

August 17, 1950

Bauch 0129

Re: Julius Rosenberg, et al.

(Mr. Lane)

S O L O M O N H . B A U C H , called as a
witness, having first been duly sworn by the
Foreman, testified as follows:

BY MR. LANE:

Q What is your address? A 45 John Street, New
York 7.

Q And your telephone number? A Beekman 3 - 1908.

Q Now, you have appeared here pursuant to a sub-
poena duces tecum which was served upon you? A Yes, sir.

Q You are an attorney? A Yes, sir.

Q Practicing in the State of New York? A Yes,
sir.

Q How long have you been admitted? A January,
1925.

Q Now, have you produced the documents which were
contained in the subpoena? A I have here the minute book,
the stock certificate book, and the stock transfer ledger
of Pitt Machine Products, Inc. In addition to that, I
have my complete file.

Q Now, are you ready to produce those documents
and books? A The subpoena calls for documents belonging
to Pitt Machine Products, Inc. The corporate books belong
to the corporation. The agreements do not belong to the
corporation, and I would like to have an opportunity of
presenting this matter before a Judge, to pass upon the
question of privilege.

Q Well, what privilege are you raising? A The attorney's privilege of communication between attorney and client, as well as of documents that the attorney prepared for the client.

Q Who is the client? A The client was Julius Rosenberg.

Q Were you his attorney? A I was his attorney. I also was the attorney for the Pitt Machine Products from - - on May first of this year.

Q And was this agreement made with Rosenberg - -
A Pardon me, I have two agreements here; One agreement that was given to me by Rosenberg, and the two Greenglasses, that was entered into prior to May 1, 1950 - that is, prior to the incorporation of Pitt Machine Products, with which I had nothing to do - - I was only given that agreement to examine and pass an opinion on it.

Q Where can you raise a privilege there, where Greenglass signed it? A The agreement I am referring to that was - - just one moment - - the agreement I refer to as having been given to me to examine, was entered into on October 22, 1947, prior to the incorporation of the Pitt Machine Products, Inc., and that agreement was made between Julius Rosenberg, David Greenglass, Bernard Greenglass and David Schein.

Q Well, as a lawyer, how could that be a privileged communication as far as Rosenberg is concerned, because

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it involves other people, and the privilege is lost - -

A I am not going to pass on it; I merely want the Court to pass on it, for my own protection.

Q Now, tell me this: You have also an agreement between Rosenberg and the corporation? A No. I have an agreement that was entered into on May first, between Rosenberg and David Schein for the sale of Schein's interest in Pitt Machine Products, and under which agreement I am holding the stock in escrow.

Q Well, are you holding these documents as Rosenberg's attorney, or as someone else's attorney?

A As Rosenberg's attorney.

Q You got a fee, and so forth? A Oh, surely.

Q Well, will you produce the books which you think you can produce under the subpoena? A I have the minute book of the Pitt Machine Products, Inc. I want to state this, with regard to this: When I was requested to represent Rosenberg for the purchase of the stock, an attorney by the name of Harry Zucker, who originally incorporated this corporation, brought these books to my office, and they were in the same condition as they were when they came from the printer - - nothing was filled in - - and I at that time told him that I wouldn't permit Rosenberg to buy any stock unless the corporation outfit was brought up to date, and Zucker took those books back and he completed them.

The original incorporators hadn't even signed anything, and he got everything signed up; and when everything was signed up I made the attorney initial every one of these pages except page - -

Q I think you can explain that later. I just want you to identify the books. A This is the minute book. The only thing I drew on this is the minutes of May first. Everything subsequent to that is - -

Q Just identify the books, please. A This is a minute book of the Pitt Machine Products, containing the minutes of the incorporators, stockholders, and board of directors of Pitt Machine Products, Inc.

Q That is number one. A That's right. The other one is a stock certificate book, and this stock certificate book was also erroneously printed, and I had it changed. It contains the record of the stock that was issued, with the U. S. documentary stamps, and wherever the stock was transferred it contains the U. S. and State stock transfer stamps.

Q I just want you to identify the book, without explanation. A The third book is the stock transfer ledger, in which is entered the various transfers.

Q As to this we will go down to Court, and you can step out now and we will have the Court's ruling.

A Do you want to retain these books?

Q We will have them in our possession. A I

want a receipt for them.

THE FOREMAN: You may be excused.

Q You can come down to Court with us, and we will settle that question downstairs. You are excused temporarily.

(WITNESS EXCUSED)