

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE PETITION OF NATIONAL SECURITY)
ARCHIVE, AMERICAN HISTORICAL)
ASSOCIATION, AMERICAN SOCIETY OF LEGAL) 08 Civ. 6599 (AKH)
HISTORY, ORGANIZATION OF AMERICAN)
HISTORIANS, SOCIETY OF AMERICAN)
ARCHIVISTS, AND SAM ROBERTS)
FOR ORDER DIRECTING RELEASE OF)
GRAND JURY MINUTES)
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SECOND SUPPLEMENTAL DECLARATION OF BRUCE CRAIG, Ph.D.

Bruce Craig hereby deposes and states as follows:

1. I possess a Ph.D. (1999) in History from the American University (Washington D.C.) . I am currently affiliated with the department of history at the University of Prince Edward Island (Charlottetown, Prince Edward Island, Canada) where I teach American history. I also am a Fellow with the Milton F. Gregg Centre for War and Society centered out of the University of New Brunswick (Fredericton, New Brunswick, Canada). I am immediate past president of the Canadian Association for Security and Intelligence Studies (CASIS). I am the author of *Treasonable Doubt: The Harry Dexter White Spy Case* (University Press of Kansas, 1994), a book dealing with the espionage case of Harry Dexter White, a high-ranking Treasury Department official accused of being a Soviet spy at the time, as was former State Department official, Alger Hiss. My biography of Alger Hiss, *The Lives of Alger Hiss: The Myths, the Masks, the Man* is awaiting publication.

2. In 1996, while conducting research for my doctoral dissertation, I brought a suit to unseal the grand jury records relating to the Harry Dexter White investigation. *In re Craig*, 942 F. Supp. 881 (S.D.N.Y. 1996), *aff'd*, 131 F.3d 99 (2d Cir. 1997). After the case was

adjudicated, I subsequently prepared the key historical declaration in the case to secure access to the minutes and testimony before the grand jury that indicted Alger Hiss. *In re American Historical Association*, 49 F. Supp. 2d 274 (S.D.N.Y. 1999), subsequent opinion, 62 F. Supp. 2d 1100 (S.D.N.Y. 1999). In October 1999, the case resulted in the release of roughly 4,800 pages of testimony relating the Hiss perjury case.

3. I have written dozens of articles for popular and scholarly periodicals, including “Unsealing Federal Grand Jury Records: The Case of the Harry Dexter White Transcript (in *The Public Historian*, vol. 20 no. 2 (Spring 1998), at 45-62). In 1989, my article on the Alger Hiss-Whittaker Chambers controversy, titled “Politics in the Pumpkin Patch” won the G. Wesley Johnson award as the best article in *The Public Historian* (vol. 12 no. 1 (Winter 1989, at 8-24). As noted, I have completed a biography of Alger Hiss, which makes extensive use of the grand jury records.

4. As Executive Director of the National Coalition for History, a Washington, D.C.-based history and archive advocacy organization, I spearheaded the successful effort that resulted in the unsealing of the House Committee on Un-American Activities (HUAC) records in August 2001. I have served on the editorial board of *The Public Historian* and have chaired or have been a member of various committees for the American Historical Association, the Organization of American Historians, and the National Council on Public History.

5. The prosecution, conviction and execution of Julius and Ethel Rosenberg was the single most notorious and important case of the Cold War Era. The only other case that comes close to possessing similar importance in its historical significance is the Alger Hiss espionage case which at the time was billed by many as the “trial of the 20th century.” However, neither

Alger Hiss nor his wife Priscilla were accused of passing information of such sensitivity and importance as nuclear secrets in their conspiratorial activities on behalf of the Soviet underground, and neither were they executed. For the authoritative history of the Hiss case, see Allen Weinstein, *Perjury: The Hiss-Chambers Case* (3rd ed., Stanford University: Hoover Institution Press, 2013).

