



by Taylor Branch

The public reaction to two whistle-blowers, Otto F. Otepka and Daniel Ellsberg, clearly illustrates the disorienting spells cast upon fervent observers by the spectacle and drama of disclosures that involve national security. Otepka violated our national security by slipping classified documents to veteran Red-hunter Julien G. Sourwine, counsel to the Senate Internal Security Subcommittee. He was fired for his transgressions in 1963, lost his position as chief of the State Department's security-evaluation division, became a martyr of the right wing, and is considered by some to be the first whistle-blower in the modern period. Ellsberg violated our national security by slipping classified documents, later to be called the Pentagon Papers, to numerous senators and newspapers. He was indicted for his transgressions in 1971, lost his security clearance at the RAND Corporation, became a martyr of the left wing, and is often considered the capstone whistle-blower of recent years.

While these two men are ideological opposites, there are unmistakable similarities between their

Taylor Branch is an editor of The Washington Monthly.

The Odd Couple: Ellsberg and Otepka



respective exploits, viewed on a suitably high plane of reflection after all the human juices and interesting particulars have been drained away to leave the arid generalities in which lawyers earn their keep. Like colliding planets, Ellsberg and Otepka still operate by the same laws of motion in some ways, following their higher instincts regarding the public interest as they see it, exposing treachery in places of power regarding questions of life and death. These similarities suggest that anyone who wants to fight institutional rigor mortis by encouraging people to speak out from within government is obliged by honesty and consistency to take his Otepkas with his Ellsbergs, and vice versa—to take a man like Otepka, who thought his bosses were ruining the country by being too sweet to communists everywhere, with one like Ellsberg, who thought his former colleagues were ruining the country by killing numerous people and lying about the whole affair. Regardless of who is right on the lofty world-view questions, the comments on the two men by prestigious newspapers and politicians suggest a strange kinship that bears some examination.

Otepka had been in the govern-

ment for 27 years and in the Office of Security for 10 years when he was fired on November 5, 1963, on charges of "conduct unbecoming an officer of the Department of State." President Kennedy, setting a precedent for dealing with criticism from the right, assuaged a Calley-like tide by announcing that "I will examine the matter myself when it comes time," but he was killed before the review process got underway. It seems that Otepka, described by *Reader's Digest* as a "tall, quiet, darkly handsome man," by *Newsweek* as "a sad-eyed, introverted man," and by *The New York Times* only as "stocky," (descriptions indicative of the impact of political position on the eye), had been running afoul of important people in the Kennedy Administration for some time.

In 1955, for example, he had refused to dispense with the formalities of the security clearance procedure for Walt W. Rostow, when Secretary of State Dulles wanted Rostow on State's Committee on Operations. Subjecting Rostow to a full-dress examination of his character was considered an affront to this dignity. When President Kennedy wanted Rostow on the team in 1961, Otepka again refused to waive security proceedings, which, some say, is why Rostow ended up in the White House while Otepka was at State, rather than going through the State security mill. (Apparently Otepka was a bit troubled by the internationalist leanings of Rostow's writings on economic development, hesitant to be taken in by possible ruses like Rostow's "non-Communist Manifesto," *The Stages of Economic Growth*. Also, as a professor, Rostow's commitment against communism was suspect a priori. Although subsequent events and the Pentagon Papers were to show that Otepka was dead wrong in his doubts about Rostow, some beneficiaries of hindsight have wished that he had possessed more clout in his efforts to keep Rostow out of the government.)

In addition to the Rostow rebuke,

Otepka had nettled the new administration by locating and firing the State Department employee who had leaked a secret survey of U.S. prestige abroad to the Kennedy campaign forces in 1960. The survey, showing a dip in America's international esteem, was used with telling effect by John Kennedy in the campaign to show that the Republicans were blowing things in foreign policy, partly by following what seemed to be a deliberate path toward national weakness. Otepka had also been critical of the lax security procedures for the Cuba desk officers at the State Department, one of whom, William Wieland, was considered by the Republican Party almost single-handedly responsible for delivering Cuba into the enemy camp. Otepka testified before a Senate committee that he had dissented from the decision to clear Wieland without further study of his inner proclivities, and so much stir was created over Wieland that President Kennedy was forced to defend him publicly in a press conference.

