M A X E L I T C H E R , called as a witness, having first been duly sworn by the Foreman, testified:

BY MR. LANE:

Q Will you give your full name to the stenographer. A Max Elitcher.

Q Mr. Elitcher, how old are you? A 32.

Q Where were you born? A In New York City.

Q Where were you educated? A At Public School -- well, beyond public school -- public schools in New York City, in Manhattan; Stuyvesant High School and City College of New York, Engineering School.

Q When did you graduate from City College? A In June of 1938.

Q Are you married? A Yes, I am.

Q Any children? A Two children.

Q Ages? A Six -- seven months, and four years and a few months.

Q What was the maiden name of your wife? A Helene Sternberg.

Q When were you married? A 1943.

Q In New York City? A Washington, D. C.

Q You understand you are coming in to this tribunal voluntarily? A I do.

Q You understand also that anything you say here may be subject to penalties of perjury? A Yes.

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Q And also that you have been advised of your Constitutional rights? A I have.

Q You have had an attorney that you have consulted? A Yes.

Q Who was that? A Mr. Fabrikant, of the law firm of Rogge, Fabrikant, Goldman and, I believe, one other.

Q Fabrikant-Rogge? A Yes.

Q He has advised you of your Constitutional rights so that you understand them? A Yes.

Q As I understand it, you are making these statements here today without any promises or anything of that sort? A Yes, and I might say, what I am saying and what I have said were done before I went to the law, before I even sought counsel.

Q Do you know Julius Rosenberg? A I do.

Q When were you first acquainted with Julius Rosenberg? A Well, I would say some time at school, at City College, I don't know when my first meeting with him would have been.

Q Were you classmates? A We were classmates, yes. Apparently he is of a later class, but I understand that I met him at City College, so that we were possibly in some courses together and I knew of him.

Q At that time had you become interested in the Communist movement? A I had not.

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Q Did Julius Rosenberg talk to you about that at

any time? A I believe there were one or two people who mentioned it, who asked about it, and I am pretty sure that Rosenberg was one, but I can't be certain. I am not sure he was one of those, but my recollection seems to be that he was one of those who might have asked me.

Q During that time? A During that time, yes; I believe in my senior year.

Q Had you known his wife, Ethel Rosenberg? A I have met her. I do not know her. I met her in the one or two meetings I had with Rosenberg, but I do not know her.

Q In New York City? A In New York City, yes.

Q Do you know her brother? A No, I don't.

Q Or her sister-in-law? A I had no knowledge of them.

Q I am talking about the Greenglasses. A I understand.

Q Do you know Morton Sobell? A Yes, I do.

Q When did you first meet him? A I believe he went to Stuyvesant High School with me. I know very little of him at that time. We apparently were in some classes together. I have a little memory of that association. We also went to City College together, Engineering School, graduated at the same time.

Q You graduated in the summer of 1938? A That's right. It was the class of January, actually. My graduation was held over until June. It was the class of January or February 1938.

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Q Then you got a position, did you, after that? A Yes.

Q With whom and when did you get this position? A In November of 1938 I got a position with the Bureau of Ordnance, the Navy Department, in Washington, D. C., as a Junior Engineer. I got the position there as the result of a Civil Service examination.

Q What were your duties in this particular job? A At that time?

Q Yes. What type of work did you handle? A I did drafting work on fire control equipment for naval vessels.

Q How long were you with the Navy Department doing this work? A I was with them until October of 1948.

Q Was this work secret and classified material? A Well, yes. It was classified up till confidential, and I had access also to some secret material till the end of my stay there.

Q That was that automatic fire control equipment? A That's right.

Q Where you coupled in radar with it? A Yes.

Q What was Sobell doing? A He came --

Q In this interim? A He came down to this same bureau in 1938, but he left -- he had a similar position and he left in 1941 to go to the University of Michigan to take postgraduate work, and from there he went to the General Electric Company in Schenectady.

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Q When was that? A I don't know the year that he

made that change. Probably in 1942, after he left Michigan -- University of Michigan.

Q Where did you live in Washington? A Well, when I first came down I lived at 1466 Columbia Road, N.W., Shall I go on with all the places?

Q Yes. A From there I moved to 1316 Delafield Place, N.W.

Q When did you move to 1316 Delafield Place? A That would be November or December -- near the end of November, 1938.

Q Did you live there for the rest of the time you were in Washington? A No. I lived there about two or three months, and at that time Morton Sobell came down to live in the house next door.

Q Where was this -- where did he live? A That would be, probably, 1314 Delafield Place. I will say this, he would have lived in the same house. There was no space in the house. I should explain that. At 1316 there were four or five, some of them were classmates at school, who got together and rented this house for the winter months.

Q Who were they? A There was a William Danziger; there was a William Zuckerman; Stanley Rich, and I believe I have told the men there was one other person, I do not recall his name, and Edward Hillman.