6. More has been written about the Rosenberg spy ring, and about the personal lives of the Rosenberg family, than any other espionage ring in American history. Their conviction convinced many Americans that Soviet infiltration of American society was pervasive. Others, however, concluded differently – that elected officials were overreacting to the Soviet threat and that government was becoming oppressive.

7. The story of the search, arrest, conspiracy trial, conviction, and execution of Soviet spy Julius Rosenberg and his wife Ethel for passing stolen allegedly critical information about the development of the atomic bomb from a top secret nuclear facility is the stuff of novels. The facts of the case, however, are no fiction. It is undeniable that both Julius and Ethel, along with several others, were involved in a conspiracy to pass atomic secrets to the Soviet Union. Their conviction and execution rested in no small measure on the key testimony of a small handful of witnesses. Of greatest importance in the prosecution's case was the testimony of Ethel Rosenberg's brother, U.S. army sergeant David Greenglass.

8. When this Court ordered the Rosenberg case grand jury testimony of virtually all of the witnesses unsealed on 11 September 2008 (David Greenglass and a handful of other living witnesses objected to the release of their testimony and as a consequence their statements were not unsealed) *see* Lee White, "Federal Court Orders Release of Rosenberg Trial Grand Jury

Records,” *Perspectives on History*, (Washington, D.C.: American Historical Association, September 2008) at 29-30, it became abundantly clear that both David and Ruth Greenglass testified falsely on the witness stand during the trial. They did so for obvious reasons: to save their lives. Ruth’s testimony implicated David’s sister Ethel in the espionage conspiracy and David’s testimony served to corroborate his wife’s statements about the Rosenbergs. See Ronald Radosh, *How David Greenglass helped Break Up a Soviet Spy Ring That Was Plotting New Perfidy*, *The (New York) Sun*, 15 October 2014; see also Robert D. McFadden, *David Greenglass, Brother Who Doomed Ethel Rosenberg, Dies at 92*, *New York Times*, at A1, (October 14, 2014).

9. Based on the contents of the Rosenberg grand jury release, it is evident that Ruth Greenglass’s grand jury testimony was clearly at odds with her trial testimony. Historian Ron Radosh summarizes the inconsistency: “Testifying before the Grand Jury on August 3 1950, Ruth told the jurors that when David was home on furlough in late December 1944, he had informed Julius that he had consented to gather information from the Manhattan Project. She then told him what David had conveyed to her about the physical set up at Los Alamos and the scientists who were working there. “Didn’t you write down on a piece of paper? Prosecutor Myles Lane asked. “Yes” Ruth answered, “I wrote that down on a piece of paper and [Julius] took it with him.” Lane asked: “In longhand? Ruth’s answer “Yes.”. . . Yet at the Rosenberg trial, Ruth testified precisely the opposite . . . [that Ethel] told [Ruth she always typed Julius’s material.” Radosh, *How Rosenberg’s In-Law Helped Seal Their Fate*, *The New York Sun*, (September 12, 2008).

10. Ruth Greenglass’s grand jury testimony is corroborated in a secret Soviet decrypt – one of the famous VENONA decrypts that was released in 1995 by the National Security

Agency and the FBI. In an 8 January KGB message a Soviet agent reported to superiors that Greenglass “has confirmed his agreement to help us” and had turned over a “hand-written plan of the lay-out of Camp 2 [at Los Alamos] and facts known to him about the work and the personnel.” *Id.* Several conclusions become evident: (a) the paper that Ruth handed to Julius was handwritten and not typed; (b) that any “typing” by Ethel probably never took place; and (c) that Ruth’s trial testimony implicating Ethel Rosenberg was inconsistent with her grand jury testimony. These facts have led many historians to conclude that Ethel did not play a significant role in this critical aspect of the atomic conspiracy that ultimately led to her conviction and execution.

