

# THE CAIRO REVIEW INTERVIEW

---

## DANGEROUS MAN

*Daniel Ellsberg, the leaker of the Pentagon Papers, discusses Chelsea Manning, Edward Snowden, American freedom and his fear for the survival of the human race*

At a fashionable home in Brentwood in September, a few hundred people gathered at a function hosted by the American Civil Liberties Union of Southern California to honor **Daniel Ellsberg**. Hector Villagra, the group's executive director, called the ACLU award recipient "a man who blew the whistle, who went public with the truth that the government didn't want told, and in the end helped stop a war."

Ellsberg, 82, is America's most famous whistleblower. Or he was until the sensational leaks by Chelsea Manning, an army private sentenced to prison in August for providing thousands of secret diplomatic and military documents to WikiLeaks, and by Edward Snowden, a National Security Agency (NSA) contractor who fled to Russia in June after revealing the scale of domestic surveillance to the *Guardian* newspaper. In 1971, Ellsberg leaked the Pentagon Papers to the *New York Times*. He had been a Vietnam specialist as a defense department and state department official and later as a RAND Corporation analyst. His release of the Top Secret history of the Vietnam War fueled opposition to U.S. military involvement in Vietnam, and led to his indictment on espionage and theft charges. Ellsberg explained after turning himself in to authorities: "Wouldn't you go to prison to help end this war?"

A federal judge eventually dismissed the case on grounds of government misconduct; the Nixon administration had carried out illegal surveillance of Ellsberg, including a break-in at his psychoanalyst's office. Ever since, Ellsberg has been a prominent peace activist, advocate for civil liberties and press freedom, and author. He is the subject of the 2009 documentary film *The Most Dangerous Man in America: Daniel Ellsberg and the Pentagon Papers*. *Cairo Review* Managing Editor **Scott MacLeod** interviewed Ellsberg in Los Angeles on September 29, 2013.

▷ **Daniel Ellsberg**,  
Mill Valley, California,  
Jan. 7, 2011. *Mark  
Richards*

**CAIRO REVIEW:** *Let's get right to Edward Snowden. What's the significance of what Snowden has revealed?*

**DANIEL ELLSBERG:** He's revealed that at least under the George W. Bush administration and continuing into the



Barack Obama administration, these two administrations have laid the full technical infrastructure for a police state. We don't have a police state, for sure, or this interview wouldn't be taking place. I would probably be in detention. And we don't have the process that the Stasi in East Germany embodied, which was not only as total surveillance of their population as they could achieve, but involved bringing people in constantly for questioning and possible detention, possible torture. We don't have that here in this country. We do have at this point, Snowden has revealed, a surveillance apparatus that goes far beyond what the East German Stasi could even have imagined.

Remember, in the period let's say [depicted] in the movie *The Lives of Others*, which shows the Stasi at work (and got an Academy Award some years ago), there was no email, there was no Internet, there were no chat logs, no digital credit card transactions, no banking done by this way, no faxes. So these channels of data didn't even exist. And you didn't have smartphones, and you didn't have the GPS system, which enables NSA to know at any moment where a possessor of the smartphone is, within feet. So it amounts to what Admiral [John] Poindexter proposed years ago, under Bush, Total Information Awareness, TIA, which was supposedly voted down by Congress, defunded by Congress, but simply took up shop under a different name, apparently, in NSA, but has now gone far beyond what even he could have imagined.

It's not only the collection of all this data, but the analysis of the correlation of it, largely by computer, correlating where you are and where I am at any given moment—they put us together very quickly. And, of course, the telephone calls, which have led to at least a couple of the prosecutions recently for whistleblowing that have been instituted by Obama. They found very quickly who had been calling the reporter whose byline appeared on the story, when they had met, when the reporter had been to the State Department and so forth. They knew total movements and total communication. Moreover, something that hasn't come out yet in terms of documents, but which has been testified to by William Binney of NSA and Kirk Wiebe of NSA, Russell Tice of NSA, and Tom Drake—four major whistleblowers have all said that by no means is their collection limited to the so-called metadata, the subject headings and the data as to who was called and when and where. But that they are collecting the content of all of these calls.

And whereas, as recently as six or seven years ago, they could not store all that data, that problem has been solved. And now they can essentially store all of the content, even of audio and video, which takes more room, and text, and they are building a huge data center in Utah for the storage and analysis of all this material. So they have what a police state needs in the ability to identify suspects and identify troublemakers, and they also have the ability to identify every source of every journalist very quickly. So we have a country now, I'd say, where the problem of knowing who leaked a particular classified or embarrassing piece of information is technically very easy to solve at this point. It's hard

for me to imagine that a free press, an independent press and investigative journalism, can actually exist with the executive branch having knowledge of every source for every story, and being willing to prosecute, without having an Official Secrets Act of the British type, which has always, with one exception, been rejected by Congress as being unconstitutional, incompatible with the First Amendment. And yet Obama has been willing to prosecute now eight people, plus the almost surely sealed indictment of [WikiLeaks founder] Julian Assange, which is asserted by his lawyers, that exists in Virginia. That would be three times as many as all previous presidents have prosecuted altogether for leakers or whistleblowers. So you have both the ability to identify the defendant, the suspect, and the willingness to use the Espionage Act to prosecute, to put them behind bars.

Even without prosecution, the ability to identify means you're able to use a great variety of administrative sanctions against the leaker. Even before the age of prosecution under Obama, the government could take away their clearance, take away their access, which really means destroying their career, not just their job. It probably means a great loss in income and thus children's education and where they live. Great pressure on marriages, in fact. All of these things without prosecution. Tom Drake of NSA, for instance, basically lost all of his savings trying to defend himself against almost entirely spurious charges, which in the end were dismissed virtually contemptuously by the judge—but after years under indictment, where he lost all of his savings, mortgaged his house, put tremendous strain on his marriage. Having been a high official in NSA, he is now a consultant at the Genius Bar of an Apple store. Russell Tice, fired from NSA, has not been able to find a job at all and he was one of the high technical people in NSA, and he wasn't prosecuted. Without investigative reporting, you don't get congressional hearings, really. They're mostly stimulated by the press in reality, even if you had an inclination by Congress to investigate, which we haven't seen since 9/11 or before. So you have an executive branch without oversight, without checks and balances. I would say it's the death of democracy, or at least the paralysis of democracy, and the question is whether we can possibly resuscitate it.

**CAIRO REVIEW:** *You refer to the James Risen case?*

**DANIEL ELLSBERG:** Yes, James Risen of the *New York Times*. He's the reporter, and the leak was allegedly by Jeffrey Sterling, who was linked to Risen through telephone calls. They had telephone records. And James Rosen of Fox News was identified. He was the reporter, linked to Stephen Kim for a leak on Korea, and again that was entirely through telephone records. They could see that a particular report had come out, they knew that Rosen had telephoned Kim asking for information before that, they knew from the content that he was asking—not just the fact there was a phone call—and then they had Kim calling almost immediately after the report

had come to him. Clearly the circumstantial evidence here is very powerful, and probably they had the content of the calls, but haven't yet admitted that.

