



CESIMS Spring 2019

New York Times Board of Directors – The Vietnam War

BACKGROUND GUIDE



Structure & Procedure

Code of Conduct

All delegates will be held to a high standard of behavior and will be expected to treat each other and the topics of debate with respect. No harassment or bullying of any kind will be tolerated. Sensitive discussion of topics is expected to be conducted respectfully and intelligently. The Secretary-General of CESIMS reserves the right to remove a delegate from the conference at any point in time.

Procedure

Attire

All delegates will be expected to wear Western Business Attire.

Language

The working and official language of the committee shall be English.

Parliamentary Procedure

Points

There are four types of points that a delegate may raise.

Point of Order

A Point of Order may not interrupt a speaker and can be raised when the delegate believes the rules of procedure have been violated. The chair will stop the proceedings of the committee and ask the delegate to provide warranted arguments as to which rules of procedure has been violated.

Point of Personal Privilege

A Point of Personal Privilege may be raised when a delegate's ability to participate in debate is impaired for any physical or logistical reason (for instance, if the speaker is not audible). This point may interrupt a speech, and the dais will immediately try to resolve the difficulty.

Point of Parliamentary Inquiry

This point may be raised by a delegate who wishes to clarify any rule of procedure with the Chair. It may not interrupt a speaker, and a delegate rising to this point may not make any substantive statements or arguments.

Point of Information

As the name suggests, this point may be raised by a delegate to bring substantive information to the notice. It may not interrupt a speaker, and must contain only a state-

ment of some new fact that may have relevance to debate. Arguments and analyses may not be made by delegates rising to this point. A point of information may also be used to ask questions of a speaker on the general speakers list.

Motions

Motions control the flow of debate. A delegate may raise a motion when the chair opens the floor for points or motions. Motion require a vote to pass. Procedural motions, unless mentioned otherwise, require a simple majority to pass.

Motion for Moderated Caucus

This motion begins a moderated caucus, and must specify the topic, the time per speaker, and the total time for the proposed caucus.

Motion for an Unmoderated Caucus

This motion moves the committee into unmoderated caucus, during which lobbying and drafting of resolutions may take place. It must specify the duration of the caucus.

Motion to Suspend Debate

This motion suspends debate for a stipulated amount of time.

Motion to Adjourn

This motion brings the committee's deliberation to an end, and is only admissible when suggested by the Chair.

Motion to Introduce Documents

A successful motion to introduce essentially puts the document on the floor to be debated by the committee. The sponsor of the document will be asked to read the document and then, if deemed appropriate, the Chair will entertain a moderated caucus on the topic.

Motion to Divide the Question

This motion may be moved by a delegate to split a document into its component clauses for the purpose of voting. This may be done when a delegate feels that there is significant support for some clauses of the document, but not for the complete document.

Motion for a Roll Call Vote

A delegate may move to have the vote conducted in alphabetical order.

Motion for Speakers For and Against

If it would help the proceedings of the committee, a delegate may motion for speakers for and against a document.

Documents

Committee Documents represent the product of the committee's deliberations and their collective decisions.

Directive

Directives are standard orders. All direct actions taken by this committee require a directive. Directives pass with a simple majority.

Communiqué

Communiqués are formal communications (private by default) directed from the committee to other governments, individuals, or organizations. Committee communiqués pass by simple majority.

Press Release

Press releases express the sentiments of the committee (NOT individuals) on any issue. They require a simple majority to pass.

Amendments

After the first draft of a committee document has been introduced, delegates may move to amend particular clauses of the draft. If the amendment is supported by all the sponsors of the documents, it passes as a friendly amendment.

Communication during committee

Communication during committee may take place through Notes Between Delegates and Notes To The Dais.

Notes Between Delegates

Delegates should feel free to write personal notes to their fellow committee members. We ask that these notes pertain to the business of the committee.

Notes To The Dais

Delegates may also write to the Chair with questions regarding procedural issues of the committee, as well as a wide range of personal inquiries. Delegates should feel free to write to the Chair on any issue that would improve the committee experience. This could range from a clarification of procedural issues to substantive matters



History

Historical Background

In 1967, high-level officials in the United States government wished to assess the history of American involvement in Southeast Asia, given the Vietnam War, its widespread unpopularity, and the human toll that it continued to extract. As such, Robert McNamara, Secretary of Defense under President Lyndon B. Johnson, officially commissioned an analysis of American involvement in the region from third-party organizations. This study would be completed and submitted to the government in 1969, under the presidency of Richard Nixon.

