

Dan Schorr: The Secret Sharer

by David Ignatius

It was a nasty business, from beginning to end, and people got hurt. Dan Schorr, a CBS reporter who wanted to fix a spotlight on the CIA, found himself muzzled off the air by his employers. The staff director of the House Intelligence Committee, who wanted to expose the intelligence blunders that had surrounded Henry Kissinger's foreign policy, ended up waiting nervously to be interviewed by House Ethics Committee investigators assigned to track down Schorr's source. The trustees of the Reporters Committee for Freedom of the Press, who had helped Schorr find a publisher and agreed to accept the royalties, ended up apologizing for "crimes against journalism" (*The Chicago Tribune*) and "selling secrets" (*The New York Times*), and bickering among themselves over how to divide the blame.

Something had changed in Washington. That much was obvious. The House Intelligence Committee had been established to investigate the illegal, covert operations of the CIA. But by the end, the committee's own security lapses had become the focus of public attention, and it appeared that an official secrets act, far more repressive than anything which had

come before, might result. The Democratic Congress, which only months before had been loudly asserting its independence of the White House, was now refusing, on the advice of the President, to sign its name to the report of one of its own committees—and then instructing another committee to investigate the first. It was a comic opera finale to the great era of investigation that had begun in 1973. Now Congress was attacking the Congress, the press attacking the press, the Administration (and those charged with committing illegal acts) gloating, ever so slightly, from the sidelines.

The story of how it all happened, reconstructed from scores of interviews, is a narrative of small details, of conflicts of interest among friends, of elite backstabbing, of ill-considered judgments, of ironies gross and delicate. There have already been a number of partial accounts—too many perhaps—but the story deserves a few words more. For it is a truly dismal chain of events, in which each participant seems to be wearing blinders, hurting those closest to him as he stumbles forward. It is a story in which everyone looks bad—though, as it turns out, Dan Schorr better than most—and it left many people with a queasy sense that the game—whatever game it was that the press, the Con-

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gress, and the Administration had been playing since Nixon left the White House—was over.

A year ago, in March 1975, when the game was still fun, many of the principals spent a weekend together at The Homestead in Virginia, attending one of those pleasant, foundation-sponsored conferences where members of the elite meet to discuss common problems. This conference, sponsored by the Ford Foundation and *The Washington Post*, concerned "The Media and the Law." In a preface to a book published later, an observer wrote that the assembled journalists, jurists, lawyers, and government officials "struggled with the most troublesome First Amendment problems, argued, tested the high ground of principle against the erosive force of real world legal and journalistic practice, agreed to disagree, sometimes even agreed, and learned more about each other than most had ever known before."

Fred Graham of CBS was there, along with the other trustees of the Reporters Committee for Freedom of the Press. Harry Rosenfeld, national editor of *The Washington Post* was there, with his colleagues Ben Bradlee and Howard Simons. CIA Director William Colby led a group of prominent government officials.

Dan Schorr was there too, and he, perhaps more than any of the other journalists, symbolized the determination to press the First Amendment to its limits. Schorr could be aggressive, almost beyond reason, in pursuing stories about intelligence abuses. Later that year, chasing down a tip about CIA infiltration of the White House, Schorr would persistently question a National Security Council secretary who was at home recovering from major surgery, complicated by hepatitis, until she admitted that she worked for the CIA. (In truth the woman was just a CIA "detailee," working in the White House but paid by another agency for cosmetic budgetary reasons.) Later, Schorr came across Colonel Fletcher Prouty, a man

whose experience with the CIA dated from the early 1960s, and put him on the CBS Morning News, where he inaccurately named Alexander Butterfield as a CIA contact in the White House. This kind of reporting on the CIA had led Colby's predecessor, Richard Helms, normally a gentleman, to call Schorr a "cocksucker" at a press conference. Schorr's aggressiveness intimidated even his own colleagues, who sometimes grumbled that CBS reporters had three competitors: NBC, ABC, and Dan Schorr. Yet Schorr was, by most accounts, a dedicated and highly competent reporter. As David Halberstam would note, he was an "old fashioned print journalist—too serious, too subtle, too talented, too aggressive for television."

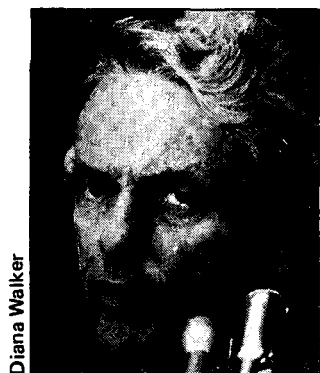
Joe Califano, of Williams, Connolly & Califano, was at the media conference, too. A year later, he would be acting as Dan Schorr's lawyer, trying to help Schorr beat a contempt of Congress charge and save his job—after Schorr pressed the First Amendment farther than the House of Representatives or his employers deemed appropriate.

The Homestead conferees met for round-table discussions of three case studies, but the most interesting was the first. It described a hypothetical situation: Harlow Mason, an investigative reporter for *The Federal City News*, has come into possession of two documents about the CIA "which he believes highly newsworthy." But the CIA insists privately that publication of the documents would do "irreparable damage to national security." What should Harlow Mason do? Should it make any difference to anyone *how* he obtained his documents? Should he, or his editors, have to consider the effects of publication on the prestige and effectiveness of the intelligence agencies?