**CAIRO REVIEW:** *People assumed for a long time that the government had the capability to store lots of data on people, so what specifically has Snowden revealed?*

**DANIEL ELLSBERG:** Documents. People have always sort of assumed that we were being listened to. But the difference between assuming it and knowing it is quite significant. It's very inconvenient to act as if you are being listened to at all times, to encrypt everything, to use spy trade to try to protect your sources and so forth. It's a lot of trouble. That's what NSA relies on, people just not taking the trouble. Remember, the 'knowing' has always gone in the face of denials, very explicit denials, by the president and by the heads of intelligence, with [Director of National Intelligence James] Clapper, just this year, saying, "We do not collect data on millions of citizens," when in fact the answer is, "Yes, we do collect data on millions, hundreds of millions in fact." A direct lie to the intelligence committee. And going back a ways, with Bush saying, "We do not listen in on communications with Americans without a warrant. Period. As the Fourth Amendment requires." He said that on television. False. That was a lie. And in that case, the Congress was not able to get documents, or real testimony from anybody in the government. They demanded the testimony and people just said, "No, we won't give it to you." And in that case, I don't think any documents actually ever did surface.

But in the case of Snowden now, the documents are just there. They can't deny it. In the case of the Pentagon Papers, you had four thousand pages that I gave to the newspapers, plus several thousand that I gave only to the Senate. There you had documents, and a lot of documents, over a long period of time, a very comprehensive record, as Snowden has provided. And that makes a difference. For forty years, I've been putting out publicly that I wish someone would put out a lot of documents that could not be dismissed on the grounds that, "Well, that's one document, but we reversed that the next day," or, "That was the attitude of one agency, but the president decided otherwise." Or, "That's old stuff," and so forth. [In the Pentagon Papers] you had a record of all the different agencies weighing in, the pros and cons, the controversy going on, and finally a decision being made. It made it very clear that the public had been lied to, and that Congress had been lied to, systematically by a series of presidents over a period of years, as is clearly true now coming back to the NSA issue. It's very hard for people to really believe that a president is lying to them—lying, not just being cute or misleading a little bit, not telling the whole truth, but actually lying—unless they have a document.

**CAIRO REVIEW:** *The Pentagon Papers had that effect, you think?*

**DANIEL ELLSBERG:** I failed in what I basically hoped to do with the Pentagon

Papers, to get people to understand that the same pattern of lying about the Vietnam War that I was documenting for four different presidents, Truman, Eisenhower, Kennedy and Johnson, was being pursued by a fifth president, the then-current President Richard Nixon. And I just hoped that people would extrapolate there a little, and say, “Well, all these other presidents did it, two different parties, same situation, they all deceived about what they were planning to do, what they were doing, what the costs would be and how the war was succeeding. Nixon’s doing the same.” But I didn’t have documents on that. I couldn’t get people to believe that, even people like Sy Hersh or Norman Mailer or people I put it to who are generally regarded as very sophisticated, very cynical even. I remember saying to Norman Mailer at the Miami Democratic Convention in 1972, having failed to convince him that Hanoi was likely to be bombed by the end of the year, that that was part of the pattern of the policy. He said he just couldn’t believe that the plan was that coherent. I said, “You know, it isn’t as though they would have hoped to do these things.” They didn’t want to do them. They wanted to win without doing them—mining Haiphong, renewing the bombing of North Vietnam, and so forth—but I could predict that they would not succeed in their aims with the earlier measures, and I predicted on the basis of the Pentagon Papers that they would carry out what they’ve planned. Plans exist. He couldn’t believe it. I remember standing under an awning in the rain waiting for a taxi with Mailer and I turned to him and I said, “How would you feel if you believed what I believe?” And he said, “I think I’d go mad.” And I said, “Well, maybe I’ve gone mad.” But by the end of the year, we were bombing Hanoi, after hearing “peace is at hand” from Henry Kissinger just before the election. And then the heaviest bombing in human history over a two-week period. That wasn’t very gratifying to me to have that prediction confirmed. What I’d been doing since ’69—and this was ’72—was trying to avert that, and I’d failed. But I’d failed in considerable part because without documents, people just could not believe that this president, even a president they had not voted for, would simply be carrying out a secret foreign policy and getting away with it.

**CAIRO REVIEW:** *One of the things Snowden has said is that his biggest fear is that what he’s done won’t have any impact.*

**DANIEL ELLSBERG:** Chelsea Manning said exactly the same thing to Adrian Lamo, the person she unfortunately confided in. She said, precisely, that her greatest fear was that nothing would change. Her hope was that there would be informed discussion, that there would be debate and change in policy worldwide, and not just in the U.S. But again, would anything change as a result? Now, Manning had very little effect in this country, I would say, in terms of policy, though a very big effect abroad. The revelation that the U.S government knew very thoroughly of the corruption by [Zine El-Abidine] Ben Ali in Tunisia persuaded resisters in Tunisia to believe, when they

read that in *Le Monde* through WikiLeaks, that if they revolted, maybe the U.S. with this knowledge being public would not feel open to backing Ben Ali. They might be embarrassed to be backing this admittedly corrupt and tyrannous dictator. There were stories around the time that Mohammed Bouazizi burned himself—another critical element there by one person—that this is the first “WikiLeaks Revolution.” The two were both critical: Bouazizi and Chelsea Manning’s revelations through WikiLeaks. There grew a website called TuniLeaks to reprint the WikiLeaks revelations on the Internet when the regime tried to cut it off. Without the discussion there, Bouazizi’s burning himself to death I think would not have had the resonance that it did have in Tunis—that “this is enough, this is it, let’s react to this.” Then, within weeks, that led to the Cairo occupation in Tahrir Square, and again in a surprisingly short time non-violently that regime was overthrown. Chelsea Manning could hardly have been unhappy. I don’t know how much she knew about that in prison, but she knew some. We did hear that she was aware. But it didn’t have that effect in the U.S.

**CAIRO REVIEW:** *The effect of Snowden?*

**DANIEL ELLSBERG:** Snowden has had as much discussion and reaction in Congress as you could hope for at this stage, and may or may not lead to major change. That remains to be seen. I’d say the immediate effect was far more in terms of Congress than the Pentagon Papers had. The Pentagon Papers was seen as very interesting, but history. I think the major difference between the impact here of Snowden and Manning is that Manning was revealing what our government was doing to ‘them,’ ‘others,’ not ‘us,’ not ‘we the Americans,’ but to foreigners far away. And Americans do not and did not rise to that as much as they would to, let’s say, American casualties, or something being done to us. Snowden, on the other hand, was revealing what the government, our own government, was doing to us here at home, and I think that made a very big difference. I don’t think this is a peculiar nature of Americans. I think it’s very human, that all countries pretty much react that way. That is, unfortunately, very true of our species. Manning said to Lamo, “If there is no discussion and no debate, I will officially despair of our species.” At first glance, that would seem to most people a very grandiose statement. Very sophomoric, you might say. Not to me.

