

8 July 1971

MEMORANDUM

SUBJECT: The "Pentagon Papers"

I. Background

1. The set of documents that has become informally termed the "Pentagon Papers" is in fact a study entitled "United States-Vietnam Relations 1945-1967" produced by a group labelled "Vietnam Task Force" in the Office of the Secretary of Defense. The study consists of 46 volumes of text plus a four-page "47th volume" that includes the two-page transmittal memorandum by which Leslie H. Gelb (Chairman of the Task Force) formally forwarded the whole study to the Secretary of Defense plus a two-page "outline" (i. e., table of contents). A copy of this "volume 47" is appended to this memorandum.

2. As a quick examination of the outline will illustrate, the study is an amalgam of narrative text by members of the Task Force that wrote it plus compendia of official documents grouped by period or subject or both. In virtually every volume, the narrative text quotes extensively (and usually quite selectively) from a variety of official documents. Not all of these are reproduced separately in the documentary annexes, but in many cases the quotations are collectively so extensive that most of the document in question is reproduced at some point or other in the study. In addition, every volume (and, usually, every section) of narrative text has a fairly elaborate set of footnotes which cite by full title, identifying number (e. g., SNIE 10-4-54) and issue date virtually every document discussed, alluded to or quoted from in the text itself. The documents cited, quoted from or discussed span the entire classification gamut from overt published material (e. g., books and articles) to Top Secret documents carrying a variety of additional restrictive indicators.

~~SECRET/SENSITIVE~~

3. The study was commissioned in June 1967 by then Secretary McNamara who levied the requirement on the Office of International Security Affairs, at that time headed by John McNaughton. Morton H. Halperin, McNaughton's Deputy for Policy Planning and Arms Control, was apparently given command oversight of the project and the Task Force which did the actual work was chaired by one of Halperin's subordinates, Leslie H. Gelb. (Both Gelb and Halperin are now with the Brookings Institute.) Some 30-40 people -- officers from the military services, Defense Department civilian employees (including Daniel Ellsberg) and a variety of outside consultants, many but not all from the RAND Corporation -- seemed to have worked on various parts of the study at various times. Despite the dates given in its title (1945-1967), from the standpoint of substance the study effectively cuts off with President Johnson's 18 March 1968 speech. When the various parts of the study were actually written cannot be determined with certainty, though its various portions were clearly written by different people at different times and the end result is much more a collection of separate monographs than a unified whole. It would appear that all portions of the study were completed by the summer or early fall of 1968. As a glance at Gelb's transmittal memorandum will demonstrate, however, the study was not formally dispatched through channels to the Secretary of Defense (Mr. Clifford) until 15 January 1969 -- a Wednesday. President Nixon's inauguration was, of course, on Monday, 20 January 1969. Thus the study was in fact dispatched with only two working days left before the change of administration in the Defense Department.

II. Parochial Damage Assessment

4. There are repeated references to the Agency, its activities, its officers (some identified by name) and its alleged positions throughout most of the narrative portion of the study. Also the narrative is replete with allusions to, discussions of and quotations from (augmented by specific footnote citations) a wide range of Agency documents: operational cables, raw field reports, Headquarters disseminations, NIE's and SNIE's, formal memoranda and studies (from ONE, OER, OCI, the DDI and special task groups), informal and in some cases internal memoranda, and memoranda from the DCI (Mr. McCone) to the President. In assessing the damage done in having the study pass in its entirety into the public domain and/or unfriendly hands (e. g., the Soviet Government), it must of course be

recognized that all of the material in the Pentagon study is now at least three years old and some of it is over twenty years old." Nonetheless, we are concerned about the following areas of actual or potential damage:

a. Certain proprietary relationships -- e.g., [redacted]

[redacted] -- are identified in the study (and in material therefrom already published in the New York Times). So too are the mission and functions of our [redacted]

our former control of/use of CAT. (Reference is made to CAT's logistical and tactical air support of anti-Sukarno forces in Indonesia and there is an allegation, stated as a fact, that CAT "completed more than 200 overflights of Mainland China and Tibet.") These identifications could cause various kinds of problems or embarrassment in the Philippines, Japan, Indonesia and elsewhere.