Finally, Otepka had refused to waive security investigations for six men of decorum whom Secretary Rusk wanted in 1962 for the Advisory Committee on Management Improvement to the Assistant Secretary of State for International Organization Affairs. The six, which included Harding Bancroft, Sol Linowitz, and Andrew Cordier, were chosen to that august and rather useless body to study whether or not American employees of international organizations should be required to pass U. S. security investigations. The issue itself was one of some controversy, spurred on by a letter to *The New York Times* on July 30, 1962, that attacked the security regulations as a dangerous legacy of the McCarthy era. The letter came from Leonard Boudin, who is now the chief attorney for Daniel Ellsberg. In any case, Otepka refused to waive security clearances for men who were going to study the need for security clearances, and that kind of zeal to check out the private leanings

of prestigious people had long since aggrieved the Kennedy Administration.

John F. Reilly, Assistant Secretary of State for Security, was so intent upon getting rid of his anachronistic subordinate, the John Wayne rough rider on the New Frontier, that he bugged Otepka's telephone and set up an elaborate system of surveillance to catch him in an act of shame that would stand up as evidence for doing him in. Reilly's sleuths scoured Otepka's "burn bag," a receptacle used to mark for instant destruction items like doodle pads and carbon paper and other parts of the afterbirth of state secrets that might leave tell-tale signs, and finally scored one day when they found classification stamps which Otepka had clipped from classified documents. Thus declassified informally, the documents were being sent by Otto over to old J. G. Sourwine at the Senate Internal Security Subcommittee, where they were used to help surprise and embarrass Otto's bosses regarding how lightly they took the red menace right here at home. The burn bag also contained a used typewriter ribbon, an instant replay of which revealed that Otepka had worked up a primer of questions for Sourwine that he could use to catch State Department officials in factual errors regarding the communist question.

Otto's Highest Loyalty

When the State Department used the burn bag evidence to fire Otepka, the fireworks and orations began. *The Chicago Tribune* skipped over the classified document problem to define the issue as a test of the principle of patriotism: "There can be no doubt that this case reflects an intention by the Kennedy Administration to conduct a purge of patriots." The Charleston, South Carolina, *News & Courier* agreed: "To reprimand a U.S. citizen for doing his duty would be a shame and an outrage." *Reader's Digest* later published an article called "The Or-

deal of Otto Otepka," subtitled, "Why have State Department employees been using tactics of a police state to oust a dedicated security officer whose only sin seems to be loyalty to his country?", which pretty well summed up the conservative presentation of the problem. The police state argument reflects the tactical guideline that it is easier to attack the process by which the opponent operates than the substance of what he says. However, it also bore some risk of the "corner problem," by which people paint themselves into a corner through the hasty use of principles whose future application might haunt them. In this case, the *Digest's* forthright position against a police state was quite risky. It not only made it tougher to argue in subsequent tirades that the State Department was undisciplined and namby-pamby, but it also would require a redefinition of the issues when the wiretapping and surveillance of J. Edgar Hoover came to the fore. Most conservative journals ignored the classification question and the he-broke-a-rule point of view, except perhaps to note in passing that classification was nonsense in general and that Otepka's leakage of secret material did not hurt the national interest anyway, but rather struck another blow against the pinkos in the State Department.

Meanwhile, in the Senate, members surveyed the Otepka affair and concluded that the main issue at stake was, as is so often the case, the dignity of the U. S. Senate. Conservative Senator Williams of Delaware remarked that, "In this instance, all that Mr. Otepka was guilty of was cooperating with a congressional committee." Senator Dominick of Colorado thanked Senator Dodd for having "pointed out the very difficult position Senate committees would find themselves in if it continued to be held that the executive branch could prevent any of its employees from coming before Senate committees, either by threatening them with dismissal or by verbally preventing them

from testifying under that threat.” Dodd, a foreign policy buff, defined the question in terms of national survival: “If those forces bent on destroying Otepka and the no-nonsense security approach he represents are successful, who knows how many more Chinas or Cubas we may lose?” But Dodd, too, was anxious about the powers of himself and his colleagues, and he entered a long discourse with Senators Strom Thurmond and Frank Lausche on November 5, the day Otepka’s dismissal was consummated, which Thurmond climaxed by declaring that the Kennedy Administration’s action would “nullify our system of government by tending to destroy the constitutional system of checks and balances.” There was no commander-in-chief talk on that day, no talk about how the President’s powers were essential to survive in a hostile international environment. The conservatives were safe from the corner problem, however, because the war in Vietnam had not yet begun. The doves in the Senate would not really discover the checks and balances principle until about 1968, leaving the conservatives ample time to switch over to the commander-in-chief line without undue embarrassment.