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Q Were they all classmates? A Some were. Stanley Rich was a classmate; Zuckerman I believe was a classmate;

Danizer was a classmate.

Q Were they all engineers? A That's right.

Q Were they all working for the Navy Department? A No. Rich, Danzier, Sobell and myself and Hillman were working at the Navy Department; in fact, in the Bureau of Ordnance.

Q That was 1938 or '9? A That's right, sir.

Q At that time wasn't it a fact that these people that you were living with and yourself were part of a Communist cell? A No, no, sir; not at that time.

Q When did these Communist activities begin? A Well, let me go on just a step.

Q All right. A After the house disbanded, we each one went out own way and lived in our individual houses and rooms. Morton Sobell got me to take an apartment with him at 5309 -- no, 4925 Seventh Street.

Q When was that? A That would be about April or so of 1939, April or May; it was about a month or two delay before that happened. During our stay there he got me to, that is, he would ask, for a number of months, I do not know actually when I actually did join the Communist Party, but it was sometime during the year of 1939, I would say.

Q Will you give us the mechanics of that, how you happened to join and where it was and so forth? A He took me to some house, I have no knowledge of where it is or where it was, it was not that it was secret --

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Q This is Sobell? A This is Sobell, yes. As I say, I do not recall whose house it was. There were ten to fifteen people there, apparently having a meeting, and he introduced me to them, to these people, and he, as I say, I had come down, he brought me down to go to a meeting. I had been resisting his attempts to join the Communist Party, but I went with him to this meeting, and from then on I continued to go with him as a member of this group. I don't know, the people there were all strangers to me. They weren't people who worked -- none of the people that we have talked about -- none of the people that resided at that house.

Q Was there any ritual? A No.

Q Or any induction? A No.

Q How did you happen to become a member? A Just by saying that I would be a member.

Q Have to take an oath of any sort? A No, sir.

Q Who was the man who took charge there? A I do not recall who the person was. It was not Sobell, and I do not know who it was.

Q Did you see him subsequently? A I do not even know who he was. I do not know who was in charge of the particular meeting.

Q Didn't you become a part of a cell group? A Yes.

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Q Broke off. In fact, at that meeting they were breaking up into smaller groups, and we broke off, I think

about six or seven people who were -- who then met with myself and Sobell. We haven't gone over this material so I do not recall their names or who they were. We haven't been talking about this. I could probably be able to recall some of the names. As I say, they were, until that time, strangers to me.

Q Then what took place from then on? Did Sobell question you about the material or work that you were working on in the Navy Department? A He knew what I was working on. He was not in my immediate sub-section, sort of, but he did know what I was working on, and I knew what he was working on.

Q And you would converse on the topics? A Yes.

Q That was the spring of 1939, is that correct? A I would put it later, but it was in the year 1939.

Q When did Sobell leave Washington? A 1941.

Q And after that did you have occasion to meet with him? A Yes, I met him a few times.

Q Periodically? A Yes, no regularity; they were not planned visits. If he was passing through Washington, which he did, or he was visiting in New York City and I happened to be there, I would meet him. Purely on a friendly basis; it had nothing to do with the -- early meetings had nothing to do with Party activities.

Q In those days did you converse or discuss the work that you were doing? A Yes.

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Q With him? A Yes, I believe so.

Q When did you meet Julius Rosenberg again?

A My first real memory of him because, actually, I do not recall much, but sometime in 1944, I place it somewhere in the first -- somewhere about March, April of 1944 -- I had bean married and we had an apartment at -- my wife and I had an apartment at 247 Delaware Avenue, SW, he came down one evening, he called from Washington, he had arrived, and said he would like to see me. He came in sometime after supper, and he talked to me. After he had talkd to my wife and myself socially, somehow or other, we were talking privately, I don't know how it came about, he said to me -- he started up talking about the war effort, the war effort that the Russians were making, and said something to the effect that the Russians were not getting all of the military information that they should get, or people were withholding information from them.

Q He said people? He said the United States.

A I mean, referring to the United States, that there were people who were not giving them full cooperation in the war effort. He went on about this shortly, and then he said there were individuals, or people, who were contributing to the Russians by providing them with information which was lacking. These may not be his exact words. I don't recall exactly how he put it to me,

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how he asked me whether I would be willing to help. I do not know whether it was a direct question. In any case, I sort of said I'd see about it. I did not turn him down.

