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Lessons from a Lionhearted Past

Local filmmakers revisit East Bay resident Daniel Ellsberg's risky, history-altering leap of conscience.

UP FRONT by Michael Fox



Rogues' gallery: The Most Dangerous Man in America includes vintage footage from the '60s and early '70s, including Secretary of Defense Robert McNamara tête-à-tête with President Lyndon Johnson (bottom left); Daniel Ellsberg as a federal espionage defendant (top left); Secretary of State Henry Kissinger conferring with President Richard Nixon (top right); and Ellsberg as a young Marine (bottom right).

CLOCKWISE FROM UPPER LEFT: AP PHOTO/STIF; COURTESY AIR FORCE MAGAZINE; COURTESY DANIEL AND PATRICIA ELLSBERG; COURTESY THE LBJ LIBRARY

Lessons from a Lionhearted Past

Local filmmakers revisit East Bay resident Daniel Ellsberg's risky, history-altering leap of conscience.

If history repeats itself, it's not Daniel Ellsberg's fault. *The Most Dangerous Man in America: Daniel Ellsberg and the Pentagon Papers*—a suspenseful, revelatory documentary by Berkeley filmmakers Judith Ehrlich and Rick Goldsmith—begins its national theatrical release Feb. 19. Ellsberg is, of course, the Harvard-educated, star military analyst who won the gratitude of the anti-Vietnam War movement and the wrath of the Nixon administration for leaking 7,000 pages of sensitive Pentagon documents to *The New York Times* in 1971. And while the claim to fame of the renowned activist, a longtime Kensington resident, is now decades old, the launch of the film couldn't be more timely.

"The most exciting thing about this film is it's giving [Ellsberg] a platform" to decry current U.S. foreign policy, says filmmaker Ehrlich. *The Most Dangerous Man in America* arrives in the wake of President Obama's December decision to send more troops to Afghanistan—an escalation that echoes the Vietnam era for many historians and citizens alike. At post-screening discussions of the film, which was greeted with rave reviews upon its premiere last September at the Toronto International Film Festival and subsequent New York run, audiences have vociferously opposed ongoing American military involvement in Afghanistan. Ellsberg has grabbed the opportunity to make the argument that one cannot receive the Nobel Peace Prize—as Obama did last fall—while sending 30,000 troops into a quagmire that has brought down two other governments.

"I can tell you exactly what's going on in the White House right now, and they're making all the wrong decisions," Ellsberg tells audiences today, Ehrlich says. That wouldn't, however, have been Ellsberg's take in the early '60s. As a young Marine officer, he had spent time in Vietnam, gotten to know the people, and endorsed the U.S. government's support of South Vietnam. And while working as a civilian for the State Department, he had no qualms about writing Lyndon Johnson's 1965 speech announcing that the president was sending 40,000 troops to Vietnam after "advisors" in-country had proven insufficient.

"I'm probably the only person alive who understands the inside workings of the Johnson White House when that happened," Ellsberg told Ehrlich. "Almost nobody understands what led up to that decision, and how similar [Obama's] decision is."

Ellsberg came to reconsider and reverse his hawkish position by the late 1960s, thanks to the influence of his then-girlfriend, Patricia Marx, and the documents available to him because of his top-level security clearance. Ellsberg was stunned to discover a massive, internal Defense Department study of Vietnam policy that revealed, among other things, that Presidents Kennedy and Johnson had been told the war was unwinnable. Moved by the pointless loss of life in Vietnam, the lies his government continued to tell, and the example set by draft resisters, Ellsberg resolved to get the so-called Pentagon Papers in the hands of the public. His efforts led not to instant glory, but to felony charges of espionage, theft, and conspiracy—and the "most dangerous man in America" epithet, bestowed upon Ellsberg by then-Secretary of State Henry Kissinger. The glory would come later.

The Most Dangerous Man in America doesn't evoke the "bad intelligence" that allegedly led President George W. Bush to wage war in Iraq, but this idea was on Ehrlich's and Goldsmith's minds. "We thought that if we didn't get the film out before Bush got out of office, it wouldn't be so useful," Ehrlich admits. "As it turns out, the timing couldn't be better. We have a war that in many, many ways mimics and resonates with the Vietnam War."

Neither Ellsberg nor anyone else needs to underline another parallel that *The Most Dangerous Man in America* exposes, namely, the differences between the media then and now. In 1971, *The New York Times* and 18 other periodicals ran explosive exposés culled from the pages of the Pentagon Papers; in 2001 and 2002, few in the U.S. media challenged the Bush administration's allegations about Saddam Hussein's weapons of mass destruction. Furthermore, the documentary includes numerous snippets from television news and public affairs broadcasts, circa 1971, that were thoughtful, serious, and untainted by any hint of "infotainment" or sensationalism.



