To SECURE JUSTICE in the Rosenberg Case

By William A. Reuben

FOREWORD

WHEN the death sentence was passed on Julius and Ethel Rosenberg on April 15, 1951, for alleged atomic espionage for the Soviet Union, the American people were shocked and disturbed. There was widespread feeling that the unprecedented death sentence was savage. Never before in our history had a civil court imposed a death sentence for espionage, either in peace or war time.

The Rosenbergs have unswervingly asserted their innocence, have stated they are being victimized by the prosecution for their avowed political and social views, and have said, "We are victims of the grossest type of political frame-up known in America."

Most of the press assumed that justice had been done in the case. There were some exceptions, particularly the Jewish press, which expressed amazement at the cruelty of the death sentence.

But a full report of the case was not made available to the public until August, 1951, when the **National Gurdian** began to publish a series of articles by William A. Reuben. His revelations have confirmed the fears of many who had doubted the guilt of the Rosenbergs and convinced many others who had not followed the case originally. As a result of this series, the National Committee to Secure Justice in the Rosenberg Case was formed. As one of its first acts, the Committee is bringing out herewith in slightly abridged form the series by Mr. Reuben.

We ask you to read it carefully—and judge for yourself.

NATIONAL COMMITTEE TO SECURE
JUSTICE IN THE ROSENBERG CASE

ETHEL AND JULIUS ROSENBERG
Victims of a cold war Sacco-Vanzetti case?

MUST THEY DIE?

By William A. Reuben

ON March 6, 1951, in a federal courtroom at Foley Square in New York City, this nation's first atom-bomb spy trial began, when the clerk-of-court solemnly intoned:

"The United States of America versus Julius Rosenberg, Ethel Rosenberg and Morton Sobell."

U. S. Atty. Irving Saypol announced that the government was ready.

Julius and Ethel Rosenberg were defended by Emanuel H. Bloch and his father, Alexander Bloch; Sobell was represented by Edward M. Kuntz and Harold M. Phillips.

Nearly 300 talesmen were questioned before a jury of 12 plus four alternates could be seated. It is singular that in a city more than 30% Jewish in population, not a single talesman of Jewish extraction survived the day and a half of questioning before a jury was seated.

TRIAL BY PRESS: The government announced it would call 118 witnesses. Among them were to be top nuclear physicists Dr. J. Robert Oppenheimer and Dr. Harold C. Urey and Lieut. Gen. Leslie Groves, head of the war-time atomic bomb project.

"Undefinable tenseness pervaded the courtroom," wrote Meyer Berger in the N.Y. Times. "The silence was extraordinary" as the trial got under way. To press and public, the question seemed to be not the guilt or innocence of the defendants; but whether or not they would be given the death penalty.

(Judge Kaufman himself, during questioning of one talesman, said it was for him alone to decide whether to impose death or a lesser penalty. The judge caught himself only after defense attorney Emanuel Bloch pointed out the jury's verdict might be for acquittal, making it unnecessary for the judge to impose any sentence at all.)

When the jury had been seated, U. S. Atty. Saypol opened in hushed tones, reading from a prepared statement. He described the defendants as "traitorous Americans" whose "love of communism and the Soviet Union" led them to deliver to the Russians

> **". . . the one weapon that might well hold the key to the survival of this nation and the peace of the world—the atom bomb."**

Saypol promised to show that the loyalty and allegiance of the Rosenbergs and their co-defendant Morton Sobell was not to America but to

> **". . . communism in this country and communism throughout the world, under the dictatorship of the Soviet Union. . . . I do not consider it necessary in this opening statement to deal extensively on the plot that will be unfolded before you. . . . The testimony will come from witnesses who were there, who saw and heard what these defendants said and did over a period of years to commit this crime."**

CASE DEFLATES: Eight and a half court days later, the government rested its case (which it had announced beforehand would take three months to present). Of the 118 government witnesses originally announced, only 20 were produced. Oppenheimer, Urey and Groves were never called. Of the 20:

- Eight (including six imported from Mexico) testified as to details of the Sobell family's trip to Mexico, without in any way implicating either Sobell or the Rosenbergs in the crime charged against them.
- Two army colonels testified to security measures at the Los Alamos project during the war.
- A physicist employed as a liaison-man by the Atomic Energy Commission explained a sketch David Greenglass drew in court concerning some of the components of the atom bomb.
- Rosenberg's family doctor testified that Rosenberg had asked in behalf of a friend about inoculations necessary to enter Mexico.
- Ruth Greenglass' brother-in-law, Louis Abel, testified to hiding $4,000 for David Greenglass and turning it over to his attorney, O. John Rogge, after Greenglass' arrest.
- Ruth's sister (Mrs. Abel) testified that Julius Rosenberg had once asked her to leave the room during a visit to her sister.
- One witness identified a pho-

tograph of Soviet consular aide Anatoli Yakovlev, named in the indictment as a defendant four years after he returned to the U. S. S. R. in Dec., 1946.

ENTER MISS BENTLEY: Of the remaining five witnesses, two were self-styled one time spy couriers—Elizabeth Bentley and Harry Gold. Neither had ever known or seen or been involved in any way with any of the defendants.

Gold gave lurid and surefire headline-creating testimony about how the spy ring operated. Miss Bentley, who now earns her livelihood as a paid government witness, said that membership in the Communist Party made it "implicit" to carry out orders from Moscow and that it

> ". . . only served the interests of Moscow, whether it be propaganda, or espionage or sabotage. "

These two introduced a mysterious "Julius," unknown to either of them, whose name recurred in telephone conversations and in a password used in the spy plot.

NECK-SAVERS FILL THE BILL: The remaining three witnesses were Max Elitcher and the Greenglasses. Despite the prosecution's promises of 118 witnesses and overwhelming evidence to corroborate the case against the Rosenbergs, only these three offered any testimony purporting to incriminate them. The Greenglass' charges against Julius and Ethel Rosenberg, in-laws with whom they were on the outs, won David Greenglass a merciful 15-year sentence (eight years with good behavior) instead of a possible death sentence in New Mexico, where he had been indicted but never brought to trial; and won Ruth Greenglass complete freedom. Max Elitcher's "cooperation" with the FBI provided the government's entire case against Morton Sobell as well as "corroborating evidence" against Julius Rosenberg; and allowed Elitcher, an electrical engineer and former classmate of both Sobell and Rosenberg at the City College of New York, to escape a perjury charge hanging over his head that could have sent him to jail for five years and ruined him professionally and economically for life.

To backstop the self-saving testimony of these three, the government produced two exhibits purporting to incriminate the Rosenbergs: (1) a Spanish Refugee Appeal collection can found in the Rosenberg apartment; and (2) a nominating petition signed in 1941 by Ethel Rosenberg for Peter Cacchione, successful Communist candidate for New York City Council (50,000 New Yorkers signed this petition). These were the only government exhibits which were directly linked to the Rosenbergs. Yet, this is the "evidence" which U. S. Attorney Saypol had assured the jury

> ". . . will prove to you, not only beyond a reasonable doubt, but beyond any doubt, that . . . these defendants have committed the most serious crime which can be committed against the people of this country."

Because of the flimsiness of the government's case, the absence of any convincing proofs, documentary or circumstantial, the impeachability of the three witnesses

on whom its case was based, the host of peculiarities surrounding the arrest and the build-up of charges against Ethel and Julius Rosenberg, it must be asked: Does "the most serious crime" which has landed them in the Death House at Sing Sing prison have to do with committing espionage—or with harboring radical ideas?

THE JURY NEVER KNEW THIS . . .

THE most damning feature of the testimony of both Gold and Elizabeth Bentley—and, indeed, perhaps the most incriminating aspect of the government's entire case—was the introduction by them of a mysterious "Julius."

Gold testified that, in establishing contact with Greenglass in New Mexico, when he paid him $500 after receiving information pertaining to atom bomb experiments going on at the secret Los Alamos Project, where Greenglass was stationed during the war, the code words he used were: "I come from Julius." Gold had in fact come from visiting Dr. Klaus Emil Julius Fuchs in Santa Fe.

Miss Bentley said that during 1942 and 1943 she received several telephone calls from a man whose voice she could not describe and whose identity she did not know, except that he was "someone who called himself Julius."

