



BEACON PRESS AND
THE PENTAGON PAPERS

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It's tragic when a nation, dedicated and committed to the principle of freedom, reaches such a point that the greatest fear we have is from the government itself.

EDWIN LANE

1971

- JUNE 13 The *New York Times* publishes its first article on the Pentagon Papers under the headline “Vietnam Archive.”
- JUNE 29–30 Senator Mike Gravel reads from the papers to his Senate subcommittee and enters the rest into its records. The papers are made public.
- AUGUST 17 Beacon Press publicly announces its intention to publish the papers.
- OCTOBER 10 The government version of the Pentagon Papers is published.
- OCTOBER 22 The Beacon Press edition of the Pentagon Papers is published simultaneously in cloth and paper in four volumes.
- OCTOBER 27 FBI agents appear at the New England Merchants National Bank asking to see UUA records. The bank refuses to comply without a subpoena.
- OCTOBER 28 A subpoena is issued that calls for copies of all withdrawals and deposits in UUA accounts between June 1 and October 15, 1971.
- OCTOBER 29 A subpoena is served on the UUA’s bank.
The U.S. Court of Appeals orders a halt of all investigation until the court rules on the scope of Gravel’s senatorial immunity under the Constitution’s Speech and Debate Clause.

NOVEMBER 4 The UUA is informed for the first time that the FBI has been examining records of UUA bank accounts.

1972

JANUARY 11 UUA attorneys seek a temporary injunction from continuing investigation based on a violation of religious liberty.

1:30 p.m. The UUA holds a press conference to inform the public of its action. During the press conference FBI agents serve two subpoenas on Gobin Stair, director of Beacon Press.

2:15 p.m. FBI agents withdraw the subpoenas from Gobin Stair.

3:30 p.m. New England Merchants National Bank is informed by telephone that the subpoena has been withdrawn.

JANUARY 21 Gobin Stair is served another subpoena to appear at the Ellsberg-Russo trial in Los Angeles on March 7.

APRIL 20 For the first time in history, the Senate goes before the Supreme Court to argue a case.

MAY 5 Volume 5 of the Pentagon Papers, edited by Noam Chomsky and Howard Zinn, is published.

JUNE 5 Gobin Stair is served another subpoena to testify at the Ellsberg-Russo trial.

JUNE 17 At 2:30 a.m. five men are arrested for breaking into the Democratic National Committee headquarters at the Watergate Hotel.

JUNE 29 In a 5-4 decision, the Supreme Court denies immunity to Gravel's aides and Beacon Press.

1973

MAY 11 The Ellsberg case is dismissed.

1974

AUGUST 8 President Nixon resigns.

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CHICAGO Sun-Times

MARSHALL FIELD, *publisher*

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VIRGIL P. SCHROEDER, *vice pres., production*

Editorial Page

Wed., Feb. 9, 1972

The FBI church threat

The FBI and the U.S. Justice Department continue to take seriously their Mission: Possible — the numbing of America. Last October, Beacon Press, a department of the Unitarian Universalist Assn., with offices in Boston, published the Sen. Mike Gravel (D-Alaska) version of the Pentagon papers. A few days after publication date, FBI agents, armed with a grand jury subpoena, appeared at New England Merchants National Bank of Boston and demanded access to the denomination's bank records for the period from June 1 to Oct. 15.

Temporarily, the government's investigation has been suspended, pending the disposition of a church-initiated court suit seeking a restraining order. During the last few days, Dr. Robert N. West, UUA president, has been flying to major cities like a jet-set Paul Revere, hoping to alert the nation to the clear and present danger involved in what he has termed "an unprecedented threat to religious freedom." In Chicago last Friday, the church executive characterized "this unwarranted intrusion on religious liberty" as a calculated government attempt to intimidate his denomination. Even if the government files no suit against the church, Dr. West said, the

investigation itself is likely to have a "chilling effect" on members and prospective members of the church.

Along with leaders of the National Council of Churches and the Synagog Council of America, we agree that the government's action appears to be punitive in purpose and repressive in effect. To say the least, the Constitution does not give the government a license to harass an organization that publishes documents (already in the public domain) which embarrass or anger the present powers-that-be in Washington. We believe the Justice Department's moves against the church reflect an astonishing disregard for the First Amendment's guarantees of freedom of religion, freedom of the press and freedom of association.

We hope the public hears and heeds Dr. West's appropriate cries of alarm. As this modern Paul Revere knows, the security of the nation can be jeopardized, not only by outside foes, but also by zealots on the inside who are so determined to "bring us together" that they are prepared to stifle the voices of legitimate and responsible dissent. The government has no right to insure domestic tranquility by injecting novocaine in the body politic.



I. PRESS

In 2004, a Boston-based independent press celebrated a milestone that few houses reach: 150 years of continuous book publishing. The origins of Beacon Press, however, can be traced back even further, to 1825—the founding year of the American Unitarian Association. The AUA, a religious organization, began producing theological books and tracts in line with its liberal social philosophy. Early publications were out-sourced for printing until 1854, the year the AUA set aside a Book and Tract Fund to lay the groundwork for the official Press of the American Unitarian Association.¹ Situated within AUA headquarters at 21 Bromfield Street, the press included a bookstore accessible to the public. Nearby Boston Common was established just seventeen years before the press moved into its first home.

By 1900, both the press and the AUA had moved into offices at 25 Beacon Street, on Boston's Beacon Hill. The press, under shifting degrees of autonomy from the AUA, brought out 136 publications during the nineteenth century. Press publications from this period included *Thoughts Selected From the Writings of the Rev. William E. Channing* (1854), a collection of influential transcendentalist sermons; *A Soldier's Companion* (circa 1861–1865), a booklet disseminated to Union

troops during the Civil War that was a hybrid between a field manual and an abolitionist tract; and *Seven Stormy Sundays* (1858), by early humorist and feminist Lucretia Hale.

In 1900, the AUA appointed its first president, a man who would radically reshape both the organization and its press. The Reverend Samuel Atkins Eliot II (son of the then president of Harvard University, Charles Eliot) outlined a bold vision of progressive publishing for the AUA press.² Eliot noted, “Books which appeal to the higher instincts of men do not, as a rule, command a large circulation, and cannot be handled by publishing houses which are primarily commercial enterprises.”³ Under his model, then, the press would continue to publish books aligned with its enlightened mission regardless of the bottom line.

Eliot’s ambitious overhaul of the AUA publishing organ began with a rechristening. The name “Beacon Press” represented the eponymous location of the AUA. The emblematic renaming also “specifically made reference to the object that had given Beacon Hill its name nearly three centuries earlier.”⁴ Author Susan Wilson recounts that story in her chapbook, *A Brief History of Beacon Press*:

In 1634, when Beacon Hill was sixty feet taller and much wilder, a primitive tar bucket was suspended from a pole on top of this hill. If colonial Bostonians needed to be warned of enemies approaching by land or by sea, the bucket was set aflame and hoisted up the pole. The idea of shedding light to warn of imminent dangers was appealing to Eliot and the Association, and it was reflected in the original Beacon colophon, created by New York type designer Frederick William Goudy. Appropriate as well, beginning in 1906, was the printing of the phrase *In luce veritatis*, “In the light of truth,” beneath the Beacon symbol.⁵

Eliot did more than outfit the press with a rugged and romantic icon—he installed Charles Livingston Stebbins as Beacon’s inaugural publication agent, the first AUA staff position devoted exclusively to publishing. Well-educated and equipped with experience in the book industry, Stebbins “concentrated on new books outside the religious

field.”⁶ Beacon Press published 133 books between 1902 and 1913.⁷ The importance of that number becomes clear, considering that “roughly the same number of books had been published by the AUA during the entire nineteenth century, and only one-third of those were AUA originals.”⁸ Among the originals published in this period: Seth Curtis Beach’s *Daughters of the Puritans: A Group of Brief Biographies* (1905), highlighting the contributions of female reformers such as Harriet Beecher Stowe and Margaret Fuller;⁹ *From Servitude to Service: History and Work of Southern Institutions for the Education of Negroes* (1905), which contained work by Kelly Miller, the son of a free black and a slave, who became dean of the College of Arts and Sciences at Howard University; and pacifist and best-selling author David Starr Jordan’s *The Call of the Nation* (1910).

Through most of the nineteenth century, the publishing arm of the AUA had flourished as a coterie, largely printing and reprinting the work of white, male Unitarian ministers. With Eliot and Stebbins at the helm, Beacon Press mounted an aggressive campaign to publish a broader range of authors, including leading European intellectuals. As Eliot had foreseen, the pursuit of “truth” would not always be a profitable one; the 1910 AUA Yearbook read, “The best books by no means always have the largest sales . . . Four fifths of the books published [by Beacon Press] would not have seen the light had they not borne the imprint of the Association.”¹⁰

When Stebbins left Beacon in 1913, Forbes Robertson replaced him. Robertson held a comparatively passive approach to acquiring new books; this attitude, coupled with the two world wars and the Great Depression, reduced Beacon’s output from approximately thirteen books per year in its heyday to only eight books per year between 1914 and 1945.¹¹ This troubled period in U.S. history also witnessed internal growing pangs for the press:

On September 1, [1914,] the AUA formally incorporated Beacon Press in order to more clearly delineate the division between sales materials and free

religious literature. In theory, Beacon Press was henceforth to operate as a trade press, covering its expenses with monies from book sales. In reality, that rarely occurred. By 1918, the AUA placed Beacon in charge of all its own marketing, sales materials, staff salaries, advertising, and book publication. From that time on, AUA books—which, in the past, sometimes bore the Beacon imprint, and sometimes the AUA—were all to be marked Beacon. Within the next decade, Beacon Press was to have its own board of directors as well, with members selected for their knowledge of book publishing.¹²

While Beacon’s business end morphed into a more commercial model, in terms of acquisitions, the press continued to operate in accordance with its mission. The year 1937 brought another seismic shift, as the Reverend Frederick May Eliot took over the presidency of the AUA.¹³ Frederick Eliot’s hopes for the press outpaced even those of his predecessor; a report from his first year on the job distinguished Beacon from the scholarly houses that it resembled editorially:

The university presses for various reasons—religious, political, and economic—are not interested in the publication of liberal religious books and it is our purpose to establish a Liberal Press, the foundations of which we have already laid. In these days of regimentation, we feel that it is essential that there should be a press in this country to combat the forces that would destroy liberalism.¹⁴

High moral standards saddled with the financial expectations of a trade house meant that Beacon would continue struggling to define its unique niche in the rapidly evolving landscape of American publishing. Beacon’s list of publications during the transitional years, from 1913 to 1945, includes a marked emphasis on global affairs: *America, Save the Near East* (1918), by Paris Peace Conference attendee Abraham Rihbany, which agitated for “Syrian independence under U.S. protection”; *Racial Conflict in Transylvania* (1926), by John Moors Cabot; and *Zola and the Dreyfus Case* (1937), by Lee Max Friedman. Another notable title from this period is the Reverend George L. Thompson’s

Young George Washington (1932), the first Beacon book to be “officially taught in New York schools.”¹⁵

To realize his dream of a “liberal press,” Frederick Eliot brought aboard Mel Arnold to serve as Beacon’s first director and editor in chief in 1945. In the words of Arnold’s assistant, Edward Darling, Arnold was “a born crusader and a committed religious liberal” who walked around with “pockets stuffed with notes written on torn pieces of newsprint or on the backs of envelopes.”¹⁶ Eager to modernize Beacon’s list, Arnold successfully pursued prominent intellectuals like Alfred North Whitehead, Lord Acton, and Albert Schweitzer.

In 1949, still under Arnold’s watch, Beacon drew national attention when it brought out Paul Blanshard’s *American Freedom and Catholic Power*. The book, an incendiary scrutiny of the Roman Catholic Church, expanded a series of articles first published in *The Nation*, articles so inflammatory that the magazine was banned in New York schools.¹⁷ Blanshard tapped into the heated debate between Eleanor Roosevelt, who opposed federal aid for parochial schools, and the high-profile Cardinal Spellman, the archbishop of New York. In defense of Roosevelt, Blanshard said, “Freedom-loving Americans resent the attempt to brand Mrs. Roosevelt anti-Catholic because she opposes using public money for religious schools.”¹⁸ Luminaries such as Albert Einstein applauded Blanshard’s work, stating, “I wish to express my gratitude to a man who is fighting the abuses of a powerful organization”¹⁹—but the mainstream media shied away from Blanshard’s vociferous attack on one of America’s most influential denominations.

