

The Daniel Ellsberg (Pentagon Papers) Trial: A Chronology

by Douglas O. Linder



Ellsberg arriving at the federal courthouse in Los Angeles

- 1931** Daniel Ellsberg is born in Chicago.
- August 4, 1964** On Daniel Ellsberg's first full day as special assistant to Secretary of Defense Robert McNamara, the Pentagon receives reports from a captain of a U.S. navy ship in the Gulf of Tonkin that it was under fire from North Vietnamese patrol boats. Although much later it would seem clear that no fire took place in the Gulf that day, the mistaken reports would lead to the Gulf of Tonkin Resolution and a huge escalation of U.S. military involvement in Vietnam.
- November 1966** Defense Secretary Robert McNamara, growing concerned about the course of the war in Vietnam, first considers commissioning a study of the history of U. S. involvement in Vietnam.
- June 1967** Morton Halperin, an aide to Secretary McNamara, proposing a study of U. S. involvement in Vietnam, with himself directing the study. McNamara approves the study, giving Halperin general supervisory responsibilities and Leslie Gelb responsibility for the day-to-day direction of the project. Analysts on the study are promised anonymity.
- Late summer 1967** Daniel Ellsberg is invited by Halperin and Gelb to join the staff of the Pentagon Papers project. By December 1967, Ellsberg completes a 350-page draft report on the Kennedy Administration's Vietnam policy in 1961. Over the course of the next year, Ellsberg becomes increasingly skeptical about U.S. policy in Vietnam.
- January 15, 1969** The study commissioned by McNamara, later called The Pentagon Papers, is completed. The study consists of 7,000 pages bound into 47 volumes. The study explores the history of U.S. involvement in Indochina from the early 1940s to 1968. The study is classified "top secret-sensitive."
- March 1969** Ellsberg, now working on a Defense Department project at the Rand corporation, asks to receive a copy of the the complete classified Pentagon Papers report. He is given a copy, which is to be kept locked in a high-security safe in his office.
- September 1969** Ellsberg attends a conference at Haverford College organized by War Resisters International. Ellsberg begins to think

seriously about what he can do to stop what he expects to be a continued escalation of fighting in Vietnam.

- October 1, 1969** Ellsberg picks out volumes from the Pentagon Papers in his top secret safe and carries them out the Rand building in his briefcase. Ellsberg drives to the apartment of his anti-war friend, Tony Russo, and then to the office of an ad agency run by Russo's girlfriend, Lynda Sinay. Using a Xerox machine in the ad agency, Ellsberg and Russo begin to copy the Pentagon Papers.
- November 1969** Ellsberg meets with members of Congress on Capitol Hill and helps draft a resolution urging the withdrawal of U.S. forces from Vietnam. While in Washington, Ellsberg delivers a copy of the Pentagon Papers (the portion he had copied at this point) to William Fulbright, Chairman of the Senate Foreign Relations Committee. (Later, Ellsberg ships to Fulbright's office the remainder of the Papers.)
- August 1970** Ellsberg meets with Secretary of State Kissinger in San Clemente, California and urges him to read the Pentagon Papers. Ellsberg also shares with Kissinger his concerns with the course of U. S. policy in Vietnam.
- December 1970** In discussing ways to get the information contained in the Pentagon Papers to the public, Senator Fulbright's legislative aide, Norvil Jones, suggests giving the study to the *New York Times*. Ellsberg tells Jones he's already considered that possibility.
- January 1971** Senator George McGovern, after meeting with Ellsberg, tells him that he will, in a filibuster, read the Pentagon Papers into the Congressional Record on the floor of the Senate. A week later, McGovern (who had recently announced his candidacy for President), tells Ellsberg he has changed his mind and can't do it.
- March 2, 1971** Ellsberg visits *New York Times* foreign reporter Neil Sheehan at Sheehan's home in Washington. He tells Sheehan he has a full copy of the Pentagon Papers and discusses the possibility of giving it to the paper. No promises are made, but the two agree to meet again.
- Early March, 1971** Fearing a search of his home for copies of the Pentagon Papers, Ellsberg has his wife, Patricia, make additional copies at a copying service in Harvard Square. He stores the new copies at the homes of friends and relatives.
- March 12, 1971** Ellsberg meets again with Neil Sheehan of the *New York Times* to discuss turning over a copy of the Pentagon Papers. Ellsberg insists that the paper would have to commit to publishing large sections of the study. Sheehan tells Ellsberg he will discuss the proposal with his bosses in New York.