“Orderly procedures are essential”

The liberals in the Senate were exceedingly mousy about Otepka as the supporters of the Kennedy Administration sought to ride out the storm in public silence. This does not necessarily mean that they were apathetic, for some Otepka supporters claim that there was great pressure to let the Otepka fervor die out like the groundswell for General MacArthur. Clark Mollenhoff, a straight-forward, very conservative reporter for *The Des Moines Register*, made a speech about the obstacles to coverage of the case:

I realize the broad range of direct and indirect pressures brought to discourage a defense of Otepka, for I met most of them at some stage from my friends in the Ken-

nedy Administration. One put it crudely: “What are you lining up with Otepka and all those far-right nuts for? Do you want to destroy yourself?”

There were also the hints that I could be cut off from White House contacts and other high Administration contacts if I continued to push for the facts in the Otepka case.

Liberal newspapers made slightly more noise in the dispute than their compatriot senators, and their editorial writers swept aside all the chaff about higher loyalty and patriotism and the dignity of Congress to focus on the principles at stake, with a fixity that is born of discipline. *The Washington Post*, for example, zeroed in on the law and order question, following the rule that it is always best to attack on matters of procedure: “For all of Senator Dodd’s sputtering, he must know that what Otto Otepka did was not only unlawful but unconscionable as well. Mr. Otepka certainly knew this himself—which is no doubt why he did it covertly instead of candidly. He gave classified information to someone not authorized to receive it.” *The New York Times* took a similar line, with slightly greater emphasis on propriety: “The disturbing aspect of the case is that both Mr. Otepka and members of the Senate subcommittee have defended their actions on grounds of ‘higher loyalty’ Orderly procedures are essential if the vital division of powers between the legislative and executive branches is not to be undermined. The use of ‘underground’ methods to obtain classified documents from lower level officials is a dangerous departure from such orderly procedures.”

The liberal press also used words like “controversial,” “McCarthyism,” “tattle,” and “infidelity” as often as possible in connection with Otepka’s name. This strategy, following from the rule that it is often useful to adopt your opponent’s principles and turn them back on him in verbal counter-insurgency, amounted to McCarthyism turned on its head, as Marx did to Hegel, or guilt by association with McCarthy. Thus, when Otepka de-

fended himself by citing the government employees' Code of Ethics (which charges employees to place loyalty to conscience, country, and the "highest moral principles" above "loyalty to persons, party or government department"), the *Washington Post* news story stated that "the last time that issue was raised with public prominence, it was raised by Senator McCarthy in sweeping form. . . ." A *New York Times* story by Neil Sheehan in 1969 continued this theme of the beat-them-at-their-own-game campaign: "The enthusiastic pursuit of 'subversive elements' in the government loosed by the late Senator Joseph McCarthy slowed to a desultory walk in later years, but Mr. Otepka. . . did not change."

"His trained jackal, Jack Anderson"

Otepka returned to the public light in 1969, when President Nixon made good on his campaign promise to review the case "with a view to seeing that justice is accorded this man who served his country so long and well." The Subversive Activities Control Board seemed like an appropriate resting spot for a seasoned personnel sniffer, who could spend the rest of his days perusing political groups for loyalty blemishes. Actually, the SACB was a secondary choice for Otepka, who really wanted to go back to the State Department but was frustrated in his desire by Secretary of State Rogers, who did not want him. Senator Dirksen, claiming Otepka as a constituent and an ideological brother, suggested the SACB spot and went to work with the other conservative senators to give the board and its \$36,000-a-year members something to do. They knew that Otepka would be an additional burden in the annual battle with the liberals over the fact that the SACB members are so inert that they appear strikingly like welfare recipients, at ten times the poverty standard.

