

As to the Brothman/Moskowitz grand jury testimony, I hold that the proceedings are also of substantial historical importance. See In re Pet'n of Bruce Craig, 131 F.3d 99, 107 (2d Cir. 1997) (noting that "if historical interest in a specific case has persisted over a number of years, that serves as an important indication that the public's interest in release of the [grand jury] information is substantial."); In re Pet'n of Am. Historical Ass'n, et al., 49 F.Supp.2d 274 (S.D.N.Y. 1999) (applying the factors set forth in In re Craig in its decision to release portions of the testimony from the special grand juries relating to the investigation of Alger Hiss). Of the eight witnesses who testified before that grand jury, seven are deceased, and no family member or relative has lodged an objection. The eighth and only living witness, Miriam Moskowitz, initially opposed disclosure, but advised the Government that she now consents to disclosure.

The Government is ordered to report to the Court if, within seven days, the witness fails to execute a writing reflecting her changed position. I order the Government to release the testimony of the Brothman/Moskowitz grand jury (subject to receiving witness Moskowitz's anticipated writing).

With respect to my ruling ordering the release of the testimony of Ms. Glassman, Ms. Levitov, and Mr. Wilentz before the Rosenberg grand jury, and of the testimony before the Brothman/Moskowitz grand jury, I grant the Government's request for a 60-day stay in order to allow the Government to decide if it wishes to file a notice of appeal of this Order. If the Government does not file a timely notice of appeal, the material is to be released promptly. If the Government does file a timely appeal, I grant a stay of an additional ten days, to enable the Government to move for a further stay before the Court of Appeals.

SO ORDERED.

Dated: August 26, 2008
New York, New York


ALVIN K. HELLERSTEIN
United States District Judge