The government presented this evidence in the obvious expectation, which proved correct, that the jury would decide that this mysterious "Julius" was Julius Rosenberg.

But a startling fact, not introduced by the defense at the trial because it was not known to them, was contained in the New York Times of February 4, 1950. In reporting the arrest of the arch-conspirator of the "spy plot," Dr. Klaus Emil Julius Fuchs, the Times made this statement a full year before the "Julius" evidence was presented by the government in asking death for Julius Rosenberg:

"Dr. Fuchs, who is charged in London with unlawfully disclosing atomic secrets, was known to his friends here as 'Julius.'"

"DAVEY'S IN TROUBLE"

UNTIL they found themselves under arrest in the summer of 1950, charged with atomic spying, the story of the life of Ethel and Julius Rosenberg was probably very like that of thousands of young New York couples.

A few months after his graduation from C.C.N.Y. in 1939, Julius married Ethel Greenglass, a government secretary who had studied piano and voice. Ethel had a job as a clerk-typist with the Census Bureau in Washington and the couple went there to live for a short time. But Julius soon got a job as junior engineer with the U.S. Signal Corps in New York, and Ethel quit her Washington job to join him. They were very deeply in love.

After living with in-laws and in furnished rooms for a time, they found an apartment in Knickerbocker Village housing project in 1942. As soon as they were settled they had their first baby—a boy, now aged 8.

Julius lost track of his CCNY friends for the most part. He ran into two of them, Morton Sobell and Max Elitcher, at a swimming pool in Washington, D.C., when he was assigned to the Bureau of Standards in 1940. In 1944, on a Signal Corps assignment, he visited Elitcher again but couldn't locate Sobell this time. In 1945 he lost his Signal Corps job on charges of Communist Party affiliation (which he denied, but to no effect). He then went to Washington again to see his Congressman to try and get a clearance; he again visited the Elitchers, rode around Washington with them trying to locate the Congressman and some union people, then went home.

When Julius lost his Signal Corps job he landed one with Emerson Radio at $77 a week, but overtime provided a hike in pay over the government job. He was laid off toward the end of 1945. Thereupon he and one of Ethel's brothers went into the surplus business with another fellow. When Ethel's other brother, David Greenglass, got out of the Army in 1946, they took him into the partnership and changed the name to the G. & R. Engineering Co. In '47 they reorganized the firm, took a $15,000 investor, David Schein, and became the Pitt Machine Products Co. Inc.

David Greenglass, the "baby" of the family, was a special favorite of his sister, Ethel. David's wife, Ruth, was friendly with the Rosenbergs too. When the couples got together, they talked about the war among other things, Julius being a staunch advocate of a second front. When David went off to an army camp, Ethel wrote the family letters to him for their mother, who couldn't write English well.

DAVID IN TROUBLE: One day

in 1945, while David was stationed in New Mexico, Ruth called Julius and asked him to visit her where she was living with her sister. She whispered to Julius to get her sister to leave the room, then told him she was worried about David. He had some idea of stealing something from the Army and selling it, she said. Julius told her to advise David to steer clear of that sort of thing and to stay out of trouble. Julius thought at the time it was some sort of black-market business, and told Ethel about it when he got home.

When David came back from service the two men never discussed this affair; Julius didn't know whether Ruth had told David about telling him of it. By then, of course, Julius knew that David had been assigned to the atomic project in Los Alamos as a machinist, but did not connect the two circumstances. As partners in the business, the personal relations of David and Julius worsened with its declining fortunes. The upshot was that in 1949 David pulled out as a partner and Julius agreed to pay him $1,000 after some other obligations of the firm had been met.

DAVID GREENGLASS
Saving his own skin?

From then on they were scarcely on speaking terms; the $1,000 went unpaid; David and Ruth kept trying to collect it, but Julius didn't have it. (Finally the Greenglasses instructed their lawyer to bring suit for the money.) Once David even aimed a punch at Julius. After that the couples avoided one another except at family gatherings.

But then, in the middle of May, 1950, David came to the Pitt Machine Shop and told Julius he had to talk to him privately. The two men went across the street to Hamilton Fish Park. There in a very excited and agitated condition, David asked Julius for $2,000. Julius told David he didn't have that kind of money and had no way of getting it. He pointed out further that he owed David only $1,000. David then asked Julius to try to get him a certificate for a small-pox vaccination and to find out the type of injections needed to enter Mexico. Julius wondered if David was in some kind of trouble, but David refused to discuss his reasons for needing the money or the certificate.

"HELP DAVEY": During the talk David had become very agitated and that night Julius told Ethel about the incident. Both of them recalled the conversation in 1945 with Ruth Greenglass about David having ideas of stealing some things from the Army. They both remembered also David having mentioned casually that in February, shortly after Dr. Klaus Fuchs was arrested on spying charges, he (David) had been questioned by FBI agents. The Rosenbergs suspected that David was in trouble of some sort, but they thought it probably had to do with stealing gasoline or perhaps uranium from Los Alamos.

Mainly because of Ethel's saying, "Julie, we ought to try to help Davey," Julius on his regular trip to the doctor's for hay-fever shots a few nights later asked his doctor if it was possible to give a certificate of having had shots to someone who never had them. The doctor said that would be impossible, and a few days later Julius went to the Greenglasses' apartment and told David what the doctor said. David told Julius to forget it, that he would take care of it himself.

"YOU'LL BE SORRY": During the first week of June, David telephoned Julius at work to say he must talk to him again. On his way to work next morning, Julius stopped off at the Greenglass apartment and then the two men went outside and walked toward East River Drive. During their walk, David again said that he had to have $2,000 in cash and this time he asked Julius to borrow it for him, either from relatives or the business.

Julius again told David it was impossible to get the money. David became angry and threatened:

> **"Well, Julie, I've just got to have that money and if you don't get me that money you are going to be sorry."**

THIS IS YOUR FBI

ON MAY 22, 1950, Ruth Greenglass left a N.Y. hospital where six days previously she had given birth to her second child. She returned with the baby to her ex-GI husband, David, at their apartment at 266 Stanton Street on the city's lower East Side.

Next morning, May 23, the newspapers headlined a story that brought consternation to the new parents: An alleged Soviet spy courier named Harry Gold had been arested in Philadelphia by the FBI in connection with an alleged spy ring centering around Dr. Klaus Emil Julius Fuchs, German-born British scientist stationed at Los Alamos during World War II.

AN OLD ACQUAINTANCE: Five years earlier, according to the trial testimony, on a Sunday morning the first week in June, 1945, this same Gold, whose pho-

tograph was now on front pages throughout the country, had visited the apartment of 20-year-old Ruth and 23-year-old Sgt. David Greenglass in Albuquerque, N.M. He produced a torn half of a Jello box matching one that they had in their possession. Gold had first visited Dr. Klaus ("Julius") Fuchs at Santa Fe. He introduced himself to the Greenglasses with the passwords: "I come from Julius," and asked for certain written information pertaining to a secret lens mold used in the manufacture of the atom bomb. David Greenglass produced the requested material, handed it over to Gold and received $500.

In February, 1950—three months before the papers announced Gold's arrest, and a few days after Fuchs' arrest in London—FBI agents had come to the Greenglass apartment in New York to question David about his duties and activities at Los Alamos. Ruth was present. The FBI made no move to arrest Greenglass at that time.

Four months later, on June 15, Greenglass was home preparing formula for their new child. Their three-year-old child was there, too. Ruth Greenglass had badly burned herself a few days earlier and was in a hospital for treatment. There was a knock on the door. The young father answered it. Four FBI agents walked in. They told him he was under arrest on charges of committing espionage for the Soviets during the war.

The FBI agents stayed in Greenglass' apartment for 5½ hours, until 7:30 that night. They questioned him and made a thorough search of the apartment. In going through a trunk of old letters and papers, one of the agents picked out a sheaf of mathematical notes, brought them over to Greenglass and said:

"What's this, some of your atom bomb secrets?"

"No," Greenglass replied. "That's just some of my brother-in-law's math notes from college."

This — according to the government testimony at the trial—is how Julius Rosenberg's name first came into the case.