The task of selling Otepka himself was undertaken with the old princi-

ples of patriotism and higher loyalty. In the Senate, the four hoariest members of the Judiciary Committee—Eastland, McClellan, Dirksen, and Hruska—sembled for a confirmation hearing to pay homage to the SACB nominee. "You have been punished because you attempted to protect your country," said Chairman Eastland to Otto, and the four senators respectfully declined to ask the witness anything other than his name.

And Senator Dodd, now deceased, led the fight on the floor of the Senate and helped organize Otepka Day, on which patriots around the nation celebrated his resurrection. Every time Senator Dodd took the floor to wax eloquent about Otepka's higher mission against international communism, he represented the largest collection of loyalty contradictions ever assembled in one place—a veritable one-man intersection of passions on the morality of exposure. For since Dodd had first praised Otepka for exposing the State Department with pilfered documents and denounced the State Department for

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firing the higher patriotism of Otepka, Dodd himself had been exposed for pocketing campaign contributions and other financial misdealings. While Dodd praised the patriot who exposed corruption in the State Department, he fired the infidel who exposed corruption in himself—his administrative assistant of 12 years, James Boyd. Boyd's medium of exposure, the Drew Pearson/Jack Anderson column, decided to switch in the Otepka affair—exposing the exposé, Otepka, because of his leanings to the right. In this vortex of half-hero, it was not surprising that Dodd would resort to arguments tinged with the *ad hominem*, "The press campaign against Otto Otepka has been spearheaded by Drew Pearson, the lying character assassin and his trained jackal, Jack Anderson."

In the end, however, Dodd regained the lofty, joined by the honey tongue of Senator Dirksen—who read to the Senate a moving letter from Mrs. Otepka, describing the hardships the family had faced since Otto had been demoted in 1967, while his dismissal was still being appealed, to a \$15,000-a-year job that was so "demeaning" that Otto protested by taking a leave without pay and forced her to go to work to support him. What is \$36,000 for a patriot, asked Dirksen and Dodd of their fellow senators, and the two crusaders went to their graves knowing that the world would be better with Otepka on the SACB. Otepka, for his part, called the Senate confirmation "my vindication," and a well-deserved one to boot, because as he later wrote, "I have disagreed only with those who quarrel with the truth. I shall continue to disagree."

Nailing Down the Case

The vindication did not come easily, for during the period when Senate confirmation was pending, *The New York Times* practiced an enthusiastic brand of beat-them-at-their-own-gamism. Reporter Neil Sheehan was

dispatched to check up on Otepka's acquaintances, and began his April 4, 1969, story as follows: "A fund with John Birch Society ties has paid about 80 per cent of the \$26,500 in legal costs incurred by Otto F. Otepka in his four-year fight to win reinstatement as the State Department's chief security evaluator." The story went on to pin down Otepka's "ties" to the Birchers by declaring that "last summer he attended the four-day annual God, Family, and Country rally in Boston, organized by Birch Society leaders." Sheehan also tracked down James M. Stewart, chief fund-raiser of the American Defense Fund, which channeled money to Otepka's lawyers. Stewart looked and acted like a Bircher, although Sheehan wrote triumphantly that he "would neither affirm nor deny whether he was a member of the Birch Society," saying, like Pete Seeger, "I am not answering that question because it is irrelevant." Beyond such waffling on the affiliation question, Stewart further hanged himself with his reading material, because Sheehan found out, after a hard-nosed inquiry, that "he does subscribe to a number of Birch Society publications."

Having established that Otepka's legal defense was being solicited by a man who might as well have been a Bircher, if he were not in fact a bona fide one, and that Otepka himself was hanging around in right wing crowds, the editorial board of *The New York Times* concluded that Otto was ineligible for membership on the SACB. According to the April 8, 1969, editorial, "The disclosure that Otto Otepka received \$22,000 from a fund with extreme right-wing associations should be enough to kill his nomination to the Subversive Activities Control Board. After this, senators of conscience cannot vote to confirm Mr. Otepka in a \$36,000-a-year job, where his work, if any, will be to judge the loyalty of American citizens and organizations."

Rather than taking the political view that the whole SACB concept is

unconstitutional and therefore should not be supported—or the resigned view that the SACB is a useless bit of welfare, doing nothing, but that it was a shame for the President to use his discretion to appoint, in the *Times*' view, a schmuck like Otto—the editorial rested its case on the assertion that Otto was too tainted to do the job right as a subversive-hunter, and that a neutral mainstreamer would be more efficient. The *Times* thus ventured onto the turf of subversive-hunting and declared Otepka ineligible by the very standards the SACB uses to ferret out dangerous organizations.