The discussion was civilized; there was little real disagreement. The press should do its job, namely, to make public everything it could find out about the government. The government should protect only the secrets

whose exposure would truly jeopardize national security—the sailing orders of the Polaris fleet, for example. Where there were grey areas, editors should intervene and make the hard decision. It was a reasonable discussion among reasonable men. And why not? CIA Director Colby was, at the time, completing his internal investigation of CIA abuses. The congressional committees would soon be examining this material and drafting new legislation to prevent future abuses. The Dan Schorrs would have a role, too: bringing before the public as much information as they could discover. If

gence Committee became the cutting edge of the drive to expose intelligence agency abuses. Where the Senate Intelligence Committee took a judicious posture, the House committee was a streetfighter. Key committee staffers began to see themselves locked in a struggle with one man—Secretary of State Henry Kissinger—who to them personified the anti-democratic impulse that had gotten America into so much trouble in the past decade. Led by combative Chairman Otis Pike, the House Intelligence Committee disdained “balance”; their job was to attack, attack, attack. The



Diana Walker

Otis Pike

His committee attacked the abuses of the CIA. House members got nervous and killed his Report.



Diana Walker

Dan Schorr

Someone slipped him a copy of Pike's Report. He wanted it published. He paid the price.



Diana Walker

Fred Graham

Dan Schorr's colleague. The Reporters Committee's trustee. He brought the two together.

the Dan Schorrs ever got into trouble on First Amendment questions, the Reporters Committee would be there to defend them. That was the way it seemed a year ago, when the process of exposing and correcting CIA misconduct was beginning. The prospect seemed painful, even risky, to some. But that was what life in a democracy was all about, wasn't it? Suffering the indignities, and the risks, of living in an open society.

The Cutting Edge

In the months after the conference at The Homestead, the House Intelli-

CIA, they reasoned, would not lack defenders in high places.

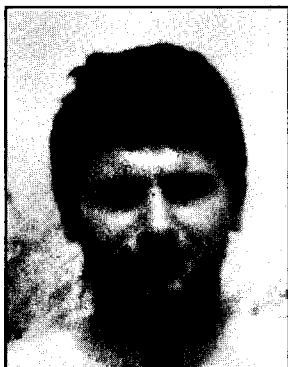
The most emphatic CIA defender was, in fact, the Secretary of State. Kissinger believed Pike and the others were reckless madmen: he saw them undermining necessary institutions and, perhaps worse, fostering the illusion that a superpower could ever conduct its diplomacy by pristine moral rules.

But Pike persisted. If exposure of illegal or incompetent activities made the continuation of such activities impossible, so much the better; and when Kissinger tried to withhold information from the committee on

grounds that it would cause grave harm, Pike threatened to cite him for contempt. The committee had no use for Kissinger's arguments about stability and prestige. Such arguments were undemocratic, pure and simple. As one committee staff member observed in the waning days of the investigation, what the Kissingers failed to grasp was that an open, democratic society could *never* use clandestine operations as effectively as a closed, totalitarian one. "We have to get used to the idea that we'll never be as effective as the Soviets," the staff member said. "We have to be willing

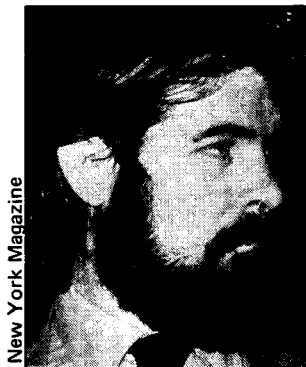
mid-January the first draft was submitted to the executive branch; or more precisely, to Mitch Rogovin, an Arnold and Porter lawyer who had been retained by the CIA and was acting as chief contact between the agency and the committee. Rogovin parceled out the draft to the State Department and the CIA for comment, collected the comments, and passed them back to the committee.

In its second draft, the committee made some of the requested changes. Unlike the first, however, this one was not sent out for executive branch comments. Instead, it was given to the



Peter Tufo

A New York attorney. He tried to help Dan Schorr. He helped Clay Felker more.



New York Magazine

Aaron Latham

Felker's star writer. He wrote the intro to the Pike Papers after Schorr decided to keep mum.



New York Magazine

Clay Felker

The big winner. He published the hot item in *The Village Voice*. Hooray for Clay Felker.

to take the risk of less than perfect intelligence."

The committee staff drafted its final report in January, and it reflected the streetfighter style. Written in non-bureaucratic prose (one person who read the first draft called it "anecdotal, one-sided, over-dramatized and childishly written"), the report chronicled every devious move of the present Secretary of State, and every intelligence-gathering failure of the CIA. Here were all the embarrassing moments: Tet, Czechoslovakia, Portugal, Iraq, Cyprus, and Italy; and a record of Kissinger's attempts to suppress the truth about them. In

committee members for final approval. For the staff, it was the culmination of months of exhausting work. During the final drafting process, staff members had been up late most nights, typing in the office or at home, catching a few hours of sleep when they could. On Friday, January 23, the committee voted 9 to 4 to approve the report for publication.

Up to this point, reporters had been unable to wheedle much of the report out of the Pike committee. The members and staff had been guarded. Now, after the committee vote, everybody relaxed. The report was going to come out; it would soon be on the

way to the printer.

Any reporter who had been following the committee carefully would have known that it would now be considerably easier to lay hands on a copy of the report than it had been before. And over the weekend of January 23-24, two reporters did get access to the second draft. One was John Crewdson of *The New York Times*. The other was Dan Schorr of CBS. Schorr made a Xerox copy of the report before returning it, doubtlessly hoping to stretch out his scoop, doing a story a day until the report was actually published. For a long time, no one knew what Crewdson had done with his copy.

The Big Leak

In several weeks the hunt for the source of Schorr's copy would begin. The nearly universal assumption within the Washington press corps would be that Schorr's source had been A. Searle Field, the committee staff director. Indeed, it would be said that when Schorr admitted giving the report to *The Village Voice*, he came dangerously close to pinpointing his source, since it was widely known that Schorr and Field had been friendly since the Watergate days, when Field worked for Senator Lowell Weicker and Schorr covered the Watergate Committee. Field may indeed have aided Schorr's attempts to get the report. But there was informed speculation that the actual leaker was not Field, but the administrative assistant of one of the committee members. At this writing, the House Ethics Committee has appropriated \$350,000 towards its effort to identify Schorr's source, and the matter seems best left to them.

