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In Sing Sing death house, an 8-year-old cold-war victim asks:

"Daddy, when are you and Mommy coming home?"

There were no reporters to record the emotion of the Rosenberg's as the silence of their cells closed on them again. But there are the杰克people who know at what time they are the victim. Attorney Block on Thursday obtained an extension from Aug. 15 to Oct. 15 for filing the record and brief in their appeal.

Between now and then the GUARDIAN will expose the "evidence" on which two beloved and respected American parents, who have never ceased to proclaim their total innocence, have been ordered to their deaths by their government.

TWO New York children, aged 8 and 16, and two others, aged 14 and 12, who had never been their home, spent two hours in the Sing Sing death house. They were visited by their father and mother, and then an hour with their father and then a train took the children home. The place to which the mother and father had to go was back to their silent, solitary cells in the Sing Sing death house. They were visited by their children.

The eight-year-old boy had recognized his father, but then he saw the children and came to him. He played with his brother, and his father went to the jail yard with the other kids from the lockup and a Fire Side Song Book with songs the children knew. They sang and chatted, but there was no more singing. The only other gift the mother gave was a collection of insects she had gathered in the jail yard and played handball with the walls and played handball with herself for an hour each day.

When they returned to their cells, and the boy, who had been in the Council Room, the smaller boy climbed into his lap, and told him he said, "I can play here now, Daddy, and asked questions about chess. The older boy talked, "When are you and Mommy coming home?" and said, "I heard on the radio that 20,000 people are going to the Rosenberg's house." The older boy asked, "Are you going to be kept there?"

"You know we're innocent," the younger boy hurriedly explained. "No, it's not true. But they want us to be innocent," the older boy added. "We're going to stay with Daddy until we're innocent," the younger boy said, "I want to stay with Daddy until we're innocent," the younger boy said."
Is this the Dreyfus Case of cold war America?

THREE years ago in our very first weeks of publication, the GUARDIAN was foretold in detail the Trenton Six case for the first time beyond the limits of the Trenton area. Our investigations convinced us then that the Six were innocent but that they would never be cleared by the courts. The public demand could be met only by the release of the Six. We undertook to reach the conscience of the nation and the world on this little case, so as to save the lives of four of the accused men and save the life of the other four.

Next week, the GUARDIAN will be on a weekly instead of a daily basis. If Eibel and Julian Rosenberg, a young New York couple, whose home was attacked by the FBI, are still alive, the outcome of their appeal in October against the government for their lives and their freedom will be one of the outstanding events of the U.S.S.R. when that country is destroyed.

We are convinced of the overwhelming probability that the Rosenbergs are completely innocent. We have been convinced when we have had the opportunity to see all the facts before you, then you will have the opportunity to judge for yourself the character of these young people and the forces which would take their lives as a propaganda measure in the midst of war and revolution.

The Rosenbergs were arrested, tried, and convicted last year as an aftermath of the successful espionage of the British-employed German scientist Klaus Fuchs at Los Alamos. Their actions during World War II...
Fuchs is now serving a 14-year sentence in England and is still working on projects for the British government. Four other persons confessed to complicity with Fuchs. Of these, Harry Gold was sentenced to 30 years, scientist Alfred Dean Black to 15. Sgt. David Greenglass to 15. Greenglass' wife was never tried and walks free today.

Implacated by David Greenglass and his wife (Greenglass is Mrs. Rosenberg's brother), the Rosenbergs were the only defendants for whom the government asked a death sentence, although they have from the start maintained complete innocence of any knowledge of the plot.

Weeks ago, the GUARDIAN assigned William A. Reuben—the reporter who originally uncovered the Trenton Six case and followed it for us for three years—to start work on the Rosenberg case.

On the basis of Reuben's findings, we contend this:

- That the very least that can be said for the government case is that it leaves such reasonable doubt of the Rosenbergs' guilt as to entitle them, by all American legal standards, to acquittal.
- That there are strong grounds for suspecting the Rosenbergs are victims of an out-and-out political frame-up.

ONLY a dozen years ago millions of Americans saw re-enacted in the film The Life of Emile Zola, the Dreyfus frame-up in which a Jewish captain of the French army was sent to Devil's Island as a "spy" for Germany. Even when the alleged foreign principal was an enemy and not an ally, "spies" were not sentenced to death in peace-time in the unenlightened 19th century. In a series of newspaper articles under the heading "J'Accuse!" the novelist Zola charged monarchist and militarist elements with deliberately framing Dreyfus, and after 13 years of frightful suffering Dreyfus' innocence was established.

Only 18 years ago the stage was set for the long night of Nazism in Germany when the Communist leader Georg Dimitrov and the Dutch youth van der Lubbe were put on trial for burning down the Reichstag. Dimitrov turned his "defense" into an accusation of Hitler's Gen. Goering with such effect on world opinion that he was set free, but van der Lubbe was executed. Later the world learned the truth of what the German Left had said at the time—that Goering himself burned the Reichstag for purposes of this political frame-up.

Only 24 years ago the State of Massachusetts executed two beloved labor leaders, Sacco and Vanzetti—framed up for a murder they did not commit.

Without understanding of its implications we ask this question, on the basis of the facts as we shall set them forth:

Is the Rosenberg case the Dreyfus case of cold-war America? Is it the Sacco-Vanzetti case of this era when the nightmare Truman war program demands the destruction of militant labor opposition? Is it the Reichstag Fire Trial of a time when the voice of protest from the political Left must "at all costs be silenced?"

HERE is what a famous British lawyer, D. N. Frith, K.C., wrote about the Reichstag trial:

"Far more important for the German government than that the guilty German

Diary should escape his crime was the serving of a legal pronouncement in future of the effaced 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 facts we shall present about the Rosenberg case will at least pose the question for most of our readers as to whether their government has not now begun to operate on this shameful Nazi level.

Of these aspects of the political background of the Rosenberg trial there is no doubt:

- "Legal" justification of the thesis that all "Communists" (i.e. in ultimate effect all advocates of socialism and/or peace) are traitors, knowing only loyalty to "the Kremlin," is being sought by the government by every means. This is the contention of the McCarran Act and the basis for its provisions for political repression.
- The possibility of removing all constitutional checks on the hounding of left-wing Americans depends on the government's ability to convince the public that all such persons are a "real and present danger" to national security.
- Upholding of the conviction of the Rosenbergs would go far toward enabling the government to make any member of any of the 200 odd organizations officially labeled "subversive" subject to arrest as a "spy.

But submerged beneath the fourring circus of the Rosenberg trial, with its sensationalized press treatment of atom-bomb sketches, Joint Box-tops and cloak-and-dagger melodrama... (Continued on Page 4)
Rosenbergs

(Continued from Page 1)

(drama emanating from the confessed
spies Harry Gold and Elizabeth Bent-
ley, were such sober facts as these:

- Not an iota of documentary evi-
dence to support or corroborate the
government’s charges was produced:
- The only two government exhibits
put in evidence, directly linked to the
Rosenbergs, were a Spanish Refugee
Appeal collection can found in their
apartment and a nominating petition
for the late Peter Caccione, New
York CP Councilmanic candidate,
signed by Ethel Rosenberg in 1941:
- The witnesses on whom the gov-
ernment’s whole case was founded
were two confessed spies—one went
not free, the other will be eligible
for parole on his full term in eight
years—and a man who called himself
“a liar” on the witness stand and said
he had been continuously “scared to
death” since falsifying a government
loyalty oath form in 1948.

- The Rosenbergs are outspoken
radicals—in striking contrast to all of
the confessed conspirators.

No sooner was the Rosenberg trial
successfully conducted than these
things happened in swift succession:
- The Supreme Court upheld the
Smith Act and conviction of the Com-
munist 11;
- New indictments working further
and further down the leadership of
the Communist Party (still officially
“not illegal”) were brought in;
- The Civil Rights Congress bail
fund was smashed, in pursuance of a
new policy in effect denying bail to
persons accused of “political crimes.”

WHAT do all these things add up
to? We leave it to each reader to
take himself as the story
of these pages. And to each
leave judgment of what is im-
plicated in this case for every American
voice hereafter speaking up for Amer-
ican principles.

THE EDITORS
The Rosenberg Case:

In the剥夺 of the freedom, the punishment and the death penalty are not in conflict with the constitutional guarantee of liberty, civil and human rights. Even assuming that the sentence may be considered a violation of the constitutional guarantees of due process, equality and humanity in the treatment of residents.

For the benefit of the American government, the conviction and the death penalty should be justified on the basis of the severity of the crime and the outcome of the trial. The court found the defendants guilty of conspiracy to commit espionage, violation of the Espionage Act of 1917, and violation of the Foreign Agents Registration Act of 1938.

The defendants were the first to maintain their innocence and the right to a fair trial. They were not charged with espionage or the theft of government documents.

Rosenberg, who was the leader of the group, maintained his innocence and the right to a fair trial. He was not charged with espionage or the theft of government documents.

The Rosenberg case is a reminder of the importance of due process and the protection of individual freedoms. The case also highlights the need for a fair and impartial legal system.
These are the facts

Preceded by documentary evidence, the Government brought death sentences to the Reichstag but won a conditional sentence for one of their accusers, leniency from prosecution for the other.

The defendants base their case for leniency that the Government should not be entitled to demanding death sentences for these two particular individuals, while appealing to freedom and democracy for convicted participants in the same alleged plot. In the conclusion that there was a special political objective in making this example of the Rosenberg case a test of the testing point.

In reply, patience for the defendants involved was the German people before the Reichstag was brought into play. The accused individuals had confessed and their sentences had been lifted. It is not for the Government to defend the Gestapo or the Gestapo leaders, but it is an aspect of the question of leniency that it already takes place in the Reichstag and already has been decided in the Reichstag. (This trial will be conducted in the Reichstag.) The German Government was not involved in any political plot, and the case was not the point of occupation and national will unconstitutionally conducted, then leniency would have been transferred into it.
THE ROSENBERG CASE:

Did the FBI buy political scapegoats?

With mercy for a spy?

National Guardian
Aug. 14, 1951
LIND AND HIS MOTHER

In the course of the past few months, Dr. Lind and his mother have been corresponding with several prominent physicians in the United States and Canada, in an effort to obtain information regarding the health and welfare of their son, who is currently under the care of Dr. David Black at the Toronto General Hospital.

Dr. Lind's mother, Mrs. Lind, has written extensively to Dr. Black, expressing her concern for her son's well-being and seeking reassurance regarding his treatment. She has also requested copies of any medical records or reports that might be available.

In response, Dr. Black has provided Mrs. Lind with a detailed report on her son's condition, including a list of medications and treatments that have been administered. He has also assured her that her son is receiving the best possible care and that progress is being made in his recovery.

Mrs. Lind has been appreciative of Dr. Black's efforts and has thanked him for his professionalism and dedication to her son's care. She has also expressed her gratitude to the hospital staff for their support and for providing her with regular updates on her son's condition.

The correspondence between Dr. Lind and Dr. Black continues, and Mrs. Lind remains hopeful for a positive outcome in her son's case.

David Lind
THE TWO Juliiuses

Dr. Klaus Emil Julius Fuchs, the German atomic spy who was captured in London in 1950, and Dr. Julius Niemann, the German meteorologist who was known to Fuchs, were both involved in the espionage during World War II. Fuchs was an expert in nuclear physics and was recruited by the British intelligence service to work on the atomic bomb project in the United States. He later passed classified information to the Soviet Union, earning him the nickname "the traitor." Niemann, on the other hand, was a high-ranking member of the German government and was involved in secret military decisions. Both men were tried and convicted of espionage charges.
By William A. Reuben
LATIFIAN special reporter

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 268 Stanton Street
on the city's lower East Side.

Next morning, May 23, the newspa-
pers headlined a story that brought
consternation to the new parents: A
Soviet spy courier named Harry Gold
had been arrested in Philadelphia by
the FBI in connection with the spying
ring centering around Dr. Klaus Emil
Julius Fuchs, German-born British
scientist stationed at Los Alamos dur-
ing World War II.

AN OLD ACQUAINTANCE: Five years
earlier, on a Sunday morning the first
week in June, 1945, this same Gold,
whose photograph 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 Greenglass-
es with the passwords: "I come from
Julius," and asked for certain writ-
ten information pertaining to a secret...
lens used in manufacture of the atom bomb. David Greenglass, an Army machinist at Los Alamos, produced the requested material, handed it over to the Soviet spy courier, received $500.

In February, 1950— four 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.

DAVID VISITS JULIUS: On the day Gold's arrest was made public—with the intimation that other arrests would follow— David Greenglass hurried to the place of business of his brother-in-law and former business partner, Julius Rosenberg.

As reported in this series last week, the two men were on unfriendly terms dating back to the period when Greenglass had been a partner in the business, a machine shop. Greenglass asked Rosenberg to take a walk with him. During the walk he asked his brother-in-law to raise $2,000 for him, and also for information on inoculations and certificates necessary to leave the country.

Rosenberg owed Greenglass $1,000 from the business. He explained that he could not raise this sum, much less.

(Continued on Page 3)
THE ROSENBERG CASE

Did the FBI lie to trap an innocent victim? The facts challenge the Greenleaf confession

(Continued from Page 1)

an additional $1,000, but agreed to try to get the information requested.

"GREENLEAF HAS CONFOESED"; A week later Greenleaf again called Rosenberg. This time he was more desperate. He said he had to have $2,000, and asked Rosenberg to borrow it for him, either from relatives or from the business. When Rosenberg again said he could not raise it, Greenleaf became livid and, nearly hysterical, warned:

"Well, Juile; I've just got to have that money and if you don't get me that money you are going to be sorry!"

Within two weeks the FBI called on Julius Rosenberg. They asked him to accompany them to FBI headquarters. Ethel urged him to go. "Davey's in trouble," she said. "You can help him." After questioning him at headquarters three hours they told him that Greenleaf had been arrested as an atom spy; had confessed and had implicated Julius Rosenberg.

Had Greenleaf really confessed at that point? Had he in fact implicated Rosenberg? These questions are vitally important. In any event, here is what took place on the night of Greenleaf's arrest, according to Greenleaf's own testimony at the Rosenbergs' trial.

Brother-in-law's college notes

Greenleaf was in the apartment preparing formula for their new child. Their three-year-old child was there, too. Ruth Greenleaf 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 during the war for the Soviets.

The FBI agents stayed in Greenleaf's 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 Greenleaf and said:

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

"No," Greenleaf 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 came into the case.
THE HIDDEN $4,000: David Greenblatt 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 secrete for him. Greenblatt 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 ar-
"We are victims"

Ethel Rosenberg made this statement when she was placed in the Sing Sing death house:

"Our claim that we have been made victims by the machinations of my sister-in-law Ruth Greenglass has been confirmed by Mr. Snyappl at David's (Greenglass) sentencing. It was her idea and influence that induced my brother to confess to save his own miserable neck. In fact she is free and this exposes the whole deal that was made by the government with the Greenglasses to implicate my husband and myself.

"David found himself ensnared in spying activities and had to find a scapegoat to mitigate his punishment. My husband and I were picked as the scapegoats because of our radical ideas, and because my husband was removed from government service years ago because of all-party membership in the Communist Party.

"We said and we say again that we are victims of the present type of political frame-up ever known in America. In our own way we will try to establish our innocence. But we ask the people of America to realize the political significance of our case and come to our aid. . . . My husband and I are only two people, but this case has significance which far transcends our personal lives. The entire population of America will be adversely affected by our persecution."

raignment that afternoon, protested his client's innocence and asked for lowered bail. In opposing Rugee's demand, U.S. Attorney Irving Snyappl was not reported in the press to have made any mention of the alleged "confusion" of the night before. Instead, Snyappl 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. When told after three hours of questioning that his brother-in-law had implicated him, 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 Roque. She admitted that her husband had given Gold atomic information, that it was she who had deposited the $5000, 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."

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

David Greenglass indicted
On July 6 in New Mexico, a federal grand jury handed down a four-count
The 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 April 16, 1945, in Albuquerque, David Greenglass had:

1. Met and conferred with Harry Gold;
2. Received $1,000 from Gold;
3. Prepared a sketch of a "high explosive bomb";
4. Authorized 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—to which nine persons had testified to the grand jury—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 assure you in this application for adjournment."

O. JOHN ROGGE

There were long talks

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

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

SAYPOL CONFESSES: 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 New Mexico. The conference had been ar-
ranged by Rosaje, who had previously
been engaged in "a series of confer-
ences" with U.S. Attorney Snapp.
These conferences with Ruth Green-
glass culminated with her signing a
statement in which she implicated the
Rosenbergs.

On July 17 the FBI placed Julius
Rosenberg under arrest, with an an-
nouncement, issued jointly from Wash-
ington by J. Edgar Hoover and J. How-
ard McGrath, charging him with hav-
ing recruited his brother-in-law, David
Greenfarb, 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 the kind
of political sensation lacking in the
apprehension of the four admitted
spies, Dr. Klaus Fuchs, Harry Gold, Al-
fred Dean Slack and David Greenglass.
For, in arresting Rosenberg, the gov-

Not only does Society commit more
frightful crimes than any individual,
king or commander; it legalizes its
crimes, and forgives certificates of
righteousness for them, besides tor-
menting anyone who dares expose
their true character.

George Bernard Shaw

erment 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 "somewhere 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 confessed 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.
WHY?

If David Greenglass confessed to the FBI in the early morning of June 16, implicating Julius Rosenberg,

- WHY did the FBI wait more than a month before arresting Rosenberg, and still another month before arresting his wife?
- WHY was the supposed confession not reported at Greenglass' arraignment that same afternoon?
- WHY did he spend $4,000 for a lawyer to protest his innocence at the arraignment?
- WHY did Prosecutor Saypol, explaining later why Ruth Greenglass was not being prosecuted, although the Rosenbergs were being sentenced to death, state:

  "I well remember how at his [Greenglass'] arraignment... Mr. Rogge protested his innocence. Through Ruth Greenglass, his wife, came the subsequent recantation of those protestations, their cooperation and the disclosure of the facts by both of them."

Next week: The Prosecution procures a new witness—and an additional confession.
How the FBI got a witness and a new scapegoat too

By William A. Reuben

This is from the Sacramento Bee, Sept. 5, 1951.

Title: The Rosenberg Case

The story begins with the announcement of the Rosenberg arrests, and the government's effort to make a case against the Rosenbergs.

The FBI was busy checking out the friends, neighbors, business associates, etc., of the young progressive couple. At Caltech, there was a special going-on...

Among those who were found were two who were made to measure for FBI purposes. One, an electrical engineer named Max Gilchrest, failed to report. Commanded by FBI membership in the Caltech physics club, he was given a government job and eventually got the job for the FBI. The other, who lived back-to-back with the Gilcherst in Queens, N.Y., had recently (June 21, 1948) been his family. His name was Morton Halperin, and he was reputed to have once been close to the insurgent Commies.

At 4:30 a.m., Oct. 21, 1948, while getting kids to school, his wife hinted at their headquarters. "Look out," she said. "In that case, help me."

He was told they had information he was involved in espionage. After several hours of questioning, he asked to go home and check on his wife. They went with him. Mrs. Gilchrest was at home with their two children. A tour of the house brought a new baby.

Morton Gilchrest, age 33, was arrested while cutting a picture from a book. He was taken to the FBI office, where he was interrogated. He was allowed to see his wife and children. Then he was booked.

The story continues with the FBI's efforts to gather evidence against the Rosenbergs and others...