One of the third-party institutions hired to create the report was the RAND Corporation, which employed Daniel Ellsberg. Ellsberg became deeply disillusioned with the Vietnam War near the turn of the decade, and had access to and knowledge of the report, as he had contributed to it. Over a period of time, Ellsberg discreetly photocopied parts of the study with the intention of bringing it to public awareness. He first reached out to legislators in order to have them present the contents to the American people, but this proved unsuccessful. Ellsberg then decided to contact news organizations to diffuse the contents of the report. He reached out Neil Sheehan, a reporter for the New York Times for whom Ellsberg had previously served as a source. After making contact with Sheehan, Ellsberg provided the documents to the New York Times, which moved the documents to New York.

At this point in time, the New York Times has possession of the so-called “Pentagon Papers” but has not yet decided if, and how, to use them. As leaders of the paper, it is up to you to balance the interests of the nation and the Times. The lives of millions, the fate of the First Amendment, and the livelihood of the country’s paper of record are now in your hands.



Legal Background

The potential publication of the Pentagon Papers implicates one of the most fundamental issues of the First Amendment, that of the protection afforded political speech. Political speech is considered the category of speech most protected by the First Amendment. In fact, one of the presumed roots of the First Amendment is to guard against the possibility of prior restraint as it was practiced by the British prior to American independence. Prior restraint is the governmental practice of stopping the publication of information before it is released, typically in the form of a court-ordered injunction.

Prior to 1971, the Supreme Court's most elucidated thinking on prior restraint came from the opinion in *Near v. Minnesota*. This 1931 case involved a permanent injunction (a permanent hold on publication) on a newspaper that linked certain politicians with gangsters. The politicians accused the newspaper of violating the Public Nuisance Law in place, which stated that publications that regularly published "malicious, scandalous, and defamatory" could be stopped from doing so in the future. The Supreme Court held that this statute was unconstitutional, as it engaged in prior restraint. *Near v. Minnesota* set the precedent that prior restraint for purposes other than avoiding obscene expression, avoiding violence, and protecting significant military interests is unconstitutional.

The Pentagon Papers case begs the question of whether publishing these documents would be considered sufficiently counter to sensitive military information and, thus, the interests and national security of the United States. It is unclear how the Supreme Court would rule if a case were to be brought, and delegates should balance their options with this in mind.



Topics

Topic 1: Publication

The first question delegates must tackle is that of publication. Does the New York Times choose to publish the contents of the Pentagon Paper? If it does not, Daniel Ellsberg will surely offer the scoop to other newspapers. The reputation of the Times could be gravely injured if this occurs and is made public, bringing with it perilous consequences for the readership and profitability of the paper.

If the New York Times does choose to publish the Pentagon Papers, it must decide how to do so. Should the papers be summarized and, if so, briefly or in full detail? Should excerpts of the documents simply be transcribed and published? Should information be spread out over many issues, or be provided in one fell swoop? Does the Times choose to alert the government that it plans on publishing prior to the release of the information? Before choosing to publish, the Times must be aware of the negative consequences of publication, and especially the legal ramifications.

Topic 2: Legal Ramifications

If the New York Times decides to release Ellsberg's leaked documents, it can expect recourse from the Nixon administration. If the government learns of intentions to publish, it may seek an injunction. If a court grants this injunction, the Times would be legally ordered not to publish information from the Pentagon Papers. The Times could choose to either obey or disobey the injunction, potentially leading to further legal consequences.

If the information is published and an injunction is not sought, the New York Times still faces legal responsibility for the publication of classified information that may or may not implicate national security concerns. Daniel Ellsberg, the source of this

information, also faces legal responsibility for his leaking of classified documents (although the Times is committed to protecting his anonymity as a source).

Given the scale and urgency of this situation, it is likely that any legal cases brought by either the government or the New York Times will swiftly make its way up through the judicial branch, possibly ending at the Supreme Court.

Topic 3: Business Consequences

Any decision made here will affect the viability of the New York Times. Publication of the Pentagon Papers may lead to veneration of the Times for its journalistic integrity. However, it may also lead to legal consequences that severely cripple the resources of the paper and its ability to publish important information. It may also result in a public relations crisis if the American public deems the Times to have overstepped national security boundaries.

