

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 )  
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DECLARATION OF JENNIFER M. DILLARD

I, Jennifer M. Dillard, hereby state as follows:

1. The following declaration outlines the current status of the most significant Rosenberg grand jury witnesses, main prosecution team, and judge. The declaration also indicates whether their grand jury testimonies have been released in whole or in part.
2. Julius and Ethel Rosenberg died in 1953. Portions of Ethel's grand jury testimony were recited verbatim at the Rosenbergs' trial.
3. Morton Sobell, the other defendant in the Rosenberg case, is still living. He lives in San Francisco. In 1974, Sobell wrote an autobiography, *ON DOING TIME* (1974). A 2001 reissue of the book includes a CD-ROM containing hundreds of FBI documents relating to FBI's investigation and monitoring of Sobell, obtained through Sobell's FOIA requests.
4. Elizabeth Bentley, a grand jury witness who also testified at the trial, died in 1963. *See Elizabeth Bentley Is Dead at 55; Soviet Spy Later Aided U.S.*, N.Y. TIMES, Dec. 4, 1963, at 47; *see also* KATHRYN S. OLMSTEAD, *RED SPY QUEEN: A BIOGRAPHY OF ELIZABETH BENTLEY* (2002).

5. Harry Gold, a grand jury witness who also testified at the trial, died in 1972. *See* Alden Whitman, *1972 Death of Harry Gold Revealed*, N.Y. TIMES, Feb. 14, 1974, at 44.
6. Samuel Levine, a grand jury witness, died in 1985. *See Army Signal Corps — Subversion and Espionage*, Hearing Before the S. Perm. Subcomm. on Investigations of the Comm. on Gov't Operations, 83<sup>rd</sup> Cong. 3175 (1953) (made public Jan. 2003) (ed.'s note), [www.senate.gov/artandhistory/history/resources/pdf/Volume4.pdf](http://www.senate.gov/artandhistory/history/resources/pdf/Volume4.pdf). Levine revealed the content of his Rosenberg grand jury testimony at the 1953 Senate hearing. *See id.* at 3190-94.
7. Joseph Levitsky, a grand jury witness, died in 1978. *See Army Signal Corps — Subversion and Espionage*, Hearing Before the S. Perm. Subcomm. on Investigations of the Comm. on Gov't Operations, 83<sup>rd</sup> Cong. 2329 (1953) (made public Jan. 2003) (ed.'s note), [www.senate.gov/artandhistory/history/resources/pdf/Volume3.pdf](http://www.senate.gov/artandhistory/history/resources/pdf/Volume3.pdf).
8. Helen Sobell, Morton Sobell's former wife and a grand jury witness, died in 2002. *See* Elaine Woo, *Helen Sobell, 84; Activist Fought to Save Lives of Rosenbergs*, L.A. TIMES, Apr. 24, 2002, § 2 at 10.
9. James Weinstein, a grand jury witness, died in 2005. *See* Margalit Fox, *James Weinstein Dies at 78; Led a Progressive Journal*, N.Y. TIMES, June 21, 2005, at A19.
10. David and Ruth Greenglass, key grand jury witnesses who also testified at trial, are living under assumed names. *See* Sam Roberts, *Capturing the Rosenbergs*, N.Y. TIMES, June 13, 2004, § 2 at 31. David Greenglass was extensively interviewed for a biography by Sam Roberts, a *New York Times* reporter and a petitioner in this case. SAM ROBERTS, *THE BROTHER: THE UNTOLD STORY OF ATOMIC SPY DAVID GREENGLASS AND HOW HE SENT HIS SISTER, ETHEL ROSENBERG, TO THE ELECTRIC CHAIR* (2001).

11. Max Elitcher, a grand jury witness who also testified at the trial, may still be alive. Minutes of his grand jury testimony were released to defendants after his testimony at trial. *See* Transcript of Rosenberg Trial at 509-18, 598-603, 610-11 (discussing release of grand jury minutes; no minutes were published in trial record).

12. Vivian Glassman, a grand jury witness, may still be alive. She refused to answer questions at the grand jury, and she still refuses to comment on alleged involvement in Rosenberg spy ring. *See* JOYCE MILTON & RONALD RADOSH, *THE ROSENBERG FILE* 128, 520 (2<sup>nd</sup> ed. 1997) (“She still refuses to comment, saying only that ‘reporters can say whatever they want’ and that the record speaks for itself.”).

13. Perry Alexander Seay, a grand jury witness, may still be alive. He briefly discussed his grand jury testimony at a Senate hearing. *See Army Signal Corps — Subversion and Espionage*, Hearing Before the S. Perm. Subcomm. on Investigations of the Comm. on Gov’t Operations, 83<sup>rd</sup> Cong. 2772, 2775 (1953) (made public Jan. 2003), [www.senate.gov/artandhistory/history/resources/pdf/Volume4.pdf](http://www.senate.gov/artandhistory/history/resources/pdf/Volume4.pdf) (discussing a dinner at Morton Sobell’s house and indicating that he was questioned about the dinner at the grand jury).