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The document contains handwritten annotations and signatures, which are not legible in the image. The article is from the Sacramento Bee, dated September 5, 1951.
In the fall of 1944, Sobell was accused of being a member of a group that had been plotting to assassinate President Harry S. Truman. The group was known as the "December 7th Committee," and Sobell was accused of being a member of the group because he had been seen in the company of people who were known to be sympathetic to the cause. Sobell denied the allegations and was tried in Washington, D.C., but he was found guilty and sentenced to 20 years in prison.

Meanwhile, Sobell's wife, Ruth Greenfield Sobell, was also being investigated by the FBI. She was accused of being a member of a group that had been plotting to assassinate President Truman. Sobell was accused of being a member of the group because she had been seen in the company of people who were known to be sympathetic to the cause. Sobell denied the allegations and was tried in Washington, D.C., but he was found guilty and sentenced to 20 years in prison.

The indictment against Sobell was filed on July 17, 1944, and it charged him with several counts of conspiracy to commit murder. The indictment stated that Sobell had been a member of a group that had been plotting to assassinate President Truman since 1942. The indictment also stated that Sobell had been a member of the group that had been planning to murder President Truman since 1943.

Sobell was tried in Washington, D.C., and he was found guilty on all counts. He was sentenced to 20 years in prison. Sobell was not the only person who was found guilty in this case. His wife, Ruth Greenfield Sobell, was also found guilty of the same charges and was sentenced to 20 years in prison.

The case against Sobell was one of the most significant cases in the history of the FBI. It was one of the first cases in which the FBI used evidence obtained through the use of wiretaps and other electronic surveillance techniques. The case against Sobell was also one of the first cases in which the FBI used evidence obtained through the use of electronic surveillance techniques to prove the guilt of a defendant.
The trial begins next week. The trial begins...
THE ROSENBERG CASE

Did the FBI lie
to launch a frameup?

In obtaining death sentences for Ethel and Julius Rosenberg for alleged complicity in an atomic spy conspiracy, the government clinched its case with the evidence introduced in court—spies (Harry Gold and Elizabeth Bentley) who testified that the same "Juliet" coerced in the conspiracy both in telephone identifications and as a password.

Last week, in the first article of this series on the Rosenberg Case, the GUARDIAN brought to light for the first time in connection with the case that its arch-conspirator, Dr. Klaus Fuchs, was known to his intimates in the U.S. by "Juliet." This evidence was not introduced at the trial of the Rosenbergs. We believe that it would have been grounds for reasonable doubt sufficient to warrant acquittal.

This week we call attention to the facts concerning the "confession" of David Greenglass, brother-in-law of Julius Rosenberg, whose testimony along with that of his wife, Ruth Greenglass, was used as the basis for the charges against the Rosenbergs.

These facts challenge the validity of the Greenglass "confession" and accusations with respect to the Rosenbergs, strengthening our repeated contention that they should be freed for reasons of reasonable doubt if not because of an out-and-out political frame-up against them.
THE STORY, SO FAR

Ethel and Julius Rosenberg, young New York parents, are in Sing Sing, awaiting appeal of death sentence imposed for "atomic spying." On Aug. 13 the Guardian asked: "Is this the Drury Case of Cold War America?" In a series of articles (of which this is the third) we set out to show that at the least, there is such reasonable doubt of their guilt as to make retrial mandatory under all U.S. legal precedents, and that there are strong grounds for suspending a political frame-up to inject "communist motivations" into the alleged plot.

The story begins with Ethel's arrest, almost five years after World War II, in New York City. On June 19, 1944, she was taken into custody by Los Alamos, N.M., police and charged with espionage. This was supposed to be the face hiding the F.B.I. had taken the Rosenberg family as a cover for their espionage activities, which were later discovered. Among those named Los Alamos personnel was of the F.B.I. after Tacker, now in Los Alamos, charged with espionage, said to have been found there in the presence of his wife, but in any case was made to agree to serve as the F.B.I. agent in the Rosenberg case.

On Aug. 13 the trial began with Tacker, who confessed and indicated he would have testified on Aug 13, 1949, that the F.B.I. and Los Alamos officials had wired the Rosenberg family.
THE ROSENBERG CASE—IV

The trial: The question seemed not to be guilt or innocence, but whether they’d die

By William A. Reuben

FBI CHIEF HOOVER and ATTORNEY GENERAL McCARTHY
They laid down the conditioning barrage
THE STORY SO FAR

ETHEL AND JULIUS ROSENBERG, young New York parents, are in Sing Sing awaiting appeal of death sentences imposed for "atomic spying." On Aug. 15 the GUARDIAN asked: "Is this the Dreyfus case of cold-war America?" In a series of articles (of which this is the fourth) we set out to show that at the least there is such reasonable doubt of their guilt as to make acquittal mandatory under all U. S. legal precedents; and that there are strong grounds for suspecting a political frame-up to inject "communist" motivations into the alleged spy plot.

The plot in question first came to light when, almost five years after World War II, German-born scientist H.R. REINEMEIER, JULIA ROSENBERG confessed in England to transmitting atomic data to the U. S. N. R. while he was stationed at Los Alamos, N. M.

In 1943, he implicated Philadelphia biochemist HARRY GOLD.

Among wartime Los Alamos personnel questioned by the FBI after Fuchs' confession in Feb. 1950, was DAVID GREENGASS, former sergeant and machinist there, in the presence of his wife, KATHLEEN.

On Aug. 15, 1950, the FBI caught up with Gold, who confessed and indicated he would name others. On June 9, 1950, the FBI arrested David Greenglass. Next day they visited the Rosenbergs, whose relations with the Greenglasses (David is Ethel Rosenberg's brother) had become increasingly strained as a result of business conflicts culminating in verbal threats by David to Julius after Gold's arrest as to what would happen if Julius did not give him $2,000. At FBI headquarters Julius was told that David had confessed to atomic spying and implicated Julius. Yet Julius walked out after three hours' questioning; he was not arrested until a month later—Ethel and JULIUS July 15, a month after that.

That same day Greenglass was arraigned, but his supposed confession was not introduced, nor was there any mention of the
Rosenberg. Instead, Greenblatt protested his innocence through his attorney, O. JOHN ROOBIE, retained with $1,000 that Greenblatt had earned with a protest. He was held in $100,000 bail and placed in solitary confinement.

When Rosenberg was finally arrested a month later, the government's satisfaction in getting its drift on an outspoken progressive (none of those who confessed were) was obvious. The FBI's J. Edgar Hoover, naming the press with a dossier on Rosenberg's dismissal from the Signal Corps on charges of Communism, said Rosenberg had made himself available to Soviet espionage agents "so he could do the work he was fated for...so he might do something to help Russia."

Our first article described the happy family life and union and political zest—typical of thousands of New York progressives—of the Rosenbergs since their marriage in 1928. Reporter William A. Reuss also told of Julius Rosenberg's wartime visits to Washington in connection with his work for the Bureau of Standards and Signal Corps, and of the contacts briefly made there between Rosenberg and his former City College of New York friends, MORTON NAGEL and MAX ELITCHER.

Rosenberg offered fresh evidence indicating that the "Julius" whose name occurred in government testimony at the trial was not Rosenberg but Dr. Fuchs, who was known by that name to intimates in the U.S. Our next article told how the Rosenbergs first came to the FBI's attention, according to government testimony: through discovery by FBI agents of some old papers in a trunk at Greenblatt's apartment, which Greenblatt identified as some of Julius Rosenberg's 13-year-old college math notes.

Last week's article showed how the FBI then began to weave a net around the Rosenbergs with "evidence" produced in consultation with the Greenblatts and Max Elitcher, whose cooperation was facilitative to Greenblatt and freedom for his wife and Elitcher, despite various admissions of guilt. The last article described how successive indictments of the Rosenbergs were enunciated periodically during the 7-8 months intervening between their arrests and the trial.
In the same Federal courtroom at Foley Square, New York City where the leaders of the U.S. Communist Party were convicted in 1949, this nation's first atomic spy trial began, on March 8, 1951. Promptly at 10:30 a.m., a 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.

Attorneys for the defendants (Emmanuel H. Bloch and his father, Alexander Bloch, represented the Rosenbergs; Sobell was represented by Edward M. Kuntz and Harold M. Phillips) made several motions to dismiss the charges. These were brushed aside by Judge Irving Kaufman.

LUCE vs. LUCID: Judge Kaufman denied a defense challenge of a taleseman who worked for Time-Life and shared Henry Luce's views on international affairs; but sustained a government challenge of a prospective juror who read NATIONAL GUARDIAN.

Nearly 500 talesemen were questioned before a jury of 12 plus four alternates could be seated. Considering the volume of press and radio statements by the prosecutor, FBI's J. Edgar Hoover and Atty. Gen. J. Howard McGrath for eight months prior to the trial, hammering into the minds of the public the certainty that the Rosenbergs were guilty and that mountains of evidence existed to prove it's, it is surprising that 16 citizens could be found who could swear under oath they had formed no opinions as to the guilt of the accused. It is singular also that in a city more than 30% Jewish in population, not a single taleseman of Jewish extraction served the day and a half of questioning before a jury was seated.

CHAIR-HUNGRY PRESS: The government announced it would call 118 witnesses. Among them were to be top nuclear physicists Dr. J. Rob. rt Oppenheimer and Dr. Harold C. Urey and Lieut. Gen. Leslie Groves, head of the wartime atomic bomb project.

"Undeniable tenseness pervaded the courtroom," wrote Moyer 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, in questioning a taleseman, said it was for him alone to decide whether to impose death or a lesser penalty. The judge himself could not answer the question of one taleseman, that he was for him alone to decide whether to impose death or a lesser penalty. The judge himself could not answer the question of one taleseman, that he was for him alone to decide whether to impose death or a lesser penalty. The judge himself could not answer the question of one taleseman, that he was for him alone to decide whether to impose death or a lesser penalty. The judge himself could not answer the question of one taleseman, that he was for him alone to decide whether to impose death or a lesser penalty. The judge himself could not answer the question of one taleseman, that he was for him alone to decide whether to impose death or a lesser penalty. The judge himself could not answer the question of one taleseman, that he was for him alone to decide whether to impose death or a lesser penalty. The judge himself could not answer the question of one taleseman, that he was for him alone to decide whether to impose death or a lesser penalty. The judge himself could not answer the question of one taleseman, that he was for him alone to decide whether to impose death or a lesser penalty.
Harry Gold. Neither had ever known of
involved in a way with any of
the defendants.

Gold, sentenced to 30 years for his
self-confessed participation in the
Fuchs espionage plot, 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 the U.S. CP

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

These two introduced a mysterious
"Julius," unknown to either of them,
whose name occurred in telephone conver-
sations and in a password used in
the spy plot. (GUARDIAN, Aug. 15,
brought to light the hitherto unused
fact that Dr. Fuchs, the central figure
of the plot, was known to his intimates
in the U.S. as Julius.)

NECK-SAVERS FILL THE BILL: The
remaining three witnesses were Max
Ellitcher and the Greenfieldas. Despite
the prosecution's promise of 118 wit-
nesses and overwhelming evidence to
corroborate the case against the Rosen-
bergs, only these three offered any
testimony purporting to inculpate
them. The Greenfield's charges against
Julius and Ethel Rosenberg, in-laws
with whom they were on the outs, won
David Greenfield a meritorious 15-year
sentence (eight years with good behav-
or) instead of a possible death sentence
in New Mexico; and won Ruth Green-
field complete freedom. Max Ellitcher's
"cooperation" with the FBI provided
the government's entire case against
Morton Sobell as well as "corroboration
evidence" against Julius Rosenberg;
and allowed Ellitcher to back the rap
on a perjury charge hanging over his
head for five years.

To backstop the self-saving testimony
of these three, the government pro-
duced two exhibits purporting to in-
criminate the Rosenbergs: (1) a Span-
ish Refugee Appeal collection can found
in the Rosenberg apartment; and (2)
a nominating petition signed in 1941 by
Ethel Rosenberg for Peter Caccione,
successful Communist candidate for
New York City Council (50,000 New
Yorkers signed this petition). This is
the "evidence" which U.S. Attorney
Baycll had assured the jury

"... will prove to you, and only beyond
reasonable doubt, that... these defendants have com-
mitted the most serious crime which can
be committed against the people of this
country."
WHY?

If the government had an open-and-shut case against the Rosenbergs, warranting the unprecedented penalty of death, why did the Administration rely solely on phony pre-trial press-agentry and impeachable witnesses to win a verdict?

Did the government demand the lives of these two citizens because it believed them guilty of espionage; or because they were the only individuals even remotely connected with any of the principals in the alleged spy plot who could be crucified as "Communists"?

NEXT WEEK: The Rosenbergs take the stand.
Not one shred of evidence presented by U.S. to back up its charges

By William A. Reuben
GUARDIAN special reporter

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 in this country's first atom-bomb spy trial. During the eight months the American public had been bombarded with a ceaseless propaganda barrage designed to convince them of the certain guilt of the 33-year-old Rosenberg and his 35-year-old wife, Ethel.

His wife's brother and sister-in-law, David and Ruth Greenglass, had portrayed Julius as a master spy—a man of intrigue, mystery, cunning and ubiquitous wisdom such as moves in the pages of E. Phillips Oppenheim. According to them, Rosenberg was the central figure in a spying ring which began during World War II and continued throughout the cold war, dedicated to obtaining A-bomb and other secret information for transmission to Moscow.

The Greenglasses' portrayal had him 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."

What? No Pumpkin? 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; patches for himself and his wife, and a console table containing a hidden compartment for microfilming secret documents.
Another facet of his personality, if one believes the testimony offered, was his boldness about the use of his name. All the key figures in the spy ring used pseudonyms in their espionage activities. (Gold said he was known as "Dave from Pittsburgh"; Bentley testified that her confederates knew her either as "Mary" or "Helen"; and Anatoli Yakovlev, Soviet consul office who returned home from the U.S. four years before he was indicted and named as a defendant in the case, was described as having been known to his underlings only as "John".) But if the mysterious "Julius" mentioned in testimony of Bentley and Gold (GUARDIAN, Aug. 22) was indeed Julius Rosenberg, then he apparently was the only person in the ring whose identity was not masked by a false name. Neither Gold nor Bentley could testify to knowing Rosenberg, but both testified that "Julius" was a key word in the conspiracy, being used to identify the master-spy in telephone conversations and in a password. (The GUARDIAN has shown that if this name did recur in the plot, it probably served to identify Dr. Klaus Fuchs, confessed arch-conspirator who was known to intimates here as Julius.)

EVERYTHING BUT EVIDENCE: 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. (Neither depositions nor testimony were produced from Dr. Fuchs, Alfred Dean Slack or Harry Gold, to show that any of them
and ever known or been involved with Rosenberg.)

- He was a big spender in night clubs and restaurants. (No Sherman Billingsleys of any degree were produced to back up the Greenglasses' assertions—not even a waiter captain. Rosenberg himself testified that he was in a night club once in his life, when his union held a party at Cafe Society Downtown. No witnesses were called who had ever seen him in a night club or eating place of any description. Nor were bank accounts or any other evidence produced to prove the Rosenbergs anything other than a typical, hard-pressed middle-income N.Y. family.)

- He had "important contacts" in defense plants and government agencies. (None was ever produced or testified to; nor was he shown to have made visits to any city other than Washington, and these only in connection with his government job.)

- He consoled with Russian nationals. (Not even Bentley could testify to
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 $2.10.

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

In contrast to the lurid—though undocumented and unproven—portrayal of a "master spy," the 12 "overt acts" listed in the indictment against the Rosenbergs seem humdrum.

12 CHARGES & HOW THEY GREW:

The 12 "overt acts" charged in the final indictment (see GUARDIAN, Sept. 5, for an account of how successive indictments of the Rosenbergs were embellished periodically during the months between their arrests and the trial) 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 Etlicher, in Washington, D.C.

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

(3) On Nov. 20, 1944, Julius gave Ruth Greenglass a sum of money. (At first the indictment said $550; in court it became $150.)

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

(5) On Dec. 9, 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 intro-
donied David Greenglass to a man on 
First Avenue. 

(10) On Jan. 12, 1945, Julius "con-
ferred with" David Greenglass. 

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

(12) On Jan. 14, 1945, David Green-
glass boarded a train for New Mexico. 

NO JELLO, NO RUSSIAN: Of these 12 
"overt acts," Rosenberg, when he took 
the stand, denied four as outright false-
hoods. 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 Avenue. This 
man, according to Greenglass' testi-
mony, was "a Russian," whose name, 
date and description Greenglass was 
unable to recall when pressed to do so 
by Rosenberg's attorney, Emanuel 
Bloch. Greenglass testified to riding the 
man in his car, "Be'ng very busy with 
my driving," Greenglass said he "didn't 
pay too much attention" to what he 
("the Russian") was saying; nor could 
Greenglass recall whether he men.ioned 
details concerning "this meeting with 
a Russian" when he signed his first 
FBI confession implicating Rosen-
berg. 

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 testi-
mony of witnesses whose accusations 
against the Rosenbergs saved their own 
hide. 

CASUAL CLASSMATES: The meeting 
in Elitcher's home in Washington—the 
only testimony purporting to corrobo-
rate the Greenglass' portrayal of 
Rosenberg as a master spy who toured 
the country recruiting espionage pros-
spects—defies credulity as it was de-
scribed by Elitcher. 

Elitcher said that in June, 1944, Julius 
Rosenberg telephoned him, identifying 
himself as a college classmate and 
wanting to see him. The Elitches were 
just finishing dinner and Elitcher in-
vated Rosenberg over. Eitlicher testified that he had been friendly with and known socially only one or two of his classmates at the College of the City of New York; the other 200 were casual acquaintances whom he knew only from classrooms. It was in this category that he had known Rosenberg, whom he "didn't recall much about" and whom he hadn't seen or communicated with in the six years since their graduation.

**HOW'S ABOUT SOME SPYING?**
Against this background, then, here is how it was set up:

Rosenberg proceeded to "recruit" his former classmate into his espionage net; according to Eitlicher'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 Secret Service was doing in the war effort and how at present a good deal of military information was being diverted from the United States, and because of that, their effort was being impeded."

Then, according to Eitlicher, 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. (Eitlicher 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.)

**THE DISHES WERE DIRTY:**
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 Eitlicher, at a swimming pool. (Eitlicher 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 Eitlicher. He said Sobell's name was not listed in the Washington telephone directory, but Eitlicher'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 1944. 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 Jews. But he denied that he had discussed secret matters of state or military strategy.

OVERT FAMILY GATHERINGS: The three meetings with the Greenglasses that are listed among the "overt acts" as sinister implementations of the 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 that he discussed nothing more sinister than their children, work, the progress of the war, and politics in
Rosenberg Case  
(Continued from Page 1)

which Rosenberg voiced the opinion that the Soviet Union was still bearing the "heaviest load" of repelling the Germany Army, and that a second front should have been opened sooner.

NOT SO MASTERFUL: 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 6-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 on these charges.

Rosenberg's open and constant exposition of the Soviet's role against Hitlerism during his employment by the U.S. Signal Corps was known to his superiors when he was dismissed as a "Communist" in Feb., 1943. If indeed his discussions during this very period were not only about politics, but about espionage, this fact would certainly have recurred in the accusaions bringing about his dismissal: also, if this had been the case, the government characterization of him as a "master spy" in this period would be a wild over-estimate of perhaps the most important spy in all history.

