Twitter Thread by Trevor Timm



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Surprised in this otherwise excellent obit of legendary journalist Neil Sheehan, the @nytimes didn't mention that the Nixon admin tried to charge Sheehan and his wife Susan under the Espionage Act *after* the Pentagon Papers Supreme Court case.

The Pentagon Papers Supreme Court ruling is, of course, a landmark First Amendment opinion. But it's bizarre to me that the Nixon admin actually tried to *criminally charge* Sheehan for his reporting, and the case is almost lost to history.

One of the only descriptions of the Espionage Act grand jury investigation into Neil Sheehan, besides in the @nytimes archives, is this 2011 @DailyBeast piece by former NYT general counsel James Goodale. It is an absolutely remarkable story. https://t.co/lHs7svzhJr

After Nixon lost the Pentagon Papers Supreme Court case, he was enraged and still wanted the NYT prosecuted. While @DanielEllsberg's grand jury was happening in LA, federal prosecutors opened up an investigation into Sheehan in Boston for "conspiracy to violate the Espionage Act"

In 1971, after Nixon had lost the Pentagon Papers case in the Supreme Court, he desperately wanted to bring criminal charges against the Times. Attorney General John Mitchell first went to U.S. Attorney Whitney North Seymour Jr. in New York and asked him to indict the Times. When Seymour refused, a grand jury was convened in Boston, where the prosecutors eventually dragged virtually every journalist and anti-war academic in the Cambridge area to court using subpoenas. The Justice Department wanted to know exactly who knew of the Pentagon Papers before they were released and how they ended up at the New York Times.

The government's "conspiracy" theory centered around how Sheehan got the Pentagon Papers in the first place. While Daniel Ellsberg had his own copy stored in his apartment in Cambridge, the government believed Ellsberg had given part of the papers to anti-war activists. It apparently theorized further that the activists had talked to Sheehan about publication in the Times, all of which it believed amounted to a conspiracy to violate the Espionage Act.

The grand jury investigating both Sheehan and his wife Susan, who was a writer at the @NewYorker, subpoenaed several famous journalists and academics, including David Halberstam, Noam Chomsky, and Howard Zinn. https://t.co/lHs7svzhJr

The @nytimes was so sure Sheehan was going to get charged, it drafted a statement condemning the indictment that never came. The only reason it didn't? The journalists and academics subpoenaed almost universally refused to comply. https://t.co/SHnRVFlmXb

> The grand jury investigation lasted more than a year and the Times was so sure Sheehan would be indicted that a statement was drawn up for Times Publisher Arthur Sulzberger that read in part, "The indictment of Neil Sheehan for doing his job as a reporter strikes not just at one man and one newspaper but at the whole institution of the press of the United States. In deciding to seek Mr. Sheehan's indictment, the administration in effect has challenged the right of free newspapers to search out and publish essential information without harassment and intimidation."

This is yet another reason why it's vital for reporters to oppose the US government's case against Julian Assange. He's charged with the same crime Nixon tried to go after Sheehan with. Given the opportunity, future presidents will try try the same thing. https://t.co/lHs7svzhJr

Basically the only other place online you can read details. about the grand jury investigating reporter Neil Sheehan for "conspiracy to violate the Espionage Act" is in the @nytimes archives from the early 1970s. https://t.co/pARSV1ULIa https://t.co/VUNLkcXSHM

You can also read about this forgotten, yet incredibly important, aspect of the Pentagon Papers case in Sanford Ungar's excellent book "The Papers and the Papers." Unfortunately it's out of print, so it's hard to come by. https://t.co/hT3lmqtXzW