

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
IN RE PETITION OF NATIONAL SECURITY)
ARCHIVE, AMERICAN HISTORICAL)
ASSOCIATION, AMERICAN SOCIETY OF LEGAL) Misc. No. 11-188
HISTORY, ORGANIZATION OF AMERICAN)
HISTORIANS, SOCIETY OF AMERICAN)
ARCHIVISTS, AND SAM ROBERTS)
FOR ORDER DIRECTING RELEASE OF)
GRAND JURY MINUTES)
-----X

SUPPLEMENTAL DECLARATION OF STEVE USDIN

1. I, Steve Usdin, submit this supplemental declaration to respond to the argument made by the government suggesting that the Brothman/Moskowitz grand jury records should not be released. As set forth below, I believe that there is a consensus among Cold War historians that the Brothman/Moskowitz grand jury records are critically important to a complete understanding of the related prosecution of the Rosenbergs.

2. Although they were separate prosecutions, the Rosenberg case and Brothman-Moskowitz cases were products of the same FBI investigation. It is impossible to come to a complete understanding of the Rosenberg case without knowledge of the Brothman-Moskowitz case. If, as I believe, release of Grand Jury records for the Rosenberg case is justified, it is equally reasonable to release the Brothman-Moskowitz Grand Jury records. Both the Brothman and Rosenberg networks focused on industrial espionage, and each exploited the access that mid-level engineers had to detailed technical information.

3. Release of the Brothman-Moskowitz Grand Jury records could shed valuable light on important elements of both the Brothman and Rosenberg ring espionage operations. Brothman's and Rosenberg's espionage activities were both managed for a time by Jacob Golos, a founding member of the American Communist Party (CPUSA), who was for many years the most

important Soviet intelligence operative in the United States. Golos recruited his operatives from the ranks of the Communist Party, a strategy that was both extraordinarily effective – Party members were dedicated, motivated and willing to take risks for the sake of the Soviet Union – and risky. Once the FBI learned that Soviet intelligence was recruiting CPUSA members, it became much easier to track down spies and to exclude Party members from positions that could give them access to sensitive information.

4. Abraham Brothman began selling industrial intelligence to the Soviet Union in the late 1930s. Initially he provided blueprints and other documents to a woman he knew only as “Helen,” who transmitted the material to Golos. Helen’s real name was Elizabeth Bentley. Starting in 1940, a chemist named Harry Gold replaced Bentley as an intermediary between Brothman and Golos. A year later, Golos began receiving information from Julius Rosenberg. Golos relied heavily on Bentley, his lover and confidant, as a courier and agent handler. Bentley’s defection in 1945 decimated Soviet intelligence in the U.S. She testified at the Brothman-Moskowitz and Rosenberg trials.

5. As described in my book, “Engineering Communism: How Two Americans Spied for Stalin and Founded the Soviet Silicon Valley” (Yale U. Press, 2005), Gold’s connections to both Brothman’s espionage and the Rosenberg ring meant that discovery of the former led the FBI to detect the later. “Engineering Communism” describes a December 1946 meeting between Gold and his Soviet controller, Anatoly Yatskov, that crystallized the significance of this linkage. Gold had informed Yatskov that, contrary to explicit instructions to stay away from Brothman, he was working under his real name in Brothman’s company. “Brothman had come under suspicion from the FBI, and he was the last person to whom the KGB would have wanted Gold to reveal his identity. Instantly recognizing the danger posed by Gold’s relationship with Brothman,

Yatskov grabbed his head with both hands and moaned. ‘Look, don’t you know that man is suspect’ by the FBI, the Russian asked. ‘You fool,’ he spit out, ‘you have spoiled eleven years of preparation!’” Throwing a twenty-dollar bill on the table, Yatskov stormed out of the bar, telling Gold that he would never see him again. Yatskov sailed to France the next day aboard the *S.S. America*. His fears were justified: when the FBI finally tracked down Gold, it was through Brothman.” “Engineering Communism,” at 107.

8. The FBI described the consequences of the interconnection between Brothman and the Rosenberg ring in a summary of the Rosenberg case it prepared for “Look” magazine in September 1953. “It is interesting to note that the Soviet intelligence services, in utilizing Gold to contact Greenglass, made a mistake in security which ultimately led to the uncovering of the Rosenberg spy ring, a network of the one Gold was involved in.” The summary notes that standard Soviet practice was to keep networks completely distinct, with members of one network absolutely ignorant of the composition of other networks, “so that in the event one network is detected [by counterintelligence], the other will not be compromised.” By using Gold to communicate with both Brothman and Julius Rosenberg’s brother-in-law David Greenglass, the KGB violated this principle. “The Soviets have undoubtedly found good reason to regret this error in judgment,” the FBI summary noted. See FBI Memorandum: The Rosenberg Espionage Conspiracy: “Look” Magazine at 43 (Sept. 15, 1953), available at: <http://foia/fbi.rosen/rosen1.pdf>.

9. Not only were the Rosenberg and Brothman cases linked, but the prosecutions also had many common elements. The Brothman-Moskowitz trial was a dress rehearsal for the Rosenberg trial. It featured testimony from Harry Gold and the KGB defector Elizabeth Bentley, two key witnesses in the Rosenberg trial, giving the witnesses and prosecutors experience

dealing with espionage issues in front of a jury. The same prosecution team handled both trials, and both trials were presided over by the same judge. Both trials were based on evidence gathered by the same FBI counterintelligence officers, and were predicated on many of the same intelligence sources.

10. A recent experience with the National Archives illustrates the importance of releasing physical evidence that was presented as evidence to the Grand Jury, as well as transcripts. For several years the Archives had 13 photographs of individuals associated with the Rosenberg case posted on its website. Historians have downloaded these images, they have been broadcast on television programs and reproduced in books (including "Engineering Communism"). In response to my query about the origins of the photographs, archives staff determined that they were presented to the Grand Jury but were not used at trial. The Archives has determined that the photographs are subject to the same prohibition on public release as other Grand Jury records and has therefore removed them from its website and will not allow researchers to view them in its reading room.

In accordance with 28 U.S.C. 1746, I hereby declare under the penalty of perjury that the foregoing is true and correct. Executed this 10 day of July 2008.



Steve Usdin