A "SINISTER" TYPIST? 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 when the Rosenbergs insisted were family social gatherings. No letter she wrote or any other corroboration of these allegations were presented.

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, 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. It is not such "evidence" that this "typical" young progressive couple, devoted parents of two small boys, are now judged in the Sing Sing death house. Consideration of how the government twisted their happy family and union and political activities into a nightmare of "spy" accusations leads to the conclusion that any progressives would have been equally "guilty" had they been hauled into a N.Y. Federal courtroom in March, 1941, prosecuted by U.S. Atty. Irving Samuels, their trial presided over by Judge Irving Kawuma.

Next week: Salo and the Russian
THE ROSENBERG CASE—VI

Did the court prejudice jury against defendants?
By William A. Reuben
GUARDIAN special reporter

WHEN TESTIMONY had been completed in the espionage trial of Julius and Ethel Rosenberg in Foley Square last March, and just before the summation and the judge’s charge, attorney Alexander Bloch (who with his son Emanuel represented Mr. and Mrs. Rosenberg) 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 unfairly 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.

HECKLING & SNEERS: A selection of examples of what the defense motion referred to follow. The reader should judge them against this background:

The government had outlined to the jury a spy-melodrama case against the Rosenbergs for which it offered no testimony or documentary proof. As the GUARDIAN pointed out last week, this "headline" case not only was supported by no evidence whatsoever, but the details of it were not even contained in the "overt acts" charged in the indictment. Instead, the "overt acts" were ordinary day-to-day activities of a typical young New York progressive couple, distorted into "charges" by the testimony of three witnesses all of whom bought light sentences or immunity by offering incriminating versions of these alleged "overt acts."

However, the case against the Rosenbergs as presented in the "overt acts" was clearly not sufficient to win a conviction unless the couple could be irrefutably smeared before the jury as Communists and "Russa Firsters."

THE FACT THAT WASN'T: when the Government called its first witness, Max Elicher, CCNY classmate of Julius Rosenberg's, and a man with a 5-year perjury rap hanging over his head for concealing Communist affiliations in obtaining a government job, 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 MEMBERS OF THE COMMUNIST PARTY (emphasis ours) does not establish the element 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 necessity, 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 counselling 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, Judge Kaufman carefully 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 central proposition that we have been talking about between membership in the party and intending to give an advantage to a foreign government to win the U.S.A., as charged in the indictment."

As Bentley continued with her testi-
mony, Judge Kaufman again interrupted to ask:

THE COURT: "Very well, now, with particular reference to the instructions concerning help or aid to Russia, did I understand your testimony that the Communist Party officials instructed the members of the Party orally and in writing, in a general way, to do everything possible to aid Russia?"

A. "That's correct, yes."

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

![Judge Irving Kaufman](image_url)

THE COURT: "The purpose for which this testimony was taken... is not to establish the guilt here of the whole group charged because any of them might have been members of the Communist Party, but it is to show a link, as the Government contends, exists between aiding Russia... and being members of the Communist Party..."
Judge smears defense

When it became the defense's turn, Judge Kaufman was less cooperative and in fact openly antagonistic. Atty. E. H. Bloch sought to question Eltchcer about the circumstance 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 in the prosecution. First, there is an implication that the U.S. Government recommends lawyers and will never 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. . . ."

IRRELEVANT BUT VICIOUS: Contrarily, when defense objected later on as irrelevant to Saypol's questioning of Ethel Rosenberg about having signed a nominating petition for a Communist candidate in 1941, the court quickly ruled: "There is relevancy"—thus in three words affirming for the jury the contention of the McCarran Act that such association is sufficient to prove "Communism," with all the connotations already built up in the jury's minds.

Again, when Julius Rosenberg testified he held low-cost insurance on his family with the Intl. Workers Order, Saypol demanded to know whether IWO was not "an organization whose members exclusively are members of the Communist Party?" This was a truly Hitlerian lie by inference, but attorney
Bloch objected merely that the prosecutor was "really going off the issue."

"Oh, no!" the Court ruled.

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 S. H. Bloch): "Did you ever come to blows with Julian?"

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 Ave. D when your younger brother Irwin 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."

Alice Out-Aliced: 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, now a music student in Europe, was depicted as a beneficiary of Julius' supposed ability to provide money and means for agents to flee the country. Another, an active social worker and child psychologist, was portrayed as the bearer of $2,000 to Cleveland to help another agent over the border. Still another, referred to in the subsequent exchange, 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 Anna Rosenberg 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 Anna Rosenberg the respective preferences of economic systems between Russia and the United States?"

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 kangaroo court tactics occurred at one of the most important junctures of the trial, 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 15-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 Greenglass 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?"

Rosenberg's direct examination ended like this:

Q: "Just one last question: Did you ever have any arrangement with Dave Greenglass or Ruth Greenglass or any Russian or with your wife or with anybody in this world to transmit information to the Soviet Union or any foreign power?"

A: "I did not have any such arrangement."

Q: "Did you ever agree to any such transfer or transactions?"

BLOCH: "I think I am through, your Honor."

But His Honor was not through.
THE COURT: "Has Mr. Sobell ever been of your home?"

A: "No, he has not."

THE COURT: "What? Do you remember the occasion?"

A: "He has been there twice. He has been there in '48 and been there in '49."

THE COURT: "Do you remember how many times each year?"

A: "I can't say a couple of times."

(Morton Sobell was the defendant kidnapped by the FBI from Mexico and eventually convicted without a single overt act charged against him.)

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

Q (to Ethel Rosenberg by Bloch): "Your sister-in-law testified that in order to exchange your information, you, your husband, and your sister-in-law went into the kitchen of your apartment, and that your husband took the side of a Jello box and cut it in an odd fashion and he gave your sister-in-law one half and he said, 'This half will be brought to you by another party and he will hear the greetings from me, and you will know that I have sent him; was there any such thing?"

A: "No such thing ever happened."

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 embassy 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?"

Sapols' hectoring 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."

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

FAIR OR FOUL? 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

THE COURT: "... I wouldn't entertain this if I believed it was collateral... I believe that in view of the findings which the Government has made that it is relevant."
Rosenberg, in answer to a question from Saypol concerning his views about Russia, said he had read in the newspapers that "the Soviet government has improved the lot of the underdog there."

SAYPOL: "What newspapers did you read that in?"

A: "Various newspapers."

SAYPOL: "You mean, the Daily Worker?"

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 Harry, 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."

Q: "What 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 (according to the N.Y. Times) and returned to Foley Square to send the objects of their banter to the Death House.

NEXT WEEK: The significance of the death sentence.
Deal: A sentence too cruel and too horrible — unprecedented and illegal — the bargain

By W. A. Replin
GUARDIAN special reporter

LAST April, in sentencing Ethel and Julius Rosenberg to death in the electric chair on charges of conspiracy to commit espionage in 1944-45, Judge Irvine Kaufman told the convicted defendants:

"This is more than murder. This is war, a deliberate, premeditated murder in war, to prevent you from committing the crimes you have committed.

The sentence of death is to be imposed not only to punish the acts of those who have committed treason, but to deter others from committing similar acts in the future. The sentence of death is also a symbol of the nation's determination to uphold the principles of justice.

... in the light of the circumstances, the nature of the offense, the ends of justice and the interests of justice, the sentence of death is a just punishment for those who have committed treason.

... The sentence of death is a declaration of the nation's resolve to maintain its freedom and its alliances with the free world.

... The sentence of death is a symbol of the nation's will to protect its interests and its people.

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Tokyo Rose and the smiling marshal!

For reasons to be understood, this is a story of the U.S. Marshal's Office. It is a story of the job for which Rose did for the Japanese, get off with the same sentence.

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, the U.S. Attorney explained:

"SHE WAS THE ONLY PERSON who could not be convicted without proof that she had given them." After the sentence, "Greenglass's story is a sketch in court" and gave a long oral description of the information he allegedly gave Roosevelt. Although the Rosenbergs were not on the government to prove the accuracy and validity as well as the secrecy of the Greenglass sketch and description. A liaison man with the Atomic Energy Commission, was the only person present on the government to testify that they had any "substantial degree" reflected the actual construction of the bomb.

"METHICAL UNWORKABLE": To the science editor of Life, "Greenglass' explanation bore out the impossibility of making a bomb, and the outright/unworkable." Scientific American® article clearly stated that "It is not a bomb, but the difference is anatomical." The story was introduced by the prosecution through Greenglass. This authoritative publication's lengthy article on the Greenglass bomb began:

"Himself most comfortably seated on a broom, the defendant thoughtfully began:

"The story is not a bomb, but the difference is anatomical." The Scientific American® article contained this admission—and highly revealing...

"They say the bomb was not workable..." Thus, the story which contributed to the conviction was ultimately not a bomb. The defense was unable to prove that the information Greenglass had given was not workable. The story of "smiling marshals" was used to prove that the information Greenglass had given was not workable. However, it was "not much of a secret" according to the best evidence..."
judge the evidence in the case.

WEAKENED 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 atomic bombs could be built by any nation, that the only protection against atomic war was international outlawing of atomic weapons and destruction of stockpiles.

In the Summer, 1945, issue of the Journal of Physics of the U.S.S.R., Soviet physicist Veksler published a paper describing two of the key devices underlying the principles of atomic explosion. This was at the time of, or prior to, the New Mexico atomic tests and the U.S. bombing of Hiroshima and Nagasaki.

Why the Soviets did not themselves develop an atomic bomb for use in World War II may be a matter for humanist and scientific instead of military speculation. But at any rate at least two of the “secrets” that formed the basis for the charges against the Rosenbergs were familiar to Soviet scientists in 1945.

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?

In any event the assumption that Soviet knowledge of the principles of nuclear fission and atomic explosion, published in detail in the Soviet press in 1945, could have resulted from “secrets” of the clumsy nature of former Los Alamos Sergeant David Greengard’s sketch in Judge Kaufman’s court, is the only explanation that any informed jury under the spell of a demagogic prosecution could accept.

That the jury may have been led to believe such a consequence possible is more certain for Judge Kaufman’s pronouncements or his death sentence. The U.S. Federal Court has advised its judges that

... The Court, if it is to be a Court of Justice, must not be arbitrary, capricious, subject to the whims of popular passion. Outside of lynching law there is probably no more appalling example in American memory of yielding to popular passion, 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 the Russians the A-bomb” and “causing the Communist aggression in Korea with the resultant casualties exceeding 50,000 Americans...."
"Oh, how indescribably bitter it is to be separated from one's children—yet must I curb my longing..."

We publish below further excerpts from the correspondence of Ethel and Julius Rosenberg, the two Americans now under death sentence as 'atomic spies.' The first letter, from Ethel to Julius, refers to his letter to her in April (published last week) after she was transferred to Sing Sing Death House.

During your letter brought you right into a wing devoted entirely to women, much as though you too, were visiting me, darling.

Last, boat-on, what are you trying to do, honey, and all I know was that you were out of position as the literary genius in the family. Apparently, it isn't enough for you that you are not a nuclear physicist, a musician and fine artist, but you have also got to be a goddess, ordina~

ly speaking, or is it that you don't have the slightest knowledge of a nuclear physicist? I am not the one who has been imitated and sent to prison for what you said to me?

(Extracts to Ethel—Mother's Day)

This Sunday being Mother's Day, and knowing how much you miss your mother and your own mother, I thought I'd write and ask you how you're doing. I hope you're all right, and that you're happy. I think of you every day. I love you so much.

(Extracts to Ethel—May 8)

'Thanks for thePicture

Emanuel Block

and on your 23rd June we went to the closest day I can to the last place where I was there. I was so happy to see you. I'm so glad to see you...

Ethel replied:

'Yes, I'm sure we'll come in. I am so glad to see you. I hope you have a good time. I love you, Ethel.'
dignity and integrity as an individual, and the guiltlessness of his feelings toward other human beings. If we live without these preconceived gifts, what are we but "destitute in the dust" who know not, who sing not, who care not—and who are impotent to know to sing or to care?

(From Julius—June 9)

...When I was arrested and subsequently when I went to trial I told our lawyers it is very difficult to fight a case like this in an atmosphere fraught with war talk, witch hunts and frenzied super-patriotic mouthing of 300 per cent 'Americans.' In plain English the facts and laws of the land were thrown out the window and prejudice and emotion ruled. It is now our only salvation to fight all this and face the truth and couple it with an expert legal defense.

We are positive of the one fact that we are not part of this conspiracy but only victims of a political frame-up. Ours is a long history of frustration and emotional torture, we need all the help we can get to free us as quickly as possible from this terrible tomb. Your steadfast support and devotion has bolstered us a great deal, particularly your kindness and love for our children. Know that in spite of our great hardships Ethel and I are strong and we'll continue to hold our heads high, but to all of our family and friends I repeat please hurry and help us.

... We are counting on you and you can count on us — All my love.

When the Rosenberg children had been removed from a shelter home (where they were con-

just send my love through you. How is my adopted "Pop" anyway? Tell him I adopted "daughters" as well as "sons" and I'll see him when I come and see me and I'll give him a sample of the old lung power. Ooh, how I wish I could see him during our consultation today. He'd lead with you to make me stop yelling at him. How far away it seems; it was only this minute, after the verdict, sitting there heart-broken, overcome, to the music, the rotten hypocrisy of the impartial judge and the impartial jury. His old eyes have beheld so many storms, so many dangers for him to behold our eventual victory!

On Aug. 22, a week after the GUARDIAN series on the case began, Julius wrote to Bloch:

... The radio just announced the Circuit Court's reversal of the Remington conviction, and from what was said I can gather it will be of use in our appeal. This is certainly a blow against the high-handed tactics of Saypol and the anti-Talmudists. Tell the splendid news you brought us (the start of the GUARDIAN series), but we are only a little discouraged. We have never lost heart but it feels good to know things are happening... .

When attorney Bloch arranged for the children to start their visits with Sing Sing Ethel took charge by mail. She wrote six full letters of detailed instruction, of which the following was her last word:

... I want to caution you if changing to give yourself enough of the that at any time on July 20th day to cover any unexpected delays and still enable you to get here at 12:30 as planned. Make arrangements with Jerry (the driver) exactly how to get there, so that there shall be no slip-ups. There's no kind of time to waste. You might also take the precaution of bringing a bit of food along for the trip, since there is inadequate time to stop for lunch, you can feed them just before you hit Ossining, and they can eat the food substantially, if it is required, after the visits are over.

I know you're probably scared to hope because I'm instructing you now as though you were a simpleton, but that as it may. I shall beat your brains out (and Jerry's too) if you fail to take the time. If you fail to take the time, once I told you you wouldn't mind being my whipping boy. Scary, isn't it? ...

The older Rosenberg, Mrs. Michael, knows that his parents are in prison, believes in their complete innocence and in their eventual vindication.
Ethel’s family all but deserted her after her arrest. Julius’ family stood with the bereft couple, and the two lived heavily on Julius’ sister for attending to their children. Following are excerpts from their letters to her.

(From Ethel—May 19)
Right now, I am re-reading the account of your trip with the children to the Bronx Zoo. I don’t suppose I could ever understand how safe and secure I feel to know without question that you and your wife are with a dear aunt in New York’s quiet life. The wound of my separation from them is brutal. As you may well imagine, but at least I rest easy in the knowledge that all is well with them and their darling Daddy’s family will never desert them.

(From Ethel—May 26)
Oh, how indescribably bitter to be so far away from children. Can the love and affection really be measured? I am a vessel filled to overflowing with so much sorrow and grief right now that I shall never be quite free of these feelings again. Yet, I knew it was wrong and I have to accept this kind of play—just the same way they used to when Mommy was still alive at home.

Another letter to Bloch discusses much about Ethel Rosenberg’s character:

(From Ethel—June 2)
I love and respect you. I know him (Julius), the more I listen to his warm-hearted sincerity, his pride in you, the more I love him. I am happy in my heart of hearts.

(From Ethel—May 26)
I have a question about your letter regarding the war. It seems that the situation is now so critical that even the children are being drafted. I should like to know what the future holds for them.

(From Ethel—June 2)
I have a question about the war. It seems that the situation is now so critical that even the children are being drafted. I should like to know what the future holds for them.

(From Ethel—May 26)
I have a practical suggestion for one particular problem my sister-in-law mentioned. She claims there is a shortage of materials like plasticene, a couple of particularly attractive books (something large and colorful which they don’t get to see as often as their other books), magic lantern sandwiches and nice large writing pads of unlined drawing paper with a box of good crayons. You might try to see if they are in stock. You can then tell them to make sure the supplies are on hand for their use (within the limits, I mean) for quiet, early morning play—just the same way they used to when Mommy was still alive at home.

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"My heart cries out for you—take heart and know that we are not alone..."
Indeed, this weight of the inner impressions that have been stamping themselves upon me, all to no avail, since my return, since I feel that I need to share all that burdens my soul, heart, and mind to bring to light, to show the terrors that hide the physical reality of our separation... And why should I sound so cracked? Ah, I am sure about what I think, and I think that I must at least express my deep-seated frustrations so that my life will become more bearable. All these words I want to express in order to get them out of my locked, spirit-bound soul's language. From Thomas White's 'Yes, Sir, I Don't Run Away from Things', inspired writing. I am depicting my emotions in an intellectual framework, including my extraneous thoughts, which I accumulated like the leaves on the earth, the rain, and the sun; the children's smiles are upon my face, and their laughter echoes in my ear, the sea, and the skies; the earth, and the transitions, my body, and soul; and the memories that are not mine but that I internalize. I have not杀人, but I have loved them, and I have been loved. I have dreamed, and I have woken. I have strived to be, and I have achieved. I have been...
During the weeks of our series on the Rosenberg Case, the GUARDIAN has received a flood of letters from readers asking how they can join in support of the young people in its first American ever to be sentenced to death by a civil court for alleged espionage.

Last week formalization began of a National Committee to Secure Justice for the Rosenbergs. William A. Beardsley, active editor in the GUARDIAN series on the case, will act as coordinating chairman. Formalization of this committee is authorized by the GUARDIAN series on the case and if the GUARDIAN’s subscription money will be made to fulfill the committee from among staff and the people who are concerned over the case.

At the single group of Americans now best informed about the case, all GUARDIAN readers are invited to join this committee. Support on a nationwide scale—which our readers can provide—is needed now for the cause of securing justice in this supremely important case. By joining the committee, you will help bring the funds to the public to print and distribute the materials needed to carry on this appeal to the millions who are weary of their incarceration and want to join in helping to save her children. If you sympathize with the cause, we invite you to sign up on the subscription blank and send it in TODAY!

GUARDIAN National Committee to Secure Justice for the Rosenbergs
MURRAY NILS NEW YORK CITY

[Handwritten note:]

"Dear Sir, I wrote you last week about the Rosenberg case and the National Committee to Secure Justice for the Rosenbergs. I have enclosed $5.00 to help bring the case to the public. I would also like to know if there are any materials available to carry on the appeal to the millions who are weary of their incarceration. I enclose this money to start the appeal."

[Signature:]

[Address:]

[Date:]

Dear Sir,

I was very happy to hear from you last week about the Rosenberg case and the National Committee to Secure Justice for the Rosenbergs. I have enclosed $5.00 to help bring the case to the public. I would also like to know if there are any materials available to carry on the appeal to the millions who are weary of their incarceration. I enclose this money to start the appeal.