Wherever he got it, Schorr had his copy, and he used it for the first time on the night of Sunday, January 25. He chose to open with one especially juicy item—a memorandum detailing Senator Henry Jackson's efforts to protect former CIA Director Richard Helms from a Senate Foreign Rela-

tions Committee hearing into possible perjury by Helms in earlier testimony on the CIA's role in Chile. Schorr showed on the television screen the actual memo describing Jackson's role.

The Administration was jolted by Schorr's Sunday night story. Not only was the report supposedly still secret, but the memo in question seemed to have been smuggled out of a room at the CIA headquarters in Langley, where Pike's staff had been allowed to read and make notes on documents undisturbed. Apparently the memo had been purloined—carried out in a pocketbook—by somebody on the committee staff who might have wanted to make political trouble for Senator Jackson. Angry at the disclosure, and the apparent larceny, the Administration increased its efforts to have the Pike report withheld from publication until it could be fully reviewed by the White House.

Schorr himself hadn't purloined any documents, and he had a good scoop, an exclusive. He prepared a second story for the Monday CBS Morning News, this time showing the cover of the Report. But the exclusive was short-lived. That same morning, *The New York Times* ran Crewdson's comprehensive account of the highlights of the Report. Schorr must have assumed, regretfully, that the *Times*, too, had a copy.

Laurence Stern, *The Washington Post* reporter covering the Pike Committee, was considerably more upset than Schorr. Stern had just returned to the *Post* after a leave of absence. Although he was one of the most respected reporters on intelligence matters, Stern had been having difficulty establishing good sources on the House committee beat—so much so that he asked George Lardner, another *Post* reporter who had been covering intelligence, to help him make contacts. But top staff members, including Searle Field, had been unwilling to discuss the Report, even on "background." Now two journalistic rivals seemed to have their own

copies. Stern protested this favoritism to the committee staff.

Suppression of the Report

The leaks from the Report were paradoxically, helpful to the Administration in its effort to delay release. Ever since the assassination of CIA agent Richard Welch, following publication of his name by the American magazine *Counter-Spy*, observers could not help but feel uneasy about the effects of press disclosure of intelligence information. Leaks seemed to be killing CIA agents—and there developed a subtle shift of public opinion on the disclosure question. (The public's anger at *Counter-Spy* was to some extent misplaced, as James Fallows explains in another article in this issue.) As always, the House was an accurate barometer of public sentiment, and as the January 29 House vote on final publication of the report approached, the "safe" political position for an incumbent facing reelection appeared to be against disclosure. On January 28, the day before the vote, Schorr reported the House situation on the Cronkite show, displaying his copy of the Report and saying that the document he was holding in his hand might never be published.

The next day the House voted 246 to 124 to suppress the Pike Report pending White House clearance. Pike was suddenly the martyr, a role he rather liked after so many months of appearing as a combative bully. Schorr, meanwhile, continued to report on the committee, and in the days immediately after the vote, he must have felt somewhat peculiar, making his rounds in the Rayburn Building. Since all congressional copies of the Report had been impounded, any committee staffer who wanted to see what he had written would have had to ask Dan Schorr. The irony was not lost on the staff, several of whom jocularly told Schorr that the Report would never come out unless Dan Schorr released it.

Any other journalist who wanted a

copy would also have had to come to Schorr—and that was just what Harry Rosenfeld, national editor of *The Washington Post*, did on the night of January 29, just after the House voted against publication. The two met at a reception at the Shoreham Hotel given by visiting Israeli Prime Minister Rabin. As Schorr was leaving the party, Rosenfeld approached him. "I'd like to get a copy of that report," Rosenfeld said. Schorr, who knew that most of the big stories in the Report were already out, asked Rosenfeld why he wanted it. Rosenfeld said that the *Post* had experts who could go over the document in detail and analyze its findings. Schorr offered to write a series of articles himself. Rosenfeld said no, that the *Post* wanted to assign its own reporters. Schorr said he would think about it.

The next morning, Rosenfeld called Schorr and said that *Post* executive editor Ben Bradlee had told him to withdraw the request, on grounds that the *Post* would not be willing to give CBS a similar document if the situation were reversed. Rosenfeld said he thought Bradlee was wrong, but that those were his orders.

Rosenfeld's keen interest might have been motivated by a fear that *The New York Times* had a full copy and was working up analysis stories of its own. But in the days after the January 29 vote, the *Times* was mum. Schorr must have begun to wonder whether he was, in fact, the sole possessor of the Pike Report and begun wondering, too, whether he had a responsibility to see that somebody published it in full.

On Tuesday, February 3, Schorr's suspicion that he was the sole possessor was confirmed by a call from William Safire, *The New York Times* columnist and former Nixon speechwriter. Safire, still carrying the special resentment of Henry Kissinger peculiar to those who worked in the Nixon White House, said that he was doing a piece on Kissinger's dealings with the Kurdish rebels in Iraq. (This was

perhaps the most damaging material about Kissinger in the Report.) Would Schorr be willing to let Safire have the chapter on the Kurds? Schorr was startled. Doesn't the *Times* have a copy? he asked. Apparently not, Safire said. He had made inquiries at the *Times*, and Crewdson, it seemed, had only made notes.

Schorr's Decision to Publish

Dan Schorr was in a bind. CBS had already used most of the hot items in the Pike Report. The network had gotten its scoops, and if there was anything in the Report damaging to national security, it had already come out. But the document itself was being kept from the public by a decision of Congress. It was one of those bizarre situations, all too frequent of late, where despite the wide dissemination of a set of facts, formal admission of them—in the form of a book, sitting on library shelves where it could be thumbed through by any citizen—was deemed harmful to the national interest. It was an appalling situation, and Schorr wanted to get the document out, with an introduction, setting forth the background of Pike's investigation and explaining the national security issues implicit in the text.