Q Look, you are here, and you are telling the whole story. Do not try to rationalize a bit, if he actually said so. After all, what was the purpose of his visit down there? A I am just trying to be accurate, I am sorry. He asked me, but the way in which he asked me -- I am sorry. I will say he asked me to -- would I contribute, and my answer -- I do not recall, I really do not -- it was something to the effect that I would see, I was in accord with what he was saying, I would go along with him, and I would see what I could do about it. I had no information -- I was not working on really confidential material at the time, and he said, he would see me again, as he would come to see me at some future date. He made no specific appointment. The next time I did not see him or hear of him for a number of months, and sometime in the summer, I believe it was in the warm months of the same year --

Q 1944? A 1944, he returnedagain on the same mission. He,he repeated -- as we met he opened the conversation by talking again about what the Russians were doing, about the need for giving information, and the conversation went about the same. My position hadn't changed. I had no information. I hadn't told him I would

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give him, but I said I would see, that I would -- if anything came up, I'd tell him about it.

Q Did you actually give him any information? A I did not give him any information.

Q Did he mention Sobell's name? A Yes. I believe it was that second conversation that he said to me-again I will have to perhaps manufacture the words --

Q I do not like the use of the word "manufacture". To the best of your recollection what was the conversation? Do not manufacture anything. A I am sorry. Something like, "You know, Mort is helping us, giving information. He is working with me." Something to that -- however not, no inferences. He was very specific about what he was saying, I will put it that way.

Q Did he lead you to believe from his conversation that Sobell was working hand in glove with him in that particular endeavor? A That's right. He did not follow it up. I presume -- I will give this assumption -- that he wanted, since he knew of my associations with Sobell, having been living with him until he left Washington, and had been a friend of his, that he was trying to sort of get me to feel there was someone I knew who was also party or to --

(Cont. by IFQ)

A (Cont.) to sort of convince me of the need for giving of this information.

Q In other words, to reassure you? A That's right, it would be a reassurance; he didn't say it as such, but this is what I gathered. Now, to follow that up, the first - - on approximately the next occasion of my seeing Sobell - - again I don't recall the exact date - - I had been going to New York on business occasionally, and I might have even been on a social visit, but I don't believe so - - but, anyway, the next time I saw Sobell I happened to mention to him that Rosenberg, or Julie, had come to see me in Washington, and he sort of said - -

Q Now, stop right there. Where did you see Sobell? A In New York.

Q And what was the date? A It would be some time after the fall of 1944; it might have been early in 1945.

Q And it was in Manhattan? A It was in Manhattan.

Q Do you know whereabouts? A No, I don't.

Q Was it the Grand Central? A No, it wasn't, but it was some place in Manhattan.

Q And you had a conversation with Sobell? A That's right.

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Q And what was the conversation? A Well, I don't know the rest of the conversation, but this bit came out:

I said to him, "Julie visited me in Washington," and he sort of accepted that - he nodded and didn't ask me any questions - - and then I said, "He told me you were working with him, on giving military information," at which point he became very angry, presumably at Rosenberg.

He said, "He shouldn't have told you that, he shouldn't have said that to you." I said, "Well, - - " Well, I gave him two reasons in my answer; I said, "Well, he knew of our close association, and probably felt free to talk about it, and secondly, you probably knew of him seeing me, so he probably felt free to talk about it, in sort of a three-way deal," so he said something to the effect, "Oh, it does not make any difference, he shouldn't have told you about it," and that was the last of it.

Q He didn't deny it? A No, he did not deny it.

Q He did admit it, didn't he? A Well, it is hard for me to say that. It certainly was implied. I don't recall whether he said, "Yes, I am giving information." He was angry, not at the fact that he was giving information, but that a third party had been told about it, even though it was me.

I said, "Well, he probably felt free to talk to me about it because he knew we were quite close, and he probably knew you knew of him visiting me."

Q Did he say why he was angry about it? A Well, just that the confidence had been violated, and a third

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party had been told about this deal.

Q He said that he was annoyed because Rosenberg had violated a confidence? A That's right.

Q Now, that was early in 1945, this conversation? A That's right, either late '44 or early '45. I haven't been able to check on when that visit might have been, but roughly that is quite close. I will just give you the reason I think so. I wanted to talk to him about it the next time I was able to see him, so that places it pretty accurately.

Q Now, what happened next? A Well, in regard to this matter there were three other meetings that were held. At one point, I don't again recall where it was, but I think it was quite early, I went up to see - -

Q Now, Max, look: It is very important that you set forth two things when you give any statement about conversations: one is when it took place, and two is where it took place - and, of course, the third is who was in the conversation. Remember that, each time you tell us about it. A I will jump, because this one is a little vague, but I hadn't seen Rosenberg for quite some time. I had seen him socially twice, once in '44 and once in 1946.

Q Where did you see him in 1946? A In New York City, at his house. There was a gathering of people, and I was there.

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A JUROR: In whose house?

THE WITNESS: Rosenberg's. However, since then I had had no contact with him until 1948, when in the course of my coming to New York and calling up Sobell he said that Rosenberg wanted to see me, or something of that nature.