Best regards,

[Signature]

[Address]

[Date]
THE ROSENBERG CASE

Congress' atomic energy group punctures government's case

By William A. Reuben
GUARDIAN special reporter

The GUARDIAN began its series on the trial and death sentence of Julius and Ethel Rosenberg last Aug. 15. Two weeks ago the National Committee to Secure Justice for the Rosenbergs was formed. Last week the campaign, spurred by letters of support from many parts of the country and from abroad, drew its first fire from the Hearst press which led in calling for the Rosenbergs' death.

The N.Y. Journal-American denounced the GUARDIAN for its series, referred glibly to the Rosenbergs as "the two spies who stole the secret of the atom bomb for Russia."

Leonard Lyons' gossip column in the N.Y. Post sandwiched an item on the series between nightclub chit-chat.

Nowhere did the U.S. press take up the questions raised by the GUARDIAN that the Rosenbergs' guilt is plainly unproven, that in any case the death sentence is unwarranted and apparently a punishment for progressive political thinking.

JUDGE vs. COMMISSION: But support was forthcoming from a strange quarter—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. Judge Irving Kaufman, imposing sentence, said:

"I believe your conduct is putting into the hands of the Russians the A-bomb years before our best scientists predicted Russia would perfect the bomb has already caused, in my opinion, the Communist aggression in Korea and the resultant casualties exceeding 50,000, and who knows but that millions more of innocent people may be the price of your treason. Indeed, by your betrayal you undoubtedly have altered the course of history to the disadvantage of our country."

The commission's report, entitled Soviet Atomic Espionage, states its objective as "acquiring the atomic espionage damage inflicted upon the U.S." It cites four spies who, it says,
The Rosenberg case is a tragic example of how the pursuit of one's ideals can lead to self-destruction. The compound of political naïveté and personal ambition rendered the couple vulnerable to those who sought to exploit their aspirations.

The Rosenberg case has been the subject of much speculation and debate. Some have argued that their conviction was unjust and that they were the victims of a political witch-hunt. Others have suggested that they were guilty and that their actions were a direct result of their ideological beliefs.

There is no doubt that the Rosenberg case had a profound impact on American society. It highlighted the dangers of radicalism and the importance of individual accountability. It also underscored the need for vigilance in the face of communism. The holding of a political trial in the United States, which was later overturned, set a dangerous precedent for the future of American law. The Rosenberg case serves as a reminder of the importance of freedom and the need for a vigilant society.

The Rosenberg case is a cautionary tale that reminds us of the importance of upholding the rule of law and the dangers of allowing political ideology to override individual responsibility. It is a reminder that we must remain vigilant in the face of any threat to our democracy and that we must protect our freedom at all costs.
Support for the Rosenbergs pours in from all over America

By William A. Reuben

The Guardian announcement of formation of a National Committee to Secure Justice for the Rosenbergs has brought an unprecedented response from all over the land, from America in almost every walk of life in 53 states and Alaska. With an organization behind the case, with no other publication making the facts public, already more than $1,000 has been received, and offers of help to ensure that the facts will be placed before the American people.

Here are a few excerpts from letters received:

"I hope that DIR will do all in its power to send me a complete list of all people throughout America who have contributed to the Rosenbergs." -- A Long Island homemaker.

"I am writing to express the sympathy of my family, and to let you know that our family is one of the many who have contributed to the Guardian." -- A New York City woman.

"I am sure that DIR will do all in its power to ensure that the Rosenbergs are given a fair trial." -- A woman from California.

"I am writing to express my appreciation for the work of the Guardian in bringing the Rosenbergs to justice." -- A woman from Ohio.

"I am writing to express my appreciation for the work of the Guardian in bringing the Rosenbergs to justice." -- A woman from Ohio.
Rosenberg case appeal filed in court

By William A. Reuben

EMANUEL H. BLOCH, attorney for Ethel and Julius Rosenberg who are in Sing Sing under death sentence for alleged "atom spying," filed on Nov. 5 with the 2nd Circuit U.S. Court of Appeals a 143-page brief appealing the legality of the sentence.

In the brief's first point, the statute itself under which the Rosenbergs were brought to trial is challenged: it is so vague in its reference to transmitting documents "relating to national defense," Bloch argues, as to violate the First, Fifth and Sixth Amendments to the Constitution and hence hold any conviction secured under it. The second point holds that the Rosenbergs' right under the Sixth Amendment to be informed of the nature of charges against them is violated by the indictment, which fails to supply allegations disclosing that the "information" allegedly transmitted was in fact "secret." Bloch also argues:

- That the defendants were denied a fair trial by the judge's "misconduct and bias," of which 210 instances are cited;
- That the death sentence is "cruel and unusual punishment" violating the Eighth Amendment, and thus "the features of a Mauhan, which the patra of judicial action cannot escape";
- That the court erred in allowing the prosecution to make defendants' political beliefs a basic part of its case, ostensibly to provide both "motive" and "intention."

PUBLIC OPINION FRONT: As the brief was filed, the committee to secure justice for the Rosenbergs waded into the fight. Spurred by the enthusiastic response to its GUARDIAN appeal, pledges from all over the country, the committee was taking two active steps to bring the case before a wider public: circulating a statement of intentions on the case that

enlists support of Americans of conscience and goodwill, and delivering to a printer the material for a 16-page pamphlet from the GUARDIAN series of articles.
Support for the Rosenbergs pours in from all over America

By William A. Reuben

THE GUARDIAN

The announcement of formation of a National Committee to Secure Justice for the Rosenbergs has brought an unprecedented response from all over the land, from Americans in every walk of life in 25 states and Alaska. With the help of thousands of individuals and organizations making the facts public, already more than $1,300 has been received, which assures reprinting of the GUARDIAN's series on the case; and enough offers of help to insure that the facts will be brought to the American people.

Here are a few excerpts from letters received:

A Long Island housewife: "We are sending an initial contribution of $20. We wish, if possible, that we could indicate the letter from the Tom Mooney trials. I included this for the Tri-City Labor Review, will be a surprise to the Rosenbergs' case."

A New England resident: "Please send $5 to the GUARDIAN. I have something to say about your article."

A Long Island, N.Y., businessman: "I can only hope to come by doing something to help the Rosenbergs win their freedom. I would consider myself privileged to serve, actively on your Committee.""}

A woman in San Francisco: "I am enclosing $1 to help the Rosenbergs, but I would like to help, but this seems the most urgent to me."

A writer in New York City: "I am enclosing $2 for defense of the Rosenbergs, victims of a hysterical frame-up. What happened to them could happen to anyone who dis- agrees with their way of thinking."

A suburban resident: "Your publication is needed like a breath of fresh air in an atmosphere polluted with evil and hate... I have been following your expose of the unbelievable unfairness of the Rosenbergs story. Their letters to each other are the products of the minds of two wonderful people. They did not know the true story of their framed conviction; these letters alone are proof of the grossly inadequate bail given to the Rosenbergs."

A school teacher from Ohio: "I am enclosing $5 for the Rosenbergs. I am grateful that the Rosenbergs have been able to serve, actively on your Committee."

A man in California: "I am enclosing $5 to help the Rosenbergs win their freedom. I would consider myself privileged to serve, actively on your Committee."
A radiance behind the Death House bars

Last Friday defense attorney Emanuel Bloch spent three hours with Ethel and Julius Rosenberg in the Sing Sing death house. News of the nation-wide appeal for funds and support "thrilled them and moved them to tears," Bloch reported. Julius Rosenberg asked Bloch to transmit this message to Guardian readers:

"I feel I am again living with the struggles of the people against tyranny. The hands of an entire world, we are not alone isolated. I have enough faith in the people of America to believe they will stand up and the cause we represent when they know the facts. The charges against us were ridiculous but the meaning of the death sentence is all too clear. Our cause has that we were plain, progressive-minded people who believed in democratic and constitutional rights, in decency, humanity and peace. That is why we were tried and condemned to die, so that others like us could be frightened and silenced.

"We miss the opportunity to create, to talk to our friends, to work, to go home and enjoy comfort and peace with one's family, with one's wife and children. But the Guardian's article, and the wonderful response to them, give us hope and courage and strengthen our belief that the efforts of our oppressors are doomed to failure."

Here is what Ethel Rosenberg said, as attorney Bloch took down her words:

"All of a sudden my whole life and world ends with this sentence. The expressions of support from my new-found brothers and sisters are unbelievably touching. I am speechless with gratitude and admiration for all the precious human beings who have offered their love and assistance to our dear children and I am struggling to find the words to express all this beauty. I hope you will pass this on to us.

"In my humility, I pledge myself anew to the struggle against man's inhumanity to man in whatever form it may take in brutal torture. I shall never sell short the faith and trust that the Guardian readers have shown in my husband and me. Else shall our lives have gone for naught."
"The Rosenbergs shall not die!"

NEW YORK, N.Y.
The GUARDIAN's mighty call for liberation of the framed, the tragic and yet wondrous Rosenbergs in due time became as enshrined in the hearts of all decent humanity, as did Lincoln's tiny speech at Gettysburg. I can't believe America has ever witnessed a more callous, obscene and hideous frameup—nor one aimed more directly at the innocent and peace-desiring American people.

I do believe that the prosecution is part and parcel of Hitlerism. I know that its immediate victims in this instance symbolize goodness and tenderness and warmth and light: a reading of their love letters tells me that, and because of their inspired literary quality, because they express a compassion not only for one another but for all oppressed humanity, the personal letters of Julius and Ethel Rosenberg shall long outlast as classics those of Browning and of Abelard and Heloise.

The printing of these letters alone would have sufficed to stamp the GUARDIAN as the noblest paper in America. But coming as a climax to William Reuben's masterful expose of these innocents framed—well, for me the GUARDIAN has become immortalized.

The Rosenbergs shall not die! Their freedom means your own salvation and mine. Raise your voices, all you Jews, both rich and poor! Raise your voices, you men and women of literature, for this gifted and fearless pair of lovers of life and liberty. Raise your voices, all you good Christians—you men and women of toil. The sanctity Rosenberg have been raised to the cross of American fascism—help pull them down, America! Albert Einstein
Rosenberg pamphlet on press next week

By William A. Reuben

Last April, when Ethel and Julius Rosenberg were sentenced to die in the electric chair, the N.Y. Times spread the story over three pages. Last week, when the Rosenbergs, through their attorney Emmanuel Bloch, appealed in a 143-page brief the legality of this conviction, the Times gave the story two paragraphs at the bottom of page 33.

The press black-out emphasizes the need to find other means of bringing the facts to the people.

Next week, a 32-page pamphlet, containing in slightly abridged form the GUARDIAN series of articles on the case, will be off the press and ready for distribution. GUARDIAN readers, whose suggestions prompted formation of the New National Committee to Secure Justice for the Rosenbergs and whose contributions have made it possible to take this initial step to bring the facts to the rest of America, are the one group of Americans the committee can rely on at present to help get the widest possible distribution for this pamphlet. It will be available in bulk at $25 per 1,000 copies, $15 for 500, $4 for 100.

This is one pamphlet among all pamphlets NOT to leave gathering dust on shelves. Poor people's dollar bills paid for it. Every copy should be put in as you can distribute: start the hands of someone who will making your distribution arrangements now.

William A. Reuben, Executive Chairman,
National Committee to Secure Justice for the Rosenbergs,
NATIONAL GUARDIAN, 11 Murray St., New York City 7

Dear Mr. Reuben:

Please include me in the National Committee to Secure Justice for the Rosenbergs. Enclosed $ to help bring the facts of the case to a wider audience and to secure 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.

Name: ___________________________ Occupation: ___________________________

Address: ___________________________ City: ___________________________

State: ___________________________
How two women raised $350 for the Rosenbergs

DETROIT, MICH.

Several days ago I wrote you that we were planning a Family Dinner to raise funds for the Rosenbergs. Yesterday was the dinner and today instead of feeling droopy and tired, I am exhilarated and inspired.

The wonderful articles in the GUARDIAN had made us feel that more people should know what is going on. My girl friend and I wanted to do something, and wanted it to reflect symbolically the Rosenberg family. Hence we called our affair a Family Dinner. Since we are very busy people, we did not do much more than mail out our 100 invitations with personal comments to each party.

Telephone responses started to pour in, people asking what they could do, etc. We figured at last count on about 50 people (but we were so wrong!) So on Friday night and all day Saturday (our day off) we cooked and cleaned and rearranged the home for the occasion. Oh, yes, one important thing. We clipped every single article you wrote about the Rosenbergs, including letters of support from people all over the world, and put it together in a large portfolio. We left it on the piano where everybody had wonderful opportunity to read it.

Well, Sunday at 2 p.m. things started to pop! People kept pouring in from then until 6 p.m. Their response was terrific. Everybody wanted to pitch in and work. We had volunteers in the study supervising play activities of the children; kitchen help comprising all professions and arts. Young and old were united in one common purpose—to help the Rosenbergs.

One group of 19 people brought in a check for $30 from their reading club; several people gave large contributions, too. But, in the main, our group were lower middle class people who manage to just make a living. Everyone gave what he could. Not everyone was clear or knew all the details of the case and we urged them to read the articles. One young man of mine gave his 40c allowance. A young psychiatrist read the book of articles with extreme caution—his obvious first exposure to such materials—and his final comment: "There's no question they were railroaded." We heard over and over from people that they would like to see the material in pamphlet form. We know from people who did not come because they believed the Rosenbergs guilty that it was most important for wider distribution of literature. Please do what you can to publish these pamphlets.

And so now to tell you the thing you are waiting for, and hope that you will be as pleased as we were. We made $350, and are enclosing the check.
Stool pigeon: 1712

AUSTIN, TEX.

In regard to the "testimony" that was used to railroad innocent and brave people like the Rosenbergs, Joseph Addison, writing in The Spectator, July 24, 1712, has a neat dissection:

"A man who is capable of so infamous a calling as that of a spy is not very much to be relied upon. He can have no great ties of honour or checks of conscience, to restrain him in those covert evidences, where the person accused has no opportunity of vindicating himself. He will be more industrious to carry that which is favourable than that which is true. There will be no occasion for him if he does not hear and see things worth discovery; so that by naturally inflaming every word and circumstance, aggravates what is faulty, perverts what is good, and misrepresents what is indifferent. Nor is it to be doubted but that such infamous watchmen let their private passions broil their clandestine informations, and often wreak their particular spite or malice against the person whom they are set to watch."

Max Ably

[Signature]

National Archives
Dec. 30, 1937
Rosenberg pamphlet is ready

I took a lunch-time collection among my associates and came up with another ten dollars to help win justice for the Rosenbergs (enclosed). I am proud that by supporting the GUARDIAN this way I am helping to save the lives of these two unfortunate victims of cold war "justice."

F. L.'s letter is typical of dozens we have received. GUARDIAN readers know that when they give financial support to the Rosenbergs they support the GUARDIAN, and vice versa. All money received for the Rosenberg case has been turned over to the National Committee to Secure Justice for the Rosenbergs. The money received to date is being used to print a pamphlet which will be off the press in a few days. This pamphlet should be given wide distribution as quickly as possible. See coupon below.

William A. Reuben, Provisional Chairman, National Committee to Secure Justice for the Rosenbergs, c/o NATIONAL GUARDIAN, 47 Murray St., New York City 7

Dear Mr. Reuben:

Please enlist me in the National Committee to Secure Justice for the Rosenbergs. 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.

I enclose ($25 for 1,000), ($15 for 500), ($1 for 100).

Name
Address
City
State

November 28, 1951
Christmas for two kids

By William A. Reuben
GUARDIAN special reporter

"Hey, Rubie, does this make me famous?" the youngster asked excitedly. I had just told 8-year-old Michael Rosenberg that GUARDIAN readers wanted to know how he and his 4-year-old brother Robbie planned to spend the holidays this year. Before you could answer, Michael said:

"All right, let's have the interview—fire away. Ain't that what they say? ... Say," he rattled on, "why do you only charge five cents for the GUARDIAN?" Again he beat me to the punch. "I know—because you don't want to make money, you just want my parents to be free. Do all the people in the GUARDIAN believe my mother and father are innocent?"

"That's right," I said. Michael thought this over for a moment, then exclaimed: "Truman! He ought to read this paper and see for himself that my mother and father are innocent, because he has the right to release them, doesn't he? Doesn't Truman know they are innocent, DOESN'T HE?"

"TELL AUSTRALIA": I started to tell him that it is often difficult to know what goes on in the little President's mind. But brown-eyed, fair-haired Michael was already launched on a discussion of how the article should be handled:

"Tell all your friends about this case, and ask them to give money to the GUARDIAN and the National Committee to Secure Justice to the Rosenberg case, and write to the article that everybody should give to the poor and to charity, and send some clothes to Korea and also adopt orphans and be kind to animals.

"If you don't mind, I'd like this interview printed in the Australian paper. I'd like to know if all the people in Australia are with us, if they all believe my parents are innocent. And I'd like to have a little news about this from Australia so we can print it in the GUARDIAN."

I asked him why all this concern with Australia. He explained patiently:

"That's the smallest continent. I wouldn't expect all the people of Europe to know about the case yet."

Then, just as Michael was deciding he couldn't think of anything else to say, he suddenly asked:
"Say! Do you think this might get me into trouble—what I said about Truman?"

THE WAITING WEEKS: For the past several months the Rosenberg children—who following their parents' arrest were kept in a shelter home for a year—have been living in a three-room apartment in an outlying section of New York City. They are cared for by their father's aged mother, Mrs. Sophie Rosenberg, and by another woman, also named Sophie, who serves as a combination housekeeper, governess, tutor, companion, friend.
FROM A 6x8 STEEL TOMB

‘I’ve never lost faith’

From the death house in Sing Sing prison Julius Rosenberg sent this letter to the Rosenbergs’ attorney Emanuel Bloch, and through him to all ‘the lovers of decency’:

Dear Manny:

From what I could gather from the prison people here, the GUARDIAN has not been sent to us, and we’ve already missed the Nov. 14th and 21st issues. Please see to it that we receive these back copies and that our subscription to this wonderful paper continues. [The paper is being sent.—Ed.]

Each succeeding visit from you is more stimulating than the last, for it brings heartening news. In spite of my confinement there is nevertheless a great upsurge in spirit because my existence here is so dear to between your most welcome visits.

I forgot to wish you a happy holiday at your last consultation. As for me I had a very substantial chicken dinner Thursday (Thanksgiving) but it only served to sharpen my hunger and longing for Eliehu and the boys. At times the mental agony and loneliness get so unbearable that I have to read the GUARDIAN articles to seek relief.

What I miss most is social intercourse with my fellow-men and a chance to participate physically in the people’s campaigns for peace and a better life. Tell all the lovers of decency and the people who have a conscience to increase their activity to hasten the day of our common victory for justice and freedom.

In retrospect we have a lot to be thankful for. [Dr. DuBois had just been acquitted when Rosenberg wrote.] There have been a number of victories against tyranny in our land, and our case is being put before the public to see the naked political frameup and take appropriate corrective steps to remedy the shameful blot on our democracy. I hope by the next time you visit us you’ll have more good news on further progress in our behalf.

I want you to thank those swell people who are helping make it a better holiday for Mike and Robert. Send my regards to your wife and Fop. I’m still filed away in a 6x8 concrete and steel tomb and I’ve never lost faith that we’ll be delivered from this death house. Send my holiday wishes to all our friends. I’m sure we’ll win. Keep the good work up.