An average newspaper might have rested its case there, but fortunately the *Times* is not an average newspaper and therefore was possessed of a “wait a minute” person on the board—

the long view of responsibility. Apparently, such a person noticed that the Otepka editorial might look like McCarthyism to some readers, and told his colleagues that such an impression, left uncorrected, would be detrimental to the *Times*' historical commitment against Joe McCarthy's methods. So the argument was sealed with the addition of the following mop-up paragraph:

The far right doubtless will cry “guilt by association,” the charge made long ago by civil libertarians against the likes of Mr. Otepka, but there is a crucial difference here. Mr. Otepka's link to Birchites is no youthful indiscretion of many years ago but an activity carried on as recently as last summer.

Thus, the editorial board took the precautionary measure of protecting its flank against charges of McCarthyism by recalling the best case against old Senator Joe—the telling point about the unfairness of using “youthful indiscretions” that the *Times* itself had once made—and beating it down. This done, the *Times* had at least as strong an indictment against Otepka as McCarthy would have had against his victims if he had not ruined it all by rummaging through their old college notebooks.

The fact that Otto's sins did not fall in the “youthful indiscretion” category probably did carry some weight with a liberal readership—with people who remembered going to the verbal barricades for Alger Hiss and others like him over whether their doings on the left were permanent blemishes of character or merely the wanderings of callow youth. Those people who (perhaps for tactical reasons) had said that what was really wrong with Joe McCarthy was his reliance on outdated evidence, his once-a-subversive-always-a-subversive line, would be relieved to learn that Otepka, unlike Hiss, was still at it. “As recently as last summer,” concluded the *Times*, in an apparent reference to the God, Family, and Country rally that Sheehan had uncovered. (Some sources suggest that the freshness of Otto's blight could have been established also by the subscription dates on James Stewart's magazines.) Anyone who bought all of McCarthyism except for the Senator's attacks on people for what they did in the past would be sympathetic to disqualifying Otto from the SACB for associations that persisted well into his maturity.

“His peculiar infidelity”

After Sheehan wrote another story for the Sunday *Times* on April 20, emphasizing Otepka's right-wing associations and his likeness to a bureaucratic version of Joe McCarthy, Senator Strom Thurmond strode to Otto's battlements by declaring on the Senate floor that the *Times* had deliberately smeared Otepka. He charged that *Times* executive editor Harding Bancroft had commissioned the Sheehan investigation in order to get even with Otto for vexations caused back in 1962, when Bancroft was examined for loyalty before going on the Advisory Committee on Management Improvement to the Assistant Secretary of State for International Organization Affairs, or ACMIASSIOA. The *Times* had no

comment on this counter-smear, holding to its position that its interest in Otepka sprang from the logical force of the youthful indiscretion editorial.

Whatever the motivation behind the Sheehan articles, their spirit caught on in the Senate, culminating in Senator Stephen Young's speech against the Otepka nomination on June 24, minutes before the vote. Senator Young avowed that James Stewart, who raised money to give to Otepka's lawyer to use in Otepka's defense, had, on June 16, 1969 "attended a fund-raising party at the home of Julius W. Butler... an admitted fund-raiser for the John Birch Society and active in several John Birch front organizations... The guests at Mr. Butler's home last week included Robert Welch, founder and head of the John Birch Society, who spoke at length spewing forth the usual John Birch lunatic obsessions. Mr. and Mrs. James Stewart, I am told, were in charge of the refreshments that were served at the meeting and were introduced to the crowd and received with applause."

All this failed, and the Senate confirmed Otepka by a vote of 61 to 28. *The Washington Post* emphasized the fidelity question in its editorial lament: "Otto Otepka's long and unfaithful service to the State Department certainly entitled him to some reward from those on Capitol Hill who were the beneficiaries of his peculiar form of infidelity." *The New York Times*, as is its custom, focused on the who-are-you question to bewail Otto as a "living symbol of some of the worst days of the McCarthy-McCarran era."

