked for the CIA to "totally incapacitate" Ellsberg as he appeared at a public rally, though it is unclear whether that meant to assassinate Ellsberg or merely to hospitalize him.<sup>[25][26]</sup>

## Later activism and views

(U) Reflecting on his time in government, Ellsberg has said the following, based on his extensive access to classified material:

(U) The public is lied to every day by the President, by his spokespeople, by his officers. If you can't handle the thought that the President lies to the public for all kinds of reasons, you couldn't stay in the government at that level, or you're made aware of it, a week. ... The fact is Presidents rarely say the whole truth—essentially, never say the whole truth—of what they expect and what they're doing and what they believe and why they're doing it and rarely refrain from lying, actually, about these matters.<sup>[27]</sup>

(U) Since the end of the Vietnam War, Ellsberg has continued his political activism, giving lecture tours and speaking out about current events. During the runup to the 2003 invasion of Iraq he warned of a possible "Tonkin Gulf scenario" that could be used to justify going to war, and called on government "insiders" to go public with information to counter the Bush administration's pro-war propaganda campaign, praising Scott Ritter for his efforts in that regard.<sup>[28]</sup> He later provoked criticism from the Bush administration for supporting British GCHQ translator Katharine Gun and calling on others to leak any papers that reveal government deception about the invasion.<sup>[29]</sup> Ellsberg also testified at the 2004 conscientious objector hearing of Camilo Mejia at Fort Sill, Oklahoma.<sup>[29]</sup>

(U) Ellsberg was arrested, in November 2005, for violating a county ordinance for trespassing while protesting against George W. Bush's conduct of the Iraq War.<sup>[30]</sup>

(U) In September 2006, Ellsberg wrote in Harper's Magazine that he hoped someone would leak information about a potential US invasion of Iran before the invasion happened, to stop the war.<sup>[31]</sup> Subsequently, information on the acceleration of US-sponsored anti-government activity in Iran was leaked to journalist Seymour Hersh.

(U) In November 2007, Daniel Ellsberg was interviewed by Brad Friedman on his Bradblog in regard to former FBI translator turned whistleblower Sibel Edmonds. "I'd say what she has is far more explosive than the Pentagon Papers", Ellsberg told Friedman.<sup>[32]</sup>

(U) In a speech on March 30, 2008 in San Francisco's Unitarian Universalist church, Ellsberg observed that House Speaker Nancy Pelosi doesn't really have the authority to declare impeachment "off the table". The oath of office taken by members of congress requires them to "defend the Constitution of the United States against all enemies, foreign and domestic". He also argued that under the US Constitution, treaties, including the United

Nations Charter, become the supreme law of the land that neither the states, the president, nor the congress have the power to break. For example, if the Congress votes to authorize an unprovoked attack on a sovereign nation, that authorization wouldn't make the attack legal. A president citing the authorization as just cause could be prosecuted in the International Criminal Court for war crimes, and it is the duty of congress to impeach the offending president regardless of any agreements that may have been made.<sup>[33]</sup>

(U) On June 17, 2010, Daniel Ellsberg was interviewed by Amy Goodman and Juan Gonzales on the Democracy Now! TV and Radio show regarding the parallels between his actions and those of Bradley Manning, who was under arrest by the U.S. Military in Kuwait after reportedly providing to the web site WikiLeaks the classified 2007 video it published showing U.S. military helicopter gunships attacking and killing Iraqis alleged to be civilians, including 2 Reuters reporters. Manning reportedly claims to have provided WikiLeaks with secret videos of additional massacres of alleged civilians in Afghanistan, as well as 260,000 classified State Department cables. Ellsberg has said that he fears for Manning and for Julian Assange, as he feared for himself after the initial publication of the Pentagon Papers. WikiLeaks says it has not received the cables, but said it plans to post the video of an attack that may have killed 140 Afghani civilians in the village of Garani. Ellsberg expressed hope that either Assange or President Obama would post the video, and expressed his strong support for Assange and Manning, who he called "two new heroes of mine".<sup>[34]</sup> <sup>[35]</sup>

