

**DECLARATION OF LEONARD S. RODBERG**

I, LEONARD S. RODBERG, declare as follows:

1. I submit this declaration in support of the above-captioned petition to unseal the records of the federal grand jury convened in April and August 1971 in Boston to investigate the release of the Pentagon Papers.
2. I am Emeritus Professor of Urban Studies at Queens College in Queens, New York, and Co-Director of Community Studies of New York, Inc.
3. In 1971, I was a staff assistant to Senator Mike Gravel of Alaska. I assisted the Senator in arranging for publication of the Pentagon Papers, consisting of more than 7,000 pages, by Beacon Press.
4. I was called before the grand jury in the fall of 1971 to testify on where Senator Mike Gravel and I had obtained the Pentagon Papers. I filed a motion to quash the subpoena, on grounds that an aide to a senator could not be called before a grand jury to testify on his activities. Senator Gravel intervened, claiming that his legislative privilege protected both of us from testifying, but Judge W. Arthur Garrity denied the claim. The case, *Gravel v. United States*, went to the Court of Appeals in Boston, and that court eventually allowed the grand jury to proceed without my testimony. The Supreme Court ultimately heard our case and, in June 1972, ruled against us, holding that a senator should not release Executive Branch documents outside of Congress.
5. However, after the Supreme Court ruling, the government did not come after us any more, presumably because of the Watergate events then taking place.
6. As one of the witnesses in the Pentagon Papers investigation, I support allowing the public to gain access to the Boston grand jury proceedings. The public should know how and why the government was seeking to find those who had made these documents available to the public, and to intimidate others who might be

planning to release other documents that might prove embarrassing to the government. For these reasons, I support the release of my records related to the Boston grand jury investigation.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on December 3, 2018, in New York, New York.

/s/ *Leonard S. Rodberg*

Leonard S. Rodberg