But Schorr's situation had so many ambiguities. Was a decision of Congress to withhold a document binding on a reporter who had prior access to it? Would its publication add to the perception abroad that journalists were running the country, and thus hamper our diplomatic relations, as Kissinger claimed? Or would it instead encourage an invigorating debate on the role of intelligence in a democracy? If Schorr made the Report public, he could be accused of flaunting the will of Congress. But if he joined in the suppression, he might be violating the ethics of his profession.

Schorr did not want to make the decision alone. He called his friend Alan Barth, a former editorial writer at the *Post* and a sensitive student of

First Amendment issues. He told Barth that he felt some responsibility to make the Report available, but that he would do it only if he could find some way where there would be no profit for him. Barth said he would think about it.

The next day, Barth called back. "You have to do it," he said. But he expressed anxiety about several points: What about the potential contempt of Congress problem? What about the source? What would CBS do? Barth said that if Schorr was willing to face the problems that would surely arise, he should release the Report. (When asked whether his name could be used on the record for this account, Barth considered the question for some time and then responded simply: "I want my name to be associated with Dan Schorr.")

Schorr, with Barth's help, had made his decision. He would see that the Report got out. But how? The obvious course of action was to get a CBS subsidiary to publish it, so that any monetary gain or notoriety would go to CBS, much as it already had from Schorr's use of the Report on CBS News.

The question of what discussions Schorr had about this with CBS is a touchy subject. Richard Salant, CBS News president, has refused to comment on reports that he talked personally with Schorr about possible publication through a CBS subsidiary. Some basic facts can be inferred: Publication by the principal CBS-owned publishing house, Holt, Rinehart, & Winston, was impossible. Holt, Rinehart produces hardback books and couldn't possibly do a quickie paperback of the sort Schorr wanted. But the other CBS publishing subsidiary, Popular Library, could—in fact, it would have been able to produce a Pike Report quickie in about ten days. Pat O'Connor, the editor of Popular Library, has refused to comment on whether such a quickie was ever discussed, reflecting an order from CBS management not to discuss any aspect of the Schorr affair with reporters.

But several sources have confirmed that there were such discussions, and that CBS executives decided against any Popular Library involvement.

The Reporters Committee

Closed out of in-house publication, Schorr had to make other arrangements. He turned first to his colleague Fred Graham, CBS's Supreme Court reporter. In his spare time, Graham served as a trustee of the Reporters Committee for Freedom of the Press, the Washington group specializing in First Amendment problems. As a brochure said of the committee's work: "The Reporters Committee Fights Back. . . . [It] believes that every major challenge to press freedom requires an early and effective response on the part of the working press."

In many respects the Reporters Committee was a stepchild of the Nixon years. Created in 1970, when the Mitchell Justice Department was attempting to subpoena reporters' notes and jail those who refused to supply them, the committee had survived into the new, post-Nixon era, when reporters were triumphant culture heroes and government officials were in ragged retreat. The committee was also something of a pet project of CBS. In addition to Graham, Walter Cronkite was on the steering committee. And CBS itself had been the largest contributor, giving \$50,000 in 1975, more than double the amount of the next largest contributor. As if to stress how seriously the network took First Amendment rights, CBS President Arthur Taylor, warning of "cumulative erosion of press freedom," had pledged in May 1975 to help organize a \$2-million fund-raising drive for the committee.

So, in going to the Reporters Committee, Schorr had prudently chosen the boss's favorite charity. He explained the situation to Graham: he wanted the Report published as a quickie paperback, the way the Pentagon Papers were, with an introduction. It would be, in effect, *The Pike*

Papers—the Dan Schorr Edition. But he needed help. Since publication was a First Amendment fight, he wanted any proceeds of the book sale to go to the Reporters Committee, where they could be used to help other reporters. Would the trustees agree to accept the money and vouch for Schorr's statement in the introduction of the book that he was turning over the money to charity? Graham said he would poll the trustees.

In the hours after Schorr's first discussion with Fred Graham, the telephones began ringing in a number of newspaper, legal, and foundation offices, as the small net of people with an intense interest in intelligence affairs began to hear that Dan Schorr wanted to unload the hot document.

John Marks, a former foreign service officer who had gone to work for the leftish Center for National Security Studies exposing CIA misdeeds, had learned that Schorr wanted to release the Report. Marks told this to his friend Robert Borosage, the Center's young director. Borosage then called his friend Chuck Morgan, director of the Washington office of the American Civil Liberties Union, and said that although Schorr apparently didn't want the Center's help (the group was too much identified as an antagonist of the CIA), he might be willing to release the Report through the ACLU. Morgan then called his friend Dan Schorr, saying that the ACLU would like to be helpful in any way it could. Somewhat taken aback, Schorr said that while he was grateful for the ACLU's interest, he didn't want publication to be an ACLU project. It was a reporters' thing, Schorr said, and he had already contacted the Reporters Committee.

Meaning to be helpful, Morgan then called his friend Jack Nelson, Washington bureau chief of *The Los Angeles Times* and told him that Schorr had the Report. The *Times* might be able to get a copy, Morgan said, if it were willing to print the full text. Nelson was interested, and made inquiries with his editors in Los

Angeles. Word came back that the *Times* wanted the Report but would insist on using "editorial discretion" in choosing what to print. Having already decided against piecemeal publication, Schorr turned the offer down.

(It would later be said that this windmill telephoning had made identification of Schorr as the *Voice's* source inevitable.)

Fred Graham was the person on whom Schorr was actually depending, and Graham reported back that the Reporters Committee trustees had unanimously approved the arrangement. Just what that arrangement was is still a matter of dispute within the Reporters Committee. Several of the trustees believed that the group was to play a merely "passive" role—receiving, and publicly acknowledging, a contribution from Schorr in the amount he received from a publisher. But the committee, or at least one of its trustees, gave a more active sort of help: Fred Graham supplied Schorr with the name of a New York lawyer who knew the publishing world.