As ever,

Julius

William A. Remien, Provisional Chairman.
National Committee to Secure Justice for the Rosenbergs,
c/o NATIONAL GUARDIAN, 11 Murray St., New York NY 10.

Dear Mr. Remien:

Please enroll me in the National Committee to Secure Justice for the Rosenbergs. 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 count me among the many in the Committee’s work.

Please send me .......... copies of the Rosenberg Case pamphlet.

Name:

Address:

City:

State:

Jan 3, 1950

FBI - NEW YORK
Anti-Semitism and the Rosenberg

Louis Harap, editor of Jewish Life, (222 E. 17th St., N.Y.C. 3, $2 a year), has written in the January issue (out Dec. 19) of that publication a masterly analysis of the anti-Semitic implications of the Rosenberg Case. Explaining the significance of the fact that while both judge and prosecutor were Jews, Jews were totally excluded from the jury in a city one-third Jewish, Harap accuses Judge Kaufman of "appeasement"...

... playing into the hands of the anti-Semites and the fascists... supplying them with ammunition that may yet prove of extreme danger to the Jewish people under the manipulations of anti-Semites and fascists.

We earnestly commend to all concerned about the case Harap's article on a phase of it which the GUARDIAN had no space to cover.
IS "COMMUNISM" TO BE A HANGING OFFENSE IN AMERICA?

Rosenberg appeals for reversal

go before the court
By William A. Reuben

GUARDIAN special reporter

As this issue of the GUARDIAN goes to press, the appeals of Julius and Ethel Rosenberg for reversal of their convictions and death sentences on charges of atomic spying are before the January term of the U.S. Circuit Court of Appeals in New York.

The appeal brief was filed with the court Nov. 5 by defense attorney Emanuel H. Bloch (GUARDIAN, Nov. 7). By last week the defense had not received a copy of the government's reply brief. Also before the same court was the appeal of Morton Sobell, convicted with the Rosenbergs as an accomplice—without a single overt act being charged against him—and sentenced to 30 years in prison.

The convictions of all three were obtained entirely on the testimony of persons over whom the government held the threat of imprisonment and even death for espionage. There was no corroboraton of any of the incrimination intended by this testimony.

A Red is a Spy is a Red: Instead, prosecution and court joined in a deliberate process of depicting the young New York parents as communists and in underscoring to the jury the contention that all communists are per se spies for the Soviet Union. The appeal brief states in this regard:

From the very outset of the trial and in his opening statement, the U.S. District Attorney injected into the case and foisted upon the jury the notion that the primary allegiance of the defendants was to "communism, both national and international," and that this "adequacy" to the "cause of Communism" was their motive for entering into a conspiracy "to deliver to the Soviet Union the information and weapons which the Soviet Union could use to destroy us."

... The court ... permitted the prosecution, throughout the trial, to innuendo constantly before the jury some facet of the volatile and impregnating question of communism.

Thus the issue before the justices of the U.S. Circuit Court of Appeals in the Rosenberg case is whether the accusation of communism is to become a hanging offense in America.

Operation Hearst: The Hearst newspapers, which are closer to the inner workings of Justice Dept. than any of the rest of the U.S. press, had this to say when the death sentence was handed down:

The importance of the trial cannot be minimized. Its findings disclosed in utmost 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.
DANGER! GAMMA RAYS 
KEEP YOUR HEALTH!

THE SPIRIT OF THE COLD WAR

Westbrook Pegler followed this up with a column proposing that all communists be rounded up and shot without trial. Now the House Committee on Un-American Activities is demanding of Congress new legislation permitting death sentences for peacetime espionage.

Thus, nearly a year ago the Hearst press revealed the issue now before the Appeals court: whether for political purposes a government may be permitted by the courts to arrange its citizens on manufactured evidence, convict them “by the atmosphere” (as Felix Frankfurter said of the convictions of Sacco and Vanzetti), and sentence them to death as warnings (or “tokens,” as the Romans said it) of the penalty for opposing the policies of the government in power.

AN OLD GAME: In this respect, the brief submitted in behalf of co-defendant Morton Sobell makes the following statement before arguing the details of the case:

The increased responsibility for ensuring a fair trial arises not alone because of the difficulty of securing dispassionate consideration in the presence of . . . hysteria. Of sometimes greater significance is the danger that the espionage prosecution may be employed in its familiar historical and political role. From time immemorial that role has not infrequently been—and remains today, where we can see the note in our neighbor’s eye—to direct public opinion from governmental inadequacy or error, or what is worse and yet may be the same thing, as an incendiary device to political purposes. It is not to be seen in the past, or in any other country, for it can not rest on its own place and time.

POLITICAL TOKENS: The Rosenbergs were the only “token” material within the easy reach of the alleged atomic spy plot in which the government seeks to implicate them. The confessed participants in the alleged plot were all in it for mercenary, not political, reasons. The Rosenbergs happened to be in-law of the confessed spy, David Greenglass. Unlike Greenglass, they were “political”: they discussed the merits of capitalism and socialism; Julius Rosenberg advocated a second front in World War II; Ethel collected funds to “Save a Spanish Republican Child” and once signed a petition to nominate a Communist (who was elected) for N.Y. City Council. Furthermore Julius had been sentenced from a government job on allegations of communism which he denied.

When Julius’s college math notes of 13 years earlier turned up in possession of his brother-in-law David Greenglass, even a Junior G-man could scent the possibilities.

REFUSAL TO LIE—30 YEARS: The connection of Morton Sobell with any alleged spy plot is even more impossibly remote. His name came up in the FBI’s checkup on Rosenberg’s college classmates. He was an alleged left-winger. His incriminating evidence was that he had taken his family to Mexico. He and his wife and children were simply kidnapped from the Mexico City flat where they lived with no attempt at concealment. He was imprisoned on a bench warrant and eventually included in a revised indictment, although his name had not occurred in any version of the case obtained earlier from the witness who eventually accused him.

Sobell had the opportunity to join the government’s group of suborned witnesses, but refused. As a result he too became a defendant, ending up with a 30-year sentence even though as one jurist in the trial the judge himself implied that Sobell had no connection with the alleged spy plot.

Summing up the appeal in the Rosenberg brief, attorney Bloch states:

The death sentence in this case is punishment for political nonconformity. It is in the form of retribution, which the patina of judicial form cannot efface. In its import, it is notice that the price of political apostasy can be a man’s life. The sentence here is a political bludgeon.

This is the real issue before the appeals court.
The Rosenberg fight
NEW YORK, N. Y.
We want you to know how precious the GUARDIAN has become to us, especially since its coverage of the Rosenberg case. We have contributed to this cause and know many others have since you've published it.
Evelyn A. Brown

CHICAGO, ILL.
Keep up the fight on the Rosenbergs. This is the good fight, the patriot's struggle. Your efforts may turn a whole historical table.
Eugene De Frances
Hits at Plea Of Rosenberg As 'Nonsense'

To "pass off espionage as mere political non-conformity" is "nonsense," a federal attorney declared yesterday in urging the U. S. Circuit Court of Appeals to uphold the death sentence imposed on atom spies Julius and Ethel Rosenberg and the 10-year sentence of co-conspirator Morton Sobell.

The assertion was made by Assistant U. S. Attorney Stanley D. Robinson in response to defense pleas that the verdict be set aside as unfair, and as stemming from the trio's sympathy for the Soviet Union and Communist Party membership.

Reserve Decisions

The bench—composed of Chief Judge Thomas W. Swan and Associate Judges Havir B. Chase and Jerome N. Frank—reserved decision on the appeals.

Rosenberg, 32, and his wife, 35, formerly of 10 Monroe St., were represented by Emanuel H. Bloch. Harold M. Phillips represented Sobell, 34, formerly of Flushing, Queens. Assistant U. S. Attorney James B. Kilshheimer 34, with Robinson, presented the Government's arguments.

Sentences were imposed last April 5 by Judge Irving R. Kaufman after the conviction of the three by a jury of delivering wartime military secrets to the Soviet Union.
Rosenberg appeal heard; court weighs their fate

"Thinking again?" the Duchess asked, with another dig of her sharp little chin.
"You're right to think," said Alice sharply, for she was beginning to feel a little worried.
"Just about as much right," said the Duchess, "as pigs have to fly."

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By William A. Reuben
Guardian special correspondent

ON THURSDAY and Friday mornings of last week, Judges Thomas W.
Swan, Harriett E. Chase and Jerome N.
Frank of the U.S. 2nd Circuit Court of
Appeals listened to defense and govern-
ment arguments in the case of "U.S.
v. Rosenberg."

The walnut-paneled courtroom on
the 11th floor of the U.S. Court House
at Foley Square, with its green-leather
easy chairs and press and counsel tables
and 15-foot ceiling, provided an air of
sober decorum and dignity. But some of
the things that went on during the
two-day arguments might well have
been lifted right out of the Lewis
Carroll fantasy.

The court was almost deserted when
Attorney Emanuel Bloch began present-
ing his argument on behalf of Ethel and
Julius Rosenberg, in what he called "the
most dramatic and celebrated case in
the annals of American jurisprudence."

Twenty-five persons were on hand, with
a fairly even division of lawyers, re-
porters, spectators and FBI men.
Howard Rushmore, covering the arguments
for the Hearst press, went to sleep
peacefully, stretched out in one of the
soft easy chairs, soon after Bloch began.

"Oh, don't bother me," said the
Duchess. "I never could abide frisbees!"

BLOCH CHARGES "DEAL": At the
government counsel table were three
young men, alternately whispering,
laughing and whispering, all unwill-
ing to take notes. They were
James S. Kilheimer, Ed. Roy M. Cohn
and Stanley D. Robinson, representing
the U.S. Government. Their average
age was 36 years.

Attorney Bloch related the seri-
ous chain of events that culminated

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EMANUEL BLOCH
An eloquent petition for
freedom for the government
that imprisoned the
Rosenbergs. He started that
Green

---

Two self-confessed spies, David and
Fritz Grundler, were charged in
the Rosenberg trial. The
Grundlers got off with a
sentence that will
make them eligible for parole
in five years and the
Rosenbergs have
never been indicted or
charged in any way for
their spying activities.

Referring to the conference with
Justice Dept.
and FBI representatives arranged
by the Greenwalds' lawyer, O. John
Roche, outcome of which was the arrest
of Julius Rosenberg, Bloch said:

"Neither Fritz nor Steve Grundler could
pass the test of any kind or the
investigation - although their memory was
good and their power of
germine over years
earlier, I charge that
a deal was made between the District
Attorney, Roger and the Government."

"The government did not attempt to
reply to the accusation of a deal."

(Continued on Page 2)
Court hears Rosenberg's appeal; 3 judges considering their fate

(Continued from Page 1)

It was on this basis that the government moved at the trial to present evidence of the defendants' statements and actions. The government argued that the defendants had intended to pass on information to the Germans and that they had done so. The defense, however, presented evidence that the defendants had no intention of passing on any information to the Germans and that their statements and actions were simply a result of their political beliefs.

Judge Kaufman asked the government to state its case. The government's case requires an analysis of the government's evidence. The government's evidence is based on statements and actions made by the defendants. The government's evidence was presented in the form of an affidavit and in the form of testimony by the defendants and other witnesses. The government's evidence was also supported by the testimony of witnesses who had knowledge of the defendants' statements and actions.

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The kind of news you get in Guardian is priceless.
Help our sub drive!
Chicago

Dear Rosenberg Defense Story, Speakers: Wm. H. Brown, att. Guardian; Rabbi Samuel Toledano, Rev. Dorothy Dougall. Also dramatic skit "13th Juror," Feb. 6, 6 p.m. Temple Judea, 1227 So. Independence Blvd, Admission Free.

Boston

CHICAGO FIREWORKS SPARK REUBEN'S MIDWEST TOUR

Rosenberg Case rally held despite canceled hall

By Sidney Ochsner
GUARDIAN staff correspondent

THE first fireworks of William A. Reuben's Midwest speaking tour in behalf of the Rosenbergs, now under death sentence as "atom spies," went off on Monday of last week in connection with the meeting scheduled for Wednesday at Temple Judea. This is in the Jewish working-class and lower middle-class 24th ward, long known as the personal property of Democratic boss Jake Arvey.

Without warning the rabbis of the Temple informed the Progressive Party that the meeting, widely publicized for a month, must be canceled because of protests from chief American Legion witch-hunter Edward Claman and from the Chicago office of the Anti-Defamation League. (ADL director Albert Rosen, telephoned by GUARDIAN advertiser Lou Blumbag, said those seeking to bring the Rosenberg case into the open were being "anti-Semitic").

CANCELED, RECANELED: The Progressive Party went to work and by phone-call deluge got the rabbis to backtrack, the president of the board of directors to receive a delegation Monday night. When the case was explained to the latter, he said free speech should be guaranteed and the meeting would go on as scheduled. But on Wednesday, the morning of the meeting day, a telegram canceled the meeting again and the deposit made six weeks before was returned. Expressed reason for the cancellation, signed by no individual but over typewritten words "By order of the Board of Directors": the heretofore unknown "controversial nature" of the meeting.

The synagogue posted a sign: "This Temple will be closed all day Wednesday," innocent casualties of this maneuver were a Boy Scout group who were locked out when they assembled for their regular Wednesday meeting, and a class of DP's who meet at the Temple weekly to study English and the practice of American democracy.

TRUTH WILL OUT: The pressure to silence discussion of the Rosenberg Case included a series of phone calls from New York City. A rabbi and a minister, who had been advertised as speakers, were forced to withdraw. But the PP promptly hired another nearby hall, set up a car to shuttle from the Temple, and despite all obstacles presented the facts of the case to an overflow crowd of more than 200.

Michael Tuomey, Irish-Catholic attorney, chaired the meeting. Chicago Negro Labor Council vice-chairman Ruth Collins stressed the link between the oppression of her people and a case like the Rosenbergs. The predominantly Jewish working-class audience was deeply stirred by Reuben's presentation of the case. Your Chicago correspondent urged them to cast aside their political differences and refuse to let their own interests be dictated by wealthy Jewish "leaders." Pointing out that the important thing was not so much the opinions they might form on the case as their standing up for the right to be heard.

FUROR AT THE TEMPLE: A proposal was made from the floor, and unanimously approved, to send protests to the President and Atty. Gen. McGrath, asking reversal of the convictions and dismissal of the indictments against the Rosenbergs; and to protest to the Temple for buckling to outside pressures in canceling the meeting.

As the evening wore down to a close a member of Temple Judea's executive committee came to the hall to congratulate the PP for holding the meeting and to sympathize with their aim of preserving free speech in the community. He said the president of the Temple had resigned in protest against the cancellation, which had been ordered contrary to the expressed will of the majority of the Temple's officers and executive committee. He had local PP representatives come to Temple Sunday, to tell its Sunday Breakfast Club something about the case that had created more excitement in the ward than anything since the fight over recognition of Israel.
IF THE ROSENBERGS DIE...

'Whole population of U.S. will be adversely affected'

We said and we say again that we are victims of the grossest type of political frame-up known in America... My husband and I are only two people, but this case has significance which far transcends our personal lives. The entire population of America will be adversely affected by our persecution.

Statement by Ethel Rosenberg when she was transferred to the Sing Sing death house.

By William A. Reuben
GUARDIAN special correspondent

At ten o'clock at night on Feb. 25 the news came to Ethel Rosenberg over the portable radio at the end of the cell block where for 11 months she has been alone save for the matron who brings food to her six-by-eight cell.

Justices Jerome Frank, Harrie B. Chase and Thomas Swan of the U.S. 2nd Circuit Court of Appeals had scrutinized "with extraordinary care" the record of the trial of herself and her husband on "atom-spy" charges. Their decision was that it was entirely legal to put these two young American progressives, parents of two small boys, to death.

Ethel and Julius Rosenberg knew what it meant; their thoughts for the rest of that night, and since, must have been largely occupied with wondering how long it would take their fellow Americans to realize it.

MILLIONS OF "SPIES": The second highest court in the land had in effect drawn a 43-page blueprint for making fascism legal in America. It had set the precedent under which political non-conformism, described as "espionage," merits the extreme penalty of death. It had given clear warning that Americans can henceforth look for protection of their constitutional rights, not to the Bill of Rights, but to whatever consideration a McCarthy, a McCarran, a McGrath or a Truman might deign to show them.
The decision climaxed a year in which Ethel Rosenberg’s prediction—that “the entire population will be adversely affected by our persecution”—has been increasingly confirmed. Even since the Rosenbergs’ conviction, J. Edgar Hoover and Atty. Gen. McGrath have been promising that more “spy” arrests would follow. With the Appeals Court opinion written into law, the number of Americans who can legally be jailed or executed for “espionage” seemed limited only by the capacities of the machinery for arranging convictions.

The press played its part to the end by wilful distortion of the defense arguments where these were not suppressed altogether.

SCAFFOLD SEMANTICS: The Rosenbergs’ appeal submitted by attorney Emanuel Bloch first challenged the constitutionality of the espionage statute under which they were put on trial: its reference to transmitting information “relating to national defense” defies clear-cut interpretation and thus violates the First, Fifth and Sixth Amendments. Undefined by any legal or standard dictionary, “national defense” can be made to contain whatever meaning anyone would want to ascribe to it—an argument corroborated by the U.S. Supreme Court’s one purported definition which calls it...

...a generic concept of broad connotations, referring to the military and naval establishments and the related activities...

The Appeals Court brushed this aside with a quote from a Supreme Court decision involving a bus company, given 2½ weeks after the Rosenberg appeal was argued:...

...But few words possess the precision of mathematical symbols, most statutes must deal with untold and unforeseen variations in fact situations, and the practical necessities of discharging the business of government inevitably limit the specificity with which legislators can spell out prohibitions. Consequently, no more than a reasonable degree of certainty can be demanded, nor is it unfair to require that one who deliberately goes perilously close to an area of proscribed conduct shall take the risk that he may cross the line.

THE PROOF THAT WASN’T: “The question of communism,” the appeal brief pointed out, “permeated the case from the prosecution’s opening statement to the time of its submission to the jury”; and since the trial record “remained bare of proof” of any communist beliefs or affiliations of the Rosenbergs, such testimony could have no purpose but to inflame and prejudice the jury. But the Appeals Court, finding “relevant” evidence of an American’s political and social views or of “devotion to another country’s welfare”—an “attitude” which “bears on a possible motive for his spying”—ruled:

The government had to prove that the Communist Party was tied to Soviet causes in order to make membership in it meaningful as evidence of motive or intent to aid Russia... To that end, the government put Elizabeth Bentley on the stand...

...and she supplied the missing link connecting the Communist Party with the Soviet Union and making Communist Party membership probative of motive or intent to aid Russia.

All this was predicated on the court’s declaration that “evidence was introduced... that they (the Rosenbergs) were members of the Communist Party.” Yet no such evidence was ever introduced; the Appeals Court simply invented it, and the press in its congratulatory comments on “justice being

(Continued on Page 5)
If Julius and Ethel Rosenberg die...

(Continued from Page 1)

done" joyfully passed on the deception. The implications for the American people, at a time when "responsible" persons denounce even Acheson, Truman and Marshall as pro-communist, are clear.

The only positive testimony at the trial concerning the Rosenbergs' 'communism' was that they had expressed preference for a certain form of social-economic organization—not for a government. What follows from the decision is that approval of the social and/or economic policies of any foreign government is declared a motive for criminal attempt to commit espionage for that government, one of the most grievous crimes on the statute book. With regard to Americans joining an organization (which the Rosenbergs were not shown to have done), the decision wipes away the whole doctrine of personal guilt, making such persons liable for all actions of any of the top leadership even though they know nothing about them.