THE HIDDEN $4,000: David Greenglass was taken to FBI headquarters and questioned until the early hours of the next morning. Finally he was allowed to telephone another brother-in-law, Louis Abel, to whom he had previously given $4,000 to hold for him. Greenglass asked Abel to retain O. John Rogge, one-time Asst. U. S. Attorney General under Tom Clark.

Later that morning, Abel went to the Rogge law firm and turned over the $4,000. Rogge appeared at the arraignment that afternoon, protested his client's innocence and asked for lowered bail. In opposing Rogge's demands, U.S.

Attorney Irving Saypol demanded that Greenglass be held in $100,000 bail and had him placed in solitary confinement.

That same day the FBI paid its first visit to Julius Rosenberg, whose college notes of 12 years earlier had been found in the Greenglass apartment. The FBI men said they wanted to talk to Julius about his brother-in-law, David Greenglass. Julius accompanied them to the Federal Bldg. in Foley Square, and for about three hours they asked him questions about David, pressing him for specific dates about David's visits to New York on furlough during the war.

Through them, Julius learned that David had been arrested the day before and had, they said, confessed to stealing atomic secrets for the Soviet Union. Then, after they had been asking him questions about David for three hours, one of the FBI men said.

"Dave said you told him to supply information for Russia."

Rosenberg asked to be allowed to confront Greenglass to hear these "foolish accusations" from his own lips. The FBI agents ignored his request. Rosenberg then demanded and got permission to consult a lawyer. He telephoned his union's law firm. They asked whether he was under arrest. When Rosenberg said no, they told him to "put on your hat and walk out," which he did.

"SOMEBODY MORE IMPORTANT:" The same day, other FBI agents went to the hospital to question Ruth Greenglass. No testimony on this interview was ever introduced. (The government put no FBI agents on the witness stand—an indication that they might have proven extremely vulnerable to defense questions dealing with the interrogations and "confessions" made by certain key witnesses.) But when Ruth Greenglass left the hospital two days later she had an immediate consultation in her home with attorney Rogge. She said that her husband had had dealings with Gold, that it was she who had deposited the $500, and that she had been present the previous February throughout an FBI interview with her husband. She said:

"I thought the FBI was leading to somebody other than my husband, that they wanted somebody much more important than he."

RUTH GREENGLASS
She chose freedom

Rogge then "outlined the different courses that could be taken."

On July 6 in New Mexico, a federal grand jury handed down a four-count espionage indictment against David Greenglass. The charges against him, based on sworn information given to the grand jury by nine persons, including four FBI agents, were that "on about June 3, 1945, in Albuquerque" David Greenglass had:

> **(1) Met and conferred with Harry Gold; (2) Received $500 from Gold; (3) Prepared a sketch of a "high explosive lens mold"; (4) Prepared a statement concerning the Los Alamos project.**

The grand jury charged that Greenglass had delivered these atomic secrets to Gold and to Anatoli Yakovlev "for transmission to the U.S.S.R." For conviction on any one of these overt acts David Greenglass faced the death penalty.

"THE GENERAL SITUATION": The day following the indictment the federal commissioner in New York ordered Greenglass' immediate removal to New Mexico; but Rogge asked for a week's delay. A week later, on July 13, Rogge secured another postponement. U. S. Attorney Saypol approved the delay. He explained:

> **"I do not feel it appropriate to state publicly the substance of discussions which have been going on, but I acquiesce in this application for adjournment."**

In its account of these proceedings, the N.Y. **Daily Mirror** reported:

> **The court appearance followed the latest of a series of conferences between Rogge and Saypol. Rogge said he has been talking with both his client and Saypol and would like to have "several more talks with my client here before removal proceedings are held." His talks with the accused spy, he said, have been about "the general situation."**

SAYPOL CONFERS: In mid-July, Ruth Greenglass, after her first interrogation by the FBI on June 16 and her initial consultation with Rogge, met with Saypol, members of his staff, FBI agents and her husband for three days in a row. The conference had been arranged by Rogge. These conferences with Ruth Greenglass culminated with her signing a statement in which she implicated the Rosenbergs.

On July 17 the FBI placed Julius Rosenberg under arrest, with an announcement, issued jointly from Washington by J. Edgar Hoover and J. Howard McGrath, charging him with having recruited his brother-in-law, David Greenglass, into a Russian spy ring "early in 1945."

FREE ON A "HUNCH": Thus, in one month, what started with an FBI agent's chance question about Julius Rosenberg's college math notes had been shaped up to provide a political sensation. In police parlance the "atomic plot" involved was a "closed case" before Rosenberg was brought into it. All the accused participants had confessed. The chief one, Dr. Klaus Emil Julius Fuchs, British-employed German scientist stationed at Los Alamos project during the war, was already serving time in England (and still works for the British government).

His motive, Fuchs said, was misdirected idealism. Three of his four alleged accomplices in America had no political idealism, only a cash motive; the fourth Harry Gold, was an anti-left-wing adventurer.

Thus the government was deprived of a political culprit in the plot; and the case was on the point of being quietly and unsensationally concluded when Julius Rosenberg was suddenly brought into it. For, in arresting Rosenberg, the government was able to stress the fact that in 1945 he was discharged from government employ on charges that he was a member of the Communist Party.

Ruth Greenglass' hunch—that the "government" was seeking "somebody much more important" than the Greenglasses—proved right.

Today, as the Rosenbergs sit in the Death House at Sing Sing prison, parted from their two children, their accuser, Ruth Greenglass, a self-labeled spy, is free with her two children. Her husband, David, saved from trial for his life in New Mexico, will be free in eight years, with good behavior.

"EVIDENCE" AND HOW IT GREW

GEN. BURGOYNE: ". . . The sooner he is hanged, the better."

AIDE: "We have arranged it for 12 o'clock. Nothing remains to be done except to try him."

—Shaw's "Devil's Disciple"

IN spite of the red-scare headlines resulting from the announcement of the Rosenbergs' arrest, the government still had to make a case against the Rosenbergs.

Scores of FBI agents were assigned to check on the friends, neighbors, business associates etc. of the young progressive couple. For Julius' college mates at CCNY there was a special going-over.

Among these were found two, both of whom were employed by the Reeves Instrument Co. in New York, who were made to measure for FBI purposes. One, an electrical engineer named Max Elitcher, had failed to report Communist Party membership in applying for a government job, had eventually quit the job for fear this would be disclosed, and could still be prosecuted for perjury—meaning a possible five-year sentence and ruin. The other, who lived back-to-back with Elitcher in Queens, L.I., had recently (June 21, 1950) taken his family to Mexico for the summer. His name was Morton Sobell, and he was alleged to have once been a member of the Young Communist League.

The FBI first interviewed Elitcher on July 20, three days after Julius Rosenberg's sensationally publicized arrest. He was told they had information he was involved

in espionage. After several hours' questioning he asked to go home and consult his wife. The FBI went with him. Mrs. Elitcher was at home with her two children, a four-year-old and a new baby.

Within 12 hours Elitcher had signed a statement implicating Julius Rosenberg. He then made a beeline for the law office of O. John Rogge who was already representing the Greenglasses.

The statement Elitcher signed for the FBI said that on two visits to his home in Washington during the war Rosenberg had asked him to spy for the U.S.S.R. but that he had never done so.

KIDNAPING PARTY: On Aug. 3 prosecutor Irving Saypol got a sealed warrant for the arrest of Sobell. It charged him with five "overt acts," all of which were identical: having "had conversations" with Julius Rosenberg over a two and a half year period, at six month intervals. On Aug. 16 ten armed men broke into the Sobell apartment in Mexico City, blackjacked him, dumped him into one car of a five-car caravan and drove three days and nights until they reached the U. S. border. There, waiting FBI agents arrested Sobell and took him to New York where he was arraigned Aug. 25 and held in $100,000 bail.

MORTON SOBELL
Sentenced to 30 years on no evidence

There was still no case against Sobell, except that the Sobells and the Rosenbergs had visited each other from time to time and Sobell had "fled" to Mexico. (There is no evidence that he was up to anything more incriminnating than a vacation. The known facts: his home in Queens was not even sublet; he and his family had booked air passage, rented their Mexico City apartment, in their own names in an apparently normal way.)