At the time, Boston made the *New York Times* shortlist for largest Catholic populations; the city came in number two of three for “Archdioceses with Catholic populations in excess of 1,000,000.”²⁰ One notable Massachusetts Catholic, Democratic Representative John W. McCormack, used his pulpit as House Majority Leader to cosponsor a bill that would distribute federal money to parochial schools. Against the backdrop of a Catholic stronghold, former Beacon editor Jeannette Hopkins described the risk of publishing an anti-Catholic book:

It had been rejected by scores of other publishers before Mel Arnold found it. There were immediately widespread rumors that if Beacon Press dared to publish this book, Boston's city building inspectors would condemn the elevator at 25 Beacon Street, and refuse to collect the garbage, and that the denomination's invested funds would be frozen pending settlement of threatened lawsuits.²¹

Despite misgivings, Beacon published the book; none of the feared repercussions ensued. One unexpected consequence of the book's infamy was that newspapers were reluctant to review it. Despite the silence in the papers, as well as the fact that "the *New York Times* for a decade refused to run an ad for it, the book sold more than 300,000 copies in its first six years." Assessing the title's significance in-house, Hopkins cited *American Freedom and Catholic Power* as "the first Beacon book in defense of civil liberties—the First Amendment, in particular."²² The stakes at play in printing Blanshard—defending constitutional rights, staring down bureaucratic pressure, publishing what other houses would not—would reemerge later in Beacon's history.

Mel Arnold took a position at New York-based publisher Harper & Row in 1956. The role of director at Beacon eventually went to his former assistant, Edward Darling.²³ Pointedly, that same year, the AUA's Walter Kring compared New York trade houses to Beacon in the *Christian Register*:

In strong contrast to what has become the publishing situation on Madison Avenue in New York . . . the Beacon Press has always felt that what is printed is of far more importance than whether the balance sheet is in the red or the black. Today the Beacon Press is known by many as one of the most courageous presses in America . . . But it has also become known as one of the quality presses of America, rating with those of universities in size and standards.²⁴

From the "courageous" publishing years spanning Arnold and Darling, several key titles emerged: *Albert Schweitzer: An Anthology* (1947), edited by Charles R. Joy; *The Herblock Book* (1952), a collection of anti-McCarthyism drawings by Pulitzer Prize-winning political

cartoonist Herbert Block; *Notes of a Native Son* (1955), a debut non-fiction book by James Baldwin; *An Autobiography: The Story of My Experiments with Truth* (1957), by Mohandas K. Gandhi, “the only authorized American edition” of the book that had been published in India thirty years prior; and *Man’s Search for Meaning* (1962), by Viktor E. Frankl, deemed “one of the ten most influential books in America” by a Library of Congress and Book-of-the-Month Club survey.²⁵ A retitling came at the tail end of Darling’s directorship, as “the Unitarians and Universalists consolidated in 1961, becoming the Unitarian Universalist Association, or UUA.”²⁶

Gobin Stair became the third director of Beacon Press in 1962, holding that position through 1975.²⁷ Radical thinkers began to dominate the list in Stair’s days, including Jürgen Habermas, author of *Toward a Rational Society: Student Protest, Science, and Politics* (1970); Herbert Marcuse, whose Beacon book *One-Dimensional Man: Studies in the Ideology of Advanced Industrial Society* (1964) garnered him renown as the “father of the New Left”; entertainer Paul Robeson, whose defiant 1958 polemic *Here I Stand* was reprinted by the press in 1971, having been “largely ignored by the white press”; and Mary Daly, lauded as “the ultimate Christian feminist,” whose landmark book *Beyond God the Father: Toward a Philosophy of Women’s Liberation* (1974) also rocked the Catholic firmament.²⁸

Naturally, the war in Vietnam made an impact on Beacon books from the Stair era. Leading antiwar activists began to appear in the catalogs: Howard Zinn, whose *Vietnam: The Logic of Withdrawal* (1967) became “one of the first books to call for America’s withdrawal from the civil war in Vietnam”; Jean-Paul Sartre, whose *On Genocide* (1968) likened American involvement in Vietnam to Hitler’s persecution of Jews; and Arlo Tatum and Joseph S. Tuchinsky, who coauthored *Guide to the Draft* (1969), a manual for young men to use to avoid being drafted, which “sold like mad.”²⁹ The seminal publication on this impressive wartime list, and the topic at hand, is the Senator Gravel edition of *The Pentagon Papers: The Defense Department History of*

United States Decisionmaking on Vietnam (1971), the first full edition of the top-secret papers that “blew the whistle on Vietnam.”³⁰ The political climate surrounding *The Pentagon Papers* bore a striking resemblance to the situation during the publication of *American Freedom and Catholic Power*; unlike with Blanshard’s book, the fallout from publishing *The Pentagon Papers* was far worse than anticipated.

While it is not the focus here, Beacon’s tradition of important and controversial publishing continued beyond the era of Gobin Stair and *The Pentagon Papers*. Four people, three of them women, have sat in the director’s office since Stair’s time.³¹ Several contemporary titles merit a mention: children’s rights advocate Marian Wright Edelman’s *The Measure of Our Success: A Letter to My Children and Yours* (1992); Cornel West’s landmark collection of essays, *Race Matters* (1993); Pulitzer Prize–winning author Ben Bagdikian’s *The New Media Monopoly* (2004); and E. J. Graff’s *What Is Marriage For?* (2004). In terms of longevity and professional integrity, Beacon’s indelible imprint upon the U.S. publishing industry remains unparalleled.



2. PAPERS

On June 17, 1967, Defense Secretary Robert McNamara assembled a team of analysts, led by Leslie Gelb, director of the newfound Study Task Force, to draft “a full history of U.S. decisionmaking on Vietnam from the early 1940s through March of 1968.”³² Thirty-six men, many of whom remain anonymous, worked on the task force, their backgrounds ranging from military service to stints at the nation’s most renowned think tanks. One known member was Daniel Ellsberg, the former marine who eventually leaked the papers that he and his colleagues produced.³³ The task force had unprecedented access to the Office of the Secretary of Defense files, along with the use of “outside” sources such as newspapers and books. McNamara instructed Gelb to churn out “encyclopedic and objective” studies and guided the task force to refrain from conducting interviews. Gelb described the resulting thirty-seven studies as “a history based solely on documents—checked and rechecked with ant-like diligence.”³⁴ Stamped “top secret-sensitive,” the 7,000-page study was meant for internal use only.

For the most part, each of the three dozen analysts worked on his respective essay, never reading the collection in its entirety. One excep-

tion was Ellsberg, who had experience at both the Pentagon and the Santa Monica-based think tank Rand Corporation.³⁵ A civilian with unusually high security clearance, Ellsberg had the unique opportunity to read the entire collection of studies, a copy of which was stored in his black, four-drawer “top secret safe” at Rand.³⁶ Ellsberg later wrote, “It occurred to me that what I had in my safe at Rand was seven thousand pages of documentary evidence of lying, by four presidents and their administrations over twenty-three years, to conceal plans and actions of mass murder. I decided I would stop concealing that myself. I would get it out somehow.”³⁷ Disgusted by the disparity between the internal policymaking he was reading and the lies being spoon-fed to the public, Ellsberg began smuggling the documents out of Rand in October 1969.

Having decided not only to photocopy, but to leak the papers, Ellsberg enlisted the aid of Anthony Russo, a former Rand associate. Russo had a friend with a Xerox machine in a Los Angeles office. Mid-photocopying, the men heard a knock at the door: it was the Los Angeles Police Department. Assuming the worst—that the government had already tracked them down—Russo thought to himself, “God, those guys are good.” In reality, the coconspirators had accidentally tripped the building’s burglar alarm, and the police officer departed after an explanation from the office owner, who was on-site to assist Russo and Ellsberg.³⁸

In March 1971, Ellsberg handed over copies of the papers to Neil Sheehan of the *New York Times*. The *Times* took the papers but refused to tell Ellsberg when they would be published. On June 12, a Saturday evening, Tony Austin from the *Times* tipped off Ellsberg that the first published excerpts of the papers would run the following morning. Historian Howard Zinn recalls seeing Ellsberg that Saturday evening in June at Zinn’s apartment in Newton, Massachusetts. The two men and their wives were going to see *Butch Cassidy and the Sundance Kid*, and Ellsberg seemed “very agitated,” according to Zinn. Zinn knew Ells-

berg from the latter's days as a research fellow at the Massachusetts Institute of Technology (MIT). In fact, Zinn was one of the first people to receive portions of the documents from Ellsberg. Because an aura of fear surrounded the papers, Zinn stashed them in his office at Boston University, where he "kept them under [his] desk, and read them in batches."³⁹

On June 15, 1971, "the day the presses stopped," the *New York Times* was enjoined from publishing any more of the secret papers—"the first time in the nation's history a court had silenced a newspaper on grounds of 'national security.'"⁴⁰ In addition to Neil Sheehan, Ellsberg also handed over two sets of the copied documents to Ben Bagdikian of the *Washington Post*. One was meant for use by the *Post*, which began publishing excerpts immediately after the *Times* injunction.⁴¹ Similarly, the *Post* was enjoined. Both the *Times* and the *Post* appealed to the Supreme Court. On June 30, the high court ruled on the side of a free press in the now-famous case of the *New York Times Co. v. United States* and the injunctions were lifted.⁴² In what proved to be his last major opinion, long-sitting Justice Hugo LaFayette Black, the Roosevelt appointee, scolded, "Every moment's continuance of the injunctions against these newspapers amounts to a flagrant, indefensible, and continuing violation of the First Amendment."⁴³ The *Times* resumed publishing the following day.

As a condition of handing the papers over to the *Post*, Ellsberg demanded that Bagdikian deliver the second set of photocopies to a member of Congress. Ellsberg had tried to interest J. William Fulbright, chair of the Senate Foreign Relations Committee, but Fulbright was determined to solicit the papers directly from the Nixon administration.⁴⁴ Ellsberg had also approached South Dakota senator George McGovern, who, while initially receptive to publicizing the papers, ultimately backed away from them to avoid potential damage to his presidential bid.⁴⁵ Finally, Ellsberg asked Bagdikian to hand over the second box to Maurice "Mike" Gravel, the Democratic senator from Alaska.⁴⁶

In *Double Vision*, Bagdikian's memoir published by Beacon Press in 1995, the journalist described his reaction to the odd stipulation:

I argued, but in the end, agreed. It in no way tied my journalistic hands. Nevertheless, it still disturbs me . . . It would have been an even tougher dilemma if I had known in the motel room what I would discover many days later: my delivery of "the second box" would become the basis for one of the most bizarre scenes in the history of the United States Senate.⁴⁷

Ellsberg understood that "Ben's sense of professionalism conflicted with his acting as any kind of intermediary to Congress"; still, Ellsberg "couldn't see any other way to get the papers to Washington quickly" and decided that "[the *Post*] could do me this favor."⁴⁸

Double Vision contains an account of Gravel and Bagdikian's exchange: "When Gravel came to our car, I told him the box was heavy and perhaps his two aides should take it out of the car. He said he did not want them to touch it since only he had congressional immunity."⁴⁹ Gravel later told his account of receiving the papers with decidedly more flourish:

I met [Bagdikian] at midnight under the marquee of the Mayflower Hotel in the heart of Washington. His car was parked and I pulled up abreast of it. He opened the trunk, tossed the papers in my trunk, and I sped away. He had suggested we do it in the dark in some suburb, but I had once been a counterintelligence officer, and I said hell with that—that's just inviting someone to frag you.⁵⁰

Bagdikian's version is only slightly at odds with Gravel's: the journalist recalls "drinks and unrelated small talk" in the Mayflower's bar afterward.⁵¹ Of course, whether or not the two swapped pleasantries matters little; the more substantial handover had already taken place.