The Ellsberg Reverse

Two years after his investigation of Otepka, Neil Sheehan was ensconced in a New York hideaway as head of a *New York Times* writing team that prepared stories based on the top-secret Pentagon Papers—slipped to the *Times*, *The Washington Post*, and

other parties by Daniel Ellsberg. Rather than investigating the left wing associations of Ellsberg (such demented pariahs as Noam Chomsky, SDS leaders, the staff of *The Harvard Crimson*, and the editors of *The Washington Monthly*), or noting the glazed-eyed, Martin Lutherish manner in which Ellsberg had been starting speeches by confessing himself as a war criminal, Sheehan stuck to the material at hand and exposed the deceptions perpetrated by Ellsberg's former bosses. It is possible that Sheehan's views on classified material had changed over the two years since 1969, as had his views on the war in Vietnam. As late as 1967 Sheehan had described himself as only half way along the path from war support to war opposition in a *Times* magazine article entitled "No Longer a Hawk, But Not Yet a Dove." By 1971, he had progressed far enough to write a piece in the *Times* speculating on the possible criminality of people behind him on the path, and this progress helped both Sheehan and Ellsberg decide that the classified document issue paled in significance compared with the overriding injustice of the war.

Of course, the decisions regarding publication of the Pentagon Papers were not made by Sheehan, but by the management of the *Times* and the other papers involved. By 1971, the editors of the *Times* had decided that the real issue involved in the exposure of classified documents was not orderly procedures, but the people's right to know as embodied in the freedom of the press. A June 15 editorial in the *Times* stated that the paper felt it had an obligation to publish the Pentagon Papers "once these materials fell into our hands." The *Times*, almost as disposed to see conflicts in light of its own powers as the Senate is likely to see them turning on Senate dignity, defined its position so narrowly that it left Dan Ellsberg out in the cold. Rather than presenting the Pentagon Papers as a joint venture between Ellsberg and the

newspaper, the *Times* argued that retribution for “declassifying” the Pentagon Papers was a matter between Ellsberg and the government. The *Times* took responsibility for the papers only when they fell on its doorstep out of nowhere, after which their news value required publication. (There is considerable circumstantial evidence that the *Times* was not as passive in the matter as it implies.)

The *Times*’ forthright exposition of press duties in matters hot enough to be classified must have convinced Otto Otepka that *he* could in the future slip classified documents to *The New York Times* and expect to see them published. He must have been heartened by the *Times*’ objectivity—by the fact that the editors took no overt political or moral position regarding why the war papers should be read in spite of their classifications, and that there was no editorial at all on the war series until the government stupidly tried to suppress it and introduced the freedom of the press question. The editors then said that the people should have a chance to read the papers, that neither the government nor the press should stand in the way of such fireside enlightenment, and that no one but the people can really tell what they mean. Otto must have reasoned that the people could also decide what his documents meant—that they could supply the political judgment if the press would *only* give them the chance, as the *Times* said it should.

Of course, Otto is no fool at \$36,000-a-year, and he might have concluded that the *Times*’ opinion on the war really did have something to do with its willingness to publish the Pentagon Papers, despite appearances and circumstantial evidence to the contrary. He might have guessed that the *Times* would not have published material like the Pentagon Papers in 1961, 1968, or even in 1969 when he joined the SACB. Even so, the newspaper’s changing views on the war would also help get Otto exposure. His previous efforts to sully the

reputations and political judgment of war criminals like Walt Rostow and McGeorge Bundy had not been appreciated at all, but the *Times* seemed to have come around enough on the war that it would go for a batch of documents on such men now. Both the *Times*’ increasing readiness to examine the doings of war criminals and its agnosticism about the actual meaning of the Pentagon Papers should logically work in Otto’s favor—and get his documents at least in the back pages. Nevertheless Otepka must fear lest the strictures about orderly procedures reappear, rising ever above the freedom of the press to leave him out in the cold again.

Despite apparent abandonment by *The New York Times*, the need for orderly procedures was identified as the central issue in the Pentagon Papers controversy by such newspapers as the *Richmond Times-Dispatch*. This journal, which had been all courage and patriotism and Paul Revere when Otto was riding, might well have dipped into *The Washington Post*’s clipping file on Otepka for its editorial on Ellsberg: “If each clerk, administrative assistant, or under secretary could ignore departmental policy and decide for himself how information should be classified, nothing would be safe.” Senator Gordon Allot, a supporter of Otto, chimed in with his attention similarly focused on the rules, as he felt they should apply to *The New York Times*: “The point is that the *Times* has neither the right nor the duty to decide which classified documents should be classified in which way.”