FUEL FOR THE BONFIRE: But there, too, Sobell's classmate and neighbor Elitcher came in handy for the FBI. Although in his first two statements (July 20 and 21) Elitcher did not mention Sobell, he finally signed a third statement in October, according to his own testimony, which quoted Rosenberg as saying: "Sobell is also in this."

(Sobell was indicted on Oct. 10, stood trial with the Rosenbergs, was found guilty and sentenced to 30 years in prison. No overt acts were charged against him, his conviction depended solely on Elitcher's testimony. Sobell's at-

torneys called no witnesses nor did Sobell testify in his own defense, in the belief that the jury would reject the unsupported testimony of Elitcher in the face of no government allegations of overt acts. His case, like that of the Rosenbergs, has been appealed.)

Whether or not the government, in kidnaping and arresting Sobell, had any genuine expectation of convicting him, hauling him in helped add fuel to the red-spy bonfire being built up around the Rosenbergs.

MRS. ROSENBERG ARRESTED: Prior to Sobell's kidnaping and arrest, Ethel Rosenberg had been twice called before the federal grand jury. Questioned mainly about her and her husband's political beliefs, she refused answers on constitutional grounds and on Aug. 11, as she left the grand jury room, she too was placed under arrest.

On Aug. 17, the day before Sobell's arrest on the Mexican border, the first indictment in the case was handed down. It charged Ethel and Julius Rosenberg with having conspired to transmit atomic secrets to the Soviet Union. Indicted with them was Anatoli Yakovlev, departed Soviet consular official accused as recipient of the secrets. Named as co-conspirators but not as defendants were Harry Gold and David and Ruth Greenglass. Sobell was not mentioned.

The N. Y. Times noted:

This was the first time that the Government had brought Mrs. Greenglass into the case. . . . U. S. Attorney Irving Saypol said the grand jury had directed that she not be prosecuted. Thus it was indicated that she was cooperating in the investigation and might turn Government witness.

KNOW-HOW AT WORK: The Times noted that the indictment listed eleven "overt acts," among them charges that on Nov. 15, 1944, the Rosenbergs conferred with Ruth Greenglass and five days after gave her $500 to go to New Mexico to visit her husband. Another charged Rosenberg with visiting Mrs. Greenglass in N. Y. on Dec. 10, 1944, and receiving information from her.

These notations in the Times story of the first indictments indicate how the government's case began to shape up through FBI know-how.

As a first example, the charge against Rosenberg on July 17 when he was arrested dated his alleged activities from "early in 1945." The Aug. 17 indictment charged "overt acts" dating back to Nov. 15, 1944, to cover new allegations by Ruth Greeenglass.

A NEW OVERT ACT: On Oct. 10, a new indictment was returned, naming David Greenglass as a defendant in N. Y. (he had already been indicted in New Mexico back in July) and also Sobell in addition to the Rosenbergs and Yakovlev.

On Oct. 19 Greenglass pleaded guilty to the N. Y. indictment and his attorney, O. John Rogge, volunteered the following for him:

"My client is not absolutely precise about every date mentioned in the indictment, but he is ready to give his statement of what transpired, as

he recalls the events."

The third and final indictment was returned on Jan. 31, 1951, a few days before the trial was scheduled to get under way. This indictment (as noted again in the **Times**)

> **. . . extends the conspiracy to June 6, 1944. . . . One overt act has been added. . . . It charges Rosenberg with visiting 247 Delaware Av., Washington [Elitcher's apartment], on June 4, 1944.**

HOW IT GREW: This chronology, when co-related with U. S. Atty. Saypol's statements and with the testimony given in the courtroom, makes it apparent that:

- On July 17, Julius Rosenberg's arrest was warranted on no other basis than oral allegations about him made to the federal authorities by his in-laws, Ruth and David Greenglass.
- The arrest of Ethel Rosenberg on Aug. 11, and the indictment of Ethel and Julius on Aug. 17, were based entirely on the same oral unsupported allegations.
- The kidnaping and arrest of Morton Sobell on Aug. 18 were warranted by nothing except his suspected political beliefs and his being "over the border" when the FBI sought him out—as they did every one of Rosenberg's CCNY classmates and acquaintances.
- Sobell's indictment on Oct. 10 was based on his involvement by Max Elitcher, Sobell's former college room-mate and next-door neighbor, under threat of prosecution for perjury.
- The final indictment, on Jan. 31, 1951, contains the first indication of any incriminating allegations given to federal authorities about Julius Rosenberg by Elitcher.

JUSTICE: Thus the case against the Rosenbergs, which brought death sentences for them, was built entirely by the Greenglasses —both self-labeled spies—and by Elitcher, whose testimony saved him from a 5-year perjury rap and professional ruin.

THE ROSENBERGS TAKE THE STAND

ON Mar. 21, 1951, eight months after he was arrested on charges of spying for the U.S.S.R., Julius Rosenberg took the witness stand. During the eight months the American public had been bombarded with a well-nigh ceaseless propaganda barrage designed to convince them of the certain guilt of the 33-year-old Rosenberg and his 35-year-old wife, Ethel.

The Greenglasses' portrayal had Rosenberg being furnished by the Russians with unlimited financial resources to recruit other spies; to establish contacts with scientists in government agencies and key defense plants; to spend $50-75 every night for entertaining; to subsidize the college education of likely espionage prospects; and to furnish his confederates with large sums of money to flee this

country and find eventual haven "behind the Iron Curtain."

As a token of their appreciation for his service, "the Russians," according to the Greenglasses, had given Rosenberg a citation which entitled him to special privileges; watches for himself and his wife; and a console table containing a hidden compartment for microfilming secret documents.

Notwithstanding the intrigue, mystery, excitement, drama and real-life whodunit qualities of the government's portrayal of Rosenberg, there was just one factor missing: not a shred of it could be supported by even a scintilla of evidence. Nor was any evidence offered even to try to support it.

If these headline-seeking allegations about Julius Rosenberg were indeed factual, it would seem that the government surely could have produced some evidence or testimony that:

- He was known to other members of the A-bomb spy ring.
- He had "important contacts" in defense plants and government agencies.
- He was a big spender in night clubs and restaurants.
- He consorted with Russian nationals.
- He had subsidized students' college education.

THE "RUSSIAN" TABLE: The government's avoidance of any attempt to prove its headline allegations was almost too crude. The console table, which ostensibly contained a secret compartment, was not even produced in court (although an apparently normal table was impounded by the government when the Rosenbergs were arrested); instead, a photograph of a table was introduced in evidence that was "like" the one allegedly supplied "by the Russians." (The Rosenbergs said they bought theirs at a Macy's sale for $21.)

Significantly, none of these headline allegations was included in the indictment on which the Rosenbergs were brought to trial.

The 12 "overt acts" charge that, as part of a conspiracy to transmit A-bomb and other secret information to the U. S. S. R.:

(1) In June, 1944, Julius visited the home of a classmate, Max Elitcher, in Washington, D. C.

(2) On Nov. 15, 1944, Julius and Ethel "conferred with" Ruth Greenglass.

(3) On Nov. 20, 1944, Julius gave Ruth Greenglass a sum of money (J. Edgar Hoover's announcement said it was $500; in court it became $150.)

(4) On Nov. 20, 1944, Ruth Greenglass boarded a train for New Mexico.

(5) On Dec. 10, 1944, Julius visited the Greenglass apartment at 266 Stanton St., N. Y. C.

(6) On Dec. 10, 1944, Julius received from Ruth Greenglass a piece of paper containing written information.

(7) On Jan. 5, 1945, Julius and Ethel "conferred with" the Greenglasses.

(8) On Jan. 5, 1945, Julius gave Ruth Greenglass a torn half of a jello box.

(9) On Jan. 10, 1945, Julius introduced David Greenglass to a man on First Avenue, N. Y. C.

(10) On Jan. 12, 1945, Julius "conferred with" David Greenglass.

(11) On Jan. 12, 1945, Julius received from David Greenglass a paper containing sketches of experiments conducted at the Los Alamos project.

(12) On Jan. 14, 1945, David Green-

glass boarded a train for New Mexico.