11. It took a half century after his sister’s Ethel’s execution before her brother, David Greenglass, finally admitted that he had lied on the witness stand to save his wife from prosecution when he gave corroborating testimony in support of his wife’s account. What he testified to during the trial kept Ruth Greenglass from being prosecuted and imprisoned. As a result she was able to remain free to raise their children. Ruth’s testimony also proved especially important in the sentencing phase of the trial as it in part is what Judge Irving R. Kaufman cited as the justification for sentencing Ethel Rosenberg to death.

12. Though we know that false testimony was given as a consequence of the Greenglass’s plea bargain, what we do not know is, what did David Greenglass testify to about the material he passed to Julius when he appeared before the grand jury? Did Greenglass claim he passed “handwritten” verses “typed” information? In other words, at that stage of the espionage investigation was his testimony confirmatory or revelatory regarding his wife’s testimony?

13. In a June 12, 1979 interview with historian Ronald Radosh, Greenglass could not recall exactly what he had testified to before the grand jury; he could remember only that it was “either my wife or my sister” and that to save Ruth the couple had to bring Ethel Rosenberg into the conspiracy alleged by the prosecution. See Supplemental Declaration of Ronald Radosh, at ¶3).

14. Greenglass’s admission about testifying falsely during the Rosenberg’s trial gave rise to allegations of misconduct by U.S. Department of Justice prosecutors. It therefore becomes of key interest to know what actions by the FBI and/or the prosecution gave rise to plea bargain in the first place. Greenglass claimed that when he was first interrogated by the FBI he agreed to cooperate fully on the condition that the government promise not to prosecute his wife. Was such a promise by the FBI readily agreed to by the prosecution early on, or was the promise initially dismissed by the prosecution only to be restored after uttering a threat to indict Greenglass’s wife unless he agreed to testify against Ethel Rosenberg? Circumstances suggest that was the case as Greenglass claimed that he changed his testimony against Ethel late in the trial and only after being pressured to do so by prosecutor Roy Cohn.

15. Given Greenglass’s more recent revelations about Cohn’s actions, it would be useful to know whether Greenglass was correct in his more recent recollections or whether the plea bargain arrangement was actually struck earlier, perhaps before or during the grand jury investigation. Regardless of any promises made by the FBI, exactly when were promises made by the prosecution? Was there any on-the-record exchange during Greenglass’s grand jury appearance that sheds light on the development of the plea bargain? By the time of his grand jury appearance, had the government already persuaded or pressured Greenglass into associating his sister with the Julius Rosenberg’s underground network? Given the moral dilemma Greenglass

faced – betraying a blood relative in order to protect his immediate family -- what did he tell the grand jury about his wife's complicity if anything?

16. A related question that may be revealed by the release of David Greenglass's grand jury testimony is whether there any evidence in his testimony pointing to prosecutorial misconduct on the part of lead prosecutor, Irving H. Saypol or his assistant Roy Cohn. Only the release of David Greenglass's grand jury testimony can shed light on this and other key questions that the existent historical record has yet to definitely answer.

17. Historians most familiar with the Rosenberg case rightfully argue that Greenglass's grand jury testimony may result in a wellspring of surprises. **First**, we know that originally Greenglass did not name Ethel and Julius by name as co-conspirators. A central question then is exactly when did he first name them? Was it during the grand jury investigation? And when he testified before the grand jury, did he continue to remain closed lipped about their activities, or did he in essence turn state's evidence during his interrogation? In other words, during questioning, was he a cooperative or a hostile witness?

18. **Second**, when he testified before the grand jury, what secret information did Greenglass admit to passing to the Rosenbergs about the Manhattan Project? As was evidenced by comparing his wife's grand jury with the trial record, was *his* grand jury testimony also at odds with what was revealed publicly during the trial?

19. **Third**, we know that Greenglass gave the Soviets much information about the development of America's nuclear bomb program. But as a result of the research work by historian Steve Usdin and others, it is now known that the Rosenberg spy apparatus also engaged in industrial espionage -- non-atomic military technology actually appears to have been a central

if not the main focus of Julius Rosenberg's activities. See Steven Usdin, *ENGINEERING COMMUNISM: HOW TWO AMERICANS SPIED FOR STALIN AND FOUNDED THE SOVIET SILICON VALLEY* (Yale University Press, 2005). Did David Greenglass talk about other espionage activity that he was engaged in when he appeared before the grand jury? Only Greenglass's grand jury testimony can shine additional light on this significant but often ignored aspect of the activities of the Rosenberg spy ring.

