

Key evidence in Rosenberg trial to remain secret

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By [Edith Honan](#)

NEW YORK (Reuters) - Testimony that could help clear executed American communist Ethel Rosenberg of charges she helped pass atomic secrets to the Soviet Union in the 1950s will remain secret, a judge ruled on Tuesday.

U.S. District Judge Alvin Hellerstein rejected a petition from the National Security Archive seeking the release of grand jury testimony by Ethel's brother, David Greenglass. Greenglass was a key prosecution witness in the famed 1951 spy trial that ended in the 1953 execution of Ethel and her husband, Julius Rosenberg.

The case, which has been described by Rosenberg supporters as a frame-up amid anti-communist McCarthyism hysteria and Cold War fear, hinged on Greenglass and his wife, Ruth Greenglass, fellow communists who became prosecution witnesses.

David Greenglass, 86, admitted in interviews for a book published in 2000 that he gave false testimony under pressure from prosecutors. But unlike most of the other surviving witnesses who testified, he has asked that his grand jury testimony not be made public.

Hellerstein said the public's right to know was outweighed by the tradition of grand jury secrecy following arguments in a hearing held Tuesday in Manhattan federal court.

"He may be a scoundrel, he may be a hypocrite, he may be a liar," said Hellerstein. But he added, "It's no easy task to compare the value of accountability with grand jury secrecy."

Hellerstein reserved a ruling on whether the transcript would be released following Greenglass' death.

Greenglass' lawyer, Daniel Arshack, said in a letter to the court that Greenglass' objection was based on an expectation of privacy.

As a rule, grand jury proceedings are secret. In June, the government agreed to release transcripts in the Rosenberg case, so long as each of the original 46 witnesses who testified was dead or had given consent.

Greenglass, who confessed to helping Julius and served 10 years in prison, testified at the 1951 trial that Ethel, a secretary, had aided the conspiracy by typing notes that included top secret information on the U.S. Manhattan project to develop the atomic bomb.

In interviews, Greenglass has said that he had fabricated that detail in order to protect his wife, Ruth Greenglass, who was also implicated in the conspiracy, from being prosecuted, said David Vladeck, the attorney representing the National Security Archive.

Ruth Greenglass died earlier this year at 83.

Other witnesses testified that Ethel Rosenberg had not been present when national secrets were discussed, Vladeck said.

"He has, in our view, forfeited any reasonable right to privacy" by speaking publicly about the case, Vladeck told the court, referring to Greenglass.

It was not discussed in the proceedings whether Ethel Rosenberg would be eligible for a posthumous pardon if evidence came to light clearing her.

(editing by Christine Kearney and Cynthia Osterman)