On the other hand, there is a distinct possibility that choosing not to publish the classified documents would irreparably harm the reputation of the New York Times as the paper of record objectively investigating and reporting a major state of affairs. The Times could lose clout, readership, and profit to their competitors, forever losing the trust of the United States.

It is up to you, delegates, to decide the future of the New York Times and the First Amendment



Positions

Arthur Ochs Sulzberger: Publisher of the New York Times

Sulzberger has been Publisher of the Times, his family's paper, since 1963. During his tenure, he has emphasized profitability, believing that financial prosperity is a requirement of quality journalism that is not beholden to external parties. Despite this, the Times retains an element of financial insecurity. Sulzberger is personally more invested in the business aspect rather than the editorial aspect of the New York Times. Nevertheless, as Publisher, Sulzberger has authority over every element of the paper. He oversees the vision of the New York Times and works on day-to-day operations in a manner that actualizes this vision. In this case, it is essential that the Publisher and the other members of this committee arrive at agreements before taking action, which means that the Publisher will not have veto power. This is in order to preserve the efficacy and minimize infighting at the Times, especially important during a time of national crisis when all eyes are on the press. However, Sulzberger can express his power in committee by surreptitiously directing the funds of the Times, directing hiring and firing of Times employees not in this committee, and taking advantage of contacts in the publishing, political, and social worlds he operates in, to name just a few capabilities.

Harding Bancroft: Executive Vice President of the New York Times

Bancroft now serves as the Executive Vice President, and has previously been assistant secretary, secretary, and associate counsel to the Times. Outside of the Times, he is an experienced diplomat who has served the United Nations in several capacities. As Executive Vice President, Bancroft is part of the leadership team who creates the vision for the future of the Times, and advises the highest executives, including Mr.

Sulzberger. Mr. Bancroft is an advocate of government transparency with a keen eye for precedent, and voices a desire to avoid the usage of severe governmental restrictions on the press while staying true to the spirit of journalism espoused by the Times. As an advisor, he is especially sought out for his legal and ethical counsel. In this committee, Harding Bancroft can use his governmental, diplomatic, and legal experience to gain and use insider knowledge about the state of US affairs overseas and the internal movements of the US government pertaining to press control. He may also use his executive position and long history at the New York Times to sway the organization and its employees.

Ivan Veit: Executive Vice President of Development and Planning of the New York Times

As Executive Vice President of Development and Planning serves as the point of intersection between the corporation and newsroom that make up the Times. Veit is in charge of determining the format of the Times and any supplements, sections, or innovations beyond the standard newspaper. His primary concern is publishing a paper of record that retains both a wide, consistent readership and an unmatched quality and national influence. In this committee, can use this control over formatting to push his view of the best path for the Times, or to obscure the actions of others, among other possibilities.

Francis Cox: Vice President of Finance of the New York Times

As Vice President of Finance, Francis Cox leads the paper on budgetary, financial, and accounting matters, and supervises the offices of secretary and treasurer. In this capacity, Cox is most directly responsible for, and in charge of, the Times' money. This gives him extraordinary influence over other Times' staffers who wish to secure budgets for their respective projects, and allows him discretion over his own interests and actions behind the scenes. DEspite this power, he often clashes with other Times executives and with Arthur Sulzberger.

James Goodale: Vice Chairman and General Counsel to the New York Times

As Vice Chairman and General Counsel, James Goodale oversees the legal strategy of the New York Times. Although the Times retains the firm of Lord Day & Lord, Goodale has the power and expertise to critique their advocacy and general legal plan, and will step in himself in the event that Lord Day & Lord abdicates their responsibility to the Times. He thus has the power in the situation that the Times goes to court with the federal government, and must prepare the Times for this possibility, regardless of eventual outcome. In this committee, Goodale may lean on this legal experiment to heavily influence others into doing as he pleases.

Sydney Gruson: Director of Affiliated Programs of the New York Times

As Director of Affiliated Programs, Sidney Gruson manages the newspapers, magazines, broadcasts, and companies that are owned by and affiliated with the New York Times, but are separate from the main paper. Gruson is also a chief advisor and to the Publisher, Arthur Sulzberger. He can thus control programming of the substantial properties owned by the Times, and can supplement this power with influence in the eyes of the Times most senior leader.