The bizarre scene that Bagdikian facilitated occurred on the floor of the U.S. Senate. Gravel had decided to take Ellsberg's advice and read all 5,400 pages of the papers during what he intended to be the "longest filibuster in Senate history"; consequently, Gravel was filibus-

tering a bill that would extend the draft.⁵² To ready himself, Gravel prepared accordingly:

A successful filibuster demands elaborate preparations, including hours of a salt-free diet, a hidden urine bag tied inside the senator's trousers, medication to stay awake, special compounds to assuage battered vocal cords, and steel braces to keep legs from collapsing with exhaustion.⁵³

Despite the extraordinary measures taken, Gravel's planned filibuster was blocked when "a quorum of 51 senators could not be mustered."⁵⁴

Frustrated, Gravel announced an executive session of the obscure Senate Subcommittee on Buildings and Grounds. As committee chair, such a move was technically within his power. On the evening of June 29, 1971, Gravel began reading from Ellsberg's photocopied papers to those he had managed to gather; he stopped three hours later, on June 30.⁵⁵ To give a sense of the gravitas that evening, it's worth quoting Gravel's introductory remarks that night at some length:

Mr. President, recently I gained possession of the Pentagon Papers. I do not have them all, but believe that I possess more than half of the total work. I did not seek these papers. When they were offered I accepted them . . . It is a remarkable work . . . In the name of all this great nation and great people stand for, the people must know the full story of what has occurred over the past 20 years within their government . . . I do not believe that the war can continue once the people and their duly elected representatives have the story that is contained in the Defense Department documents. I do not believe we can burn the books and forget they were written . . . Immediate disclosure of the contents of these papers will change the policy that supports the war.⁵⁶

While the young senator had intended to read through the night, David E. Rosenbaum reported for the *New York Times* that, just after 1:00 a.m., Gravel "said with tears streaming down his face that he was 'physically incapable of continuing any longer'" before entering the papers into the public record.⁵⁷

Many of Gravel's congressional colleagues, along with members of

the media, viewed his actions as precocious and overdramatic.⁵⁸ In the coming months, the unpopular young turk was often satirized for his raw emotional display that evening in June. Days after Gravel's breakdown, Warren Weaver wrote in the *New York Times*:

The latest indoor sport on Capitol Hill is to try to guess what impelled [Senator] Gravel . . . to attempt to read a part of the Pentagon Papers into the public record, and ultimately to burst into uncontrollable tears. "Mike Gravel is a Taurus," a long-time friend said of the Democratic Senator.⁵⁹

Responding to accusations of acting "immature," Gravel appeared on *Face the Nation* on July 4, saying, "I wept because it hurts . . . to see our nation dragged in the mud . . . to be part of a nation that is killing innocent human beings." In October, the *Garden City Newsday* reported Gravel's account of that night: "I came to the passage about metal crashing through bodies,' Gravel said. 'And it welled up in me.' Even as he had wept, Gravel said, he had thought, 'Goddammit, how embarrassing this is that I, a male, sit here and can't stop crying.'" ⁶⁰ Gravel was chagrined by his behavior, which he considered to be feminine, but it was a woman who came to his defense with a pithy letter to the editor in the *New York Times*, writing, "If more men wept over our past and present involvement in Indochina, perhaps this war would be ended—now. Women have wept, orphans have wept, children have wept, widows have wept. Now let the Senators weep—at long last."⁶¹ No matter how Gravel's actions played out with other Americans, his boldness won him the admiration of Daniel Ellsberg, who applauded Gravel for taking on what "no other senator had dared."⁶²

Officially, the Pentagon Papers were now available in the public domain, "however, publication of the papers by the Government Printing Office was blocked when Senator [Jennings] Randolph of West Virginia 'refused to authorize payment of a stenographer for a public record.'" ⁶³ To make the papers widely accessible, Gravel would have to convince a private publisher to print them. The senator tried more than

thirty publishing houses before finding one willing to risk working on the papers. Several months later, in October 1971, Gravel's name and visage appeared on the eponymous first full edition of *The Pentagon Papers*, published by Beacon Press.



3 . PUBLISH

The story of the Senator Gravel edition of *The Pentagon Papers* is an overshadowed one. For those who recognize the name Daniel Ellsberg, any mention of a publisher for his stolen papers summons newsprint memories. Invariably, it is the newspaper of record—the *New York Times*—that comes to mind, not a small book publisher in Boston. This is understandable given that many Americans only read as much of the Pentagon Papers as they found excerpted in the *Times*, or maybe in their own community newspapers, which were able to print the papers solely because the *Times* had won its day in court. The story of the *Times* first breaking news of the papers' existence is legendary; the ensuing court case, *New York Times Co. v. United States*, is touted as the battle royal over the First Amendment. The *Times*' former managing editor, A. M. Rosenthal, touched the core of the Pentagon Papers epic:

Three times the reporters, editors, executives of the *Times* had placed before them, in one big bundle that simply would not go away, all those blood-and-bone issues that people spend lifetimes evading. In the bundle were the meaning of true patriotism and national interest; the meaning and purpose

of a profession, a lifetime; the meaning, duties, obligations of a free press; fear for self, for career, for the future of a newspaper; the need to see clearly what was judgment, what was ego, what was morality. As somebody said, except for sex, there it all was.⁶⁴

While the *Times* can take the lion's share of the credit for public awareness of Ellsberg's leaked study, the newspaper didn't coin the alliterative "Pentagon Papers." In fact, Rosenthal disdained the moniker:

The *New York Times* began printing a series it called, with an agonizingly demure attempt to avoid sensationalism, "Vietnam Archive." Nobody paid any attention . . . We knew we were devoting quite a bit of space to what everybody began calling the Pentagon Papers. (We had thought of calling it that in the beginning but somehow it sounded a little bit like what was in that pumpkin.)⁶⁵

Deliberately dull headlines aside, the fact is that the *Times* would have been remiss if it had *not* published the excerpts.⁶⁶ Even so, the decision was still bold and the consequences were indeed rattling. For its journalistic chutzpah, the *Times* earned a Freedom of Information Citation from the Associated Press Managing Editor Association. Without a doubt, the *Times* merited the accolades it received and continues to deserve the focus of historians. The story of the Pentagon Papers and the *Times* is a good one; moreover, it is familiar. Eclipsed by that story is the equally litigious and perhaps more colorful tale of the first full edition of *The Pentagon Papers*, as published by Beacon Press.

Unlike the nation's premier newspaper, Beacon Press was not an obvious home for the Pentagon Papers. Senator Gravel approached approximately three dozen publishers; all turned down the project. The New York-based Simon & Schuster, a powerful publishing engine, seemed willing to go ahead with the senator's project, but was later dissuaded when the Bantam edition flooded the market.⁶⁷ In Boston, Houghton Mifflin made a similar choice.⁶⁸ Gobin Stair, director of

Beacon Press, recalled, “When [Houghton Mifflin] turned them down, we thought, ‘Oh no, they shouldn’t have turned them down.’”⁶⁹ With commercial publishers backing away, Gravel approached scholarly presses, including Harvard University Press. Again, the proposal was vetoed because of grim financial forecasts. The *Village Voice*’s Nat Hentoff took the press to task with acerbic sarcasm:

Harvard University Press decided the cost of publishing would be too high. A serious study, of course, was made of what the costs would be—since such important documents were at issue? Well, no. “We just made [a] sheer guess,” said Harvard University Press director Mark Carroll. They sure must have been vitally interested in publishing them papers.⁷⁰

Across the board, the message was clear: neither the powerhouse commercial publishers nor the endowed university presses would tackle such a fraught project.

The papers eventually came to Beacon Press by coincidence. In 1971, Gravel was one of only two Unitarian Universalists in the Senate.⁷¹ Beacon was brought to Gravel’s attention by his aide, Leonard Rodberg, a vocal antiwar activist “who reminded the Senator of his denominational press in Boston.”⁷² The Unitarian Universalist connection is important in that the senator and the press shared certain principles that were clearly outlined in a 1971 *Unitarian Universalist World* article:

Why should the UU press take the risks and become involved in the most vicious battle for the free press since the Zenger trial? For the simple reason that freedom from bureaucratic censorship is one of the objectives of this denomination and of the press which represents it.⁷³

With Gravel’s approval, Rodberg called Beacon’s editor in chief, Arnold Tovell. Tovell, in turn, discussed the proposal with Beacon’s director, Gobin Stair. The two men agreed to look at the papers. When Tovell phoned Rodberg to express interest in reading the papers, the senator’s aide invited a Beacon staff member to travel down to

Washington. Tovell demurred and told Rodberg that “he had to bring [the papers] to Beacon’s offices, which was important to me, to be [there] both emotionally and physically.”⁷⁴ Rodberg complied.

While other houses measured Gravel’s proposal with profit and loss statements, Beacon took a different approach. Presenting the senator’s project in-house, Stair framed the debate in terms of a moral obligation to publish:

Our previous order was to publish those good books which are important books which the commercial presses won’t publish . . . and we were evading it in every way we could! . . . I had to tell my trustees that this was a principle, and that it was a silly thing to do, but I thought we should do it. But they had to know that it would cost ’em. I stood up at that damned meeting and said it just as simply as that.⁷⁵

Beacon decided the senator’s proposal was a good fit.⁷⁶ In an early letter to Gravel, Stair called catalog titles like Howard Zinn’s *Vietnam: The Logic of Withdrawal* to the senator’s attention, before concluding, “We feel that the combination of a United States senator and a non-profit publishing house, well established, with a long history of controversial publications of a high standard is a good one.” In the same letter, Stair acknowledged that Beacon understood other publishers were still considering Gravel’s proposal, but noted, “Our basic attitude is that the materials should be published and only you can make the decision as to how they should be published.”

At the same time Beacon was weighing whether or not to publish the papers, just across the Charles River, the MIT Press was doing the same. The two publishers settled on opposite courses of action. Like Simon & Schuster, the MIT Press initially expressed interest in tackling publication of the Pentagon Papers. And like Simon & Schuster, MIT also backed down. The press’s withdrawal from the project forced Beacon’s hand. Thirty-one years after Rodberg first approached him, Tovell admitted to hoping that another house would have signed on:

We were getting close to being fully committed. We were having it estimated for production . . . at a printing house in western Massachusetts, and it's known as Project X; we're not telling anybody what we're doing . . . The same printer is getting queries from MIT Press about it . . . we became aware that they were doing this. I must confess, I've forgotten the emotional quality of it . . . There was a moment when I was saying, "Gee, isn't that lovely, I hope MIT will do it. Who needs this thing, it's acres high?"⁷⁷

The stakes were especially high for MIT, with its many connections to the government, indelicately laid bare by Nat Hentoff in the *Village Voice*: "For Christ sake, MIT has more Defense Department contracts than any university in the country."⁷⁸ The same article quotes Rodberg, identified as an MIT alumnus, who said:

It's obvious that no one considered the publication of the Pentagon Papers very important . . . In the end the members of the board decided that their loyalty to MIT as it now exists was stronger than their loyalty to a free press, which they are supposedly custodians of.⁷⁹

At an Association of American University Presses luncheon the following year, Howard Webber, director of the MIT Press, explained the pullout: "I did not publish the Papers; my editorial board, aware that Beacon Press had offered to do so, elected to allow them to appear there."⁸⁰ MIT Press editorial board member and university professor Ernest Rabinowicz rankled at the decision: "If you see a man drowning, you don't count on the next person to save him. You decide either to save him or to let him drown."⁸¹ With the MIT Press's withdrawal, the onus of tackling the Pentagon Papers fell to Beacon.

On August 17, 1971, Beacon publicly announced that it would publish *The Pentagon Papers*. Nobody on staff was naive about what such a commitment entailed: "A Beacon spokesman said yesterday the Gravel book is the biggest venture in the history of the small publishing firm."⁸² The papers represented the "biggest venture" in Beacon's long history on many levels. For starters, the papers in their submitted form—a "great container full of stuff"—presented an editorial night-

mare.⁸³ The manuscript that Rodberg brought in was composed of more than 7,000 pages of “original transcripts.”⁸⁴ Staring at the disorganized piles of xeroxes, Gobin Stair was pessimistic about the editing process:

The pile of stuff that was the Pentagon Papers was so confused and so mixed up that everybody who got near it knew this wasn’t going to be a possible book, or series of books. It needed to stay in that manuscript form locked in some closet somewhere. Because it was an endless pile of notes. Nobody had shaped it.⁸⁵

Edited, collated, and bound, the publication of the papers would spark an even larger problem: political persecution. This was a seasoned publishing team signing on for guaranteed headaches and possible criminal charges. Why, then, did Beacon accept Gravel’s incendiary proposal?

In an article dated September 15, 1971, exactly three months to the day the presses stopped, Gobin Stair explained Beacon’s rationale: “Senator Gravel has performed a unique public service in making [the Pentagon Papers] available. The public, we feel is entitled to reasonable public disclosure of the material rather than sketchy journalistic synopses.” Stair also expressed his disdain for the producers of those “sketchy synopses”: “We are undertaking this vital project because we are concerned at how rapidly the American press lost interest in the Pentagon study once the Supreme Court confirmed the public’s right to this information.”⁸⁶ Like Gravel, Beacon placed a premium on keeping the papers accessible in the fullest form possible.

Never one to mince words, Stair selected some choice ones for other book publishers, calling to account the industry trend of waning editorial independence and waxing corporate control: “In a time when most houses are selling out to larger industrial conglomerates, the corporation and not the publisher is controlling the book trade. We may consider ourselves very fortunate that *our* press takes a different attitude.”⁸⁷ Thirty years after making the decision to publish the papers, Stair’s sense of the project’s scope remained vibrant: “Other publishers

had turned down the manuscript both for commercial reasons and out of fear, and as a free press we felt we had a responsibility to publish needed information when others would not.”⁸⁸ In terms of professional ethics, Beacon adhered to an unrivaled standard.