**CAIRO REVIEW:** *Why?*

**DANIEL ELLSBERG:** Because I’ve seen this as a species problem for quite awhile, and the lack of concern about the impact of our own actions on people who are defined as ‘other,’ not ‘us,’ is a species characteristic that in the nuclear era, and in the era of climate change also, forecasts our self-extinction. And not only our self-extinction, but with us most other large animals. All of which could be annihilated today, as we speak,

by a false alarm that set off the two doomsday machines in Russia and the U.S. Each of which is able to create smoke from burning cities that would reduce sunlight and create a nuclear famine. Nuclear winter. And if not winter, nevertheless kill harvests for a period of years, perhaps a decade. And we would all go.

My principal concern for many years, going back to '58, that's almost sixty years now, has been this problem: the possibilities of nuclear annihilation. I was working on nuclear war plans as early as '59, '60 and '61, and I'm very conscious of what I just told you: that the land-based missiles and the submarine missiles that we have right now are capable of killing everybody and the animals with us, down to the level perhaps of bacteria and insects. That I didn't know until the '80s, twenty years after I'd worked on the war plans, with the nuclear winter studies that came along. And yet, those studies, which have now been confirmed in the last five and ten years very thoroughly—the situation being even worse than was conjectured or asserted in 1982 and 1983—have been essentially ignored by the public as if the nuclear problem had gone away. Yet, the capability of doing this, with no conceivable strategic or national rationale for it, is still in place. 'Ready to go.' 'On alert.' Efforts to get it off alert have all failed.

What I did become aware of in 1961, twenty years before the nuclear winter studies, was that the joint chiefs of staff told the president, in answer to a question I drafted for the White House, that the effect of the U.S. conducting its plans for general nuclear war would be to kill some 600 million people. Six hundred million people. Including not only some 325 million in the then-Soviet Union and China, but 100 million of our allies in Western Europe, 100 million in the "captive nations" in Eastern Europe, and 100 million in neighboring countries to the Soviet Union, like Afghanistan, Japan, India, Austria, neutral countries, Finland. Which revealed to me then that the people I was working with were capable of being, you know, totally oblivious or unconcerned about the prospective impact of their planning, our planning, on non-Americans.

That was a time, by the way, when an attack might have been carried out with no loss at all that you could see in the short run in the U.S. Because in '61, the Soviet Union had four ICBMs that could reach us, and perhaps 150 or so long-range bombers, all of which we could destroy very easily in a first strike. And a year later in the Cuban Missile Crisis, the joint chiefs were pressing Kennedy to take actions that would have triggered this war: immediate attack on the missiles in Cuba, with the understanding that that could easily quickly escalate to a U.S. first strike. So we had joint chiefs who had those values, who were willing to do that. That told me something about the human species. I did not assume that Americans were uniquely vicious and brutal. I didn't doubt that there were plans in Russia as they acquired nuclear weapons that were very similar, and would be in other countries. What are French and English nuclear weapons targeted on? Only cities. They've said that explicitly. They don't have as many. They've got to make the best use of



them they can, and that means cities. Where are Israel's weapons targeted? I saw recently an estimate that Israel had eighty nuclear warheads. I looked at that and said, eighty? That's impossible. Mordechai Vanunu back in 1985 was talking about 300 and possibly 600 warheads. Have they been getting rid of them? Then I looked at the fine print and I saw those are not including tactical nuclear weapons, which are mostly Hiroshima-size or Nagasaki-size. Where are they for, exactly? The whole world should be interested in what they have in mind. Just as they should be interested in what the U.S. has in mind.

I got off on this because we're talking here about secrecy, having concealed this from the world. Something that in fact the whole world has an interest in knowing. India and Pakistan. Pakistan now has more than a hundred fission-type weapons, and India has more than fifty. Calculations have been made scientifically that with one hundred Hiroshima bombs you wouldn't get nuclear winter on cities from the smoke. You would get a diminution of the sun's energy reaching the earth of about 7 percent, which would be enough to increase drought, kill off harvests, and in various places sufficient to kill about 900 million people who are at the marginal levels of nutrition. It's a calculation done by the Physicians for Social Responsibility. That suggests to me that the entire world has an interest in preventing that, and to start with, asking them what they have in mind with this, and how dare they propose to inflict this on the people of the world. That is all the more so with the larger arsenals, above all of the U.S. and Russia.

And all of it is behind a veil of secrecy. The figure I gave you of 600 million deaths has never appeared in any official government statement in the last fifty years. There is no estimate of who would be killed by an 'American option' in any of our nuclear war plans. When you see estimates, they nearly all come from me, actually. I've traced the footnotes, and they come from the fact that I drafted that question and I held in my hand a Top Secret answer from the joint chiefs of staff, but that remains Top Secret including from Congress.

Coming back now to this surveillance aspect, I would like to see a Snowden at the kind of level that I was in '61, with access to the war plans, put out this kind of classified data, with documents, on a large scale. I would like to see that in every nuclear weapons state. Had there been a Snowden or a Manning in India before their nuclear weapons tests, would we have had an Indian and Pakistani to tell us that they were preparing a test? Had that been revealed, there's at least a possibility that there would have been some public discussion and some international pressure. As it was, it was a *fait accompli*. In every nuclear weapons state that has conducted a test, the public of that nation has fallen in love with their new nuclear weapon very quickly, even when there was a lot of skepticism and a lot of resistance to it beforehand. In no single case has the decision been made to acquire nuclear weapons by the entire cabinet, let alone the parliament, other legislature or public discussion beforehand. Not in one case. Israel is a good example. There was strong opposition to that within the Israeli cabinet.

I'm saying the situation might have been different had somebody inside that process, and there would be thousands and thousands of people in the process, decided the world should know this, or the rest of my countrymen should know this. That's what Vanunu did, for which he was kidnapped, drugged, court-martialed, and put eighteen years in prison, eleven and a half in solitary confinement. And he revealed not just that they had nuclear weapons, which virtually everybody assumed at that point, but that the scale was much larger than the CIA or anybody else had imagined.