20. **Fourth**, were some of Greenglass's admissions relating to the bomb of such a potentially detrimental magnitude to the continuing integrity of the American nuclear bomb program that certain facts were not publicly acknowledged in the interest of national security?

21. **Fifth**, was Greenglass asked questions relating to possible espionage activities in the years following the end of World War II?

22. **Sixth**, did Greenglass admit to other actions on behalf of the KGB that he was not prosecuted for – for example, did he recruit others to engage in espionage?

23. **Seventh**, did Greenglass's testimony provide American intelligence analysts with additional names for investigation? For instance, it is known that Al Sarant and Joel Barr were involved in industrial espionage with Julius Rosenberg but they defected to the Soviet Union before the FBI was able to question them. Were their activities or those of others (i.e. Vivian Glassman, Max Finestone, Stanley Robert Rich, Russell and Waldo McNutt, and/or Nathan Sussman) mentioned or discussed before the grand jury by Greenglass? Was he able to provide details about the identity and actions of additional Soviet agents or their American sources?

24. **Eighth**, what did Greenglass tell the jurors about his various meetings with Harry Gold, a Soviet go-between? Gold had visited Greenglass in New Mexico to carry back atomic

secrets; he is also the individual who identified Greenglass for the FBI as the source of atomic bomb information at Los Alamos. Of particular interest would be Greenglass's statements to the grand jury about when Gold had come to his apartment with the famous half of a Jello box, used as a recognition code. Did Greenglass remember or say to the jury that Gold said, "I come from Julius," as he testified at trial, or did he use another name?

25. **Ninth**, why did Greenglass object to the release of his grand jury testimony when virtually all the other relevant testimony relating to the Rosenberg trial was unsealed back in 2008? Is it that Greenglass simply (and understandably) did not want to reopen past wounds? Is it that Greenglass wanted to avoid having to make additional public comment about his role in the case and the execution of his sister? Or, as some suspect, did Greenglass object because he knew there was incriminating testimony in the grand jury record that he did not want to see released?

26. A **tenth**, and final, question pertains to the actions, statements and attitudes of the grand jurors. One of the revealing aspects of the previously released Rosenberg grand jury witness testimony is that this particular grand jury was actively engaged and outspoken when posing questions to witnesses. Several of the grand jury members demonstrated hostility toward certain witnesses who appeared uncooperative. Others seemed to be horrified that David Greenglass would actually testify against his own blood relative. To what degree did his filial loyalty (or lack thereof) color the attitudes and actions of the grand jury? What was the interplay between Greenglass and the jurors? Was Greenglass viewed with hostility or did he garner sympathy on the part of the members of the grand jury? These are important questions in their own right, and only release of his grand jury testimony can answer them.

27. As was argued in 2008 by the largest membership organizations that represent the professional American historical community, the testimony of David Greenglass must be unsealed in order for there to be a full accounting of the most important espionage trial in American history. In their 2008 declarations several historians pointed out that, “In light of the meager evidence linking Ethel Rosenberg to the atom bomb conspiracy, and because the available historical evidence suggests that at first government prosecutors were pessimistic about the prospects of conviction, testimony of the Greenglasses is particularly important...[in fact, they are] of central importance.” *See, e.g.*, Declaration of Bruce Craig at ¶¶52-53; *see also* Declarations of Sam Roberts at ¶¶ 2-9 and Ronald Radosh, ¶¶ 2-3. The time has come to write the final chapter of the Rosenberg case.

Pursuant to 28 U.S.C. § 1746, I hereby declare under the penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on this 17th day of November 2014:


Bruce Craig