

"treachery" and "betrayal of their fellow countrymen" (R. 1613, 1614, 1615).

This Court has proclaimed that the requirements of the treason clause can neither be overridden nor circumvented by "giving the same offense a different name". *Cramer v. United States*, *supra*, at p. 45. The authorities are equally insistent that:

" * * * Where [a] defendant is charged with conduct involving all of the elements of treason within the constitutional definition, and the gravamen of the accusation against him is to aid its [the country's] enemies, it would seem in disregard of the policy of the Constitution to permit him to be tried under another charge than treason."

Hurst, *Treason in the United States*, *op. cit.*, *supra*, at p. 21. See also: *Wimmer v. United States*, 264 F. 11 (C. C. A. 6th, 1920), cert. den. 253 U. S. 494; *United States v. Great-house*, *supra*.

The petitioners, here, were subjected to a treason prosecution, under color of a charge of conspiracy to commit espionage. Under the facts of this prosecution, where the accusation involved disclosure of atom-bomb secrets to the Soviet Union, a circumstance, in the contemporary climate, of inherent "passion-rousing potentialities", the petitioners were constrained to bear the added burden of the "passion-rousing potentialities" of an actual charge of "treason". And this without the constitutional safeguards afforded persons accused of treason, namely, conviction only on the "Testimony of two witnesses to the same overt Act". Were these petitioners accorded the protections secured to them by the Constitution, they would not have been compelled to stake their lives on the uncorroborated and second-hand evidence of accomplices introduced on the theory of, and in the dragnet of, a conspiracy prosecution.² "The [treason]

² Some of the alleged overt acts here, because innocent on their face, would have been incompetent to prove treason. *Cramer v. United States*, *supra*. Others, otherwise competent on the treason

son] provision was adopted not merely in spite of the difficulties put in the way of prosecution but because of them." *Cramer v. United States*, *supra*, at p. 48. Mr. Justice Jackson, writing in the *Cramer* case, noted that this policy was justified because "prosecutions for treason were generally virulent; and perjury too easily made use of against innocence".

It is submitted, therefore, that the entire proceeding below was in derogation of Article III, Section 3 of the Constitution of the United States.

II

The court below, ignoring the equivalence between friend and enemy postulated by the *Gorin* case, reasoned that the Espionage Act, as construed, and here applied, rendered criminal, only, aid and comfort to a "friend", and that the crime, although "of the same kind as treason", was, therefore, not treason. To arrive at this conclusion, the court relied on the ruling of this Court in *Ex parte Quirin*, 317 U. S. 1, 38 (1942), to the effect that a crime distinct from treason is committed where it differs, in any element, from the constitutional definition of treason (R. 1709-12).

The petitioners submit that precisely because the Espionage Act (if the *Gorin* case be ignored) was construed and here applied so as to license prosecution for rendering aid and comfort to other than an "enemy"—where, otherwise, the crime is "of the same kind as treason"—it violates the strictures of Article III, Section 3 of the Constitution.

charge, were not proved by the testimony of two witnesses. The evidentiary standards to prove the requisite intent, would not have been met. See: *Haupt v. United States*, *supra*; *Cramer v. United States*, *supra*. It is impossible to tell on the jury's general verdict whether it selected, as evidence for conviction, that which would have satisfied treason criteria.

Their assertion is enforced by the universal recognition that the treason clause was designed to curb the evolution of new treasons. This Court, in *Cramer v. United States*, *supra*, at p. 24, said of its framers:

"They wrote into the organic act of the new government a prohibition of legislative or judicial creation of new treasons."

If, therefore, a "proposed law on the subject of Treason neither enlarges nor lessens its Constitutional definition, the law is unnecessary; if it does the one or the other it is unconstitutional". 5 King, *LIFE AND CORRESPONDENCE OF RUFUS KING* (1898) 73-75. (Emphasis ours.) And if Congress should seek to evade the plain mandate of the treason clause "by giving the same offense another name", such a law would, as well, violate the Constitution. *Cramer v. United States*, *supra*, at p. 45.

The variation in elements between a crime defined by statute and the constitutionally defined crime of treason is apparently not of the essence in taking the constitutional measure of a statute. On the one hand, if a crime is "of the same kind as treason", the differences in elements may spell its constitutional doom. If, on the other hand, they are differences which neither enlarge nor lessen the constitutional definition, the crime remains treason, under the aegis of Article III, Section 3, and the differences become meaningless. The focus of any examination to ascertain a statute's constitutional validity *vis-a-vis* the treason clause must, therefore, be directed to the constant core of the issue: whether the crime created is "of the same kind as treason".

It is indicated in Point I above (see, *supra*, pp. 2-3) that the single factor which distinguishes treason from all other crimes, whether of greater or lesser degree, is the general intent to oppose and betray the interests of the United States.

Even apart from the rationale of the *Gorin* case referred to hereinabove, it is not novel, in times of international tension, to infer such an intent from adhering to a nation not formally at war with this country. The undeclared maritime conflict between the young republic and France in 1798 produced a ruling from Attorney General Lee that "France is our enemy, and to aid, assist, and abet that nation in her maritime warfare will be treason in a citizen or any other person within the United States not commissioned by France". 1 Op. Atty. Gen. (Gilpin Ed., 1841), pp. 49-50. The reaction of the prosecutor and judge in the instant case—and, undoubtedly, the jury and the public—demonstrate that, in the current era of "cold war", adherence to the "friendly" Soviet Union may well be regarded as "betrayal" (R. 180-84, 1517-18, 1535, 1550, 1613-15).

In the light of this history and the policy of the treason clause to guard against the unlimited "accusation of treachery" and to protect those charged with the "general intent to betray which has such passion-rousing potentialities" [see *Cramer v. United States*, *supra*], where the burden of a prosecution, under statutory mandate, is proof of "betrayal", the crime is "of the same kind of crime as treason." And insofar as the elements of that crime diverge from the constitutional definition of treason, they "enlarge" or "lessen" it, and thereby violate Article III, Section 3 of the Constitution, as does conviction upon such charge without recourse to its procedural protections on the trial. Any other view would render the treason clause powerless to prevent the creation of "new treasons", and would permit convictions for such treasons without the procedural safeguards for which provision is made. Yet literal adherence to the ruling of the *Quirin* case, a "hard case", could only produce these consequences.

Viewed in this aspect, there appears to be unquestioned validity to the criticism of Willard Hurst that the *Quirin* case serves to emasculate the treason clause. In his study of the background and present meaning of the treason

clause, solicited by the Department of Justice in connection with the reargument of the *Cramer* case before this Court, he stated (*Treason in the United States, op. cit., supra*, at pp. 421-22):

"The decisions cited as analogies by the Court [in the *Quirin* case] are now standard authorities holding that the double jeopardy clause of the Constitution is not violated by conviction of two or more offenses which are in substance part of the same transaction, but which involve different elements in the allegation. It is not a convincing interpretation to apply to a constitutional guaranty having its own history of policy a formal test developed under a different clause of the Constitution, with no demonstration that the policies behind the respective clauses are so similar as to be fulfilled by the same criterion. The double jeopardy clause is historically a guaranty against abuse of the law enforcement machinery as such, without reference to abuses peculiar to any one of the major types of crime. When the Constitution singles out the offense of treason as subject to special abuse, citation of a highly technical rule developed by judicial construction out of the general guaranty is in itself little evidence that the peculiar dangers against which the special guaranty was erected have been avoided."

The court below, in the instant case, read the Espionage Act to permit its specific statutory intent to be proven by evidence demonstrative of a "general intent to betray" (see *supra*, p. 4), thereby transforming that law, by judicial fiat [*Screws v. United States*, 325 U. S. 91 (1945); *Skiotes v. Florida*, 313 U. S. 69 (1941); *Hebert v. Louisiana*, 272 U. S. 312 (1926)], into a "treason" statute, and the trial of the petitioners into a "treason" trial. That criminality can thus flow, under the Espionage Act, from adherence to a country not an "enemy" of the United States, cannot be seen as other than an "enlargement" of the constitutional definition of treason. That under such circumstances conviction was had without "Testimony of two Witnesses to the same overt Act", cannot be viewed as

other than in derogation of the procedural requirements of Article III, Section 3.

The court is urged, therefore, to consider revision of the *Quirin* case insofar as it deems itself inhibited thereby from ruling that the Espionage Act, as construed by the court below, violates Article III, Section 3, and that the convictions had herein were secured in contravention of its provisions.

III

In the context of Points I and II above, the acceptance of proof of criminal intent by imputation from the alleged "Communist" affiliations of the petitioners, can now fully be seen to have opened a Pandora's box of evils.

Evidence of "devotion to another country's welfare" (R. 1654), admitted to prove the intent under the Espionage Act, as we have shown, transmuted that Act into a "treason" statute, and the trial into a "treason" trial. "Devotion" was established by evidence merely "to the effect * * * that they [petitioners] were members of the Communist Party". No proof was offered of their personal knowledge or acceptance of the tenets of that party, if any, that they were obliged, *qua* members, to commit espionage on behalf of the Soviet Union.

Kutcher v. Gray (No. 11172), decided on October 16, 1952, by the Court of Appeals for the District of Columbia, affirmed that membership in a Communist (Trotskyite) Party *per se* does not import "disloyalty" or disloyal adherence. This ruling, in essence, reaffirms *Schneiderman v. United States*, 320 U. S. 118 (1942), on the basis of which the petitioners had urged the exclusion of the "Communist" evidence (Petition for Certiorari at p. 40 ff.). Both of these cases were civil proceedings, where the evidentiary standards of protection are less stringent than in criminal trials. The acceptance of such evidence in a criminal case presents error of such gravity as to require examination by this Court, for this evidence was concededly "highly in-

flammatory" (R. 1655), prejudiced the petitioners and created the constitutional infirmities which we raise in this petition.

IV

The due process clause of the Fifth Amendment to the Constitution is the guardian in "our concept of ordered liberty" of "what is deemed reasonable and right". See *Wolf v. Colorado*, 338 U. S. 25, 27 (1949). A sentence which is incompatible with due process of law will not be permitted to stand. *Townsend v. Burke*, 334 U. S. 736 (1948); *Williams v. New York*, 337 U. S. 241, 252 (1949).

The exercise of the wide discretion vested in a sentencing judge to acquire information on which to base his determination does not include a right to rely on unfair and "materially untrue" assumptions, "whether by carelessness or design". *Townsend v. Burke*, *supra*, at p. 741.

We press upon the court that the sentences here outrage decency and offend civilized concepts of fair play, founded as they were on "materially untrue" facts and extravagant assumptions.

The record in this case concededly embodies the entire basis upon which the trial court bottomed its determination to inflict the sentences of death upon the petitioners (R. 1674). Removed from the proximity, in time, of the conflict of a "passion-rousing" trial, an objective reading of the trial judge's remarks on sentence must agitate the candid conscience. His reasons assail reason and the intelligent and informed mind; they are an admixture of misinformation, sired by ignorance, and of unfair syllogisms, erected on infirm premises.

The justification of death in this case was that the "crime was worse than murder" (R. 1614). To find warrant for this view the trial judge disregarded the plain record—his only avowed source of information—to saddle the petitioners with a will to harm their country and to hold them culpable, contrary to the facts of history and science, for

a succession of national disasters. On this perverted foundation, the judge rested his conclusion that "plain deliberate contemplated murder is dwarfed in magnitude by comparison with [petitioners'] crime" (R. 1614).

The conspiracy was allegedly conceived at a time when the Soviet Union was a war-time ally, respected, aided and extolled by the Government of the United States and its public and private leaders. Nevertheless, the trial judge stated on sentence:

"Citizens of this country who betray their fellow countrymen can be under none of the delusions about the benignity of Soviet power that they might have been prior to World War II" (R. 1613). "••• Indeed, by your betrayal you undoubtedly altered the course of history to the disadvantage of our country. No one can say that we do not live in a constant state of tension. We have evidence of your treachery all around us every day—for the civilian defense activities throughout the nation are aimed at preparing us for an atom-bomb attack" (R. 1615).

He commented further:

"Nor can it be said ••• that the power which set the conspiracy in motion ••• was not openly hostile to the United States at the time of the conspiracy" (R. 1615).

These remarks, conjoined with his limitation of the period of Soviet "benignity" to a time "prior to World War II", warped history to attribute to the petitioners' hostile mind in *limine*. Common knowledge of our wartime alliance with the Soviet Union, of course, confutes this legerdemain.

Moreover, the indictment on which petitioners were tried did not charge an "intent to injure" the United States, as it can be assumed it would have, were the Government in possession of evidence to establish such an intent. And, indeed, the record is bare of any such proof.

The forced finding that the petitioners had an "intent to injure" the United States changed the quality and gravity

of the offense.³ Yet it was on the basis of the intent thus transmuted from "intent to advantage" to "intent to injure" that the sentences were inflicted. Fair play abominates the stratagem which makes the crime fit the punishment.

The trial judge cojoined with this fabricated malevolence of the petitioners, a weird and aggravated estimate of the importance and proximate consequences of their alleged crime, to extenuate the barbarity of his sentence. He stated:

"I believe your conduct in putting into the hands of the Russians the A-bomb years before our best scientists predicted Russia would perfect the bomb has already caused, in my opinion, the Communist aggression in Korea, with the resultant casualties exceeding 50,000 and who knows but that millions more of innocent people may pay the price of your treason. Indeed, by your betrayal you undoubtedly have altered the course of history to the disadvantage of our country" (R. 1614-15).

Patently, these statements are unmitigated fiction. Their judicial pronouncement cannot serve to square their unreality with the facts of life, nor can sentences so spuriously supported comport with due process of law.

No one, other than the trial judge, has even pretended that the atom-bomb material allegedly transmitted in the course of the instant conspiracy, was of any substantial value to the Soviet Union.

As a general proposition, Dr. Harold C. Urey, one of the directors of the atomic bomb project, has affirmed that:

"Any spies capable of picking up this information will get information more rapidly by staying at home and working in their own laboratories." N. Y. TIMES, March 3, 1946, p. 12.

³ Congress in passing the ATOMIC ENERGY ACT of 1946 (42 U. S. C. A. Sec. 1816) did not see fit to prescribe the death penalty for atomic espionage except where there exists an intent to injure the United States.

Specifically in relation to this case, the Government itself, after the trial, conceded that: "Greenglass' diagrams have a theatrical quality", and because he was not a scientist, "must have counted for little". *Report on Soviet Atomic Espionage*, Joint Comm. on Atomic Espionage, 82nd Cong., 1st Sess. (U. S. Gov't Printing Office, April, 1951). Reflections on the lack of value of the information allegedly transmitted here persist in scientific critiques. See: TIME, March 19, 1951;⁴ LIFE, March 26, 1951;⁵ SCIENTIFIC AMERICAN, May, 1951.⁶ See also: Urey, N. Y. TIMES, March 3, 1951.⁷

It is perfectly clear that such valueless information could have had little effectiveness "in putting into the hands of the Russians the A-bomb", even had they not possessed the "secret".

It is universally conceded, propaganda to the contrary notwithstanding, that there was no basic "secret" concerning atomic weapons. Dr. J. Robert Oppenheimer, N. Y. TIMES, January 15, 1951; ATOMICS, September, 1949; Letter of Harold C. Urey to N. Y. TIMES, May 11, 1950. This concession extends as well to "know-how". The United States Atomic Energy Commission itself has supported this view, as quoted in an International News Service release dated Washington, D. C., December, 1950:

"The Atomic Energy Commission Friday bared secret documentary proof that Russia has known the

⁴ " * * * some of his [Greenglass'] testimony made little scientific sense."

⁵ " * * * Greenglass' implosion bomb appears illogical, if not unworkable * * *"

⁶ "What the newspapers fail to note was that without quantitative data and other necessary accompanying information, the Greenglass bomb was not much of a secret."

⁷ Detailed data on the atom bomb, he declared, would require "eighty to ninety volumes of close print" which only a scientist or engineer would be able to read.

scientific secrets of atom-bomb manufacture since 1940, the year the United States began attempts to develop the missile." (Emphasis ours.)

The decisive factor, in terms of the extent of the time lag between our possession of the bomb and its development by the Soviet Union, was the degree of the industrial strength and technology of the Soviet Union, not its scientific knowledge. That time lag was given, by experts, an outside limit of five years. Dr. Irving Langmuir, N. Y. TIMES, October 9, 1945, p. 9; Newman, *Control of Atomic Energy*, 56 YALE L. J. 769; *Report on Soviet Atomic Energy*, op. cit., supra, at pp. 7, 13-14. On this topic, Dr. Urey commented:

"In my opinion if we published all our data in detail we would not shorten the five * * * years of General Grove's estimate by very much. It takes time to build plants, and it takes time to operate them. Address, reprinted in SCIENCE, November 2, 1945.

Scientific judgment undermines the validity of the trial judge's claim that the petitioners' conduct, did or could have, put "into the hands of the Russians the A-bomb years before our best scientists predicted Russia would perfect the bomb". Because of these findings of the scientific world, matters of common knowledge before the trial here, this basis for imposing death is exposed as "materially untrue", a vice which must vitiate the sentences.

If the trial judge displayed irresponsibility, in blinding himself to the facts and capitulating to the popular myth of atomic monopoly, he threw all rationality and judicial temperance to the winds when he judged the petitioners' to have "caused * * * the Communist aggression in Korea, with the resultant casualties exceeding 50,000 * * *" and thus "undoubtedly [to] have altered the course of history to the disadvantage of our country".

The question of the responsibility for the commencement of the war in Korea is still hotly debated in this

country, and inconclusively resolved.⁸ But one fact is uncontroversially clear: No responsible official fastens this guilt on the petitioners. While in the arena of political life, it is not uncommon to create "whipping boys", due process cannot sanction similar judicial victimization in the courtroom.

Yet all the convoluted reasoning of the trial judge cannot conceal the basic inequity in measuring the severity of the punishment on the gauge of extant political circumstances.⁹ Since reason understands that this crime, if disposed of at the time it was laid, would not have incurred a harsh or vindictive sentence, the sense of fairness is shocked by the exaction of retribution for subsequent events

⁸ The following are some of the varied opinions of American statesmen on the responsibility for the origin of the conflict: Sumner Wells (N. Y. WORLD-TELEGRAM, March 28, 1951, p. 24: "The statement issued by the State Department in January 1950, that the Republic of South Korea * * * was 'not within our line of defense.'"); Thomas E. Dewey (N. Y. TIMES, Sept. 19, 1951, pp. 10-11: "On-again-off-again' policy on Formosa * * *"); Dwight D. Eisenhower (N. Y. TIMES, Sept. 5, 1952, p. 1: "We are in that war because this Administration abandoned China to the Communists."); Retired Rear Admiral Ellis M. Zacharias (N. Y. TIMES, June 21, 1951: "Korea was a blunder by both Russia and the United States."); Willbur W. Hitchcock, former member U. S. Military Gov't in Korea (CURRENT HISTORY, March 1951: " * * * Soviet Union in fact did not initiate the war [and] far from throwing the switch, was just as surprised as was the Western World when the North Koreans threw the switch.")

⁹ These examples could be multiplied *ad infinitum*; there are almost as many opinions as people.

¹⁰ The vindication of the sentences by the court below on the ground of the continuance of the conspiracy into the "cold war" period (R. 1680-81) is a mere rationalization of the trial judge's position. Were this the criterion it would have been reasonable to expect a sentence other than death for the petitioner, Ethel Rosenberg, as to whom the record is bare of post-war involvement. And as to both petitioners, the concurring judge (Frank, J.) suggested consideration on sentence of "the fact that the evidence of the Rosenbergs' activities after Germany's defeat (as well as of their earlier espionage activities) came almost entirely from accomplices" (R. 1677).

and reversed political relations over which the petitioners had neither control nor clairvoyance to foretell.

The concept of fair play, the essence of due process, commands that these sentences be set aside.

V

In their petition for a writ of certiorari, the petitioners interposed a challenge to the constitutionality of the sentence which, if upheld, would have precluded the necessity for consideration of the sentence of death on the level of an abuse of discretion of the sentencing judge.

The denial of the writ of certiorari now makes it appropriate to raise the question of the excessiveness of the sentences.

Section 2106 of Title 28 U. S. C. A. provides:

"The Supreme Court or any other Court of appellate jurisdiction may affirm, modify, vacate, set aside or review any judgment . . . lawfully brought before it for review, and may remand the cause and direct the entry of such appropriate judgment . . . , or require such further proceedings to be had as may be just under the circumstances."

It is difficult to conceive of a statute drawn more clearly and explicitly to express the legislative intent to confer the broadest power upon the Federal appellate courts to control in whole and in detail judgments of the lower courts.

A fortiori, sentence, which is embodied in and forms an integral part of a judgment of conviction, would be reached by the power to ". . . modify, vacate, set aside or reverse . . .".

The question of appellate power to revise a sentence under the terms of Section 2106 is *res nova*. The court below acknowledged that "No decision by the Supreme Court or any Federal Court of Appeals seems to have cited or considered this statute in passing on the question of the power to reduce a sentence when a conviction is affirmed" (R. 1673-74).

If the various Federal Courts of Appeal have denied themselves this power their decisions have not been influenced by any inhibitions on power contained in Section 2106.

The court below, nevertheless, considered itself impotent in the face of what it termed "sixty years of undeviating federal precedents" holding "that an Appellate Court has no power to modify a sentence" (R. 1671). In this the lower court fell into error. Authorities which so hold rely on the anachronism of a rule enunciated in *Ex parte Watkins*, 7 Pet. 568, 574, decided at a time when the Supreme Court had no Federal criminal appellate jurisdiction over either judgments or sentences, and prior to the enactment of Section 2106 or its predecessors. But this Court, even without dependence upon the authority of Section 2106, has never disclaimed the power to interfere with an arbitrary or excessive sentence, although within statutory limits.¹⁰

The lower court invoked *Blockburger v. United States*, 284 U. S. 299, as an impediment to its assumption of power. Yet this Court there stated (at p. 305):

"Under the circumstances, so far as disclosed, it is true that the imposition of the full penalty of fine and imprisonment upon each count seems unduly severe; but there may have been other facts and circumstances before the trial court properly influencing the extent of the punishment. In any event, the matter was one for that Court, with whose judgment *there is no warrant for interference on our part.*" (Emphasis ours.)

Were "power" the issue, there would have been no occasion to discuss "warrant". This is made clear by the latest pronouncement of this Court in *Tomoya Kawakita v. United States*, 72 S. Ct. 950, 966 (1952), where the court, in relation to the severity of the sentence, stated:

¹⁰ The courts have always assumed power where the sentence imposed was in excess of the statutory limits. See cases cited by court below at R. 1671. This Court has similarly assumed power to modify a sentence where no statute governs the limits of punishment and penalty is left to the discretion of the court. *United States v. United Mine Workers*, 330 U. S. 258 (1947).

"The trial judge imposed the death sentence. The argument is that that sentence was so severe as to be arbitrary. It was, however, within the statutory limits. Whether a sentence may be so severe and the offense so trivial that an appellate court should set it aside is a question we need not reach. The flagrant and persistent acts of petitioner gave the trial judge such a leeway in reaching a decision on the sentence that we would not be warranted in interfering. Cf: *Blockburger v. United States*, 294 U. S. 299, 305."

In short, the court did not deny its power, but because of the circumstances of the case, refused to exercise it.¹¹

We submit that the circumstances in this case should move this Court to modify or set aside the sentences. The court need not fear that here, as in the *Blockburger* case there "may have been other facts and circumstances before the trial court properly influencing the extent of punishment". The court below acknowledges that the trial judge placed on the record all the grounds on which he based the death sentences (R. 1674). The vice of the sentences imposed on these petitioners lies not only in the grounds he stated publicly (discussed in Point IV above), but as well on his elision of facts within and dehors the record which rationally bear upon the measure of punishment.

Undoubtedly, were the sentences founded on "materially untrue" facts and assumptions, as we have demonstrated in Point IV above, they not only offend due process, but, as well, constitute an abuse of the discretion of the sentencing judge.

For it cannot be forgotten that, in addition, the trial judge disregarded other factors that are ordinarily brought to bear on sentence.

¹¹ In any event, if this Court adheres to the view of the lower court that this Court's decision in the *Blockburger* and *Kawakita* cases stand for a denial of power, we press upon this Court that such a construction should be overruled as suggested by the concurring opinion of Judge Frank below (R. 1672-77). See also Hall, *Reduction of Criminal Sentences on Appeal*, 37 Col. L. Rev. 521, 762 (1937).

The conviction of the petitioners was procured on accomplice and professional informer testimony with a patina of circumstantial evidence (R. 1648), against the sworn denials of the petitioners in their own defense (R. 1051-1401). Sufficient evidence to prove guilt beyond a reasonable doubt was entirely lacking without the testimony of these accomplices, who, hopelessly entrapped, consummated deals with the Government to accuse the petitioners and so avoid or mitigate punishment for their malefactions (R. 556-67, 594-608, 715-21, 729-47, 757-61, 780, 784-86, 792-93, 593, 740, 1638). Such a case has been characterized as "weak". *Krudewich v. United States*, 336 U. S. 400 (1949); *Berger v. United States*, 295 U. S. 78 (1935); *Glasser v. United States*, 315 U. S. 60 (1942); *United States v. Levi*, 177 F. 2d 827 (C. A. 7th, 1949). Justice Frank, concurring below, suggested consideration of this factor on modification of sentence (R. 1677).