Well - - I am interrupting for a moment - - I was going out to Sobell's house, either for supper or to stay the night, and in the course of our going home - that is, going down to the Independent subway - we met Rosenberg - -

Q Where was this? A Somewhere between Grand Central and 53rd Street and 3rd Avenue. There was a very short conversation, and I think it was more of an introductory one.

Q What was said? A Just some general statements about the Russians. I know that Sobell was not in the conversation.

Q But he was present at the conversation? A Yes, he was present, but I haven't been able to recall the details of that particular conversation.

Q In general, what was it? A In general, it was the question of giving information. The exact contents of it I haven't been able to establish.

Q But it was a request by Rosenberg for more information for the Russians? A That's right; but nothing happened at that meeting. It was a short meeting, and we

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left to go to Sobell's house. There was no conversation about this particular matter any further. We went home and we did not discuss it at that particular time.

Q Where did Sobell live? A In Flushing; 164-17 73rd Avenue.

Q When did that conversation take place? A Around some time in March.

Q In March, 1948? A That's right.

Q Didn't Rosenberg tell you at that time that he would be in communication with you, to get this information? A Yes, he said he would get in touch with me again. I don't recall whether he said via Sobell or not, but he made no specific appointment with me.

Q Now, what did Sobell say about this on the way home? A Nothing.

Q What did he say when you got home? A Nothing.

Q Nothing at all? A We didn't discuss it. There was always a bit of silent communication between Sobell and myself about that.

Q What happened next? A I had been negotiating to get a job in New York City for some time, and I had let Sobell know about this on many occasions. In fact, I was trying to get a job at the same place that Sobell worked - Reeves Instrument Corporation. He had left G. E. some time; I have no knowledge of the exact date. He was sort of discouraging me, and never indicated why but he tried to

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keep me from taking the position - -

Q Who was doing this? A Sobell.

Q He didn't want you to leave the Navy Department? A Well, he put it this way: he didn't want me to come to work for Reeves, and he said it was because of the working conditions, and so on. He didn't want me to make the change, at any rate. Well, in July I had made a decision to leave the Navy Department and go to work for Reeves, and I came to New York - - I have placed the date somewhere around June 1, 1948, I called up Sobell, and was not going to visit the plant, although I had visited the plant on numerous occasions - -

Q Where did you call him? A At Reeves.

Q Where is Reeves? A 215 East 91st Street.

Q Where did you call him from? A Probably from the station.

Q Grand Central? A Penn Station. I said I had finally decided to leave Washington, and take the job at Reeves; and he said, "Don't do anything about it until you talk to me. I wanted to talk to you about this, and Julie is also interested in speaking to you about this matter," and I don't know exactly how it was done - whether he had already made an appointment with Rosenberg - but he said he would meet me, or he had made some arrangements to meet Rosenberg, at 42nd Street and 3rd Avenue, after hours.

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Q That is 42nd Street and 3rd Avenue? A That's

right. I came at six o'clock, and Rosenberg and Sobell appeared.

Q Was that in the street? A Yes.

Q Did you have your conversations in the street? A That's right, we had our conversations in the street.

Q How long were you there? A Probably a half an hour to an hour.

Q And what was said? A I don't know whether he had told Rosenberg about it, but anyway I told Rosenberg I was leaving Washington to take this job at Reeves, and he was very displeased about it and said something to the effect, "I need somebody to work at the Navy Department, and I want you to stay there. I want you to stay." I don't recall whether he said there was no one else to work there, but there was a definite need for me to stay at the Navy Department.

Q Did he tell you what for? A To sort of take care of work - that is, this giving of information.

Q He must have said that. A Well, I am trying to - - he said - - let me try to reconstruct it - -

Q It has been two years ago, and you can't get it exactly, but the best of your recollection. A It was something like, "We need someone to work at the Navy Department, to get information from the Navy Department, [illegible] someone to work at that particular billet," and there was no one they knew that was close to the Navy Department,

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that might be able to give information. He specified that, not necessarily to be in Washington, but at the Navy Department.

So I said I had made up my mind to leave, and it would make no difference. During this time Sobell was not in the conversation, but I do recall that he agreed with what Rosenberg was saying, whether he would nod assent or agree verbally, saying, "Yes, Rosenberg is right," but at any rate he was definitely on his side.

I sort of have some memories that they were displeased that I was going to Reeves, where Sobell was working, and there would be two people - -

Q Wait a minute. What did Sobell say that made you believe he was definitely on Rosenberg's side of the argument? A He would just agree with him, but he was not in the conversation.

Q What did he say or do? A If Rosenberg said, "We have to have someone there, as a source of information," Sobell would say, "Yes, that is important." At any rate, he was definitely on his side. He said very little; he was just walking along with us.

Q You walked as you talked? A Yes.

Q Where did you walk to? A Oh, on 3rd Avenue, up to 45th, and then down to 46th, or something like that; it was in the immediate vicinity that we were wandering around.