Beacon didn’t stake its decision to bring out *The Pentagon Papers* solely on principle; President Nixon’s opinion was also taken into consideration. As Stair remembers:

I got a phone call at home from Richard Nixon . . . he said, “Gobin, we have been investigating you around Boston, and we know you are apparently a pretty nice and smart guy . . . I hear you are going to do that set of papers by that guy Gravel” . . . The result was that as the guy in charge at Beacon, I was in real trouble. Before we had decided yes or no, we were told not to do it. We were publishing books we like and that we think we can sell, and to be told by Nixon . . . not to do it, convinced me before I had [completely] decided, that it was a book to do.⁸⁹

Although he took a certain puckish delight in Nixon’s disapproval, Stair confessed to feeling a similar anxiety to Arnold Tovell, admitting, “I very much wish somebody else were publishing this.”⁹⁰

Nixon wasn’t the only one contacting Beacon. On September 17, two men from the Defense Department outfitted with “hats and coats and cigarettes” arrived at press headquarters, asking to see Gobin Stair. Secretary Burnell O’Brien was shaking when she walked into the director’s office and announced, “The FBI are here.” Stair replied, “Tell them to come back in a half an hour.” To buy time for Stair to rally Beacon’s lawyers and staff, and to call the newspapers, O’Brien sent the FBI agents on a tour of Old North Church. When the agents returned, they demanded that the Pentagon Papers be returned. Beacon did not accommodate them. In addition to making demands, the agents also ran paper “through all of Beacon’s photocopiers” to see if they could determine whether Ellsberg had used those machines to copy the Pentagon studies.⁹¹ The men departed after making an appointment for Pentagon officials to meet with Beacon staff one week later. Stair called the whole ordeal “ominous and intimidating.”⁹²

*Right now it's very important
for us UUs to put our money
where our mouths (and hearts) have been—*

Will you help sponsor a public edition of the Pentagon Papers?

An unintentional conspiracy seems to have thwarted the public's right to the full story of how our nation became involved in the tragedy of Vietnam. After only scattered newspaper excerpts and one journalistic synopsis, the press seems to have all but forgotten the "Pentagon Papers."

We can't allow the Vietnam blunder to be swept under the rug—and perhaps repeated by another generation. We have been told that university and commercial publishers have declined Senator Mike Cravel's offer to make available in a public edition the full four-volume, 3,000 page task force report (summaries, narratives, documents) which he entered into the record of his subcommittee to thwart official secrecy.

So once again it's up to the Unitarian Universalists and their publishing house—BEACON PRESS.

In late October, Beacon will publish the full four-volume SENATOR GRAVEL EDITION OF THE PENTAGON PAPERS. Frankly, we can't afford this project—but morally, we can't afford not to do it.

So we're going ahead at full speed—because this is exactly the sort of commitment Unitarian Universalists expect of their publishing house. *But we need your help—fast.*

We need 10,000 Unitarian Universalists who will sponsor this public edition of the Pentagon Papers by sending us their own advance orders and payment for the four-volume set. And what an historic addition to your library—or what an important gift for your community's library!

Were we right in assuming we could count on you? Please use the coupon below for your answer.

*Use this coupon
today to insure
earliest possible
shipment of your
set of three
volumes →*

To: BEACON PRESS, 25 Beacon St., Boston, MA 02108

Enclosed is my check for late October shipment of

- The four-volume hardcover PENTAGON PAPERS @ \$45.00
 The four-volume paperback PENTAGON PAPERS @ \$20.00

SHIP MY FOUR-VOLUME SET POSTAGE PREPAID TO:

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J. Fred Buzhardt, general counsel of the Defense Department, later canceled the meeting set up by the FBI agents. Buzhardt's actions seemed odd, given that Beacon and Gravel were open to discussing the contents of the forthcoming volumes; as Gravel put it, "If they see something that is sensitive to national defense that we haven't, we are amenable to discussion." By way of explanation, Buzhardt cited the recent court ruling in favor of the *New York Times*: "The Supreme Court has ruled no prior restraint on these documents. I can't try to do indirectly what the court has said can't be done directly."⁹³ Behind Buzhardt's withdrawal was a veiled threat—if the *Times* hadn't broken ground on prior restraint, one of the most important trials for a free press could have been *Beacon Press v. United States*.

At every moment, fear of government retaliation suffused those involved in publishing *The Pentagon Papers*. Edwin Lane, chair of the Board of Directors of Beacon Press, wrote about the sensation of working under constant threat:

We had to get bids on typesetting without the printer knowing the content of the material. The printer with the lowest bid withdrew his bid after the Senator's announcement. The reason that he gave was not that he did government work, but that he did work for companies that held government contracts, and was afraid that if he did the Pentagon Papers the government would insist that those companies take their printing business somewhere else. His bid was \$10,000 lower than the next one, thus the impact of the *potential* government threat cost us \$10,000 before we even started.⁹⁴

During its campaign of intimidation, the government would begin to take more deliberate action.

In a surprise move to dilute Beacon's forthcoming publication, the government brought out its own multivolume set of the Pentagon Papers—just twelve days before the Senator Gravel edition hit bookstore shelves. Given its timing, this belated edition was derided as "a hurried, much censored version printed by the government after the horse got out of the barn."⁹⁵ The Government Printing Office edition was "printed by a photo-offset process from original copies."⁹⁶ Even

though the government edition was run off quickly, the process took longer than anticipated: “The public printer said it took 5½ hours to begin production because the papers . . . were ‘an ungodly mess.’”⁹⁷ In a circuitous twist of fate, the Pentagon Papers were finally published by the Government Printing Office.

Ironically, if the GPO had originally been permitted to publish after Gravel’s subcommittee meeting, Beacon would have had no need to assist the senator in disseminating the papers. It’s no surprise, then, that the GPO edition drew Arnold Tovell’s ire: “The federal government’s version is absolutely useless . . . It’s got no page numbers.”⁹⁸ In its rush to press, the government did not have time to number pages, but *did* manage to censor its edition heavily. Comparing the “official” version to Beacon’s, Adolphus N. Spence II, the public printer for the GPO, said, “Why should people buy it (the official version) if there’s a commercial edition available that’s not supposed to be expurgated?”⁹⁹ Gravel found the timing of the GPO release suspect: “You’ve got to appreciate that the decision to publish the papers by the Defense Department had to be a White House decision. It had to be a spiteful decision to punish . . . [Beacon] personally.”¹⁰⁰ No doubt Gravel recalled the unusual difficulty of getting his congressional record into print months earlier. For his part, Spence discarded any conspiracy theories, explaining, “My aim is not to cut into the commercial market but just to make the documents available.”¹⁰¹

Although the government edition was of poor quality and missing sections, people bought it. *Parade* magazine reported the following: “As of last month (October) the Government Printing Office sold 300 sets of the highly publicized Pentagon Papers, 12 volumes a set, at \$50 for all 12 volumes.”¹⁰² Beacon’s early worry over the competition was evident from a display ad it placed in the *New York Times* that lambasted the “often-illegible” GPO version and sensationalized the Gravel edition: “You’ll be intrigued by sections the government chose to delete.”¹⁰³

Beacon brought out approximately 20,000 four-volume sets of the

WHAT THE GOVERNMENT LEFT OUT OF ITS "PENTAGON PAPERS"

BEACON PRESS'S 4-VOLUME **SENATOR GRAVEL EDITION - THE PENTAGON PAPERS** NOW AWAITS YOU IN LEADING STORES AND LIBRARIES ACROSS THE COUNTRY (PAPER \$20.00 PER SET; CLOTH \$45.00). . . . WHILE THE GRAVEL EDITION WAS ON PRESS, THE FEDERAL GOVERNMENT RUSHED ITS OWN VERSION INTO PRINT, SIMPLY REPRODUCING THE OFTEN-ILLEGIBLE ORIGINAL MANUSCRIPT, WITHOUT CONSECUTIVE PAGE NUMBERS. . . . AS A REFERENCE WORK, IT IS USELESS AND MISLEADING; IN THE GRAVEL EDITION, YOU'LL BE INTRIGUED BY SECTIONS THE GOVERNMENT CHOSE TO DELETE - IMPORTANT SECTIONS ON U.S. INVOLVEMENT IN THE COUP WHICH OVERTHREW DIEM . . . ON COVERT U.S. BOMBING OF LAOS . . . ON RUSSIAN AND CANADIAN ROLES AS PEACE INTERMEDIARIES . . . ON CORRUPTION IN SOUTH VIETNAM . . . ON DISCUSSIONS OF POSSIBLE USE OF NUCLEAR WEAPONS. . . . **THE SENATOR GRAVEL EDITION** ALSO CONTAINS EXTENSIVE JOHNSON ADMINISTRATION BACKGROUND DOCUMENTS NOT IN THE GOVERNMENT VERSION. . . . FOR A PENETRATING LOOK AT FEDERAL DECISIONMAKING AND THE USE OF AWESOME POWER READ **THE SENATOR GRAVEL EDITION - THE PENTAGON PAPERS**.

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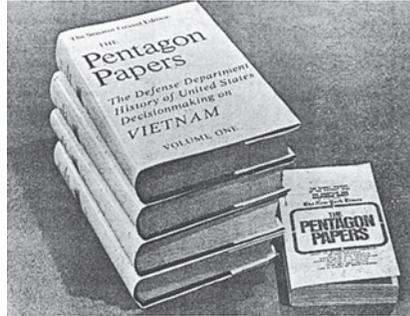
Display ad from the *New York Times*,
November 28, 1971 (artwork by Gobin Stair).

Senator Gravel edition of *The Pentagon Papers: The Defense Department History of United States Decisionmaking on Vietnam* in cloth (\$45) and paper (\$20) on October 22, 1971. Book reviewers promptly proclaimed the Gravel edition to be "the best version."¹⁰⁴ Senator Gravel's introduction is the only copyrighted material within the first

... should success be reached in renewing the vigor of the spirit of the American constitution after the confusions of our day, such success would be in large measure to the credit of the courageous efforts of the Unitarians and their Beacon Press.

—Albert Einstein
January 21, 1953

And we're still making that effort!



The "spirit" of the constitution is where it's at! ... the consent of the governed ... the advice and consent of the Senate ... Congress shall make no law ... star chamber proceedings ... balance of powers ... equal protection ...

The SENATOR GRAVEL EDITION of THE PENTAGON PAPERS is part of our continuing effort to make this system work. It provides unique material for those who would fully understand the dynamics of our democracy — to make their own analyses of the problems of super-power in this age of super-government. It contains startling information not revealed in any other publication. And it exposes the hypocrisy hidden behind the cloak of classification.

The Beacon edition contains all that was read into the Senate Sub-Committee meeting by its chairman, Senator Mike Gravel. It is not a summary, like the Bantam pocket book edition

or its expanded cousin the Quadrangle \$12.50 edition. (But they're good summaries, by the way.) Nor has it been "emasculated," as the editor who has seen the Government Printing Office version describes the \$60.00, 12 volume set. It will be a major resource for studies of the Vietnam War and the processes of the Executive Department of the U.S. government for decades.

We firmly believe that our publication schedule greatly hastened the declassification of the bulk of the study by the Pentagon. But in not releasing all of the study, the Pentagon continues the pattern of "deception by half-truth" that the Papers so vividly reveal.

Buy the SENATOR GRAVEL EDITION of THE PENTAGON PAPERS and decide for yourself! Buy it and give it to a college or public library of your choice!

Use this coupon today to insure earliest possible shipment of your set of these volumes →

To: BEACON PRESS, 25 Beacon St., Boston, MA 02108

Enclosed is my check for late October shipment of

- The four-volume hardcover PENTAGON PAPERS @ \$45.00
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four volumes. It begins, “These are agonizing times for America. This nation has been torn apart by a war that has seared its conscience.” Gravel’s striking introductory remarks are followed by a preface from Beacon that concludes with a simple claim: “These volumes provide the most complete text of this history of American involvement in Vietnam yet made available, in a form which should make it fully accessible to the American people.”¹⁰⁵ Referring to the Beacon edition, Gobin Stair said, “This is the real McCoy, the real thing, the real study.”¹⁰⁶

At a release party one week before the four volumes of his edition hit bookstore shelves, Senator Gravel saw the books for the first time, sitting atop a grand piano in the Sheraton-Carlton Hotel in Washington, D.C. Jeannette Smyth, writing for the *Washington Post*, recorded Gravel’s speech that night:

“I was prepared to give up my Senate seat so that the American people could have these papers. Nothing but my family is dearer to me than my Senate seat—I’ve wanted to be a Senator since I was 12 years old. This,” he said, holding up the free copy he’d been given, “is my only pay-off . . . If there’s any question that I’d do it again, I would. I’d do it again and again and again and again.”¹⁰⁷

Within one week of publication of the first four volumes of the Senator Gravel edition, FBI agents showed up at the New England Merchants National Bank of Boston, asking to review all UUA records from June 1 to October 15 of that year. Later, Gobin Stair received a subpoena to appear at the Los Angeles Ellsberg-Russo trial. Robert West, president of the UUA, began to worry that an aura of criminality surrounded Beacon. By the end of 1971, the already cash-strapped press faced the skyrocketing legal fees that accompany a hard slog through courtrooms on different coasts. In taking on *The Pentagon Papers*, Beacon had relied on principle; postpublication, the bottom line that had scared off other publishers would come calling.