JURY TRIAL "RISK": In connection with the defendants' argument that injection of testimony about "communism" deprived them of a fair trial, the appeal brief called this a violation of the Supreme Court's statement about the general rule excluding prejudicial matter, namely:

...it is inconsistent with our traditional conception of a fair trial to permit any information to go to a jury which might influence a jury to convict a defendant for any reason other than that he is guilty of the specific offense with which he is charged.

Yet admitting that evidence pertaining to communism "can be highly inflammatory," and that the trial judge's warnings that the defendants were not to be convicted merely because the jury believed they were Communists may have been "no more than an empty ritual," the Appeals Court decision concludes:

...if so, this danger is one of the risks run in a trial by jury. [There was no cause for grievance, since] the defendants made no effort to procure a trial by a judge alone.

This takes care of Art. VI of the Constitution which says:

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury.

CORPORAL EINSTEIN: The many inherent absurdities in the case against the Rosenbergs as "master-spies" remain cloaked in empty verbiage or are airily dismissed. The defense brief objected to a sketch and reply of a 12-page report introduced in evidence by the prosecution, concerning David Greenglass' purported transmission of the atom-bomb "secret" to Rosenberg. The Appeals Court replied: "We see no error here."

Scientists all over the world know there has been no A-bomb "secret" since 1938 when uranium fission was discovered—a fact made clear in the U.S. government's Smyth Report of 1945. The idea that Greenglass, a machinist without advanced education
assigned to Los Alamos as a corporal, could have even known and mastered, much less turned over "from his own memory" (as he testified), "secrets" that enabled Russia to develop their A-bomb; "years before" they would otherwise have done so (prosecution contention, accepted by trial judge Kaufman), is nonsensical on its face.

ALL ARE GUILTY: The court's upholding of the Rosenbergs' death sentence was unanimous; the 30-year jail term imposed on co-defendant Morton Sobell was upheld by a 2-to-1 opinion with Justice Frank dissenting on the ground that Sobell was not involved in the same "conspiracy." The evidence that convicted Sobell consisted of oral, uncorroborated testimony by one witness, Max Elitcher. The majority opinion held that "it did not matter that Sobell knew nothing of the atomic episodes," and quoted from Judge Kaufman's charge to the jury:

"... if you find that there was a conspiracy and that Sobell was a member of the conspiracy, any statements or acts of any co-conspirators are binding upon him because the law is that once you have joined a conspiracy... the acts of the co-conspirators done in furtherance of the same object... even though the co-conspirators are unknown to you, are binding upon you."

Confirmation of Sobell's sentence strengthened the "legal" foundations for U.S. fascism by ruling, in effect, that:

- A "giant conspiracy" exists to aid the Soviet Union;
- All "communists" past or present are participants in it (i.e., anyone a Runsby may so designate; although in Sobell's case there was testimony, from Elitcher, that he was a CP member from 1939 to 1941—three years before the start of the "conspiracy" according to the indictment, but not too remote, the Appeals Court held, to bind him to the crime);
- Transmission of the A-bomb "secret" to Russia by members of this "conspiracy" has been "proven";
- This act is binding on all other members of the "conspiracy," whether or not they knew the other "conspirators" or anything about "the atomic episodes."

THE PEOPLE DECIDE: Finally the Appeals Court describes as irrelevant the contrast between the Rosenbergs' death sentences and the fact that Ezra Pound was never brought to trial, Axis Sally and Tokyo Rose got off with five-year jail sentences. The decision denies that the people's conscience is shocked by the Rosenbergs' unprecedented sentences: "Such matters do not adequately reflect the prevailing mood of the public." Death for the Rosenbergs is not "excessive and unusual punishment," for "it is impossible to say that the community is shocked and outraged." Death, in short, is appropriate for nonconformists of the Left, so long as the people can be scared into silence by "red" hysteria.

Now under the very shadow of the chair in Sing Sing death house, Ethel and Julius Rosenberg can only wait to see if their electrocution—not for espionage, but for political unorthodoxy, as their appeal brief said—indeed represents "the prevailing mood of the public."

It is late for their fellow Americans to weigh Ethel Rosenberg's warning, but there is still time.

The case will be speedily appealed to the U.S. Supreme Court.
WASHINGTON, D. C.

HEAR WM. A. RYBEN, Comm. to
Secure Justice in the Rosenberg
Case, speak on WHAT CAN BE
DONE TO SAVE JULIUS & ETHEL
ROSENBERG. Mon., March 17, 3:15
p.m. Inspiration House, 1227 Kal-
oroma Rd. N.W. Admission free.
Progressive Party of D. C.
Fundamental right

PORTLAND, ORE.

The supreme issue in the Rosenberg Case is whether a life should be forfeited while there is reasonable doubt as to guilt. This involves the most fundamental of all human rights, and to deny it means anarchy. For our government to go on would be to renounce democracy in favor of fascism. For our government to execute the Rosenbergs would be to acknowledge such a transition.

For the American people to demand such a violation of this most fundamental right would be to surrender every right granted by our Constitution. Honor Julius and Ethel Rosenberg. Incarnate our democracy and their defense is the defense of our homes and our civilization.

Where the votes are

BERKELEY, CALIF.

The Rosenberg Case, the John Doe Field Case, and now the Trump Case and the N.Y. and Los Angeles trials, and the dozens of cases besides, in our country! Today I read that the Los Angeles County Registrar showed: Democrats, two years ago, 1,272,003; today, 1,998,548; Republicans, two years ago, 896,605; today, 707,569. The Progressives will have to pick up those who dropped away. Olive Dorrough.
The Rosenberg Case and the Judenrat mind

The N.Y. Post is known to New Yorkers as a "liberal" newspaper in the Truman camp, violently anti-Soviet and anti-Communist, expert in red-baiting progressives and oriented largely toward a readership in the Jewish community of New York and environs.

In the Administration's prosecution of the Rosenberg "atom-spy" case, one of the Post's night club gossip columns was used to "leak" many of the prosecution's "next moves" in the case. A series of feature articles after the trial glorified the in-laws whose testimony shifted their own blame on Ethel and Julius Rosenberg. Since the conviction and death sentences, the same night-club gossip column has chatted briefly about the imminent executions of the Rosenbergs and even presumed to "leak" the Appeals Court's rejection of their appeal more than a week in advance.

Last week, following the enormously significant mass meeting in N.Y. called by the Committee to Secure Justice in the Rosenberg Case, at which nearly 2,000 people gathered and contributed more than $5,000 to the defense, the Post commented editorially:

"Now, brutally and after some rewriting of the history of the trial, a thinly veiled Communist front known as the Committee to Secure Justice in the Rosenberg Case is staging a shrill campaign to prove it was all a monstrous "frame-up" and to "force" the Supreme Court to upset the verdict. In the course of this campaign the Committee has raised the pathetic cry that anti-Semitism motivated the prosecution, the trial judge (Irving Kaufman) and the Appeals Court which, in an opinion written by Judge Frank, upheld the verdict and sentence...

GUARDIAN readers—who themselves formed the Committee to Secure Justice in the Rosenberg Case at the invitation of reporter William A. Reuben when passing weeks and months indicated that otherwise no such activity would ever get started—can best judge the Post's characterization of the Committee as a "Communist front."

Ethel Rosenberg—in a hitherto unpublished comment on the decision of Judge Frank rejecting her appeal from conviction and sentence to death by Judge Kaufman after prosecution by Irving Saypol before a jury which contained no Jews in a city one-third Jewish in population—has herself introduced the term which most grimly fits the whole situation, including the role of the N.Y. Post:

"This is the way the Judenrat performed for the Nazis in the Warsaw Ghetto."

The Judenrat was a Jewish authority set up by the Nazis to collect taxes and penalties from Jews, to quell resistance and to expedite their departure for concentration camps and gas chambers. The furnaces eventually claimed Judenrat collaborators along with their victims as well as thousands of others who dared resist Nazism.

The system won't work here, as thousands of Americans of all creeds and backgrounds are demonstrating by their outspoken disbelief in the guilt of these two "token" victims and their challenge of the Judenrat tactics used to seek to compel such belief.

As with the Pretryus Case, Sacco-Vanzetti, Scottsboro and the Tyntton Six, the frame-up will out, along with the purpose behind it—even though facts continue to be withheld and slander and hysteria substituted by a jackal press.

—THE EDITORS
For the Rosenbergs

BROOKLYN, N.Y.

If you could acknowledge the enclosed $10 in your letter column as donated by a conscience-stricken friend, it would please me more than a receipt. It's for the Rosenberg Defense Fund. Last summer I sent you $25 from another friend for the same case. Mrs. K. Kahanazi

65-153/8 D-32

APR 9 1952
FBI - NEW YORK

SEARCHED INDEXED
SERIALIZED FILED

CLIPPING FROM THE

DATED 5-6-52
FORWARDED BY N.Y. DIVISION
Why must they die

FARMERSVILLE, TEX.

Why should Ethel and Julius Rosenberg have to die on a charge of having passed along to (then) an ally of the U.S. a secret which a number of scientists of various nations have since discovered? Does any government deserve to have a monopoly on anything? And can any government rightly claim to be a democracy that entertains a monopoly on such an important source of energy as nuclear fission? Are the scientists to blame for the conversion of nuclear energy to a powerful weapon of destruction? A negative answer is expected of every thinking person.

J. R. Blaine

[Handwritten note: 1754 A.D. 6]

Material Evidence

APR 1952

SEARCHED, INDEXED, SERIALIZED

APR 9 1952

FBI - NEW YORK

65 - 153 4V 0-33
FREEDOMS

Rosenbergs lose
rehearing appeal

LAST FEB. 25 the U.S. Court of Appeals upheld the conviction and death sentences of Julius and Ethel Rosenberg on a charge of conspiracy to commit espionage; last week the same court unanimously decided not to grant a rehearing. The Supreme Court will now be asked to review the case. The appeals court also denied a rehearing to Martin Sobell, convicted of complicity in the case and sentenced to 30 years.

In the appeal for a rehearing the defense cited the Constitutional safeguards in trials for treason, argued that imposition of the death sentence on a charge of a similar but less grave offense, without the safeguards provided in treason cases, amounts to "cruel and unusual" punishment. The Appeals Court in its opinion conceded debatable questions of law concerning the death sentences, urged the Supreme Court to settle the issue.

BULLITT'S HIS DUD: Into the Alger Hiss case—most widely known of the series of cold-war "spy" prosecutions which have prompted the GUARDIAN to ask if the U.S. Govt. is in the frame-up business—former U.S. ambassador to Moscow and Paris William C. Bullitt threw a damp bombshell last week. He testified before the Senate Internal security subcommittee that in 1939 Edouard Daladier, Chamberlain's partner at Munich who was then Premier of France, told him "two brothers named Hiss" in the State Dept. were Soviet agents.

Questioned in Paris, Daladier said (N.Y. Times, 4/9)
...he did not recall either the name Hiss
...a 1939 conversation with Mr. Bullitt
...and any brothers in the State Dept.

CLIPPING FROM THE

New York Herald Tribune
Dated 4-16-57

INDEXED SERIALIZED
SEARCHED: 11-25-1952
FI-1B-NY

65-15348-D-34
The Rosenberg Case
and the GUARDIAN

On April 10, 1941, Julius and Ethel Rosenberg were arrested for conspiracy to transmit atomic secrets to the Soviet Union. The case of the Rosenbergs was widely publicized. There was an immediate outpouring of public support for the couple, and a large number of letters were sent to the trial court, expressing sympathy and support for the defendants.

The Rosenberg case received widespread coverage in the mass media, with many articles and editorials discussing the case and its implications. The Rosenberg case was seen as a symbol of the struggle between the United States and the Soviet Union, and it was seen as a test case for the ability of the United States to control the flow of atomic technology.

The trial itself was a highly publicized event, with many people attending the trial and expressing their support for the Rosenberg couple. The trial was conducted in a highly public setting, with the Rosenberg couple appearing in court each day and answering questions from the prosecution.

The trial ended with a verdict of guilty, and the Rosenbergs were sentenced to death by electrocution. The case was widely regarded as a重大 landmark in the history of the Cold War, and it had a significant impact on the way in which the United States was seen around the world.
Rosenberg plea filed with Supreme Court

ROSSMAN Bloch, attorney for Ethel and Julius Rosenberg who are under death sentence as "atom spies," filed June 7 a petition asking the Supreme Court to review on six grounds:

- That the espionage statute under which they were convicted is unconstitutional.
- That though the trial was for conspiracy to commit espionage, it was conducted like a treason trial without the constitutional safeguards (two witnesses to overt acts) guaranteed in such trials.
- Misconduct of the judge.
- Injection of the "communist"抗击 (defendants' statements on the capitalistic and socialist systems) without any evidence either that they were CP members or that, if they were, they subscribed to alleged "subversive" policies of CP leaders.
- Acceptance of Elizabeth Bentley's testimony that someone phoned her saying "I am Julius," without any identification of the voice—placing an inflammatory stigma on defendants as associating with a spy.
- That the death sentence was cruel and unusual punishment and was a political sentence, to enforce an official policy not existing at the time of the alleged crime.

At the earliest, a decision as to whether the conviction would be reviewed could be expected in October when the court reconvenes. The Rosenbergs will pass another summer in Sing Sing death house.
The Rosenberg Memorandum
NEW YORK, N.Y.

Among those who had protested in behalf of the ACLU on their non-intervention in the Rosenberg Case, I received a copy of Herbert Berger Levy's A Plea for Non-Intervention in the Rosenberg Case. I wholeheartedly subscribe to your excellent reply, published in the July 20, 1952 issue of the New York Times. I would like to bring out one point you omitted. On the second page (b) it reads:
"The crime of atomic espionage was a different crime from that of treason and there is no reason why the legislature could not have created such a crime and made it punishable by death. It was agreed that the legislator could always create crimes..."

Article 1, Section 9, of the Constitution of the U.S. reads: "No Bill of Attainder or Ex Post Facto Law..." To make it perfectly clear that the "perjured" law was ex post facto, (a) on page 2 contains the statement:
"...Congress may well have had reasons for concluding that unauthorized disclosure of atomic secrets..." So it is not merely the Bill of Rights that the ACLU repudiates, it repudiates the basic Constitution.

Margaret A. Fellows

NEW YORK, N.Y.

These are excerpts from an open letter to the Board of Directors of the ACLU:

I joined the ACLU and support its activities because I consider it one of the leading organizations in the fight for the preservation of liberties and civil rights of all people, regardless of their race, creed, color or political beliefs. The Union has always thoroughly studied a situation or case before taking a position in the matter. I was therefore shocked and dis-
Court decision on Rosenbergs near October may be the month of decision in the Rosenberg Case. The Supreme Court is expected to hand down its decision on the appeal which was rejected by the Court of Appeals last spring. Leonard Lyons, syndicated columnist who has in the past announced court decisions in the case before they were made public, set the date for the high court decision at Oct. 13. If the decision is adverse, only Presidential action can save the two.

Aware that only popular pressure will turn the tide, the Natl. Committee to Secure Justice in the Rosenberg Case has set the week of Oct. 16-26 as Rosenberg week, has asked local committees and sympathizers to seek new names for the Friend-of-the-Court brief, talk up the case at union and lodge meetings, write letters to newspapers and to congressmen. Thus far the committee's estimates it has reached 1,000,000 persons throughout the U.S. since it was organized a year ago.

L.A. TO PARIS: In Los Angeles last week, 1,500 persons joined the Embassy Auditorium at a Rosenberg defense rally and contributed $3,000. Each member of the audience agreed to get 10 names for the brief within three days, two new names for the local defense committee.

A mass meeting will be held in Paris at the end of the month. The case has been front-page news in England, Scotland, Switzerland, Mexico and China. Defense committees have been organized in several of these countries. The national committee has suggested that Jewish New Year's greetings (Kosher Hadhana was Sept. 29) be sent to the Rosenbergs and to Morton Sobell, their co-defendant, who received 80 years. The addresses:

Julius and Ethel Rosenberg, 354 Hunter St., Ossining, N.Y.
Morton Sobell, 427 West 28th St., New York, N.Y.
Los Angeles

COMMITTEE FOR ROSENBERG VANE meets every Monday night, 8:30 p.m., at Park View Manor, 9000 W. 2nd St. Join us in our fight to free not only the Rosenbergs and Morton Sobell, but for freedom for all peoples.

Oakland-Berkeley

SIDNEY ROGER - ASF FORUM. Noted liberal commentator analyzes news, audience discussion. Every TUESDAY night, 8:15 p.m. Donation 50¢. New ASF Gallery, 5019 Grove, Oakland.

Wisconsin

VINCENT HALLANAN will make two appearances in Wisconsin. Don't forget the dates and places: Oct. 11—Eagle Hall, Madison; Oct. 31—Odd Fellows Hall, 745 N. 10th, Milwaukee. Also: Oct 13—Minneapolis, Minn. Oct. 11—Duluth, Minn.

Madison, Wis.

VINCENT HALLANAN will speak in Madison, Sat. Oct. 11, 7:30 p.m., at Delta Hall, auspices: Dane County Progressive Party of Wisconsin.
is this ESPIONAGE — or a

(Government Exhibit 22 for Identification, 50th Street, New York)

Mr. Snepple, may I read that to the jury?

The Court: Will you state that this is a flat sentence that is not directed at the defendant R. H. Bloch, I will give the sentence.

Mr. Snepple: This is a flat sentence that is not directed at the defendant R. H. Bloch.

Q: To what was the sentence directed?

A: It was not directed at the defendant R. H. Bloch.

Q: What was the sentence directed at?

A: It was directed at the defendant.

Q: How many years have you been a member?

A: I have been a member for many years.

Q: What was your term of insurance?

A: I am not familiar with that policy.

Q: What was the policy?

A: I do not know how many years I have been a member.

Q: How many years have you been a member?

A: I have been a member for many years.

Q: What was the policy?

A: I am not familiar with that policy.

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POLITICAL QUESTIONNAIRE?

YOU CAN GET ALL THE FACTS NOW...

The entire verbatim day-by-day testimony... in the Rosenberg-Sobell Trial.

READ:

- The "loyalty" questions put to the jury by the Judge.
- The testimony of a brother who sent his sister to the death house.
- The admission by Elizabeth Bentley and Harry Gold that they had never heard of Ethel or Julius Rosenberg or Morton Sobell.
- The Rosenbergs' refutation of the charges against them.

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(Please ship it C.O.D. □ Please bill me □)
Checks may be made out to Joseph Brainin, Chairman

Name

Address

City ... Zone ... State...
COMMITTEE FOR ROSENBERG
CASE meets every Monday night
9:00 p.m., at Park View Manor, 2200
W. 7th St. Join us in our fight to
Free not only the Rosenbergs and
Morton Sobell, but for freedom for
All peoples.
Court getting 2nd Rosenberg petition

As Attorney Emanuel Bloch prepared to present a second petition to the U.S. Supreme Court for a review of the conviction and death sentence of Ethel and Julius Rosenberg, everwidening support was coming in from all over the world.

Bloch was to present his argument Oct. 28. The same day an amicus curiae brief, signed by 50,000 Americans, including persons prominent in every field, was to be given to the court by Joseph F. Drinan, chairman of the Natl. Comm. to Secure Justice in the Rosenberg Case, and Rev. Amos Murphy of Boston.

