

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 ) Miscellaneous Action  
HISTORY, ORGANIZATION OF AMERICAN )  
HISTORIANS, SOCIETY OF AMERICAN )  
ARCHIVISTS, AND SAM ROBERTS )  
FOR ORDER DIRECTING RELEASE OF )  
GRAND JURY MINUTES )  
-----)

DECLARATION OF MARTIN J. SHERWIN

I, Martin J. Sherwin, hereby state as follows:

1. I am currently a Professor of History at George Mason University. Prior to teaching at George Mason, I was the Walter S. Dickson Professor of English and History at Tufts University for twenty-seven years. My current research focuses on the nuclear arms race and the Cuban missile crisis. As a scholar, my main field of interest for over thirty years has been nuclear history. I submit this declaration in support of the petition to unseal the grand jury records relating to the indictment of Julius and Ethel Rosenberg.
2. In 2005, I co-authored *American Prometheus: The Triumph and Tragedy of J. Robert Oppenheimer*, which won the 2006 Pulitzer Prize, the 2006 National Book Critics Circle Award for biography, and the English-Speaking Union 2006 Ambassador Book Award. I also authored *A World Destroyed: The Atomic Bomb and the Grand Alliance* (1975), which won the Bernath Prize awarded by the Society of Historians of American Foreign Relations, as well as the American History Book Prize awarded by the National Historical Society. It was also a finalist for the 1976 National Book Award and the Pulitzer Prize.

3. I am particularly interested in the Rosenberg grand jury records because they will likely reveal information concerning the government's prosecutorial strategy and how it impacted the decision to impose the death penalty on the Rosenbergs. An important issue in the case is why the threat of capital punishment was used in an attempt to convince the Rosenbergs to divulge information concerning spies who were involved in obtaining information about the atomic bomb. President Eisenhower refused to commute the Rosenbergs' death sentence unless they confessed and became informants. This use of the death penalty as leverage raises the question of whether the punishment that the Rosenbergs, particularly Ethel Rosenberg, received was actually proportionate to the crime that they committed. It also raises the question of whether the Rosenbergs were subject to "cruel and unusual punishment."

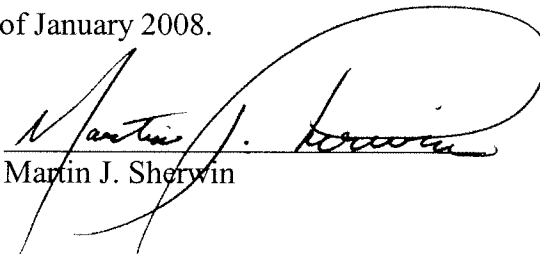
4. Significant historical interest also remains regarding the nuclear espionage issues raised by the Rosenberg case. The Rosenbergs' prosecution and conviction are central to the issue of nuclear espionage, which directly impacts our understanding of American politics and the nation's involvement in the nuclear arms race. The United States presumed the Rosenbergs' guilt, and their perceived guilt became a justification for McCarthyism and some of the nation's most harmful Cold War policies. These Cold War policies included the Federal Bureau of Investigation's use of illegal wiretaps and J. Edgar Hoover's concentration on the political issues related to communism rather than on domestic crime, an obsession that resulted in the Counterintelligence Program ("COINTELPRO") during the Vietnam War. The United States used its Cold War policies to manipulate public opinion by promoting exaggerated fears of Soviet espionage and communism generally. The Rosenberg case became a basis for the United

State's repressive Cold War political environment, and it greatly affected the nation's approach to countering nuclear espionage.

5. The Rosenberg case and the United States' Cold War policies will always be the subjects of lively academic debate. The release of the Rosenberg grand jury records would advance this important debate and enlighten the public about the Rosenberg case, and, more generally, about the development of the United States' controversial Cold War policies.

6. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing information is true and correct.

Executed in Fairfax, Virginia, this 11 day of January 2008.

  
Martin J. Sherwin