There's a case, by the way, I would say of a whistleblower who spent the eighteen years in prison with no perceptible effect on policy, in Israel or anywhere else, that you can see. I went over to Israel several times in his defense. He's very clear that he did not regret what he had done. In fact, he was forbidden to talk to reporters, but he continued to do that, for which he was put back in prison, after the eighteen years. So he's not in regret. I believe that Chelsea Manning will not regret what she did, or Snowden, whatever comes of it. I identify very much with them. As Manning said to Lamo, she didn't mind so much the prospect of prison for life or even being executed. She said what she did mind was the prospect that her face would be plastered all over the world as a boy: because she already thought of herself in gender terms as a woman. And she was willing to go to prison. When I read that I thought, "I haven't heard that for forty years." That's the way I felt in '69. And in '71, I expected to go to prison for life, for a chance that it might shorten the war. And that seemed to me, and I'm sure to them, a very natural, not very hard, choice to make, if you had a chance, a small chance, of having an effect on these very large events. So I felt I had waited forty years for someone who would do what these two did, namely put out so much material, classified, that it had a chance of actually affecting policy and making a change, but at the same time expose them to a near certainty of being identified and thus being prosecuted. When I did it, I wasn't aware that no one had ever been prosecuted for putting out classified material before me. Did you know that?

**CAIRO REVIEW:** *No.*

**DANIEL ELLSBERG:** Very few people know. Most countries do have a law like the British Official Secrets Act, which criminalizes any revelation of government protected information, whatever the intention and whatever the effects, whatever the motives. All irrelevant. It's simply criminal to do that. We don't have such a law, but there are words in the Espionage Act that do read as though that does apply. The Espionage Act was intended from 1917 onward for espionage, and was used a lot against spies who secretly gave information to help a foreign power, or hurt the United States, or for money. It had never been used against a leak to the American public, because it was understood to be unconstitutional if used in that way. That that would be a violation of the First Amendment. My case

was the first experiment to see if they could get that past the Supreme Court. And if my case had not been dismissed for government misconduct, it probably would have been dismissed by the Supreme Court as unconstitutional, according to major legal scholars of the day like Melville Nimmer. That's not so true today. The Constitution is the same but the court is different, very different. And the interpretation of the Constitution has evolved over the last forty years in ways that do not favor the First Amendment.

**CAIRO REVIEW:** *What signs do you see that Manning and Snowden may actually effect change? You mentioned the uproar in Congress over the NSA revelations.*

**DANIEL ELLSBERG:** There have been two. At first, there didn't seem to be any movement for change in this country as a result of Manning's revelations, which were about Iraq and Afghanistan: wars which the president claimed to be in the process of ending. In the case of Snowden, there have actually been introduced a number of bills that would rein in the NSA from their blanket dragnet surveillance of all Americans and all their digital communications. There is the Amash-Conyers bill, which would deny funds to the NSA for blanket surveillance of all Americans. That bill got a very surprising amount of support. It almost succeeded right away after the Snowden revelations. Then Obama has been led to describe a series of reforms, almost all of which are clearly sham reforms, with no teeth in them. Such as putting an adversary in the proceedings of FISA [Foreign Intelligence Surveillance Court] who would argue for openness, taking account of the fact that the FISA court right now consists of judges all of whom have been selected by one justice of the Supreme Court, Justice Roberts. Did you happen to know that? Like himself, they're nearly all Republicans appointed by a Republican president. Which may have something to do with the fact that they have been a pure rubber-stamp for the intelligence community. Out of some thirty thousand requests for warrants, they have denied eleven. So it's a pure formality to have the existence of that court. If they put an adversary on the court, a devil's advocate of some sort, they'll still get only the information the government gives them. The court, as much as a rubber stamp as it is, has complained that the NSA has continuously lied to them, deceived them and withheld information from them. The justice of that court said we have lost confidence in the NSA. That won't be improved by putting one more spokesperson on that court.

**CAIRO REVIEW:** *That seems like a limited impact, then.*

**DANIEL ELLSBERG:** The public has risen to this issue in terms of polls, with 60 percent of younger people saying that Snowden did the right thing, this guy who already is facing federal felony counts for what he did. The question is, will the public press Congress enough to put some spine in them for them to demand information from NSA

and to act on it, and, for example, not allow officials to lie to them under oath with no consequence, which they do regularly, as they did with Clapper. Will they demand true testimony on these matters? Will they refuse to be content with hearing from government officials, “We’re not going to give you this information. State secret. You can’t have it.” Which is the way [former Attorney General Alberto] Gonzales talked when the issue came up when the *Times* first revealed the widespread surveillance.

**CAIRO REVIEW:** *The warrantless surveillance?*

**DANIEL ELLSBERG:** The telephone surveillance revealed in 2005, the *Times* having kept that secret for a year at the request of the White House until it was about to come out in a book by their correspondent, James Risen. The *Times* finally revealed this warrantless wiretapping that was going on, which at the time was clearly illegal under a number of domestic laws, as well as unconstitutional under the Fourth Amendment. So you had in 2005 a four-year record of massive criminality by the executive branch under the president. Not one indictment followed from that, nor did the practice change. They just got opinions within the Office of Legal Counsel that maybe it wasn’t so illegal, which was ridiculous. Then they got Congress to legalize it. That doesn’t make it constitutional under the Fourth Amendment. That’s not how we amend the Constitution. A majority in Congress can’t just wipe out an amendment, but they purport to have done that, so now it’s legal.

In fact, all of the criminal acts that were taken against me by President Nixon, which led to his facing impeachment and his resignation, and incidentally to the dropping of charges in my case, all of those acts are now purportedly legal whether they’re constitutional or not. I was overheard on warrantless wiretaps. A White House team of CIA assets burglarized my former psychoanalyst’s office for information with which to blackmail me. You couldn’t get a clearer contradiction of the Fourth Amendment than that. The CIA was used against me, an American citizen, in a variety of ways, which was then illegal against their charter. And eventually a dozen CIA assets were brought up from Miami to Washington, DC, with orders “to incapacitate Daniel Ellsberg totally.” I asked a prosecutor, “What does that mean? Kill me?” And he said to me, “Well, the words were ‘to incapacitate you totally,’ but you have to understand, these guys were all CIA assets from the Bay of Pigs, and never use the word ‘kill.’” He thought they were meant to kill me, and that was from the White House. The Patriot Act makes the use of the CIA in domestic matters legal now. The FISA amendment act makes the warrantless wiretaps legal. The CIA has become in effect a domestic police agency along with the FBI. And even the assassination effort, Congress has not passed a law legalizing that, but President Obama virtually boasts—he leaks, to put it in another way, he leaks to the *New York Times*—that on Tuesdays he picks out people to kill, including Americans,

by drones or assassination squads. At least two have been killed, others are on the list: Anwar Al-Awlaki and his sixteen-year-old son, both American citizens, killed by drone attacks. No challenge to this by Congress or anybody else.

