

US vs John Doe  
Pres. by Messrs Blinder and Foley  
March 13, 1951

Elitcher

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

BY MR. BLINDER:

Q Would you give us your full name, please?        A Max  
Elitcher.

Q You have testified before this grand jury before,  
have you not?        A Yes, I have.

Q Did you ever testify substantially with reference  
to your acquaintanceship with William Perl, also known as  
William Mutterperl?        A I believe that I had mentioned  
him, but I wasn't questioned regarding him.

Q Are you acquainted with Mr. William Perl, also known  
as William Mutterperl?        A Yes. I only knew him as Mutter-  
perl. I believe he changed his name since I last met him.

Q Would you tell us when you first met Mr. Mutterperl?  
A Well, he was in my class in school. I would say I met  
him in my senior year in that I first really became  
acquainted with him, as I am able to identify him, as an  
individual. I became rather close to him between the  
period after graduation while we both took postgraduate  
work at City College, in the period from September of 1938  
to November, when I left New York.

Q Were you acquainted during your City College days  
with Morton Sobell and Julius Rosenberg?        A Yes.

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Q While you were taking postgraduate work at City College, were you and Mutterperl the only members of your class who were going on to graduate work at City College? A I believe we were the only ones who were taking graduate work in electrical engineering.

Q After finishing your postgraduate course, I believe you said you went to Washington, is that correct? A That is correct.

Q Can you tell us approximately the number of students in this postgraduate class taking the same type of work?

A There wasn't a class. We took courses, and some of the courses involved other undergraduates too. I don't believe -- at least in the electrical engineering school -- I thought there were only two -- I thought there were two of us. I just do not recall anyone else, or I would have had conversations with them. I don't know how many others would be in the other phases of engineering, mechanical and civil.

Q You did become quite friendly with him in that period? A Yes. We took the same course and all our free time was taken together on the campus between classes in discussing our work and so forth. I did not meet him socially. I did not meet him at all outside school hours.

Q While you were in Washington after completing post-graduate work did there come a time when you saw William Perl? A Yes.

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Q Approximately what was the date of this meeting?

A Well, it would be somewhere between May or June of 1939 to the same period in 1940, while I was living at 4925 - 7th Street with Morton Sobell. It was during this period that Perl came to visit Washington. He came to see Sobell, primarily, as it was not through a prearrangement with me. I know they had been in contact with each other, and he made this trip. I do not know whether he was making the trip specifically to come to Washington or whether he was going on to New York. I do not recall it.

Q Is there anything that stands out in your mind about this meeting which might help you to recollect it? A Yes. There was one -- in fact there was one thing that does point it up to me. When he arrived, I believe we met him downtown, and it was a warm day, and he had come up wearing an overcoat. He was living at that time in Virginia. However, he thought it was cold up north, and he had come wearing this overcoat, and he told us that he had been followed, or something, by a policeman, who was sort of suspicious of him wearing an overcoat on such a hot day, believing he had appropriated it somewhere. And we laughed about that.

Q When you say "we", that meant you and Morton Sobell?

A Yes.

Q How long did this meeting last, that you can recall?

A I can only recall it being short. I would say only half

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a day. I don't recall whether I was there during the whole period of his visit, whether I went off, or they were alone, or whether we just spent some of the time together. I know it was a brief visit. We spoke, we were downtown together, and I believe we might have had lunch, but I do not think we spent a full day together.

Q During the meeting did Sobell and Perl appear to be quite friendly? A Yes, yes, definitely.

Q To your knowledge, about this time did Sobell correspond with William Perl? A Yes. He, Sobell, had mentioned -- had mentioned hearing from Perl, telling me of this job in Virginia, telling me of some of the problems he had, and I specifically recall a postcard, I can't identify it as anything, but I know he did read something, quoting something from a postcard, saying Bill Mutterperl said -- using his name -- as to me.

From the period of time between this meeting in Washington and the next time you saw William Perl, was Sobell acquainted by correspondence with the whereabouts of William Perl and the knowledge of his activities?

A Well, I don't know that it was entirely through correspondence, but Sobell did know of his whereabouts and what he was doing, and he continued to keep me informed. He thought -- he knew that I was interested in Mutterperl, that I liked Perl -- I will use the words interchangeably, I can't get used to saying "Perl" -- and whenever we'd meet he would tell me Perl had gotten a new job doing this

and this, and I inferred it was all from correspondence, that he did not meet him, and he certainly wasn't telling it through knowing it from somebody else. He might have referred to correspondence, but I do not recall it specifically. But he was well acquainted with Perl.