Dangerous documentarians: Judith Ehrlich (left) and Rick Goldsmith (right) shared a passion for their subject but didn't always agree on filmmaking strategies.

"I don't consider myself an activist filmmaker," declares Goldsmith. "I consider myself someone who, hopefully, educates and inspires." In comfortable middle age, like his colleague Ehrlich, the red-haired filmmaker exudes a community organizer's will more than a street protester's ire. But a high-stakes showdown over democracy combined with the journey of a gutsy iconoclast was more than enough to attract the documentarian to Ellsberg's evergreen story.

And, says Goldsmith with a smile, if you strip the film to its core, it's a civics lesson. Ellsberg's determination to leak the secret Defense Department report, he says, was predicated on the belief that an educated populace is essential to the preservation of democracy. According to Goldsmith, Ellsberg likes to say that the proper operation and participation of five entities—the executive and legislative branches, the courts, the press, and the public—are essential for our government to function properly.

"People my age, we're set in our

lives, we're putting our kids through college, or we're retired—we're not going to change the world because we saw a film," Goldsmith concedes. "But somebody who's 20, somebody who's 18, somebody who's 25, they might be changed by watching this film. I think it is a film that does inspire, can inspire, people to become more active. At the very least, the center of the film is somebody who became a lifelong activist, and you see the possibility: If I step outside my comfort zone, if I take a risk, I might be able to do [something like] this."

The Most Dangerous Man in America marks the latest in a remarkable continuum of high-profile documentaries by East Bay filmmakers, a list that includes *Freedom on My Mind* (by Connie Field and Marilyn Mulford), *Long Night's Journey into Day* (Deborah Hoffmann and Frances Reid), and *Brother Outsider: The Life of Bayard Rustin* (Nancy Kates and Bennett Singer). The local community of doc makers is distinguished by a rare spirit of camaraderie and cooperation rather than competition; they share archival footage and even funding sources, and view and comment on each other's rough cuts.

Of course, it's still an arduous, circuitous undertaking to produce a documentary. To wit, the long chain of events that led to the film that audiences will finally see this February. (PBS will also broadcast the film in October and November.) Back in the late '90s, a mutual friend arranged a meeting between Ehrlich and Ellsberg at the famed whistleblower's favorite East Bay breakfast spot. Ehrlich, a seasoned documentary maker, was working on her first film for PBS, a history of American conscientious objectors during the Second World War adapted from an NPR series she'd produced. "We sat through breakfast, through lunch, until three in the afternoon," Ehrlich recalls. "I filled two legal pads with notes on what Dan knew off the top of his head about World War II. I thought, 'This guy is unbelievable.' I was working on the [conscientious objectors] film, I couldn't switch gears, but [Ellsberg] was definitely in the back of my mind as one of the things I wanted to get to as soon as I finished."

After Ehrlich and East Bay colleague Rick Tejada-Flores finished *The Good War and Those Who Refused to Fight It*—the film went on to win both of the major U.S. history film awards in 2003—she segued to another project.

Goldsmith, meanwhile, took note when Ellsberg published the best-selling *Secrets: A Memoir of Vietnam and the Pentagon Papers* in 2002. Goldsmith had received an Academy Award nomination for *Tell the Truth and Run: George Seldes and the American Press*, and he figured his 1996 documentary about a rigorous, fearless journalist and the responsibility of the Fourth Estate made a pretty good calling card—especially since it included snippets of an interview he'd conducted with Ellsberg. But Ellsberg never responded to his letter, and Goldsmith was quickly consumed by other projects.

"Sometime later," he remembers in his cramped, cluttered office in the Zaentz Media Center in Berkeley, "Judy came to me—we knew each other from common circles around here—and said, 'Hey, what about a film on Daniel Ellsberg?' I said, 'Well, that's funny.'"

The duo went to see Ellsberg and Patricia, who married in 1970, speak at the College Preparatory School in Oakland, where Ehrlich had a revelation: "It's a love story,

too. We've got this incredible woman who's like the heart to his head. I thought, 'This is it,' and I think Rick did, too." While Ellsberg emerges in the film as the articulate intellectual with the pinpoint memory, Patricia conveys the personal passion, loyalty, and risks involved in taking on the Nixon administration.