The infirmity of a case built on accomplice testimony, is underscored in relation to these petitioners, when the Government announced that, contrary to the trial testimony, the petitioners were insignificant cogs in the alleged Soviet espionage apparatus. Within a week after the imposition of sentence upon the petitioners, a highly authoritative government report rated Fuchs, May and Greenglass (along with British, Bruno Pontecorvo) as the only important atomic espionage agents, and subordinated the petitioners to a minor place. *Report on Soviet Atomic Espionage*, Joint Comm. on Atomic Energy, 82nd Cong., 1st Sess. (U. S. Gov't Printing Office, 1951), pp. 5-7. *Accord: The Shameful Years*, House Comm. on Un-Am. Activities (U. S. Gov't Printing Office, 1952).

Furthermore, never before in the entire history of the United States has a civil court, either in peace or war, decreed a sentence of death for the crime of espionage (R. 1671). For that most grave of all crimes, treason, only two death sentences have been imposed since the adoption of the Constitution (R. 1671) and no execution

has taken place. In the midst of the last war three persons, and after the close of hostilities five persons were charged with, tried for, and convicted of treason for adherence to an enemy that was despicable to the entire world for a wantonness unparalleled in human history. No one of these was executed for his crime.¹²

In the context of allegedly the same network of Soviet atomic espionage agents, the subject of this case, only prison sentences were meted out: David Greenglass, 15 years (R. 1638); Harry Gold, 30 years (R. 801); Ruth Greenglass, David's wife, a co-conspirator, though not a defendant, never indicted for her crime and presently a free woman (R. 593, 740). The same is true of other convicted Soviet atomic espionage agents: Dr. Klaus Fuchs, in England, 14 years; Allan Nunn May, in England, 10 years. *Report on Soviet Atomic Espionage, op. cit., supra.*

This shocking departure from the American tradition against vengeful punishment, and the inverse disparity between these sentences and the punishment meted out to others, according to the Government, more culpable, marks the magnitude of the abuse of the sentencing judge in the exercise of his discretionary powers.

¹² During hostilities: *United States v. Cramer*, 137 F. 2d 888 (C. C. A. 2d, 1943), rev'd 325 U. S. 1 (45 years and \$10,000); *Haupt v. United States, supra* (life imprisonment and \$10,000); *Stephan v. United States*, 133 F. 2d 87 (C. C. A. 6th, 1943), cert. den. 318 U. S. 781 (death sentence imposed but not executed).


After cessation of hostilities: *Chandler v. United States*, 171 F. 2d 921, cert. den. 336 U. S. 918 (life imprisonment and \$10,000); *Best v. United States*, 184 F. 2d 131 (C. A. 1st, 1950) (life imprisonment and \$10,000); *United States v. Burgman*, 87 F. Supp. 568 (D. C., D. C., 1949), aff'd 188 F. 2d 637 (imprisonment, term not mentioned). The two women in the group, better known as "Axis Sally" and "Tokyo Rose", were given minimal prison sentences. *Gillars v. United States*, 182 F. 2d 962 (App. D. C., 1950) (10 to 30 years' imprisonment and \$10,000); *D'Aquino v. United States*, 180 F. 2d 271 (C. A. 9th, 1950) (10 years' imprisonment and \$10,000).

The sentence was a product of the abandonment of rational standards. Judicial balance gave way to unjudicial surrender to the political clamor that invaded this case. This Court, the ultimate protector of an accused, helpless against the forces of passion and prejudice, has the responsibility to remedy the irreparable and imminently irrevocable harm suffered by these petitioners.

CONCLUSION

The petition for rehearing should be granted, this Court's order of October 13, 1952, vacated, and a writ of certiorari issued to the United States Court of Appeals for the Second Circuit.

Respectfully submitted,



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November 3, 1952

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~~CONFIDENTIAL~~

JULIUS ROSENBERG, was., et al
ESPIONAGE - R

EX-100

There is being transmitted herewith for your information a Photostat of an article which appeared in the October 17, 1952, edition of the "Daily Worker" entitled "Forward, 'Jewish Day' Ask Truman Save Rosenbergs."

APL:awn

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Enclosure

ENCL 7

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65-58236-1319

NOV 5 1952

U.S. DEPT. OF JUSTICE
E. B. I.

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'Forward', 'Jewish Day' Ask Truman Save Rosenbergs

The Jewish Daily Forward and the Jewish Day urged President Truman yesterday to spare the lives of Julius and Ethel Rosenberg, whose death sentences on frameup "spy" charges were denied review by the Supreme Court this week.

Both the "Day" editorially and the "Forward", in a lengthy article by editor H. Rogoff, urged executive clemency as an act of humanity and compassion.

The "Forward" article in addition compared the extreme penalty for the Rosenbergs with the 14 year and 10 years terms given Klaus Fuchs and Alan Nunn May on similar charges. It reiterated the "Forward's" view, given at the time of the Rosenbergs' sentencing, that the death penalty was "to horrible" and urged Truman to consider that the alleged betrayal of the Rosenbergs was committed at a time when Russia was our ally in the

war. In this country there was a friendly attitude toward Russia."

The "Day" expressed the "hope that President Truman will, on the basis of humanitarian motives and solely on this basis commute the death sentence of 33-year-old Julius Rosenberg and 36-year-old Ethel Rosenberg to prison."

While the paper refused to admit the validity of widespread charges that the Rosenbergs are victims of anti-Semitism it added: **APPEAL TO TRUMAN**

"However, having faith in our democratic system of justice and a fair application of our laws we feel that we are entitled to appeal to the President to commute the death sentence to prison and not allow America to emerge in the eyes of the world as being more brutal than other democratic countries that coped with similar crimes."

The paper concluded:

"A life in jail is a severe enough punishment for the Rosenbergs. Let not America extinguish the lives of two young people for a crime that drew only prison sentences in other countries. Let America not rob two small children of their parents."

"For the sake of America's good name it is worth that the President exercise compassion along with judgement."

"Forward" editor Rogoff, who would not recognize the possibility of innocence for the Rosenbergs noted that "the extreme punishment of death for betrayal was always meted out only to spies who helped the enemy in time of war. Never has such a punishment been handed out when assistance was given to an ally in war. This is also the first time that the death penalty for espionage was renedered in a civilian court."

*Let to Asst Atty Gen Charles B. Murray 11/3/52
APL/awn*

This is a clipping from
Page 1 of the
Daily Worker

Date 10-17-52
Clipped at the Seat of
Government.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/22/86 BY 3642 put-abc

FIVE

ENCLOSURE
65-58236-1319

000775

Assistant Attorney General Charles B. Murray
Criminal Division

October 31, 1952

Director, FBI

JULIUS ROSENBERG, was., et al
ESPIONAGE - R

As you may be aware, there has been a concerted propaganda effort on the part of certain Communist elements to create sympathy for the Rosenbergs in order to save them from execution. The main theme of this effort has been to allege that the Rosenbergs are the victims of a political frameup, and that the death sentences were the result of pressure exerted by anti-Semites and Fascists.

You will recall that subsequent to the convictions in this case, a series of articles appeared in the "National Guardian," a self-styled progressive weekly published in New York City, following the above theme. The author of these articles is William A. Reuben. During this same period, there was organized the "National Committee to Secure Justice in the Rosenberg Case," with Reuben as Provisional Chairman. A nationwide campaign was launched by the Committee and speeches were made by Reuben and others in various cities from coast to coast. Local committees were also organized in some of the larger cities.

Investigation of the activities of this Committee reflects that known Communists and Communist sympathizers have taken an active interest in its various functions. This interest has increased since the refusal of the Supreme Court to review this case.

In connection with the charges of anti-Semitism leveled by these elements, it should be noted that responsible Jewish groups in this country have denounced these charges as insidious. It might be noted that the Anti-Defamation League of B'nai B'rith has alerted all Jewish groups against supporting any meetings or attempts to develop pro-Rosenberg sympathy in their respective areas. A bulletin issued by the Anti-Defamation League stated that "the injection of non-existent anti-Semitism into the emotion-packed story and tragedy of Ethel and Julius Rosenberg is a deliberate, well-organized, and persistent effort by the Communists to gain a political advantage."

APL:awn
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cc - 100-387835

53 NOV 18 1952

~~SECURITY INFORMATION~~ ~~CONFIDENTIAL~~

RECEIVED MAIL ROOM

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COMM - FBI
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- Tolson
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- Belmont
- Clegg
- Glavin
- Harbo
- Rosen
- Tracy
- Laughlin
- Nease
- Tele. Rm.
- Holloman
- Gandy

The efforts of the Communists to bring pressure on Jewish organizations to support the Rosenberg cause is borne out by an editorial in the "Daily Peoples World," a west coast Communist newspaper, June 5, 1952, issue. The editorial criticized the American Jewish Congress and the American Civil Liberties Union for upholding the Rosenberg death sentences.

It has been learned recently through a reliable informant that on October 18, 1952, a combined emergency meeting was held by fifty representatives from the "National Committee to Secure Justice in the Rosenberg Case," the Civil Rights Congress, and related groups. They agreed to join in their efforts to save the Rosenbergs. According to this informant, a campaign has been launched by these groups to secure signatures to petitions for forwarding to President Truman and the Attorney General. The Civil Rights Congress is reportedly attempting to raise \$5,000 for the Rosenberg campaign.

It has also been learned through this source that the Civil Rights Congress has communicated with the World Federation of Trade Unions, asking it to organize demonstrations throughout the world against the United States government in connection with the Rosenberg case. This informant has advised that the current line in this matter is that irrespective of the Rosenbergs' guilt or innocence, they should get the same sentences as other convicted traitors such as Earl Browder.

It is thought that you would be interested in the foregoing as indicative of the attempts by various Communist groups to make it appear that there is widespread sympathy for the Rosenbergs throughout the country and to thereby attempt to influence the President and the Department of Justice towards granting clemency for the Rosenbergs.

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. A. H. BELMONT

FROM : MR. C. E. HENNEIGH

SUBJECT: JULIUS ROSENBERG;
ETHEL ROSENBERG;
ESPIONAGE - R.

DATE: October 30, 1952

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Gandy _____

Acting Supervisor Scott Miller, New York Office, called on the morning of October 30. He advised that the person previously reported to the NYO as Rabbi Dr. Aaron Sharff has now been determined to be Rabbi Meyer Sharff. Sharff is reported to have stated on the afternoon of October 29, 1952, that he was proceeding immediately to Kansas City, and from there to Independence, Missouri, to personally seek executive clemency from the President for the Rosenbergs.

Meyer Sharff is the Rabbi of the Temple Ansha Pokatillof in Williamsburg, Brooklyn, New York. He is a member of the Rabbinical Board of Greater New York.

The National Committee to Secure Justice for the Rosenbergs has stated that Sharff came to them, unsolicited, to help save the Rosenbergs. In his speeches, Sharff claims he is not a Communist. He says he was in Russia during the Revolution and that his son was killed by the Communists. In his speeches, he attacks Judge Kaufman; says he believes the Rosenbergs are innocent; and stresses anti-Semitism in connection with the prosecution. He is 78 years of age, short in stature, and wears a long white beard. He speaks at many of the Committee rallies.

ACTION: ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/22/86 BY 3042 put-DTC G I. R. S

For your information. The files are being checked.

CEH:LL

Hotchinson, Secret Service
(White House) was advised
of above info.

RECORDED-1
INDEXED-1

NOV 3 1952

4 NOV 21 1952

EX-111

LITTON

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. A. H. BELMONT

FROM : MR. C. E. HENNRICH

SUBJECT: JULIUS ROSENBERG;
ETHEL ROSENBERG;
ESPIONAGE - R

DATE: October 30, 1952

Mr. Tolson _____
Mr. Ladd _____
Mr. Nichols _____
Mr. Belmont _____
Mr. Clegg _____
Mr. Glavin _____
Mr. Harbo _____
Mr. Rosen _____
Mr. Tracy _____
Mr. Mohr _____
Tele. Rm. _____
Mr. Nease _____
Miss Gandy _____

Acting Supervisor Scott Miller called from New York on the morning of October 30. He advised that the National Committee to Secure Justice for the Rosenbergs held a rally in Union Square on the afternoon of October 29 and that the closing speaker was Rabbi Dr. Aaron Scharff, who announced that he was leaving immediately for Kansas City, and from there to Independence, Missouri, to personally seek executive clemency from President Truman for the Rosenbergs.

Bureau files do not reflect any information identifiable with Rabbi Dr. Aaron Scharff.

RECOMMENDATION:

For your information.

LHM/CEH:dmd/lhl

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/22/86 BY 3042 put-DAC

RECORDED-1
INDEXED-1

EX - 111

NOV 3 1952

79 NOV 25 1952

Office Memorandum • UNITED STATES GOVERNMENT

TO : Director, FBI (100-345229)

DATE: 10/31/52

FROM : SAC, New York (100-80931)

SUBJECT: PAVEL IVANOVICH FEDOSIMOV
ESPIONAGE-R

Rebulet 9/29/52, requesting identification of certain individuals and that consideration be given to advisability of interviewing other individuals.

EDWARD I. ARANOW was identified in report of SA T. SCOTT MILLER dated 6/8/51, N.Y., and WILLIAM W. LANCASTER was identified in the report of SA WALTER C. ROETTING, JR. dated 4/24/52, N.Y. In view of the fact that these reports are not being prepared for dissemination (sec. N.Y. letter 2/13/51 and Bulet 3/9/51) and that subject was in contact with numerous individuals on continuing basis, this office has been eliminating repetition of identifying material. In order to call attention to previous identifications this office will in future reports, UACB, make a notation next to first mention of a contact's name, that the person was identified in a previous report.

Re proposed interview ALFRED ABRAHAM PUHN. Bureau's attention directed to pending Security Matter-C investigation on PUHN and fact that PUHN'S activities are of particular significance in connection with investigation JULIUS ROSENBERG. Consideration being given to interview PUHN in ROSENBERG case.

WCR:AP

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/22/86 BY 3042 pwt-dac

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43 NOV 13 1952

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79 NOV 18 1952

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Mohr _____
Tele. Room _____
Nease _____
Gandy _____

100-345229-71

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. A. H. BELMONT *AB*
 FROM : V. P. Keay *VPK*
 SUBJECT: JULIUS ROSENBERG;
 ETHEL ROSENBERG;
 ESPIONAGE - R

DATE: November 3, 1952 *V.P.*

Tolson ☒
 Ladd ☒
 Clegg ☒
 Glavin ☒
 Nichols ☒
 Rosen ☒
 Tracy ☒
 Harbo ☒
 Belmont ☒
 Mohr ☒
 Tele. Room ☒
 Nease ☒
 Gandy ☒

Reference is made to memorandum to you from Mr. Hennrich dated October 30, 1952, captioned as above, wherein information was set forth indicating that a Rabbi Meyer Sharff of New York was reportedly to proceed to Independence, Missouri, to personally seek executive clemency from President Truman for the Rosenbergs. Attached to this memorandum was a routing slip containing the notation (concurring in by the Director) that the White House be alerted concerning this information.

This is to advise that on October 31, 1952, Mr. Roach informed Mr. Leonard P. Hutchinson, U. S. Secret Service, White House Detail, of the information contained in referenced memorandum.

ACTION:

None. For your information.

RRR:lw

ENCLOSURE

ALL INFORMATION CONTAINED
 HEREIN IS UNCLASSIFIED
 DATE 7/22/86 BY 3042 *put-Bok*

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EX-111

165-58236-11323
 5 NOV 8 1952
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74 NOV 21 1952

FEDERAL BUREAU OF INVESTIGATION

Room 5744 10731, 1952

TO: ☒ Director
☐ Mr. Ladd
☐ Mr. Clegg
☐ Mr. Glavin
☐ Mr. Harbo
☐ Mr. Nichols
☐ Mr. Rosen
☐ Mr. Tracy
☐ Mr. Belmont
☐ Mr. Mohr
☐ Mr. Gearty
☐ Mr. Callahan
☐ Mr. Holloman
☐ Miss Gandy
☐ Personnel Files Section
☐ Records Section
☐ Mrs. Skillman

Mr. Tolson	<input checked="" type="checkbox"/>
Mr. Ladd	<input checked="" type="checkbox"/>
Mr. Clegg	<input checked="" type="checkbox"/>
Mr. Glavin	<input checked="" type="checkbox"/>
Mr. Harbo	<input checked="" type="checkbox"/>
Mr. Nichols	<input checked="" type="checkbox"/>
Mr. Rosen	<input checked="" type="checkbox"/>
Mr. Tracy	<input checked="" type="checkbox"/>
Mr. Belmont	<input checked="" type="checkbox"/>
Mr. Mohr	<input checked="" type="checkbox"/>
Mr. Gearty	<input checked="" type="checkbox"/>
Mr. Callahan	<input checked="" type="checkbox"/>
Mr. Holloman	<input checked="" type="checkbox"/>
Miss Gandy	<input checked="" type="checkbox"/>

See Me For appropriate action

Send File Note and Return

I suggest
White House be
alerted

Clyde Tolson

5-11-52

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/22-86 BY 3042 put-etc

65-58236-1323

ENCLOSURE

Office Memorandum • UNITED STATES GOVERNMENT

TO : Director, FBI (File 65-58236) DATE: Nov 14, 1952
FROM : SAC, New York (File 65-15348)
SUBJECT: Julius Rosenberg et al
Esp - R -

This case will be delinquent.

Date of Bureau deadline:

Reason for the delinquency:

*Report dictated today.
Will be submitted
as soon as transcribed.*

Date the report or necessary communication
will reach the Bureau:

AEC zone designation, e.g., OR, CH, etc.:
(This applies only to 116 cases.)

65-58236- /

63 NOV 21 1952 ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/22-86 BY 3042 jmt-dtc

LITRE/PTT

NOVEMBER 17, 1952 - URGENT

SAC, NEW YORK
CLEVELAND

JULIUS ROSENBERG, ET AL, ESPIONAGE DASH R. US SUPREME COURT
DENIED REHEARING ON APPLICATION FOR WRIT OF CERTIORARI TODAY
IN ROSENBERG AND SOBELL APPEALS. NEW YORK IMMEDIATELY
INSTITUTE FISUR OF WILLIAM PERL, MAXWELL PINESTONE, EDWARD
JAMES WEINSTEIN, WILLIAM DANZIGER AND VIVIAN GLASSMAN FATAKI
TO DETERMINE WHETHER THEY ATTEMPT TO LEAVE COUNTRY OR MAKE
UNUSUAL CONTACTS. CLEVELAND CONDUCT SIMILAR FISUR OF MICHAEL
AND ANN SIDOROVICH. NEW YORK SHOULD ALSO BE ALERT FOR UNUSUAL
ACTIVITY OF OTHER SUBJECTS PRESENTLY UNDER INVESTIGATION AS
POSSIBLY INVOLVED IN ROSENBERG NETWORK. FISUR SHOULD BE FOR
ONE WEEK AND IF NO ACTIVITY NOTED, SUBMIT RECOMMENDATIONS RE
CONTINUING SAME. IMMEDIATELY ADVISE BUREAU OF ANY IMPORTANT
DEVELOPMENTS.

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APL:BRQ
by

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

NOV 17 1952

cc - 101-2483

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1-2848-101



THE FOREIGN SERVICE
OF THE
UNITED STATES OF AMERICA
American Embassy
2 Avenue Gabriel
Paris 8, France

~~SECRET~~ - AIR COURIER

Date: November 6, 1952
To: Director, FBI (65-59312)
From: Legat, Paris (65-126)
Subject: JULIUS ROSENBERG
ESPIONAGE - R

Attached hereto as of possible interest to the Bureau is a clipping from the 10/29/52 issue of Le Soir, French Communist newspaper in Paris, which devoted almost an entire page of this issue to the ROSENBERG case. It will be noted that the feature story, the sub-title of which is "The Pathetic Adventure of Julius and Ethel Rosenberg", was written by VLADIMIR POJNER, who is well known to Bureau files.

Attachment

ROL:CM

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ON

10/22/86

per release

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INDEXED - 8

65-58236-1325
NOV 19 1952

63 DEC 16 1952

LE SECRET DE LA BOMBE

UN crime est à la
antennes de Non
complicité du silence
triers, les corps de deux
femme — s'affaisse
Gee, sur la chaise
mieux que l'auteur de

A New-York, dans le bas de l'île de Manhattan, non loin d'East-River, se dresse un groupe d'immeubles connu sous le nom de Knickerbocker Village. Il est habité par des employés, des petits commerçants, des ouvriers qualifiés, des intellectuels : des gens qui gagnent leur vie, mais la gagnent modestement.

En 1942, un jeune couple vient vivre là. Lui, a vingt-quatre ans, il est ingénieur. Sa femme, de deux ans son aînée, a été secrétaire avant leur mariage, mais elle ne travaille plus. C'est-à-dire que, comme tant de femmes de par le monde, elle ne fait que le ménage, le marché, la cuisine, la lessive, les raccommodages, et tout le reste. Au bout de deux ans, ils ont un enfant, un garçon, puis, quatre ans plus tard, un autre. La jeune femme s'en occupe elle-même. En dix ans, elle tombe malade à deux reprises, et c'est seulement alors qu'elle se fait aider par une femme de ménage.

a-t-il été volé ?

L'appartement se compose de deux pièces. Le loyer est modeste. Le mobilier provient d'amis qui ont quitté New-York pour la Californie. Pour le suite, on achètera quelques meubles, presque tous d'occasion. Une bibliothèque, par exemple, qu'un collègue a commandée et dont il n'a pas voulu : la jeune couple en est très fier, c'est ce qu'ils ont de mieux. Une console aussi, neuve celle-là, que le mari s'est procurée aux grands magasins Macy's pour la somme de 21 dollars. Les vieilleries, on les vendra à un brocanteur.

Le salaire du mari suffit tout juste à subvenir aux dépenses courantes. En onze ans, le jeune ingénieur acquerra que cinq complets, du prêt à porter, à 26 dollars : ce qu'on trouve de meilleur marché. En 1950, il porte encore la pardessus qu'il a acheté dix ans plus tôt. Sa femme a un manteau de fourrure qui n'a coûté que 80 dollars et qui a été retailé plusieurs fois : il fait froid à New-York l'hiver. C'est ce qu'elle possède de plus précieux, cela, et une montre à 30 dollars : un cadeau d'anniversaire de son mari. Lui, a un appareil photographique qu'il a gagné dans un concours.

Un couple uni

Dans la journée, on travaille. Le soir, on reste chez soi, on va au cinéma, on voit des amis, des voisins, on discute. Tous les vendredis, on va chez la mère de la jeune femme où l'on retrouve la famille. On y discute également.

C'est la guerre. Comme la plupart de ses confrères, l'ingénieur est affecté spécial dans des entreprises travaillant pour la défense nationale. Il est lui et il hait les nazis qui exterminent ses coreligionnaires. Il est progressiste et il hait le fascisme. Sa femme pense comme lui : c'est un couple uni.

Il se tiennent au courant de ce qui se fait en Union Soviétique. On y reste, les journaux en sont remplis : l'Union Soviétique est une alliée, Roosevelt et Churchill la couvrent d'éloges, et le général Mac Arthur chante les louanges de l'Armée Rouge. Le jeune ingénieur et sa compagne trouvent que l'Union Soviétique est seule à repousser l'assaut de la Wehrmacht et que le deuxième front tarde trop à s'ouvrir. Quarante-deux millions de Français, moins quelques traitres, sont du même avis. Personne en France ne peut le dire à haute voix. Il n'en est pas de même dans la libre Amérique...

Pour avoir librement exprimé ses opinions, le jeune ingénieur est accusé d'être un communiste et licencié.

Il proteste. Il va à Washington, il casse de voir son député : rien n'y fait. Alors, avec un ami et deux frères de sa femme, il fonde une petite entreprise. Au bout d'un certain temps, l'ami se retire. L'ingénieur et ses deux beaux-frères se mettent à travailler.

La pathétique aventure de Julius et Ethel ROSENBERG racontée par Vladimir POZNER

ne pouvez pas me donner d'argent, au moins faites ça pour moi.

Les dessous d'une sale histoire

Le soir, l'ingénieur en parle à sa femme. Elle est inquiète. Il s'agit de son plus jeune frère qu'elle aime beaucoup. Surtout, c'est une femme qui le tracasse pour avoir de l'argent.

— Non, dit l'ingénieur. Il doit avoir des embêtements. Je ne sais pas de quoi c'est. Il se souviennent que, quelques temps auparavant, des agents de la police fédérale — le F.B.I. — sont venus interroger le beau-frère au sujet d'un vol d'uranium. Ils se souviennent également que,

refusent. Rosenberg leur rappelle qu'ils l'ont fait venir pour lui poser des questions au sujet de son beau-frère et qu'à présent ils essaient de l'impliquer lui. Il demande à consulter un avocat.

— Nous ne vous accusons de rien, dit un inspecteur. Nous voulons vous aider, c'est tout.

— Je voudrais voir un avocat.

— Une cigarette ? Du chewing-gum ?

— Je demande à voir un avocat.

— Voudriez-vous manger quelque chose ?

Ce n'est qu'au début de l'après-midi que Rosenberg parvient à téléphoner à l'avocat de son ami, le Syndicat des Architectes et d'Ingénieurs.

L'avocat s'informe :

— Êtes-vous sous mandat d'arrêt ?

Rosenberg n'en sait rien.

— Demandez au F.B.I. si vous l'êtes.

Rosenberg se tourne vers ses accusateurs :

— Est-ce que la suite arrêtée ?

— Non.

— Alors, dit l'avocat, laissez-vous et venez dans mon bureau.

Rosenberg se lève.

Au revoir, messieurs.