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Q What else was said? A Rosenberg said, not only did he want me to work there, but he had made some elaborate plans to have me meet a contact in Washington, and this was the first he had mentioned of any contacts outside of himself, or outside of New York City.

In the first meeting when he had talked of information, he said, "If you have anything, you must bring it into New York City," and he would take care of it; but now he said he had written, apparently, and he had in his pockets an elaborate scheme for me meeting someone in Washington, and I told him he would have to forego his scheme, and I would not meet this person for any reason, and I was coming to New York to work, and that was that.

Q Did he give you the name of this person? A No, he did not.

Q Was anything said about Bell Laboratories at that time? A No; that was later on.

Q Was anything said about moneys at that time? A No, that was later on.

Q Did that conclude the conversation? A Yes, it did. When he was convinced I wouldn't change my mind about leaving Washington, he sort of agreed, and there was nothing he could do. At that point Sobell left. Apparently he was waiting to hear the outcome of our conversation, and he said he had some urgent business, and left.

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Q What happened next? A We went to have dinner,

as he suggested that we have dinner together, and we went to - - I found out it is Manny Wolf's.

Q You and Rosenberg? A Just myself and Rosenberg.

Q Who paid for the dinner? A I did. After he finished eating, he said he didn't have any money with him, or something like that, and would I pay.

Q Now, over the dinner table - - A Over the dinner table he gave me no additional information about the setup, or how information was being transmitted, or anything like that, but he - -

Q But did he talk about the importance of getting information? A Yes, he kept talking about the importance of getting information. I had more or less told him on the street that I would not be giving information, and that I was taking this information and I would have no more information to give - - not that I had given, but I was giving no more information - - but I was still friendly and within their circle. So he just talked about the importance, and I don't recall him mentioning any names or any people that were giving, or any more details.

Q At this time you still belonged to this cell, didn't you? A No, I had withdrawn from the cell about that time.

FOIA(b)(7)-(C)

Q Who was in the cell with you? A [redacted] was in the cell. There was a Mr. Abe Surovell. There was a [redacted] - I believe that is all the

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FOIA(b)(7) - (C)

names I recall. There were one or two others - -

Q Where did they come from? A They all worked at the Navy Department.

Q Are they still there? A I know that [redacted] is not there. Surovell is not there. I don't know about [redacted], but I believe she has left. [redacted] was there when I left - - he was working at the Navy Yard, I am sorry; he was not at the Department, but at the Navy Yard.

Q Are they all engineers? A No - just myself and [redacted] are engineers. [redacted] had apparently had some engineering training, but was not working as an engineer.

Q Do you know whether they actually gave information? A I have no knowledge of that. In the course of my meetings with both Rosenberg and Sobell - Sobell actually is a closer friend to [redacted] than I am - - both Rosenberg and Sobell were interested in the whereabouts of [redacted], and they were always asking about him. Rosenberg, even in our first meetings, asked me, "Do you know where [redacted] was working?"

Q Where is he now? A He was discharged from N. O. L. for security reasons.

Q Where is that? A Naval Ordnance Lab.

Q When was this? A About six months ago.

Q Where are the other people working? A Surovell

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FOIA(b)(7) - (C)

is working in Washington. He has a sort of map-making outfit. I don't know where [redacted] is, but she was just a clerk. [redacted] is still in Washington, I think, doing either wiring of buildings, or something like that, at the Navy Yard.

Q Now, that ended that conversation at Manny Wolf's?

A No. As I told the F. B. I. people, there was additional information - - in our discussions he became interested, or he asked me, "Do you know where important Navy work is being done, or military work is being done?" and I said, "Bell Labs is doing some important work." He asked me whether it would be possible for me to get a position there, and I said "Yes."

I say for the record now, that I was sure at the time I was not going to take a position with Bell Labs, but all of my answers to him were just to put him off, and make him feel I was going along with him.

(CONTINUED BY LB)

But I gave this information because I felt that he might have taken other steps to secure people to work at Bell Labs. It was about this part of the conversation that he said to me, "Don't worry about money. You can have money if you need it, for expenses or anything in line with your job, or making trips. I mean, anything in line -- " well, he didn't actually restrict it to just the activity of giving information. He just made the general statement that, "You don't have to worry about money," and he elaborated to the extent, "If you want to have some special training, or if you want to take special courses," he will take care of that. "Or if you --"

Q Did he say where he would get the money? A He did not say where he would get the money. It was also during this -- about this part of the conversation -- it was within this conversation that I for the first time asked him about how he had gotten involved in this, and he said that quite early in the game, somewhere around '38 -- in the Thirties, in the late Thirties, he had decided that he wanted to do this work, and that he had gotten himself next to some Russian people, he did not give their names or what or who they were, attached to, whether it was embassy or who, but he did say he had gotten close to some Russians and made his position clear as to what he wanted to do, and from that time on he was engaged in that activity.