Q Now, were you in New York between the period of July and September 1944? A Yes, I was.

Q And on this trip to New York did you call Julius Rosenberg? A Yes.

Q And during this phone call to Julius Rosenberg did you make any arrangements to meet some of your classmates for dinner? A Yes, we did.

Q Where was the prearranged place of meeting? A Well, I recall the place of meeting as being 42nd Street and 8th Avenue. I do not remember whether everybody met at that point, but that was the final meeting place of everyone who was going to be at the dinner. We met there. In fact, I remember Perl coming to this particular spot with his brother, who was then in the Army.

Q Who else was present? A Rosenberg, my wife, myself and Ruth Alscher.

Q Your sister-in-law? A My sister-in-law.

Q After meeting at this particular locality did you then go to a restaurant to have dinner? A Yes, we did.

We were going to a restaurant called Forno's. We were

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denied admission for some reason, someone was not properly dressed, and then we went around the corner, to the Bird-in-Hand and had supper there.

Q About how long did the dinner take? A Probably anywhere from -- to an hour and a half. We weren't hurried; it was a leisurely dinner.

Q You had a generally friendly conversation during the dinner? A Yes.

Q During the course of the dinner did Julius Rosenberg make a phone call? A It was either just prior to the dinner or at the time we got to the Bird-in-Hand that he called a Joel Barr, another acquaintance of ours, and asked whether he would come down, and he did, and he joined us at the Bird-in-Hand.

Q During the course of dinner was it apparent that everybody present knew each other fairly well? A Yes, definitely.

Q With the exception of your sister-in-law? A Yes. She knew none of the others other than myself and my wife, and she had no previous knowledge of them.

Q After dinner did you all go to any particular place? A Yes. We were invited to the apartment of Joel Barr. He had a penthouse attached to his apartment; it was the top floor -- not a penthouse, but the roof -- and we went up there, everybody -- everyone who was at the

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Q How long did you remain at Barr's apartment?

A I'd say we stayed there at least two hours. We played music, there was some dancing, and we also had some food sent up from the delicatessen. It was at least two hours.

Q When you left Barr's apartment what did you then do?

A We were sort of bored with what we were doing, and it was, I think, at Barr's suggestion that we go downtown to Greenwich Village and meet a friend of his, a Mr. Sarant. It was sort of an inspiration, he thought. I think he even knew at the time he might be asleep -- we'd disturb him anyway, and just barge in on him, have the whole party barge in, and we did so. We dropped my sister-in-law at her home and we had continued down to Sarant's apartment.

Q How long were you at Sarant's apartment? A It was rather brief. We got up there, Barr apparently had a key to the apartment; he went in, he woke -- he did wake Sarant -- we were introduced, we talked briefly. Sarant played the guitar, and he played for us and, in addition, he had some phonographic equipment, and he played some guitar music for us, recordings, and we left. It was quite brief. There was some discussion about Sarant, what he was doing, his work, but it was not extended; it was quite short. I'd say we were there no more than half an hour.

Q And all the individuals you met, with the exception of your sister-in-law, remained present during this entire evening? A Yes.

Q Now, subsequent to this meeting you still remained friendly with Sobell in Washington, is that correct?

A Yes.

Q Did Sobell keep you informed about Perl's whereabouts and activities? A Yes. I'd say that on every occasion I saw Sobell, that Sobell had something new to say, or knew something new about Perl, he would tell it to me. It was in that way that I knew he had gotten this new position, that he was taking some courses in work he was doing at Cleveland in aerodynamics; he told me of this new professor under whom he was working, told me of some of his problems with the opposite sex, he was meeting some girls and had some specific problems. I do not recall them. All of this was told to me by Sobell over a period of time extending past '48, '49.

Q Were you in New York around Christmastime 1946?

A Yes.

Q And while you were in New York did you arrange with Rosenberg or any other individual to have a meeting with essentially the same people? A Yes. I don't recall how that particular meeting was formulated. I know that I knew that Sobell and his wife would be in New York, and I had been up to Schenectady.

(Cont. by BD)



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A (Cont'g) I don't remember who I -- whether I called Barr or Rosenberg, but it was one of the two; and another dinner was arranged, based on his previous invitations. And again I also don't know how the particular people we were talking about did get together or whether -- how was it that Mutterperl and Barr later appeared at this dinner together with us.

Q And where was the pre-arranged place of meeting?