Il sort. Personne ne le retient. Dans la rue, il achète le journal du soir. Il y voit la photo de David Greenglass et apprend que son beau-frère a été écroué.

Rosenberg se rend chez l'avocat, pour le consulter. Un jour se passe.

Deux jours, trois jours. La vie continue. Tous les matins, il va à son bureau. Tous les soirs, il rentre chez lui. L'idée ne lui vient jamais de partir, de se cacher. Il n'a rien à se reprocher. Il se sent



LE BAISER SOUS LES MENOTTES. — Après avoir entendu la verdict de mort et avant d'être rejoints dans leur cellule, les Rosenberg...



Le Grain de Sel
d'ANDRÉ WURMSER
Souvenir, souvenir que nous veux-tu ?

LES Rosenberg mourront-ils ? Non, disent les peuples. Si, répond le gouvernement américain. La France est sortie à son honneur de l'affaire Dreyfus, grâce à des hommes de cœur et de conscience. Zola, Péguy, Jaurès, plus coupables les uns que les autres de crimes de passion, ont été condamnés à mort pendant des mois, des années et, lorsque l'indignation universelle a atteint son comble, les exécute ; curieux pays civilisé que celui-ci, ayant assassiné Sacco et Vanzetti, craint que son crime ne soit oublié et, vingt-cinq ans plus tard, recommence.

Pour Sacco et Vanzetti, le supplice avait duré sept ans. Tout le mois d'août 1927, le juge Fuller, latvérien, revint sur sa décision, revint sur son repentir. Vaillant-Couturier intitulait un article : « Le drapau étiole à la mort ». Les matrasseurs...

Le juge avait dit : « La peau de ces bohémiens », un juge qu'aimait, comme on voit, la même passion que M. Martineau-Desbrunck. Le monde entier manifestait...

Et, sur les Français qui criaient leur indignation, au soir de l'assassinat, les flics tapaient à bras raccourcis, quelle était donc cette audace pré-attentive, quelle était la pré-attentive...

— Vous avez des embêtements ?
— Ne me demandez rien. Vous devez le faire pour moi. Si vous

Et, comme les inspecteurs s'

C'est au bout d'un mois, le 16 juillet 1950, que Julius Rosenberg est arrêté. Peu de temps après, sa femme est arrêtée à son tour. Ils sont accusés d'avoir volé et transmis à l'Union Soviétique le secret de la bombe atomique. (A suivre.)

geants armés
contraire o
empiré, je la
un quart
pour rien fa
sang, et per
seul coup
berg, celui
était louah
Juifs ? Ne
les braves
entier n'ont
cher en 182
ront aujourd
rique sache
regarde —
tica !

Et, comme les inspecteurs s'

TRANSLATION FROM FRENCH

Article in Ce Soir, French Communist newspaper in Paris, October 29, 1952 issue:

WAS THE SECRET OF THE BOMB STOLEN?

The Pathetic Adventure of JULIUS and ETHEL ROSENBERG
Told by VLADIMIR POZNER

A crime is about to be committed. Deliberate, proclaimed by all the networks of the New World, it finds in our country, the complicity of silence so that it may be carried out. If the universal conscience does not stop the murderous hands, the bodies of two innocents -- two American Jews, a man and a woman -- some November morning will collapse, shrivelled on the electric chair, like SACCO and VANZETTI, like MACGEE. Why this crime? No one could explain it better than the author of "Who Killed H. O. BURREL". J. C.

In New York, in lower Manhattan, not far from the East River, is a district known as Knickerbocker Village. It is inhabited by clerks, small business men, skilled workers, intellectuals: people who earn their living, but earn it modestly.

In 1942, a young couple comes to live there. He is 24 years old, and an engineer. His wife, two years older than he, had been a secretary before their marriage, but she no longer works. That is, like all wives throughout the world, she only keeps house, does the marketing, cooks, washes, mends, and all the rest. After two years, they have a child, a boy; then four years later they have another. The young wife takes care of them herself. In ten years she becomes sick twice, and only then does she get outside help.

It is a two-room apartment. The rent is modest. The furniture belonged to friends who left New York to go to California. Later on they will buy some furniture, almost all secondhand. For example, a bookcase that a colleague ordered and then did not want: the young couple is very proud of it. It is the best thing they have. And they have a console also, which is new, and which the husband bought in Macy's Department Store for \$21.00. The old things will be sold to a secondhand dealer.

"Translated by
MA Mary Apostol, bAd
December 12, 1952"

The husband's salary is just enough to meet running expenses. In eleven years the young engineer only has five suits, ready made, at \$26.00: the cheapest he can find. In 1951 he is still wearing the overcoat which he had bought ten years before. His wife has a fur coat which only cost \$80.00 and which has been re-styled many times: it is cold in New York in the winter. That is the most expensive thing that she owns, that and a \$30 watch: an anniversary present from her husband. He has a camera which he won in a contest.

A United Couple

During the day they work. In the evening they stay at home, go to the movies, ^{or} see their friends and neighbors, and discuss with them. Every Friday they go to the home of the young wife's mother, where they see the family. There they also have discussions.

It is war time. Like the rest of his colleagues, the engineer is specially assigned in national defense industries. He is Jewish and he hates the Nazis who exterminated the people who belonged to his faith. He is progressive and he hates fascism. His wife thinks as he does: they are a united couple.

They are informed on what is being done in the Soviet Union. Besides, the newspapers are full of it: the Soviet Union is an ally, ROOSEVELT and CHURCHILL are eulogizing it, and General MACARTHUR is singing the praises of the Red Army. The young engineer and his wife see that the Soviet Union is the only one that is driving back the Wehrmacht assault and that the second front is very late in opening. Forty-two million French, minus a few traitors, are of the same opinion. No one in France can say it aloud. It is not the same in free America...

For having freely expressed his opinions, the young engineer is accused of being a Communist and an anarchist.

He protests, he goes to Washington; he tries to see his representative: nothing comes from it. Then, with a friend and two of his wife's brothers, he starts a small business. After a while, the friend leaves. The engineer and his two brothers-in-law, the younger of the two is a mechanic, open a machine shop. The family digs deep in its pockets to lend them a little money, and they become partners with a man who puts \$15,000 into the business.

(The business) is in a bad way: the country is threatened by a crisis. The partners are obligated to give up even their salaries; they take out just enough to live on. Finally the two brothers-in-law leave the shop. The engineer remains alone; he negotiates an agreement with the silent partner, borrowing money in order to reimburse him with a thousand dollars; he signs the bills.

The youngest brother-in-law, the mechanic, and particularly his wife, make life difficult for him: they want their money back. The quarrels become more bitter. On the street one day, before witnesses, the mechanic comes to blows with his sister's husband.

In spite of this, one day he appears at the shop. He wants to talk to the engineer; he wants to talk to him confidentially: it is important.

"You must get me \$2,000," he says. "I need it immediately."

The engineer explains to him that he doesn't have any money. What is the matter?

"I need it," repeats the other, in an excited manner. "Don't ask me any questions."

Then he adds:

"If you can't help me in this way, perhaps you can do something else for me. Would you go to your doctor and ask him for a vaccination certificate?"

"Why don't you go to yours?"

"Don't ask me. I can't do it."

"It isn't right, but I'll ask my doctor if he will do it."

"Don't tell him for whom it is; while you are there, ask him if he knows what vaccinations they require for going to Mexico."

"Are you in trouble?"

"Don't ask me anything. You must do it for me. If you can't give me the money at least you can do this for me."

The Inside Details of a Nasty Story

That evening the engineer speaks to his wife. She is worried. It concerns her youngest brother whom she loves very much. Could it be his wife who is plaguing him for money?

"No," says the engineer. "He must be in trouble. I don't know what it is."

They remember that some time ago, agents of the federal police -- the F.B.I. -- had come to question the brother-in-law about a theft of uranium. They also remember that during the war the boy had been specially assigned to Los Alamos where the first atomic bomb had been made. At that time, his wife had come to ask their advice; her husband had spoken of stealing something from the Army. Was he mixed up in a shady deal? Whatever he did, they can not let him down. However, the doctor, suspecting something, refuses to give a false vaccination certificate, and the young couple do not have any money.

Some time later, the brother-in-law asks again. He absolutely has to have \$2,000.

"I've had some bad luck," he says. "I must get that money. If you do not get it for me you will regret it!"

Once again he refuses to explain anything and when the engineer goes to see him at his home, he refuses to talk.

Besides, the engineer has his own problems, problems of another type. Business is bad. From morning until evening, he tries to get orders. His wife does the housework, the washing, the cooking, and takes care of the children who are now going to school. Life is not rosy in the small apartment in Knickerbocker Village.

The young engineer is JULIUS ROSENBERG, and his wife is named ETHEL.

Before the F.B.I.

It is 1950.

On June 15, the police come to look for DAVID GREENGLASS, ROSENBERG's brother-in-law, the one who is a mechanic. The next morning they are ringing the ROSENBERGS' doorbell.

It is early. JULIUS is not dressed yet; he is helping his wife wake the children. He goes to open the door. There are two men in the hall.

"We're from the F.B.I.," says one of them. "We would like to ask you a few questions about DAVID GREENGLASS."

He lets them in and goes to consult his wife.

"If DAVID is in trouble," she says, "and you can help him, speak to the men."

JULIUS says to the police agents that he is ready to answer their questions. He shaves and dresses.

"We cannot talk here," says one of the inspectors. "Would you be willing to come to our office?"

ROSENBERG consents to go with them. There are three agents present ready to ask him questions. They discuss GREENGLASS. ROSENBERG tells them about his brother-in-law, his education and the places where he has worked. He does not mention the story of the \$2,000 and the false vaccination certificate; he does not breathe a word about his suspicions. He knows that DAVID is in the hands of the police and he tries his best not to do anything to make it worse for him.

After two hours, one of the inspectors says point-blank to him:

"Do you know that your brother-in-law has admitted that you had told him to get information for Russia?"

ROSENBERG is dumfounded.

"That's impossible."

He suspects that the F.B.I., and not his brother-in-law, is lying.

"Where is DAVID?" he asks. They refuse to tell him.

"Bring him here so he can say it in front of me!"

The police agents ask:

"And what would you do if we brought him here?"

"I would accuse him of lying!"

And since the inspectors refuse this, ROSENBERG reminds them that they made him come here to ask him questions about his brother-in-law and that now they are trying to implicate him. He demands to see a lawyer.

"We are not accusing you of anything," says one inspector. "We want to help you, that's all."

"I want to see a lawyer."

"Cigarette? Chewing gum?"

"I demand to see a lawyer."

"Would you like to eat something?"

It is not until the beginning of the afternoon that ROSENBERG succeeds in calling the lawyer of the society to which he belongs, the Society of Architects and Engineers.

The lawyer tells him:

"Are you under arrest?"

ROSENBERG doesn't know anything about it.

"Ask the F.B.I. if you are."

ROSENBERG turns to his accusers:

"Am I under arrest?"

"No".

"Then," the lawyer says, "come to my office."

ROSENBERG gets up:

"Good-bye, sirs."

He leaves. Nobody stops him.

On the street, he buys an evening paper. He sees the picture of DAVID GREENGLASS and learns that his brother-in-law has been imprisoned.

ROSENBERG goes to see the lawyer, then he goes home. One day goes by, two days, three days. Life goes on. Every morning, he goes to his office, Every evening he comes home. It never occurs to him to leave, to hide. He has nothing to blame himself for. He knows he is innocent. He has confidence in his country's justice.

Is It Right?

Is it right to blame him for not remembering that a quarter of a century earlier, in a period when the masters of his country terrorized progressive men, as an example to others, had a shoemaker and a fisherman executed for a crime they had not committed, accused by the testimony of false witnesses?

Can one reproach him for not thinking of SACCO and VANZETTI? Or, even more recent, of WILLIE MACGEE and so many other innocent blacks who were also electrocuted as an example to others? Can one be angry with him for not realizing that each time the favored classes of his country felt their privileges were being threatened, they defended themselves by provoking incidents, by false testimonies and by the electric chair? That they were careful in picking a victim from the unions when they wanted to turn public opinion against the unions, and from the blacks when they wanted to stir up race prejudice? That they were careful in choosing their martyrs from among obscure men and women, little people, in order to terrorize all the little people?

No, no one would have the heart to blame ROSENBERG for not thinking that the privileged classes in his country would ever again feel they were being threatened. Why should he? One week goes by after the visit from the F.B.I., two weeks, three weeks, and life goes on normally.

A month later, on July 16, 1950, JULIUS ROSENBERG is arrested. A short time later, his wife is also arrested. They are accused of having stolen and sent to the Soviet Union, the secret of the atomic bomb.

(To be continued).

* * *

Caption under picture:

The kiss under handcuffs. -- After hearing the death verdict and before being returned to their cell, JULIUS and ETHEL ROSENBERG embrace.

* * * * *

Article on right: (Summarized)

"Le Grain de Sel" - (The Grain of Salt). Column by ANDRE WURMSER containing a short article which compares the ROSENBERG case with the DREYFUS affair, and the SACCO and VANZETTI cases. The article continues with anti-U.S. and anti-French propaganda.



THE FOREIGN SERVICE
OF THE
UNITED STATES OF AMERICA
American Embassy
2 Avenue Gabriel
Paris 8, France

~~SECRET~~ - AIR COURIER

ul
Date: November 4, 1952 *RS*
To: Director, FBI (~~65-59312~~)
From: Legat, Paris (65-126)
Subject: JULIUS ROSENBERG
ESPIONAGE - R
Ethel Rosenberg

115
Attached hereto, as of possible interest to the Bureau in connection with the captioned subject, is an original letter dated 8/21/51 from CEDRIC BELFRAGE, editor, National Guardian, 17 Murray Street, New York 7, New York, to the editor, Tribune des Nations, 150 Avenue des Champs-Elysees, Paris.

This letter was furnished to the Paris office by [REDACTED] whose identity is known to the Bureau.

b7c, b7D

Enclosure - 1

HPW:CM

Cedric Belfrage EMPLOYED BY
(EMPL. CARD)

National Guardian

*b7c
b7D*

G.R.
4-21-55 RECORDED - 6

INDEXED - 6

65-58236-1326
NOV 18 1952

DECLASSIFIED BY 3049.001/1/2

ON 10/22/86

69
79 NOV 25 1952

August 21, 1951

Editor,
Tribune des Nations
150 Avenue des Champs-Élysées
Paris, France

Dear sir:

The implications for America and the whole civilized world of the case of Ethel and Julius Rosenberg, sentenced to death for "atom spying" of which they totally deny any knowledge, are so alarming that we ask you to give careful consideration to our editorial statement (enclosed) in which we ask: Is this the Dreyfus Case of cold-war America?

Beginning this week (first article also enclosed) the GUARDIAN will bring out the facts in a series of articles continuing until the Rosenbergs' appeal, to be heard in the late autumn.

If a terrible injustice setting a calamitous precedent is to be averted, the widest publicity for these facts is essential.

Yours very truly,

Cedric Belfrage
Cedric Belfrage,
Editor

CB:ik
ANG#3

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HEREIN IS UNCLASSIFIED

DATE 10/22/86 BY 3042 PWR/SPW

ENCLOSURE

65-58236-1326

FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE
AIR-TEL

NEW YORK, NEW YORK
NOVEMBER 10, 1952

Transmit the following Teletype message to: BUREAU

JULIUS ROSENBERG, ESP DASH R. AUSA KILSHEIMER ADVISED TODAY THAT EMANUEL BLOCH TELEPHONICALLY ASKED HIM IF HE HAD COPIES OF GOVERNMENT EXHIBITS TWO, SIX, SEVEN AND EIGHT. BLOCH ADVISED HE WISHED THE COPIES OF THESE EXHIBITS SO THAT HE COULD PRESENT THEM TO HIS EXPERTS FOR AN OPINION. THE BUREAU IS ADVISED THAT EXHIBIT NUMBER EIGHT IS A CROSS SECTION OF THE ATOM BOMB AND WAS IMPOUNDED BY ORDER OF JUDGE IRVING J. KAUFMAN. EXHIBITS NUMBER TWO, SIX AND SEVEN ARE SKETCHES OF THE LENS MOLD PREPARED BY DAVID GREENGLASS AND NO COPIES OF THESE SKETCHES WERE MADE. IT IS SUGGESTED THAT THE DEPARTMENT AND THE AEC BE ADVISED OF THE FOREGOING. IT IS BELIEVED THAT IT IS BLOCH'S INTENTION TO SECURE COPIES OF THESE EXHIBITS FOR EXAMINATION BY SCIENTISTS WITH A VIEW TO SECURE TESTIMONY THAT THEY ARE OF NO VALUE AND TO USE THE TESTIMONY OF SUCH SCIENTISTS IN A MOTION IN THE FUTURE FOR CORRECTION OF SENTENCE OR FOR CLEMENCY. THESE EXHIBITS ARE NOW WITH THE CLERK OF THE SUPREME COURT.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/22/86 BY 3042 *put DDC*

3 BUREAU

JAH:EJR (#6)
65-15348

Approved: _____
Special Agent in Charge

BOARDMAN

RECORDED - 51

cc: Mr. Belmont

EX-102

Sent _____ M Per _____

cc - Mr. Belmont

Assistant Attorney General
Charles B. Murray

November 13, 1952

Director, FBI

JULIUS ROSENBERG, et al.
ESPIONAGE - R

65-58236-1326X

RECORDED - 57
EX-102

On November 10, last, Assistant United States Attorney James Kilsheimer, of the Southern District of New York, advised our New York office that Emanuel Bloch, attorney for the Rosenbergs, had contacted him and requested copies of Government exhibits 2, 6, 7 and 8 in the Rosenberg case. Bloch stated he wished copies of these exhibits so that he could present them to his experts for an opinion.

For your information exhibits 2, 6 and 7 are sketches of the highly explosive lens mold prepared by David Greenglass. Exhibit no. 8 is a drawing of the cross section of the atom bomb drawn by Greenglass and was impounded at the trial by order of the trial Judge, Irving J. Kaufman.

The above is being brought to your attention since it may be Bloch's intention to secure copies of these exhibits for examination by scientists with the view of securing testimony from the scientists that the information furnished by Greenglass, as represented by these exhibits, was of no value, and thereafter to utilize such testimony in the future in possible applications for correction of sentence or for clemency on behalf of the Rosenbergs. It should be noted that these exhibits are in the custody of the clerk of the Supreme Court.

The Atomic Energy Commission is being advised of Bloch's request.

The above is furnished for your information.

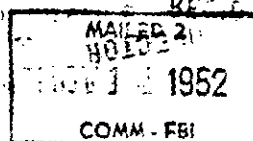
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ON 10/22/86

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NOV 25 1952
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65-58263

Date: November 13, 1952

To: Captain John A. Waters
Director of Security
Atomic Energy Commission
Room 805B
333 Third Street, N.W.
Washington, D. C.

From: John Edgar Hoover, Director
Federal Bureau of Investigation

Subject: JULIUS ROSENBERG, et al.
ESPIONAGE - R

DECLASSIFIED BY 2042 PWT/rld

ON 10/22/96

As you are probably aware, applications by the Rosenbergs to the Supreme Court to review their convictions were denied. At the present time the Rosenbergs have a new application pending before the Supreme Court for a review of their case.

This Bureau has been recently advised that the attorney for the Rosenbergs has made a request to the United States Attorney's Office in New York for copies of Government exhibits 2, 6, 7 and 8. For your information exhibits 2, 6 and 7 are sketches of the highly explosive lens mold drawn by David Greenglass, which were placed in evidence during the trial. Exhibit 8 is a drawing of a cross section of the atom bomb sketched by Greenglass which was impounded during the trial by order of the trial Judge, Irving J. Kaufman.

The above is being brought to your attention since it may be the intention of the attorney for the Rosenbergs to secure copies of these exhibits for examination by scientists with the view of securing testimony from them that the information furnished by Greenglass, as represented by these exhibits, was of no value. In the

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BY SPL MSGR.

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event the appeal before the Supreme Court is unsuccessful, the attorney will probably endeavor to utilize such testimony as the basis for an application for clemency or a correction of sentence on behalf of the Rosenbergs.

The Criminal Division of the Department of Justice has been advised of the above.

This is for your confidential information.

Mr. Tolson
Mr. E. A. Tamm
Mr. Clegg
Mr. Glavin
Mr. Ladd
Mr. Nichols
Mr. Rosen
Mr. Tracy
Mr. Carson
Mr. Coffey
Mr. Hendon
Mr. Pennington
Mr. Quinn
Mr. Nease
Mr. Gurnea
Mr. Harbo
Mr. Mohr
Mr. Winterrowd
Tele. Room
Mr. Holloman
Miss Gandy

Y INFORMATION - CONF.

to - Mr. Belmont

Assistant Attorney General
Charles B. Murray

November 17, 1952

Director, FBI

NATIONAL COMMITTEE TO SECURE
JUSTICE IN THE ROSENBERG CASE
INTERNAL SECURITY - R

Julius Rosenberg

There are being transmitted herewith for your information a pamphlet entitled "The Rosenberg Case," and a Photostat of a pamphlet entitled "Mercy for the Rosenbergs," by Abraham Cronbach, which are being distributed by subject organization.

According to an informant believed reliable, Cronbach, a rabbi, has been reported as a [REDACTED] (100-68676)

Attachment

100-387835

Acc - 65-58236

APL:aww

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ON 3-5-81

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original copy filed in 100-387835-125

November 19, 1952

8566

RE: JULIUS ROSENBERG, et al

As you are aware, Julius and Ethel Rosenberg, convicted Soviet agents who were sentenced to death, have appealed their convictions to the United States Supreme Court.

Recently the following cablegram from England was addressed to the Chief Justice of the United States Supreme Court:

"LT CHIEF JUSTICE SUPREME COURT WASHINGTONUS USA
ESPIONAGE CASE GRAVELY CONCERNED MANNER TRIAL AND VERDICT STOP
PRESTIGE OF AMERICAN JUSTICE THROUGHOUT WORLD WILL SUFFER IF
SENTENCE CARRIED OUT

GARBER AND VOWLES SOLICITORS SOHO SQUARE LONDON"

We would appreciate being advised of any information available on Garber and Vowles.

cc - 2 - Legal Attache sent 11/20/52
London, England

65-58236
cc - 1 - Mr. Ladd
cc - 1 - Mr. Belmont

cc - 1 - Foreign Service Desk

APL:mrp:jdb

Classified by 3042 BWT/10/10
Declassify on: OADR 10/24/86

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MAILED FROM

NOV 21 1952

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WHERE SHOWN OTHERWISE.

SECRET

Classified by 2317
Exempt from GDS, Category 3
Date of Declassification Indefinite

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DATE 10/22/86 BY 3046 PWT/for

~~CONFIDENTIAL MATERIAL~~ *enclosed*

ENCLOSURE

65-58236-1329

MACRAY BARR & TELEGRAPH COMPANY (INC.) DELIVERY RECEIPT

TO: CHIEF JUSTICE ASUS/30 17
ADDRESS: SUPREME COURT

SIGNATURE: [Signature]

REFERENCE: ASUS/30/EXC100

CROYDON SUREY VIA MACRAY 35 30 1720

LT CHIEF JUSTICE SUPREME COURT WASHINGTON DC
ESPIONAGE CASE GRAVELY CONCERN REARER TRIAL AND VERDICT STOP
PRESTIGE OF AMERICAN JUSTICE THROUGHOUT WORLD WILL SUFFER IF
SENTENCE CARRIED OUT

GARDNER AND WOVLES SOLICITORS 50/51 SQUARE LONDON

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DATE 10/27/86 BY 30

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. J. E. Hoover, Director
 F. B. I. - Translation Section

FROM : Mr. S. A. Andretta - Administrative Assistant Attorney General
 Correspondence Section - Room 6112

SUBJECT: *Julius & Ethel Rosenberg*
Julius & Ethel Rosenberg

DATE: November 10, 1952

A translation of the attached letter of October 22, 1952, from

A. Segal et all
 Paris, France

will be appreciated.

RECORDED - 70

SE-6 165-58236-1330

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NOV 10 1952

EXHIBIT PROCESSING

Mr. Tolson	_____
Mr. Ladd	_____
Mr. Nichols	_____
Mr. Clegg	_____
Mr. Glavin	_____
Mr. Rosen	_____
Mr. Tracy	_____
Mr. Laughlin	_____
Mr. Mohr	_____
Mr. Winterrowd	_____
Tele. Room	_____
Mr. Holloman	_____
Miss Gandy	_____

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RE 7-41

Mr. S. A. Andretta - Administrative Assistant
Attorney General (Correspondence Section - Room 6112)
Director, FBI

November 13, 1952

A. Segal et all
Paris, France

RECORDED - 70

65-58236-1330

INDEXED - 70

Attached is the translation which you requested by letter dated November 6, 1952.

The foreign language material is being returned herewith.

Enclosure

T-14484

DFC:jen

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TRANSLATION FROM FRENCH

Paris October 22, 1952

Mr. Attorney General of the Law Court of Washington

In the 16th District of Paris, some mothers of families met together at the time of the opening of schools, and they thought with great sorrow concerning the fate of the two children of JULES and of ETHEL ROSENBERG.

They are appealing to the American people's sense of justice and humanity, so that the horror of this execution may be avoided.

We, French mothers, believe -- that after having lived through the horrors of war on our soil, when so many children have become orphans owing to the frightful HITLER racial persecution, when today so many children are still dying or losing their parents owing to the wars -- it is impossible to think that the American people will want to add two more innocent victims to the already too long list of child martyrs.