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GOVERNMENT EXHIBIT

Q Did he say anything about getting a citation from the Russian Government? A No, he did not mention anything.

Q When next did you see him? A I haven't seen him since.

Q Didn't you meet with him? A No, I did not see him then, but the last statement I made to him, I did not see him then.

Q Didn't see who? A Rosenberg or do you mean Sobell?

Q You had dinner with Rosenberg? A Yes; after that I haven't seen him since.

Q I thought you saw him in front of or at the Pennsylvania Station with Sobell? A No.

Q What were the two times you saw him with Sobell? A Once previous to this, around that area, Third Avenue and 53rd Street.

Q That was when? A March of '48.

Q And the second time? A June of '48.

Q Where did you see him in June '48 -- same place? A Yes.

Q Third Avenue? A Yes, sir.

Q And 43rd Street? A That's right.

Q Is there anything else you can tell us? A Yes. There were a couple of things that happened in regard to Sobell. I think I have given most everything I know in regard to Rosenberg.

Q That's what we are interested in -- in Sobell.

A Yes.

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Q And the dates and so forth. A Well, I will sort of hop around. Sometime in 1949, I would say, or late '48 to '49, approximately in the winter months, when I was going to work with Sobell, we lived near each other, actually back to back, he turned to me and said -- he didn't build up this conversation -- he just started out by saying, "We have to get people to do this espionage work." I do not know exactly what words he used --"We have to go back farther, that is, go back to younger people, that is, people in school, before they are in progressive activity." And I believe he mentioned actually engineering school. He said, "We'll have to get them while they are still at engineering school so that they can be steered from progressive activity." And he wanted to know if I knew of somebody whom I could suggest to him, someone I knew that was going to be an engineer. I said I do not know.

Q Where did this conversation -- A It occurred somewhere on the way between work and our home in Queens.

Q Was it in Manhattan, you think? A I couldn't be sure. It was in the car.

Q And that was when? A That was in the winter of '48-'49, I do recall it was a winter month, and it was quite soon after I had come there. He spoke no further, that is, he did not ask me any more. I told him I did not know anybody, I do not know people in New York, and more

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or less discouraged him. He did not repeat the question to me again.

Q You have a little incident in August 1948 after you resigned from the Bureau of Ordnance? A Yes. In August of '48 I was coming to New York -- well, shall I give that previous and get it off the books? He did ask me sometime in '47. Normally, our conversations would be along engineering lines. He never referred to a question of information for this purpose of espionage. He did not say -- he did not speak to me about this espionage directly.

Q This is Sobell? A This is Sobell I am talking about. At one point in 1947, in one of our conversations, he was quite curious -- not curious -- he wanted to know whether there were any reports printed on a particular system, fire control system, that I was working on. I said something "Well, there are a few reports on various phases of the work." He said, "Do you have any descriptive pamphlets?" And I said, "Well, there's a preliminary one, but nothing of any consequence. Pamphlets are being written. They will be finished in six or seven months perhaps." And he just dropped it. But he was quite -- he wanted to know what type of pamphlets they were, whether they were ready. He did not ask me at the time to get any copies for him.

Q After you had left the Bureau of Ordnance and were driving to New York in August '48 -- A I resigned in

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August of '48, and I was driving to New Yorkwith my family to look for a place to live. We had been invited to stay at the Sobell's house during this period. They had a spare room or two rooms. Her daughter was away so there were two rooms for us. On the way I noticed I apparently was being followed. I noticed this somewhere in Baltimore, and apparently I was followed all the way in to New York City. However, I did not want to change any plans I had made, I didn't see any need to, so I proceeded out to Sobell's house and got there somewhere about seven, eight o'clock. I told him, after we had something to eat, I got him aside and told him I was pretty sure that I had been followed to New York, and I do not know for what reason, at which point he became very angry, and immediately said, "You shouldn't have com here. You should have gone elsewhere. You know it's dangerous." He said something like that -- "to have come here." Well, I told him that I saw no other way out. I was coming here, I wasn't going to alter my plans. I didn't -- just didn't see clear to do anything about it. However, he was still angry, and I do not recall the whole conversation, he had to be resigned to the fact that I had come to their home. A short time later in the evening he said to me -- apparently he was concerned, and said to me, well, he has some information in the house that he should have given to Rosenberg and hadn't done so.

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Q What sort of information? A He did not specify the type of information. He said he had some material, I am sorry. He did not say "information". He had some material for Rosenberg that he had not given to him and he wanted -- he did not want to throw it away -- something, good material. He did not want to throw it away.

Q Did he explain what it was? A No, he did not explain.

