

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
IN RE PETITION OF NATIONAL SECURITY)
ARCHIVE, AMERICAN HISTORICAL)
ASSOCIATION, AMERICAN SOCIETY OF LEGAL) Misc. No. 11-188
HISTORY, ORGANIZATION OF AMERICAN)
HISTORIANS, SOCIETY OF AMERICAN)
ARCHIVISTS, AND SAM ROBERTS)
FOR ORDER DIRECTING RELEASE OF)
GRAND JURY MINUTES)
-----X

SUPPLEMENTAL DECLARATION OF RONALD RADOSH

1. I submit this supplemental declaration to provide further information to support the Petition to unseal the grand jury records relating to the prosecution of Julius and Ethel Rosenberg and Morton Sobell. This declaration focuses on two contentions raised by the government: first, that the grand jury testimony of David Greenglass should remain sealed and second, that the grand jury testimony relating to the Brothman-Moskowitz prosecution should remain sealed. As explained below, I disagree with the government on both points.

2. **David Greenglass:** On June 12, 1979, Sol Stern and I interviewed David Greenglass, who came along with his wife Ruth and his counsel, O. John Rogge, in New York City. David did this of his own free will, upon the advice of his former counsel, who joined me in convincing him to consent to the interview. No payment of any sort was made for interview. As is par for journalist interviews, we paid for an entire dinner for ourselves, the Greenglasses, and Rogge. (We had been commissioned to do this for an article in *The New York Times* magazine, who agreed to cover the charges. Later the article was published instead in *The New Republic*.) The agreed upon terms of the interview was that nothing regarding the case was off limits. We were particularly

interested in the obvious discrepancies between what he told the FBI, as revealed in the Bureau's files on the case, and his testimony at the trial. We also asked about Ruth's testimony at the trial that key documents on data taken from Los Alamos by David was typed for delivery to the Russians by Ethel Rosenberg. It was apparent from Ruth's reaction that she had no memory of having left this out in her interrogations by FBI agents, and had forgot that her testimony at the trial was considered by many to be a major factor in the conviction of the Rosenbergs.

3. Since Greenglass already admitted to us, as he put it on the way out of the interview, that it was "either my wife or my sister," and he knew that he had to bring Ethel Rosenberg into the conspiracy alleged by the Government attorneys, it is of great importance to find out what he told the Jury about these issues.

4. The Grand Jury testimony, that allowed an indictment to take place, is of critical importance in answering questions pertaining to these points. Did the Jury inquire about these issues.? Had the Government by the time of the Grand Jury persuaded (or pressured) Greenglass into associating his sister with the Soviet network set up by Julius Rosenberg? What did he tell them about his meeting with Harry Gold when Gold had come to his small apartment with the famous half of a Jello box? Did he remember or say to the Jury that Gold had said, "I come from Julius," or did he use another name? These questions have long been issues of concern, and have remained controversial. Some, like myself, were convinced that David Greenglass was telling a true story of his brother-in-law's espionage work. Others have argued he fabricated evidence demanded by the FBI and prosecutors.

5. How Greenglass answered questions before the Jury and what he said is of importance in felling out major details pertaining to the case. Since David Greenglass has already spoken to Sol Stern and I in 1979 , and to myself at an earlier date a few months earlier; and decades later to journalist Sam Roberts, his claim of privacy re release of his Grand Jury testimony makes no sense whatsoever. Greenglass has already by his own words said things that portray him in an unfavorable way, and has spoken completely about every aspect of his testimony and about the case. Therefore, as a historian and writer about the case, I would argue that release of his testimony would provide the final remaining evidence from Greenglass about his role and activities, as well as that of Julius and Ethel Rosenberg. For the sake of historical truth and accuracy, the public deserves that the transcript be released, and his objections to the Court turned down.

6. **Brothman-Moskowitz:** As a historian of the Rosenberg case, it is my contention that the Grand Jury testimony of witnesses talking about the activities of Abraham Brothman and Miriam Moskowitz is of essential importance for complete understanding of the Rosenberg case.

7. The two defendants, Brothman and Moskowitz, were arrested on July 29, 1950, in the same time period as the arrest of Julius Rosenberg and David Greenglass. Brothman had in fact been named by the famous Soviet agent Elizabeth Bentley in her confession to the FBI in 1945, as a key member of an industrial espionage ring run by the Soviet agent Jacob Golos. At their trial, the key witness against them was chemist Harry Gold, who was the key witness for the prosecution in the Rosenberg case. The Brothman-Moskowitz trial was the first one in which Gold faced serious cross-examination by

defense counsel. Nevertheless, the trial jury believed Gold's story, and found the defendants guilty.

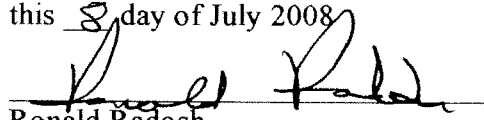
8. The testimony of Elizabeth Bentley was of key importance in both their trial and that of the Rosenbergs. The Brothman-Moskowitz trial was the first courtroom appearance by Bentley, who had been talking since 1945 to the FBI, Congressional committees, and other Grand Jury appearances. Her notoriety and bona fides at that time, played a major role in establishing the relationship of the defendants to existing Soviet networks. In both cases, her testimony linked Golos with both Brothman and Rosenberg. In both trials the judge, Irving Kaufman, and two of the prosecutors, Irving Saypol and Roy Cohn, were the same. Clearly, the link about the ties of both Brothman and Rosenberg with Golos indicate a possible relationship between these two very different Soviet networks. Although the Rosenbergs were implicated in the passing on of material relating to the atomic bomb, they were also involved in what is usually called "industrial espionage," gaining information by agents working in various companies with data that could help the Soviets in work for their defense industry. Brothman was only involved in the former, and lack of sufficient evidence led to his indictment on the lesser charge of obstruction of justice, not conspiracy to commit espionage.

9. The Government dismisses the claim of various authors that the Brothman-Moskowitz case was either a "dress rehearsal" or as Joyce Milton I wrote, a "tune-up" for the Rosenberg trial. The Government argues that such claims are "mere conjecture." In fact, only careful study of the Grand Jury testimony will prove this assertion one or the other.

10. One can make an analogy between the Government's case and the trial and conviction of the Rosenbergs. In much of the trial, a guilty verdict depended on acceptance by the trial jury of circumstantial evidence. Juries use this reasoning many times. Conviction when this is taken into account is not evidence that the guilty party was innocent. When both the prosecution team, the judge and key witnesses were the very same in both trials- and when they were held before the same jurisdiction and court- and when a connection existed between the same two major witnesses and a top Soviet agent, it strains credulity to argue, as the Government did in its decision, that no connection between the two trials absolutely exists. In fact, the burden of proof rests on the Government's argument there is no connection, not on those of us who haven't seen one.

11. It is my contention that these relationships indicate a connection between the defendants in both trials, no matter how different the charges and results may have been. The complete story of the Rosenberg case and the needs of history will be served well by release of these Grand Jury records.

In accordance with 28 U.S.C. § 1746,
I hereby declare under the penalty of perjury
that the foregoing is true and correct. Executed on
this 8 day of July 2008


Ronald Radosh