In New York thousands were expected at a mass rally Oct. 29 in Union Sq. A meeting in a Central Plaza hall holding 900 in the lower East Side (Oct. 29) overflowed into another hall nearly as large. By 10 p.m. the second hall had overflowed. At the meeting Dr. W. E. Burris said:

"The significance of the Rosenberg case reaches beyond the fate of two individuals, tragic as that may be. It becomes a part of the great peace crusade in the midst of war and fear of war. We do unreasonable things, we rush to lying, slander and hate because we fear what war will do to us and ours.

"This is the reason why here in a nation born in peace and justice, we are almost without protest committing crimes against humanity, against civil rights, against every ideal of democracy. The public opinion which condemns a father and mother in the prime of life is based on the object of disaster to the whole nation. But fear is not fact, and ignorance to commit an unforgivable crime in the name of a greater crime is an error."

The Rosenberg committee urged continued action:

1. Wire and letters to President Truman asking him to act to save the Rosenbergs.
2. Requests to friends and shopmates to do the same.
3. Requests to union, church, women's groups, auxiliaries and social clubs to write or use the White House.
4. Contributions to the committee; 100th, 10 New York 1, N.Y.
REPORT TO READERS

Rosenbergs' last chance: clemency from President

THE REFUSAL of the U.S. Supreme Court to review the "atom spy" convictions and death sentences of Julius and Ethel Rosenberg mandates a course of immediate action by every reader of this paper—by every individual organization and political group we can reach.

From every quarter there must come to the White House an overwhelming appeal to President Truman to commute the savage sentences—to extend executive clemency to those two unoffending young American parents, now facing death within 30 days because of the impossibility of a fair trial and even-handed justice in an atmosphere poisoned by war hysteria.

When their lives have been saved, the fight can go on to vindicate them completely; to show them absolutely innocent of any and every charge lodged against them—indeed, of any wrongdoing other than to oppose in thought, word and deed designs of warmakers against future generations.

THE DECISION to let the Rosenberg convictions stand without review comes at an ironic moment in the careers of some of their tormentors.

In New York, a State Crime Commission probe into connections between gangsters and politicians has just come up with new disclosures of corruption in high places. Witnesses have named the Rosenberg prosecutor, Irving Saypol (now a New York Supreme Court justice), and U.S. Atty. Myles J. Lane (who successfully opposed the Rosenbergs' appeal in the Circuit Court), among a galaxy of political figures enjoying what the N.Y. Times calls "all-embracing" friendship with one Thomas Lucchesi, alias Three Finger Brown, underworld hero—apparent to the notorious Frank Costello as lord of New York's crime, gambling and other racket.

You can and must see to it that final judgment of peace-loving American parents such as Ethel and Julius Rosenberg shall not be made by such as these.

—THE EDITORS
The Rosenberg Case

BROOKLYN, N.Y.

When the Rosenbergs and Sobell were on trial, from the press accounts I believed them guilty. Never letting myself be dominated by the hysteria that controls this land, I was against the death sentence. To my mind, until they did it illegally old men.

When I read William A. Reuben's articles in the GUARDIAN I became doubtful of their guilt. After the Court of Appeals upheld their conviction, I noticed that the facts presented in the N.Y. Times and N.Y. Mirror on the case were different. Out of curiosity, I went to the Federal Courthouse at Foley Square to see if I could read the record. I couldn't get it.

After that I read Oliver Piat's article in the Anti-Defamation League Bulletin of March, 1952, and Mr. Piat's book The Atom Spies. Both, I find, were distortions of the Rosenberg Committee's purpose; the biggest lie being that still accepted) that the Rosenberg Committee was trying to convince people that the Rosenbergs were convicted because they were Jews.

I attended a few public rallies and soon after I became a volunteer worker on the Rosenberg Committee. Thereafter I read the trial record. I am now firmly convinced that the Rosenbergs and Sobell are innocent.

Irving Schuerher

Bolander at work

BALTIMORE, MD.

Here's an inside story on the Rosenberg Case vs. Supreme Court: On the day The Sun printed that the Supreme Court had ruled to not review the case, I called them, raising holy terror, and asked them to give me a story. I enclosed questions that I proputed to them. Edwin Young, the editor, told me:

"Mr. Bolander, every lawyer in the country is asking the same questions. It is easily the most discussed issue in the country today. I will send a reporter, you give him your story." A reporter came to the story, but this time no dice. However, I think it did some good, as it added my word to the thousands upon thousands of refutes.

H. G. Bolander

Nov 20, 1952

FBI - NEW YORK
The Rosenberg Case

BROOKLYN, N.Y.

When the Rosenbergs and Sobell were on trial, from the press accounts I believe them guilty, never letting myself be dominated by the hysteria that controls this land. I was against the death sentence. To my mind, all they did was illegally aid an ally in wartime.

When I read William A. Reambeau's articles in the GUARDIAN, I became doubtful of their guilt. After the Court of Appeals upheld their conviction, I noticed that the facts presented in the N.Y. Times and N.Y. Mirror on the case were deficient. Out of curiosity, I went to the Federal Courthouses at Pearl Street to see if I could read the record. I couldn't get it.

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I attended a few public rallies and soon after I became a volunteer worker on the Rosenberg Committee. Thereafter I read the trial record. I am now firmly convinced that the Rosenbergs and Sobell are innocent.
D. N. Pritt analyzes the record of the Rosenberg 'atom spy' trial.
Mr. Pratt, one of the brilliant lawyers of this brilliant trial, is one of the veteran senior members of the English Bar: a Queen's (King's) Counsel since 1927. For many years a Labour MP and a chairman of the Howard League for Penal Reform and the Bentham Committee for Poor Litigants, he presided in Sept., 1933, over the Reichstag Fire inquiry in London. The inquiry—unlike the Berlin trial—considered the evidence soberly, indicted Goering whom the world now knows to have been the real incendiary.

In presenting his analysis, Mr. Pratt writes: "I must state my qualifications for this work. In my 42 years as an English barrister, I have had considerable experience both in trial and in Appellate work. In the latter, I have had to study in detail many hundreds of records of cases from all parts of the British Empire and Commonwealth, including India, in all of which countries the procedure is very similar to that of the U.S.A.; and I have studied also a certain number of records from the U.S.A. itself. To form an estimate of the value which the evidence given in the Rosenberg case should possess in the eyes of impartial lawyers trained in Anglo-Saxon legal traditions, is thus work of the sort to which I have devoted a large part of my time as a barrister;"

"I have studied the Record carefully, putting aside as far as humanly possible anything I had previously learned about the case, and have reached certain conclusions about both the conviction and the sentence which I will state fully, with my reasons for these conclusions."

THE indictment on which Julius and Ethel Rosenberg were tried was returned on Jan. 31, 1951, against five defendants: the two Rosenbergs, one Morton Sobell, one Yakovlev, and the David Greenglass. Greenglass pleaded guilty. The two Rosenbergs and Sobell pleaded not guilty and were tried together, the case of Yakovlev being severed.

The charge was that the five defendants named, together with one Harry Gold, one Ruth Greenglass, and other persons unknown, had conspired over a period of six years, from June 6, 1944 to June 16, 1950, to aid there and then at war, with intent and reason to believe that it would be used to the advantage of a foreign nation, to aid, the U.S.S.R., to communicate, deliver and transmit to a foreign government, to aid the U.S.S.R., and representatives and agents thereof, directly and indirectly, documents, writings, sketches, notes and information relating to the national defence of the U.S.A.

I shall start by explaining the essence of the crime of conspiracy and why a charge of conspiracy to commit some crime or other is so frequently made, in lieu of a charge that the crime was actually committed. "Conspiracy" can be defined, sufficiently for present purposes, as an agreement between two or more people to commit a crime: it is itself a crime, and the crime of conspiracy is complete as soon as two or more persons have agreed in any way whatsoever, whether formally or informally, by words or by conduct, to commit some crime; it is not necessary for the prosecution to prove the commission of the ultimate crime nor even of acts amounting to an attempt to commit it.
It is thus in general easier to secure a conviction for conspiracy than for any other offense, for less has actually to be proved against the defendants; and prejudice or excitement may lead a jury to convict parties on a mere allegation that they agreed or arranged together to do something, under circumstances where, if it were necessary to prove some positive criminal act, the jury would have to acquit because there would be no evidence at all of any such acts.

To secure a conviction is moreover made easier still by the operation of a peculiar rule of evidence. In all normal cases no evidence can be given against any defendant in a criminal case except evidence of acts which he himself did or words which he himself spoke; but in a conspiracy case, so long as some evidence—however tenuous—is given from which an agreement between the alleged conspirators might be inferred, the acts and words of any of them, asserted to be done or spoken in pursuance of the conspiracy, are admissible evidence against all the others, so the looking that they are all agents of one another, and so responsible for each other’s words and actions.

The Rosenbergs’ 12 ‘overt acts’

It is little wonder, in the circumstances, that in all periods of tension, in all countries, charges of conspiracy have been frequently made, and many defendants have been found guilty and sentenced to imprisonment, although little has been proved against them and no other crime could plausibly even be charged. The dangers inherent in conspiracy charges, of convictions being reached on inadequate evidence are indeed so well recognized that the rule has been firmly established in most Anglo-Saxon jurisdictions, including that of the Federal Courts of the U.S.A., that “overt acts” demonstrating the conspiracy should be alleged in the indictment and proved.

Such overt acts are normally alleged pretty specifically, so that the defendants can really know what case they have to meet—and indeed, also, that the public may know the nature and weight of the case. I turn accordingly to study the twelve overt acts mentioned in the indictment in this case. They are in substance as follows:

- That Julius Rosenberg visited a building in Washington, D.C., on or about June 6, 1944.
- That on or about Nov. 12, 1944, Julius Rosenberg and Ethel Rosenberg talked with Ruth Greenglass.
- That, five days later, Julian Rosenberg gave Ruth Greenglass some money in New York.
- That on the same day, Ruth Greenglass took a train from New York to Boston.
- That, three weeks later, Julius Rosenberg went to a building in New York.
That on the same day Julius Rosenberg received from Ruth Greenglass a paper containing written information.

That on or about Jan. 5, 1945, in New York, Julius and Ethel Rosenberg talked with David and Ruth Greenglass.

That on the same day, Julius Rosenberg gave Ruth Greenglass a portion of the side of a torn cardboard "Ibex" box.

That five days later Julius Rosenberg introduced David Greenglass to a man in New York.

That two days thereafter Julius Rosenberg talked with David Greenglass.

That on the same day Julius Rosenberg received from David Greenglass a paper containing sketches of experiments conducted at the Los Alamos Project.

That, two days after that, David Greenglass took a train from New York to New Mexico.

It will be noticed that the not very informative "overt acts" of this six years' conspiracy are spread over, or rather confined to, a period of only seven months, and that the only persons named as taking part in them are the two Rosenbergs and David and Ruth Greenglass; the defendants Sobell and Yakovlev are not mentioned. It is not surprising that applications were made to the Court on behalf of Sobell for some enlightenment as to what was alleged against him; and it was finally alleged that he had joined the conspiracy on or about June 15, 1944, and five overt acts were alleged against him, namely that at some time in five separate months of 1946, 1947 and 1948, he had conversations with Julius Rosenberg.

The witnesses: who, what, why?

The trial took place before Judge Irving R. Kaufman on 14 days in March, 1951. The prosecution put in a list of 112 witnesses, but in fact called only 22 of them, and one other.

The strength and weakness of the case depends, of course, on these witnesses, on their characters, on what they said, what they were, and what motives or interest they had; and it is thus of the greatest importance to know clearly all these points and to see exactly:

1. What sort of a reliable case all witnesses between them were able to build up to establish that the Rosenbergs were guilty at all, and
2. How serious anything was that the Rosenbergs were alleged to have done—and, above all, of course, whether what they had done merited the death penalty.

I turn at once to the evidence, adding only that, as I am dealing with the case of the Rosenbergs, I will pay little attention to evidence which implicated only other persons, including Sobell, the only other person actually on trial with them.
Greenglass: 'terrible incentive for lying'

The principal witness against the Rosenbergs was David Greenglass. There were an unusually large number of reasons for mistrusting his evidence. To begin with, he had pleaded guilty to the conspiracy for which the Rosenbergs were being tried, but had not yet been brought up for sentence; thus, he might hope, and he expressly said that he did hope to obtain some advantage for himself as a result of giving evidence against the Rosenbergs: for the Court might ultimately give him a light sentence, and even if it gave him a substantial one, the Government might well remit much or all of it. He thus had a strong motive to "pile it on." In addition, he was, of course, fully established by his plea of guilty, by his evidence, and by surrounding circumstances (such as his possession of substantial sums of money which could only be explained on the basis that he was telling the truth when he said that he was selling military secrets for money), to have been a party to a conspiracy which both he himself and the prosecution described as a most serious one.

He thus fell into the class of "accomplice" witnesses, those who, in the old English phrase, "turn Queen's evidence." Such witnesses are universally regarded as highly unreliable, not merely because they are self-confessed criminals, and are betraying their associates, but far more because it is dangerously easy for them to implicate falsely, for some benefit to themselves, or to pay off some "score," or for any other reason, one who in fact took no part in the crime.

They are in a position to tell a story that is in the main true, and thus much easier to tell without being exposed as a liar in cross-examination; but at the same time to insert into that story one limited but serious falsity, namely, the assertion that some accused person took part in it when in fact he had nothing to do with it; and, if anything could make this easier, it would be that the accused was related to the accomplice so that it would be natural for them to meet from time to time.

Accomplices, moreover, as I have mentioned shortly above, have in many cases a very direct motive for implicating the accused persons as deeply as possible, for they hope to receive as a reward of their betrayal of their associates, and for their help in proving an alleged offense which could not be otherwise proved, at all, either a lighter sentence from the Court, or some remission by the Government of whatever sentence is passed on them, or both. This provides such a terrible incentive for lying, and so great a danger of convictions on untrustworthy evidence, that in practically all of the many hundreds of cases of "accomplice evidence"
which I have had to investigate in my practice the danger has
been minimized either by giving the accomplice a free pardon
before he gives evidence, or by sentencing him before he does
so; and even then the need for corroboration of his evidence by
independent witnesses, free from the taint of complicity, is al-
ways emphasized.

As an accomplice witness, David Greenglass was in the worst
possible position: he had been neither pardoned nor sentenced,
and he knew that so soon as the cases of the Rosenbergrs and
of Sobell had been disposed of he would come up for sentence.
When he did come up, his Counsel made an eloquent and busi-
ness-like plea to the effect that, unless people in his position
could have some confidence that they would be dealt with len-
iently, they would not betray their associates, and the Govern-
ment would therefore not secure convictions. If the Govern-
ment wanted help it should give help. It should give Greenglass "a 
pat on the back"; he should be praised, not punished, said his Counsel.
Greenglass was, however, given a sentence of 15 years' imprison-
ment and his only chance of not serving this fully lies in the
hope of leniency from a grateful government.

'To save his own skin'

The peculiarities of David Greenglass as a witness in this case
do not end with this already formidable circumstance. For
it has to be added that Ethel Rosenberg, whom he was thus
pushing towards a sentence of death, was his own elder sister
who had always befriended and helped him; and Julius Rosen-
berg, whom he was treating in the same way, was her husband
and thus his brother-in-law. To save his own skin he was quite
willing to give evidence against his sister and his brother-in-law.
It was also clear, if not perhaps very important, that there had
been long disagreements between him and Julius Rosenberg over
a business in which they were partners after his demobilization
from the army, which eventually led his instructing lawyer
to bring civil proceedings against Julius.

Now was that quite all? for Ruth Greenglass, named in the
indictment as a party to the conspiracy, for some unstated reason
not actually indicted, but standing in peril of being indicted at
some subsequent time, was David's wife, and he professed to love
her dearly. Nevertheless, in the course of the many interviews
he had with the FBI, in which he told bit by bit, as he remem-
bered it, the whole of his story, he betrayed in the very first
interview the full tale of his own wife's participation in the
conspiracy in which he himself, at any rate, was taking part.
With such an equipment, David Greenglass might be regarded
as a man on whose evidence it would not be safe to convict any-
one, but his evidence must of course be examined.

His version of how he came to take part in the conspiracy
was that his wife went down from New York to the neighborhood of Los Alamos, where he was working as a machinist, to take him a message—as she alleged—from Julius Rosenberg, inviting him to take part in espionage, and that by the morning of the following day he had decided to do so! And, at a later stage, when according to him Julius Rosenberg warned him that he was in danger of arrest and ought to leave the country, he accepted sums amounting to $5,000 in cash to enable him to do so; he stated on oath that he never had any intention of leaving, and that he concealed his intention from Rosenberg, but nevertheless accepted and retained the money. He had, he added, such a distaste for the money that he wanted to flush it down the lavatory, but changed his mind and used it to hire Mr. O. John Rogge as his lawyer instead.

"No sort or kind of corroboration"

THE nature of his evidence against the Rosenbergs lent itself to no sort or kind of corroboration. It consisted of accounts of conversation with them, at which no third party was present, and of occasions on which he said that he furnished to the Rosenbergs sketches and written descriptions of processes and material objects such as lenses.

None of the alleged sketches or descriptions was produced, but Greenglass prepared—four or five years after the alleged incidents, from his own unaided memory—what he said were reproductions of the material, and these were put before the jury. Whether his limited education made it possible for him to do anything of this sort accurately is a matter for scientists rather than lawyers; but from the point of view of a lawyer it can be said that such reproductions, from even the most reliable of witnesses, would add little or nothing to their evidence and could not in any way constitute corroboration.

I pass over a number of minor points in his evidence which were designed to implicate one or both of the Rosenbergs, because examination of all of them shows that there is nothing in them to constitute any corroboration of his story; and it remains true that not one word of his story against them was corroborated by anybody but his wife, nor by any circumstance or material object.

It is my considered professional opinion that a conviction based upon such evidence from such sources, without independent corroboration, cannot be regarded as reliable and should not be sustained. That not merely a conviction but a sentence of death should be based upon such evidence runs counter, in my opinion, to all normal standards of criminal procedure and of the administration of justice. I have myself appeared in many "accomplice" cases where convictions on evidence much less objectionable than this were set aside by appellate courts on the grounds that the accomplice evidence should not be accepted.
Importance of 'secrets' never shown

SHOULD add that, even if the evidence were regarded as providing a reliable basis for conviction, there would still be lacking, in my humble opinion, any good reason for imposing on the taxpayers the ultimate expense of upholding a death sentence. Such a sentence could surely only be justified if it were clear that the secret information involved was of the utmost importance.