The New York Intermediary

The New York lawyer was named Peter Tufo, and his role in the story is intriguing. Tufo was a personal friend of Fred Graham (they had known each other for ten years) and Graham's personal lawyer. When a desperate Spiro Agnew threatened, in the final days of his Vice Presidency, to subpoena some of Graham's notes on the Agnew case, Tufo immediately flew to Washington. By most accounts, Tufo was a charming, intelligent man, who had left his Midwestern background far behind and made it big in New York, winning the trust of the New York business and political elite. He was also making his way in cafe society, photographed often by *Women's Wear Daily* escorting Jackie Kennedy's sister Lee Radziwill to the movies, to society dances, and the like. (*Women's Wear Daily* called him a "walker"—their

gossip term for someone who escorts prominent socialites about town.)

Finally, and most important, Tufo was a friend of Clay Felker, editor of *New York* and *The Village Voice*. Tufo was also a director of the parent company which owned the two publications. It appears to have been an extraordinary, multiple conflict of interest.

The question of whom Tufo was representing would later cause enormous confusion. Tufo now says he thought he was representing the Reporters Committee. The Reporters Committee now says he was representing Schorr. He may in fact have helped Felker most. But at the outset, he was probably just doing a favor for his friend Fred Graham.

Schorr explained to Tufo that he wanted to have the report published quickly, with an introduction. He thought by this point that he had the only copy, but he was uncertain enough to warn Tufo not to contact Quadrangle, *The New York Times'* book company, on the chance that Crewdson *did* have a copy which he might then release. Schorr was still thinking like a journalist. Beyond his basic conviction that the Report should be released, Schorr wanted to release it *first*. But Quadrangle was an unlikely bet anyway; there were only two houses specializing in quickie paperbacks, Bantam and Dell.

On Wednesday, February 4, Tufo called Oscar Dystel, publisher of Bantam Books. Dystel returned the call the next day, and Tufo outlined the proposal—in imprecise terms, but clear enough that Dystel understood what was being offered. Dystel said that Bantam, which had published the Pentagon Papers, would be interested, but would probably want to publish in a joint venture with a newspaper like the *Post* or the *Times*. "We would want to talk about this with a partner," Dystel said. Dystel expected to see a copy of the Report the next day, but when Tufo relayed the conversation, Schorr balked at the "joint venture" aspect. He was apparently

afraid that such a relationship would disturb CBS. (Meanwhile, Schorr's business agent, Richard Leibner, was also making calls to Bantam and Dell.)

Tufo called Schorr Thursday night, February 5, with an important message. He was getting nowhere with book publishers. "But I do have one firm offer," he said, "Clay Felker." Tufo did not say which of Felker's publications was the potential publisher (although that could easily have been inferred: it would be impossible for a magazine like *New York* to publish the entire report in one issue). Tufo did not mention his business relationship and friendship with Felker, either. He just said that Felker was willing to publish the full text, and that he would make a "substantial" contribution to the Reporters Committee.

Schorr groaned: "Oh, no... I've got to think about that. It's just too awful." And it was. For if there was one publisher Dan Schorr would *not* have wanted to entrust with the Pike Report, introduced by Dan Schorr, it was Clay Felker. In May 1975 Felker had published a very critical piece on Schorr in the *Voice*, written by Ann Pincus, a Washington free-lance and the wife of *Washington Post* reporter Walter Pincus. The next month, Felker published another Schorr profile, which Schorr also disliked, in *New York*. Schorr had been stung, especially by the *Voice* piece. His reaction when it first came out, a friend recalled, was "hysterical," and he threatened to sue for libel. Months later, he still refused to talk to the author, Ann Pincus, even when the two found themselves together in Aspen during the summer of 1975. Pincus had questioned Schorr's professionalism, and that, to Schorr, was unforgivable. Moreover, the *Voice* had been critical of CBS in recent months (so much so that CBS people were joking that Felker had a secret alliance with NBC), and Schorr was enough of a company man to be offended by that, too.

The prospect of publication in the

Voice had obviously agitated Schorr. "Think about it," Tufo said. "But the offer is valid only until tomorrow. Felker has to have the document tomorrow afternoon."

Such an ultimatum was typical of Felker, dubbed "New York's Budding Beaverbrook" by [MORE] in 1975. One young writer would recall that Felker had used a similar hurry-up style in offering him a job as an editor—saying in one machine-gun sentence: "You wanna job? Whad'dya make? I'll pay'ya more!" But in this case, Felker had a special reason for hustling a potential contributor. His first national issue of *The Village Voice*, planned for months, was coming out the next week. With the Pike Papers stuffed inside, it would probably sell out nationwide, attracting notoriety and new revenues for the financially ailing paper.

Schorr's Mistake

Schorr must have felt wretched. Here he had embarked on a First Amendment crusade, but the one firm offer of publication had come from a publication he had reason to dislike. What was more, he had only 24 hours to make a decision. In a sense, he had no choice: he would give Felker the Pike Report, fulfilling the promise he had made to himself. But he would do no more. Somebody else would have to write the introduction. And, to spare himself personal embarrassment, Schorr would ask that his role in the transaction be kept quiet.

In this sudden change of plans, Schorr made his only major mistake in the Pike Papers affair. He had, commendably, wanted to take credit for releasing the Report, and to help explain its meaning to the public. But now, apparently, recalling past indignities—and thinking more about the form of publication than about content—he was asking for anonymity. Dan Schorr, more than most, should have learned to be thick-skinned about such criticism as he had received in Felker's publications. He

hadn't, and he would pay a severe price. For it seems clear, with hindsight, that open publication, with Dan Schorr's by-line on the introduction, would have spared Schorr most of his later problems with Congress, the Reporters Committee, and CBS.