b. Several of our officers are identified by name, position and/or activity including present or former Clandestine Service officers such as Messrs. Richardson, deSilva, David Smith, Spera and Conein. The damage done in the case of officers who were or now are Chiefs of Station is probably slight, but officers still serving abroad under genuine cover are another matter.

c. There are repeated references to Agency engagement in covert paramilitary operations (including sabotage and harassment). There is also considerable discussion of Agency officers' contacts with the generals who were mounting the coup against Diem. There is also clear reference to the fact of our endeavors to develop unilateral penetrations of our nominal hosts and allies (i. e., the GVN) couched in ways that could possibly compromise still-reporting (and valuable) agents. Much of this type of compromise may not be new or startlingly revelatory, but the study does provide what hostile or friendly governments could construe or exploit as "official proof" of the Agency's involvement in such activities.

d. The extensive quotation from and discussion of a wide range of Agency publications spanning more than two decades raises its own problems. The positions (or a highly selective distillate of the positions) the Agency has taken over time on a variety of sensitive and politically charged topics are carefully charted. By selection, the Agency record as reflected in the Pentagon study is already distorted. But once it is in hostile hands or the general public domain, this record -- detailed though partial -- is prima facie vulnerable to further distortion and misuse as "ammunition" by axe-grinding or disingenuous parties of all stripes to attack the U. S. Government, particular U. S. administrations or senior officials therein, the Agency, or the United States in general.

e. As a special case of the above, certain individual reports (e. g. , the ROLLING THUNDER assessments or the Will to Persist study) or special memoranda (e. g. , the DCI's Special Assistant's 15 October 1966 private memorandum for the DCI commenting frankly and fully on Secretary McNamara's trip report) raise their own problems. Though in fact these documents were prepared in response to explicit requests from senior non-Agency officials, this essential piece of background information is not stated in the Pentagon study. Thus its authors' process of selection makes it appear -- or could be used as presumptive "proof" -- that the Agency, on its own initiative, plunged headlong into the midst of debates over policy issues.

f. The numerous references to Agency documents, especially the explicit footnote citations of them (and of Agency documents to which the study's text makes only passing allusion), raise another issue which heretofore the Agency has never had to cope with on any large scale. These citations provide explicit information now available for use or abuse by persons operating from any of a variety of motives to demand (in court if necessary) the full texts of specific Agency documents under the provisions of

recent freedom of information legislation. Where compliance is clearly contra-indicated, most such requests could probably be fended off; but potential requestors of all stripes now have detailed data never before in wide circulation and the steps necessary to cope with such requests could themselves raise their own problems.

g. Finally, more than specific potential damage attributable to single passages in the study, the collective totality of Agency material in the Pentagon study would tell any sophisticated or professional outsider a very great deal indeed about how the Agency goes about doing its business (e.g., its procedures, the numbering systems, format, and prose style employed for different types of documents or communications, etc., etc.). This would constitute a major windfall for any hostile intelligence service and greatly facilitate future denigration operations, including the preparation of fabricated documents, forgeries or other types of tailored disinformation.

III. Broader Damage Considerations

5. The Pentagon study involves intelligence compromises that go well beyond immediate or parochial CIA concerns. Many if not most of the original documents incorporated one way or another in the study involved communications intelligence of some form or to some extent. A sophisticated review of the study would tell professional intelligence officers of many foreign countries (certainly the Soviet Union and Communist China) a great deal about the overall level of U.S. COMINT capabilities and much about certain specific U.S. communications intelligence activities. One particular volume of the study, by itself, would clearly compromise an extremely sensitive and politically delicate collection activity.

6. Apart from the intelligence field per se, the study also compromises several politically sensitive activities, including the activities of other governments undertaken only after explicit U.S. assurances that their roles therein would be kept secret.