Of these 12 "overt acts," Rosenberg, when he took the stand, denied four as outright falsehoods. He said he never gave Ruth Greenglass any sum of money, and never received any written information from her or any sketches from David Greenglass. He denied giving Ruth a torn half of a jello box or introducing David to "a man" on First Ave. This man, according to Greenglass' testimony, was "a Russian," whose name, dress and description Greenglass was unable to recall when pressed to do so by Rosenberg's attorney, Emanuel Bloch.

Rosenberg did not challenge the other "overt acts" listed in the indictment; he did, however, challenge and deny on oath the import of these acts as alleged by the uncorroborated testimony of witnesses whose accusations against the Rosenbergs saved their own hides.

CASUAL CLASSMATES: The meeting in Elitcher's home in Washington in June, 1944, the only testimony purporting to corroborate the Greenglass' portrayal of Rosenberg as a master spy who toured the country recruiting espionage prospects, defies credulity as it was described by Elitcher.

Here is how "master-spy" Julius Rosenberg proceeded to "recruit" his former classmate into his espionage net; according to Elitcher's sworn testimony:

> **"He came over after supper and my wife was there and we had a casual conversation. After that he asked if my wife would leave the room, that he wanted to speak to me in private. She did and then he said to me—he talked to me first about the job that the Soviet Union was doing in the war effort and how at present a good deal of military information was being denied them by some interests in the U. S., and because of that, their effort was being impeded."**

MAX ELITCHER

The FBI put a squeeze on him

Then, according to Elitcher, Rosenberg asked him whether, in his job with the Navy's Ordnance Bureau, he had access to secret information and whether he would turn it over. (Elitcher said he neither accepted nor rejected the offer; but under cross-examination he admitted that he never turned over to Rosenberg any material, secret, classified, confidential or otherwise.)

Rosenberg's account of this meeting is considerably different. He said that when he was in Washington in 1940, while his

wife was working in the government's census bureau, he bumped into two former classmates, Morton Sobell and Max Elitcher, at a swimming pool. (Elitcher hadn't recalled this encounter.) Four years later, Rosenberg testified, he was sent to Washington on a Signal Corps assignment. After being in the city for three days, he became lonely and attempted to look up Sobell and Elitcher. He said Sobell's name was not listed in the Washington telephone directory, but Elitcher's was.

Rosenberg testified that, after he had been at the Elitchers' home for a short time, Mrs. Elitcher did leave the room. But, instead of being sent out by him so that he could make spy overtures to her husband (as Elitcher claimed), she left the two men alone for a mission as prosaic as washing the supper dishes. He saw Elitcher a year and a half later in Washington, and a third time in New York in 1946. He denied categorically any "spy" talk with Elitcher on any of these occasions; their encounters were no more than get-togethers of old classmates.

However, Rosenberg agreed readily that he had talked about the war effort, about the opening of the second front, about the Soviet Union's military and economic gains, and his freely-expressed view that the Russians had

> **". . . contributed a major share in destroying the Hitler beast who killed six million of my co-religionists, and I feel emotional about that thing."**

The three meetings with the Greenglasses that are listed among the "overt acts" as sinister implementations of a spy plot did indeed take place, Rosenberg testified. But, instead of the intriguing conversations that the Greenglasses ascribed to the meetings, Rosenberg said that one of them was at a family gathering when David first returned to New York on an army furlough; another occurred at his mother-in-law's, when he saw and talked to Ruth Greenglass after her return from a five-day visit to her husband in Nov. 1944; and the third was at the Rosenbergs' apartment, where the Greenglasses had been invited to dinner (similar invitations had been extended to David and Ruth by all the relatives who attended the family dinner welcoming the army sergeant home for furlough).

At these meetings, Rosenberg testified, he discussed nothing more sinister than their children, work, the progress of the war, and politics, in which Rosenberg voiced the opinion that the Soviet Union was still bearing the "heaviest load" of repelling the German Army, and that a second front should have been opened sooner.

What gives the clearest hint that the Rosenbergs are victims of a political frame-up is that the 12 "overt acts" listed in the indictment all occur during the six-month period preceding Julius' dismissal from his Signal Corps job on charges that he was a Communist Party member—a period during which he surely must have been under investigation.

Ethel Rosenberg, when she followed her husband on the stand, also denied categorically the Greenglasses' accusations purporting to link her to the espionage plot as Julius' assistant and moral supporter. The Greenglasses accused Ethel of typing up A-bomb notes which allegedly were given to Julius by David; writing letters to the Greenglasses when they were living in Albuquerque, N. M. (and allegedly giving them instructions for meeting a courier); and being present at several of the meetings which the Rosenbergs insisted were family or social gatherings. No letters, notes or any other corroboration of these accusations were produced.

Ethel Rosenberg testified that she did own a portable typewriter; that she earned her living as a typist before her marriage; that she corresponded with the Greenglasses for her mother, "who doesn't write English very well"; that she did some volunteer typing for the ladies auxiliary of her husband's union, Federation of Architects, Engineers, Chemists and Technicians, CIO, and, during the war, for the Office of Civilian Defense. Apart from these typing activities, she admitted to typing nothing more "incriminating" than her husband's denial of the government's allegations in severing his employment on the charge he was a Communist.

"A FAIR AND IMPARTIAL TRIAL"?

WHEN TESTIMONY had been completed in the trial last March, and just before the summation and the judge's charge, attorney Alexander Bloch addressed Judge Irving Kaufman with the following motion:

> **"I move for a mistrial upon the ground that the frequent questioning by the Court . . . of witnesses, especially the defendants, had a tendency of unduly influencing the jury to the prejudice of the defendants and depriving them of their constitutional right to a fair and impartial trial."**

Judge Kaufman indignantly brushed the motion aside and challenged the defense's sincerity in making it.

A selection of examples of what the defense motion referred to follow. The reader should judge them while remembering that the case against the Rosenbergs as presented in the "overt acts" was clearly not sufficient to win a conviction unless the couple could be indelibly smeared before the jury as Communists and "Russia Firsters."

THE FACT THAT WASN'T: When the Government called its first witness, Max Elitcher, Judge Kaufman interrupted the prosecutor's direct examination of the witness to address the jury as follows:

> **"I want you to understand right at the outset that THE FACT THAT THEY [the defendants] WERE MEM-**

BERS OF THE COMMUNIST PARTY [emphasis ours] does not establish the elements necessary to prove them guilty of the crime charged in this indictment, which is conspiracy to commit espionage. However I am admitting this testimony on the theory of motive, but the Government will have to establish that there is some connection between Communism and committing the offense charged in the indictment."

There had been no evidence up to this point that the Rosenbergs were Communists, yet the judge referred to this as a "fact." The only "fact" then in existence bearing on this point was Julius Rosenberg's denial of Communist affiliations in seeking to regain his Signal Corps job in 1945.

Thus Judge Kaufman, in the apparent act of counseling the jury on how to judge the evidence, committed the first act of implanting the defendants' "Communism" in the jury's minds.

ON THE HONOR OF BENTLEY: Later, when the Government brought Elizabeth Bentley to the stand to offer her now-familiar testimony that all Communists are spies for Moscow, the judge pointed out to the jury that this testimony was what he had referred to in his foregoing statement about the connection between Communism and espionage.

THE COURT: "I assume that this is the causal connection that we have been talking about between membership in the party and intending to give an advantage to a foreign government, to wit, the U. S. S. R. as charged in the indictment."

The judge then explained the import of Bentley's testimony to the jury, in a way which amounted to little more than his earlier comment spelled backwards:

THE COURT: "The purpose for which this testimony was taken . . . is to show a link, as the Government contends, exists between aiding Russia . . . and being members of the Communist Party. . . ."

When it became the defense's turn, Judge Kaufman was openly antagonistic. At the beginning of his cross examination of the government's first witness, Atty. E. H. Bloch sought to question Elitcher about the circumstances that he, a government witness, was represented by the same lawyer, O. John Rogge, as two defendants in the indictment, David and Ruth Greenglass. Prosecutor Irving Saypol objected.

SAYPOL: "Will your honor let me state on the record my objections? I think the cross-examination is taking a turn which is wholly unfair to the prosecution. First there is an implication that the U. S. Government recommends lawyers and witnesses to defendants."