Walter Mattson: Vice President of the New York Times

As Vice President, Walter Mattson is primarily concerned with matters of management and development of the Times in a manner that is streamlined and modern. As such, he approaches issues primarily through the lense of what certain action will do for the business aspects of the Times and for future precedent. Most of all,

Mattson is concerned with the long-term viability and profitability of the paper. In this committee, Mattson may use his role to work with the business entities of the times and its partner organizations in order to entrench his views and personal power. He may also take advantage of his closeness with the publisher, Arthur Sulzberger.

John McCabe: Vice President of the New York Times

As Vice President, John McCabe has jurisdiction over financial and operational aspects of the New York Times, including accounting, advertising, and marketing. This position allows him control over budgetary and logistical offices and resources of the Times; however, it also makes him responsible for advertising and marketing failures should the Times face disadvantageous conditions as a result of their decision to publish, or not to publish, the Pentagon Papers.

John Mortimer: Vice President of the New York Times

As Vice President, John Mortimer handles all Times issues concerning labor and industry. In this capacity, his work concerns the workers who keep the Times running through the actual printing of the paper, its distribution, and other practical aspects. He also works with the companies with which the Times contracts to deliver these services. In this committee, Mortimer can use these contacts to pull strings in a manner that can help him reach whatever end goal, for himself and for the Times, that he desires.

James Reston: Columnist and former Executive Editor of the New York Times

James Reston is one of, if not the, most notable writer for the New York Times. Although he previously held an editorship, he chose to relinquish this position in order to devote his time to his column. As a political reporter, Reston is rooted in Washington. He strongly encourages the publication of the Pentagon Papers as a matter of history. His powers in this committee include his prestige, greater than any other reporter at this

time in the United States, as well as the power he brings as a weekly columnist to illuminate and shape public opinion.

John Oakes: Editor of the Editorial Page

As Editor of the Editorial Page, John Oakes has an overwhelming ability to amplify the voices of certain viewpoints on the pages of the New York Times. He is known as a devotee of progressive causes, including an opposition to the Vietnam War that Oakes has marshalled in the pages of the Times. Oakes created the Op-Ed section at the Times and retains control over it. He is also a member of the family which owns the Times, and a cousin of the Publisher, Arthur Sulzberger. Despite this family connection, Oakes sometimes butts heads with the more conservative forces at the Times, including his family members. Oakes can use his abilities and purview to advance specific opinions in the pages of the Times, making it appear that the paper has a specific agenda. He can also use his family connections to push his interests behind the scenes, and cannot be pushed to the side very easily for this reason.

A.M. Rosenthal: Managing Editor of the New York Times

As Managing Editor of the New York Times, A.M. Rosenthal is second only to Arthur Sulzberger in making the decision whether to publish the Pentagon Papers. Rosenthal is undoubtedly for publication, and must bring Mr. Sulzberger and the rest of this committee to the side of publication. As Managing Editor, Rosenthal is in charge of all content of the New York Times. He has immense control over what is published in most situations, and can use this control to put forth that which accords with his own views, managing to sway public perception in this manner. He can also use this power to play internal politics at the Times, advancing those who side with him.

Daniel Schwarz: Editor of the Sunday New York Times

As Sunday Editor, Daniel Schwarz reports directly to the Publisher and controls the content of the Sunday paper, which is separate from the main paper. He has focused his tenure on modernizing the paper. As such, he is attuned to and concerned with the long-term reputation and readership of the Times. As Sunday Editor, Schwarz could be responsible for Pentagon Papers content released in those pages. Similarly to Rosenthal, Schwarz may thus sway public perception through this power and is a factor in the internal politics of the Times.

Clifton Daniel: Associate Editor and former Managing Editor of the New York Times

Clifton Daniel's career at the Times has included stints as a correspondent, Assistant to the Managing Editor, Assistant Managing Editor, Managing Editor, and, now, Associate Editor. In his current role, he works on the radio station of the Times. Mr. Daniel maintains an emphasis on the human interest, and has brought this emphasis to the Times over the years. As the son-in-law of President Truman, Daniel has considerable contacts in both Washington and New York, supplemented by those from his days as a foreign reporter. As such, he can use his experience to control what the Times broadcasts via radio (presenting an alternative set of legal challenges) while gathering information and a network of alliances through his extensive contacts.