7. Given the fact that -- whatever be its legal status or name -- a struggle is going on in which the U.S. is involved on one side and North Vietnam on the other, in which armed force is being used, Americans are being killed, and which the U.S. Government is trying to end through negotiations currently in progress -- it is hard to escape the fact that the leak of the Pentagon papers provides propaganda and political action ammunition of inordinate value to those presently engaged in armed conflict with the United States.

8. Finally, the leak of the study raises the whole range of issues associated with the right -- or even ability -- of the U.S. Government to conduct private business privately. It also raises a range of basic issues concerning the right or ability of officials in any administration to engage in frank debates or discussions associated with their official responsibilities without having their views and actions subject to hostile, out-of-context criticism at some later date and in some changed and later climate but within a time span whereby such retrospective review can adversely affect such officials' public or private careers without their having any effective means of seeking recourse or redress. In short, the leak of the Pentagon papers raises the basic issue of the U.S. Government's right or ability to have or protect secrets of any nature.

IV. Other Pertinent Considerations

9. One of the major questions obviously raised by the matter of the Pentagon papers is that of precisely what is now floating about in unauthorized hands outside of government control. The answer is that we do not really know. Ellsberg, for one, clearly had access to the whole study and is presumed to have copied all of it. He is believed to have turned over a complete version to the Senate Foreign Relations Committee in 1970. Apparently he did not give a complete version to the New York Times since that paper, by the inventory it furnished the court, does not have the four negotiations volumes that constitute section VI-C. Whether these volumes are floating around elsewhere is a matter of conjecture, though there are grounds for believing that the Soviet Embassy (at least) was given a complete set by someone.

10. The study itself is patently tendentious, partial and axe-grindingly selective. It is much more of a background file for a future prosecution brief than a balanced or comprehensive historical survey. The circumstances of the study's preparation, the timing of its official transmittal forward from its originators, and the distribution of its copies inevitably generate certain questions about the intentions of those who supervised its preparation. Also the study itself has one glaring omission that could hardly have been inadvertent: There is no volume V-B-5, i. e., while there are nine volumes of internal documents written during the administrations of Presidents Roosevelt, Truman, Eisenhower and Kennedy, there is no such volume of documents for the administration of President Johnson -- though Johnson-era documents were clearly used (and cited) by the study's authors and, hence, clearly in their possession.

11. We know that in addition to what is in the study itself, Ellsberg had in his possession certain other papers, some of which (known as "Related Documents") were in a folder of his found at RAND. (The above-noted reference to CAT activities in Indonesia and its Mainland China overflights came from these Related Documents rather than the actual Pentagon papers.) Some of these related documents have been incorporated in material published in the New York Times, but we really do not know the totality of what was/is in Ellsberg's possession or is now in the possession of the Times or some other paper.

12. In a 26 June story, the Chicago Sun-Times made reference to an alleged 1969 CIA "estimate" purportedly disavowing the domino theory. The estimate in question (which was, to put it mildly, distorted in the Sun-Times story) was in fact issued in November 1968. But a careful examination of the Sun-Times story and the estimate's text leads to the conclusion that what was leaked was not the estimate itself but someone's commentary or summary of it, probably prepared in conjunction with work on the 29-question Vietnam assessment that constituted NSSM-1 -- work that was in fact done in the spring of 1969. Whether or not this particular hypothesis is correct, the 26 June Sun-Times story convincingly demonstrates that highly classified Vietnam-related material considerably later in date than anything in the Pentagon papers is also floating about outside of government control. In short, there is the very real possibility that the leak of the Pentagon papers may prove to be only an opening salvo in a campaign of selective major leaks by persons opposed to the war and that once the interest in the Pentagon study begins to wane, new sets of classified

documents of more recent vintage may be surfaced in public print. What we have assessed to date, consequently, may well prove to be but the first chapter of our final damage assessment.

Attachment

"Final Report - OSD Task Force, Vietnam & Index"