Allow us, Mr. Attorney General, to express to you our firm hope,

(signed) A. SEGAL,	L. GANTRE or GANTRE,
FRANCIEZ or FRANECEZ,	J. GETARDESON,
D. WEIL,	J. DOTAWL,
R. VAN HEZEL,	DELFALE.
BURTRANE,	

FRANCE

(Translator's note: correctness of above names is questioned.)
The envelope was posted in 17th District
of Paris, on 10/27/52, and bore no re-
turn address.

TRANSLATED BY:
DOLORES F. CRAWFORD:jcn
November 12, 1952

65-58236-1330

ENCLOSURE

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. A. H. BELMONT

DATE: November 21, 1952

FROM : MR. C. E. HENNRICH

SUBJECT: ⁽¹⁾
JULIUS ROSENBERG
ETHEL ROSENBERG
ESPIONAGE - R

Supervisor Scott Miller, New York Office, called at 11:40 a.m., November 21. He advised that Judge Kaufman had just signed the Circuit Court mandate in this case and had set the date of execution for Julius and Ethel Rosenberg for the week commencing January 12, 1953. Supervisor Miller advised that since executions in New York State are invariably effected on Thursday nights, in all probability the executions will be on January 15, 1953.

ACTION:

For your information.

CEH:LL

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DATE 7/27/86 BY 3042 put-D7C

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EX - III

165-58236-1331

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Holloman
Gandy

G.I.R. 8

Office Memorandum • UNITED STATES GOVERNMENT

TO : D. M. LADD *[initials]*
 FROM : A. H. BELMONT *[initials]*
 SUBJECT: JULIUS ROSENBERG, et al
 ESPIONAGE - R

DATE: November 17, 1952

Tolson _____
 Ladd _____
 Clegg _____
 Glavin _____
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 Rosen _____
 Tracy _____
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 Nease _____
 Gandy _____

The Washington Field Office called at approximately 3:25 P. M. today to advise that they had just learned that the Supreme Court had denied the application of Julius and Ethel Rosenberg and Morton Sobell for a rehearing of their petition for a writ of certiorari.

According to the Washington Field Office, it is their understanding that Justice Frankfurter has written a separate opinion on the decision.

On October 13, 1952, the Supreme Court denied to the subjects their petition for a writ of certiorari. On October 15, 1952, the Supreme Court granted the subjects a delay of 15 days for filing an application for a rehearing of their petition. This was filed and has been before the Supreme Court since October 30, 1952. The decision of the Court rendered today leaves the Rosenbergs and Sobell without any further legal recourse except an application to the President for a commutation of sentence.

ACTION:

This is submitted for your information.

WAB:GAS

COPY OF DECISION ATTACHED

ALL INFORMATION CONTAINED
 HEREIN IS UNCLASSIFIED
 DATE 7/22/86 BY 3042 *[initials]*

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FIVE

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. D. M. LADD
 FROM : MR. A. E. BELMONT
 SUBJECT: JULIUS ROSENBERG;
 ETHEL ROSENBERG
 ESPIONAGE - R

DATE: November 18, 1952

~~TOP SECRET~~

Tolson ✓
 Ladd ✓
 Clegg ✓
 Glavin ✓
 Nichols ✓
 Rosen ✓
 Tracy ✓
 Harbo ✓
 Belmont ✓
 Mohr ✓
 Tele. Room ✓
 Nease ✓
 Gandy ✓

G I. R. -8

PURPOSE

To consider any factors in captioned case which might tend to mitigate the offense of Ethel and Julius Rosenberg which could be furnished to appropriate government officials if the Bureau was requested to do so.

(U)

DETAILS

As you are aware, the Rosenbergs were convicted as Soviet espionage agents in the Southern District of New York and were sentenced to death by Federal Judge Irving Kaufman on April 5, 1951. Their convictions were appealed to the United States Circuit Court of Appeals for the Second Circuit, which Court unanimously affirmed their convictions on November 15, 1951. The United States Supreme Court denied a petition of the Rosenbergs for a writ of certiorari on October 13, 1952. The Supreme Court also denied their application for a rehearing on November 17, 1952. No further legal recourse is believed available to the Rosenbergs except an application to the President for a commutation of their sentence.

(U)

As you are also aware, there has been a concerted propaganda effort on the part of certain so-called pro-liberal elements and known Communist elements to put pressure on the Attorney General and the President to save the Rosenbergs. This effort will undoubtedly increase in view of the recent Supreme Court action.

(U)

OBSERVATIONS

A review of this case fails to reveal any mitigating circumstances which could be considered by appropriate government officials at the present time in weighing a plea for clemency on behalf of the Rosenbergs.

Classified by 3042 PWT/v/a

Declassify on: OADR 10/22/86

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 WHERE SHOWN OTHERWISE

APL:awn

Classified by 3385

Exempt from GDS, Category 2, 3

Date of Declassification Indefinite NOV 25 1952

65-58236

DEC 2 1952

~~TOP SECRET~~

65-58236 - 1333

~~TOP SECRET~~

Investigation in this case discloses that Rosenberg was the operating head of a large espionage group, personally handling the recruiting of agents and the collecting of data. He and his wife have been completely uncooperative since the inception of this case and in the limited interviews permitted by them they have denied espionage activities in all respects. (U)

It is pointed out that through investigation in this case and related cases, and through information made available [REDACTED] b1

[REDACTED] (S) Insufficient proof, particularly as to the nature and identity of classified material made available to the Soviets by the above individuals, have rendered their prosecution under the Federal Espionage Statutes impossible. It is felt that a complete disclosure by the Rosenbergs as to the operations of their network would supply the necessary missing links to enable successful prosecution. However, in view of their uncooperative attitude, it is felt that no factors exist which would justify them being given any clemency. (7) (U)

ACTION

None. This is for your information for possible future use. (U)

~~TOP SECRET~~

SUPREME COURT OF THE UNITED STATES

No. 111.—OCTOBER TERM, 1952.

Julius Rosenberg and Ethel } On Writ of Certiorari
Rosenberg, Petitioners, } to the United States
v. } Court of Appeals for
The United States of America. } the Second Circuit.

[November 17, 1952.]

MR. JUSTICE FRANKFURTER.

Petitioners are under death sentence, and it is not unreasonable to feel that before life is taken review should be open in the highest court of the society which has condemned them. Such right of review was the law of the land for twenty years. By § 6 of the Act of February 6, 1889, 25 Stat. 655, 656, convictions in capital cases arising under federal statutes were appealable here. But in 1911 Congress abolished the appeal as of right, and since then death sentences have come here only under the same conditions that apply to any criminal conviction in a federal court. (§§ 128, 238, 240 and 241 of the Judicial Code, 36 Stat. 1087, 1133, 1157.)

The Courts of Appeals are charged by Congress with the duty of reviewing all criminal convictions. These are courts of great authority and corresponding responsibility. The Court of Appeals for the Second Circuit was deeply conscious of its responsibility in this case. Speaking through Judge Frank it said: "Since two of the defendants must be put to death if the judgments stand, it goes without saying that we have scrutinized the record with extraordinary care to see whether it contains any of the errors asserted on this appeal." 195 F. 2d 583, 590.

After further consideration, the Court has adhered to its denial of this petition for certiorari. Misconception regarding the meaning of such a denial persists despite

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65-58236-1333
ENCLOSURE

2 ROSENBERG v. UNITED STATES.

repeated attempts at explanation. It means, and all that it means is, that there were not four members of the Court to whom the grounds on which the decision of the Court of Appeals was challenged seemed sufficiently important when judged by the standards governing the issue of the discretionary writ of certiorari. It also deserves to be repeated that the effective administration of justice precludes this Court from giving reasons, however briefly, for its denial of a petition for certiorari. I have heretofore explained the reasons that for me also militate against noting individual votes when a petition for certiorari is denied. See *Chemical & Trust Bank Co. v. Group of Institutional Investors*, 343 U. S. 982.

Numerous grounds were urged in support of this petition for certiorari; the petition for rehearing raised five additional questions. So far as these questions come within the power of this Court to adjudicate, I do not, of course, imply any opinion upon them. One of the questions, however, first raised in the petition for rehearing, is beyond the scope of the authority of this Court, and I deem it appropriate to say so. A sentence imposed by a United States district court, even though it be a death sentence, is not within the power of this Court to revise.

Supreme Court of the United States
Memorandum

_____, 194____
111 Rosenberg v. U. S.
112 Sobell v. U. S.

The motion for leave to file brief of
Dr. W. E. B. Dubois and others as amici
curiae is denied. The petitions for
rehearing are denied. Memorandum filed
by Mr. Justice Frankfurter in # 111.
Mr. Justice Black adheres to his view that
the petitions for certiorari should be
granted.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/22/86 BY 3042 pwt-bzc

65-58236-1333

ENCLOSURE

Mr. Tolson _____
 Mr. Ladd _____
 Mr. Nichols _____
 Mr. Belmont _____
 Mr. Clegg _____
 Mr. Glavin _____
 Mr. Harbo _____
 Mr. Rosen _____
 Mr. Tracy _____
 Mr. Laughlin _____
 Mr. Mohr _____
 Mr. Winterrowd _____
 Tele. Room _____
 Mr. Holloman _____
 Miss Gandy _____

(ROSENBERGS).

THE SUPREME COURT REFUSED TO RECONSIDER ITS RECENT ACTION DOOMING JULIUS AND ETHEL ROSENBERG TO THE ELECTRIC CHAIR AS ATOMIC SPIES.

11/17--JE1250P

ALL INFORMATION CONTAINED
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65-58286-1333

ENCLOSURE

WASHINGTON CITY NEWS SERVICE

Mr. Tolson _____
 Mr. Ladd _____
 Mr. Nichols _____
 Mr. Belmont _____
 Mr. Clegg _____
 Mr. Glavin _____
 Mr. Harbo _____
 Mr. Rosen _____
 Mr. Tracy _____
 Mr. Laughlin _____
 Mr. Mohr _____
 Mr. Winterrowd _____
 Tele. Room _____
 Mr. Holloman _____
 Miss Gandy _____

ADD 1 ROSENBERGS

THE HUSBAND AND WIFE TEAM WERE CONVICTED IN NEW YORK FEDERAL DISTRICT COURT MARCH 29, 1951 ON CHARGES OF PASSING ATOMIC SECRETS TO RUSSIA. THEY HAVE BEEN CONFINED TO THE SING SING PRISON DEATH HOUSE FOR A YEAR AND A HALF WHILE THEIR APPEAL MOVED THROUGH THE COURTS.

THE SUPREME COURT ORIGINALLY REJECTED THE ROSENBERG'S APPEAL OCT. 13, BUT DELAYED SENDING ITS MANDATE TO THE TRIAL COURT SO THE COUPLE COULD MAKE THE USUAL PLEA TO THE TRIBUNAL FOR RECONSIDERATION OF ITS ACTION.

THE HIGH BENCH NOW IS EXPECTED TO SEND ITS MANDATE TO THE TRIAL COURT IN A FEW DAYS. NORMAL PROCEDURE THEN IS FOR GOVERNMENT ATTORNEYS TO DEMAND THAT THE DEATH SENTENCE BE CARRIED OUT.

TODAY'S ACTION DOES NOT NECESSARILY SNUFF OUT THE LAST HOPE OF THE TALL ELECTRICAL ENGINEER AND HIS PETITE WIFE.

SOMETIMES, AFTER LOSING AN APPEAL, DEFENSE LAWYERS SEEK HABEAS CORPUS ACTION, ALLEGING THAT THEIR CLIENTS DID NOT RECEIVE A FAIR TRIAL.

THE ROSENBERGS ALSO COULD APPEAL TO PRESIDENT TRUMAN TO COMMUTE THE DEATH SENTENCES.

IN REFUSING TO RECONSIDER ITS EARLIER ACTION, THE SUPREME COURT ALSO: 1. DENIED A PETITION ON BEHALF OF AN ESTIMATED 50,000 INTERESTED PERSONS WHO SOUGHT TO ACT AS "FRIENDS OF THE COURT" IN THE CASE. THE SIGNATURES WERE OBTAINED BY THE NATIONAL COMMITTEE TO SECURE JUSTICE IN THE ROSENBERG CASE (1050 SIXTH AVE.) NEW YORK. THE PETITION ASKED PERMISSION TO FILE A BRIEF IN WHICH IT WAS ARGUED THAT THE ROSENBERGS DESERVED A NEW TRIAL.

2. REJECTED AN APPEAL FOR RECONSIDERATION FILED BY MORTON SOBELL, WHO DREW A 30-YEAR PRISON TERM AS AN ACCOMPLICE OF THE ROSENBERGS.

THE ROSENBERGS HAD SOUGHT RECONSIDERATION OF THE EARLIER SUPREME COURT ACTION ON GROUNDS THAT THE DEATH SENTENCES "OUTRAGE DECENCY AND OFFEND CIVILIZED CONCEPTS OF FAIR PLAY, FOUNDED AS THEY WERE ON 'MATERIALLY UNTRUE' FACTS AND EXTRAVAGANT ASSUMPTIONS."

11/17--JE1257P

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DATE 10/22/86 BY 3042 PWT/vf

AIR-TEL
FEDERAL BUREAU OF INVESTIGATION

UNITED STATES DEPARTMENT OF JUSTICE

11/21/52
NEW YORK, NEW YORK

AIR MAIL DISPATCH

Transmit the following Teletype message to: BUREAU - URGENT

JULIUS ROSENBERG, ET AL; ES DASH R. JUDGE IRVING KAUFMAN
TODAY SIGNED ORDERS ON MANDATES IN CASES OF ROSENBERG AND
SOBELL. JUDGE KAUFMAN FIXED DATE OF EXECUTION OF ROSENBERGS
DURING THE WEEK OF JANUARY TWELVE, FIFTY THREE. HEARING BEFORE
JUDGE EDWARD WEINFELD ON STAY AGAINST AG FROM REMOVING SOBELL
HEARD THIS MORNING. AFTER ARGUMENT BY MEYER AND
AUSA KILSHEIMER, WEINFELD CONTINUED THE STAY UNTIL MIDNIGHT
NOVEMBER TWENTY FIVE NEXT. WEINFELD STATED THAT HE CONSIDERED
HIS STAY IN THE GUISE OF A WRIT OF HABEAS CORPUS AD
TESTIFICANDUM. MEYER STATED THAT HE WOULD OBTAIN AN ORDER
TO SHOW CAUSE BASED ON A PETITION ON THE TWENTY FIFTH TO COMMENCE
PROCEEDINGS UNDER SECTION TWO TWO FIVE FIVE. KILSHEIMER ADVISED
THAT BLOCH WOULD FILE HIS PROCEEDINGS UNDER TWO TWO FIVE FIVE
ON THE TWENTY FOURTH NEXT. MRS. TESSIE AND RUTH GREENGLASS
HAVE ADVISED THAT RUTH AND BERNARD GREENGLASS WILL VISIT DAVID
AT LEWISBURG ON THE TWENTY SECOND. BERNARD HAS ADVISED THAT
HE WILL ASK DAVID WHETHER HE HAD BEEN COACHED OR HIS MEMORY
REFRESHED BY ANY PERSON IN THE GOVERNMENT. BERNARD KNOWS THAT

1 - NY 100-37158

JAH:MZM (#6)
65-15348

AIR MAIL DISPATCH

74 DEC 1 1952
Special Agent in Charge

Sent _____ M Per _____

ALL INFORMATION CONTAINED
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DATE 7-22-86 BY 3042 Jut-LLC

Mr. Tolson	
Mr. Ladd	
Mr. Nichols	
Mr. Belmont	
Mr. Clegg	
Mr. Glavin	
Mr. Harbo	
Mr. Rosen	
Mr. Tracy	
Mr. Egan	
Mr. Gurnea	
Mr. Hendon	
Mr. Jones	
Mr. Mumford	
Mr. Quinn	
Mr. Nease	
Miss Gandy	

RECORDED - 59 / 65-58239-1339
NOV 24 1952

FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE

Transmit the following Teletype message to:

THIS HAS NOT HAPPENED BUT WHEN HE RETURNS ON MONDAY THE
TWENTY FOURTH HE INTENDS TO TELL DAVID ROSENBERG AND EMANUEL
BLOCH OF DAVID'S STATEMENT. HE ADVISED THAT HE WILL THEN
INSIST TO DAVID ROSENBERG AND BLOCH THAT JULIUS AND ETHEL
WERE GUILTY AND THAT THEY SHOULD COOPERATE. BERNARD WILL LATER
VISIT ETHEL IN SING SING AND TELL HER THE SAME. BERNARD WILL
BE INTERVIEWED ON MONDAY BEFORE HE SPEAKS WITH BLOCH.
SURVEILLANCES ON FIVE SUBJECTS TO DATE HAS SHOWN NO UNUSUAL
CONTACTS OR ACTIVITY. IN VIEW OF FACT THAT SOBELL CANNOT BE
MOVED FOR AT LEAST ANOTHER WEEK, AND IN VIEW OF INTENDED
ACTIONS ON THE TWO TWO FIVE FIVE BY BLOCH AND MEYER, UACB
SURVEILLANCES WILL BE DISCONTINUED AS OF MIDNIGHT, NOVEMBER
TWENTY TWO.

BOARDMAN
2/13/54

cc Mr Belmont

Approved: _____
Special Agent in Charge.

Sent _____ M Per _____



THE FOREIGN SERVICE
OF THE
UNITED STATES OF AMERICA
American Embassy
2 Avenue Gabriel
Paris-8, France

~~SECRET~~ - AIR COURIER

Date: November 20, 1952
To: Director, FBI (65-59312)
From: Legat, Paris (65-126)
Subject: JULIUS ROSENBERG
ESPIONAGE - R

As of possible interest to the Bureau, there are attached hereto clippings from the 11/14/52 and 11/19/52 issues of L'Humanite, Communist newspaper in Paris, reflecting a portion of the campaign in the Party press in Paris "to save the ROSENBERGS." It will be noted that the article in the issue for 11/14/52 was written by HOWARD FAST.

Attachment

POL:CM

EX-107

2 ENCL

28

original

G.I.R-3

DECLASSIFIED BY 3046 PWT/rtd

ON

10/22/86

per release

EX-107

RECORDED - 28
INDEXED - 28
DEC 4 1952

RECORDED - 28
INDEXED - 28
DEC 1 1952

T-14639

DC/fin

12-5-52

JAN 6 1953

ENCLOSURES TO THE BUREAU:

Newspaper clippings from 11/14/52 and 11/19/52 issues of
L'Humanite.

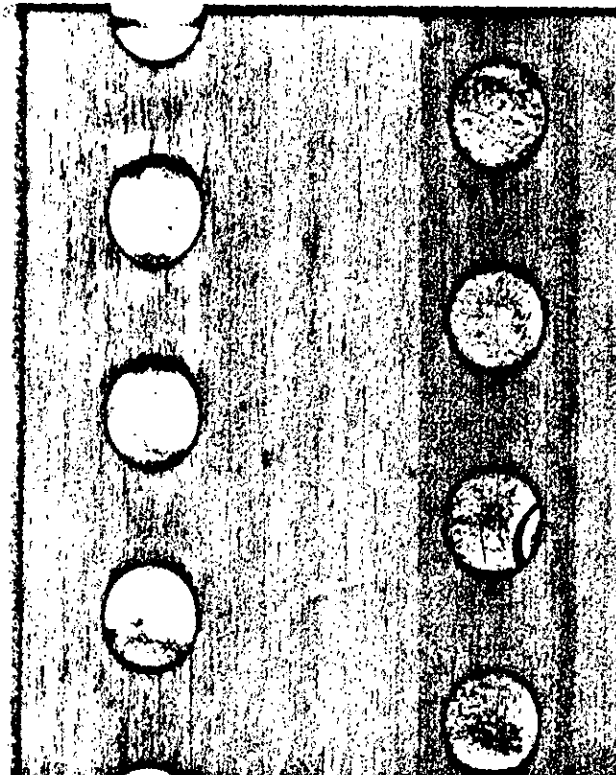
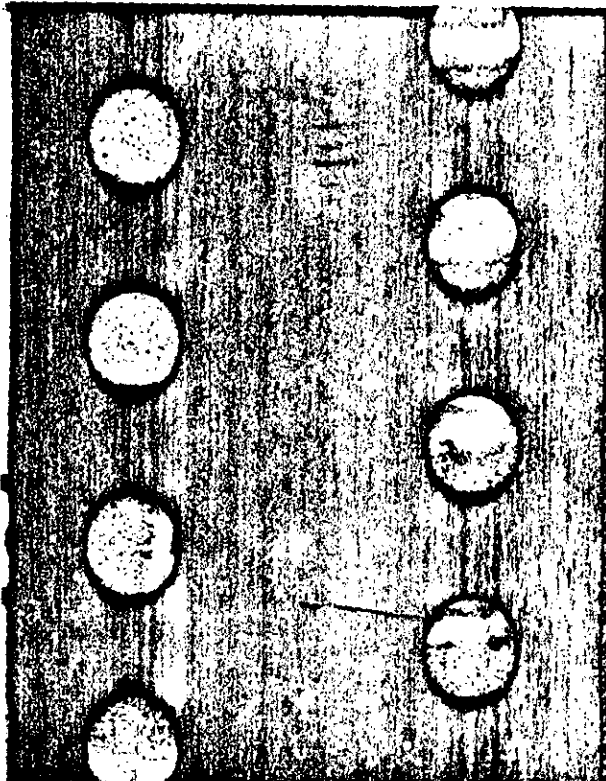
Re: JULIUS ROSENBERG
ESPIONAGE - R

Bufile 65-59312)
Paris file 65-126

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HEREIN IS UNCLASSIFIED

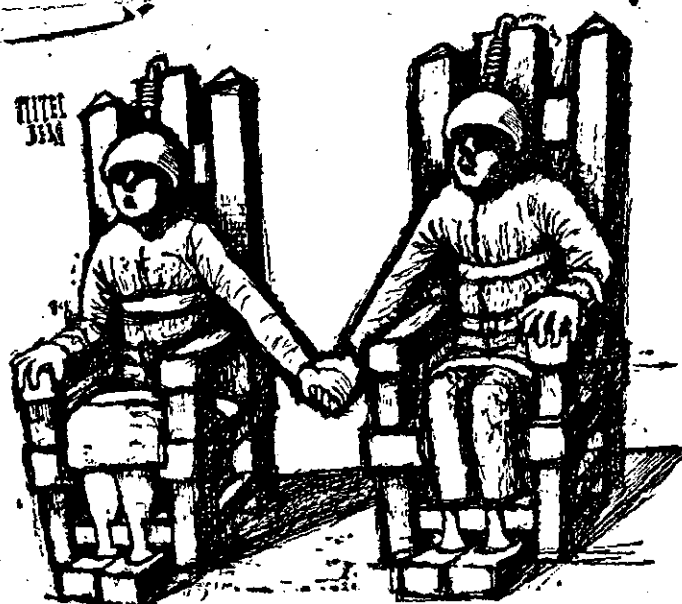
DATE 10/22/86 BY 30422/176

65-58236-1335



19 mai 52

Empêchons ce crime

PLUS QUE QUELQUES JOURS
pour sauver les

ROSENBERG

UN PRESSANT APPEL DE PICASSO

↓ C'est une question de jours ; cela peut devenir une question d'heures. La chaise électrique, à Sing-Sing, est toujours prête à fonctionner. Ethel Rosenberg, pour s'y rendre, n'aurait que quelques pas à faire : la cellule où elle est enfermée depuis près de deux ans, n'est séparée que par l'épaisseur d'un mur de la chambre des exécutions. Son mari, Julius Rosenberg, devrait traverser toute la prison ; il pourrait contempler une dernière fois ces barreaux, ces lourdes portes, ces machineries compliquées élabrées pour les plus dangereux criminels et qui servent aujourd'hui à enfermer ceux qui haïssent la mort et la guerre, ceux qui veulent la paix.

La vie d'Ethel et de Julius Rosenberg dépend maintenant d'une décision de Truman : il peut dans un délai maximum de trente jours, soit accorder la grâce, soit la refuser. S'il refuse, il donne en même temps le signal de l'exécution. Et Truman est parfaitement capable d'un tel geste : ne s'est-il pas vanté d'un ordre qui a entraîné le massacre d'Hiroshima ? Ne se fait-il pas gloire de la décision de fabriquer la bombe H ?

(Suite page 3)

**PICASSO LANCE UN
APPEL AUX INTELLEC-
TUELS DE FRANCE ET DU
MONDE ENTIER :**

**« SAUVEZ LES ROSEN-
BERG ! LES HEURES
COMPTENT, LES MINUTES
COMPTENT. NE LAISSONS
PAS COMMETTRE CE CRIME
CONTRE L'HUMANITE ! »**

PICASSO

65-58236-1335 LPH
19 nov '52

Le dernier message de Paul ÉLUARD : *"Il faut sauver la vie de Julius et d'Ethel Rosenberg. La justice et la Paix l'exigent. Je ne peux pas croire que nous tous, nous n'obtenions pas leur grâce".*

Plus que quelques jours pour sauver les Rosenberg

(Suite de la première page)

Le meurtre légal d'une mère de deux enfants promise à la chaise électrique sous le seul prétexte qu'elle a été le « soutien moral » de son mari, n'est pas pour arrêter les meurtriers de tant de mères, de tant d'enfants coréens.