The State Department has been one of the few bastions of consistency in the Otepka and Ellsberg matters, opposing both men on the procedural grounds of loyalty and classification rules. But while the State Department has seen both the Ellsberg and Otepka cases through a monocle, most of the rest of us have been so wall-eyed on the matter that we have seen no par-

allel between them at all. When columnist Carl Rowan suggested that Otepka was “a sort of Daniel Ellsberg in reverse,” most of his readers were shocked at the connection proposed, even a reverse one. One reader, Otto Otepka, scoffed at such a kinship in an interview with UPI reporter Marguerite Davis, who wrote that “Otepka said he gave no classified documents to newspapers but merely provided senators, at their request, with information to support his own sworn testimony.” Thus, even Otto—convicted by *The New York Times* on a technicality—distinguishes himself from Dan Ellsberg on a technicality, and a misleading one at that since part of the “information” he gave the senators was a batch of classified documents.

Fiddling Over Rules

It is highly ironic that the cases of these two men, whose purposes are so far apart ideologically that it is dangerous to suggest a similarity at any level, have been argued on virtually interchangeable principles. None of them—the Senate’s right to know, the people’s right to know, freedom of the press, orderly procedures, or national security—went to the heart of the matter. Both men made an essentially moral choice, much like the civil rights sit-ins, to take a specifically illegal step in order to dramatize an injustice that they felt transcended the classification system. Otepka thought the classification system was important, but that the Administration’s spinelessness in the Cold War was more important. Ellsberg thought the classification system was important (which is why his decision produced such personal anguish), but that the history of the Vietnam war was more important in its lessons about the past and the nature of the war. Both men made their decisions in the midst of ethical conflict, and any evaluation of them demands that you take a position on why that stand is or is not worthy of

support. In other words, given that it is possible for something to be important enough to transcend the classification regulations, you have to make a political judgment about the purposes of Otepka and Ellsberg.

It is well for those of us who support what Ellsberg did—because the Pentagon Papers changed some minds on the war—to keep the Otepka episode in mind. Thinking of his arguments and the furor around him should keep people from being opportunists in debate—from latching on to the arbitrary rules that pop up here and there, like prairie dogs, around any such controversy. These rules, and the sonorous platitudes that editorial writers and politicians trumpet in their names, provide ludicrously poor guidance in evaluating as serious and complex a matter as the Pentagon Papers. By themselves, the rules make an ungrounded compass, each one pointing east for Ellsberg and west for Otepka, in a spectacle that is nearly comic in the conviction people work up over principles like orderly procedures.

Arguing in support of Dan Ellsberg on the basis of the obvious weaknesses in the classification system is shaky because it runs headlong into opposite impulses regarding Otepka. But more importantly, such an argument misses the point. It is like speaking out for a sit-in because of improprieties in the disturbing-the-peace laws, when the real issue is race. Whatever positive force there is in what Ellsberg did comes from the nature of the war and what the Pentagon Papers say about the war—from political and moral issues that have no simple ground rules. When the debate strays from that central question, it loses both its passion and its logic, leaving a dusty bag of rules that Otto Otepka can use just as well. When the discussion centers on personalities and sideline skirmishes, it makes fewer converts for the antiwar message of the Pentagon Papers and Ellsberg, and thus detracts from what he is trying to accomplish. ■

POLITICAL BOOK NOTES

This section lists public affairs books scheduled for publication this month. Publishers who want descriptions of their books included should notify us two months in advance and provide a brief (50 words or less) objective summary of the contents.

Beyond the Stable State. David Schon. Random House, \$7.95

Bombs Away! True Stories of Strategic Airpower from World War I to the Present. Stanley Mulanoff, ed. Doubleday, \$9.95.

The Born-Einstein Letters: The Correspondence between Albert Einstein and Max and Hedwig Born—1920-1955. Walker, \$8.50.

Chicano Manifesto. Armando B. Rendon. MacMillan, \$7.95, \$2.95.

Choice and the Politics of Allocation: A Developmental Theory. David E. Apter. Yale, \$7.95.

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