4. PERISH

On November 4, 1971, UUA president Dr. Robert West issued a startling statement: “Today we were informed by our bank, the New England Merchants National Bank, that FBI agents appeared at the bank with a grand jury subpoena.” Keenly anticipated, the backlash from publishing the Pentagon’s top-secret papers had begun to take shape. More accurately, the FBI’s involvement began, unbeknownst to Beacon, just after *The Pentagon Papers* hit shelves on October 22. Three agents visited the UUA’s bank, asking to see all of the organization’s records from June 1 to October 15 of that year. New England Merchants National refused to comply, insisting upon the legal safeguard of a subpoena. Two days later, on October 29, the FBI returned with one that would allow them to examine all twelve UUA accounts. Again, bank officials demurred, this time citing an overwhelming volume of checks. The FBI finally pared down the scope of its investigation to “transactions relating to the Pentagon papers” involving “entries and withdrawals of \$5,000 or more in two of the accounts”—presumably, the accounts belonging to Beacon Press.¹⁰⁸

Upon learning of the FBI’s subpoena, West wasted no time pointing

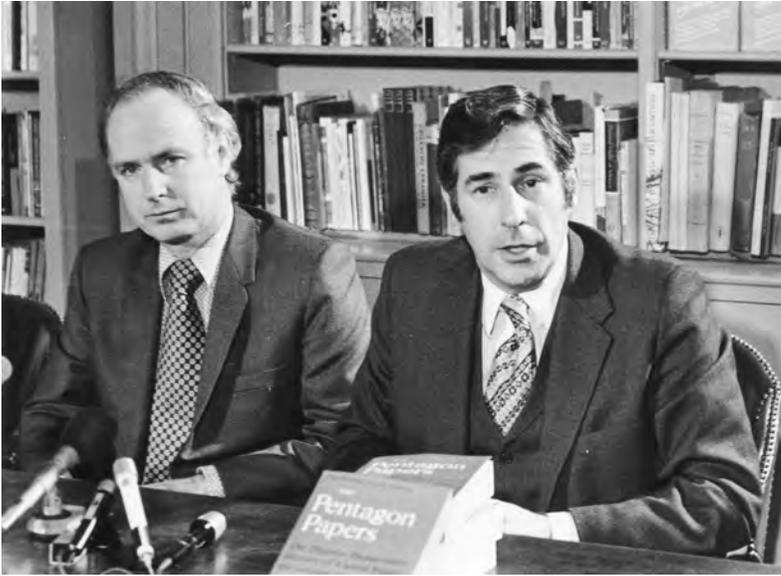
out the constitutional significance of the investigation; his November 4 statement concludes:

We perceive grave danger in the subpoenaing by the government of the checks of a religious denomination, particularly as it relates specifically to the publication of a controversial book. Serious questions of church-state separation and freedom of the press are raised, in addition, to the general issues of government intimidation and repression of dissent.

Beacon Press would not go quietly into the night. As West ratcheted up the rhetoric, UUA legal counsel collaborated with Senator Gravel to obtain an injunction halting the FBI search. Gravel argued that his senatorial immunity, as guaranteed by the Constitution's Speech and Debate Clause, extended to his aides, among whom he counted Beacon Press.¹⁰⁹ The FBI was ordered to delay further review of UUA bank records until the Boston appeals court could decide the matter.

In response to West's invocation of America's cherished tenet of a free press, Assistant U.S. Attorney Warren Reese wrote, "Public interest in investigations to identify and prosecute those responsible for criminal offenses overrides any protection afforded by the First Amendment."¹¹⁰ Recognizing the embattled banner of a free press, newspapers raced to cover the story. The face of opposition became that of Senator Gravel, whose visage appeared on the jackets of the original four volumes of *The Pentagon Papers*. In defense of the publishing house that had taken on his risky proposal, Gravel held a press conference in Beacon offices. The senator denounced the FBI's secret search as a "fishing expedition" before leveling accusations at the Justice Department: "They . . . are holding themselves outside the law, and I regard them as outlaws."¹¹¹

Gravel's colleague in the U.S. Senate, James L. Buckley, apprehensive of government wrongdoing, wrote to the director of the FBI. In terse and guarded language, J. Edgar Hoover replied, "It is considered that the actions of this Bureau . . . have been entirely proper and were performed in response to a specific request by attorneys of the Department



UUA president Robert West (left) and Senator Mike Gravel.
Photo E. Schmidt (published in *UU World*, November 15, 1971).

of Justice.” Gravel, who obviously disagreed with Hoover’s justification, “filed a petition . . . in the U.S. Circuit Court of Appeals in Boston asking that three FBI agents be held in contempt.” While the petition was ultimately meaningless, Gravel later bragged, “It scared the hell out of them.”¹¹² From the onset of the government’s case against Beacon, neither side seemed likely to back down.

A startling setback came on January 7, 1972: the three-judge Federal Court of Appeals in Boston ruled against Beacon—Senator Gravel’s immunity would extend to his assistant, Leonard Rodberg, but would not protect the press. UUA attorneys appealed the decision to the U.S. Supreme Court while also seeking a temporary injunction based on a violation of religious freedom and freedom of association. The FBI withdrew the subpoena, but during the legal tug of war, Beacon finally

learned the specific criminal charges that the government planned to file:

- (1) receiving, concealing, retaining and conveying stolen government property,
- (2) receiving, retaining, communication and failure to deliver documents relating to the national defense, and
- (3) interstate transportation of stolen property of a value in excess of \$5,000¹¹³

Edwin Lane, the chair of Beacon's Board of Directors who would eventually find out that his office phone had been tapped, puzzled over the charges: "Two of them involved stealing the Papers, which seemed absurd in view of the fact that in the Gravel immunity case the Government had conceded that the Senator was within his rights in placing the material into the record and making them public."¹¹⁴

The other charge, "receiving, retaining, communication and failure to deliver documents relating to the national defense," was a complex one. Initially, Lane was surprised that the charge cited "documents related to the national defense" versus "classified" documents. Further research clarified the issue for him: "I learned that there is no law against publishing classified material . . . Classification of documents is an administrative procedure rather than a legal matter."¹¹⁵ Of course, many Americans wrongly assumed that classification was reserved for documents integral to national defense. In fact, the Beacon case helped to expose that fallacy, bringing to light an estimate that "over 30,000 people in the Executive Branch have the power to wield the classification stamp," and an approximation that, cumulatively, the State Department, the Defense Department, and the Atomic Energy Commission held 20 million classified documents.¹¹⁶ In addition to a hyperactive classification system, any concern over national security seemed a moot point given that the *New York Times* had been allowed to continue publishing the Pentagon Papers.

In addition to ungrounded criminal charges, it also appeared unlikely that Beacon would be convicted for publishing what already

existed in the public domain. As Gobin Stair put it, “any adventurous spy” could have gotten hold of the Pentagon Papers.¹¹⁷ Still, to drive home the point that the papers were freely available, Beacon refused to issue a copyright on the Gravel edition, leaving it open to piracy. Nor had the press deemed it appropriate to pay Gravel author royalties, making a special point to note that Beacon was simply assisting the senator in performing a public service—disseminating useful policymaking studies.

Despite its public stance that Gravel collected no royalties, a memo from Beacon’s lawyers marked “confidential” and dated November 27, 1972, reports that the press made payments totaling \$17,500 to Gravel for “miscellaneous expenses.”¹¹⁸ At least two of these checks were sent to Gravel’s office in August 1971, one for \$1,000 and another for \$4,000.¹¹⁹ Given the time frame of payments, it’s plausible that the FBI stumbled across the transactions during its dragnet of UUA bank records, which spanned the period from June 1 to October 15 in 1971. The confidential memo, circulated to Robert West and Gobin Stair, targets a soft spot in Beacon’s agreement with Gravel:

Our position was and is that the payments we made to Gravel were for the editorial or legal expenses he was incurring or expected to incur ... Unfortunately, (and this is by far the weakest aspect of Beacon’s story) there is no documentary evidence or evidence of any kind available to prove that Beacon received services from Gravel’s staff worth \$17,500. Beacon did not insist upon nor did Gravel submit vouchers for the editing and legal expenses he incurred.¹²⁰

The memo, obviously drafted in preparation for a court battle, concludes, “And some consideration should be given as to how the additional payments over \$17,500 should be treated. There is obvious danger that these payments will be uncovered at trial.”¹²¹

Gravel had his own misgivings about these payments. The senator frequently articulated a feeling of being mistakenly assumed to have profited off of the Beacon edition: “Obviously, [the Justice Depart-

ment is] trying to see if I got a pay-off on the book . . . I don't get any pay off." Gravel took care to emphasize that "the Unitarian Church is clean as a hound's tooth."¹²² Incidentally, Gravel felt no impropriety in seeking further funding to cover legal expenses from the UUA once the U.S. Senate declined to allot money for his defense.

Just as Gravel's financial arrangements with Beacon were closely scrutinized, his aide, Leonard Rodberg, who had originally brought the papers to Boston, also came under fire. Supreme Court Justice Harry Blackmun voiced doubts over whether Rodberg could legitimately be considered a member of Gravel's staff, since the aide's hiring coincided with the senator's acquisition of the Pentagon Papers.¹²³ As the *New York Times* reported, "Theodore W. Johnson, Senator Gravel's press secretary, said today that Dr. Rodbert [*sic*] . . . was paid \$2,000 by Beacon Press for editorial work on the book, but otherwise had served the Senator only as an 'unpaid consultant.'"¹²⁴ The same confidential memo that accounted for payments made to Gravel also states, "It is a fact, however, that Rodberg was needed to help collate and make ready the material for printing."¹²⁵ Apparently, Rodberg's expenses were easier to account for than the senator's.

While the confidential Beacon memo does reveal the house's reluctance to call outside attention to the Gravel payments, the payments themselves met the purpose for which they were earmarked: to help Gravel meet "legal expenses." Gravel failed to submit receipts for his attorney fees, but according to the *Worcester Gazette*, those fees skyrocketed upwards of \$75,000.¹²⁶ The confidential memo seems unduly conspiratorial given that newspapers had already pointed out Beacon's financial arrangement with Gravel. Some of the overzealous secrecy may be chalked up to the looming criminal charge of "interstate transportation of stolen property of a value in excess of \$5,000";¹²⁷ the FBI had, after all, narrowed its search of UUA bank records to "entries and withdrawals of \$5,000 or more."¹²⁸ It seems logical that Beacon lawyers hesitated to assign commercial value to the Pentagon Papers

since it was generally feared that payments to Gravel would be misused in a criminal investigation.

In addition to Gravel's legal defense, Beacon had its own court battles to finance, with the final price tag eventually exceeding \$60,000.¹²⁹ Even if the press won out in the end, staff members began to fear the high cost of victory. Edwin Lane confessed at the time:

My greatest concern has always been that we could be completely exonerated by the courts and still be bankrupted if the Government chose to pit its vast financial resources against our small denominational publishing house . . . We could win every court battle and still be destroyed in the process.¹³⁰

That may well have been the government's exact impetus in dogging Beacon. More than one publisher whispered that the FBI was making an example out of the press. Lane's prediction turned out to be off the mark on both counts: Beacon wasn't bankrupted, nor did it win court battles.