In effect, protections, liberties and guarantees of due process, which go back to the Magna Carta 800 years ago, have just been swept away in part by legislative process. In every case preceded by secret *faits accomplis* by the executive branch, then legalized by Congress or simply not challenged. And now we have Snowden showing that the surveillance is not just happening on a large scale, it happens on a total scale, every American is subject to this, every communication. Russell Tice has made the point that in addition to this dragnet surveillance, when he was in NSA he was involved in and knew personally of a great deal of targeted surveillance, targeting individuals including the heads of and staff members and the members of the intelligence committees, the armed services committees—everyone who had any bearing on the budget or investigation of NSA, journalists, news agencies like Associated Press and the others, and justices of the Supreme Court. So a government which was founded on the principle of checks and balances among three separate independent branches of government, plus a Fourth Estate, the press, protected by the First Amendment, has been replaced basically by a one-branch government, the executive branch, that knows every detail of the private life and the private communications of every member and staff member, home and office, of the legislative branch, the judiciary and the press.

The idea that these can be independent in their oversight or can have any real oversight function is absurd under those conditions. And I would say that the basic conditions of democracy that were built into our Constitution and the Bill of Rights have essentially been subverted, have been eroded. Mainly since 9/11 and with the acceptance of most of the population.

**CAIRO REVIEW:** *The Snowden impact does not seem too promising then.*

**DANIEL ELLSBERG:** There are two very promising effects. One, the bills to restrict the NSA are now proliferating in Congress. We'll see whether they reach majority and whether they get obeyed. But at least there is resistance here because of popular concern. The biggest effect is the fact that the president was facing loss of his request for support to attack Syria. He almost certainly would have lost by a huge margin in the House both among Republicans and Democrats. No parliament has ever denied the funds for an imminent war. It was so obvious that they were going to do that in the House, in contrast to Vietnam, Iraq, Libya, the drone war in Pakistan. The House wasn't going to go along and there was only one reason, and that was public opinion. The House was in recess and they were being approached by their constituents who buttonholed them and said more emphatically than these congressmen had ever heard

before, “Do not attack Syria.” And the reason was not a concern about Syrians per se but because of certainty that the president’s assurances, and the secretary of state’s assurances, that there would be no American casualties, no American boots on the ground, were ridiculous. And the public said, “We don’t believe that.” The public didn’t address the question, “Are they lying?” It was, “We don’t care what you think, the fact is that if we start throwing cruise missiles in there, we are going to be involved on one side of a very complicated civil war that’s going on and we will be led to back up that commitment by troops and in a quagmire, a hopeless quagmire.”

**CAIRO REVIEW:** *Snowden’s revelations caused the public to be more skeptical of presidential authority?*

**DANIEL ELLSBERG:** I’d say yes. They’re so conscious right now of having been lied to, and Iraq and Afghanistan are sufficiently fresh in their memory, as to keep us out of Syria if the public has a voice in it. And, for once, the public did have a voice. Amazingly enough, [Robert] Gates and [Leon] Panetta, two of Obama’s defense secretaries, both in a panel just last week, criticized their former boss very strongly. For what? That he went to Congress. That he obeyed the Constitution, which gives the power, the decision on war, exclusively to Congress—although various administrations have claimed that that language is ambiguous and it just has to do with declaring war which is just a formality, and that the decision is really in the hands of the president. That argument, made by John Yoo, the [former] legal counsel in the Office of Legal Counsel, is absurd. It’s ridiculous. In fact, it’s very clear in the discussions of the Constitution that the way it was interpreted, it was the intention of the [constitutional] congress to put that decision exclusively in the hands of Congress, not for them to be consulted, and not to share responsibility, but to *have* that responsibility. That was an invention of the Founders, based on their reading of two thousand years of history, going back to the Greeks and Romans, that you should not have the power of war and peace in the hands of one man. That it should be in the hands of a representative body. So here we have the president observing that for the first time in years. People actually cared strongly about it and they got it.

**CAIRO REVIEW:** *Curious thing, Obama is a constitutional lawyer.*

**DANIEL ELLSBERG:** He’s a constitutional lawyer, as is John Yoo, and I think he’s pretty much the same kind.

**CAIRO REVIEW:** *You voted for Obama, right?*

**DANIEL ELLSBERG:** Strictly speaking, I didn’t vote for him this time. I live in California, a solid blue state; I didn’t have any reason to vote for him. I did the first

time. But both times I did urge people in swing states to vote for Obama, and I got a lot of flak for that from various people on the left.

**CAIRO REVIEW:** *What explains Obama's role in the rollbacks you've described? What explains his drone assassinations and so on?*

**DANIEL ELLSBERG:** I don't have the explanation. I didn't expect him to eschew any of the powers that had been bequeathed to him by George W. Bush because I don't know of any president who has ever done that, who said, "I don't want that much information, I don't want that much power. That's not what the presidency is supposed to do." If anybody sounded as though he might do that, it was Obama. I still didn't expect that he would go *beyond* Bush, as he has done in many ways. Why the eight indictments [of government personnel for leaking classified information]? Why more use of the state secret's privilege? More opacity, I would say, than Bush. More secretive than Bush, on the whole. He enormously extended the drone campaign, assassination campaign, in a country with which the U.S. is nominally not at war, Pakistan. It is nominally our ally, a sovereign state, which officially at least complains that their sovereignty is being invaded. Here is a country that is, I would say, in the most dangerous situation in the world, with a very unstable government, with Islamic fundamentalists wanting control of the nuclear arsenal and with a record of having shared their nuclear technology with other countries in the past. To take actions which predictably had the effect of making the United States the most hated country in the world by Pakistanis seems to me—I could say imprudent, but that would be laughably euphemistic—seems wildly reckless, irresponsible and dangerous. The only basis that I can give for having urged people to vote for him in swing states and not regretting that, is that I believe [Mitt] Romney would be even worse. Or [John] McCain. If McCain or Romney were president right now, I believe we would have been at war with Iran for some time and we would be heavily involved in war with Syria. And so with all I've said here about Obama, I'm happy every day that Romney is not president. That's the state we're in.

**CAIRO REVIEW:** *Do you regard Snowden and Manning as American heroes for what they've done?*

**DANIEL ELLSBERG:** They're heroes to me. I identify with them because of their willingness to pay a personal price in order to inform their fellow citizens and the world of information that the public needed in order to change a disastrous policy. It ought to be normal, I would say natural, for people to do that. It doesn't seem to be that way statistically. It seems to be very, very hard, I mean almost impossible, for people to confront paying a personal price for the benefit of 'others' not 'us.' People will readily sacrifice

their lives on the battlefield for their country, supposedly, if they're convinced that it's for their country, often mistakenly. People will even sacrifice their careers at the orders of their boss. But to do it against the boss, to really lose their job, seems to be very, very hard. The price of that is ostracism and disrespect and being called very bad names like traitor, and people will put up with any abuse rather than suffer those names. Most people.

