UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE PETITION OF NATIONAL SECURITY ARCHIVE, AMERICAN HISTORICAL ASSOCIATION, AMERICAN SOCIETY FOR LEGAL HISTORY, ORGANIZATION OF AMERICAN HISTORIANS, SOCIETY OF AMERICAN ARCHIVISTS, AND SAM ROBERTS FOR ORDER DIRECTING RELEASE OF GRAND JURY MINUTES	Miscellaneous Action

PETITION FOR ORDER DIRECTING RELEASE OF MINUTES OF SPECIAL FEDERAL GRAND JURY CONVENED IN 1950-1951 THAT PERTAIN TO THE INDICTMENT AND CONVICTION OF JULIUS AND ETHEL ROSENBERG

The National Security Archive, the American Historical Association, the American Society for Legal History, the Organization of American Historians, the Society of American Archivists, and historian and *New York Times* reporter Sam Roberts, hereby petition this Court to exercise its inherent supervisory authority to unseal the grand jury records relating to the indictment of Julius and Ethel Rosenberg.

1. The National Security Archive is an independent, non-governmental research institute that collects and publishes declassified documents obtained through the Freedom of Information Act. The American Historical Association, the American Society for Legal History, and the Organization of American Historians are professional organizations for historians. The Society of American Archivists is a national archival professional association. Sam Roberts is a *New York Times* reporter who has reported extensively on the aftermath of the Rosenberg case and who wrote *The Brother: The Untold Story of the Rosenberg Case*, a widely-acclaimed account of the Rosenberg story.

Petitioners have strong professional interests in the unsealing of the Rosenberg grand jury records.

2. The grand jury that indicted Julius and Ethel Rosenberg was seated in the Southern District of New York during 1950-1951. This grand jury investigated the government's suspicions of Soviet industrial and military espionage, and interviewed scores of witnesses to uncover evidence of Soviet spy rings. The grand jury first indicted Julius and Ethel Rosenberg on August 17, 1950. After multiple superseding indictments, the grand jury handed down its final indictment on January 31, 1951, which charged the Rosenbergs with conspiracy to commit espionage. During the period of superseding indictments, the grand jury interviewed numerous witnesses to elicit more facts on the Rosenberg case. The Rosenbergs were tried and convicted under the Espionage Act, and they were executed on June 19, 1953.

3. The Rosenbergs' conviction and execution was a touchstone event in the Cold War. The case convinced many Americans that the Soviet threat was real and imminent. Other Americans were convinced that the government invoked the Soviet threat to justify unwarranted domestic repression. This social divide defined the domestic culture clashes during the Cold War.

4. The Rosenberg case continues to stir passions and inspire scholarly works. The public's appetite for new scholarship on the Rosenbergs remains insatiable, and the grand jury records relating to the couple's indictment continue to be a source of speculation for historians and others, because the grand jury records are the sole government documents regarding the Rosenberg case to remain secret.

5. This petition seeks the release of all records of the grand jury that pertain to the Rosenbergs indictment, conviction and execution. Submitted in support of this petition is a comprehensive declaration by historian Bruce Craig, Ph.D., that explains the factual background of the Rosenberg case and points to several key historical questions that may be answered by the grand jury records. The grand jury witnesses and dates of their testimony are outlined in Appendix 1 of the Craig Declaration. A declaration by Jennifer Dillard, a third-year law student at Georgetown University Law Center, sets forth a list of participants in the litigation who are no longer alive.

6. Also submitted in support of the petition are declarations from Cold War scholars who, although they take quite diverse views on the Rosenberg case and its implications, strongly support release of the grand jury records. These scholars include historian John W. Berresford, Yale University Professor John Lewis Gaddis, Library of Congress Manuscript Historian John Earl Haynes, Temple University Professor Allen M. Hornblum, Professor Ronald Radosh, *New York Times* reporter and historian Sam Roberts, Yeshiva University Professor Ellen W. Schrecker, George Mason University Professor Martin J. Sherwin, St. Joseph's University Professor Katherine A.S. Sibley, Marquette University Professor Emeritus Athan G. Theoharis, and historian Steven Usdin.

7. This petition is also supported by the Rosenberg family. A declaration submitted by Robert Meeropol, one of the Rosenbergs' two sons, expresses his unequivocal support, the support of his brother Michael Meeropol, and the support of their wives and children. And Morton Sobell, the Rosenbergs' co-defendant, supports this effort as well. His declaration will be submitted shortly.

WHEREFORE, petitioners respectfully request that this Court order the release of the minutes of the Special Federal Grand Jury convened in 1950-1951 that pertain to the indictment and conviction of Julius and Ethel Rosenberg.

Respectfully submitted,

Vladeck, Waldman, Elias & Engelhard, P.C.

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