It took about six months to get Ellsberg and his wife to agree to participate in the project. (During that time, Academy Award-winner Errol Morris was also expressing interest in making a movie about Ellsberg.) Finally, though, Ehrlich and Goldsmith began to wade through extensive archival material and their own interviews, and to study Ellsberg's reflective *Secrets* and the heat-of-the-moment *Papers on the War*, which Ellsberg published in 1972. Together, they settled on the focus and arc of the film, and created a blueprint in three acts. "The Cold Warrior" maps Ellsberg's transformation from soldier, RAND Corporation analyst, and Vietnam War strategist to committed antiwar activist. "The Leak Heard 'Round the World" covers the nail-biting chain of events that encompassed smuggling and photocopying the Department of Defense's secret history of Vietnam, meetings with senators who were opposed to the war but nervous about making classified material public, and, ultimately, the incendiary publication of the Pentagon Papers by *The New York Times*, *The Washington Post*, *The Boston Globe*, and 16 other newspapers in the face of big-league pressure from the White House and the Justice Department. Finally, "*The United States vs. Daniel Ellsberg*" revisits the historic legal and extra-legal action taken against Ellsberg, in which his freedom was in genuine jeopardy. This last segment also makes explicit the direct (and largely forgotten) link from the Nixon administration's offensive against Ellsberg to the Watergate break-in—and the collapse of the Nixon presidency.

Although Goldsmith and Ehrlich were of like minds about the structure, they strongly disagreed on the tone and tack the film should take. "Rick and I struggled with it at every juncture," Ehrlich confides. "Rick wanted to keep distance and be the journalist. He didn't want it to be a character-driven film. He

really wanted it to be more about the events."

"We saw the film differently from the start," Goldsmith acknowledges. "When you're doing a documentary film, whose story is it? The person making the film. It's not Dan's story, even though it's a story about Dan. I always felt like there was a pitfall that we had to avoid, and that was [not] to seem like it was Dan telling his story."

Although Goldsmith initially imagined a neutral, omniscient narrator, ultimately the film juxtaposes Ellsberg's own firsthand account with those of other on-the-spot witnesses including *New York Times* reporter Hedrick Smith, Department of Defense staffers, draft resister Randy Kehler (who was pivotal in Ellsberg's shift), and Dan's son, Robert. "Not the experts—the people who lived it," Goldsmith says.

Goldsmith's determination to keep *The Most Dangerous Man* from slipping off its axis and into hagiography provides a revealing glimpse into the subjective nature of documentary filmmaking. His probing, bad-cop interactions with Ellsberg, notably during a taped interview, had left the older man a tad concerned that the film was going to be a hatchet job. Indeed, Ellsberg gave a sigh of relief when Ehrlich came over to his Kensington home to preview a fine cut. (He later gave the filmmakers 22 pages of single-spaced notes. "What could be better than having the real guy, who also happens to be brilliant, checking the accuracy of his story?" Ehrlich says with a chuckle.)

But while Goldsmith's integrity is admirable, there's no question that the film achieves a level of intimacy and immediacy with Ellsberg as our guide that would have been unattainable with a voice-of-God narrator. It might be going too far to say that *The Most Dangerous Man in America* makes us feel complicit in Ellsberg's acts, but it certainly encourages us to question what we might do under similar, morally challenging circumstances.

"Ellsberg clearly had this crisis of conscience and did something about it that could have landed him in jail," Goldsmith says. "Now look at all the people who, based on that action, face a similar crisis." Members of Congress such as Pete McCloskey and Mike Gravel, as well as the reporters, editors, publishers, and attorneys of *The New York Times* and *The Washington*

Post, had to weigh the potential price of their principles. "To me, that's one of the reasons the film works: At almost every frame of the film, you're facing those big questions," Goldsmith continues. "It's a very, very personal film, so you don't need to be so concerned with the objectivity issue . . . that's not why you're watching the film and, in the end, that's not why we were making the film."

As a measure of Ellsberg's satisfaction with the finished film, he joined the filmmakers in answering questions after several shows in Toronto and New York—with such enthusiasm and verbosity that Ehrlich and Goldsmith were relegated to supporting roles. It's hardly a stretch to expect repeat performances when the film opens this month in his own backyard.

The Most Dangerous Man in America is on the shortlist of 15 films in the running for the five Academy Award nominations for best documentary feature. The nods will be announced Feb. 2, which syncs up perfectly with the film's national release this month. The audiences at previous screenings cut across every age group, a generally encouraging sign, but Goldsmith's target audience, always, is people who aren't yet locked into their choices, their responsibilities, and their beliefs.

Even Daniel Ellsberg, though, followed his crisis of conscience with a crisis of faith when Nixon was re-elected in a landslide in 1972, carrying 49 states. In one interview, Ellsberg expressed his profound despondence that the people hadn't acted on the information he had given them about Vietnam. In fact, he says today, his efforts were making a difference—he just didn't know it. "If you're writing your congressman, if you sit in a tree, whatever, don't think that you're not making a difference," Goldsmith paraphrases him. "You're making a difference." ●

The Most Dangerous Man in America: Daniel Ellsberg and the Pentagon Papers opens Friday, Feb. 19 at Landmark theaters in Berkeley and San Francisco. Daniel and Patricia Ellsberg, Ehrlich, and Goldsmith will attend selected shows the opening weekend.

Michael Fox is a longtime Bay Area film critic and journalist, and The Monthly's film critic.