Dans la bouche des dirigeants de Washington fleurissent à foison les mots de « morale, de dignité humaine, de liberté », mais leurs mains sont déjà pleines du sang de Willie Mac Gee, des Noirs de Martinville, des bébés jaunes de Corée, et pourquoi pas, alors, aussi de deux démocrates juifs ? La haine raciale et l'hystérie « antirouge » se mêlent dans le concert fasciste qui tonne à Washington, et c'est pourquoi toutes les craintes sont permises, c'est pourquoi la vie des Rosenberg est à tel point menacée.

Pour les dirigeants américains, l'assassinat des Rosenberg n'est pas seulement destiné à sanctionner à l'intérieur des Etats-Unis l'instauration de méthodes policières qui ne diffèrent que par des détails de forme des méthodes hitlériennes. Cet assassinat, pour Washington, doit donner dans le monde occidental le signal d'une terreur redoublée contre les partisans de la paix, contre tous les contradicteurs de la catastrophe politique atlantique, contre tous ceux qui oseraient préférer un autre destin

que celui qui a été réservé aux cobayes d'expérience des lies (Eniwetok).

Devant ceux qu'horrifie la mort par les armes atomiques, le gouvernement américain fait miroiter une autre mort : la chaise électrique.

C'est pourquoi il faut arracher les Rosenberg à la mort. Et c'est possible que si entre Truman et le bourreau se dresse le mur d'une formidable protestation mondiale, elle seule peut empêcher que soit donné le signal. Elle seule peut imposer la grâce. Si cette protestation venait à manquer, Ethel et Julius Rosenberg monteraient bientôt sur la chaise électrique, emportant, dans leur mort, le bonheur de leurs enfants, et aussi un fragment de nos espoirs de paix.

LE SECOURS POPULAIRE FRANÇAIS s'élève contre la décision de la Cour Suprême qui a rejeté le recours en grâce des époux Rosenberg et appelle tous ses adhérents et amis à écrire immédiatement et personnellement au président Truman, Maison Blanche, Washington (Etats-Unis) pour réclamer la grâce des innocents.

Protestations de France...

Ont envoyé des télégrammes à Truman, demandant la grâce des Rosenberg et la révision du procès : le personnel administratif de la mairie de Villejuif ; un groupe d'étudiants d'anglais et allemands de la Sorbonne ; la cellule communiste Lafont, du 19 arrondissement ; la section syndicale C.G.T. des ateliers de la R.A.T.T. de Chelzy, etc.

...et du monde entier

Les dix-neuf syndicats affiliés au Conseil démocratique des Droits d'Australie se sont engagés à « soutenir pleinement la lutte pour la révision du procès Rosenberg ». Au Canada, l'Organisation des Syndicats ; ainsi que des « ouvriers électriciens » adressé à Truman

une résolution demandant la révision du procès « devant un tribunal exempt d'hystérie anticomuniste et belléiste ». La Ligue pour les Droits Démocratiques a appelé le peuple canadien à tout faire pour sauver la vie des Rosenberg. L'Union des Droits Civiques de Toronto a organisé une campagne de protestation.

« Pour les enfants de déportés, ce serait comme si on exécutait encore une fois leurs parents... »

Dans une lettre émouvante, un de nos lecteurs, Simon Boruchowicz, nous écrit : « Comme des milliers de personnes, je suis avec angoisse la marche des événements concernant les Rosenberg. Si je suis particulièrement angoissé, c'est peut-être aussi parce que mes parents sont morts dans les camps comme déportés raciaux. S'ils exécutaient les Rosenberg, je pense que pour les enfants de déportés ce serait comme si on exécutait encore une fois les parents de l'un d'entre eux ! Dans les mêmes camps, par les mêmes hommes... »

L'indignation des femmes...

L'Union des Femmes Françaises a adressé à Truman la lettre suivante :

« L'indignation des femmes est grande devant le rejet par la Cour Suprême du pou voir d'Ethel et Julius Rosenberg.

« Au nom de la justice, au nom des principes de liberté dont votre gouvernement prétend se réclamer, nous vous demandons de gracier ce couple dont le seul crime est de vouloir la paix.

« Vous seul pouvez maintenant empêcher l'exécution des Rosenberg. Vous seul pouvez empêcher cette injustice monstrueuse qui rappellerait trop dans le cœur des hommes et des femmes de notre pays des méthodes que nous pensions ne plus connaître et que nous avons vécues sous l'occupation hitlérienne... »

« C'est pourquoi l'Union des Femmes Françaises vous demande de sauver deux vies humaines, deux innocents de l'affreux supplice de la chaise électrique ; de ne pas permettre qu'il y ait deux petits orphelins de plus... »

L'affaire ROSENBERG

par HOWARD FAST

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65-58236-135

Le grand...
cain Howard Fast, auteur de nombreux romans...
Polem et Leo-Héros Joseph...
rde, nous adresse cette lettre :

UNE campagne électorale vient juste de s'achever, et depuis quelques jours Dwight Eisenhower est désigné comme président des Etats-Unis. En tant que candidat au Congrès, dans une circonscription ouvrière de New-York, j'ai joué un rôle actif dans cette campagne électorale. Je peux dire, en connaissance de cause, qu'elle a été une campagne hantée par un spectre, de même que nous sommes une nation hantée par un spectre, celui de la plus haute, la plus terrible injustice que des hommes puissent commettre envers d'autres hommes : l'injustice d'être légalement condamnés à mort pour des crimes dont ils sont innocents.

Peu d'entre ceux qui n'appartenaient pas entièrement au mouvement progressiste ont parlé du cas Rosenberg durant cette élection. Les masses juives de notre pays votent, dans leur majorité, pour Adlai Stevenson, — et votent de cette manière à cause de leur horreur profonde et sensible du fascisme et à cause de leur refus de fascisme qu'elles avaient décelé autour d'Eisenhower — ont tenté de fermer les yeux et les oreilles devant la monstrueuse et hideuse injustice du cas Rosenberg.

Mais on ne peut fermer ses yeux et ses oreilles devant un spectacle comme celui-ci et une rumeur comme celle-ci. Julius et Ethel Rosenberg demeurent présents et très punies de nous. La date de leur exécution n'est plus. Hologée que de quelques semaines. Leur innocence est un fait qui pénètre la conscience d'un nombre chaque jour plus grand d'Américains, et leur martyre est une image de la montée du fascisme dans l'Amérique d'aujourd'hui.

QUELLE est la signification de l'affaire Rosenberg ? Beaucoup de gens disent que c'est l'affaire Sacco et Vanzetti de notre temps. Mais elle diffère de l'affaire Sacco et Vanzetti par des aspects subtils, mais importants. Elle en diffère comme le temps diffère. Alors que Sacco et Vanzetti ont été mis à mort en tant qu'otages de la classe ouvrière et comme pour menacer les travailleurs s'ils continuaient à combattre trop vigoureusement pour leurs droits, Julius et Ethel Rosenberg sont promis à la mort en tant qu'otages du Mouvement de la Paix américain et comme pour menacer tous ceux qui luttent pour la paix aux Etats-Unis, tous ceux qui veulent mettre fin

à l'agression impérialiste américaine. L'idée du meurtre légal et de l'exécution d'otages est ancienne en Amérique, et bon nombre de bords et grands Américains ont été assassinés par la machine gouvernementale : John Brown et ses hommes, les martyrs de Haymarket, les mineurs de Pennsylvania et ce qui est resté dans les mémoires sous le vocable de pendaisons de Molle Mac Guire : les sept moines de Martinsville (Virginie) et beaucoup, beaucoup d'autres. Ce n'est pas une chose nouvelle pour la classe dirigeante des Etats-Unis, ouvrage et brutale, de prendre les otages et de les mettre à mort. Ce qu'il y a de nouveau aujourd'hui c'est qu'il s'agit d'otages du Mouvement de la Paix.

EXAMINONS rapidement l'affaire Rosenberg. Lui, Julius, était un modeste ingénieur. Elle a été impliquée dans l'affaire parce qu'elle en sa femme. Ils vivaient jadis très paisiblement et simplement dans un quartier ouvrier de New-York avec leurs deux enfants. Ils étaient juifs, d'opinions progressistes, mais pas communistes pour autant qu'on le sache. Ils étaient gens d'honnêteté et de principes, et ils avaient un extraordinaire et courageux sens de l'honneur.

Mme Rosenberg avait un frère. Son nom était David Greenglass. Il fut impliqué dans un vol commis dans un laboratoire gouvernemental de la bombe atomique. Lorsqu'il fut arrêté, il se trouva devant le risque d'une peine très forte, ainsi que sa femme.

Greenglass fit des aveux. Il fut appelé, comme avocat, au regard du mouvement progressiste John Rogge. Sur quoi, un jour, grâce à l'intervention de Rogge, un marché fut conclu, aux termes duquel Greenglass fut condamné qu'à quinze ans de prison, et sa femme fut libérée. En échange, il témoigna que Julius et Ethel Rosenberg étaient les dirigeants d'un réseau d'espionnage.

L'explication en est assez claire. Greenglass, espion, n'avait aucune valeur de propagande. Il n'était rien, sa femme n'était rien, et ils n'avaient aucun lien avec le mouvement progressiste. Mais sa sœur était mariée à un ingénieur qui avait un minimum de contacts avec le mouvement progressiste. La chose prit alors une grosse valeur de propagande pour le ministère de la Justice. David Greenglass apporta son témoignage, sa femme fut libérée, et Julius et Ethel Rosenberg furent condamnés à mort.

On ne faut pas oublier une chose importante : c'est qu'aucune preuve, excepté les pa-

roles incontrôlés de Greenglass, ne fut produite contre eux. Aucun lien entre eux et les recherches atomiques ne fut jamais établi, sauf dans les paroles incontrôlées de Greenglass. Et il faut également noter que Irving Saypol, qui est juif et l'un des plus faustiques et haineux anticommunistes d'Amérique, a été choisi comme procureur, tandis qu'un autre anticommuniste, le juge Irving Kaufman, a été choisi pour prononcer la sentence de mort. De cette façon on peut prétendre



Julius ROSENBERG, qui vient d'entendre sa condamnation à mort, au cours de son transfert dans une cellule de la prison de Sing-Sing.

que des juifs ont jugé des juifs, et que des juifs ont été envoyés à la mort. Ainsi la vieille technique du Judenrat (tribunal juif), que Hitler a employée, a été utilisée à nouveau en Amérique par l'administration Truman.

Quel était le but du procès et du verdict contre les Rosenberg ? Il y en a de nombreux, et j'en dirai quelques-uns. D'abord cela a servi à aviser le feu naissant de l'antisémitisme, qui est un élément général de propagande des dirigeants des deux partis américains. Ensuite cela a servi à répondre l'accusation calomnieuse que les communistes américains sont des agents de l'étranger et des espions. Bien qu'il ait jamais été prouvé que Julius Rosenberg fut membre du Parti Communiste, il y a de bonnes raisons de croire que des efforts ont été faits pour obtenir que

les Rosenberg signent des documents impliquant dans l'affaire les dirigeants nationaux — actuellement emprisonnés — du Parti Communiste des Etats-Unis. Ce sera à jamais l'honneur des Rosenberg d'avoir eu le courage de résister à de telles pressions. Cependant il est intéressant de remarquer que l'affaire Rosenberg s'est déroulée en même temps que le procès des onze dirigeants du Parti Communiste. Un autre objectif de la persécution des Rosenberg, et peut-être le plus important, fut de démontrer au Mouvement de la Paix américain qu'en même temps que des peines d'emprisonnement, la peine de mort pouvait être prononcée contre ceux qui croient en la coexistence pacifique de l'U.R.S.S. et des Etats-Unis.

Cette menace était dirigée notamment contre les juifs, car les aspirations vers la paix des grandes masses juives américaines sont solides et, à l'occasion, militantes.

LES objectifs de ceux qui montèrent l'affaire Rosenberg furent en partie atteints. Aucune affaire, dans la période d'après guerre, n'a autant fait pour semer la terreur parmi les minorités américaines que le cas Rosenberg. Quand l'affaire a éclaté, un voile de peur, tel que je n'en avais jamais vu auparavant, a semblé couvrir les masses juives. Et cette peur n'a pas été limitée aux juifs américains. La sauvagerie de la persécution gouvernementale, l'outrage avec laquelle l'affaire a été menée ont servi à renforcer ce courant de peur.

Des centaines d'intellectuels américains ont pensé qu'ils ne pouvaient sauver leur propre vie qu'en condamnant les Rosenberg. Et c'est ainsi que nous avons assisté à l'un des spectacles les plus dégradants de l'histoire moderne. J'ai entendu des dirigeants syndicalistes de droite dire tout bas qu'ils avaient que les Rosenberg étaient innocents, mais plaider l'impuissance dès qu'il était question d'une déclaration ou d'une action publique. Un grand nombre d'intellectuels, des hommes qui ont des poins de coté internationale, ont confié en privé qu'ils étaient certains de l'innocence des Rosenberg, mais qu'ils craignaient cependant de le déclarer tout haut. Nous n'avons pas ici, jusqu'à présent, ce que nous avons vu au temps de Sacco et Vanzetti : le rassemblement d'un large mouvement d'opinion en faveur des deux innocents. Au contraire, les Rosenberg ne sont soutenus, pour le moment, que par les forces progressistes et quelques autres qui défient la mort, dans une situation politique de semi-fascisme, de terreur policière et d'intimidation.

CEPENDANT il y a des hommes éminents et de grand courage qui se sont dressés en faveur des Rosenberg. Plusieurs rabbins qui dirigent des communautés d'ouvriers juifs ont fait des déclarations, apportant leur soutien au Rosenberg. Quelques pasteurs ont pris une position analogue. Une poignée d'artistes et d'écrivains en ont fait autant. Le rôle des intellectuels ici est bien illustré par l'action de Waldo Frank. Séparé du mouvement progressiste pendant des années, Waldo Frank s'en est rapproché pour venir appuyer les Rosenberg. Mais il est dans un exil qu'il s'est imposé lui-même, hors des Etats-Unis, et c'est pourquoi il peut prendre une telle position avec moins de peur que les intellectuels vivant en Amérique. D'autres personnes à qui je me suis adressé m'ont dit franchement que la peur et la terreur, et le souci de leur propre situation, les empêchaient de se prononcer publiquement pour les Rosenberg.

Il est particulièrement honnête que cette attitude soit si largement répandue parmi les dirigeants syndicaux. La corruption dans la direction de notre grand mouvement syndical a fait son œuvre lentement et régulièrement depuis presque dix ans. Placés en face de l'affaire Rosenberg qui marque si implicitement le destin qui les menace dans un proche avenir, ils se trouvent dans une terrible contradiction et n'ont pas jusqu'à présent réussi à la résoudre par un geste de courage ou par fermeté de principes.

Tout ceci constitue l'arrière-plan de l'affaire Rosenberg. Comme je l'ai déjà dit, Ethel et Julius Rosenberg sont gens courageux, bons, et honnêtes. Ils sont innocents. Ils sont détenus comme otages pour tout le Mouvement Mondial de la Paix. S'ils meurent, le prix que les forces éprises de paix dans le monde paieront pour cette mort sera terrible.

C'est pourquoi je m'adresse pas seulement ici une déclaration concernant l'affaire, mais un plaidoyer fervent pour que tout soit mis en œuvre afin que les Rosenberg ne meurent pas. Je demande à ceux qui aiment la paix d'écrire et de télégraphier au président des Etats-Unis, en faisant appel à lui pour qu'il commue la sentence de mort prononcée contre les Rosenberg.

C'est un mot d'ordre urgent pour le Mouvement de la Paix en Amérique aujourd'hui : les Rosenberg ne doivent pas mourir ! S'ils meurent, trop d'humanité mourront avec eux. Nous nous tournons vers vous pour avoir appui et soutien. Aidez-nous à sauver Julius et Ethel Rosenberg !

TRANSLATION FROM FRENCH

L'HUMANITE

Issue of November 14, 1952

THE ROSENBERG CASEBy HOWARD FAST

The great American writer, HOWARD FAST, author of numerous works, among them TOM PAINE and Tormented Heroes (lit.), sent us this letter:

An election campaign has just ended and a few days ago DWIGHT EISENHOWER was elected President of the U.S. As a congressional candidate from a labor district in New York, I played an active role in this election campaign. I can say, being fully acquainted with the matter, that it has been a campaign haunted by a specter, in the same way as we are a nation haunted by a specter, that of the highest, the most terrible injustice that men can commit against other men: the injustice of being legally condemned to death for "crimes" of which they are innocent.

A few among those who do not belong entirely to the progressive movement have talked about the ROSENBERG case during this election. The Jewish masses of our country, voting in the main for ADLAI STEVENSON - and voting this way because of their deep and keen abhorrence of fascism and because of the stale smell of fascism which they detected around EISENHOWER - have tried to close their eyes and ears to the monstrous and hideous injustice of the ROSENBERG case.

But one cannot close his eyes and ears before a spectacle such as this and a clamor such as this. JULIUS and ETHEL ROSENBERG are very much with us, and are very close to us. The date of their execution is no more than a few weeks removed. Their innocence is a fact which is daily penetrating the conscience of an increasing number of Americans, and their martyrdom is a picture of the rise of fascism in America today.

What is the meaning of the ROSENBERG case? Many people are saying that it is the SACCO and VANZETTI case of our time. But it differs from the SACCO and VANZETTI case in some subtle, but important, aspects. It differs just as the time differs. While SACCO and VANZETTI were put to death as hostages of the working class and in order to threaten the workers should they continue to fight too vigorously for their rights, JULIUS and ETHEL ROSENBERG are scheduled to die as hostages of the American Peace Movement and as a threat to all those who are fighting for peace in the U.S., all those who want to put an end to American imperialist aggression in Korea.

TRANSLATED BY:

m.o. MIKE OLIVICH:bad
December 19, 1952

ALL INFORMATION CONTAINED
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DATE 10/22/86 BY 3042 PWT/SPD

65-58236-1335
enclosure

The idea of legal murder and the persecution of hostages is an old American practice, and a goodly number of fine and great Americans have been assassinated by the government machine: JOHN BROWN and his men, the Haymarket martyrs, the miners of Pennsylvania and that which has remained designated in memory as the MOLLY MAGUIRE hangings: the seven Negroes of Martinsville (Virginia) and many, many others. It is nothing new for the ruling class of the U.S., savage and brutal class that it is, to seize hostages and put them to death. The thing which is new today is that it concerns hostages of the Peace Movement.

Let us quickly re-examine the ROSENBERG case. He, JULIUS, was an unassuming engineer. She has been implicated in the case only because she is his wife. They have been living very peacefully and simply in a working section of New York together with their two children. They were Jews with the opinions of progressives, but they were not communists to the best of anyone's knowledge. They were people of honesty and principle and they had an unusual and courageous sense of honor.

Mrs. ROSENBERG had a brother. His name was DAVID GREENGLASS. He was implicated in a theft committed in a government atom bomb laboratory. At the time he was arrested he found himself faced with a risk of a very severe penalty, in the same manner as his wife.

GREENGLASS confessed. He appealed to JOHN ROGGE, a renegade from the progressive movement, to be his attorney. Whereupon, one day, thanks to ROGGE's intervention, a bargain was concluded according to the terms of which GREENGLASS was sentenced to only 15 years in prison while his wife was released. In exchange, he testified that JULIUS and ETHEL ROSENBERG were the leaders of an espionage network.

The explanation of this is sufficiently clear. GREENGLASS, a spy, had no propaganda value. He was nothing, his wife was nothing and they had no connections with the progressive movement. But his sister was married to an engineer who had a minimum of contacts with the progressive movement. The matter then assumed a great propaganda value for the Minister of "Justice." DAVID GREENGLASS produced his testimony, his wife was set free and JULIUS and ETHEL ROSENBERG were sentenced to death.

One must not forget one important thing: it is that no proof, except the unverified words of GREENGLASS, was produced against them. No connection between them and atomic researches was ever established, save in the unverified remarks of GREENGLASS. And at the same time it is necessary to note that IRVING SAYPOL, who is a Jew and one of the most fanatic and malignant anti-communists of America, was selected as prosecutor while another anti-communist, Judge IRVING KAUFMANN, was selected to pronounce the sentence of death. In this manner it can be maintained that Jews have been judged by Jews and that Jews have been sent to death by other Jews. Exactly the old technique of the Jewish Tribunal employed by HITLER has been used again in America by the TRUMAN administration.

What was the purpose of the trial and the verdict against the ROSENBERGS? There are many of them and I shall mention several. At first, it served to fan the growing fire of anti-Semitism, which is a common element of propaganda of the leaders of both American parties. Then it served to spread the slanderous charge that American communists are foreign agents and spies. Although it had never been proved that JULIUS ROSENBERG was a member of the Communist Party, there are good reasons to believe that efforts have been made to get the ROSENBERGS to sign documents involving them in the case of the national leaders - currently imprisoned - of the Communist Party of the U.S. It will ever be to the honor of the ROSENBERGS for having had the courage to resist such pressures. Nevertheless, it is interesting to observe that the ROSENBERG case unfolded at the same time as the trial of the eleven leaders of the Communist Party. Another objective of the prosecution of the ROSENBERGS, and perhaps the most important, was to point out to the American Peace Movement that simultaneously with the handing down of prison sentences the death penalty could be pronounced against those who believe in the peaceful co-existence of the USSR and the US.

This threat was directed notably against the Jews, for the aspirations toward peace of large masses of American Jews are solid, and, when the opportunity arises, militant.

The objectives of those who concocted the ROSENBERG case were partly realized. No case, in the postwar period, has done as much to sow terror among American minorities as the ROSENBERG case. When the affair broke out, a mask of fear such as I had never seen before seemed to cover the Jewish masses. And this fear has not been limited to American Jews. The savagery of the government's prosecution, the excess with which the affair has been conducted, have served to reinforce this current of fear. Hundreds of American intellectuals thought that they would be able to save their own lives only by condemning the ROSENBERGS. And so it was that we had assisted in one of the most degrading spectacles of modern history. I heard right wing union leaders whisper that they knew the ROSENBERGS were innocent, but they pleaded helplessness as soon as it became a question of making an announcement or a public action. A great number of intellectuals, men who have names of international renown, have confided to me in private that they were certain of the innocence of the ROSENBERGS, but that they were nevertheless afraid of declaring it out loud. We do not have here, as of the present, that which we saw in the time of SACCO and VANZETTI: the gathering of a large movement of opinion in favor of the two innocents. On the contrary, the ROSENBERGS are for the moment being supported only by the progressive forces and by several others who defy death, in a political situation of semi-fascism, of police terror and intimidation.

Meanwhile, there are men of prominence and of great courage who are standing up in favor of the ROSENBERGS. Several rabbis who direct Jewish working communities have made announcements advancing their support of the ROSENBERGS. Several pastors have taken an analogous position. A handful of artists and writers have done as much. The role of intellectuals here is well illustrated by the action of WALDO FRANK. Separated from the progressive movement for years, WALDO FRANK has approached it in order to give support to the ROSENBERGS. But he is in an exile which he imposed upon himself, outside the U.S., and that is why he can take such a position with less fear than the intellectuals living in America. Other persons to whom I addressed myself have told me frankly that the fear and terror, and concern over their own situation, prevented them from making public announcements on behalf of the ROSENBERGS.

It is particularly disgraceful that this attitude be so largely prevalent among union leaders. Corruption in the management of our large union movement has done its work slowly and regularly for almost ten years. Set over against the ROSENBERG affair which so implicitly marks the fate which threatens them in the near future, they (union leaders) find themselves in a terrible contradiction and, up to the present time, they have not succeeded in resolving it by an act of courage or by firmness of principles.

All this constitutes a background to the ROSENBERG case. As I have already said, ETHEL and JULIUS ROSENBERG are courageous people, good and honest. They are innocent. They are being detained as hostages for the entire World Peace Movement. If they die, the price which the peace loving forces in the world will pay for this debt will be a terrible one.

That is why I am not only making a statement here concerning the affair, but a fervent speech in order that no stone may be left unturned to prevent the death of the ROSENBERGS. I asked all those who love peace to write and telegraph the President of the United States, making an appeal to him to commute the death sentence pronounced against the ROSENBERGS.

This is an urgent watchword for the Peace Movement in America today: the ROSENBERGS must not die! If they die, too many hopes and dreams of humanity will die with them. We turn to you for support. Help us to save JULIUS and ETHEL ROSENBERG!

(Translator's Note: The caption beneath the picture appearing in this article reads as follows: JULIUS ROSENBERG, who has just heard his death sentence, in the course of his transfer to a cell in Sing-Sing.)

TRANSLATION FROM FRENCH

L'HUMANITE

Issue of November 19, 1952

PREVENT THIS CRIME

(Following this is a picture of a man and woman, apparently the ROSENBERGS, strapped in electric chairs.)

No More Than A Few Days To Save The ROSENBERGS

An Urgent Appeal by PICASSO

It is a matter of days; it can become a matter of hours. The electric chair at Sing-Sing is always ready to function. ETHEL ROSENBERG, in order to go to it, would have to take only a few steps: the cell in which she has been imprisoned for almost two years is separated from the execution chamber only by the thickness of a wall. Her husband, JULIUS ROSENBERG, would have to cross the entire prison: he would be able to look upon those bars for the last time, those heavy doors and the complicated machinery that has been elaborated for the most dangerous criminals and which today serves to confine those who hate death and the war, those who want peace.

The lives of ETHEL and of JULIUS ROSENBERG now depend upon a decision by TRUMAN: he can, within a maximum delay of 30 days, either grant them pardon or refuse to do so. If he refuses, he at the same time gives the signal for execution. And TRUMAN is perfectly capable of such an act: did he not boast of an order which brought about the massacre of Hiroshima? Did he not pride himself in the decision to manufacture the H Bomb?