(There is one other plausible speculation: that Schorr had last-minute source problems of his own. It is conceivable that whoever had given Schorr the Report in the first place learned that he was about to release it and insisted that Schorr provide a buffer of protection by not identifying himself in any way with publication. This explanation—it could not be confirmed—would place Schorr's behavior in a more favorable light.)

Schorr called Tufo Friday morning and told him that Felker could have the Report but would have to write his own introduction. The Report would be waiting at Schorr's house in Cleveland Park. Tufo called Oscar Dystel at Bantam and told him that the Report had "gone elsewhere." And then, on Friday afternoon, Tufo left New York for the weekend.

The last-minute transformation of the project into a surreptitious, hushed-up deal would prove ruinous for Dan Schorr. But if anything, it increased the sex appeal of Felker's big scoop.

Felker wanted to get his hands on the Report immediately, so he dispatched his secretary, who took the air shuttle down and back, picking up the document from Schorr's housekeeper. (The secretary would later have a bitter argument with her husband about whether she did the right thing in helping transmit the document.)

Felker had chosen Aaron Latham to write the introduction. Latham was a careful reporter, who had made a name at *The Washington Post* before coming to *New York*. Under Felker's tutelage, he had become a master of the "reconstruction" story—recreating in loving detail the events of Nixon's Saturday Night Massacre, for example, and two years later, recreating in

similar fashion Ford's firing of James Schlesinger and William Colby. Meticulous in his writing and attentive to his editor's advice, Latham was Clay Felker's star. "Clay had a crush on Aaron," observed Sally Quinn, who had reason to dislike them both after Latham wrote a savage profile of Quinn for *New York*. ("I can have any penis I want," was one memorable, but according to Quinn, innaccurately quoted, line.) Quinn's comments may have been excessive, but Latham was close to Felker, and the ideal trusted aide to execute the Pike Papers project.

Operation Swordfish

When Latham walked into the *New York* offices that Friday afternoon, Felker took him aside. "We have a Pentagon Papers situation here," he said. He gave Latham the Report and asked him to make three copies: one for Felker, one for the typesetters, one for Latham to use in preparing his introduction. The operation, code-named "Swordfish" by Felker, would soon be moved to a secret headquarters at the offices of the *Voice's* typesetters, Sterling Graphics. But that afternoon Latham had to copy the entire 338-page draft in the crowded *New York* office. Felker, it seemed, had forbidden partitions, on the theory that people performed better with other people looking over their shoulders. Latham had to tell passers-by that he had written a novel.

The exact form which publication would take was still in question. The Report would be inserted in *The Village Voice*—that much was fairly clear. But there had been discussion with Schorr about the publication of a special 64-page "one-shot"—a copy of the Report which could be sold with the *Voice* and sold separately, too. On Friday afternoon, Felker discussed the "one-shot" with Latham, *New York* editorial director Shelly Zalaznick, the circulation director, and the distributor. The discussion was inconclusive. There were some jokes about the risks

everybody was taking. Felker hypothesized his own arrest: "I'm going to go down screaming—'You never got the higher-ups. You never got Kay Graham.'" Latham went home to 72nd Street to read his copy.

By Saturday Latham was the only one who had read the report through, and he was distressed. He had been looking for the major news story, the new scandal, the scoop, which the *Voice* could banner. But (as Schorr could have told him) all the headlines had already been printed. Latham was also worried that other publications might be preparing to run verbatim excerpts of their own. He called a friend on the Pike Committee, who confirmed that most of the findings—perhaps 70 per cent—had indeed already been reported. But the staff member also made it clear that the Schorr copy, now in possession of Clay Felker, was probably the only one extant.

"Once I realized that not everyone had it, I knew we were on to something," Latham would recall. The laws of supply and demand, not the Report's contents, made the document valuable. It was suppressed—therefore a hot property. Latham realized that the headline would have to be, in effect, "The Village Voice Publishes Pike Report." That was the news—the act of publication.

On Sunday morning, on his way to get a cup of coffee, Latham met Shelly Zalaznick, who was on his way to the Sterling Graphics office. Latham explained his worry that there was not much sensational news in the Report. The two agreed, tentatively, that the one-shot (which had been Dan Schorr's last hope for respectable publication of the full text) was a loser. Later that day, Felker agreed. The Report would come out, in abbreviated form, as a 24-page insert in the regular edition of the *Voice*, folded into the usual jumble of *Voice* ads for massage parlors and dirty movies. There was some discussion about raising the price for this issue. Felker decided that there had already been so

many price rises (the newsstand price had increased from 25 to 35 to 50 cents during Felker's short tenure) that regular *Voice* readers would get angry.

Latham stayed up all night Sunday writing the introduction. Meanwhile, the report was being typeset, with the slug "Swordfish," and proofread. There was also some editing to be done, since even in agate type, the Report would never fit into the 24-page format. Part I, detailing the Pike Committee's frustrations in trying to get information from Henry Kissinger, was dropped entirely on the grounds that it was "boring." (It would be published the next week after requests from reporters and others.) In addition, about two thirds of the footnotes in Part II were cut—with the editors trying to preserve only those quoting classified CIA or State Department cables. "The rest were really boilerplate," Latham recalled. (Pike Committee staff members, however, would be despondent when they read the *Voice* edition and saw the cuts, since they felt that much of their case was developed in the careful documentation of the footnotes.)

By Tuesday, the *Voice's* presses were rolling. The next day, Wednesday, February 11, the *Voice* was heading toward newsstands across the country. It was a gala premier for Felker's first national issue—with a New York *Daily News*-style full-cover headline in red type: "The CIA Report the President Doesn't Want You to Read." And Clay Felker had it. William Safire (among others) called to congratulate him.