THE COURT (sustaining the objection): "Well, you had better be prepared, Mr. Saypol, for many, many more implications by the defense in this trial. . . ."

A basic defense contention was that the Greenglasses, to save their own necks, had implicated the Rosenbergs under FBI urging because of animosities which had grown up between the couples in 1949-50 over business differences. Greenglass admitted the differences but insisted he and Rosenberg had remained "good friends."

Q. (by E. H. Bloch): "Did you ever come to blows with Julius?"

A. (by David Greenglass): "No, I didn't."

Q: "Do you remember an incident when you were sitting in the corner candy store at Houston St. and Av. D

when your brother Bernie had to separate the both of you?"

A: "It slipped my mind."

THE COURT: "Subsequent to that, had you patched things up?"

A: "Certainly. We were very friendly after that."

The Greenglasses' testimony, in an effort to connect family gatherings with the Rosenbergs to the alleged spy plot, freely tossed off names of guests etc. as persons connected with Julius in espionage activity. (None of these persons was called as a witness or named in any indictment.) One such person, a neighbor of the Rosenbergs, was allegedly first pointed out to Greenglass by Rosenberg as a person who would contact him in New Mexico for information. Later they met socially but Greenglass could testify to no discussion of espionage matters. Rosenberg testified that the woman and her husband had been merely dinner guests at a homecoming for David Greenglass. Attorney Bloch questioned Rosenberg about the dinner party:

Q: "Did you ever have any discussion with Ann Sidorovich or her husband at any time with respect to getting any information relating to the national defense of this country?"

A: "I did not."

THE COURT: "Did you ever discuss with Ann Sidorovich the respective preferences of economic systems between Russia and the U. S.?"

Rosenberg replied that "in my normal social intercourse with my friends we discussed matters like that." Atty. Bloch, to offset the implications of the judge's interruption, elicited from Rosenberg the statement that he would fight for this country in a war with any other country. Again Kaufman interrupted:

THE COURT: "Do you approve the communistic system of Russia over the capitalistic system of this country?"

DEATH FOR TYPISTS: The following prejudicial court tactics occurred at one of the most important junctures of the trial,

FBI CHIEF HOOVER AND ATTORNEY GENERAL McGRATH
They laid down the conditioning barrage

over the allegation that Ethel Rosenberg typed atomic information received by Julius from Greenglass:

Q: "Did your wife ever type up at your request any matter as a result of your having received any of that 12-page descriptive matter?"

A: "She did not type any such thing."

THE COURT: "Is your wife a typist?"

A: "Yes, she is."

THE COURT: "Do you have a typewriter at home?"

A: "That is right."

THE COURT: "Proceed."

* * *

Q: "Did you ever take any material that was ever transmitted to you by Dave or Ruth Greenglass and turn it over to the Russians or anybody else?"

A: "No. I did not."

THE COURT: "Did you know any Russians at that time?"

SHE SERVED JELLO: Ethel Rosenberg's examination was briefer and less involved than her husband's. But Judge Kaufman played no favorites:

Q: "Did you ever hear of any such thing as a Jello box being cut in two in order to be a means of identification of any emissary or agent to be sent by your husband out West in order to get information from the Los Alamos Project?"

A: "Outside of this courtroom, I never heard of any such thing."

THE COURT: "Incidentally, did you have any Jello boxes in your apartment?"

Saypol's badgering was hardly less tendentious than His Honor's. Thus, in cross-examining Julius Rosenberg:

Q: "Did you ever make any contribution to the Joint Anti-Fascist Refugee Committee?"

A: "Yes, I believe I did."

SAYPOL (turning to the jurors): "That is known to be an organization deemed subversive by the Attorney General."

To the host of questions tossed at him by the prosecutor in cross-examination about his political affiliations, Rosenberg refused to answer, claiming privilege under the 5th Amendment. This is what happened when attorney Bloch objected to this entire line of questioning:

BLOCH: ". . . This type of question goes to collateral matter. The charge here is espionage."

THE COURT: ". . . I wouldn't entertain this if I believed it was collateral. . . . I believe that in view of the foundation which the Government has laid that it is relevant."

For Ethel Rosenberg, whose cross-examination by the prosecutor consisted almost entirely in attacking her exercise of privilege in refusing to answer questions before the grand jury before she was indicted, here is one of the questions which enabled Saypol and Judge Kaufman to send this mother of two small children to the Sing Sing death house:

Q: "A little while ago you said you did everything to help Davey, do you remember that?"

A: "Yes."

Q: "Did you help him join the Communist Party?"

DEATH HOUSE BANTER: Finally, when the prosecution produced a "surprise" witness under the guise of rebuttal—a photographer who testified that he had taken "passport photos" of the Rosenberg family (although he could produce no negatives of the pictures nor a record of the transaction)—attorney Bloch asked the witness:

Q: "Now there are some Saturdays

when you do a rather rushing business?"

A: "Not a rushing business."

A: "Well, a good business?"

SAYPOL: "Did you say a 'Russian business' or a 'rushing business'?"

Judge Kaufman playfully admonished the U. S. Attorney not to try to be a Milton Berle and the jury chuckled respectfully. Thereafter, their sport exhausted, both judge and prosecutor sought spiritual guidance (as they took pains to inform newsmen, who, with no exception, highlighted this in their accounts of the trial) and returned to Foley Square to send the objects of their banter to the Death House.

TOO CRUEL, TOO HORRIBLE

IN sentencing Ethel and Julius Rosenberg to death in the electric chair on charges of entering into an atomic espionage conspiracy in 1944-45, Judge Irving Kaufman told the convicted defendants:

"Your crime is worse than murder. Plain, deliberate, contemplated murder is dwarfed in magnitude by comparison with the crime you have committed.

". . . I believe your conduct in putting into the hands of the Russians the A-bomb years before our best scientists predicted Russia would perfect the bomb has already caused the Communist aggression in Korea with the resultant casualties exceeding 50,000 Americans, and who knows but that millions more of innocent people may pay the price of your treason. Indeed, by your betrayal you undoubtedly have altered the course of history to the disadvantage of our country. No one can say that we do not live in a constant state of tension. We have evidence of your treachery all around us every day—for the civilian defense activities throughout the nation are aimed at preparing us for an atom bomb attack.

". . . In the light of the circumstances, I feel that I must pass such sentence upon the principals in this diabolical conspiracy to destroy a God-fearing nation, which will demonstrate with finality that this nation's security must remain inviolate. . . ."

This was the rationalization for imposition by a civil court—for the first time in this country's history, either in peace or war—of the death sentence on a charge of espionage.

REFLECTING HYSTERIA: Calling the sentence "unjust," **The Sentinel,** American-Jewish national magazine in Chicago, said Kaufman "was carried away to an extent by the hysteria which has overtaken our country." The Jewish **Daily Forward**, which accepted without challenge the judge's statements as to the Rosenbergs' guilt, nevertheless found the sentence "too horrible" and "too cruel." It probably spoke for the whole Jewish community of America when it added that "every Jew feels the same way"; but it is now apparent that a far vaster segment of America finds the sentence too cruel and horrible.

But even assuming that the Rosenbergs did participate in such a plot, the judge's statement justifying the death sentence falls apart factually when viewed against the historical facts; and the sentence itself becomes not only cruel and horrible but ridiculous and illegal to boot.

A STUDY IN CONTRASTS: Of the 12 "overt acts" charged against the Rosenbergs, the first occurred in June, 1944; the last in Jan. 1945. The savagery of the sentence, if it may in any conceivable way be justified, can be understood only in terms of the political climate six years after the commission of the "crime." Death for the crime the Rosenbergs allegedly committed is unthinkable had they been brought to trial at the time it allegedly was committed, when the U.S.S.R. was a war ally. **But even for aiding an enemy in World War II, no individual was sentenced to death.**

In the wartime spy case known as U. S. vs. Molzahn, four men who gave vital aircraft secrets to Germany in the fall of 1941 were let off with 5- to 15-year sentences. "Axis Sally" and "Tokyo Rose" —against each of whom was presented a mountain of evidence showing they had actively worked for an enemy in wartime, and against each of whom was absolutely proven treason, the greatest crime chargeable against a citizen in relation to his own government—were each sentenced to ten years' imprisonment. (With time off for good behavior, both will be free before the Rosenbergs' appeals can be exhausted.)