On January 11, 1972, Beacon held another press conference, this one with unexpected guests. According to Arnold Tovell, at 1:30 p.m., the FBI crashed the party:

These guys in suits show up, announce that they have a subpoena for Mr. Stair . . . and a second subpoena which they say is addressed to the keeper of the records. They say, "Who is the keeper of the records?" I look them firmly in the eye and say, "Mr. Stair is the keeper of the records." Because Stair already had one subpoena, I didn't see any reason why he shouldn't have another. So there the suit looks me in the eye and says, "Oh, Mr. Tovell, we were hopeful you were the keeper of the records." Forget it, kids. So off they went.¹³¹

Despite Tovell's snappy retort, the subpoena served to Stair couldn't be laughed off. Or could it? Forty-five minutes later, the agents reappeared, withdrawing the subpoena, which had been served prematurely.¹³² The initial bumble aside, Stair received a valid subpoena on January 21; he would be traveling to California to testify at the trial



Gobin Stair, director of Beacon Press (left), and Arnold Tovell, editor in chief (published in *UU World*, September 15, 1971).

of Daniel Ellsberg and Anthony Russo. Noam Chomsky explained the reasoning behind the government harassment: “When they push Ellsberg and Beacon Press and others around, they’re simply trying to make sure that there’ll be no future Pentagon Papers.”¹³³

Amidst the fallout, reporter Trudy Rubin asked Beacon’s editor in chief the million-dollar question, “Why is the government so anxious to nail Beacon?” Tovell responded wryly:

Maybe we’re the weakest link . . . It’s not pleasant to confront the *New York Times* . . . We published [Robert] Coles’ interviews with Dan Berrigan while he was underground, as well as Howard Zinn, Michael Ferber, Staughton Lynd, Herbert Marcuse . . . Maybe the government thought they could find a link to a whole left intellectual underground stance.¹³⁴

Compared to power players like the newspaper of record, the *New York Times*, Beacon Press *was* the “weakest link.” More likely than

Tovell's off-the-cuff right-wing conspiracy theory was the probability that the government was manipulating Beacon to build a stronger case against Daniel Ellsberg.

From the early days of Beacon manufacturing *The Pentagon Papers*, the FBI had been trying to link Ellsberg directly to the press. Agents had been unsuccessful in doing so, since Beacon's first contact with Ellsberg was not made until Arnold Tovell approached him in fall 1972, hoping for assistance in press promotional efforts for the Senator Gravel edition. Ellsberg was happy to help; in fact, the ex-Pentagon analyst "complained that he hadn't been asked to do so earlier."¹³⁵ From that day forward, Ellsberg remained a true friend to both Gravel and the UUA. In 2002, he spoke poignantly of this relationship at a Boston forum on civil liberties: "I would go anywhere to pay tribute to Gravel. I would go anywhere to pay tribute to the Unitarian Church."¹³⁶

The same day the FBI subpoenaed, then unsubpoenaed, Gobin Stair, religious leaders across the country received a letter from Robert West sure to raise red flags:

The [FBI] investigation compels disclosure of names of contributors and members. An individual citizen's decision to join and support a religious organization should not be subject to government investigation. The Unitarian Universalist Association has nothing to hide. But we are compelled to resist the unwarranted intrusion by government into the affairs of our entire denomination.

In the months to come, West's outreach would assist in producing an ecumenical outpouring of support. The United States Catholic Conference issued a statement offering legal assistance to Beacon Press, while the Union of American Hebrew Congregations and the Central Conference of American Rabbis cosponsored an expression of support rallying against the government's unconstitutional search: "If the publication of a controversial book like the Pentagon Papers can subject an entire denomination to investigation, the end of religious freedom as we have known it could be near at hand." While West garnered

allies across denominations, the most vocal chorus of support for Beacon arose from Unitarian Universalists. Envelopes began arriving at 25 Beacon Street from UUs across the nation. Donations came in from congregations, such as the First Universalist Church in Denver, which sent checks totaling \$1,585.75. Many congregations, like the Unitarian Fellowship of Carbondale, Illinois, purchased sets of *The Pentagon Papers*, which were then donated to local libraries. Others offered emotional support; the Reverend Jack Mendelsohn of Chicago penned, "I write to express my abhorrence, and that of the members of this congregation, of the recent efforts of the federal government." The Reverend Arthur Graham of Oak Ridge, Tennessee, kept his message short and sweet: "Right on in your fight."

Dubbed "a jet-set Paul Revere" for his nationwide campaign to raise awareness of the Beacon case, West showed a public-relations savvy that proved crucial to Beacon during *The Pentagon Papers* controversy.¹³⁷ In addition to rallying religious organizations, West also sent out a cassette tape to book publishers in which he outlined the case and urged support for Beacon. The twenty-minute-long recorded statement, played at the annual meeting of the Association of American Book Publishers, elicited the following response from W. Bradford Wiley, chair of the association and of John Wiley & Sons: "It's just hair-raising what they've done with those people."¹³⁸ West also appeared before the American Library Association, which later issued a resolution of support on behalf of Beacon Press and the UUA. As West put it, "The librarians were the most intensely concerned people I encountered in this who weren't Unitarian Universalists."¹³⁹

Despite the success of his national campaign, the president of the UUA began to worry that all of the allegations were beginning to tarnish Beacon's reputation. In late January, West received an in-house memo that read:

Our recent publicity is evidently taking its toll ... We advertised in the *Boston Sunday Globe* for a secretary, giving only a phone number to call for an interview. Each of the first five responses were interested in the job and

asked for an appointment for an interview. Four of the five decided not to come when they found out who we were.¹⁴⁰

Ominously, the *Los Angeles Times* reported that one would-be customer asked West, “Are we subject to prosecution if we buy the book?”¹⁴¹ The UUA president and public relations guru often did not assuage this fear; instead, West shrewdly wove tales of scared-off applicants and intimidated readers into his speeches and press releases. Because of his outward polish, many didn’t realize how deeply the case had affected West; in 2002, he confessed a little-known fact about his relationship to his brother, a thirty-year veteran of the FBI: “During the height of this Pentagon Papers business, he let me know that he no longer wished me to call him.”¹⁴²

Beacon staff understood that not all of the envelopes pouring in contained personal checks and congratulations. In fact, it was clear that even some UUs considered Beacon to be guilty. One disgruntled UU, living on nearby Pinckney Street in Boston, wrote in response to Beacon’s solicitation for support:

However you slice it, these are stolen documents—an ethical “nicety” that you, along with the rest of the liberal media, have conveniently overlooked. We also regard the promulgation of the Pentagon Papers, in whatever form, a reasonable act by all concerned. As responsible Unitarians, we decline to be accessories after the fact, either to theft or treason.

Another opponent of Beacon’s actions wrote, “I am shocked that *any* publisher would touch this with a 10 ft pole. I wouldn’t act as a fence for stolen goods.” The most scathing accusations, however, were reserved for Senator Gravel. One letter-writer urged, “Mr. Gravel ought to be cited for contempt!” An unsigned mailing called Gravel “a real fink!” A large part of the special hatred exhibited toward Gravel can be attributed to his prominent role in the public eye. After reading hate mail from UUs, though, one also suspects that Gravel was considered by some to be a corruptive influence upon the denomination’s otherwise laudable press.

Amidst the hate mail, one accusation stands out as decidedly off the mark: “I’m also concerned that you are a non-profit organization . . . At \$20 and \$45 a shot you must make something on those *stolen* papers.” In addition to ongoing legal fees, the initial cost of producing *The Pentagon Papers* was \$200,000—an “enormous” sum for a house the size of Beacon, according to Arnold Tovell.¹⁴³ As of June 8, 1972, Beacon reported “a return on the investment so far of less than one-third” to the *New York Times*—fiscally, the small house was drowning beneath Gravel’s weighty Pentagon tomes.¹⁴⁴

At this vulnerable juncture, UUA president Robert West again led Beacon down pathways toward solvency. In 1969, West began to reach out to the Unitarian Universalist Veatch Program—now known as the Unitarian Universalist Veatch Program at Shelter Rock—a ten-year-old grant-making program working to support the denomination and advance its principles. In 1971, that relationship paid off for Beacon in the form of a loan—“\$100,000 at 6 percent interest to cover the costs of publishing *The Pentagon Papers*.” Despite this shot in the arm, the effects of publishing *The Pentagon Papers* left Beacon financially shaky; the UU Veatch Program shored up the press with another loan in 1975—\$300,000 for “operating capital,” which would later be “converted into a grant.”¹⁴⁵

The June 8, 1972, piece in the *Times* cited another cost inherent to publishing the papers: “Mr. Stair, of necessity, has become a half-time director.”¹⁴⁶ The papers had not only siphoned manpower away from other projects, but resources as well. The *Real Paper*’s Charlie McCollum interviewed Gobin Stair, who admitted to a 20 percent cut of “expenditures on new editions and publicity.” The same article also quoted Beacon editor Ray Bentley, bitterly questioning, “Where are all those people who told us how great it was that we were printing the papers? The least they could do is buy a set.”¹⁴⁷

Devastating news broke on June 29, 1972, when the U.S. Supreme Court ruled, in a 5–4 decision, that Gravel’s immunity did not extend to Beacon Press.¹⁴⁸ Exactly one year prior, Gravel had read the Penta-

gon Papers into the minutes of his obscure subcommittee. Describing himself as “abrasive,” the freshman senator from Alaska acknowledged that many of his congressional colleagues viewed him with scorn after the late-night subcommittee stunt.¹⁴⁹ Despite Gravel’s unpopularity, the U.S. Senate had appeared before the Supreme Court for the first time in history, as a bipartisan panel of senators argued on Gravel’s behalf.¹⁵⁰ The court’s ruling meant that Beacon’s decision to publish the Pentagon Papers could be a prosecutable offense. The dissent written by Justice William O. Douglas follows at length:

The story of the Pentagon Papers is a chronicle of suppression of vital decisions to protect the reputations and political hides of men who worked an amazingly successful scheme of deception on the American people. They were successful not because they were astute but because the press had become a frightened, regimented, submissive instrument, fattening on favors from those in power and forgetting the great tradition of reporting. To allow the press further to be cowed by grand jury inquiries and prosecution is to carry the concept of “abridging” the press to frightening proportions. What would be permissible if Beacon “stole” the Pentagon Papers is irrelevant to today’s decision. What Beacon Press plans to publish is matter introduced into a public record by a Senator acting under the full protection of the Speech and Debate Clause. In light of the command of the First Amendment we have no choice but to rule that here government, not the press, is lawless.¹⁵¹

One positive outcome of the Supreme Court ruling was that it jump-started the publishing industry’s support of Beacon. During an “emergency meeting” of the Association of American Publishers, Robert L. Bernstein, AAP chair and president and CEO of Random House, decried the government’s treatment of Beacon as “a sad, shabby affair.”¹⁵² The *New York Times* also reported on the meeting:

About 170 top executives and editors, representing the nation’s leading commercial and university publishing houses, gave Mr. Bernstein an ovation when he called for a \$100,000 Beacon Press defense fund, declaring that he had recommended that Random House contribute \$2,500.¹⁵³

HELP SEN. MIKE GRAVEL

DEFRAY THE COST OF DEFENDING THE PUBLIC'S RIGHT TO KNOW, CONGRESSIONAL IMMUNITY AND THE UUA'S BEACON PRESS

Most Americans know of Senator Mike Gravel's legal battle in defense of his making public the Pentagon Papers and the subsequent publishing of them by Beacon Press. These were courageous acts; they also have proved to be expensive.

Senator Gravel carried his fight up through the lower courts to the Supreme Court. Although the lower courts upheld the Senator's immunity and that of his aide from grand jury inquiry as to how the Papers were obtained and released, protection was denied Beacon Press. He appealed that decision unsuccessfully to the Supreme Court. In the process, his own immunity was again brought into question. The Supreme Court, in its decision of June 29, 1972, placed a rigidly narrow limit on a Senator's rights to Congressional immunity under the Speech and Debate Clause of the Constitution and again denied protection of Beacon Press's right to publish freely and without intimidation.

The principle Senator Gravel is trying to sustain is that there must be no infringement — either through the front door or the back door — by the Executive branch of government on Congress' important role of informing the people. At the same time, he is questioning the action of the Justice Department against Beacon Press as one which poses grave constitutional issues concerning freedom of association and religious freedom.

The stakes are high. But so are the expenses. To date, Senator Gravel's expenses have exceeded \$70,000. It is too great a burden for him to bear alone.

Although the Senate supported the principle of Congressional immunity in this case, it refused to share any of the legal fees. For this reason, an appeal is being made for public contributions.

No contribution is too small; whatever the amount, it will be more than the entire United States Senate has given.

Won't you help?

Mike Gravel Congressional Defense Fund
Room 1251, New Senate Office Building
Washington, D.C. 20510

Enclosed is my contribution to help Senator Mike Gravel defend Congressional immunity and freedom of the press:
\$5.00___, \$10.00___, \$25.00___, Other___

Please make checks payable to Mike Gravel Congressional Defense Fund.

Advertisement from *UU World*,
November 1, 1972.