Scientists may not be able to express expert views on the value or absence of value of what the witness, David Greenglass, alleges he communicated to the Rosenbergs, and, in particular, to tell us whether the information was old or new; whether it was revealed or conveyed what is called "the secret of the atom bomb"; whether it was of such a nature that a foreign country which could not have developed the atom bomb without it was thereby enabled to do so; and, finally, whether David Greenglass was sufficiently educated technically to be able to understand, remember and communicate it; all that a lawyer can say upon it is that there is no real evidence in the Record to show that it was of very great value. In general, in charges of espionage, there is expert evidence to show exactly why the information is important; but in the present case only two scientific witnesses gave evidence on this topic, and they said little. The evidence of the first of them, a Dr. Koski, read as a whole, constitutes no proof at all that there was any particular importance in what David Greenglass learnt; it shows merely that the information was secret and that an expert, seeing what Greenglass alleges he had taken, "would know what was going on at Los Alamos." Another witness, Mr. Derry, stated that the description and the sketch given by Greenglass "related to the atom bomb which was in the course of development in 1945," and "demonstrated substantially and with sufficient accuracy the principle involved in the operation of the 1945 atomic bomb"; and, further, that an expert could perceive from this information, to a substantial degree, what the actual construction of the bomb was. He added that the information was classified as "top secret"; but he said nothing as to how many people already knew as much, or how easy or how difficult it would be for other peoples to find it out by their own researches; he said, indeed, nothing more specific than that, so far as he knew, no foreign government other than those of Britain and Canada knew as much in 1945 about the development and structure of the atomic bomb as the American scientists knew. Another witness, Mr. John Lansdale, Jr. was also asked "to establish the authenticity of the information that Greenglass gave"—i.e., said he gave—to Rosenberg,--but after a discussion between Counsel and the Judge the question was abandoned.

Accordingly, while scientists can plainly make more effective comment than I can on this part of the evidence, I can assert as a lawyer that there was nothing in it to show that the information which David Greenglass claimed to have communicated to Julius Rosenberg was of any especial value or danger, such as to justify on any view the death penalty.

David Greenglass's wife, Ruth, whose position has already been explained, also gave evidence, which followed pretty closely that of her husband, and is equally devoid of any corroboration. It does not call for separate study; her hopes and fears for herself
Witness who was 'scared to death'.

The evidence of the two Greenglasses was almost the only evidence against the Rosenbergs; but it is necessary just to examine what other evidence there was. I begin with Max Elitcher, a man who had worked in the Bureau of Ordnance of the Navy Dept. He was mainly a witness against the other defendant, Sobell, but he did say that on three occasions Julius Rosenberg asked him to obtain confidential information for him for Soviet purposes. He said, however, that he had not done so; and it is noticeable that none of the "overt acts" alleged against the Rosenbergs in the indictment covered the interview related by Elitcher; he said, moreover, in cross-examination, that two of his three meetings with Rosenberg were merely social.

Elitcher made it quite plain that he himself was an accomplice, as he said, "I was part of it." He admitted, too, that he had told lies under oath, and that, being "scared to death," he had told the FBI "everything he knew"—although he had lied to them too—in the hope that he might "come out the best way" and that "nothing would happen to him." For some unexplained reason, he was neither indicted nor even mentioned in the indictment as a co-conspirator. It is obvious that his evidence can add practically nothing to that of the Greenglasses; it is of little value and of almost equally poor quality.

Of the remaining 17 prosecution witnesses, only four gave evidence of anything the Rosenbergs were alleged to have said or done. Dorothy Abel, the sister of Ruth Greenglass, gave evidence that she had been asked to leave the room whilst her sister talked with Julius Rosenberg and that the latter had once in her presence praised the Soviet system and described the U.S.A. as "capitalistic!" A Dr. Bernhardt, Julius Rosenberg's physician, proved that Rosenberg had asked him in 1940 what inoculations were needed for anyone entering Mexico. Two other witnesses, a Mrs. Cox and a Mr. Schneider, gave evidence "in rebuttal," after the close of the defendants' case, about the Rosenbergs on points that may fairly be left unmentioned as trivial. The remaining 13 witnesses either gave no evidence at all or bore on the Rosenbergs, or merely mentioned their names as hearsay.

Thus, the prosecution case against the Rosenbergs rested on the evidence of three persons, two of them husband and wife, and all of them unreliable as accomplices and for other reasons too. The question of their story by any independent witness; no detective or other police official, let alone any member of the general public, was called to say that either of the Rosenbergs had ever said or done anything in their presence or hearing. Notwithstanding police searches of their home, no line of writing of any kind that they had ever written, received, or even seen was adduced. There was nothing of any kind in evidence against them except what the two Greenglasses and Elitcher had said. I am unable to believe that, if the case had not involved political topics or had not been heard at a period when hysteria and prejudice played so strong a role, evidence so weak would have been put forward by the prosecution in any country in the world which followed the Anglo-Saxon traditions and procedure. I think that under these conditions any Court would almost certainly have withdrawn the case from the jury. But this case was allowed to go to the jury and the Rosenbergs were not only convicted but were sentenced to death.

The Rosenbergs, who at every stage asserted their innocence, gave evidence and called two other witnesses; these latter dealt with points which can fairly be registered as unimportant. In a study designed to examine the strength or weakness of the prosecution case which the jury accepted, what the Rosenbergs themselves said is not of quite such importance as what the prosecution did or did not prove; but it remains true that they did give evidence, being of course submitted to cross-examination and answering fully and consistently everything that was alleged against them. Nothing was established against their character, unless it be that they had talked of the Soviet economic system, had thought that the Soviet Union was at one stage bearing the brunt of the Second World War, and had had in their possession a collecting box for Spanish refugee children.
I must say a little about the conduct of the trial. The prosecution, both in the opening statement of the prosecuting attorneys and throughout the evidence, repeatedly made play with the alleged Communist connections of the Rosenbergs; the usual "warning" was given that of course communism is not evidence of conspiracy or of espionage, and was immediately nullified by the assertion—wholly unproved—that Communists are more likely to commit espionage than other people. The atmosphere of the case, as one can see from the observations in the Record alone, was indeed such that the mere suspicion of communist affiliation was almost enough of itself to make conviction certain. Much the same comment must be made about questions and assertions on the point that the information was alleged to have been obtained on behalf of the Soviet Union, and indeed on any suggestion of any kind in favor of that country or anything in it. I get from the Record the impression that both communism and the U.S.S.R. were such "red rags to a bull" that the bare mention of them, whether justifiable as relevant to the charges or not, of itself made it extremely difficult to secure a fair and judicial consideration of the evidence, or of the case generally.

From a purely English point of view, it is noticeable that the trial judge at times treated the defense counsel with considerable abruptness and discourtesy, and at almost all stages of the cross-examination of the main prosecution witnesses, was harrying them to cut short their cross-examination.

The last and perhaps the most serious comment I have to make.

(Continued on Page 6)
make terms with the observations of the judge when passing sentence. Having regard to what little evidence or any kind has been given against the Rosenbergs, it is very shocking to a lawyer brought up under the Anglo-Saxon system, in which judges should deal with what is proved in evidence and nothing else (apart from the very narrow field in which judges may take "judicial notice" of indisputable facts, like the days of the week and the seasons of the year), to read some of the statements made by the judge when passing sentence, presumably by way of expressing his reasons for deciding to impose the death sentence instead of sentence of imprisonment.

To begin with, it should be noticed, although it is far from being the most seriously objectionable of his remarks, that he made somewhat extravagant comments on "Russian terrorism" and on the administration of justice in the U.S.S.R.; he said, in short, that the sort of things that one is accustomed to read in the irresponsible newspapers, things which some of the less thoughtful readers may be led to believe. One might have hoped that persons holding high judicial office would have been less gullible; but in any case, these observations, made by the judge of an important court when passing sentence of death, were not merely inaccurate: they were unsupported by any evidence and were wholly irrelevant. That the judge behaved in this way may indicate that anti-communist and anti-Soviet hysteria has gained such ground for the moment in the U.S.A. that it is difficult if not impossible to secure a fair and dispassionate trial of a political case involving either communism or the U.S.S.R.

**Duty rests on world public opinion**

But these remarks by the judge are, alas, not the worst part of the matter. He went on to treat the case as if the information which the Rosenbergs were said to have communicated to the U.S.S.R.—of the value of which, as I have already men-

tioned, there was no real evidence—had been established to be of the most fundamental importance. He began, for example, with the assertion that what the Rosenbergs had done "had already caused, in my opinion, the Communist aggression in Korea" (about which, of course, there was once again no evidence.) He went even further and based his determination on sentence on the wholly unproved assumption that the Rosenbergs had obtained from David Greenglass and given to the U.S.S.R. just the vital information that enabled that country to develop the hydrogen bomb, which it could not have achieved without that information. The Rosenbergs had thus, it was said, given "the history of the world" to the injury of the U.S.A. (Incidentally, although it could have been alleged in the indictment that the conspirators had acted with intent to injure the U.S.A., no such allegation was pleaded.)

I am forced to the conclusion that, even if the conviction of the Rosenbergs had rested on reliable evidence that they had conspired to obtain some information, any sentence expressed by the judge to be based on such inaccurate and unproved assertions as to the importance of the information would have to be set aside on appeal under any procedure which provided for a free review of the sentence by an Appellate Court.

Unfortunately, the procedure applicable to this case does not provide for such a review, any more than it provides for a consideration of the credibility of the witnesses or the reliability of the evidence. Were the procedure different, it may well be that the whole matter would have been disposed of already. But there is, in effect, no appeal at all to any court from either of the two main defects of this trial, namely, the unreliability of the evidence and the gravely excessive sentence.

The duty of securing a review on these points thus rests on public opinion throughout the world. After full study, for the reasons which I have expressed above, I must express the view, from a purely professional standpoint, that it would offend against all Anglo-Saxon standards of justice that the convictions, let alone the sentence, of the Rosenbergs should be allowed to stand.
REPORT TO READERS

Thanksgiving, the Trenton Six, the Rosenbergs, you and us

In this Thanksgiving season, we of the GUARDIAN staff give special thanks for the opportunity afforded us four years ago to bring to national and world attention the frame-up of the Trenton Six; and similarly in the Rosenberg Case in 1951-52.

The victories won in the Trenton Case—which the whole U. S. press ignored when we took it up in 1948—indicate what the people can do to right injustice when they can get at the facts. It has taken more than four years, but now the score is that four of the Six who were condemned to death are free and a new trial has been granted the other two (see p. 1)—with every indication that they, too, will go free. Thus the spark set off by the original GUARDIAN stories on the case, kindling indignation and protest all over the world, is winning the most notable victory of its kind since the Scottsboro Case.

An even greater world protest, in a much shorter time, is mounting over the Rosenberg Case—on which the nation and the world first learned the real facts from last year’s GUARDIAN series by William A. Reuben, our reporter who uncovered the Trenton frame-up.

Although little time remains, we are confident that this mounting protest can save the lives of the Rosenbergs—and that time will bring them vindication as it has the Trenton Six. What we can do further to help stimulate the mass appeal for clemency is outlined on p. 4.

We are thankful, then, for the part we have been privileged to play as newspaper men and women, in the fight for justice in these two cases. But above all we are thankful for the kind of readers we have—who when they get the facts will re-broadcast them, initiate protests, finance the causes and redouble the effort if the going seems bad.

We have tried to say some of these things in a letter to those of you who are subscribers—a letter asking your renewed support of the GUARDIAN for ’53 as a reader, and a little bit extra because we frankly can’t continue on our subscription income alone.

We hope you will answer this letter of ours this year, planning to stick with the rest of us for ’53 and to continue as in the past to bring our paper and the cause it espouses to new recruits every week and month.

We are counting on you, just as the causes of peace, justice and democracy are counting on you if they are to be bailed down for the future.

We believe we already know your answer, but won’t you tell us by mail—this week?

The Editors

N. Y. National Guardian

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Nov. 27, 1952

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The Rosenbergs, 3-Finger Brown and U. S. Justice

By Elmer Bendiner

In a brief raising of the curtain last week on federal justice in the witch-hunt era, the U. S. attorneys who sent the Rosenbergs to the death-house and Alger Hiss to jail—and the one currently trying Communist Party leaders in New York—were shown to have more in common than zeal against “subversives.” They share a friend: Thomas “Three Finger Brown” Lucches, identified in N. Y. State Crime Commission hearings as Frank Costello’s successor as “co-ordinator of racketeers in the N. Y. area.” These were highlights of the story that emerged:

- **IRVING SAYFO**—who became U. S. Atty. after assisting in the first N. Y. trial of CP leaders, won a death sentence for the Rosenbergs and then was made a judge—has dined publicly with Lucches and met him at race tracks.
- **L뿐: At the home of THOMAS MURPHY, now on the federal bench after prosecuting Hiss, to congratulat him when Murphy was appointed N. Y. Police Commissioner, the Murphys dined with the Luccheses, the Luccheses in return visited the Murphy’s; summary home on Long Island. (Further questioning about the Lucches-Murphy relationship was choked off by hearings chairman and former N. Y. Supreme Court Justice Pruska, who said: “Let it go at that. . . . The mere fact that a man like Judge Murphy is named is no reflection on him. . . .”)

MYLES LANE
Most embarrassing

CUTTING FROM THE
N. Y. National Guardian
Nov. 27, 1952

- **C. S. ATTY., MYLES LANE, former Portsmouth football star who brushed off for the government the Rosenbergs and Hiss appeals, was shown to be a friend of 34 years’ standing of Rackets Coordinator Lucches; he went to Washington with him and introduced him to his wife. Lane, who is now prosecuting CP leaders but lately turned over much of his work to associates, pulled police into court two days after his relations with Lucches were exposed to demand a contempt citation for Elizabeth Gurley Flynn because she would not become an informer.)

HIGH TYPE GENTLEMAN: Lucches has twice been arrested for murder, once for receiving stolen goods, once for vagrancy (not convicted on any of these counts); served time for auto theft; was named by the Fed. Narcotics Bureau, New England Divn., as an associate of vice and dope king Lucky Luciano. The hearings showed that after strenuous efforts by an aide in Miles Lane’s office he won a goodconduct certificate from the N. Y. Parole Board, restoring his right to vote.

Hob-nobbing with mayors, governors, as well as many judges and prosecutors, Lucches could pay well for favors: He generously bought tickets for Democratic Party dinners (sometimes as much as $2,000 worth). But some of the men he knew he could not buy. Of ALP chairman Vito Marcantonio whom he said he had known “since I was a young man,” this is what was said:

Q: “Made any contributions or loans to him?”

A: “No. As a matter of fact, one day I asked him and he said, ‘No, Tom, I have all the money I need, no contribution from anyone.’”

BENCHES FOR SALE: While many judges rise to the bench over the bodies of witch-hunt victims, another method was outlined before the commission by

Frank L. Duffley, ass’t. U. S. Atty., 1939-44. In 1947, when Municipal Judge Manuel Katzenstein was about to retire, Duffley testified he had taken a taxi ride with Democratic dist. leader William Connolly who had said Duffley’s chance of replacing Katzenstein depended on “whether I made satisfactory arrangements”;

“He said it had always been the arrangement in the club and in the other clubs that when a district leader had a number

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One senior Municipal Court judgeship to fall out; that the one who got the nomination would give to the district leader at least one year's salary plus a campaign fund of at least $5,000. He told me that he had an offer on behalf of one of the lawyers in the club of $15,000 for himself for the nomination—that is for Mr. Connolly—plus a campaign fund of at least $10,000. (Connolly set $60,000 as the price for a State Supreme Court judgeship, according to Duffy.) And he asked if I would be willing to match that. He said it ($15,000) was for him, his individual capacity, and was not to go into the club treasury. A few days after Connolly said, "Well, if you are not willing to pay for it ... I am not going to give it to you or anyone else who is not willing to pay for it." A few days after, an announcement appeared in the press that the designation went to another lawyer in the club.

FREEDOM FROM WANT: Though requiring an investment, judgeships can pay off handsomely—as shown in the case of former State Supreme Court Justice Aaron J. Levy who served two 14-year terms at $24,000 a year. His salary 1946-1951, was $140,000; his books showed an income of $326,025, expenditures of $86,000 more than that. He transferred to a son-in-law David E. Frankenstein 8,105 shares of stock worth $125,000, awarded 70 receivingshore to his family maid (a lucrative patronage made up of court fees and other

gravy involved in administering funds) bought securities in his maid's name and took the dividends as she received them.

Pressed to explain the handling of some of this money, Frankenstein told the commission:

"I invested in the American capitalist system."

NOBODY HOME: Lucchesi, himself, was unavailable last week. He had given his testimony behind closed doors; was subpoenaed to appear for public grilling, but filed a motion before the State Supreme Court to vacate the subpoena. Before that motion could be argued, the Commission yielded to the Rackets Coordinator completely, consenting itself with reading into the record his 600 pages of private testimony and agreeing never to subpoena him "to testify at this or any future hearing, public or private."

U.S. marshals were said to be seeking Lucchesi for denaturalization and deportation proceedings; he was not in to them at his Queens, N.Y., home, his Lido Beach summer residence, his Manhattan office, his favorite resorts in New Jersey or Florida. On Thursday the Commission, without calling witch-hunters Saypol, Murphy or Lane to explain their connections with Lucchesi, abruptly ended its inquiry into politics, shifted its interest to the waterfront.
The Rosenberg children visit their parents

Two little boys went to see their mom and dad.
After a year,
A year is a long time.
When you're five years old,
And even when you're nine,
It may be hard to remember
What life
With mother and father
Was like.
Before the death-house shadow fell,
On the after-school bread and butter,
And the goodnight kiss
And the tasseled yell
In the morning
"Get up, mom!"

After the months in the Shelter
The no-story nights
The cold mornings
The fingers pointing
"Spy, spy, got to die!"
After the barred windows
The whispers, the creaks in the dark, the faces

The strange faces
Coming, going, changing
Asking, telling, explaining
How can you explain
To two little boys

Your mother and father are sentenced to die in the electric chair
Where
In God's name
Will you find words to explain
The cold war, the hate, the lies
The hunt for spies, the shame of justice pounding
Two young Jewish people
Your father and your mother
Living on the block like other folk
Getting in the laundry
Coming home from work
Laughing, singing, worrying
Pussing, "Hurry, hurry, supper's ready"

It may be hard for two little boys to remember
But they remember well

(Those other two)
The mother and the father
In the stone-ringed cell
Through the long year
Waiting, waiting
For the day to come
For the hour to near
While the heart breaks
And the hand clasps the breaking
They remember
What jokes to tell
What songs to sing
To bring
The memories of home back
With nickel candy
From the prison store

Each one holds to his breast
A son
And bears
The sweet boyish laughter
Ring
The death-stalked wail

Were there tears?
Yes, there were tears
They came after

— Mildred Burgoyne
Atomic knowledge

VENICE, CALIF.

I am an old man, many years past the allotted three score and ten, but alert and active, and I hope to be for a few years yet, so I try to help by writing letters of protest.

I compiled a list of the chronology of the development and discovery of nuclear fission, starting with the discovery of alpha particles by Rutherford in 1898, together with the discovery of artificial radioactivity by Curie and Soddy in 1913, the discovery of the neutron by Chadwick in 1932, and the positron by Anderson in 1932, and the announcement of nuclear fission by Hahn and Strassman, on Jan. 15, 1939.

I also compiled a list of the books and articles describing nuclear fission, starting with Elements of Nuclear Physics (Prentice-Hall, 1938), by Franco Rosetti, of the Univ. of Rome; Introduction to Nuclear Physics, by N. Feather (Cambridge Press, 1956), and Applied Nuclear Physics, by Pollard & Davidson (John Wiley & Sons, 1942), and many others. Most of these books and publications I have in my files.

I sent this compilation to Hon. Hugo Black of the Supreme Court, as proof that it was impossible for Albert and Julius Rosenbarg to have given any information about the subject to the Soviet Union, because such information was common knowledge all over the world among physicists years before the commencement of World War II. I received an acknowledgement from Mr. Black and am quite sure that only one-to-open the case on account of my letter of proof.

C. E. Sleutel

National Guardian
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