A Well, the pre-arranged place was at the apartment -- near the or outside the apartment house of Sarant. We were told, and I guess it must have been Rosenberg, that we would have dinner at a restaurant nearby. When my wife and I arrived there Rosenberg was standing downstairs and said that the others had gone ahead and were meeting at this restaurant around the corner, and we proceeded there. And when we got there we met Sobel, his wife and Barr and Mutterperl, who were waiting for us at a table.

Q And did you have dinner? A Yes, we had dinner with them.

Q And do you recall the name of the restaurant where you had dinner? A Well, I believe it's the Blue Mill or something like that. It's right around the corner from Mort's street, actually within a block, a walking block of Sarant's apartment. That's an approximate description.

NW: 15301 DocId: 70004175 Page 9 Q And how long did the dinner last, do you recall?

A It was short. It was probably under an hour, including

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our waiting time. The place was crowded, and we just ate and left.

Q Was there a friendly conversation during dinner?

A Yes.

Q All the people apparently had known each other prior to this, had they not? A Yes, very well.

Q Was there any specific conversation relating to either personalities or events which occurred at a prior period, perhaps at college? A Well, we talked or referred to some personalities at school. I don't recall a general nostalgic discussion of school, but I know we talked about some other classmates who weren't there. I don't remember anyone specifically, but I know that that was one of the subjects we discussed.

Q Now, after dinner were you invited to anybody's home? A Yes, we were invited to the home of Julius Rosenberg and -- just to spend the evening -- and we proceeded there. I don't remember how we got there. It took some time. My child was in New York with us, staying at relatives, and we were looking for some bottles for her and so we walked quite a distance past drug stores so we could find out whether that particular store had them -- they were quite scarce at the time -- and we finally located some at the drug store that's part of Knickerbocker Village, and

upstairs to his apartment.

Q When you arrived upstairs did you then meet

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Mrs. Rosenberg? A Yes.

Q And how long did you remain at the Rosenberg apartment? A Well, we stayed the rest of the evening. I would say it was possibly two hours, maybe. I have no knowledge of the time, but we went up there quite early and we stayed late, just talking. We didn't have any meal there.

Q Do you recall any of the conversation that took place during this visit to the Rosenberg apartment?

A Well, there was some -- again some talk of personalities at school. We talked a great deal about the bringing up of children, the problems of education, religious education and children and the problems that were arising out of the holidays, the Christmas and the Chanuca holidays which were occurring about the same time; there was quite a bit of discussion about that.

Q Do you remember William Perl taking any active part in the conversation about bringing up children? A Yes, he took -- he passed quite a number of opinions, he and Barr, about that particular fact, saying that it was -- that he didn't see it was a particular problem, that you have your children, you bring up your children and you don't concern yourselves with these things, you don't worry about it, you bring up a child the way you want to, he can't say that this is any particular problem that parents should have.

NW: 15301 DocId: 70001475 Page 11 In other words, the two bachelors took the most

adamant position? A Yes.

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Q Now, during these two meetings that you have just told us about and the meeting in Washington, was it apparent to you that William Perl was well acquainted with both Sobell and Rosenberg? A Yes, definitely it was.

Q And that all conversations had between them in your presence were based upon prior acquaintanceship and friendship? A Yes. I amend that slightly to the extent that he was much more friendly to Sobell than Rosenberg, who -- there wasn't that great affinity between the two of them. But certainly there was no doubt that there was a knowledge of each other and friendship and ease which indicated that they knew each other.

Q But Perl and Sobell knew each other very well?

A Yes.

MR. BLINDER: Before I excuse the witness, is there any question?

BY THE JURY:

Q I would like to clear up one question. This dinner at the Bird-in-Hand, that was some time in the late summer of 1944. Your next meeting, where you went to the Blue Mill, you said, was -- it was in December of '45 or '46?

A '46, that's right.

Q '46? A Yes.

Q In other words, a year and a half later? A Yes.

Q The reason I asked that question was that I think something was said about a 1945 date, earlier.

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MR. BLINDER: Well, what happened -- this is off the record.

[A discussion was had off the record.]

THE WITNESS: May I add, I think there is a further fact there that ties it down. My brother, during the conversation with my sister-in-law and all these people during that dinner meeting, it was brought out that my brother had just recently left for the Army and that he had -- I mean he had left the city and was going -- they thought he was going overseas. He had gone West, to California, and it had only been a short time ago and that was in '44, so that further ties that up.

Q On the occasion at the apartment of Mr. and Mrs. Rosenberg at which there was a discussion of education were Mr. and Mrs. Sobell present? A Yes.

MR. BLINDER: Are there any further questions?

THE FOREMAN: If there are no further questions, we can discuss the witness.

[WITNESS EXCUSED]