**CAIRO REVIEW:** *In leaking the Pentagon Papers, what was your thinking at that time?*

**DANIEL ELLSBERG:** I was a Cold Warrior in the late '50s, a Cold War liberal, a Cold War Democrat. I felt myself very liberal in domestic matters, say, on racial questions, or unions. In fact, I planned to be a union organizer or a union economist. At Harvard, I studied labor economics. But I'd become very convinced by the black-and-white vision of the Cold War as opposing a virtually Hitler-like opponent, just as I had been an enthusiastic youngster in World War II. I had the usual Cold War attitudes. The president had more secret information than I did and I assumed had our best interests at heart and shared the values of democracy. I was about to get out of the Marine Corps in June 1956, after two years. And when my battalion was scheduled to go to the Mediterranean with the 6<sup>th</sup> Fleet for six months, the Alsops [newspaper columnists Joseph and Stewart] were predicting war, especially when Nasser nationalized the Suez Canal. I couldn't stand the thought that I would be back at Harvard while my battalion would be in combat.

So I extended for a year, on the possibility that there would be combat. In the course of that year, we were steaming toward the southeast corner of the Mediterranean, with the British and French and the Israelis working their way up the canal, not knowing whether we would be attacking or participating against Israel or Egypt. As the assistant operations officer in charge of training, I was asked to do a briefing for the flotilla of ships we had, five or six ships, on the merits of the crisis. I went to the ship's library and looked up Britannica and several encyclopedias and I read Arthur Koestler's book on the Middle East and a number of other books, and came to the startling conclusion that Nasser had had a perfect right to nationalize the canal, and that he was right in saying that the British had been exploiting Egypt with their operation of it all this time. And [it] appears that the British and French are waging aggression, our closest allies here, and Israel, too. I was at that time almost the only Jewish infantry officer on that ship. I was impressed that Eisenhower, who I had not voted for, was denouncing our closest allies as committing aggression. I was proud of that, as an American. I thought, that's why I joined the Marine Corps, to fight against aggression.

The idea was not that we would be invading but that we might have to evacuate all the [American] citizens from one country or the other, from Egypt or Israel, and that it might have to be an opposed landing, because the country involved might want to keep American citizens there as kind of hostages, in effect. We were sent to Alexandria, and



there was a question whether they would really let us have the evacuees. At one point before the people came aboard, my boss, an operations officer, Major See, said to me, "It may be that they're going to intern us, that they will not allow us to take people off." I said, "What do you mean, 'intern us'?" He said, "Well, we'll have to go ashore, and they'll put us in an internment camp." I said, "Are you kidding? This is a reinforced Marine battalion. Are you saying that I'm going to be interned by Egyptians?" I apologize here for American chauvinism. I said, "I'm not going to be interned," and he looked at me very sternly and said, "That means you, Lieutenant Ellsberg. If we're interned, you will be interned." I thought to myself, "Well, f--- that." So I looked around the ship, found a rowboat that could be lowered by hand, I got maps, and I drew my .45 from the ship's armory. In my mind I picked out a couple people to go with me in this boat. We were going to go, I figured, before we would let ourselves be interned.

My reason for telling that story is that that was very much in my mind when I was looking at command and control problems of nuclear weapons a few years later at the RAND Corporation. I got very interested in the question: could a highly conscientious, patriotic and motivated officer, who felt that the time had come to use a nuclear weapon, and the communications simply had broken down, launch a nuclear weapon on his own initiative? What I discovered in going all over the Pacific for the commander-in-chief Pacific was that in every case rules that were meant to keep a single individual from launching nuclear weapons were consciously being bypassed and overruled to make sure that if communications from Washington failed somehow, which happened part of every day in the Pacific, that they would be able to use nuclear weapons. And the supposed two-man rule, which was to keep any one individual ever from making that decision on his own, was universally ignored in the field. As I expected from my own experience—and this not by rogues or madmen, but by people who wanted to carry out their patriotic duty.

**CAIRO REVIEW:** *Was it this individualism that led to your decision to leak the Pentagon Papers?*

**DANIEL ELLSBERG:** Interesting question, but I wouldn't say that.

**CAIRO REVIEW:** *How do you explain it?*

**DANIEL ELLSBERG:** I had been to Vietnam in '61 and understood it to be a real losing situation. We had only advisors there then, less than a thousand. But I was convinced by the people there that President [Ngo Dinh] Diem was a total loser. That he had no popular base whatever. He was, after all, a Catholic president in a Buddhist country, which very few Americans noticed as anomalous. You know, how did that come about? Could it be as a result of *foreign* influence? Because normally Buddhists wouldn't vote for a Catholic

president in Vietnam. But in this case, they'd voted like 102 percent for him in the Saigon area. So there was no way that you could succeed in Vietnam unless with U.S. troops, and they wouldn't succeed either, any more than the French had. That was the impression I got in '61. But when I went into the government in '64, having worked on nuclear war plans in between, President Johnson decided to go into Vietnam. It didn't seem like a good idea to me. It seemed like a bad idea. But he was the president, and the point was to do as well as we could under the circumstances, see what we could do over there.

So I went over there with General [Edward] Lansdale in the hope that his insight into insurgency and counter-insurgency would allow us to make something of this very unpromising situation. What I learned in two years was that there was no progress being made, and there wasn't any progress going to be made. That our prospects there were no better than they had been for the French or the Chinese, to go far back. My close Vietnamese friend, Trần Ngọc Châu, told me, "You know, you have to understand we are a country that thinks of ourselves as having defeated the Chinese, although it took us a thousand years." That introduced me to the idea that they were on a different time scale here from what we were used to in the United States, and that we were not going to defeat these people. Period.

I came back with hopes of getting us out of Vietnam and working within the government and consulting with people like Vice President Humphrey and [Robert] McNamara, the secretary of defense, the number two man in the state department, and Walt Rostow in the White House, that there was not going to be any progress, that we were killing people to no end and losing people, and that we should stop doing that. But that was not the president's choice. Then I was to participate in the Pentagon Papers study, as someone who had worked on escalation in Vietnam in '64 and '65. Eventually in '67, back at the RAND Corporation, I read the entire study. I had the whole study I was given for research. I was the only person doing research for government on lessons of Vietnam and being paid to do that. The last thing I read was the earliest part of the study, '45 to '54, which I left to the end on the assumption that it was the least relevant for me. I realized from reading about that early period that it had been an American war from the earliest days, in that we were encouraging and supporting the French in pursuing their intent to re-conquer a former colony. And just as I discovered in '56 that our allies were involved in fighting their way back into a former colony in Egypt, and that that was illegitimate by any American standards, I discovered that we had supported the French to the extent of 80 percent of their costs. By 1950, and for the next four years of the war, we were pressing the French to continue, lest we lose, lest an American president lose, Vietnam, the way Truman was accused of having 'lost' China. We had been founded in a national war of liberation from the world's greatest empire. So the war to me had been illegitimate from a U.S. point of view not just from '61, or '65, or '54, but

from '45 and '46, from the very beginning. And that meant to me that every person killed in Vietnam in that war was a victim of unjustified homicide, illegitimate homicide, which I read as murder. And that was something that I should not be part of, even another week, and I should do what I could to prevent it, to stop it. Whereas for the two years previous to that, I had done everything I could *inside* the government to stop it, I'd stopped short of saying anything that showed the president to have lied, which I knew by that time and was rampant, or that we were acting illegitimately. I wanted us to stop as gracefully with as little loss of face as possible, as were a lot of other people interested in doing inside the government. Virtually everybody I knew knew that this was a hopeless, useless slaughter. But they weren't doing anything that would risk their career or their promise to keep secrets or their loyalty to their president.

