

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

IN RE PETITION OF
JILL LEPORE

No.

DECLARATION OF MIKE GRAVEL

I, MIKE GRAVEL, declare as follows:

1. I submit this declaration in support of the above-captioned petition to unseal the records of the federal grand juries impaneled in April and August 1971 in Boston to investigate the distribution of the Pentagon Papers.

2. In June of 1971, while serving as a U.S. Senator, I convened a meeting of the Senate Subcommittee on Buildings and Grounds, a subcommittee of which I was Chairman. During the meeting, I read portions of the Pentagon Papers and entered the Pentagon Papers into the subcommittee record to make the documents publicly available. I also arranged to publish the documents through Beacon Press, the nonprofit publishing arm of the Unitarian Universalist Association.

3. A federal grand jury in Boston subsequently subpoenaed a member of my staff, Leonard Rodberg, who had assisted me in the preparation of the documents for publication. However, because Rodberg was my employee, I believed he was covered by legislative immunity. Furthermore, if anyone was forced to testify before a grand jury, I bore that responsibility, not my staff. In response to the subpoena, I directed my attorneys to file a motion to intervene and, once that was granted, a motion to quash the subpoena.

4. My primary concern was protecting those who had assisted me in releasing the documents to the public, particularly Rodberg and Beacon Press. Eventually, I appealed the case all the way to the U.S. Supreme Court. In *Gravel v. United States*, the Court held that the Speech and Debate Clause gave me the right to release anything within the confines of Congress. However, for providing the documents to Beacon Press, outside the confines of Congress, I was liable—so was Rodberg, my editors, and Beacon Press. Despite the ruling, Rodberg and I were never called again to testify before the grand jury.

5. I strongly support lifting the veil of secrecy on all aspects of the Pentagon Papers, including the Boston grand jury investigation. The government's actions during this period were extreme, including the government's position that neither I nor my staff had legislative immunity from the grand jury proceedings, even with regard to my actions in the subcommittee meeting. The more transparent we can be about this time period, the more enriching it will be for the historical record and for the general public. For these reasons, I support the release of the records related to the Boston grand jury investigation into the Pentagon Papers.

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

Executed on November 13, 2018.

/s/ Mike Gravel
Mike Gravel