## Awards and honors

(U) Ellsberg is the recipient of the Inaugural Ron Ridenhour Courage Prize, a prize established by The Nation Institute and The Fertel Foundation.<sup>[36]</sup> In 1978 he accepted the Gandhi Peace Award from Promoting Enduring Peace. On September 28, 2006 he was awarded the Right Livelihood Award.<sup>[37]</sup>

## Books

- Daniel Ellsberg. 2002. "*Secrets: A Memoir of Vietnam and the Pentagon Papers*." ([http://us.penguingroup.com/nf/Book/BookDisplay/0,,9780142003428,00.html?Secrets\\_Daniel\\_Ellsberg](http://us.penguingroup.com/nf/Book/BookDisplay/0,,9780142003428,00.html?Secrets_Daniel_Ellsberg)) New York: Viking Press. ISBN 0-670-03030-9
- Daniel Ellsberg. 2001. "*Risk, Ambiguity and Decision*" (<http://www.routledge.com/books/Risk-Ambiguity-and-Decision-isbn9780815340225>) Routledge. ISBN 0-8153-4022-2 (Ellsberg's 1962 PhD was released as a book)
- Daniel Ellsberg. 1972. "*Papers on the War*" (<http://books.simonandschuster.biz/Papers-on-the-War/Daniel-ellsberg/9781439193761>) Simon and Schuster. ISBN 0-671-21185-4 (Collection of essays and testimony)

Books with forward or introduction by Daniel Ellsberg:

- "*Dissent: Voices of Conscience*"-(publishers catalog P.1) by Ann Wright, Susan Dixon (Foreword by) Daniel Ellsberg, January 2008 - Publisher: Koa Books (<http://www.koabooks.com/>)
- "*Flirting with Disaster: Why Accidents are Rarely Accidental*" (<http://www.sterlingpublishing.com/catalog?isbn=9781402761836>) by Marc S. Gerstein, Michael Ellsberg, (Foreword by) Daniel Ellsberg, June 2008 - Publisher: Sterling Publishing
- "*Made Love, Got War: Close Encounters with America's Warfare State*" (<http://p3books.com>)

/madelovegotwar/) By Norman Solomon, Foreword by Daniel Ellsberg, September 2007 - Publisher: Polipoint Press

- "*Protest and Survive*" ([http://www.monthlyreview.org/Merchant2/merchant.mvc?Screen=PROD&Store\\_Code=MRS&Product\\_Code=PB5820&Category\\_Code=](http://www.monthlyreview.org/Merchant2/merchant.mvc?Screen=PROD&Store_Code=MRS&Product_Code=PB5820&Category_Code=)) by E. Thompson, Dan Smith, Introduction by Daniel Ellsberg, 1981 - Publisher: Monthly Review Press

## Movies

- *The Pentagon Papers* (2003) is a historical film directed by Rod Holcomb about the Pentagon Papers and Daniel Ellsberg's involvement in their publication. The movie documents Ellsberg's life, starting with his work for RAND Corp and ending with the day on which the judge declared his espionage trial a mistrial.
- *The Most Dangerous Man in America: Daniel Ellsberg and the Pentagon Papers* (2009) documentary by Judith Ehrlich and Rick Goldsmith.<sup>[38]</sup>

## Further reading

- Official name of the Pentagon Papers: "History of United States Decision-Making Process on Vietnam Policy, 1945-1967".
- The New York Times version of Pentagon Papers: June 13, 14, 15 and July 1, 2, 3, 4 and 5, 1971. Late in this year this edited version was published in the book "The Pentagon Papers as published by N.Y. Times", Bantam Books, Toronto - New York - London, 1971.
- "United States-Vietnam Relations 1945-67, Department of Defense Study", 12 vols., Government Printing Office, Washington, 1971. This is the official and complete edition of the Pentagon Papers, published by the Government after the release by the press.
- UNGAR, Sanford, "The Papers and the Papers. An account of the legal and political battle over the Pentagon Papers", E.P. Dutton & Co, New York, 1972.

