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Secret Grand Jury Testimony From Ethel Rosenberg's Brother Is Released

By **SAM ROBERTS** JULY 15, 2015

More than six decades later, the prosecution of Ethel Rosenberg remains one of America's most controversial criminal cases: Her conviction — and eventual execution — for joining in her husband Julius's espionage conspiracy rested largely on trial testimony from her younger brother.

But in private testimony to a grand jury seven months before the 1951 trial, Mrs. Rosenberg's brother, David Greenglass, never mentioned involvement by his sister in Mr. Rosenberg's delivery of atomic secrets to Soviet operatives, according to a grand jury transcript released Wednesday.

While not definitive proof that he lied at trial, Mr. Greenglass's omission — and his assertion before the grand jury that he had never even discussed espionage with his sister — provides further evidence to Mrs. Rosenberg's defenders who believe that she was unfairly convicted, and that her brother, under pressure from prosecutors, had doomed her with concocted testimony to spare his own wife from prosecution.

At the trial, Mr. Greenglass, who had been an Army machinist assigned to Los Alamos, N.M., where the atomic bomb was developed, testified that in September 1945 he had delivered bomb secrets to his brother-in-law in the Rosenbergs' Lower East Side apartment. There, he said, his sister typed his

handwritten notes for delivery to the Russians.

Summing up his case at the end of the trial, the prosecutor said Mrs. Rosenberg had “struck the keys, blow by blow, against her own country in the interests of the Soviets.”

Years later, Mr. Greenglass, who served almost a decade in prison for his role as a spy, acknowledged that in 1951 he could not recall who had typed the notes, and that he actually thought his wife had, but when she remembered shortly before the trial that it was Mrs. Rosenberg, he was not going to disagree.

The 46-page transcript of Mr. Greenglass's Aug. 7, 1950, grand jury testimony did not include any mention of the typing, nor even of the September 1945 meeting in the Rosenbergs' apartment.

That his grand jury answers would not jibe with his riveting trial testimony was not unexpected. But in light of what he testified to at the trial, the extent to which he shielded his sister before the grand jury was surprising.

Referring to a silver Omega watch and commendation that Mr. Rosenberg was given by the Soviets, an assistant United States attorney, Myles Lane, asked whether Mrs. Rosenberg ever received any similar gratuity.

“My sister has never spoken to me about this subject,” Mr. Greenglass replied.

Asked whether Mrs. Rosenberg, like her husband, had urged him to remain in the Army after World War II so he could continue spying for the Soviets, Mr. Greenglass answered broadly: “I said before, and say it again, honestly, this is a fact: I never spoke to my sister about this at all.”

The Rosenbergs were convicted of conspiracy to commit espionage — the government claimed they had stolen the secret to the atomic bomb and all but set off the Korean War — and were executed at Sing Sing in 1953. Mr.

Greenglass's wife, Ruth, an admitted courier and go-between, was not charged.

Mr. Greenglass's grand jury testimony about his sister does not necessarily contradict his trial testimony, as it has no mention of typing, but it might have undermined his credibility had it been available to defense lawyers at the time.

In response to a suit by the National Security Archive, historians and journalists, Judge Alvin K. Hellerstein of Federal District Court in Manhattan released the testimony of most of the Rosenberg grand jury witnesses in 2008, except for those who were still living.

Mr. Greenglass, who was released from prison in 1960, died last year. Over the objections of his family and the government, the judge ordered in May that his testimony be made public.

"This revelation points to perjury on the stand by David Greenglass," said Thomas S. Blanton, director of the National Security Archive at George Washington University, an independent group that focuses on transparency.

David C. Vladeck, the lawyer who argued for the release of the transcripts, said the Greenglass testimony "underscores the likelihood that the testimony used to convict Ethel Rosenberg was, as David Greenglass later admitted, cooked up right before trial.

"If that's so, and it appears to be, that is a tragic commentary on the 1950s-era Justice Department."

Michael and Robert Meeropol, the Rosenbergs' sons, acknowledge that their father was legally guilty of the actual charge lodged against him, which was conspiracy, not overt espionage. But they maintain that he, much less their mother, did not deserve to be executed and that the government charged her largely as leverage to persuade their father to confess.

"It's not 100 percent proof that the September espionage meeting never

took place, but it's a strong indication that it didn't," Robert Meeropol said Wednesday.

While the Rosenbergs were charged with conspiracy — not overt spying — an aggressive defense lawyer might have wielded Mr. Greenglass's grand jury testimony to poke holes in the prosecutor's case.

The grand jury testimony suggested that Julius Rosenberg had been thoroughly briefed about the bomb by the Soviets so that he would know what information to find, and that Mr. Greenglass later filled in some gaps.

Asked to recall his conversation with Harry Gold, the Soviet courier who met him in Albuquerque in June 1945, Mr. Greenglass neglected to mention the incriminating quote from Mr. Gold he testified to at the trial: "I come from Julius."

His testimony also suggests obliviousness to the consequences of stealing atomic secrets. Asked whether Mr. Rosenberg was worried about being arrested, Mr. Greenglass replied: "Well, he wasn't worried about that, because this atomic information I gave to him was small compared to the information he was getting from other sources."

And, he recalled, when Mr. Rosenberg advised him to hire a lawyer, "My wife and I said, 'Why should we?'" Instead of fleeing the country, as Mr. Rosenberg suggested, Mr. Greenglass said they intended to escape to the Catskills for the summer.

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