In the audience, Robert West sat next to representatives of the very houses that had turned down Gravel's risky proposal one year ago. The *Times* article concluded, "At the end of the meeting, Helen Stewart, associate director of the Rutgers University Press, gave Dr. West a personal check for \$100."¹⁵⁴

Among publishing professionals, an interesting figure in the Pentagon Papers epic turned out to be that of Howard Webber, director of the MIT Press. In an ironic twist, the FBI also subpoenaed Webber to appear at the Ellsberg trial. Of the unlikely subpoena, the *New York Times* quipped, "The crime of MIT Press was that it *declined* to publish the Gravel version of the Pentagon Papers," and Webber complained, "I didn't even have the moral satisfaction of publishing the damn Papers."¹⁵⁵ In a speech delivered to the American Association of University Presses on June 13, 1972, Webber reflected on the personal significance of the controversy:

Professionally... government was to me a year ago the National Science Foundation, the National Foundation on the Arts and Humanities, the Office of Education, the Atomic Energy Commis-

sion, the Space Agency, the IRS. I have broadened my list since then to include the FBI and the Justice Department, the Department of Defense, a special grand jury, and a petit jury sitting in California. These extensions are the result of the fact that I considered . . . the publication of the Pentagon Papers.¹⁵⁶

Despite running up against the government and his own administration, Webber “would insist on a consideration of new Pentagon Papers” should something along those lines come MIT’s way again.

Howard Webber’s negative peripheral encounter with the Pentagon Papers sent a current of intimidation through the industry. Robert Bernstein, who had spoken so ardently in Beacon’s defense, gave voice to the impact of government intimidation, saying, “The effect of the harassment of Beacon is intangible . . . There is no question that the publishing industry is more aware of government than at any time since McCarthyism.”¹⁵⁷ In his defense of Beacon in the *New York Times*, Alexander C. Hoffman, vice president of Doubleday, wrote, “This case is a threat to the entire publishing industry because it provides a chilling example of how the Government can make any publisher, large or small but particularly small, hesitate to publish controversial material.”¹⁵⁸

Across the nation, publishers took heed of the warning beacon aflame in Boston—a free press may be romanticized in the easy realm of concept, but it must be vigorously defended in the hardscrabble business of books. In publishing *The Pentagon Papers*, Beacon Press adhered to its mission, *In luce veritatis*; now, the independent press awaited some long-deferred criminal charges. Just then, in June 1972, the FBI’s focus shifted quite suddenly to Washington, D.C., where five men were arrested for breaking into the Democratic National Committee headquarters at the Watergate Hotel.

During the fallout from publishing the first four volumes of *The Pentagon Papers*, Beacon brought out a fifth volume in 1972. Coedited by Noam Chomsky and Howard Zinn, this final book was a critical examination of the first four, along with an index for the entire set. In

addition to the editors, contributing authors included Nina Adams, Truong Buu Lam, and Don Luce. Each was promised \$250 for essays produced under tight deadlines. Several writers could not handle the quick turnover; Orville Schell, for one, withdrew from the project in a letter to Arnold Tovell: “I have spent several evenings in front of my typewriter staring at the Pentagon Papers. I actually got something written, but lamentably it is crap.”¹⁵⁹ Initially, Leonard Rodberg agreed to contribute an essay, but he also pulled out due to a lack of time. The deadline also meant that there wasn’t much time for editing. Under obvious constraints, Tovell wrote to an in-house copyeditor, “Chomsky’s essay is dense in style and difficult, but I don’t feel that we can alter it significantly.” Postpublication, Howard Zinn wrote to contributors, asking them to forego their honorariums given the high cost of producing *The Pentagon Papers*; remarkably, many did. Volume five was a helpful addendum, but it was troubled by the difficulty of interesting media in a topic that had become old news.



5. PROMISE

As the implications of the Watergate break-in mushroomed, and volume five of the Gravel edition landed with a thud, the staff at Beacon remained on edge, wondering when the FBI's focus would revert to them. Eventually, the case against Daniel Ellsberg fizzled amidst discoveries of misconduct on the part of a group of White House operatives dubbed "the Plumbers," and Beacon was all but forgotten in the fray. A clipping dated May 19, 1973, captured early feelings of tentative relief:

Officials of the Unitarian Universalist Association here do not now expect the federal government to reopen an investigation of a denominational publishing firm in the "Pentagon Papers" case. While the association has heard nothing about the investigation since last summer, a spokesman told Religious News Service that he "assumed" the dismissal of charges against Daniel Ellsberg and Anthony Russo in Los Angeles meant the case would not be pursued on the East Coast.¹⁶⁰

The article's summary is succinct: "With the eventual support of numerous churches, ecumenical groups and non-religious organizations, the Unitarian Universalist Association fought the subpoena of

bank records and other documents.”¹⁶¹ This single word, “fought,” distills this entire story to its essence; in the early 1970s, a free press fought government censorship. For their parts, Daniel Ellsberg and the *New York Times* won more obvious plaudits, best described by an enraged President Nixon: “The sonofabitching thief is made a national hero . . . And the *New York Times* gets a Pulitzer Prize for stealing documents . . . What in the name of God have we come to?”¹⁶²

Compared to the dramatic flourish of the *New York Times*’ Supreme Court win, Beacon’s own story ends with an anticlimax. The independent house didn’t win in court; in fact, the ruling that Gravel’s immunity would not extend to his aides could be considered a very real loss. Yet the trial everyone was awaiting, the one that would have seen criminal charges brought against Gobin Stair and company, never materialized.

Given Beacon’s solid legal footing and unwavering moral conviction, it’s almost disappointing that this much-hyped grudge match got bumped for one with marquee names like Nixon and Deep Throat. For anyone who wasn’t just a spectator, however, the Watergate scandal came as a relief. Another trial may well have pushed the press beyond the margin of recoverable financial and emotional expenditure. With criminal charges brought against him, Stair would have almost certainly had to step down, for practical purposes, if not for propriety’s sake. Since Mel Arnold’s first directorship in 1945, Beacon had been helmed by strong personalities—a sudden hole in that position, likely plugged by an interim leader, would have cast the house into disarray.

The buck stopped with Gobin Stair, the director of Beacon Press. Gravel was a lightning rod for the FBI, while Stair, invested in the senator’s risky project, stood his ground against a piqued President Nixon and collected subpoena after subpoena. Shortly after the ordeal, Stair admitted, “If [the Pentagon Papers] came to us now, I’m not sure we could publish them.”¹⁶³ Matured by the Pentagon Papers

saga, Stair remained at Beacon until 1975, when Wells Drorbaugh took the reins. The high cost of defying the government had nearly sunk the press and weathered its director; the gain had been an affirmation of its mission.

At the time, the fallout from publishing *The Pentagon Papers* was palpable, yet the impact of the Gravel edition remains immeasurable today. During a simultaneous 1972 interview with reporter Hans Koning, Arnold Tovell and Robert West offered alternating, dismal analyses of the papers' influence:

TOVELL: The Pentagon Papers haven't affected the war. The public doesn't read them. Our congregations have donated sets to libraries. Sometimes the first volume is taken out and looked at; the other three never leave the shelf.

WEST: The publication was turned into a news event and a legal battle. It became only too easy for people of this country to forget that the Pentagon Papers are not a news event; they are a book. There is no short cut to reading them.¹⁶⁴

Edwin Lane, chair of the Board of Directors of Beacon Press, outlined his own measure of success for *The Pentagon Papers*: "If *The Pentagon Papers* . . . only gather dust on some library shelf, then what we have done will have been done in vain."¹⁶⁵ Obviously, Beacon's staff shared one modest hope for the riskiest publication in press history—that it would be read.

Contrasted against the small book publisher in Boston, Daniel Ellsberg and Senator Gravel shared a grander vision for the papers: that their publication would help end the Vietnam War. Of course, U.S. involvement in Vietnam did not end in 1971. The real effects of publishing *The Pentagon Papers* were nuanced, yet remain timely: setting important legal precedents involving constitutionally demarcated congressional and executive powers; holding accountable an increasingly corporatized publishing industry that, by kowtowing to political pressure, abdicated editorial responsibility; drawing the president of the

United States out as a power monger, willing to flout the law to destroy his enemies; exposing U.S. policymaking, often no more than rubber-stamped racism, which held little regard for the welfare of the citizens of an occupied nation.

In 1972, Robert West looked at the Gravel edition and saw beyond Vietnam, saying, “We believe that in publishing the full version of the Pentagon Papers as made public by the Senator last June, we will help reduce the likelihood of our nation becoming involved in a similar situation.”¹⁶⁶ West, like many at Beacon and the UUA, believed the Pentagon Papers could whet a public appetite for government transparency, ultimately leading to greater accountability on the part of the policy-makers. Later, in 2002, historian Howard Zinn continued the conversation that West began three decades prior:

There’s nothing comparable to *The Pentagon Papers* today . . . that would blow the whistle on what are the secret things that are being said and done by the government in the so-called war on terrorism . . . It would be very nice if somebody did for what is happening now, what Ellsberg and Russo did, and what Beacon Press did, at the time of the Vietnam War.¹⁶⁷

Should such whistleblowers emerge, they would find a warm reception at the still-vibrant, ever-independent Beacon Press, currently directed by Helene Atwan, who said, “I can only hope for the opportunity to do something as daring and courageous as publishing these critical documents . . . The story of the Pentagon Papers is one of my very favorites about this press and what Beacon stands for.”

Reflecting on the Pentagon Papers thirty years after its 1971 publication date, a recuperated Stair dubbed the drama “a watershed event in the denomination’s history and a high point in Beacon’s fulfilling its role as a public pulpit for proclaiming Unitarian Universalist principles.” Robert West, the personally and publicly embattled president of the UUA, remained similarly sure after three decades: “There is no question in my mind that our denomination performed a truly sig-

nificant service.”¹⁶⁸ In 2002, during an interview with Susan Wilson in preparation for Beacon’s 150th anniversary, Stair referred to *The Pentagon Papers* as “a test of our purpose,” before concluding, “We were publishing what needed to be published.”

NOTES

1. William Crosby, of Crosby, Nichols, and Company, frequently handled the printing of early AUA books. The Reverend Cyrus A. Bartol Jr.’s *Grains of Gold* (1854) is “credited as the first book officially under the AUA imprint” (Wilson 2004, 11).
2. Harvard’s own university press was not established until 1913.
3. Wilson, *Brief History*, 17.
4. *Ibid.*, 18.
5. *Ibid.* Wilson’s chapbook is available online at www.beacon.org/client/client_pages/about_history.cfm.
6. *Ibid.*
7. These dates correspond with the length of Stebbins’s tenure. Former Massachusetts State Senator Carroll Davidson Wright’s *Some Ethical Phases of the Labor Question* (1902) is “credited as the first book with the Beacon imprint, and the first under Stebbins’s management” (Wilson 2004, 22). Interestingly, Wilson notes, “Since Wright was also honorary president of the AUA, Stebbins was able to get this manuscript for free—a skill the agent perfected over the next decade” (*ibid.*).
8. *Ibid.*, 18.
9. Given Beacon’s early advocacy for women’s rights, Wilson’s description of Eliot is conspicuous: “[He] felt women were unsuited for professional life, and he devalued women ministers and their accomplishments in particular” (Wilson 2004, 23).
10. *Ibid.*, 19.
11. *Ibid.*, 19–20.
12. *Ibid.*, 20.
13. The surname is no coincidence: Frederick May Eliot was a relative of Samuel Atkins Eliot.
14. Wilson, *Brief History*, 22.
15. *Ibid.*, 24, 25.
16. *Ibid.*, 28.
17. *New York Times*, April 11, 1949, 5.
18. Parke, “Clergymen Enter the Controversy,” 13.
19. *New York Times*, July 14, 1951, 14.