## References

1. ↑ <sup>1.0 1.1</sup> BBC Four *Storyville - 2009-2010 - 14. The Most Dangerous Man in America*
2. ↑ [http://www.upi.com/Audio/Year\\_in\\_Review/Events-of-1971/12295509436546-1/#title](http://www.upi.com/Audio/Year_in_Review/Events-of-1971/12295509436546-1/#title) "The Pentagon Papers: 1971 Year in Review, UPI.com"
3. ↑ *The Most Dangerous Man in America: Daniel Ellsberg and the Pentagon Papers* (2010): (<http://www.movieweb.com/movie/FljiysnlYYSwm/REqtSvvuifNltz>)
4. ↑ [http://topics.nytimes.com/top/reference/timestopics/subjects/p/pentagon\\_papers/index.html?scp=1-spot&sq=pentagon%20papers&st=cse](http://topics.nytimes.com/top/reference/timestopics/subjects/p/pentagon_papers/index.html?scp=1-spot&sq=pentagon%20papers&st=cse)
5. ↑ Pentagon Papers (<http://www.u-s-history.com/pages/h1871.html>)
6. ↑ Thomas, Marlo (2002), *The Right Words at the Right Time*, New York: Atria books, pp. 100-103
7. ↑ Thomas, et al. (2002) p. 102

8. ↑ Sanford J. Ungar, *The Papers & The Papers, An Account of the Legal and Political Battle Over the Pentagon Papers*, 1972, E.P. Dutton & Co., Inc., NY. p. 127
9. ↑ H. Bruce Franklin (July 9, 2001), "Daniel Ellsberg and the Pentagon Papers (<http://andromeda.rutgers.edu/~hbf/ELLSBERG.htm>)", *The Nation*, <<http://andromeda.rutgers.edu/~hbf/ELLSBERG.htm>>
10. ↑ NNDB: *Daniel Ellsberg* (<http://www.nndb.com/people/426/000023357/>) , <<http://www.nndb.com/people/426/000023357/>>. Retrieved on 15 July 2008
11. ↑ "Secrets: A Memoir of Vietnam and the Pentagon Papers" ([http://us.penguingroup.com/nf/Book/BookDisplay/0,,9780142003428,00.html?Secrets\\_Daniel\\_Ellsberg](http://us.penguingroup.com/nf/Book/BookDisplay/0,,9780142003428,00.html?Secrets_Daniel_Ellsberg))
12. ↑ *The Pentagon Papers, Senator Mike Gravel, Beacon Press* (<http://www.beacon.org/catalogs/pentagonpapers.html>) , <<http://www.beacon.org/catalogs/pentagonpapers.html>>. Retrieved on 5 December 2005
13. ↑ Thomas, et al. (2002) p. 103
14. ↑ *The Most Dangerous Man in America: Daniel Ellsberg and the Pentagon Papers*
15. ↑ Portrait: Daniel Ellsberg (<http://www.buzzle.com/editorials/12-9-2002-31884.asp>)
16. ↑ Krogh, Egil (June 30, 2007), "The Break-In That History Forgot (<http://www.nytimes.com/2007/06/30/opinion/30krogh.html>)", *New York Times*, <<http://www.nytimes.com/2007/06/30/opinion/30krogh.html>>
17. ↑ "Practicing on Ellsberg (<http://www.time.com/time/magazine/article/0,9171,907160,00.html>)", *TIME*, May 7, 1973, <<http://www.time.com/time/magazine/article/0,9171,907160,00.html>>
18. ↑ "Judge William Byrne; Ended Trial Over Pentagon Papers (<http://www.washingtonpost.com/wp-dyn/content/article/2006/01/14/AR2006011401165.html>)", *Washington Post*: C09, January 15, 2006, <<http://www.washingtonpost.com/wp-dyn/content/article/2006/01/14/AR2006011401165.html>>
19. ↑ "The Pentagon Papers" (<http://www.airforce-magazine.com/MagazineArchive/Pages/2007/February%202007/0207pentagon.aspx>) by John T. Correll, *Air Force Magazine*, February 2007
20. ↑ Washington Post (2006) Ibid.
21. ↑ Washington Post (2006) Ibid.
22. ↑ Washington Post (2006) Ibid.
23. ↑ Halperin v. Kissinger ([http://openjurist.org/606/f2d/1192#fn4\\_ref](http://openjurist.org/606/f2d/1192#fn4_ref)) 1977
24. ↑ Halperin v. Kissinger (<http://cases.justia.com/us-court-of-appeals/F2/606/1192/441367/>) 1977
25. ↑ "Nixon White House Counsel John Dean and Pentagon Papers Leaker Daniel Ellsberg on Watergate and the Abuse of Presidential Power from Nixon to Bush ([http://www.democracynow.org/2006/4/27/exclusive\\_nixon\\_white\\_house\\_counsel\\_john](http://www.democracynow.org/2006/4/27/exclusive_nixon_white_house_counsel_john))", *Democracy Now!*, April 27, 2006, <[http://www.democracynow.org/2006/4/27/exclusive\\_nixon\\_white\\_house\\_counsel\\_john](http://www.democracynow.org/2006/4/27/exclusive_nixon_white_house_counsel_john)>
26. ↑ "COLD WAR Chat: Daniel Ellsberg, Anti-war activist (<http://www.cnn.com/SPECIALS/cold.war/guides/debate/chats/ellsberg/>)" (), *Cold War*, January 10, 1999, <<http://www.cnn.com/SPECIALS/cold.war/guides/debate/chats/ellsberg/>>
27. ↑ "Presidential Decisions and Public Dissent" (<http://www.youtube.com/watch?v=0y2wmpxM2VQ>) , *Conversations with History*, July 29, 1998
28. ↑ <http://logosonline.home.igc.org/ellsberg.pdf>
29. ↑ <sup>29.0</sup> <sup>29.1</sup> <http://www.expertwitnessradio.org/archives/ellsberg.html>
30. ↑ Antiwar Protesters Arrested Near Bush Ranch (<http://www.washingtonpost.com/wp-dyn/content/article/2005/11/23/AR2005112302185.html>)
31. ↑ The next war (<http://harpers.org/TheNextWar.html>) Harper's Magazine
32. ↑ [1] (<http://www.bradblog.com/?p=5260>)
33. ↑ Congress should probe Bush's Iran attack plan, says Ellsberg, warning of supreme war crime (<http://warandlaw.homestead.com/files/Ellsnews.htm>)