Meanwhile, in Washington, all hell was breaking loose. It was suddenly gangland war among the journalists, friends, and friends of friends who had hovered around the project. What was the Report doing in the *Voice*? And where was Dan Schorr's introduction? Was he even the source?

Laurence Stern of *The Washington Post* knew that there was a story here. Conversations with people who had knowledge of the matter led Stern to

suspect strongly that Schorr was the source. Harry Rosenfeld could confirm that Schorr had had a copy. But it was difficult to confirm that Schorr had made it available to Felker. (The *Post*'s Bob Woodward called his friend Latham that Wednesday afternoon and asked who the *Voice*'s source was. Latham said he would divulge the name if Woodward would tell him who "Deep Throat" was.)

A League of Frightened Men

After making some calls, Stern contacted Dan Schorr, and there ensued an extraordinary cat-and-mouse conversation, weaving back and forth, on and off the record. Stern, who felt that Schorr wanted "plausible deniability" on the record, made it as clear as he could "without being insulting" that he knew Schorr had given the *Voice* its copy. Schorr insisted on the record that he was not the source, but explained off the record some of what had happened. The line between off and on became blurred, and Schorr felt he had been betrayed the next morning when Stern's story on the "Journalistic Morality Play" appeared, naming Schorr as the source.

Stern's motivations for writing the story bear examination. Rightly or wrongly, reporters usually avoid naming sources—their own or other people's. Stern had broken the unwritten rule in this case. Some would later question whether Stern's resentment at failing to get the Report himself when two other colleagues had it might have been a subtle motivation. But those who knew Stern found this implausible. "Stern is one of the few reporters who doesn't have a vindictive streak," Leslie Gelb of the *Times* observed. "It took courage for him to break the usual taboo on writing about other reporters." Stern himself would later explain that he had *first* learned about the story almost by accident and that he felt he had a responsibility to publish the information he had accumulated. He reasoned that "when the press gets involved in

clammy affairs, we've got to be ready to report on them."

The recriminations were already beginning at the Reporters Committee, whose trustees were seeing the project to which they had devoted hundreds of hours of spare time ensnarled in controversy over exchange of a classified document for money. They were angry: most of all at Dan Schorr, whose decision not to take credit in the *Voice* had given the whole arrangement a clandestine, guilty-handed aura.

On Thursday, February 12, Dan Schorr issued a statement admitting he had provided the Report to the *Voice* and denouncing the Reporters Committee for "leaks." The situation began to get vicious. Trustee Bob Maynard, a *Post* editorial writer, retorted that Schorr was "trying to make us a partner in his calumny." Trustee Jack Nelson told a reporter that Schorr was "just a no-good shit trying to transfer blame to the committee in case his source gets burned." Steering Committee member Ken Auchincloss, managing editor of *Newsweek*, resigned from the committee in protest. Old friendships exploded that Thursday, as reporters began telling tales on other reporters—to reporters covering the story of the story.

The Reporters Committee trustees were feeling more chagrined than they needed to, and their sense of being caught unwittingly in the act of something sly, involving money, led them to suppress much of the true story of their dealings with Schorr. But there was another reason for their anxiety and obfuscation. One of the trustees, Fred Graham, was deeply involved in the publication arrangement. It was already clear that Schorr was in trouble at CBS (he would soon be taken off the intelligence beat, then suspended altogether from reporting), and the trustees hoped that by separating the Reporters Committee from Schorr, they could help protect Graham. A lawyer himself, Graham refused repeatedly to discuss any facet

of the story with reporters—saying that he was “deferring to the wishes of the lawyers” and that “we’ve got to protect ourselves now.”

Meanwhile, as the journalists were behaving like a league of frightened men, others in Washington moved to take what advantage they could from the disclosure. President Ford offered “the full resources and services of the executive branch” to track down the person who had leaked the document to Schorr. Secretary of State Kissinger, in what was described as “an unusually hoarse and tense voice,” told a press conference that the Schorr leak was “a new version of McCarthyism,” which had “done damage to the foreign policy of the United States” in some way that he was too mortified to explain to the churls of the press. On Capitol Hill, House Intelligence Committee chairman Pike and staff director Field opined that they suspected the leak had come from the *executive branch*, as part of an effort to discredit the committee. Field would later explain, “You’re dealing here with propaganda experts, whose stock-in-trade is to turn issues to their advantage.” The counter-culture magazine, *Crawdaddy*, assuming that Field *must* be right (after all... who had benefited?), immediately assigned a reporter to expose the conspiracy. Rep. Samuel Stratton, in the meantime, introduced a successful resolution to investigate whether Dan Schorr should be held in contempt of Congress.

Ironies Gross and Delicate

As Larry Stern would later observe, “Evelyn Waugh, at his bitterest, could not have written a more depressing story.” Schorr—deserted by most of his colleagues, threatened with a contempt citation, in danger of losing his job—was the only one who seemed to have a clear understanding of what had happened. He had done what he felt he had to and he was paying the price.

The gross irony of the matter was

that Schorr’s victimization came not at the hands of the government, but from the world in which he lived, worked, went to parties. His problems were, for the most part, created by his friends—other journalists, other liberals, others who shared his anger at the CIA. These people surrounded Schorr as soon as it was known that he had the hot item, wanting to make themselves useful, offering help, reinforcement—and then calling up other friends to chat about the matter. As the papers made their way across the spider web of the journalistic/social elite of Washington and New York, a little of Dan Schorr stuck at each point of contact, and finally he was caught.

Schorr himself was a part of this spider-web world, and it must be said that he played a major role in his own entrapment. For when he let an old resentment against Clay Felker and *The Village Voice* overrule his proper instinct to release the Pike Report openly, he plunged himself into the very world of secrecy, backstabbing, and betrayal which he had spent his career exposing.