It could have been argued that that was disloyal to their oath to the Constitution. But none of us thought of that, including me. We thought of ourselves as working for the president. And just like for Panetta and Gates, we thought it's for the president to decide whether we're at war or not, which is, as I say, a violation of our oath, which is not to the president and it is not to secrecy, it is to support and defend the Constitution against all enemies foreign and domestic. And when the president is violating the Constitution, your oath should oblige you to reveal that and oppose that, but no one sees that. I can't say that I saw it at that time. What I did see was that the war was going to go on, and that to trust the president was not just naïve, it was irresponsible. Because I had read a study now of four presidents in a row—and I knew that a fifth was doing the same—who had consistently made the wrong decision to escalate in Vietnam, to involve ourselves. They had acted—from a national point of view—stupidly, and lied about it every day of the week and every year. And that this wasn't going to change unless Congress could be brought to use their power to cut off the funding for it. Ultimately, I realized Congress was not going to do that unless the public caused them to do it.

I went through two more stages. I decided to give the study to Congress in '69, in the hopes that it would lead to hearings. But Senator [J. William] Fulbright, who could have put it out and promised me he would put it out, as chairman of the Senate Foreign Relations Committee, quickly concluded that he would let me put it out and take the risk of the certainty of going to prison. He had no risk of going to prison. But he did risk being denied classified material from the Pentagon and being denied his role of being in charge of foreign military aid. So rather than risk that loss of status and power, he didn't put it out. After two years, I gave it to the *New York Times*. Then, when they were enjoined, for the first time in our history, in violation of the First Amendment, I gave it to seventeen other newspapers plus the *Washington Post*, nineteen in all. And the Supreme Court finally ruled that they were legally able to print this material, which had come to them even though it was classified, but I was prosecuted, facing 115 years in

prison. That was no surprise to me because it took another year to realize, to discover by research, that there had after all never been another prosecution like that. And for the reason that it was unconstitutional to use the Espionage Act this way.

As I say, it's still unconstitutional, properly interpreted. But Obama, the constitutional scholar, like John Yoo, is acting on the assumption that the president when acting as commander-in-chief in a time of emergency is constrained by nothing. Not the Constitution. Not treaties. Not laws. Not Congress. Not public opinion. Not allied opinion. Nothing. He is an absolute monarch. That's the explicit doctrine of John Yoo, or David Addington, [former Vice President Dick] Cheney's counselor, or Cheney, or probably Bush. And I would say Obama has inherited that attitude.

**CAIRO REVIEW:** *How do you respond to the argument that it is not the right of individuals who are not elected to make the decision to leak classified information that can change history?*

**DANIEL ELLSBERG:** It certainly involved my breaking my promise to keep these secrets. I made that promise many times, as did Snowden and Manning. But there was a conflict between keeping that promise and, if we want to talk in legal terms, keeping my oath to support the Constitution. In all three cases the Constitution was being blatantly and clearly violated by the president in a consistent way.

In Vietnam the Pentagon Papers showed that President Johnson had violated Article 1, section 8, which assigns the responsibility to going to war to Congress, by lying Congress into issuing a blank check for war (as President Bush did in Iraq). The Iraq field reports showed Manning that President Obama, as had Bush, was violating constitutional, domestic and international laws against complicity in torture, including knowingly handing over prisoners to an ally that would torture them, and refusing to investigate or prosecute torture done either by Americans or allies: all in violation of his oath of office to faithfully execute the laws and to support the Constitution. Snowden found that the NSA, under Presidents Bush and Obama, was massively violating the Fourth Amendment by suspicionless surveillance with or without "general warrants," themselves forbidden by the Fourth Amendment. And in each of these cases—as Manning, Snowden and I also became aware—the violations were being covered up.

The only way for the public or Congress or the courts to know that the violations were occurring was for someone who knew the truth to tell the truth to Congress at the risk and the almost certainty of going to prison for a long time, or in Snowden's case, and mine, too, though I didn't know it at the time, being assassinated. I think Snowden is taking a great risk of being assassinated. Not so much in Russia but in other places. And maybe in Russia, if [President Vladimir] Putin gets tired of him. So you have to be willing to take such risks. I do what I can to support such people because I think that

without them, the chance that we will change our nuclear, climate or imperial policies is nil. Our chance to regain our democracy is nil without more Snowdens and Mannings.

**CAIRO REVIEW:** *Is this latest escalation of violations of the Constitution because of 9/11?*

**DANIEL ELLSBERG:** 9/11 happened unfortunately to coincide with the administration including Dick Cheney, who as vice president—who was almost an acting president—had quite explicitly been deprecating the restraints of the Constitution, going back thirty years to the Pentagon Papers specifically and Watergate. He did not think that President Nixon should have faced impeachment for breaking the law. He thought that Nixon had every right to do everything that he did against me and everybody else. And he thought that Reagan had every right in the Iran-Contra scandal to be violating the Constitution and the law by getting money to the Contras that Congress had voted down. In short, Cheney in his full patriotism and his conscience—which I'm sure is as great as anybody else's, mine or anybody's, but with a different content—felt we needed a different Constitution, one that gave the president full plenary prerogative powers, and 9/11 gave him the excuse to put that fully into effect with the public's acceptance.

**CAIRO REVIEW:** *A dozen years later, you've got prominent commentators, such as Thomas Friedman in the New York Times, writing that despite their respect for civil liberties, they are more worried about another 9/11 than the government's abuse of privacy. How do you address their concern?*

**DANIEL ELLSBERG:** Rather easily. His point is, that if you can reduce the chance of another 9/11, that's worth—you have to infer his value here—that's worth giving up every wisp of privacy of every American in the country. Because that's what we're talking about. To endorse this particular program on the grounds that it reduces the chance of a 9/11 is to say there are no restraints left on the government in their efforts to reduce 9/11 and everything is permitted to the executive branch.