Even in those cases where others had been convicted as alleged spies for the Soviet Union, the maximun. penalty (only one case) meted out by U. S., British and Canadian courts has been 30 years, the minimum sentence six months.

JUDGE vs. COMMISSION: Further grounds for questioning the imposition of the death sentences were forthcoming from government itself—the Joint House-Senate Committee on Atomic Energy. Its 222-page report published last April, **after** the Rosenbergs had been sentenced to death, demolishes every point made by the prosecutor and the judge in regard to the death penalty.

DR. KLAUS EMIL JULIUS FUCHS
The real Julius?

The commission's report, entitled **Soviet Atomic Espionage**, states its objective as "assessing the atomic-espionage damage inflicted upon the U. S." It cites four spies who, it says, did the most damage to U. S. defenses in this order: Dr. Klaus Fuchs, Dr. Allan Nunn May, Dr. Bruno Pontecorvo and David Greenglass.

WERE SPIES NECESSARY? These four together, according to the report, "have advanced the Soviet atomic program by 18 m[illegible]s." Qualifying that judgment the report adds:

> **This is not to imply that Russia could never have broken the American atomic monopoly through her own unaided efforts.**

Fuchs, the alleged master spy, the report claims, "may have set ahead the Soviet project by one year.' Of David Greenglass, the report says:

> **. . . The bomb sketches and explanations that Greenglass—as a virtual layman—could prepare must have counted for little compared with the authoritative scientific commentary upon atomic weapons that Fuchs transmitted. . . . Everything considered, Greenglass appears to have been the least effective of the four spies.**

The Rosenbergs are mentioned only once, by way of recording their conviction.

Yet even taking the prosecution's unproven charges as valid, the Rosenbergs could have done no more than transmit the sketches of this "least effective" spy, which "must have counted for little."

WHAT A SPY NEEDS: Judge Kaufman, in justifying the unprecedented death sentence, called Julius Rosenberg "the prime mover in this conspiracy"; Ethel "his full fledged partner"; both of them the "principals in this diabolical conspiracy."

The committee's report cites a letter written by atomic scientist Karl Cohen of the H. K. Ferguson Co. to committee chairman Sen. Brien McMahon (D-Conn.) describing the attributes of an efficient spy:

> **Knowledge of the general scope of the work, access to detailed information, and an appreciation of its significance.**

The Rosenbergs, clearly had no knowledge and no access to detailed information on atomic energy, and no training whatever that would have enabled either of them to appreciate its significance.

WAS THERE A SECRET? Moreover there is one basically significant aspect of the sentence of death imposed on the Rosenbergs. It deals with the kind of information supposedly given to the U.S.S.R., if their guilt be assumed.

In cases involving espionage the burden is on the prosecution, as our courts have held, to prove that information transmitted is "secret." When information already "has been made public property," there is no offense in transmitting it to a foreign power.

In a speech last January before the New York City Bar Assn., Dr. J. Robert Oppenheimer, foremost U. S. authority on atomic weapons —as reported in the N.Y. Times—

> **. . . declared that there were no "unpublished" secrets concerning atomic**

IRVING SAYPOL
The experts dissented

weapons, and no "secret laws of nature" available to only a few.

WHERE WERE THE EXPERTS? Referring to testimony given by David Greenglass pertaining to the A-bomb sketches and notes he allegedly gave to the Rosenbergs for the U.S.S.R., Time magazine explained:

> The spies on trial could not be convicted without proof that they had given real and vital secrets to the Russians.

Greenglass drew a sketch in court and gave a long oral description of the information he allegedly gave Rosenberg. Although the burden was on the government to prove the accuracy of the Greenglass sketch and description, a liaison man with the Atomic Energy Comm. was the only person produced by the government to testify that they to any "substantial degree" reflected the actual construction of the bomb.

This point of view found no acceptance from any informed quarter. **Time** commented that "some of his [Greenglass'] testimony made little scientific sense," and that Greenglass' bomb was not "up to date, complete or accurate," after pointing out "the general principle of an atom bomb has been no secret."

"ILLOGICAL, UNWORKABLE": To the science editor of **Life**, "Greenglass' implosion bomb appears illogical, if not downright unworkable." **Scientific American** also refused to take seriously the contraption solemnly introduced by the prosecution through Greenglass. This authoritative publication's lengthy article on the Greenglass bomb began:

> History's most elaborately guarded secret—how to make an atomic bomb—was casually let out of the bag in a courtroom last month. Or was it?

The **Scientific American** article contained this biting—and highly revealing—comment:

> What the newspapers failed to note was that without quantitative data and other necessary accompanying information the Greenglass bomb was not much of a secret.

Thus the sketch which the Rosenbergs were accused of sending to the U.S.S.R. was not only "illogical" and "unworkable" but it was "not much of a secret" according to the best authorities to judge the evidence in the case.

UNHEEDED WARNINGS: The contention of "secrecy" concerning atomic information has been the most assiduously-planted propaganda of the cold war. It runs directly counter to the testimony

in 1945 of scientists most closely associated with atomic development, such as Harold C. Urey, Oppenheimer, Huxley in England and others who pleaded with the public and the Allied governments to understand that there existed no basic atomic secrets. They warned then that atom bombs could be built by any nation, that the only protection against atomic war was international outlawing of atomic weapons and destruction of stockpiles.

Authoritative scientific publications also have repeated this same point of view. An editorial in the September, 1949 issue of **Atomics**, a monthly periodical dedicated to the presentation of scientific facts about all phases of atomic energy, offers one typical statement of the many hundreds that could be quoted. The editorial, prompted by President Truman's announcement in 1949 that the Soviets had exploded an atom bomb, declared:

> **". . . It should not be startling since it is only what every reputable scientist, knowing the principles of nuclear physics, has been predicting ever since we dropped the atomic bomb on Japan four years ago. SINCE THE DISCOVERY OF URANIUM FISSION IN 1938 THERE HAS BEEN NO BASIC SECRET REGARDING AN ATOMIC BOMB. True, it was not until July 16, 1945, when the first experimental atomic bomb explosion took place at Alamogordo, that American scientists actually knew that an atomic bomb would work. ONLY DURING THE 21 DAYS BETWEEN THAT DATE AND AUGUST 6, 1945, WHEN THE ATOMIC BOMB WAS DROPPED ON HIROSHIMA, DID WE POSSESS THE SECRET OF THE ATOMIC BOMB. THIS SECRET WAS SIMPLY THAT WE KNEW THE BOMB WOULD WORK. Scientists of other nations did not know it." (caps added)**

VERDICT BY PASSION: Before the Rosenberg trial the government told the public it would produce as witnesses such top nuclear physicists as Oppenheimer and Urey, and wartime A-bomb project chief Lieut. Gen. Leslie Groves. None of them came to testify. Was it because they might have admitted that no "atomic secret" ever existed at all?

Information possessed by the Atomic Energy Commission would seemingly bear this out. Last December, in the opening paragraph of a news story datelined Washington, D.C., the International News Service reported:

> **"The Atomic Energy Commission Friday bared secret documentary proof that Russia has known the scientific secrets of atom bomb manufacture since 1940, the year the United States began attempts to develop the missile."**

Outside of lynch law there is probably no more appalling example in American memory of

JUDGE IRV NG KAUFMAN
Did Divine Guidance say "Death"?

yielding to hysteria in the face of judicial tradition and historical and scientific fact, than Judge Kaufman's death sentence on Julius and Ethel Rosenberg for "putting into the hands of tl Russians the A-bomb" and "cau ing the Communist aggression i Korea with the resultant casua ties exceeding 50,000 Americans.

UNFLINCHING IN FACE OF DEATH

(April 17, 1951)

My very own dearest husband:

I don't know when I've had such a time bringing myself to write you. My brain seems to have slowed to all but a complete halt under the weight of the myriad impressions that have been stamping themselves upon it minute upon minute, hour upon hour, since my removal here. I feel a sharp need to share all that burdens my mind and heart and so bring to naught, make invalid the bitter physical reality of our separation. . . .