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36. ↑ Ron Ridenhour Courage Prize ([http://www.ridenhour.org/recipients\\_01b.shtml](http://www.ridenhour.org/recipients_01b.shtml))
37. ↑ Right Livelihood Award (<http://www.rightlivelihood.org/daniel-ellsberg.html>) Daniel Ellsberg 2006
38. ↑ <http://www.mostdangerousman.org/> The Documentary Film about Daniel Ellsberg, from Judith Ehrlich and Rick Goldsmith - Most Dangerous Man

## External links

- Official Daniel Ellsberg website (<http://www.ellsberg.net>)
- The Most Dangerous Man in America (<http://www.mostdangerousman.org/>) : Daniel Ellsberg and the Pentagon Papers, official website of the documentary film (Nominated for Academy Award 2010 - Best Documentary Feature)
- The Truth-Telling Project (<http://www.ellsberg.net/truthtellingproject/>) – Project formed by Ellsberg for whistleblowers
- Reason Magazine Interview – June 1973 (<http://www.reason.com/news/show/126913.html>)
- "Top Secret: Battle for the Pentagon Papers" (<http://www.topsecretplay.org>) a resource site that supports a currently-playing docu-drama about the Pentagon Papers. The site provides historical context, time lines, bibliographical resources, information on discussions with current journalists, and helpful links.
- *Democracy Now!* Special: "How the Pentagon Papers Came to Be Published by the Beacon Press: (<http://www.democracynow.org/article.pl?sid=07/07/02/1331255>) Mike Gravel and Daniel Ellsberg (audio/video and transcript)
- 2006 Right Livelihood Award Recipient Daniel Ellsberg (<http://www.rightlivelihood.org/recipient/2006/daniel-ellsberg.htm>)
- Interview with Daniel Ellsberg (<http://video.google.com/videoplay?docid=-43150496847139646&hl=en>) Daniel Ellsberg gives a 20 min. interview at Roskilde Universitets Center Denmark Fall 2004. (With links to "Related videos")
- Daniel Ellsberg /Bill Kristol debate Iraq war in 2003 on cspan ([http://www.c-spanarchives.org/library/index.php?main\\_page=product\\_video\\_info&products\\_id=175746-2&highlight=ellsberg](http://www.c-spanarchives.org/library/index.php?main_page=product_video_info&products_id=175746-2&highlight=ellsberg))
- NNDB page on Daniel Ellsberg (<http://www.nndb.com/people/426/000023357>)
- Pentagon Papers Whistleblower on President Obama and the Wars in Afghanistan and Iraq ([http://www.democracynow.org/2010/3/30/our\\_president\\_is\\_deceiving\\_the\\_american](http://www.democracynow.org/2010/3/30/our_president_is_deceiving_the_american))