20. *New York Times*, June 14, 1946, 23.
21. Wilson, *Brief History*, 30.
22. Ibid.
23. Thomas Bledsoe served briefly as director from 1956 to 1958.
24. Wilson, *Brief History*, 31.
25. Ibid., 46, 47. “Beacon’s Schweitzer series eventually included fourteen books, all but one of which were published between 1947 and 1954” (ibid., 41). “Block was credited with coining the term ‘McCarthyism,’” while *The Herblock Book* “became the first book by a major publisher to openly criticize [Senator Joseph] McCarthy” (ibid., 44). Amazingly, Frankl’s story of his three years in Nazi concentration camps, which has “sold over 5 million copies in the United States alone,” was “originally rejected by twenty-six American publishers” (ibid., 47). As a testament to the book’s enduring value, Beacon reissued the book in 2006, with a new introduction by Rabbi Harold Kushner, in a mass-market edition—the first in the press’s history.
26. Ibid., 33–35.
27. During the Pentagon Papers ordeal, while Stair was director, Beacon Press was located in Skinner House, at the corner of Beacon Hill’s Mount Vernon Place and Joy Street, which is now a private residence.
28. Wilson, *Brief History*, 48, 53.
29. Ibid., 49, 50, 51. It is a sad commentary on the state of U.S. foreign policy that almost four decades later, Howard Zinn was called upon to write the foreword and afterword to *Iraq: The Logic of Withdrawal*, published by The New Press in 2006.
30. Zinn, interview.
31. The office is now located at 41 Mount Vernon Street, a short climb up Beacon Hill from UUA headquarters, which remain at 25 Beacon Street. The UUA bought the Mount Vernon Street building from publisher Little, Brown in 1997 for \$3.25 million; the then UUA president John A. Buehrens called the deal a “remarkably advantageous purchase” (Buehrens 1997).
32. Gravel, *The Pentagon Papers*, vol. 1, xiii.
33. Ellsberg’s shift from Vietnam hawk to antiwar activist has been chronicled in great detail (most notably by Ellsberg himself, in his memoir *Secrets*, winner of the 2003 American Book Award for nonfiction).
34. Gravel, *The Pentagon Papers*, vol. 1, xv.
35. Rand staff operated with “clearances and government contracts as Vietnam researchers and consultants” (Ellsberg 2002, 280).
36. “[Top secret safes] were heavier than the secret safes and had a different kind of combination lock . . . something of a status symbol” (Ellsberg 2002, 300).
37. Ibid., 289–90.
38. Prados and Porter, *Inside the Pentagon Papers*, 185.

39. Zinn, interview.
40. Epps, “30 Years Ago,” 1G.
41. When the *Post* presses stopped, the *Boston Globe* began publishing the papers, then the *Chicago Sun-Times*, then more newspapers. The last newspaper to “risk Justice Department action” was the Long Island paper *Newsday* (Ellsberg 2002, 410). This chain reaction eventually included over a dozen newspapers. The story of publishing *The Pentagon Papers* in newsprint is chronicled in David Rudenstine’s *The Day the Presses Stopped: A History of the Pentagon Papers Case* (1996).
42. Lawyer Erwin Griswold, who played a starring role in the government’s case against the newspapers (and later argued for the United States in *Gravel v. United States*), eventually recanted: “In hindsight, it is clear to me that no harm was done by publication of the Pentagon Papers” (Mauro 2001).
43. *New York Times*, 403 U.S. at 713. Justice Black retired from the court on September 17, 1971, and died eight days later.
44. Fulbright would later testify that “his committee had been so unsuccessful in obtaining accurate information about the Vietnam war from the Executive Branch that it was required to hire its own investigators and send them to Southeast Asia” (*Gravel*, 408 U.S. at 606).
45. Ellsberg, *Secrets*, 363.
46. His last name is pronounced gra-VEL.
47. Bagdikian, *Double Vision*, 10.
48. Ellsberg, *Secrets*, 392.
49. Bagdikian, *Double Vision*, 31.
50. *Unitarian Universalist World*, September–October 2001.
51. Bagdikian, *Double Vision*, 31.
52. *Ibid.* Gobin Stair later explained Gravel’s justification for filibustering by reading from *The Pentagon Papers*: “He claimed that it was proper because his committee was short of funds and the cause of such a shortage was because of the expense involved in the Vietnam war” (*Gardner News* 1972).
53. Bagdikian, *Double Vision*, 31.
54. Rosenbaum, “Gravel Speaks 3 Hours,” 1.
55. According to the *New York Times*, “Among those present were two Democratic Senators, Harold E. Hughes of Iowa and Alan Cranston of California, Representative John C. Dow, Democrat of upstate New York, the reporters, who had been notified of Senator Gravel’s planned action, the Senator’s staff members and a handful of members of the Vietnam Veterans Against the War” (Rosenbaum 1971).
56. *Unitarian Universalist World*, September 15, 1971.
57. Rosenbaum, “Gravel Speaks 3 Hours,” 1.
58. Gravel continues to make bold political decisions: On April 17, 2006, the

former senator announced his candidacy for president in 2008 and dubbed himself the “front-runner” in the race (Millbank 2006).

59. Weaver, “Impetuous Senator,” 13.

60. Waldman, “Viet Papers.”

61. Parke, letter, E10.

62. Ellsberg, *Secrets*, 409.

63. Lane, “Mouse that Roared.”

64. Rosenthal, “Free Press.”

65. *Ibid.* The full headline of the series read: “Vietnam Archive: Pentagon Study Traces Three Decades of Growing U.S. Involvement.”

66. It should be noted that the *Times* not only printed excerpts of the Pentagon Papers, but it also brought out an edition of them in book form. As the *Washington Post* reported, “The *Times* paid contributors to the Bantam book a flat fee for their work in addition to their salaries as editors, reporters, and aides. ‘The Pentagon Papers’ was jointly published by Bantam Books and Quadrangle Books, a subsidiary of the *New York Times*” (August 18, 1971). Profits were expected to be high: “Bantam Books has printed 1,500,000 copies . . . and will probably sell out at \$2.25 a copy by year’s end” (*Parade* 1971). The Bantam edition was generally viewed as a collection of the papers served up in a digestible format for the masses. While the condensed edition was not unimportant, it was never meant to be the definitive collection. The Beacon edition was credited with at least ten times the content of the Bantam volume (Edson 1971).

67. *Washington Post*, August 18, 1971, 8. Executive editor of Simon & Schuster’s Pocketbooks Division Bernard Shur-Cliff envisaged a “mammoth paperback” that would sell for \$3.95 (Burlingham 1971).

68. Gobin Stair would later joke about how much smarter Houghton had been than Beacon.

69. Stair, interview.

70. Hentoff, “In Praise of Beacon Press,” 23.

71. *Unitarian Universalist World*, September–October 2001.

72. Edson, “Beacon Press to Publish.”

73. *Ibid.* German-born printer John Peter Zenger was tried for seditious libel in 1735.

74. Tovell, interview.

75. Stair, interview.

76. In the pitched battle to come, the trustees would stand behind Beacon, eventually issuing a public statement of support for the press and condemning the government’s “unwarranted and unconstitutional attack” (UUA Trustees 1972).

77. Tovell, interview. The project was estimated at Colonial Press of Clinton, which did end up printing the Gravel edition.

78. Hentoff, “In Praise of Beacon Press,” 26.

79. Ibid.

80. *Publishers Weekly*, July 24, 1972. Ironically, Webber had a decorative box sitting on his desk that read, “Exorcise the Pentagon” (Burlingham 1971). The decision not to publish was less democratic than he suggested. In 2006, Webber recalled that *after* his editorial board had “approved publication of the *Papers*,” he received a phone call from the then provost of MIT, Walter Rosenblith. Webber explained: “[Rosenblith] phoned to tell me that the Press could not proceed—the only such action on the part of the MIT administration during my tenure” (Webber, letter).

81. Burlingham, “Why MIT and Harvard Suppressed.”

82. Clawson, “Sen. Gravel to Publish,” 13.

83. Tovell, interview.

84. *Gardner News*, February 24, 1972.

85. Stair, interview.

86. Edson, “Beacon Press to Publish.”

87. Ibid.

88. *Unitarian Universalist World*, September–October 2001.

89. Quoted in Prados and Porter, *Inside the Pentagon Papers*.

90. Hentoff, “In Praise of Beacon Press,” 23.

91. O’Brien, interview. Evidently, the FBI had found one of Ellsberg’s sets of photocopied documents by this time, and the agents were trying to determine their origin by analyzing a distinctive “photocopy mark” (O’Brien, interview).

92. West, interview. Stair had a right to be intimidated. The White House planned on “firebombing” the Brookings Institute, another organization suspected of owning a set of the Pentagon Papers, during a raid to recover the documents, before John Dean, President Nixon’s chief counsel at the time, stepped in to cancel the plan (Dean and Ellsberg, interview).

93. *Nashua Telegraph*, September 21, 1971.

94. Lane, “Mouse that Roared.”

95. Hurlbert, “2900 Fat Pages.”

96. *Waukegan News-Sun*, September 28, 1971.

97. Ungar, “War Papers.”

98. Waldman, “Viet Papers.”

99. *Waukegan News-Sun*, September 28, 1971.

100. Waldman, “Viet Papers.”

101. Sheehan, “1945 Pleas by Ho.”

102. *Parade*, November 28, 1971.

103. *New York Times*, November 28, 1971.

104. Ibid.

105. Gravel, *The Pentagon Papers*, vol. 1, ix, xiv.

106. McCabe, “More ‘Pentagon Papers’ Coming.”

107. Smyth, "More Pentagon Papers," B4.
108. Bigart, "Unitarians See U.S. Harassment," 8.
109. UUA's legal counsel was Frank B. Frederick and William B. Duffy Jr. At the time, Duffy was fond of saying that his job was to keep Gobin Stair and Robert West out of jail. Regarding the rights of senators and representatives, U.S. Const. art. I, § 6, cl. 1 reads, "For any Speech or Debate in either House, they shall not be questioned in any other place."
110. Quoted in Reese, memorandum, 1972.
111. *Herald-Traveler*, November 6, 1971.
112. *Newport News*, November 8, 1971.
113. Lane, "Mouse that Roared."
114. *Ibid.*
115. *Ibid.*
116. *Gravel*, 408 U.S. at 606.
117. *Quincy Patriot Ledger*, October 30, 1972.
118. Frederick and Duffy, memorandum, 1972.
119. Tovell, memorandum, 1971.
120. Frederick and Duffy, memorandum, 1972.
121. *Ibid.*
122. *Newport News*, November 8, 1971.
123. Friedman, "A Test of Senatorial Immunity," E5.
124. *New York Times*, April 20, 1972.
125. Frederick and Duffy, memorandum, 1972.
126. *Worcester Gazette*, August 10, 1972.
127. Lane, "Mouse that Roared."
128. Bigart, "Unitarians See U.S. Harassment," 8.
129. Lane, "Mouse that Roared."
130. *Ibid.*
131. Tovell, interview.
132. UUA treasurer Arthur Root was similarly subpoenaed, then unsubpoenaed. When FBI agents returned to retract the subpoena, West recalled that they used the "back stairway" (West, interview).
133. Koning, "Did Papers Make Difference?," 14.
134. Rubin, "Stalking Beacon Press."
135. Tovell, memorandum, 1972.
136. Beacon's Web site displays the following praise from Ellsberg: "Beacon Press has consistently shown the kind of civic courage that we must have for our country to survive as a democracy" (www.beacon.org/client/client_pages/about_mission.cfm, accessed April 4, 2006).
137. *Chicago Sun-Times*, February 9, 1972. West's many speaking engagements included an on-air radio program with Studs Terkel.

- 138. *New York Times*, May 2, 1972.
- 139. West, interview.
- 140. Paulson, memorandum, 1972.
- 141. *Los Angeles Times*, March 5, 1972.
- 142. Forum, 2002.
- 143. Rubin, “Stalking Beacon Press.”
- 144. Leonard, “Playing with Its Subpoenas.”
- 145. Ross, *Funding Justice*, 28, 39–40.
- 146. Leonard, “Playing with Its Subpoenas.”
- 147. McCollum, “Papers and the Papers.”

148. Justice William H. Rehnquist voted with the majority despite calls for him to recuse himself based on the fact that, as an Assistant Attorney General in 1971, Rehnquist “had helped prepare the Justice Department’s suit to block the *New York Times*’s publication of material from the Pentagon papers” (Grahams 1972). Briefs of amicus curiae were filed by the UUA, the American Civil Liberties Union, and Leonard Rodberg.

- 149. Weaver, “Impetuous Senator,” 13.
- 150. *New York Times*, April 20, 1972.
- 151. *Gravel*, 408 U.S. at 606.
- 152. Raymont, “Beacon Press Case,” 13.
- 153. *Ibid.*
- 154. *Ibid.*
- 155. Leonard, “Playing with Its Subpoenas”; Rubin, “Stalking Beacon Press.”
- 156. *Publishers Weekly*, July 24, 1972.
- 157. Rubin, “Stalking Beacon Press.”
- 158. Hoffman, “Happy Birthday, Big Brother,” 21.
- 159. Schell to Tovell letter, housed in Harvard-Andover, date unknown.
- 160. *Minneapolis Star*, May 19, 1973.
- 161. *Ibid.*
- 162. Ellsberg, *Secrets*, 457.
- 163. McCollum, “Papers and the Papers.”
- 164. Koning, “Did Papers Make Difference?,” 15.
- 165. Lane, “Mouse that Roared.”
- 166. *Unitarian Universalist World*, April 15, 1972, 5.
- 167. Zinn, interview.
- 168. *Unitarian Universalist World*, September–October 2001.



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