Q Did he explain how dangerous it was to hold it after you being followed? A Yes. He said he did not want to keep it in the house. I do not know whether he said it was dangerous. He said he did not want to keep it in the house; yet he did not want to throw it away.

Q Elaborate on that. That's important. When you get to a point like that, here's a man that is very much concerned because you figured you were being followed by somebody, conceivably FBI Agents. You come to his house. He's very agitated. He says, "You shouldn't come because it is dangerous." And he says he has some material for Julius Rosenberg. Now, after all, you are talking to a lot of intelligent people here. What has transpired before leads me to believe that this Sobell knew what he was doing, knew what he thought you were doing, and here is some material which is the basis of espionage, and, naturally, he's scared, and he no doubt told you about it. That's an important point. Now, if he did, tell these

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people. They are listening. They are intelligent people. Don't tell a cock-and-bull story about that they did this or they did that, he doesn't know this and doesn't know that. Tell the story. A Let me go back a little bit. During our earlier conversation about being followed, at first he did not believe I was being followed. He said this -- and I think I will be recording it accurately -- he said, "If the FBI had knowledge of this espionage work -- again I do not know if he used that word -- or Rosenberg and himself, they would not have known it through me, that is, they could not have followed you for that reason, if they did follow you." At first he was sort of skeptical.

Q That's important. A He said, "They couldn't have known it through you." That he didn't give the FBI very much credit at the time. He said, "It is impossible for them to have known it via you." As I say, he was also skeptical about me being followed.

Q I understand he said it was impossible for the FBI to know about the espionage activities of Rosenberg and Sobell through you. He said that? A That's right. In fact, that is how we left it. When we left it earlier, he was more or less skeptical about this whole business though, at the same time, he was concerned. And then later he came to me and said, "I have information in the house, material in the house, that I should have given to Rosenberg some time ago, and I do not want to throw it away."

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And he said he wants to take it to Rosenberg that night.

Q Where was he working at that time? A Reeves Instrument.

Q Was that material he got from Reeves Instrument? A I did not ask him and he did not say. He said he wanted to take it to him that night. He asked me to accompany him. I told him I did not want to go. I told him, as far as I was concerned, I was being followed; he might be followed too. I saw no reason for going; in fact, I suggested that he just get rid of the material he had. I didn't care. However, he said he was very tired, that he might not be able to make the trip back, and he convinced me to go with him. I drove with him. He left me off somewhere on the East Side Drive.

Q Wait a minute. Before you left -- this is the most important part of the whole conversation -- what did he do? A He got -- I believe he got it from the basement, I am not sure, but he came out and he had in his hand a little can that I recognized as a can that you keep 35 mm film in, and he put it in his pocket, and we went in the car, and the reason I can identify the can is because he took it out and put it in the glove compartment and was leaving it there.

Q Did he say this was the material? A He did not say this was the material. I am sorry, he did not do that. He drove down to the East Side, I do not know the street,

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but it was somewhere on the East Side Drive and I know it was past one of the bridges, it was around the area that Rosenberg does live. He just pulled off the Drive and he took this can from the glove compartment and went out of the car and left me with the car.

Q You know where Rosenberg lives? A Yes.

Q How far away from Rosenberg's house was this? A I would say this was within walking distance.

Q Was it a block or two? A I am not that familiar with New York City, but the street wassomething like St. Anns or something. I think I could --

JUROR: St. Catherine?

THE WITNESS: St. Catherine, yes. Maybe that was it.

Q It is at this development? A I do not know the relationship between that and the development. That's right. I think it was St. Catherine. There is sort of two streets you go up and you can come down, and it was like an island in between. It was at night.

Q It was close to Rosenberg's address at 10 Monroe Street? A Yes. I am sure that if I were to go down to thatstreet I could identify it.

JUROR: 68th Street?

THE WITNESS: No, no. It is downtown, way lower than that. He went out and he returned somewhere between 15and 30 minutes and got in the car and drove back.

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Q What did he say? A He said nothing. I said something like, "Well, how did he react, or what did he think?" I assumed he had told Rosenberg about being followed. He said, "It's nothing to worry about." It's simply something like that. Since that time we have had no specific conversations about Rosenberg; he has mentioned nothing about Rosenberg.

Q Have you ever had any correspondence with Rosenberg? A I have never had any correspondence with Rosenberg.

Q How about Sobell? A I might have had, very early, but in the last four or five years I have had no correspondence with him.

Q Where is Sobell now? A I do not know.

Q Have you heard from him? A I have not. Shall I give the details of my knowledge of his going away?

Q Yes. A He and I worked at the same place and went to work together. However, we have an installation now at Roosevelt Field in which the equipment on which he was working is being tested, so he has made numerous trips to Roosevelt Field. So our driving has been quite sporadic. However, in the last month of June -- last week of June -- approximately then, he apparently took sick, or at least said he was sick for a week, and was out of work for a whole week. At the end of that week, on Thursday, he asked me to -- called me at work and told me to bring home

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his check, which I did. He came over that night, it was a Thursday night. He seemed to be quite worried, and did not look sick.

