

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

Misc. No. 11-188

**DECLARATION OF KRISTIN L. ADAIR**

I, Kristin L. Adair, declare as follows:

1. I am Staff Counsel at the National Security Archive (the “Archive”), a not-for-profit research institution located at the George Washington University in Washington, D.C. In this capacity, I assist with the Archive’s litigation and advocacy projects. The Archive is a Petitioner in this case.

2. I submit this declaration to respond to certain factual claims made by the Government in its Partial Opposition to the Petition for the Release of Grand Jury Records.

**A. The Rosenberg Grand Jury Witnesses**

3. The Government was unable to locate or confirm the death of seven of the witnesses who testified before the Rosenberg grand jury. The Government’s submitted declaration lists these witnesses as “Status Unknown.” Decl. of Andrew M. McNeela Ex. D. However, several witnesses listed as “Status Unknown” have in fact died.

4. William Perl died in September 1976, according to a search of the Social Security Death Index (SSDI). Annexed hereto as Exhibit A is a record of this search, and as Exhibit B a news item confirming Perl's birthdate of October 1, 1918, which is listed in the SSDI record.

5. Perry Alexander Seay died on November 5, 1992, according to a search of the SSDI. Annexed hereto as Exhibit C is a record this search. Annexed hereto as Exhibit D is an obituary from the *Syracuse Herald-Journal* confirming Seay's death in 1992.

6. There is strong evidence that Michael Sidorovich has also died. An obituary published upon the death of his wife, Anne Sidorovich (also a Rosenberg grand jury witness, listed by the Government as "Deceased"), in 2005, states that Mrs. Sidorovich was "[p]receded in death by her husband Michael Sidorovich." The obituary, from the *Columbus Dispatch*, May 20, 2005, is annexed hereto as Exhibit E. Moreover, the materials submitted by the Government use an incorrect spelling of Sidorovich, listing both "Anne H. Sidarovich" and Michael Sidarovich." Annexed hereto as Exhibit F is a Federal Bureau of Investigation document dated July 18, 1950, which references the Julius Rosenberg espionage case and lists background information, including Social Security Number and date of birth, for "Michael Sidorovich." Therefore, "Sidorovich," and not "Sidarovich," appears to be the correct spelling of the surname.

#### **B. The Brothman/Moskowitz Grand Jury Materials**

7. In its Memorandum of Law in Partial Opposition to the Petition for the Release of Grand Jury Records, the Government asserts that "[n]owhere do petitioners contend that the Brothman/Moskowitz obstruction of justice prosecution garnered even a fraction of the widespread contemporaneous coverage of the Rosenberg matter." Gov't's Br. 31. Further, in support of its claim that "the Brothman/Moskowitz matter has received scant recent attention,"

*id.*, the Government cites searches conducted using Westlaw and Lexis/Nexis that yielded few matches for searches on “Miriam Moskowitz” and “Abraham Brothman.”

8. The Government’s brief does not make clear that the Lexis/Nexis searches referenced in the McNeela Declaration did not cover any contemporaneous material, only articles published within the last 20 to 30 years. The key sources in the Lexis/Nexis databases searched—“Magazine Sources, Combined” and “News, All (English, Full Text)”—do not include any materials published at the time of the Brothman/Moskowitz and Rosenberg trials. In particular, these databases include articles from the following publications, among many others, covering the given date ranges: *New York Times* (1969 to present); *Washington Post* (1977 to present); *Los Angeles Times* (1985 to present); *Newsweek* (1975 to present); *Economist* (1975 to present). Attached hereto as Exhibit G are the relevant source listings from these LexisNexis databases.

9. I conducted several additional searches for news coverage of the Brothman/Moskowitz matter. A search of historical databases revealed broad contemporaneous coverage of the Brothman/Moskowitz trial. A search conducted through the database ProQuest Historical Newspapers The New York Times (1851 - 2004), using the search query “Abraham Brothman OR Abe Brothman OR Miriam Moskowitz” and searching between 1949 and the present, located 44 articles. The majority of these results consist of news coverage of the Brothman/Moskowitz trial published between 1950 and 1951. A record of this search is attached as Exhibit H. An identical search of the ProQuest database Historical Newspapers The Washington Post (1877 - 1991) revealed 22 articles about the Brothman/Moskowitz matter. A record of this search is attached as Exhibit I. A search of the Time magazine online Archive (available at <http://www.time.com>) found 3 separate articles about the Brothman/Moskowitz trial

published in that magazine between August and December 1950. A record of this search is attached as Exhibit J.


10. I conducted a Lexis/Nexis search for articles about William Remington, a prominent government official who was tried and convicted of perjury related to espionage in two separate trials, in 1950 and 1953. The grand jury transcripts from the investigation of Remington were released pursuant to an order of this court. *In re Petition of May*, 651 F. Supp. 457 (S.D.N.Y. 1987). A Lexis/Nexis search of the databases “News, All (English, Full Text)” and “Magazine Sources, Combined” for “William Remington,” limited by the term “soviet” to ensure records about other individuals with the same name were excluded, revealed only recent 30 matches, attached hereto as Exhibit K. Many of the matches were book reviews that mention Remington or obituaries of famous individuals who were connected to the trial, but few articles that focus on Remington himself or his perjury trial.

11. I also conducted a narrowed search of recent news sources for references to “Ethel Rosenberg.” A Lexis/Nexis search identical to that performed by the Government, but with the date range limited to include only articles published during the year 2007, returned 151 results. A record of this search is attached hereto as Exhibit L. The sampling of recent articles located in this search were not primarily news items about the Rosenberg trial or its aftermath that demonstrate continued public interest in that proceeding; rather, most were articles with only passing references to Mrs. Rosenberg—for example, obituaries of individuals involved in espionage activities in the 1950s, book reviews, arts and theater items that reference the Rosenbergs, and mentions of Ethel Rosenberg’s execution in stories about other women who have been given the death penalty. There are also a number of similar or identical articles about

the same subject, such as obituaries of Alexander Feklisov and reviews of a television drama that included as a character the ghost of Ethel Rosenberg.

12. Scholars who have studied the Rosenberg case have also analyzed closely the Brothman/Moskowitz grand jury testimony and trial, largely because of two very prominent witnesses in those proceedings who were also connected directly with the Rosenbergs: Elizabeth Bentley and Harry Gold. A Lexis/Nexis search of the databases “News, All (English, Full Text)” and “Magazine Sources, Combined” for the name “Elizabeth Bentley,” limited by the term “soviet,” located 308 recent articles. (A search for “Elizabeth Bentley” without any additional terms found 606 articles, many about other individuals with the same name.) A Lexis/Nexis search of the databases “News, All (English, Full Text)” and “Magazine Sources, Combined” for “Harry Gold,” also limited by the term “soviet,” found 236 recent articles.

Pursuant to 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, in Washington, D.C.

  
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