- April 1971** Ellsberg gives a copy of the Pentagon Papers to Neil Sheehan, who takes it to New York, where he and other *New York Times* reporters begin to pour through the extensive materials.
- May 1, 1971** At an anti-war rally in Washington, Ellsberg is Maced, but not arrested.
- June 12, 1971** Ellsberg learns that the New York Times would begin publishing excerpts from the Pentagon Papers. He gathers copies from his apartment and takes them to a friend.
- June 13, 1971** The *New York Times* publishes a three-column, front-page story containing excerpts from the Pentagon Papers. Richard Nixon reads the story and tells aide H.R. Haldeman it was "criminally traitorous" for someone to turn over the papers and for the *Times* to publish them, but initially decides it is best for the Administration to "keep out of it." Later that day, Henry Kissinger begins urging Nixon to take action against the newspaper because the release threatened ongoing secret negotiations.
- June 15, 1971** On the day the *New York Times* publishes the third installment in its series on the Pentagon Papers, Attorney General John Mitchell sends a letter to the paper asking it to suspend publication of the series and turn over its copy of the Pentagon Papers. When the *Times* declines, the Justice Department files a demand for an injunction in federal district court in New York. Judge Gurfein grants a temporary restraining order halting more installments in the Pentagon Papers series, a schedules another hearing for the 17th.
- June 16, 1971** Ellsberg contacts Ben Bagdikian at the *Washington Post* and offers him a copy of the Pentagon Papers. After meeting with Ellsberg in Cambridge, Bagdikian takes two copies back to Washington, one for the *Post* and one to be delivered to Alaska Senator Mike Gravel. Ellsberg begins moving from motel to motel, as the FBI seeks to interview him.
- June 17, 1971** After a heated discussion of the legal implications, the decision of whether to publish a story for the next morning's edition of the Washington Post goes to publisher Katherine Graham. Graham, despite warnings about potentially grave consequences to the paper's financial health, says, "Okay, go ahead." Editor Ben Bradlee's announces Graham's decision to a happy group of editors and reporters.
- June 18, 1971** A hearing is held in New York City on the question of whether to lift the restraining order issued against the *Times*. Later, the restraining order against the *Times* is dissolved, but the order is stayed to give time to the government to appeal.... Assistant Attorney General William Rehnquist calls *Post* editor Ben Bradlee and informs him that the government considers further reports based on the Pentagon Papers to be a violation of

- espionage laws and asks him to turn over the document. Bradlee declines.
- June 19, 1971** At 1:20 a.m., a panel of the D.C. Circuit Court of Appeals temporarily enjoins the *Washington Post* from publishing further stories based on the Pentagon Papers.
- June 21, 1971** In Washington, Federal District Judge Gesell denies the government's request for a preliminary injunction against the *Washington Post*. The government immediately appeals to the D.C. Circuit.
- June 23, 1971** The D.C. Circuit Court of Appeals, on a vote of 7 to 2, affirms Judge Gesell's decision denying the government an injunction against publication by the *Washington Post*....In New York, after a hearing, the Second Circuit remands the case involving the *New York Times* to District Judge Gurfein for further *in camera* proceedings.... Meanwhile, portions of the Pentagon Papers are delivered to newspapers around the country. (injunctions are sought against *The Boston Globe* and the *St. Louis Post-Dispatch*)....CBS news anchor Walter Cronkite interviews Daniel Ellsberg.
- June 26, 1971** The day after granting the government's (in the *Post* case) and the *New York Times's* appeal petitions, the Supreme Court hears oral arguments in *New York Times v United States*, raising the question of whether the First Amendment allows an injunction (prior restraint) to be entered against newspapers seeking to publish the Pentagon Papers.
- June 28, 1971** Ellsberg surrenders to arrest at the federal courthouse in Boston. A grand jury in Los Angeles indicts Daniel Ellsberg for theft and espionage....E. Howard Hunt writes a memo to Nixon aide Chuck Colson headed "Neutralization of Ellsberg." The memo proposes building a file of damning material about Ellsberg to destroy his credibility. Among the memo's suggestions: "Obtain Ellsberg's files from his psychiatric analysis."
- June 30, 1971** The U. S. Supreme Court announces its decision in the Pentagon Papers cases. In a per curium decision, the Court rules that the government did not meet its burden for a prior restraint under the First Amendment. Three justices dissent, arguing that the Court rushed to judgment and thus endangered national security.
- August 1971** Anthony Russo, called to testify before the grand jury in Los Angeles, refuses to testify, citing his Fifth Amendment privilege against self-incrimination.
- August 16, 1971** After having been granted immunity from prosecution, Russo still refuses to testify and is cited for contempt of court. He is sentenced to jail and remains there for the next six weeks.

- December 29, 1971** A second indictment (superseding the first), containing fifteen counts, is returned against Ellsberg and Anthony Russo.
- July 29, 1972** The trial of Ellsberg and Russo is halted after it is disclosed that the government wiretapped a conversation between one of the defendants and his lawyer or consultants. Although Judge Byrne refused to stop the trial because of the wiretap, Justice William O. Douglas stays the proceedings until the Supreme Court has a chance to consider the appeal.
- November 13, 1972** The U. S. Supreme Court, voting 7 to 2, refuses to hear defense arguments arising from the government's wiretap.
- December 12, 1972** Judge Byrne declares a mistrial and orders a new jury empaneled.
- January 17, 1973** Opening statements are delivered in the trial of Ellsberg and Russo.
- April 26, 1973** Prosecutors tell Judge Byrne that they have learned that Howard Hunt and G. Gordon Liddy, two government employees, burglarized (on September 3, 1971) the office of Daniel Ellsberg's psychiatrist in an effort to secure information damaging to Ellsberg's defense.
- May 11, 1973** Based on the government's misconduct, Judge Byrne dismisses all charges against Ellsberg and Russo.
- 2002** Ellsberg publishes a book about the Pentagon Papers case, *"Secrets: A Memoir of Vietnam and the Pentagon Papers"*
- 2009** A documentary is released about Ellsberg. The film is called *"The Most Dangerous Man in America: Daniel Ellsberg and the Pentagon Papers."*

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