The delicate irony was that Schorr’s personal act of conscience seemed to have gone in vain. He had believed that release of the document would stimulate public discussion of the role of intelligence in a democracy, but he was in error. In the days after the Report was published there was not a single major analysis of its contents. There was no great debate over intelligence; no spontaneous court of public opinion; no apparent need, or even desire, to know—no sign whatsoever, in fact, of the vibrant democratic consciousness that journalists like to invoke when ferreting out secrets.

Instead, the public seemed to be angry at Dan Schorr and desirous to protect the fragile institutions of government from the assaults of people like him—people who, in the public mind, were weakening the country, exposing its foreign agents to assassination, divulging its secrets.

This reaction was especially unfortunate in the case of the Pike Report, which provided citizens with genuinely useful information. Unlike earlier examinations of the CIA, this was not a collection of sensational revelations and blown covers. It was, instead, an attempt to analyze the consistently poor performance of our intelligence network abroad. The goal of the Report was, ultimately, to strengthen the CIA, not weaken it, and it provided the kind of facts about intelligence that informed citizens *do* need to know.

The public reaction was unfortunate, but it was real nonetheless. There was, in the meantime, a pained silence from most of Schorr's colleagues (Tom Wicker was a notable exception); but in the silence, one could sense a dawning recognition that although Dan Schorr had done no more than what a good reporter is supposed to do—get out the facts—he had misjudged the public temper. This was *not* the Pentagon Papers and he was *not* Daniel Ellsberg, and this was not even the same *country*, anymore, that had needed the press to batter its corrupted institutions, force a lying President out of office, strip the cover of national security from the CIA. The necessary demolition had been accomplished, and the country was like a wounded animal, leaderless and confused. But Dan Schorr—ever the reporter—was still battering away. It was an act of conscience—by one of the country's most dedicated broadcast journalists—but it suggested the limits of the press's role.

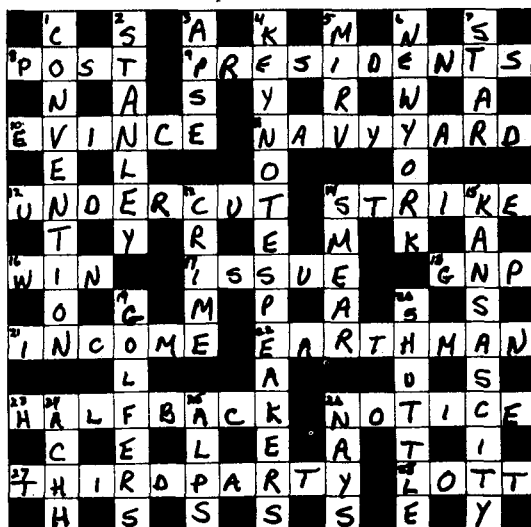
In this sense, something had changed. Schorr could rightly claim that he had only been doing his job. If information came into his possession, his only responsibility, his only choice, was to make it available to the public. And until the Big Leak, this view seemed widely accepted. CBS, which would later suspend Schorr, had not protested when he used the Report to scoop the other networks and win prestige for the corporation. The Reporters Committee, for all its

recriminations, had done no more than what it had always done in the past—help reporters who believed that the First Amendment right to publish outweighed any other consideration. And the Congress, which now, facing reelection, wanted to disown the Report, had commissioned it in the first place in a flush of democratic sentiment, believing that the anarchic process of debate in an open society, with Congress always at the throat of the executive, and the press always at the throats of both, was preferable to the imperial presidency, the cult of intelligence, and the rest.

Those noble sentiments faded in February 1976, as after three bruising years, Washington's great experiment in democracy began to seem too dangerous, too raucous, too free.

We were all bureaucrats now, more concerned about the threat of leaks than with understanding the vital information they conveyed. And so an extraordinary period in our nation's history—in which the power and secrecy of the executive branch had, for a moment, been challenged; in which the scourge of CIA dirty tricks had, for a moment, been lifted; in which the lassitude of the Congress had, for a moment, been dispelled—seemed to have come to an end. Dan Schorr was the immediate victim, but we were all likely to pay a price. ■

Answers to March puzzle:



Memo of the Month

MEMORANDUM

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
OFFICE OF THE SECRETARY

OFFICE OF FACILITIES ENGINEERING AND PROPERTY MANAGEMENT
WASHINGTON, D.C. 20201

Health Facility Planning and Development Project

TO : Distribution A

FROM : Project Officer
Office of Planning and Development, OFEPM

SUBJECT: December Progress Report

DATE: January 14, 1976

During December 1975, the major progress has been the development, publication and dissemination of the "green book" document. This major progress report was widely circulated as a preliminary draft and technical response, and refinement has been achieved in a variety of ways, including broad-based workshops, technical contact meetings, telephone interviews, and direct correspondence. Specific items of output contained in the green book progress report include:

1. A generic health and facilities planning and development flow chart which depicts the generic process at four levels of hierarchical concern -- institutional, health systems agency, state agency, and Federal. The flow chart process is complemented by narrative description of each step in the planning process.
2. A matrix that demonstrates the legal framework (P.L.93-641) for health facilities planning and development, the hierarchy of responsibilities, expected products emanating from assigned responsibilities, identification of HEW contractors and in-house efforts addressed to various elements of the total health planning process keyed to due dates for outputs, and the identification of possible gaps.
3. A review of the state-of-the-art for comprehensive area-wide health planning, institutional program planning, and facility functional and space programming.

Work is well ahead of schedule. This has resulted from the extensive effort placed on the development of the generic health facilities planning process simultaneous with the development of the state-of-the-art position papers.

During the month of January, we will finalize the green book and the generic planning process. If you have inputs to make and have not yet done so, please communicate with me or the contractor as soon as possible.

The next major product will be a "Blue Book" containing planning methodology and the rudimentary beginnings of how-to-do-it Manuals.


Thomas A. Clary