14. William Perl, a grand jury witness, may still be alive. He was indicted and convicted of perjury on basis of grand jury testimony. The content of his grand jury testimony was discussed at the perjury trial and was widely reported by the media.<sup>1</sup>

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<sup>1</sup> *See, e.g., Columbia Teacher Arrested, Linked to 2 on Trial as Spies*, N.Y. TIMES, Mar. 15, 1951, at 1, 12 (reporting indictment on perjury charges that he denied knowing Julius Rosenberg, Morton Sobell, Max and Elaine Elitcher, and Ann and Michael Sidorovich); *Perl Trial Opens in Spy Case Lying: Prosecution Reads Grand Jury Testimony on Secret Orders to Columbia Ex-Teacher*, N.Y. TIMES, May 19, 1953, at 19 (“Most of the afternoon session was taken up by [the prosecution] reading from Perl’s grand jury testimony. The highlight of the testimony was Perl’s account of a mysterious visit to him of a woman named Vivian Glassman when he was doing aerodynamics work in Cleveland for a Government agency. He said that the woman, whom he had known here, slipped into his apartment in July, 1950, after the arrest of the Rosenbergs and Sobell, picked up a piece of paper, and wrote out that she had received money and

15. Ann Sidorovich, a grand jury witness, may still be alive. At the grand jury, she denied involvement in the Rosenberg spy ring. *See* JOYCE MILTON & RONALD RADOSH, *THE ROSENBERG FILE* 69 (2<sup>nd</sup> ed. 1997) (reporting that in her grand jury testimony, Sidorovich denied that she discussed becoming a courier for the Rosenberg spy ring and that she had been present at an alleged meeting with the Rosenbergs and the Greenglasses). Sidorovich also denied involvement in the spy ring in her testimony at the Senate hearing. The closed Senate hearing transcript was made public in 2003. *See Army Signal Corps — Subversion and Espionage*, Hearing Before the S. Perm. Subcomm. on Investigations of the Comm. on Gov't Operations, 83<sup>rd</sup> Cong. 3171-74 (1953) (made public Jan. 2003), [www.senate.gov/artandhistory/history/resources/pdf/Volume4.pdf](http://www.senate.gov/artandhistory/history/resources/pdf/Volume4.pdf).

16. Al Sarant, an engineer involved in industrial espionage, was likely discussed at the grand jury. He died in 1979. *See* Office of the National Counterintelligence Executive, *CI Reader: An American Revolution into the New Millennium* 41 (vol. 3), [http://www.ncix.gov/issues/CI\\_Reader/Vol3/Vol3\\_Chap1.pdf](http://www.ncix.gov/issues/CI_Reader/Vol3/Vol3_Chap1.pdf).

17. Joel Barr, an engineer involved in industrial espionage, was likely discussed at the grand jury. He died in 1998. *See* Office of the National Counterintelligence Executive, *CI*

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instructions, from a person unknown to her, for an aeronautical engineer and another person. The instructions were for the two men to leave the country.”); *Perl Denies Lying to U.S. Grand Jury*, N.Y. TIMES, May 21, 1952, at 14 (“On direct examination he said he had no intention of misleading the grand jury when he testified he did not know Rosenberg and Sobell. He said he thought he was being asked whether he had been intimately acquainted or associated with them, and that he had not been. As for the others mentioned in the indictment, Perl said he did not realize until later that the Helene Elichter [sic] was the wife of a Max Elichter [sic], whom he had met, and that he did not recall ever meeting Ann and Michael Sodorovich [sic].”). *See also* *Perl Denies Guilt; His Bail Is \$20,000*, N.Y. TIMES, Mar. 16, 1961, at 8; *Atom Perjury Data Filed by Government*, N.Y. TIMES, May 26, 1951, at 22; *Spy Case Suspect Seeks Cut in Bail*, N.Y. TIMES, May 28, 1952, at 16; *Perl Asks for Early Trial of Perjury Case But Would Accept Delay if Bail Were Cut*, N.Y. TIMES, June 10, 1952, at 12; *Perl Once an Active Young Red, Witnesses Say at Perjury Trial*, N.Y. TIMES, May 20, 1953, at 13; *Jury in Perl Trial to Get Case Today*, N.Y. TIMES, May 22, 1953, at 12; Milton Bracker, *Perl Guilty of Perjury in Spy Case; Link to Rosenbergs Now Charged*, N.Y. TIMES, May 23, 1953, at 1, 6; Edward Ranzal, *Perl Gets 5 Years for Lying to Jury*, N.Y. TIMES, June 6, 1953, at 7; *Perl’s Conviction Upheld on Appeal*, N.Y. TIMES, Feb. 12, 1954, at 8.

Reader: An American Revolution into the New Millennium 42 (vol. 3),  
[http://www.ncix.gov/issues/CI\\_Reader/Vol3/Vol3\\_Chap1.pdf](http://www.ncix.gov/issues/CI_Reader/Vol3/Vol3_Chap1.pdf).

18. Judge Irving Kaufman, the presiding judge at the Rosenberg trial, died in 1992.

*See Marilyn Berger, Judge Irving Kaufman, of Rosenberg Spy Trial and Free-Press Rulings, Dies at 81*, N.Y. TIMES, Feb. 10, 1992, at D10.

19. Roy Cohn, one of the two main prosecutors in the Rosenberg case, died in 1986.

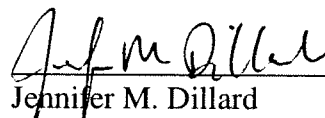
*See Albin Krebs, Roy Cohn, Aide to McCarthy and Fiery Lawyer, Dies at 59*, N.Y. TIMES, Aug. 3, 1986, at 1, 33.

20. Irving H. Saypol, one of the two main prosecutors in the Rosenberg case, died in

1977. *See Tom Goldstein, Justice Irving H. Saypol, 71, Dies; Rosenberg Spy-Trial Prosecutor*, N.Y. TIMES, July 1, 1977, at 15.

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

Executed in Washington, D.C., this 28 day of January 2008.

  
Jennifer M. Dillard