The bars of my large, comfortable cell hold several books, the lovely, colorful cards (including your exquisite birthday greeting to me) that I accumulated at the House of Detention line the top ledge of my writing table to pleasure the eyes and brighten the spirit. The children's snapshots are taped onto a "picture frame" made of cardboard, and smile sweetly upon me whenever I so desire, and within me somewhere, I shall find that "courage, confidence and perspective" I shall need to see me through the days and nights of bottomless horror, of tortured screams I may not utter, of frenzied longing I must deny! Julie, dearest, how I wait upon the journey's end and our triumphant return to that precious life from which the foul monsters of our time have sought to drag us!

Ethel

(April 18, 1951)

Dearest Ethel:

I received your wonderful letter this afternoon. . . .

If our lawyers do not succeed in bringing you back to the Women's Detention Home I will move heaven and earth to be sent to Sing Sing to be nearer you and to be able to see you whenever it is possible.

I beg you not to try to sway me from this decision as this is what I must do. Your single document is indelible proof that not only are you a tremendous person, but you have the courage, confidence and enlightened perspective to come through all this hell and then some. My wife, I stand humble beside you, proud of you and inspired by such a woman! . . .

In a couple of days the Passover holidays of our people's search for freedom will be here. This cultural heritage has added meaning to us who are locked away from each other and our loved ones by this modern Pharaoh. It has such meaning to us and our children. Yes, we are missing a lot but this, too, shall pass and we will have cause for greater celebration. . . .

Always your very own,

Julius

(Ethel to Atty. Emanuel Bloch)

. . . Now I have a special request to make of you. Please, when you see the Warden next, won't you plead with him to allow me to have Michael's plant outside the cell where I can see it but not touch it? At the very least, couldn't I see it just once so that I can truthfully tell Michael what it looks like. . . . My God, what harm can there possibly be, what crime committed if I am allowed this one token of love from my darling children whom I have not seen for close to a year now! . . .

(Julius to Ethel—May 9)

. . . Ethel, I was terribly shocked to read that Willie McGee was executed. . . . My heart is sad, my eyes are filled with tears. I must yell SHAME AMERICA! Shame on those who perpetrated this heinous act! Greater shame on those who did not lift their voices and hands to stop the Mississippi executioner. It seems to me that the federal courts have adopted the abominable medieval practice of the Southern Bourbons, legal lynching of Negroes—and are now attempting, as in our case, to apply this to political prisoners. Mark my words, dearest, the harsh sentence passed on us is part of the atomic hysteria designed to brutalize the minds of the people in order to make it easier for them to accept as a commonplace thing long prison terms and even death sentences for political prisoners. . . .

In mid-May, Julius was also sent to the Death House and wrote this letter to Ethel after their first visit there.

. . Darling, I miss you so much and I am so concerned for your welfare and peace of mind. All during the lawyer consultation I couldn't take my eyes off you nor could I get myself to express the tender and deep love I feel for you, my precious.

. . . I'm sure we'll make it, darling. With decency and justice we'll be delivered from this darkness to beautiful life and freedom. Goodnight, my wife.

(From Ethel to Julius' sister)

. . . Oh, how indescribably bitter it is to be separated from one's children. Can the heart-ache ever really be measured? I am a vessel filled to overflowing with so much sorrow, so much pain, it seems as though I shall never be quite free of these feelings again. Yet must I curb my longing and bid myself be patient yet a while more. The thought of my sweet husband ever comforts and sustains me; I simply must not be found wanting.

(Ethel to Atty. Bloch)

. . . I'd like to drop your dad [co-counsel Alexander Bloch—Ed.] a few lines but since I don't know if it would be permissible, I'd better just send my love through you. How is my adopted "Pop" anyway? Tell him his adopted "daughter" is as rebellious as ever; let him just come and see me and I'll give him a sample of the old lung power! Gosh, how I used to bawl him out during our consultations and how he'd plead with you to make me "stop yelling" at him! How far away it all seems; I can see him this minute, after the verdict, sitting there heart-broken, overcome, sick to the soul of him at all the rotten hypocrisy of the impartial judge and the impartial jury. His old eyes have beheld so many slimy things, I'm hoping it's in the cards for him to behold our eventual victory!

The Rosenbergs' children, Michael, 8 and Robbie, 4, were placed in a shelter home following their parents' arrest. They were removed a year later after arrangements were made for them to live with Julius' mother. Here is Julius' first letter to them at their new home.

My Dearest Darling Boy Michael:

. . . We, your parents, still can't come home as our appeal to the higher courts has not as yet been heard. Be patient, honey, as everything will turn out all right and we'll come home too, when all this is over. I see your mummy regularly and we talk about you two fellows. We look at your pictures and hug and kiss you with all our hearts. You are very dear and precious to us and I send you all my love. We'd like to hear from you as to all the things you do, see and hear. . . .

I'm sure everything will work out all right because we are all working together from the start and we are doing a wonderful thing for all of us. We are well and glad to hear such good news about you. We will be home, you can bet on that.

Your own Daddy Julius

CONCLUSION

They were convicted by the atmosphere and not by the evidence.
—Felix Frankfurter, in The Case of Sacco and Vanzetti.

A FAIR-MINDED people can suffer their government to take the lives of citizens only on the most direct and incontrovertible evidence. The whole world now knows that Nicola Sacco and Bartolomeo Vanzetti were innocent of the crime for which the Commonwealth of Massachusetts put them to death in 1927, that they were framed on a holdup and murder charge because of their radical activities in the postwar hysteria of World War I.

The facts of the arrest, trial, conviction and sentencing of Julius and Ethel Rosenberg indicate that, at the very least, there is grave doubt of their complicity in any alleged atom-spy conspiracy whatsoever; and at the very worst that they too, have been convicted on trumped-up evidence—not so much to silence their own, two small voices of political protest but rather to implant in the public mind with savage emphasis the belief that all holders of radical views are a menace to the nation, and to silence through mortal fear, all who may dare to hold views at variance with those of the administration of our country.

It was precisely for such a purpose as this that Herman Goering caused the Reichstag to be set afire in Nazi Germany in 1933, blaming it on the Communists. Of this now well-exposed plot, the noted British lawyer D. N. Pritt wrote:

> **Far more important for the German government than that the guilty incendiary should expiate his crime was the securing of a legal pronouncement in favor of the alleged complicity of their most feared and hated political opponents, the Communist Party of Germany. . . .**
>
> **The terror, the persecution and attempted political and economic annihilation of the Jews, the working class movement, and the progressive thinkers of Germany, thus received some shadow of apparent legal justification.**

The Hearst press, gleeful over the death sentences meted out to Julius and Ethel Rosenberg, did not miss the implications of the case for progressive thinkers of America. "The importance of the trial cannot be minimized," said the N. Y. **Journal-American.** "Its findings disclosed in shuddering detail the Red cancer in the American body politic—a cancer which the Government is now forced to obliterate in self-defense.

"The sentences . . . indicate the scalpel which prosecutors henceforth can be expected to use in that operation."

Thinking Americans may not in good conscience permit the conviction of these two young American parents to stand without challenge. We must not countenance a Sacco-Vanzetti Case in our time, while we have voice and courage and means and still an opportunity to prevent it.

HERE IS WHAT *YOU* CAN DO:

- WRITE to President Truman and Attorney General J. Howard McGrath asking that the government consent to a reversal of the Rosenberg conviction, thus allowing for a new trial or discontinuance of their prosecution.
- URGE your Senators and Congressman to make the foregoing request to the White House and the Department of Justice.
- DISTRIBUTE this pamphlet as widely as possible.
- SUPPORT the National Committee to Secure Justice in the Rosenberg Case.

National Committee to Secure Justice in the Rosenberg Case
246 Fifth Avenue, New York 1, N. Y.

Please enlist me in the National Committee to Secure Justice in the Rosenberg Case. Enclosed $..... to help bring the facts of the case to a wider audience and to assure funds for legal needs. Please send me copies of all materials issued by the Committee. You may (may not) use my name in the Committee's work.

Please send me ..... copies of this pamphlet for distribution.

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