Tom Wicker: Associate Editor and former Washington Bureau Chief of the New York Times

Tom Wicker is a noted columnist for the Times and, in this role, has voiced strong opposition to the Vietnam War. He believes in the power of journalism to alter governmental action and force government transparency. His column allows him the

platform to espouse these views to the public, and his position as Assistant Editor gives him managerial ability to represent this view in other content of the paper. He can use these internal capabilities as well as his extensive career and contacts in Washington to both gain and place information where necessary.

Gerald Gold: Assistant Foreign Editor of the New York Times

As Assistant Foreign Editor, Gold is in charge of initially reading the papers turned over by Daniel Ellsberg to determine their importance and content. This task of screening provides him with the immense power of being the first to determine the relevance to the national interest and potential damage to national security that publication would bring. His reputation is thus on the line and is directly implicated, whether the Times publishes, does not publish, or sees a rival publish.

Allen Siegal: Assistant Foreign Editor of the New York Times

As Assistant Foreign Editor with Gold, Allen Siegal is also in charge of initially reading the papers turned over by Daniel Ellsberg to determine their importance and content. This task of screening provides him with the immense power of being the first (with Gold) to determine the relevance to the national interest and potential damage to national security that publication would bring. His reputation is thus on the line and is directly implicated, whether the Times publishes, does not publish, or sees a rival publish. Siegal is also known for an exacting attention to detail and journalistic standards, requiring those around him to submit to the same quality levels.

Neil Sheehan: Reporter for the New York Times

Neil Sheehan is the reporter who received the Pentagon Papers from Daniel Ellsberg. Ellsberg had served as a source for Sheehan before, and sought out Sheehan in order to leak the report. As such, Sheehan is the main contact between the Times and Ellsberg. Sheehan has served as a reporter specializing in Southeast Asia, the Pentagon, and the White House. Along with Gold and Siegal, he is, at this time, most familiar with the actual content of the Pentagon Papers. He would also be one of the reporters at the forefront of publication, should the Times choose to publish. As a celebrated journalist, it is important that the Times keep Sheehan happy and not allow him to jump ship to another publication.

Hedrick Smith: Chief Diplomatic Correspondent and Moscow Bureau Chief for the New York Times

As Chief Diplomatic Correspondent and Moscow Bureau Chief, Hedrick Smith is one of the Times' foremost experts on United States involvement in Southeast Asia, the subject of the Pentagon Papers. He is thus greatly able to parse the content of the Pentagon Papers and judge their suitability for publication. As Chief Diplomatic Correspondent, Smith's analysis is given great authority by the Times and, as Moscow Bureau Chief, Smith has power over other correspondents reporting on matters pertaining to the Cold War. This power may be used as a bargaining chip to ensure that the Times does as Smith wishes on the subject of the Pentagon Papers.

E.W. Kenworthy: Reporter for the New York Times

As a longtime political reporter for the New York Times, E.W. Kenworthy will be responsible for the writing of many articles about the Pentagon Papers should they be published by the Times. For professional reasons, publication would thus be professionally advantageous for Kenworthy. As one of the reporters at the Times,

Kenworthy must also be retained by the paper, lest he change publications and take his sources and talents with him.

Fox Butterfield: Reporter for the New York Times

Fox Butterfield rounds out the team of reporters who will be responsible for writing the articles on the Pentagon Papers should the New York Times choose to publish. Like the other reporters in this position, it is important for the paper to keep Butterfield satisfied in order to prevent the possibility of him leaving the Times, with his sources. Butterfield can also use his power as a reporter who has cultivated relationships with these sources to uncover more significant governmental information, possibly pushing the Times further in its resolve to publish.

Samuel Abt: Foreign Desk Copy Editor for the New York Times

As Copy Editor for the New York Times, Samuel Abt is responsible for proofreading and editing articles before they are submitted for printing, in order to ensure writing quality and readability. Abt is thus the gatekeeper of quality for articles presenting the Pentagon Papers to the public. In this capacity, Abt has enormous power to ensure that the reputation of the Times remains intact, or to sabotage the efforts of the paper and/or its writers if he feels that the interests of the Times run counter to how they should.