The legal murder of a mother of two children sentenced to the electric chair upon the sole pretense that she had been the "moral support" of her husband is not going to stop the murderers of so many mothers, of so many Korean children.

In the mouths of the rulers in Washington words like "moral, human dignity, liberty" flourish in abundance, but their hands are already covered with the blood of WILLIE MCGEE, the Negroes of Martinsville, the yellow babies of Korea, and why not, then, also with the blood of two democratic Jews? Racial hatred and "anti-red" hysteria blend themselves in the fascist concert which is thundering in Washington, and that is why all fears are permitted, that is why the lives of the ROSENBERGS are threatened to such an extent.

For the American rulers the assassination of the ROSENBERGS is not merely destined to sanction the restoration of police methods within the U.S., methods which differ only in detail from the forms of HITLER's methods. This assassination, for Washington, is to provide the western world with the signal for a redoubled terror against the partisans of peace, against all opponents to the Atlantic political catastrophe, against all those who would dare prefer another destiny than the one which has been reserved for the guinea pig experience of the islands of Eniwetok.

To those who are in horror of death by atomic weapons, the American government holds out another death: the electric chair.

That is why it is necessary to snatch the ROSENBERGS from death. And that is possible only if a formidable wall of world protest is erected between TRUMAN and the executioner. It alone can prevent the giving of the signal. It alone can prescribe a pardon. If that protest should fail, ETHEL and JULIUS ROSENBERG would before long mount the electric chair, carrying away, upon their demise, the happiness of their children, and also a fragment of our hopes for peace. (Translator's Note: This marks the end of the newspaper article itself. The translation of other commentaries of the ROSENBERG case will now follow in the sequence in which they appear at various places throughout the above article.)

PICASSO hurls an appeal at the intellectuals of France and of the entire world:

"Save the ROSENBERGS! Hours count, minutes count. Do not allow this crime against humanity to be committed!"

PICASSO

The last message of PAUL ELUARD: "It is necessary to save the lives of JULIUS and ETHEL ROSENBERG. Justice and Peace demand it. I cannot believe that all of us, that we, cannot procure their pardon."

French People's Relief rises against the decision of The Supreme Court rejecting the appeal for mercy by the ROSENBERGS and calls upon all its adherents and friends to immediately and personally write to President TRUMAN, White House, Washington (U.S.), calling for the pardon of the innocents.

PROTESTS FROM FRANCE...

Telegrams have been sent to TRUMAN asking for the pardon of the ROSENBERGS and a review of the trial: by the administrative personnel of the municipal building in Villejuif; a group of students of English and German at the Sorbonne; the communist cell Lafont of the 16th District; the C.G.T. (General Confederation of Labor) tradeunion section in the workshops of the R.A.T.P. of Choisy, etc.

...AND FROM THE ENTIRE WORLD

The nineteen unions affiliated with the Democratic Council of Rights of Australia have undertaken to "fully support the struggle for a review of the ROSENBERG trial." In Canada, the Organization of Unions, amalgamating the electrical workers, sent TRUMAN a resolution calling for a review of the trial "before a tribunal free of anticommunist hysteria and warmongers." The League for Democratic Rights has appealed to the Canadian people to do everything they can to save the lives of the ROSENBERGS. The Civil Rights Union of Toronto has organized a protest campaign.

"FOR THE CHILDREN OF THE DEPORTEES, THIS WOULD BE AS IF
THEIR PARENTS WERE TO BE EXECUTED ONCE AGAIN..."

In a touching letter, one of our readers, SIMON BORUCHOWICZ, wrote to us: "Like thousands of persons, I am following with anxiety the development of events concerning the ROSENBERGS. If I particularly seem to have my heart in my mouth, this may also, perhaps, be due to the fact that my parents died in camps as racial deportees...if they should execute the ROSENBERGS, I think that for the children of the deportees it would be as if the parents of one of them were to be executed once again. In the same camps, by the same men..."

THE INDIGNATION OF WOMEN...

The Union of French Women sent TRUMAN the following letter:

"Feminine indignation is great in view of the rejection by the Supreme Court of the appeal by ETHEL and JULIUS ROSENBERG.

"In the name of justice, in the name of the principles of liberty which your government lays claim to, we ask you to pardon this couple whose only crime is to want peace.

"You alone can now prevent the execution of the ROSENBERGS. You alone can prevent this monstrous injustice which would remind the men and women of our country too much of the methods which we thought we would never know again and which we experienced under the Hitlerian occupation..."

"That is why the Union of French Women asks you to save these two humans, these two innocents from the frightful torture of the electric chair; do not permit that there should be two more little orphans..."

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

NOV 19 1952

TELETYPE

Mr. Tolson	
Mr. Ladd	
Mr. Nichols	
Mr. Belmont	
Mr. Clegg	
Mr. Glavin	
Mr. Rosen	
Mr. Tracy	
Mr. Harbo	
Mr. Mohr	
Mr. Winterrowd	
Tele. Room	
Mr. Holloman	
Miss Gandy	

FBI NYC

11-19-52

9-06 PM

JCS

DIRECTOR

URGENT

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DATE 7/22/86 BY 3042

JULIUS ROSENBERG, ETAL. ESP DASH R. ORDER OF SUPREME COURT
DENYING PETITIONS FOR CERTIORARI OF JULIUS AND ETHEL ROSENBERG AND
MORTON SOBELL, RECEIVED THIS AM IN CIRCUIT COURT OF APPEALS, SECOND
CIRCUIT. MANDATES OF CIRCUIT COURT OF APPEALS IN ROSENBERG AND SOBELL
CASES FILED WITH CLERK OF SOUTHERN DISTRICT ELEVEN FORTY FIVE AM.
GOVERNMENT SERVED NOTICES OF MOTION TO SETTLE ORDERS ON MANDATES
ON ATTORNEYS FOR ROSENBERGS AND SOBELL. MOTION RETURNABLE ^{Twenty First} ~~NINETEEN~~
NEXT. BUREAU IS ADVISED THAT SOBELL CANNOT BE MOVED TO ALCATRAZ
UNTIL ORDER ON MANDATE IS FILED. HOWARD N. MEYER, ATTORNEY FOR
SOBELL OBTAINED A SHOW CAUSE ORDER TODAY FROM JUDGE EDWARD WEINFELD
RETURNABLE ^{Twenty First} ~~NINETEEN~~ NEXT FOR AN ORDER RESTRAINING THE AG OR HIS
REPRESENTATIVES FROM TRANSFERRING SOBELL FROM THE FEDERAL DETENTION
HQTRS UNTIL DETERMINATION OF AN APPLICATION FOR RELIEF UNDER
TITLE TWENTY EIGHT, USC TWO TWO FIVE FIVE, WHICH HE INTENDS
TO SEEK WITHIN TEN DAYS. IN EFFECT IF GRANTED THIS ORDER WOULD
PREVENT THE TRANSFER OF SOBELL UNTIL THE DECISION ON HIS APPLICATION
UNDER TWO TWO FIVE FIVE IS HANDED DOWN. THE ORDER SIGNED BY
WEINFELD STAYED THE AG FROM TRANSFERRING SOBELL UNTIL THE HEARING

80 DEC 5 1952

END PAGE ONE

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EX-113

NOV 25 1952

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PAGE TWO

Twenty first
ON THE ~~NINETEENTH~~ NEXT. THIS ORDER FROM WEINFELD WAS OBTAINED EX PARTE. GOVERNMENT MADE APPLICATION FOR AN ORAL ARGUMENT TO BE HELD BEFORE JUDGE WEINFELD AT FIVE THIRTY PM TODAY WHEREIN GOVERNMENT WOULD ARGUE FOR JUDGE WEINFELD TO VACATE HIS ORDER. AFTER ARGUMENT JUDGE WEINFELD REFUSED TO VACATE HIS ORDER AND MOTION WILL BE HEARD ON THE *Twenty first* ~~NINETEENTH~~ NEXT. BLOCK ADVISED USA THAT HE WOULD FILE UNDER SECTION TWO TWO FIVE FIVE ON MONDAY. JUDGE IRVING R. KAUFMAN ADVISED BLOCK THAT WHEN THE ORDER ON THE MANDATE IS FILED, HE COULD SET THE DATE OF EXECUTION BETWEEN THE PERIOD OF FOUR TO EIGHT WEEKS. HE TOLD BLOCK HE WOULD FIX THE DATE OF EXECUTION DURING THE EIGHTH WEEK. BUREAU WILL BE ADVISED OF DEVELOPMENTS.

BOARDMAN

HOLD PLS

CC: MR. BELMONT
AND SUPERVISOR
DOM. INTEL. DIVISION

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. A. H. BELMONT

FROM : MR. C. E. HENRICH

SUBJECT: JULIUS ROSENBERG; ETHEL ROSENBERG
ESPIONAGE - R

DATE: November 25, 1952

Supervisor Tom McAndrews, NYO, advised on the afternoon of November 25 that AUSA Kilsheimer has stated the defense attorneys are filing affidavits from four scientists in connection with the hearing in this case on the morning of November 26. These affidavits are to the effect Greenglass could not have retained in his memory details concerning the atom bomb which he testified to during the trial of this case.

These scientists are as follows: James Gerald Crowther, 2 Myter Court, Johns Mews, John Street, London, England - scientific writer; John Desmond Bernal, 21 Torrington Square, London, England; Thomas Reeve Kaiser, Research Fellow, University of Manchester, Manchester, England; and Jacques S. Hadamard, 12 rue Emile Faguet, Paris, France - Doctor of Philosophy at the University of Paris.

AUSA Kilsheimer requested that the names of the above-named four scientists be searched through the indices of the NYO and that he be furnished with any derogatory information prior to the hearing at 10:30 a.m., November 26, 1952.

ACTION: I told Supervisor McAndrews to go ahead and search the indices of the NYO regarding these 4 individuals and to advise the Bureau promptly of any derogatory information located prior to furnishing such information to Kilsheimer.

We are searching the indices of the Bureau for any derogatory information concerning these persons, following which the information will be furnished to the NYO for referral to Kilsheimer.

RECOMMENDATION:

In the event our files are negative concerning these individuals, we will immediately dispatch cables to the Legal Attaches in London and Paris, requesting that they obtain derogatory information available through their sources. AUSA Kilsheimer will be advised of this action so, in the event he desires to defer argument pending receipt of advice from our Legal Attaches, he can do so.

CEH:LL

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DEC 8 1952

FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE

Mr. Tolson	_____
Mr. Ladd	_____
Mr. Nichols	_____
Mr. Belmont	_____
Mr. Clegg	_____
Mr. Glavin	_____
Mr. Harbo	_____
Mr. Rosen	_____
Mr. Tracy	_____
Mr. Laughlin	_____
Mr. Mohr	_____
Mr. Winterrowd	_____
Tele. Room	_____
Mr. Holloman	_____
Miss Gandy	_____

Transmit the following Teletype message to: BUREAU, NEW YORK

FBI, CLEVELAND

11/25/52 *ef 9-1*

DIRECTOR FBI AND SAC NEW YORK

JULIUS ROSENBERG, ET AL, ESPIONAGE-R. REBUTEL SEVENTEENTH INSTANT.

PHYSICAL SURVEILLANCE

STOR SINOROVICHES REFLECTS NO UNUSUAL ACTIVITY. DISCONTINUED AS OF
TWENTYFIFTH INSTANT.

SHINE

END

G.I.R.-6

JBO'L:mnc
65-2726

CC: 65-2728

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NOV 26 1952

Via Air Mail

Approved: *lwo*

Special Agent in Charge

Sent _____ M Per _____

51 DEC 9 1952

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. A. H. Belmont

DATE: November 25, 1952

FROM : C. E. Hennrich

SUBJECT: JULIUS ROSENBERG
ETHEL ROSENBERG
MORTON SOBEL
ESPIONAGE - RALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/22/86 BY 3042 Jut-DSC

Tolson	
Ladd	
Nichols	
Belmont	
Mohr	
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Nease	
Gandy	

Supervisor Thomas McAndrews called from New York on the evening of November 24. He advised that Judge Edward Weinfeld has now signed an order granting a hearing to Julius and Ethel Rosenberg and Morton Sobel, the order returnable Wednesday, November 26, 1952, at 10:30 A.M. The hearing will be for the purpose of determining if an order to vacate and set aside the sentences of the subjects should issue. Highlights of the defendants allegations which are very voluminous are:

1. Pre-trial and trial publicity by newspapers created a hostile attitude towards defendants.
2. Information was furnished to the press by the Justice Department, U. S. Attorney's Office and the FBI which developed a hostile attitude toward the defendants.
3. Indictment of William Perl during the trial proceedings prejudiced the minds of the jury.
4. Prosecution utilized false testimony in order to bring about the conviction of the defendants.
5. Court was without jurisdiction to sentence the defendants because among other things the Government alleged certain facts brought out during the trial to be secret whereas they were not secret.

It was indicated that in all possibility the defendants will not be present during the hearing.

ACTION:

The U. S. Attorney's Office is analyzing the voluminous allegations submitted by the defender and the New York Office is sending more detailed information concerning these allegations by teletype.

CEH:slw slw

RECORDED-21

65-58236-1339

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UNRECORDED COPY FILED IN 101-2482

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. TOLSON

DATE: November 21, 1952

FROM : W. R. GLAVIN

SUBJECT:

There is attached hereto United States Supreme Court Decision Number 111, entitled "Julius Rosenberg and Ethel Rosenberg, Petitioners, v. The United States of America, on Petition for Writ of Certiorari to the United States Court of Appeals for the Second Circuit."

It was stated by Mr. Justice Frankfurter that Petitioners are under death sentence, and it is not unreasonable to feel that before life is taken review should be open in the highest court of the society which has condemned them.

After further consideration, this Court had adhered to its denial of this petition for certiorari. Misconception regarding the meaning of such a denial persists despite repeated attempts at explanation. It means, and all that it means is, that there were not four members of the Court to whom the grounds on which the decision of the Court of Appeals was challenged seemed sufficiently important when judged by the standards governing the issue of the discretionary writ of certiorari. It also deserves to be repeated that the effective administration of justice precludes this Court from giving reasons, however briefly, for its denial of a petition for certiorari.

Numerous grounds were urged in support of this petition for certiorari, however, a sentence imposed by a United States district court, even though it be a death sentence, is not within the power of this Court to revise.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/22/86 BY 3042 Jmt-Btc

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EX-115

65-58236-1340

Attachment
PGT:ucs

ENCLOSURE

51 DEC 9 1952

796

SUPREME COURT OF THE UNITED STATES

No. 111.—OCTOBER TERM, 1952.

Julius Rosenberg and Ethel
Rosenberg, Petitioners,
v.
The United States of America.

On Petition for Writ
of Certiorari to the
United States Court
of Appeals for the
Second Circuit.

[November 17, 1952.]

MR. JUSTICE FRANKFURTER.

Petitioners are under death sentence, and it is not unreasonable to feel that before life is taken review should be open in the highest court of the society which has condemned them. Such right of review was the law of the land for twenty years. By § 6 of the Act of February 6, 1889, 25 Stat. 655, 656, convictions in capital cases arising under federal statutes were appealable here. But in 1911 Congress abolished the appeal as of right, and since then death sentences have come here only under the same conditions that apply to any criminal conviction in a federal court. (§§ 128, 238, 240 and 241 of the Judicial Code, 36 Stat. 1087, 1133, 1157.)

The Courts of Appeals are charged by Congress with the duty of reviewing all criminal convictions. These are courts of great authority and corresponding responsibility. The Court of Appeals for the Second Circuit was deeply conscious of its responsibility in this case. Speaking through Judge Frank it said: "Since two of the defendants must be put to death if the judgments stand, it goes without saying that we have scrutinized the record with extraordinary care to see whether it contains any of the errors asserted on this appeal." 195 F. 2d 583, 590.

After further consideration, the Court has adhered to its denial of this petition for certiorari. Misconception regarding the meaning of such a denial persists despite

repeated attempts at explanation. It means, and all that it means is, that there were not four members of the Court to whom the grounds on which the decision of the Court of Appeals was challenged seemed sufficiently important when judged by the standards governing the issue of the discretionary writ of certiorari. It also deserves to be repeated that the effective administration of justice precludes this Court from giving reasons, however briefly, for its denial of a petition for certiorari. I have heretofore explained the reasons that for me also militate against noting individual votes when a petition for certiorari is denied. See *Chemical & Trust Bank Co. v. Group of Institutional Investors*, 343 U. S. 982.

Numerous grounds were urged in support of this petition for certiorari; the petition for rehearing raised five additional questions. So far as these questions come within the power of this Court to adjudicate, I do not, of course, imply any opinion upon them. One of the questions, however, first raised in the petition for rehearing, is beyond the scope of the authority of this Court, and I deem it appropriate to say so. A sentence imposed by a United States district court, even though it be a death sentence, is not within the power of this Court to revise.



UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to
File No.

American Embassy
1, Grosvenor Square
London, W. 1

~~SECRET~~

SECRET - AIR COURIER

Date: November 21, 1952
To: Director, FBI
From: Legal Attache
London, England
Subject: JULIUS ROSENBERG
ESPIONAGE - R

(65-0-681)

jm. 9-1

G. I. R. -8

ReBulet 8-8-50.

There are attached hereto, for the information of the Bureau, copies of a letter dated November 17, 1952, which was addressed to the Legal Attache by Mr. S. LOGAN, 22 Kempsford Gardens, Earls Court, S.W. 5. Copies of the enclosure, mentioned therein, are also attached hereto.

It is to be noted that Mr. LOGAN requests his name be removed from a petition which he signed on November 16, 1952, demanding a retrial of Mr. and Mrs. JULIUS ROSENBERG.

Copies of this correspondence have also been made available to [REDACTED] This correspondence has not been acknowledged.

(S)
(X)
b1

JAC:CFJ
Enclosures

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE.

Classified by 3042 PWT/SLW
Declassify on: OADR
10/22/86

653

Classified by 2356 WAD/EAR/1/7/75
Exempt from GDS, Category 3
Date of Declassification Indefinite
RECORDED - 58
INDEXED - 53

65-58236-1341
DEC 12 1952

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COPY

22 Kempsford Gardens.
Earls Court.
S.W.5.
17.11.52

Dear Sir,

Yesterday afternoon in Hyde Park, I was approached by a very earnest young person who was obtaining signatures for a petition whose purpose - I was verbally informed, being an instrument to obtain a re-trial for two of your Nationals - Mr. and Mrs. Rosenberg.

My signature was obtained in the belief that this was a humanitarian gesture that might help two unfortunate people from a possible miscarriage of justice and the subsequent ghastly effects upon their two children.

On obtaining afterward, a leaflet upon this matter I observed that the nature of Mr. and Mrs. Rosenberg's political beliefs was obviously as important a matter as their personal plight in the eyes of the organiser of this petition.

It should be of no concern whatever whether they were Republican Democrat or any other political belief, for in a tolerant and free Nation all should be allowed to think as their reason dictated.

To me the crux of the matter is that there is a belief that these people have been accused and sentenced on evidence brought by informers.

It would seem unthinkable that a great and vigorous Nation such as the United States should on one hand pledge itself to World Peace and yet allow Totalitarian methods under any guise to enter into its legal proceedings.

Recent events have been very disturbing to outside opinion - the recent Suicide of Mr. Feller and the resignation of the President of the United Nations for instance. The events in Germany too are eloquent and require no amplification - necessity creates strange bedfellows.

I will happily sign any petition to appeal to American opinion in the matter of Mr. and Mrs. Rosenberg only if it be of a non political nature as this matter is one of the humanities not of dogmas.

Accordingly I am asking the organiser of the appeal to remove my name as politics have obviously influenced its origin.

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DATE 10/22/96 BY 60420/PLD
65 58 236-1341
enclosure

Should my name still appear upon the petition that is to be presented then you will know that it is without my consent.

Nothing would make me happier on the grounds of tolerance and humanity than to see the Rosenberg children re-united with their parents in the future and I feel sure that there are many people in the United States who from the same motives would share such sentiments if there was a suspicion of a possible miscarriage of justice.

As I indicated earlier in this letter politics seem capable of almost every interpretation and adjustment to suit the expediency of the hour hence this personal plea that their influence does not influence the minds of men when depriving others of life.

I speak as a man of thirty two with a few ideals left in spite of the last War and the subsequent tide of events and all this hysteria mistrust and passionate accusation one of another can only lead to fresh horrors with even more terrible weapons with which to wreak it.

Fear begets Fear and Truth becomes the first casualty in all Nations - I pray fervently that human tolerance may once again raise its voice in all our National and International affairs.

Having long since despaired of existing creeds and "isms" I felt impelled to write this letter in the hopes that it would explain my solicitude for two people who I am not likely ever to meet but for whom I feel deserve the full benefits of impartial justice.

Yours faithfully,

/s/ S. Logan
(S. Logan)

To. The Legal Attach'e
U. S. Embassy.
Grosvenor Square. W.1.

22 Kempsford Gardens.
Earls Court.
S.W.5.

17.11.52.

Dear Madam,

For the reasons set out in the attached letter copy -
I am requesting that you remove my name from the petition that I
signed yesterday afternoon.

As stated in the attached letter - I did not realise that
the Rosenbergs had become an instrument to further any political thought
or action.

My motive in signing was prompted from motives of humanity and
of recent years it is apparent that politics of all shades have only
brought fresh suffering and death to overburdened humanity.

I join with you however in wishing you success in your efforts
to save the lives of these unhappy people but not from the same motives.

As an individual with a conscience and incidentally one who has
always believed in true Socialism (a commodity I still wait to see) I
realise with some irony that I would be automatically an enemy of a
Socialist State as the interpretation at present stands and no doubt I
would be despatched accordingly.

We are dealing with human lives all individual in spite of the
fact that most of our problems are universal and we must make allowance
for the odd one who questions the sheeplike adherence to party orders that
do not need to be actuated by truth but rather by expediency - be they
Left or Right Wing - the evil is as far reaching.

Repeating once again my best wishes

Yours faithfully,

/s/ S. Logan
(S. Logan.)

(To The Organiser.
(Gower St. W.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10/22/86 BY 2042 awg/vh

65-58286-1841
enclosure

Office Memorandum • UNITED STATES GOVERNMENT

TO : A. H. Belmont
 FROM : W. A. Branigan *WAB*
 SUBJECT: JULIUS ROSENBERG, et al
 ESPIONAGE - R

DATE: November 26, 1952

SECRETSYNOPSIS:

ALL INFORMATION CONTAINED
 HEREIN IS UNCLASSIFIED EXCEPT
 WHERE SHOWN OTHERWISE

To briefly set out certain information appearing in available Bureau files possibly identical with John Desmond Bernal, James Gerald Crowther, Jacques S. Hadamard and Thomas Reeve Kaiser, European scientists who are filing affidavits on behalf of the Rosenbergs on 11/26/52 in connection with an application pending before Federal Judge Weinfeld, SDNY, to vacate and set aside death sentences of the Rosenbergs. Affidavits are to effect that David Greenglass could not have retained in his memory details about atom bomb to which he testified. AUSA Kilsheimer, SDNY, requested derogatory data on scientists be furnished him prior to hearing 10:30 AM, 11/26/52. To recommend NYO be telephonically furnished brief synopsis of available data to be orally furnished Kilsheimer. To recommend NYO be instructed to advise Kilsheimer this information solely for his use and not for court record since not possible to definitely state information identical with scientists filing affidavits without additional inquiry; also since information from confidential sources would require additional research and possible recontact with sources to determine possibility of utilizing information as part of court proceedings. Recommend NYO be instructed to ascertain Kilsheimer's needs and desires with respect to the type of information, if any, needed "for the record" in countervailing the effects of these affidavits.

Classified by *3042 msc/jpb*
 Declassify on: OADR
11/3/84

PURPOSE:

To furnish you with a synopsis of available data possibly identical with the four scientists filing affidavits in behalf of the defense in this case.

BACKGROUND:

By memo to you from Mr. Hennrich dated 11/25/52, you were advised of a telephone call from the NY Office on that date. NY advised that AUSA Kilsheimer, SDNY, has stated the defense attorneys are filing affidavits from four scientists in connection with the hearing on this case on the morning

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of November 26. The affidavits are to the effect David Greenglass could not have retained in his memory details of the atom bomb to which he testified. The scientists were identified as James Gerald Crowther, John Desmond Bernal, Thomas Reeve Kaiser and Jaques S. Hadamard, all Europeans. Brief identifying data was furnished. NY advised that Kilsheimer requested he be furnished with derogatory data prior to hearing set for 10:30 AM, 11/26/52.

Our indices contain numerous references possibly identical with these scientists. On the basis of a review of files available to this point, it does not appear that we have conducted any independent investigations of these scientists and the references represent data secured from confidential sources in the course of other inquiries and data received from other agencies. In order to expedite the compilation of background data, recourse has been made, where possible, to summaries of data compiled in the past, and the original sources of such data are being checked where they are not specifically set forth hereinafter. All of these scientists are Europeans residing abroad. Obviously additional inquiry would be required to establish definitely the information in our files as identical with these scientists and to determine whether the information is subject to use as a part of a court proceeding.