William Binney was one of the very top officials of NSA, who actually devised the program that they are using to collect all this data. He did so with privacy restraints on it that would lead to the encryption of data that they didn't need; that is, private data that was encountered among Americans, that could only then be decrypted by court order, so that you would only collect and store unencrypted and share information that seemed to be necessary to track terrorists, people for whom you had a warrant to go after. He has pointed out that in devising this program, that the first thing you do is to go after the phone data, including content, of people who are suspected of being associated with a terrorist organization. He says then you take what they call a first hop, you look at all the phone messages to and from those people. You look at all the

people now who are communicating with those suspects, who may be a very large number of people to start with. They have a list right now of over a thousand people who are serious suspects. In the second hop, you look at all the communications to and from those people. So now you enlarge that to all the people who have made a phone call or digital call or any connection with those people. Now you've got a very large set of people. He said you have now encompassed anybody that there is any realistic hope of finding any connections or associations [with] that will do you any good for intelligence purposes. He said to go to the third hop or fourth hop, as NSA actually does, gets you essentially to everybody. Meaning that you're swamped in data, overtaxing your ability to analyze anyway, except in the most shallow machine forms, but he says that with no benefit to an actual intelligence investigation. It will not give you anybody who is associated with 'those people' that you started with or the terrorist organizations. He said that in his program initially the idea was there are all those people that you were gathering in that were American, but were not on the first or second hop, that that data would be discarded or encrypted, and not available to the FBI, the local police, anybody else or even to the intelligence community.

What he's saying is that this dragnet association—contrary to Friedman's intuition, which is after all based on no expertise whatsoever in the intelligence field—is vastly more information than has any conceivable relation to intelligence gathering. But it does give you the ability to look up anybody that you develop an interest in in terms of politics, dissent, blackmail capability, manipulation of any kind. It gives you a blackmail capability basically, a manipulative capability on *everybody* in the country. What Stasi would have dreamed of having but couldn't possibly achieve. So, in short, the first hop already involves you in potential violations of the Fourth Amendment, but the idea that you have to go to this three-or-four-hop dragnet for national security purposes is not based on any professional intelligence judgment. And was for a long time simply denied by Clapper and the others that they were doing that. They weren't saying, "Yes, we're doing this because we have to." They don't have to. They were denying it because they don't have to and it's illegal and abusive.

**CAIRO REVIEW:** *You mentioned the potential chilling effect on the media in terms of investigative reporting.*

**DANIEL ELLSBERG:** No reporter now can offer any source assurance of anonymity.

**CAIRO REVIEW:** *Is that necessary in the Internet era? With organizations like WikiLeaks?*

**DANIEL ELLSBERG:** WikiLeaks would be totally out of business if it weren't for the Freedom of the Press Foundation of which I'm a part—I'm a co-founder—which

has channeled money to WikiLeaks, which had run totally out of money thanks to the illegal, or non-legal, extra-legal embargo that was instituted by Amazon, PayPal, Bank of America, everybody, refusing transactions that would support WikiLeaks. The Freedom of the Press Foundation makes it possible to contribute money to WikiLeaks and other websites that do investigative reporting, and will do that for WikiLeaks as long as it's under this kind of embargo. What I'm saying is you don't just *have* WikiLeaks. They've done everything they can to close down WikiLeaks. I should add, there are increasing indications that they're preparing to go after journalists directly. Specifically, James Rosen of Fox News is named in an affidavit by an FBI guy who was looking for phone records, as having aided and abetted the criminal activity of Stephen Kim, who [allegedly] gave him information. That's saying that the journalist who prints the information is aiding and abetting, conspiring in other words, with a criminal. That's a pretty strong indication that they feel themselves legally able to go after the press directly. If there is a sealed indictment against Julian Assange, as is probably the case, that's against a journalist, a journalistic enterprise. I think they're hoping he will be perceived by other journalists as 'not one of us,' you know, not fully journalistic. Bill Keller of the *New York Times* said that he couldn't recognize it as journalism, although he opposes prosecution of WikiLeaks. That's an indictment of journalistic enterprise. If they can go after Assange, they can go after the *New York Times*.

**CAIRO REVIEW:** *Is the press standing up to this?*

**DANIEL ELLSBERG:** By the way, the figure I gave you earlier of 600 million dead from our plans in 1961; as far as I know, that remains Top Secret. That's never been released. It's never been declassified. I've said it publicly very often and they haven't drawn attention to it by going after me on this. But under their criteria you, if you publish that, would come under the wording of the Espionage Act. Are you authorized to receive that? No. Do you have a clearance? No. Are you giving it to people without a clearance? Yes. Then you come under 18 U.S.C. 793 paragraph E for unauthorized possession of classified material. And so do your readers, amazingly enough! Sorry, feel free to take it out if you want. But there it is. Now they haven't actually brought such a prosecution because in the past they would have expected a Supreme Court to have ruled that part of the law unconstitutional, and then they would have no law to quote. But now they're edging up closely to doing that. I think they figure that with the current Supreme Court, they could get away with it.

**CAIRO REVIEW:** *Is the American press doing enough?*

**DANIEL ELLSBERG:** No, not at all. They're only slowly beginning to wake up to the fact that Assange really is one of them in the eyes of the administration. I think

the AP wiretaps woke them up considerably. Then the affidavit on Rosen has gotten their attention. Because if a reporter can be accused of aiding and abetting just by using a source, they're obviously all under the gun. They haven't actually prosecuted Rosen, but Risen has now been held by a circuit court that he has to testify or face jail on contempt as to who his source was. So it's getting very close to home. I think what they should realize is that it is important to establish the legal principle that the use of the Espionage Act against an unauthorized disclosure for the purpose of informing the public and benefiting the country is not a crime. That's to say that what I did might not be a crime if the jury agreed with me as to my motives. And to prosecute such things without any mention of motive or whistleblowing or intent to help the enemy, which is the current situation, that that's unconstitutional. And to use the Espionage Act as an act against disclosures is unconstitutional. That would happen in Britain, but Britain doesn't have a First Amendment. They didn't have the revolution that we had.

**CAIRO REVIEW:** *Have you been in contact with Snowden or Manning?*

**DANIEL ELLSBERG:** I tried to have contact with Manning but I was escorted out immediately when I said hello to him in court. They said you can't talk to the defendant. Snowden I have been in indirect contact with.

**CAIRO REVIEW:** *For what reason?*

**DANIEL ELLSBERG:** Oh, to tell him how much I admired him, what he was doing.

**CAIRO REVIEW:** *Did he respond?*

**DANIEL ELLSBERG:** Yeah.

**CAIRO REVIEW:** *What did he say?*

**DANIEL ELLSBERG:** He said among other things that he and his partner—who he left behind in Hawaii, he wasn't able to tell her anything what he was doing—had together gone to see *The Most Dangerous Man in America: Daniel Ellsberg and the Pentagon Papers* a year ago. He said, "That definitely hardened my resolution to do what I did." And he had also been educated by Manning's example. I think Manning had inspired him but also taught him that he had to be out of the country when he revealed this. Otherwise, unlike me, who was able to speak freely and raise funds for my trial throughout my indictment, which lasted almost two years, he would be in a cell like Manning, in isolation that whole time. We'd never see him again or hear from him. No reporter has talked to Manning since she was first arrested more than three years ago. She's been incommunicado.