Q What was the date? A I'd have to look it up on the calendar. It was in the last week of June.

Q 1950? A 1950. He said nothing to me about what he was doing. I asked him whether he was sick, whether he was better, and he said he was recovering, something to that effect. Now on Friday, that same Friday, his daughter -- now I will give a little background. His wife -- his wife's second husband -- she has a daugher, Sidney, from their first marriage, and has -- she is divorced, and as part of the divorce agreement the daughter goes down to Washington to visit the husband who is living there, the ex-husband. This Sidney came over and said -- she is always excited whenever she is making this trip to visit her father -- that she is going down to Washington this week-end. That is all the conve sation was.

On Saturday we noticed that the house was closed up. We could see no activity there. So we sort of gathered everything up in he backyard and we assumed they had gone to Washington. I came to work on Monday. People were asking me about the whereabouts of Sobell; they hadn't heard from him, and I told them I did not know anything about him. My boss, Mr. Belock, also came to me and asked about his whereabous and told me that he had received a

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note from Sobell saying he had gone off to sort of recuperate from his illness. So I explained that that was the first that anyone had been told of his going away that I know of.

About Tuesday or Wednesday of the next week we were out in the back yard and his wife's, Helen Sobell's, sister, who had been living at the house for some time, came out in the back yard and gave me some books of his that he had taken -- I haven't mentioned this -- some books of his, saying that Morton -- they belonged to the plant, they were just textbooks, and to drop them back in the library. So we said -- we started to ask her where were they, and understood they were taking Sidney down to Washington. She said, no, that plan -- those plans, had been changed; this Sidney's father, whose name is Guerewitz, was buying a house, it was not completed, and rather than take her in then, they were sort of foregoing this visit for a while, and that Sobell and the whole family had gone off to a farm. We asked her where it was and she said -- she said she did not know, which wasn't strange because this had happened once before, their going away without telling her where they were going. We were sort of suspicious about the whole thing, but accepted it, and we haven't heard from them since.

Q Who was his first wife, Sobell's? A No, Sobell wasn't married. His wife was married. His name was

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his first name was Casey, nickname, Guerowitz -- I will get it, Clarence is his first name.

Q Is he in Washington? A He is in Washington.

Q What does he do? A I do not know. I do know -- I think working with some television installation. He's not trained to do this -- just an installation man.

Q Did you hear anything about Sobell going to Mexico? A No.

Q Or Cuba? A No.

Q Or Canada? A He had been to Canada once before, but he mentioned nothing about going away.

Q Is the daughter with him now? A As far as I know.

Q Step-daughter? A They have a second child, and we haven't seen or heard of them.

Q How old is Sidney? A Sidney would be about ten, and the younger one would be about a year. We have no knowledge of where they are.

Q Have you told us all you can about this? A Yes.

Q You are sure you did not give them any information at all? A Well, I haven't said it here, but in the course of this association with Rosenberg and Sobell from 1944, I have not given to them any information of any kind, written information or verbal information.

Q But they have been after you all this time? A That's right.

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MR. LANE: Mr. Foreman, have you or the jurors any questions?

JUROR: I'd like you to ask the witness what the security arrangements are in the Navy Department where he worked, whether there was a distinction in the classification and what orders they were under?

THE WITNESS: The average person working in the department -- some of this is just my own opinion-- when they take a job, they have access to confidential information.

JUROR: Secret? Are you making a distinction?

THE WITNESS: Yes. It is Classified and Confidential. Confidential information is material that is of military importance, and that is not available to the public in any form whatsoever, and the average employee is told and has access to confidential information. However, secret material is not accessible to everyone, and you have to be specifically cleared for secret information, and I was cleared for secret information, and there were some secret documents which I have seen and I had access to secret information.

JUROR: Were explanations made to you of the importance of secret information and the importance of not disclosing it to anybody?

THE WITNESS: I knew of the importance of secret information. I mean, at the time that I left

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the Bureau I was handling a fire control systerm.

JUROR: Did you ever receive any compensation for all this?

THE WITNESS: I did not.

JUROR: THEN we can assume you and Rosenberg and Sobell entered into a conspiracy against the Government just for the love of the Communist Party, is that it?

THE WITNESS: Well, it was not for money, I will say that. I had never asked him for money and he had until this time when I was actually withdrawing, he did not bring up the question of money.

MR. LANE: You do not have a Commie card?

THE WITNESS: No. No cards were ever issued.

MR. LANE: We'll excuse you until such time as we direct you to return.

THE FOREMAN: We'll excuse you until such time as we direct you to return, through Mr. Lane.

THE WITNESS: I will be available.

(WITNESS EXCUSED)