DETAILS:

There follows a brief summary of possibly identical data available at this point in our review of files:

John Desmond Bernal, 21 Torrington Square, London, England;

Bernal, born May 10, 1901, Ireland, has been a Fellow of the Royal Academy of Science since 1937 and in April, 1947, was a professor of Physics at Cambridge University. (Who's Who 1945; 100-203763-23 page 3)

On January 20, 1937, the Communist Party in NYC held a so-called Lenin Memorial Meeting at Madison Square Garden and offered Communist literature for sale. One of the publications on sale was "Science and Society," a Marxian quarterly, in which Bernal was listed as one of the editors. (Info appears in Summary. Source to be checked; 61-7559-899 page 4)

A weekly news letter dated March 12, 1946, issued by the Communist Party of England listed Bernal as one of the

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signers of a statement calling for a purge of collaborators in Greece fearing that efforts to create an honest election register had been unsuccessful. [REDACTED]

[REDACTED]
(Info appears in summary. Source to be checked; 64-200-228 & 214; 100-196623-78) b7D

[REDACTED]
World Federation of Scientific Workers. In October, 1946, Bernal was one of the two vice presidents of this organization. Another Governmental agency reported that in May, 1947, Bernal was elected president of the British Association of Scientific Workers. This agency stated that Bernal "has reputation of being leftist in political thinking, very favorable to USSR viewpoint on international questions, and inclined to engage in international political activities." (Info appears in summary. Source to be checked; 100-354451-1 page 2, 3) b7D

[REDACTED]
(Info appears in summary. Source to be checked; 100-203763-14 page 7) b7D

[REDACTED]
(Info appears in summary. Source checked; 100-356137-364X) b7D

Referred
TO NAVY

[REDACTED]. (100-365154-1, ONI report of 9/19/49)

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Summary

James Gerald Crowther, 2 Myter Court, John Mews, John Street, London, England;

A confidential source in March, 1949, stated

[REDACTED]

Daily Worker of 3/17/49 carried an article by Crowther on (s) the World Cultural Congress for Peace. (Source [REDACTED] summary, set forth in letter from Legat, London, 3/18/49; 100-356137-92) b1

Another Government agency on 3/15/49 identified Crowther as an author, scientific editor of Manchester Guardian and reputedly a Communist who desired to attend the Cultural Conference for World Peace in New York City. (Source - INS; 100-356137-436)

[REDACTED]

(Info appears in summary memo. Source to be checked; 100-356137-364; 100-334195-14) b7D

Jacques S. Hadamard, 12 Rue Emilie Faguet, Paris, France;

Referred to
STATE

[REDACTED]

(Memo prepared by American Embassy, Paris, for State Dept. on 3/17/50; 40-4370-5)

Confidential source advised that when [REDACTED]

[REDACTED]

whose identity cannot be disclosed under any circumstances; 100-145811) b1

Daily Worker for 4/25/39 contained an article reflecting invitation by "International Conference on Problem of the Defense of Democracy, Peace and Humanity Today" to prominent persons in art, science and literature to a meeting at Paris on 5/13 and 14/39. Professor Hadamard supported the conference. (40-39398)

- 4 - ~~SECRET~~

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Referred To
DOE

[REDACTED]

(AEC furnished above info to Supervisor Dissly on 11/25/52.) b7C

Thomas Reeve Kaiser, Research Fellow, University of Manchester, Manchester, England; Summary

A reliable confidential source advised in

[REDACTED]

S)(100-378770-3; Info from [REDACTED] (S) b1

Referred To
CIA

[REDACTED]

(S) (61-16-1528 Part I, page 35, Source, CIA)

RECOMMENDATIONS:

It is recommended that the foregoing data be telephonically furnished to the NY Office for referral to Kilsheimer with the stipulation that it is a summary of data possibly identifiable with these scientists, is not all-inclusive, and is intended to convey to Kilsheimer the general character of the information available regarding them.

It is recommended NY Office be instructed to advise Kilsheimer this information is solely for his own use and not for court record, additional inquiry would be necessary to definitely establish what information is specifically identifiable with these scientists and to check what information is subject to use as part of a court proceeding since received from confidential sources.

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It is recommended NYO be instructed to ascertain Kilsheimer's needs and desires with respect to the type of information needed "for the record" in counteracting the effects of these affidavits.

9:00 Am.
11/26

Info. furnished to
supervisor Tom MEANDRE
NYO Together with
instructions as above

Qd.

~~SECRET~~

me

Office Memorandum

UNITED STATES GOVERNMENT

TO : Mr. Tolson

DATE: November 28, 1952

FROM : L. B. Nichols

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7-22-86 BY 3042 jmt-DTCSUBJECT: ROY COHN
SPECIAL ASSISTANT ATTORNEY GENERALTolson _____
Ladd _____
Clegg _____
Glavin _____
Nichols _____
Rosen _____
Tracy _____
Harbo _____
Belmont _____
Mohr _____
Tele. Room _____
Holloman _____
Gandy _____

ASAC Whelan of the New York Office at 12:30 pm today called and in my absence talked with Wick. Whelan said Roy Cohn, Special Assistant Attorney General, has informed him that attorneys for the Rosenbergs are out to get Cohn. Cohn assumes that his office and home telephones are tapped and that his office contains hidden microphones. He asked for an FBI check.

Cohn told Whelan he has talked to Victor Riesel at some length about his suspicions. Cohn states that Senator Wiley's Office (R-Wisconsin) informed him along the same lines and suggested his (Cohn's) office may contain hidden microphones. According to Cohn, both the telephone taps and microphones have been placed on him by persons working in behalf of the Rosenbergs.

Cohn made the specific request of Whelan that the FBI make a thorough study of his home phones, office phones, and search for hidden microphones in his office. Whelan told him he would check to see what could be done.

As you recall, by memorandum dated November 24, 1952, I advised you concerning a telephone call I received from Victor Riesel, who said Judge Irving Kaufman had stated Cohn is talking considerably, and his ill-advised remarks could conceivably jeopardize the case.

RECOMMENDATION:

That this matter be referred to the Department and a decision obtained as to whether Cohn's request should be acted upon by the Bureau.

cc-Mr. Ladd
Mr. Belmont

NOTATION

REW:ptm

"

No, If Cohn follows it up again NY can make a general check."

"H"

65-58286-
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INITIALS ON ORIGINAL

ORIGINAL COPY FILED IN 62-77564-9

Mr. Ladd
Mr. Belmont

The Attorney General

December 2, 1952

Director, FBI

~~CONFIDENTIAL~~

**JULIUS ROSENBERG, et al.
ESPIONAGE - R**

It is our understanding that Mr. William Carroll, United States Marshal of the Southern District of New York, has communicated with you for authority to come to Washington for a conference concerning final arrangements for the execution of Julius and Ethel Rosenberg. Mr. Carroll has advised our New York Office that in the event the Rosenbergs indicate their desire to talk at the last moment, he will recommend to you that two of our agents be present for the purpose of interviewing them. He also stated that he wishes to settle with the Department at this time on whose authority the execution would be stayed in the event they desire to talk.

The Bureau will, of course, have agents available if interviews appear warranted and you authorize the same. You are requested to advise us of any arrangements made with Mr. Carroll so that if the occasion arises, the Bureau will be in a position to handle these interviews properly.

65-58286

G L R. 8

cc - 1 - Mr. Ross L. Malone, Jr.
Deputy Attorney General

cc - 1 - Assistant Attorney General
Charles B. Murray

APL:rmc

U.S. DEPT. OF JUSTICE

E. B. I.

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DEC 5 1952

Office Memorandum • UNITED STATES GOVERNMENT

TO : A. H. Belmont

DATE: December 2, 1952

FROM : W. V. Cleveland

SUBJECT: JULIUS ROSENBERG, et al
ESPIONAGE - RALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7-27-86 BY 3042 jmt-DK

Tolson ☒

Ladd ☒

Nichols ☒

Belmont ☒

Clegg ☒

Glavin ☒

Harbo ☒

Rosen ☒

Tracy ☒

Mohr ☒

Tele. Rm. ☒

Nease ☒

Gandy ☒

At 5:35 P.M. on 12/2/52, Supervisor Tom MacAndrews of the New York Office telephonically advised that oral arguments were heard today by Judge Ryan in connection with the petition for a stay of execution. MacAndrews advised that all arguments presented thus far have been denied by Judge Ryan. Judge Ryan has given the petitioners until Friday, December 5, 1952, to file papers in support of their position and has advised him that he is going to deny their petition for a stay of execution unless they come up with some substantial information to support their position. MacAndrews stated that Judge Ryan intends to announce his decision in connection with this matter on Monday, December 8, 1952.

ACTION:

None. The above is for your information.

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EX-115

DEC 4 1952

WVC:eme

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

DEC 1 - 1952
TELETYPE

Mr. Tolson
Mr. Ladd
Mr. Nichols
Mr. Clegg
Mr. Glavin
Mr. Harbo
Mr. Rosen
Mr. Tracy
Mr. Egan
Mr. Gurnea
Mr. Hendon
Mr. Jones
Mr. Mumford
Mr. Quinn
Mr. Nease
Tele. Room
Mr. Holloman
Miss Gandy

FBI NYC

12-1-52

10-12

PM JCS

DIRECTOR

URGENT ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7-22-86 BY 3042 put-DSCG-1

Bruford

JULIUS ROSENBERG, ET AL, ESP DASH R. HEARING UNDER SECTION TWO TWO FIVE FIVE WAS ADJOURNED TODAY BY JUDGE RYAN TO ELEVEN AM DEC TWO. ADJOURNMENT WAS GRANTED ON REQUEST OF EMANUEL BLOCK BECAUSE THE GOVERNMENT HAD NOT SERVED HIM WITH ITS REPLY AFFIDAVITS UNTIL ONE THIRTY FIVE PM TODAY. BLOCK ASKED FOR A STAY OF THE EXECUTION OF JULIUS AND ETHEL ROSENBERG. REQUEST WAS DENIED BY JUDGE RYAN ON THE GROUND THAT THERE WAS NO REASON FOR A STAY AT THIS TIME. JUDGE RYAN REQUESTED THE ATTORNEYS FOR THE GOVERNMENT AND FOR THE ROSENBERG-S AND MORTON SOBELL TO MAKE AVAILABLE TO HIM THE TRIAL RECORD AND COPIES OF ALL BRIEFS AND MEMORANDA OF LAW SUBMITTED IN ALL PROCEEDINGS IN THE COURT OF APPEALS AND THE SUPREME COURT. HE ALSO REQUESTED BLOCK AND HOWARD N. MEYER TO SUBMIT TO HIM A BRIEF SUMMARY OF THE POINTS THEY MEAN TO STRESS IN THEIR APPLICATION UNDER SECTION TWO TWO FIVE FIVE. COPIES OF THE AFFIDAVITS SUBMITTED BY MYLES J. LANE, USA, JOHN M. FOLEY, AUSA, AND DAVID SWEENEY,

YMB

CORR LINE SIX LAST WD IS "GROUND"

END PAGE ONE COPIES DESTROYED

436 NOV 9 1960

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aog:jmc*

EX-115-*RECORDED
INDEXED
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aog:jmc*

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DEC 5 1952

FINAL

PAGE TWO

DEPUTY CLERK, US DISTRICT COURT, WERE SECURED AND PHOTOSTATIC COPIES OF THE SAME TOGETHER WITH COPIES OF AFFIDAVIT OF SA JOHN A. HARRINGTON ARE BEING SUBMITTED BY SEPARATE COVER. THE BUREAU-S ATTENTION IS DIRECTED TO THE AFFIDAVIT OF JOHN M. FOLEY FILED THIS DATE PAGE TWO. QUOTE ON MARCH SIX, FIFTY ONE AT APPROX SIX FIFTEEN PM WILLIAM PERL IN THE PRESENCE OF HIS ATTORNEY, MR. RAYMOND WISE, AND IN THE PRESENCE OF SEVERAL ASSISTANT UNITED STATES ATTORNEYS AND TWO SPECIAL AGENTS OF THE FEDERAL BUREAU OF INVESTIGATION STATED THAT HE HAD LIED TO THE FBI AND THE GRAND JURY IN THAT HE HAD MINIMIZED HIS ASSOCIATIONS WITH MORTON SOBELL AND OTHER PERSONS UNQUOTE. BUREAU-S ATTENTION IS DIRECTED TO NYTEL DATED MARCH SIX, FIFTY ONE IN THE CASE OF WILLIAM PERL, ESP DASH R, WHICH REPORTS THE CONFERENCE ABOVE MENTIONED BETWEEN AUSAS, PERL AND HIS ATTORNEY AND WHICH REPORTS THAT PERL MADE NO PERTINENT DISCLOSURES. IT IS NOTED THAT THE TWO SPECIAL AGENTS REFERRED TO IN AFFIDAVIT OF FOLEY ARE SAS MAURICE W. CORCORAN AND RICHARD A. MINIHAN, BOTH OF WHOM STATE THAT THEY DID NOT HEAR PERL MAKE THE STATEMENT ABOVE MENTIONED BY AUSA FOLEY. NOTED NY FILE IN PERL CASE CONTAINS

END PAGE TWO

PAGE THREE

MEMORANDUM DATED MARCH SEVEN, FIFTY ONE COVERING THIS CONFERENCE WHICH IS QUOTED IN PART AS FOLLOWS., QUOTE ON MARCH SIX, FIFTY ONE AUSA ROY COHN HELD CONFERENCE WITH ATTORNEY, R. L. WISE AND WILLIAM PERL IN ROOM ONE ONE NINETEEN ATTENDED BY AUSAS KILSHEIMER, FOLEY, BLINDER AND SAS MINIHAN AND CORCORAN. DURING CONFERENCE, COHN ADVISED WISE AND PERL THAT PURPOSE OF CONFERENCE WAS TO OBTAIN FROM PERL ANY AVAILABLE INFO RE JULIUS ROSENBERG SINCE LATTER-S TRIAL STARTED THIS DATE. PERL MADE NO PERTINENT DISCLOSURES. HOWEVER, PERL DID STATE THAT HE HAD PREVIOUSLY LIED TO FBI AGENTS AND TO THE FEDERAL GRAND JURY, SDNY. IN RESPONSE TO COHN-S INQUIRY AS TO WHAT HE LIED ABOUT SPECIFICALLY, PERL REPLIED THAT HE HAD MINIMIZED HIS ASSOCIATIONS RE JOEL BARR AND ALFRED SARANT AND STATED IN EFFECT THAT HE THOUGHT ~~QUOTE~~ "THEY WERE A COUPLE OF RED HOT SPIES" ~~UNQUOTE~~. IN RESPONSE TO COHN-S FURTHER QUESTION AS TO WHY HE THOUGHT THEY WERE SPIES, HE SAID HE BELIEVED THIS MUST BE SO SINCE THE FBI WAS SO INTERESTED IN THEM UNQUOTE. THE FACT THAT THE AGENTS DID NOT HEAR PERL MAKE THE STATEMENTS ABOUT SOBELL AS APPEAR IN AFFIDAVIT OF AUSA FOLEY WAS MADE KNOWN TO FOLEY. HE STATED THAT HE HEARD SUCH A STATEMENT AND THAT HE WAS PREPARED

END PAGE THREE

PAGE FOUR

TO SO TESTIFY IN COURT UNDER OATH. IT IS NOTED THAT ABOVE AGENTS
WERE NOT PRESENT AT ALL TIMES DURING THE ABOVE MENTIONED CONFERENCE
SINCE IT WAS NECESSARY FOR THEM TO KEEP IN CONTACT WITH SURVEILLANCE
AGENTS ON THE STREET. AFTER HEARING IN JUDGE RYAN-S CHAMBERS TODAY,
WILLIAM CARROLL, USM, ADVISED THAT HE HAD WRITTEN TO AG FOR AUTHORITY
TO COME TO WASHINGTON FOR A CONFERENCE BETWEEN THE AG, THE DIRECTOR
OF FEDERAL BUREAU OF PRISONS, AND POSSIBLY REPRESENTATIVES OF
THE FBI AND HIMSELF. HE STATED THAT HE WANTED THIS CONFERENCE
SO THAT HE COULD MAKE FINAL ARRANGEMENTS FOR THE EXECUTION OF JULIUS
AND ETHEL ROSENBERG. HE STATED IT WAS HIS OPINION THAT THE ROSENBERGS
WOULD NOT TALK UNTIL THE VERY LAST MOMENT. HE ADVISED THAT HE
WOULD REQUEST DURING THE FORTHCOMING CONFERENCE THAT IN SUCH AN
EVENT HE WISHED TO HAVE TWO AGENTS OF THE FBI PRESENT SO THAT THEY
COULD TALK TO THE ROSENBERGS AS HE DID NOT INTEND TO DO SO.
HE STATED THAT HE WOULD ALSO WISH TO SETTLE WITH THE DEPARTMENT NOW
THAT IN THE EVENT THE ROSENBERGS DID WISH TO TALK ON WHOSE AUTHORITY
THE EXECUTION WOULD BE STAYED. HE STATED THAT HE WISHED ALL
QUESTIONS IN THIS LAST REGARD TO BE SETTLED BY OR DURING THIS
CONFERENCE. THE BUREAU WILL BE ADVISED OF FURTHER DEVELOPMENTS
OF HEARING ON DEC TWO NEXT.

BOARDMAN

END

10-26 PM OK FBI WA NRB

*Promptly advise A.G.
H.*

cc: [unclear]

Assistant Attorney General
Charles B. Murray

December 2, 1952

RECORDED - 4

Director, FBI

JULIUS ROSENBERG, et al.
ESPIONAGE - R

EX-115

DECLASSIFIED BY

SP4A PWT/r/pd

ON

10/22/86

As you are aware, a petition has been filed by the defendants under Section 2855 of the United States Code to vacate the execution of their sentences on various grounds, claiming in effect that the defendants did not secure a fair trial. This matter is now pending before United States District Judge Sylvester J. Ryan of the Southern District of New York.

One of the grounds alleged by the defendants was that the arrest of William Perl and the publicity therefrom, which occurred during the Rosenberg trial, prejudiced their case. The Government has submitted various affidavits opposing the defendants' contentions. In that connection it is noted that an affidavit has been submitted by Assistant United States Attorney John M. Foley to show the circumstances surrounding the arrest of Perl. This affidavit states in part as follows:

"On March 6, 1951, at approximately 6:15 p.m., William Perl, in the presence of his attorney, Mr. Raymond Wise, and in the presence of several Assistant United States Attorneys and two Special Agents of the Federal Bureau of Investigation stated that he had lied to the FBI and the Grand Jury in that he had minimized his associations with Morton Sobell and other persons."

Our New York Office advises that the two agents referred to in the above affidavit are Special Agents Maurice W. Corcoran and Richard A. Minihan, both of whom state that they did not hear Perl make the above statement concerning Sobell. According to the files of the New York Office, Assistant United States Attorney Roy Cohn held a conference with Perl and his attorney on March 6, 1951, which was attended by Assistant United States Attorneys Kilsheimer, Foley, Blinder, and Special Agents Minihan and Corcoran. During this conference, Cohn advised Perl and his attorney that the purpose of the conference was to obtain from Perl any available information concerning Julius Rosenberg since the Rosenberg trial was starting on that date. Perl

Tolson _____
Ladd _____
Nichols _____
Belmont _____
Clegg _____
Glavin _____
Harbo _____
Rosen _____
Tracy _____
Laughlin _____
Mohr _____
Tele. Rm. _____
Holloman _____
Gandy _____

APL:rmc

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made no pertinent disclosures. However, Perl did state that he had previously lied to FBI agents and to the Federal Grand Jury. In response to Cohn's inquiry as to what he lied about specifically, Perl replied that he had minimized his associations with Joel Barr and Alfred Sarant and stated in effect that he thought "they were a couple of red hot spies." In response to Cohn's further question as to why he thought they were spies, he said he believed this must be so since the FBI was so interested in them.

Mr. Foley has been advised by our New York Office that the agents did not hear Perl make the statement about Sobell as appearing in his affidavit. Mr. Foley advised that he himself heard such a statement and was prepared to so testify in court under oath.

It is pointed out that Agents Corcoran and Minahan have advised that they were not present at all times during the conference on March 6, 1951, since it was necessary for them to step out of the conference on occasion in connection with their work.

The above is for your information.

65-58236

Office Memorandum • UNITED STATES GOVERNMENT

TO : A. H. BELMONT
 FROM : W. A. BRANIGAN *WAB*
 SUBJECT: JULIUS ROSENBERG, et al,
 ESPIONAGE - R

DATE: November 30, 1952

CONFIDENTIAL

Tolson ☒
 Ladd ☒
 Clegg ☒
 Glavin ☒
 Nichols ☒
 Rosen ☒
 Tracy ☒
 Harbo ☒
 Mohr ☒
 Tele. Room ☒
 Nease ☒
 Gandy ☒

SYNOPSIS:

Julius and Ethel Rosenberg and Morton Sobell filed petition in support of order to show cause, returnable in District Court, Southern District of New York, December 1, 1952, alleging Government used perjured testimony of Ben Schneider, passport photographer, and David Greenglass. Schneider testified on March 27, 1951, at Rosenberg trial that he had not seen Rosenberg since May or June, 1950, when in fact, he saw Julius Rosenberg on March 26, 1951, in the courtroom. An affidavit has been prepared for Special Agent Walter C. Roetting of the New York Office setting forth the facts concerning the interview of Schneider and his identification of Rosenberg. At request of Assistant United States Attorney, Southern District of New York, facts relating to Schneider's observance of Rosenberg in the courtroom on March 26, 1951, omitted from affidavit. Greenglass drew sketches of lens mold and atom bomb from memory and defense contends impossible for him to remember enough information to prepare these sketches without outside help. Affidavits prepared for Special Agents Lewis and Frutkin to sign relating facts of Greenglass' drawing sketches of lens mold from memory without outside help on date of his arrest, June 15, 1950. Recommend we inform Criminal Division that we do not want Roetting affidavit submitted in its present form and that we inform our New York Office that Roetting affidavit should not be submitted. New York Office to be advised no objection to submitting Lewis and Frutkin affidavits.

PURPOSE:

DECLASSIFIED BY 3042 RDD/1/10

ON

10/22/86

To recommend that the Criminal Division of the Department of Justice be advised that the Bureau is not in favor of the filing of an affidavit by Special Agent Walter C. Roetting of the New York Office which does not contain all information relative to the testimony of Ben Schneider and that the New York Office be so advised.

To recommend that the New York Office be advised that the Bureau has no objection to signing of affidavits by Special Agents John W. Lewis and Leo H. Frutkin regarding Greenglass interview.

JPL:mes

Classified by *2042 RDD/1/10*
 Exempt from GDS, Category *2*
 Date of Declassification Indefinite

RECORDED - 28

65-58236-1346

13 DEC 8 1952

63 DEC 16 1952

CONFIDENTIAL

FIVE

BACKGROUND:

As you know the attorneys for the Rosenbergs and Morton Sobell are presently engaged in legal actions attempting to stay the execution of sentence on their clients. The Rosenbergs have been sentenced to die the week of January 12, 1953.

On November 26, 1952, Judge Edward Weinfeld, District Judge, Southern District of New York, signed an order to show cause, returnable December 1, 1952, which requested that the sentence of the Rosenbergs be set aside. A petition was filed by the Rosenbergs claiming among other things that the Government had used perjured testimony from Ben Schneider and David Greenglass.

Affidavit Regarding Ben Schneider:

In the petition filed in the District Court, Southern District of New York, on behalf of Julius and Ethel Rosenberg, the contention is made that Ben Schneider, passport photographer, committed perjury while testifying during the trial on March 27, 1951. The defense contends that Schneider testified that he had not seen the Rosenbergs since he made the passport photographs in May or June, 1950, when actually he had been in the courtroom on March 26, 1951, and had observed Julius Rosenberg testify. The petition sets forth an excerpt from the book entitled "The Atom Spies" by Oliver Pilat which states that "An FBI agent brought into the courtroom a photographer."

As you may recall, Confidential Informant Jerome Tartakow advised the New York Office that Julius Rosenberg was worried that the FBI would find out that he had had passport photos made. Investigation located Ben Schneider who was interviewed on March 26, 1951, by Bureau agents Walter C. Roetting and Lester O. Gallaher, at which time he identified photographs of the Rosenberg family as having had passport photographs made in May or June, 1950. At the instructions of the United States Attorney, Southern District of New York, Irving R. Saupol, Schneider was brought into the courtroom to allow him to observe the defendants in person who were then on trial.

By teletype dated November 29, 1952, the New York Office advised that the following affidavit has been prepared for Special Agent Walter C. Roetting for possible use in argument of the above motion:

"State of New York/

County of New York/ SS..

Walter C. Roetting, being duly sworn, deposes and says.. I am a Special Agent of the Federal Bureau of Investigation and have been so employed since 1941. On March 26, 1951, in the company of Special Agent Lester O. Gallaher, I went to the Photo Shop of one Ben Schneider, located at 99 Park Row, New York, New York. At that establishment, I exhibited photographs of Julius Rosenberg and asked Mr. Schneider whether he had ever seen this man. Mr. Schneider promptly identified a photograph and stated that he had taken photographs of this man, his wife and two children sometime previous to my visit. He recalled that he had taken the photographs on a Saturday and that he particularly recalled this occasion as he did not usually go to work on Saturdays. He further recalled that the order placed by this man had been larger than the usual order for photographs. He stated that he was pleased to receive such a large order on a Saturday. In recalling the event, he stated that he particularly remembered that the two children were very unruly and caused him a great deal of trouble. He also recalled that the man whose picture he identified had stated to him that the pictures were needed because his wife had recently inherited some money in France and that he and his family were going to France to collect the inheritance. This was the first occasion upon which I had seen Mr. Schneider and so far as I know no Agent of the Federal Government had interviewed him previously in connection with this or any related matter. Prior to showing Mr. Schneider the photograph, I did not identify the name of the person whose picture I was showing to Mr. Schneider, nor the reasons for which I desired an identification."