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# (U) Pentagon Papers



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From Intellipedia

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The **Pentagon Papers**, officially titled **United States–Vietnam Relations, 1945–1967: A Study Prepared by the Department of Defense**, was a top secret United States Department of Defense history of the US political-military involvement in Vietnam from 1945 to 1967. Commissioned by United States Secretary of Defense Robert S. McNamara in 1967, the study was completed in 1968. The papers were first brought to the attention of the public on the front page of the *New York Times* in 1971.<sup>[1]</sup> A 1996 article in the *New York Times* said that the Pentagon Papers "demonstrated, among other things, that the Johnson Administration had systematically lied, not only to the public but also to Congress, about a subject of transcendent national interest and significance".<sup>[2]</sup>

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## Leak

The study was classified as top secret and was not intended for publication. Contributor Daniel Ellsberg, however, turned over most of the Pentagon Papers to *New York Times* reporter Neil Sheehan, with Ellsberg's friend Anthony Russo assisting in their copying. *The Times* began publishing excerpts in a series of articles on June 13, 1971.<sup>[3]</sup> Street protests, political controversy and lawsuits followed.

To ensure the possibility of public debate about the content of the papers, on June 29, US Senator Mike Gravel (then Democrat, Alaska) entered 4,100 pages of the Papers to the record of his Subcommittee on Public Buildings and Grounds. These portions of the Papers were subsequently published by Beacon Press, the publishing arm of the Unitarian Universalist Association of Congregations.<sup>[4]</sup>

Article I, Section 6 of the United States Constitution provides that "for any Speech or Debate in either House, [a Senator or Representative] shall not be questioned in any other Place", thus the Senator could not be prosecuted



for anything said on the Senate floor, and, by extension, for anything entered to the *Congressional Record*, allowing the Papers to be publicly read without threat of a treason trial and conviction.

Later, Ellsberg said the documents "demonstrated unconstitutional behavior by a succession of presidents, the violation of their oath and the violation of the oath of every one of their subordinates".<sup>[5]</sup> He added that he leaked the papers to end what he perceived to be "a wrongful war".<sup>[5]</sup>

## Impact

The papers revealed that the U.S. had deliberately expanded its war with carpet bombing of Cambodia and Laos, coastal raids on North Vietnam, and Marine Corps attacks, none of which had been reported by media in the US.<sup>[6]</sup> The revelations widened the credibility gap between the US government and the people, hurting President Richard Nixon's war effort.

But the most damaging revelations in the papers revealed that four administrations, from Truman to Johnson, had misled the public regarding their intentions. For example, Johnson had decided to expand the war while promising "we seek no wider war" during his 1964 presidential campaign. In another example, a memo from the Defense Department under Johnson listed the reasons for American persistence:

- 70% - To avoid a humiliating U.S. defeat...
- 20% - To keep [South Vietnam] (and the adjacent) territory from Chinese hands.
- 10% - To permit the people of [South Vietnam] to enjoy a better, freer way of life.
- ALSO — To emerge from the crisis without unacceptable taint from methods used.
- *not* - To 'help a friend'<sup>[7]</sup>

Another controversy was that President Johnson sent combat troops to Vietnam by July 17, 1965, before pretending to consult his advisors on July 21–July 27, per the cable stating that "*Deputy Secretary of Defense Cyrus Vance informs McNamara that President had approved 34 Battalion Plan and will try to push through reserve call-up.*"<sup>[8]</sup> In 1988, when that cable was declassified, it revealed "there was a continuing uncertainty as to [Johnson's] final decision, which would have to await Secretary McNamara's recommendation and the views of Congressional leaders, particularly the views of Senator [Richard] Russell."<sup>[9]</sup>

Some aspects of the war that would later prove controversial, including the John F. Kennedy administration's involvement in Vietnam and his major role in sanctioning the overthrow of Vietnamese leader Ngo Dinh Diem, were not revealed in the papers.<sup>[10]</sup>

## Legal case

Prior to publication, the *New York Times* sought legal advice. The paper's regular outside counsel, Lord Day & Lord, advised against publication, but house counsel James Goodale prevailed with his argument that the press had a First Amendment right to publish information significant to the people's understanding of their government's policy.

After the publication, Nixon argued Ellsberg and Russo were guilty of felony treason under the Espionage Act of 1917, because they had no authority to publish classified documents.<sup>[11]</sup> After failing to persuade the *Times* to voluntarily cease publication, Attorney General John N. Mitchell and Nixon obtained a federal court injunction forcing the *Times* to cease publication. *Times* publisher Arthur Ochs Sulzberger said:



"Newspapers, as our editorial said this morning, were really a part of history that should have been made available, considerably longer ago. I just didn't feel there was any breach of national security, in the sense that we were giving secrets to the enemy."<sup>[12]</sup>

The newspaper appealed the injunction, and the case *New York Times Co. v. United States* (403 U.S. 713) quickly rose through the U.S. legal system to the Supreme Court.<sup>[13]</sup>

On June 18, 1971, *The Washington Post* began publishing its own series of articles based upon the Pentagon Papers; Ellsberg gave portions to editor Ben Bradlee. That day, Assistant U.S. Attorney General William Rehnquist asked the paper to cease publication. After it refused, Rehnquist unsuccessfully sought an injunction at a U.S. district court. The government appealed that decision and on June 26, the Supreme Court agreed to hear it jointly with the *New York Times* case.<sup>[13]</sup>

On June 30, 1971, the Supreme Court decided, 6–3, the injunctions were unconstitutional prior restraint and the government failed to meet the heavy burden of proof required for prior restraint injunction. The nine justices wrote nine opinions disagreeing on significant, substantive matters. The ruling is generally considered a victory for an extensive reading of the First Amendment.

Thomas Tedford and Dale Herbeck summarize the reaction of editors and journalists at the time:

As the press rooms of the *Times* and the *Post* began to hum to the lifting of the censorship order, the journalists of America pondered with grave concern the fact that for fifteen days the 'free press' of the nation had been prevented from publishing an important document and for their troubles had been given an inconclusive and uninspiring 'burden-of-proof' decision by a sharply divided Supreme Court. There was relief, but no great rejoicing, in the editorial offices of America's publishers and broadcasters.

—Tedford and Herbeck, pp. 225–226.<sup>[14]</sup>

Ellsberg surrendered to authorities in Boston and admitted that he had given the papers to the press. He was later indicted on charges of stealing and holding secret documents by a grand jury in Los Angeles.<sup>[15]</sup> Interestingly, Ellsberg had hidden the original documents with noted First Amendment attorney Martin Garbus. No criminal charges were ever brought against the attorney for this action.

I felt that as an American citizen, as a responsible citizen, I could no longer cooperate in concealing this information from the American public. I did this clearly at my own jeopardy and I am prepared to answer to all the consequences of this decision

— Ellsberg on why he released the Pentagon Papers to the press.<sup>[16]</sup>

In March 1972, political scientist Samuel L. Popkin, then assistant professor of Government, was jailed for a week, for his refusal to answer questions before a grand jury investigating the Pentagon Papers case, during a hearing before the Boston Federal District Court.<sup>[17]</sup> The Faculty Council later passed a resolution condemning the government's interrogation of scholars on the grounds that "an unlimited right of grand juries to ask any question and to expose a witness to citations for contempt could easily threaten scholarly research."<sup>[17]</sup>

## Discoveries

The papers showed that President Lyndon Johnson had planned to bomb North Vietnam well before the 1964

presidential election. Johnson had been outspoken against doing so during the election and claimed that his opponent Barry Goldwater was the one that wanted to bomb North Vietnam.<sup>[18]</sup>

After the release of the Pentagon Papers, Goldwater said:

"During the campaign, President Johnson kept reiterating that he would never send American boys to fight in Vietnam. As I say, he knew at the time that American boys were going to be sent. In fact, I knew about ten days before the Republican Convention. You see I was being called trigger-happy, warmonger, bomb happy, and all the time Johnson was saying, he would never send American boys, I knew damn well he would."<sup>[19]</sup>

## Movies

*The Pentagon Papers* (2003) is a historical film directed by Rod Holcomb about the Pentagon Papers and Daniel Ellsberg's involvement in their publication. The movie represents Ellsberg's life starting with his work for RAND Corporation and ending with the day on which the judge declared his espionage trial a mistrial.

*The Most Dangerous Man in America: Daniel Ellsberg and the Pentagon Papers* (2009) is a documentary film directed by Judith Ehrlich and Rick Goldsmith. The film follows Daniel Ellsberg and explores the events leading up to the publication of the Pentagon Papers.

## See also

- Daniel Ellsberg
- Charles Nesson, Ellsberg's counsel
- Robert S. McNamara
- Leslie H. Gelb
- First Amendment

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5. ↑ <sup>5.0</sup> <sup>5.1</sup> <http://www.democracynow.org/article.pl?sid=07/07/02/1331255>
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19. ↑ "The Pentagon Papers: 1971 Year in Review, UPI.com"

## External links

- Complete text of the Gravel Edition of the Pentagon Papers (<http://www.mtholyoke.edu/acad/intrel/pentagon/pent1.html>) with supporting documents, maps, and photos.
- "Top Secret: Battle for the Pentagon Papers" (<http://www.topsecretplay.org>) a resource site that supports a currently playing docu-drama about the Pentagon Papers. The site provides historical context, time lines, bibliographical resources, information on discussions with current journalists, and helpful links.
- Official website for "*Secrets: A Memoir of Vietnam and the Pentagon Papers*" (<http://www.ellsberg.net>) by Daniel Ellsberg.
- *Democracy Now!* Special: "How the Pentagon Papers Came to Be Published by the Beacon Press":



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- Nixon Tapes & Supreme Court Oral Arguments (<http://www.gwu.edu/~nsarchiv/NSAEBB/NSAEBB48/supreme.html>) .
  - Podcast of a live panel discussion moderated by Jill Abramson, New York Times managing editor and former Washington bureau chief, marking the 35th anniversary of the Supreme Court ruling. (<http://nytimes.whsites.net/talk/podcasts.html>)
  - Article at Ed Moise's Vietnam Bibliography (<http://www.clemson.edu/caah/history/FacultyPages/EdMoise/pentagon.html>) .
  - 1971 — The Pentagon Papers ([http://www.wcbs880.com/topic/play\\_window.php?audioType=Episode&audioId=851936](http://www.wcbs880.com/topic/play_window.php?audioType=Episode&audioId=851936)) A report from Steve Holt of WCBS Newsradio 880 (WCBS-AM New York) Part of WCBS 880's celebration of 40 years of newsradio.
  - Beacon Press & *The Pentagon Papers* (<http://www.beacon.org/client/pentagonpapers.cfm>)
  - New Documentary Chronicles How Leak of the Pentagon Papers Helped End Vietnam War ([http://www.democracynow.org/2009/9/16/the\\_most\\_dangerous\\_man\\_in\\_america](http://www.democracynow.org/2009/9/16/the_most_dangerous_man_in_america)) - video report by *Democracy Now!*

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