The New York Office has advised that Assistant United States Attorneys Kilsheimer and Martin, SDNY, did not want to include in the Roetting affidavit any information relative to the physical observation of Rosenberg by Schneider in the courtroom on March 26, 1951.

Assistant Special Agent in Charge Whelan of the New York Office was telephonically contacted at 3:00 P.M. on November 30, 1952, for further elaboration of the New York teletype of November 29, 1952. Whelan was asked if the New York Office agreed with the affidavit of Special Agent Walter C. Roetting as proposed by the Assistant United States Attorney. It was pointed out that the affidavit covered only a part of the contentions of the defense with respect to the testimony of Ben Schneider. Whelan was advised that

the Bureau had noted that the New York teletype of November 29, 1952, indicated it was the decision of the Assistant United States Attorneys not to incorporate in this affidavit the fact that Schneider had been brought to the courtroom where Julius Rosenberg was under cross-examination and had identified Rosenberg on this occasion. It was pointed out to Whelan the Bureau was concerned that the affidavit of Roetting, as proposed, might be subject to attack on the basis that it omitted pertinent facts which were a part of the contentions of the defense, and that such omission might later prove embarrassing to the Agent and the Bureau.

Whelan agreed and said that it was his opinion that the Bureau should object to the filing of an affidavit covering only a portion of the facts. He stated that since the Assistant United States Attorneys wanted to omit from the affidavit the facts concerning Schneider's being brought into the courtroom to view Rosenberg, he believed the Bureau should recommend to the Department and the United States Attorney, SDNY, the affidavit from Agent Roetting covering only a part of the contention not be utilized and instead, the contentions of the defense regarding the Schneider testimony be handled by oral argument by the Government since the Assistant United States Attorneys are fully familiar with all of the aspects of this testimony.

Affidavit Regarding Greenglass Testimony:

The above petition also contains the contention that it was impossible for David Greenglass to have remembered enough information, with his limited educational background, to have prepared sketches of the lens mold and the atom bomb, which sketches were introduced at the trial of Julius Rosenberg.

As you know, Greenglass prepared a sketch of the lens mold on the date of his arrest, June 15, 1950, and also prepared two more sketches on the lens mold and one of the Nagasaki-type atom bomb at the time of the trial.

By teletype dated November 29, 1952, the New York Office advised that the following affidavits had been prepared for Special Agents John W. Lewis and Leo H. Frutkin for possible use on the argument of the motion:

"State of New York, County of New York, Southern District of New York, Leo H. Frutkin, being duly sworn, deposes and says that.. I am a Special Agent of the Federal Bureau of Investigation, and

~~CONFIDENTIAL~~

have served in that capacity since 1940. In the course of my official duties, I interviewed David Greenglass on June 15, 1950, in the company of Special Agent John W. Lewis. I have read the affidavit of Special Agent John W. Lewis, and I now state that it is true and correct, to the best of my knowledge and belief. U

John W. Lewis, being duly sworn, deposes and says .. I am a Special Agent in the Federal Bureau of Investigation and have been so employed since 1942. On the afternoon of June 15, 1950, in the company of Special Agent Leo H. Frutkin, in the course of my official duties, I went to the home of David Greenglass at 265 Rivington Street, New York, New York. After being in his home for approximately three hours, Special Agent Frutkin and I asked Greenglass to accompany us to the Office of the Federal Bureau of Investigation in the United States Court House, Foley Square, New York, New York, for the purpose of an interview. Special Agent Frutkin and I interviewed Greenglass on that evening and during the interview, Greenglass admitted that he had been requested by Julius Rosenberg, through Ruth Greenglass, to furnish information concerning the Los Alamos Atom Bomb Project to be turned over to a courier for the purpose of transmittal to the Soviet Union. He further admitted that on a subsequent occasion he did turn over top secret information to Harry Gold. He further stated that the information given related to a high explosive lens. Greenglass, without any help or assistance whatsoever, drew a sketch of the lens showing a high explosive implosion device. Greenglass further admitted that he had given to Gold a list of names of persons working at Los Alamos whom Greenglass considered to be approachable for information and also that he identified various scientists working at Los Alamos. These statements were freely and voluntarily given without any promise of reward being made to Greenglass by any one on behalf of the United States Government. To the best of my knowledge and belief, this was the first occasion that David Greenglass had been interviewed in connection with the furnishing of information concerning the Los Alamos Bomb Project. Under no circumstances and at no time did I ever make available to Greenglass any books or scientific texts nor any other material pertaining in any way to atomic energy. To the best of my knowledge and belief, no other Agent of the Federal Bureau of Investigation furnished any such material to Greenglass."

ASAC Whelan advised he could see no objection to Special Agents Lewis and Frutkin signing these affidavits. U

~~CONFIDENTIAL~~

OBSERVATIONS:

It is to be observed that SA Roetting's affidavit might subject him and the Bureau to embarrassment if the full facts were thereafter brought to light. You may recall that this is a somewhat analogous situation to that which occurred in the Judith Coplon case which did result in some unfavorable publicity for the Bureau. While the withholding of facts in this case is one of omission, there is no indication the United States Attorney's Office intends to cover the matter by oral argument. It is therefore felt that we should inform the Criminal Division of our opinion on this matter and thereafter advise the New York Office that we do not want this affidavit executed in its present form.

RECOMMENDATIONS:

1. It is recommended that the facts surrounding the affidavit of Special Agent Walter C. Roetting be called to the attention of the Criminal Division of the Department on the basis that the Bureau does not feel that the affidavit, as set forth, should be filed since it does not include the details of Schneider's observance of Rosenberg in the courtroom on March 26, 1951. The New York Office should thereafter be advised that the Bureau does not want this affidavit filed in its present form.

2. It is recommended that the New York Office be advised that the Bureau has no objection to Special Agents Frutkin and Lewis signing the proposed affidavits for possible use in arguments on this motion.

ADDENDUM: 12-1-52 APL:mes

Mr. Belmont called Mr. William Foley of the Criminal Division and informed him it was not believed advisable that Agent Roetting sign the proposed affidavit and suggested that this phase of the motion be argued orally by the USA, SDNY, at this time. Mr. Belmont stated that if it became necessary at a later time, complete affidavits could then be submitted by Agents of the New York Office. Mr. Belmont advised Mr. Foley that we have no objection to the affidavits prepared for the signatures of Agents Lewis and Frutkin. The New York Office was so advised. Mr. Foley agreed with Mr. Belmont's observations.

Mr. Andrew Oehmann, of the Department, called at 11:05 am to advise that USA Lane had called him regarding this matter. Mr. Oehmann was referred to Mr. William Foley, inasmuch as we had already discussed the matter with Foley.

At 11:15 am, ASAC Whelan called from New York to advise that USA Lane was upset because we did not have Agent Roetting sign the affidavit prepared for him and that Lane had been in touch with the Department. Whelan told Lane that we had already discussed this with the Department and that the Department agreed with us. ASAC Whelan pointed out to Lane that the whole story was not being told in Roetting's affidavit and that either the whole story should be told, or none of it.

At 12:35 pm, Mr. Whelan called back to advise that the United States Attorney's office has prepared an additional affidavit for Special Agent John Harrington, who brought Schneider into the court room to view Rosenberg. The proposed affidavit was read to me and was merely a short factual statement that at USA Saypol's request, Schneider was brought into the court room by Harrington and was asked to look around and see if he recognized anyone. Harrington did not point out Rosenberg to Schneider. Schneider looked around and recognized Rosenberg as the individual he had photographed. I told Mr. Whelan that this affidavit was satisfactory and that both Special Agents Roetting and Harrington could sign the affidavits as they now presented the full facts.

AHB:tlc

I want to make certain there is nothing we have which would be of assistance to the Rosenbergs which has not been made available.

SECURITY

TION - CONFIDENTIAL

Assistant Attorney General
Charles B. Murray

December 2, 1952

Director, FBI

COMMITTEE TO SECURE JUSTICE
IN THE ROSENBERG CASE
INTERNAL SECURITY - C

Julius Rosenberg

A confidential informant of known reliability has advised that Benjamin Weiss, Treasurer and Director of the Public Affairs Committee of the Communist Party of Eastern Pennsylvania and Delaware, discussed the Rosenberg case at a recent meeting of the Fourth Communist District Region of the Party.

Weiss stated that the Communist Party will intensify activity on behalf of the Rosenbergs and instructed that one member of each Communist Party Club is to be placed in charge of this activity. It was decided at this meeting to contact all families in Philadelphia named Rosenberg and attempt to get these families to send a joint communication to President Truman, urging clemency for the Rosenbergs.

The above is for your information.
6 100-387835

APL:amb

DECLASSIFIED BY *103 DB/K8*
ON *3-5-91*

SECURITY INFORMATION - CONFIDENTIAL

✓ cc - 65-58236

*Previously Released
Rosenberg*

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE *7/27-86* BY *3042 jmt-DSC*

65-58236-✓
NOT RECORDED
160 DEC 4 1952

DUPLICATE YELLOW

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Ladd _____
Nichols _____
Belmont _____
Clegg _____
Glavin _____
Harbo _____
Rosen _____
Tracy _____
Laughlin _____
Mohr _____
Tele. Rm. _____
Holloman _____
Gandy _____

DEC 10 1952

ORIGINAL COPY FILED IN

100-387835-147

Office Memorandum • UNITED STATES GOVERNMENT

TO : THE DIRECTOR

FROM : D. M. LADD

SUBJECT: JULIUS ROSENBERG, ET AL
ESPIONAGE - R

DATE: December 3, 1952

~~TOP SECRET~~~~TOP SECRET~~PURPOSE

To answer your request that we make certain there is nothing we have which has not been made available which would be of assistance to the Rosenbergs.

DETAILS

Classified by 3042 PWT/10/28/84
Declassify on: OADR 10/28/84

You will recall the Rosenberg case arose out

[REDACTED]

(S) As you are aware, we have not disseminated information in this case because of our agreement with the source not to do so. However, by investigation we were able to secure independent proof that Rosenberg, with the active assistance of his wife, recruited Greenglass and obtained atomic information from him. We were also able to prove Rosenberg's involvement with Morton Sobell in espionage. Based on our proof, they were convicted. To date we have not been able to develop sufficient independent proof [REDACTED]

(S) All pertinent information developed in this case, exclusive of [REDACTED] information, was made available to the Department and other interested agencies. There is nothing in our files which has not been made available that could be of any assistance to appropriate authorities in weighing a plea for clemency. The only information in our files which has not been made available, namely [REDACTED]

ACTION

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE.

APL:awn

65-58236

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619

~~TOP SECRET~~

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65-58236-1347

~~TOP SECRET~~

Tolson ☒
Ladd ☒
Clegg ☒
Glavin ☒
Harbo ☒
Rosen ☒
Tracy ☒
Belmont ☒
Mohr ☒
Tele. Room ☒
Nease ☒
Gandy ☒

Classified by 337
Exempt from GDS Category 2 & 3
Date of Declassification Indefinite

EX-115

Office Memorandum • UNITED STATES GOVERNMENT

TO : Director, FBI
ATTENTION: ASSISTANT DIRECTOR A.H. BELMONT
FROM : SAC, New York (65-15348)
SUBJECT: JULIUS ROSENBERG, et al
ESPIONAGE - R

DATE: 12/1/52

Re NY tel, 12/1/52.

There are forwarded herewith for the information of the Bureau photostatic copies of the affidavits of MYLES J. LANE, USA; JOHN M. FOLEY, AUSA; DAVID SWEENEY, Deputy Clerk, United States District Court; and SA JOHN A. HARRINGTON.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/22-86 BY 3042 put-DKC

Encs. 4

SPECIAL DELIVERY, SPECIAL HANDLING

JAH:FPG

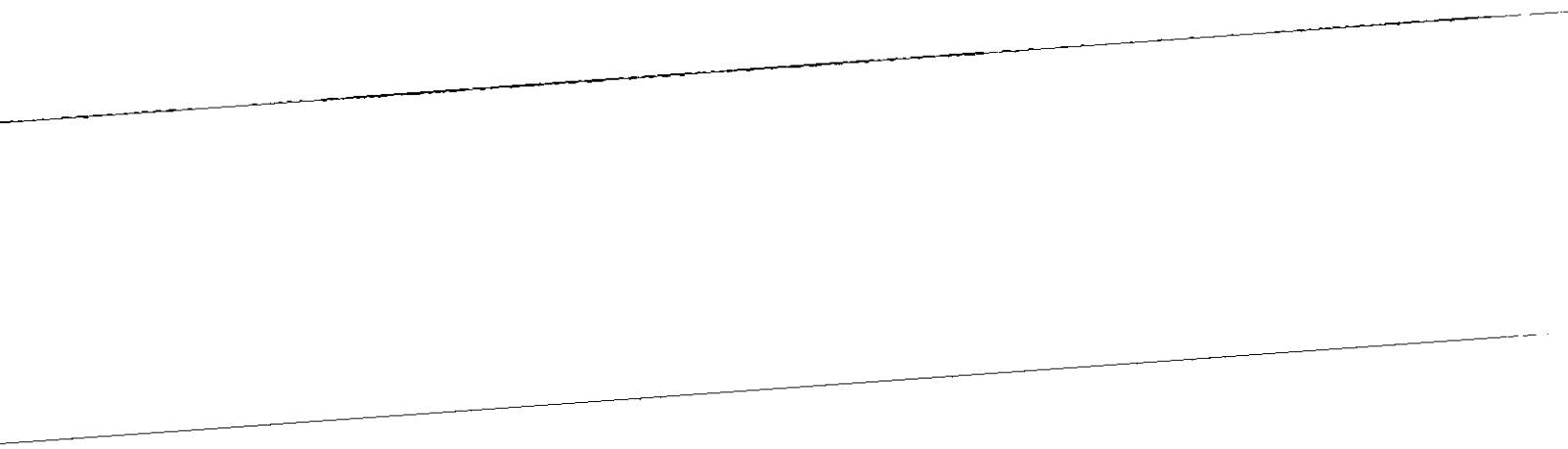
EX-115

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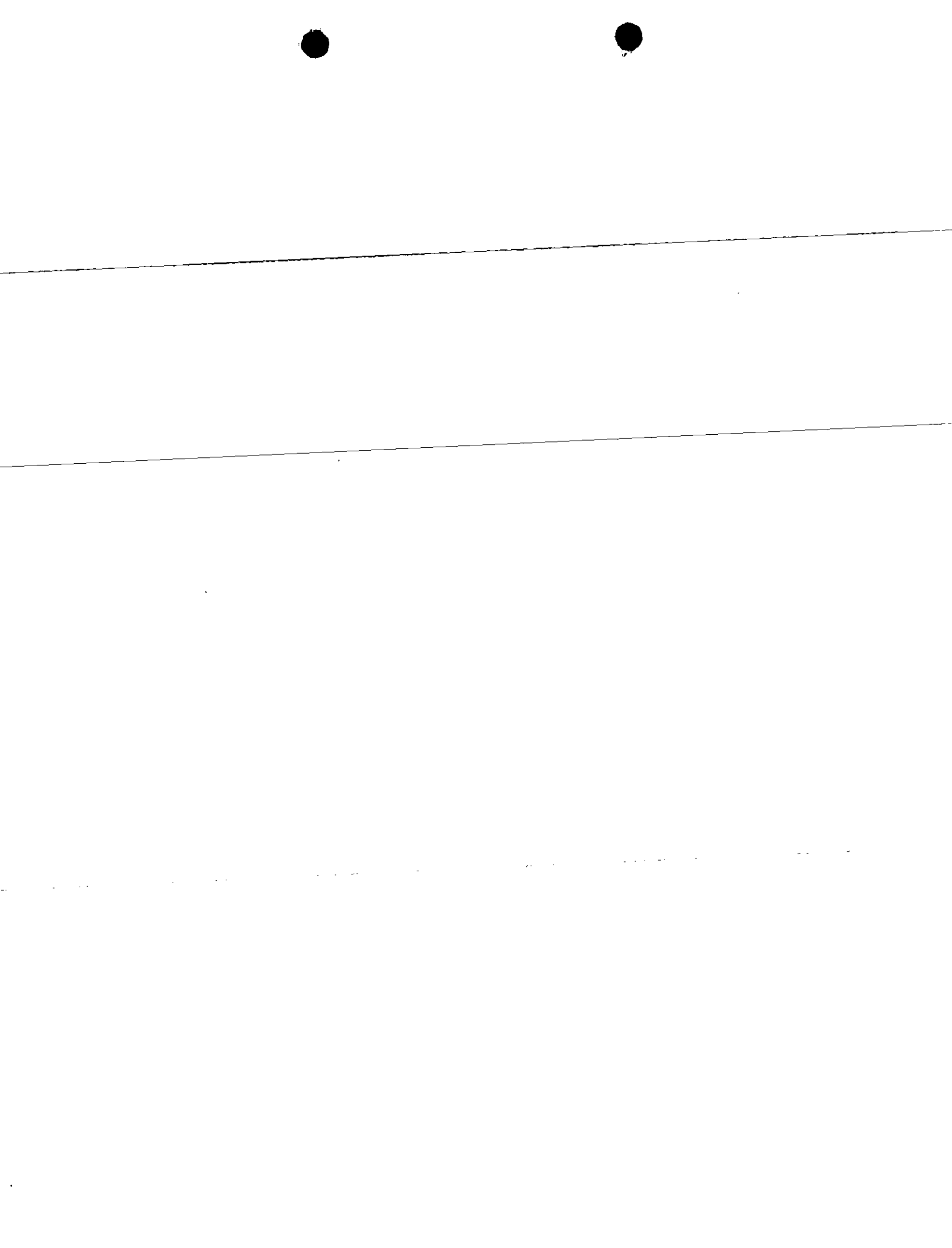
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ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7-22-86 BY 3042 pwt-D/c

ENCLOSURE

65-58236-1348



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
UNITED STATES OF AMERICA, :

-v- :

JULIUS ROSENBERG, ETHEL ROSEN-
BERG and MORTON SOBELL, :

Defendants. :

AFFIDAVIT

C134-245

-----X
STATE OF NEW YORK)
COUNTY OF NEW YORK) ss:
SOUTHERN DISTRICT OF NEW YORK)

JOHN A. HARRINGTON, being duly sworn, deposes and
says:

I am a Special Agent of the Federal Bureau of
Investigation and have been so employed since 1943.

On March 26, 1951, during the course of the trial
of the above-named defendants, I met Special Agents Walter
Roetting and Lester O. Callahan in the vicinity of Courtroom
110 in the United States Courthouse. I was informed by
these agents that they had located a photographer who had
identified a photograph of Julius Rosenberg as a person
whose passport photograph he had taken. At this time, I
was informed that the photographer was at 99 Park Row,
New York City.

I communicated these facts to Mr. Irving H.
Saypol, United States Attorney for the Southern District of
New York, who directed that the photographer be brought to
the United States Courthouse to confirm the identity of
Rosenberg previously made. I communicated this information
to Agents Roetting and Callahan.

best
copies
available

Shortly thereafter, I again met Agent Callahan who had with him a man whom I now know as Ben Schneider, a photographer of 99 Park Row, New York City. I brought Mr. Schneider into Courtroom 110, to the fore part of the courtroom inside the railing where there were two vacant seats. I instructed Mr. Schneider to look round the court room and see if he saw anybody he recognized. I did not point out any specific person to Mr. Schneider. Mr. Schneider looked around and, when he saw Julius Rosenberg, he stated to me that that was the man whose pictures he had taken.

At no time did I point out or in any other way indicate who was Julius Rosenberg or the place where he was located in the courtroom to Mr. Schneider.

JOHN A. HARRINGTON

Sworn to before me this
1st day of December, 1952.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-against-

JULIUS ROSENBERG, ETHEL ROSENBERG,
MORTON SOBELL,

Defendants.

AFFIDAVIT
C 134-243

STATE OF NEW YORK
COUNTY OF NEW YORK
SOUTHERN DISTRICT OF NEW YORK

ss:

DAVID SWEENEY, being duly sworn, deposes and
says:

I am a Deputy Clerk in the Office of William V. Connell, Clerk, United States District Court, Southern District of New York. I have been so employed since June, 1931, almost all of which time I have served in the criminal calendar part of the court.

On March 14, 1951, I was called, after I had returned home from work, and was informed that an application was to be made to unseal an indictment and for a bench warrant. I returned to the United States Court House, obtained the sealed indictment and accompanied John M. Foley, an Assistant United States Attorney to the presence of Judge Irving R. Kaufman. I was informed by Mr. Foley that he had attempted to locate Judge Henry Goddard, the judge sitting in the criminal calendar part, but without success.

Mr. Foley made a motion to unseal the indictment, which was granted. An application for a bench warrant calling for the arrest of William Perl, the person named in the indictment, was made, and upon the direction of Judge Kaufman, a warrant was issued.

From my experience in the office of the Clerk of the criminal calendar part of the court, I know that it is not all unusual for a judge other than the criminal calendar judge to entertain such an application, especially in the unavailability of the judge sitting in the criminal calendar part. Frequently, in such circumstances, judges other than the calendar judge preside when a grand jury returns an indictment, or when an arraignment is held, or an indictment is unsealed. The usual practice is to seek a judge who is assigned to one of the criminal trial parts, or if none is available, then the first judge who can be located is asked to preside.

To my knowledge of more than 20 years in the court, no judge, to whom an application such as that made in the case of William Felt, has refused to grant the application.

Sworn to before me this _____
day of November, 1952.

DANIEL TANENBAUM
Notary Public, State of New York
No. 21-5320240
Qualified in Kings County
Cert. filed with Kings & N.Y. Co. Clks.
Term expires March 28, 1953

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-v-

AFFIDAVIT

JAMES ROSENBERG,
ET AL ROS. BERG and
MARTIN SOBELL,

Defendants

STATE OF NEW YORK)
COUNTY OF NEW YORK) ss.:
SOUTHERN DISTRICT OF NEW YORK)

JOHN M. POLLY, being duly sworn, deposes and says:
I am an Assistant United States Attorney in the
office of Wyles J. Lane, United States Attorney for the
Southern District of New York.

This affidavit is submitted in opposition to the
motion of the defendants to vacate and set aside the judg-
ments of conviction. The defendants claim that at a
"crucial moment" during their trial, to wit, March 14, 1951,
there was made public an indictment of one William Earl.
It is the defendants' contention that the news coverage
which followed the indictment, arrest and arraignment of
William Earl on March 14, 1951 caused them serious injury
at their trial and that the indictment of Earl together
with the news coverage that followed was incited and
calculated by the prosecution to prejudice the movants
and brought "improper pressure to bear on the jury".

The indictment of William Earl resulted from in-
vestigations conducted by a Federal Grand Jury sitting in
the Southern District of New York, the Federal Bureau of

Investigation and the office of the United States Attorney. This investigation was under way prior to the indictment of the Rosenberg and Sobell.

William Perl appeared before the grand jury, under subpoena and testimony several times. During this period the grand jury was conducting an extensive investigation of possible violations of the federal criminal laws, including the espionage laws, and William Perl was interrogated about his knowledge of persons who were believed to have violated the law. After William Perl had denied knowing Julius and Ethel Rosenberg, Morton Sobell, Isaac and Ann Edelstein, and Rex and Clara Hiltner, it was necessary to conduct an extensive investigation to ascertain the truth of these statements, and the extent, if any, of William Perl's association with these people. On March 6, 1951, at approximately 6.15 p. m., William Perl, in the presence of his attorney, R. Raymond Wink, and in the presence of several Assistant United States Attorneys and two Special Agents of the Federal Bureau of Investigation, stated that he had lied to the Federal Bureau of Investigation and the grand jury in that he had minimized his associations with Morton Sobell and other persons. A true bill was voted and the indictment handed down within a week of this admission. This indictment was sealed on the application of the grand jury on March 13, 1951 by Henry W. Goddard, United States District Judge, the Judge sitting in the criminal calendar part of the court. This request was made to Judge Goddard at my suggestion so as to deprive William Perl, who at that time was in possession of a passport, of an opportunity to flee this jurisdiction if that was his intention. It is common practice to seal an

indictment under such circumstances until apprehension is made certain. On March 14, 1952 Perl's whereabouts became definitely known to representatives of the Federal Bureau of Investigation at about 6:00 P.M.

Upon being informed by the Federal Bureau of Investigation that Perl's whereabouts had been ascertained, I immediately sought Judge Goddard to unseal the indictment. Judge Goddard, however, had by that time left the Court-house. In such circumstances, I followed the usual practice of the office, and began to look for a judge to whom I could make this application. None were available. I recall having telephoned the home of Judge John F. X. McGohey. He was not at home. I called several other judges at their homes but these efforts were likewise of no avail. I then located Judge Irving R. Kaufman. He stated that he would entertain the application and the application was made before him shortly thereafter. That this application was made before Irving R. Kaufman, the Judge presiding at the trial of the movant and the Rosenbergs is a coincidence as he was the first available Judge who could be located, and it was necessary in the administration of justice to obtain a warrant of arrest.

It is not at all unusual for a judge other than the one sitting in the criminal calendar part of the court to entertain an application to unseal an indictment and issue a bench warrant for the apprehension of a defendant. Especially is this true of other judges sitting in criminal parts of the court other than the calendar part. So far as I know, no judge has ever denied the application of an Assistant United States Attorney to unseal an indictment.

At the arraignment of William Earl before Judge Goddard on March 15, 1952, I accurately and carefully identified the defendant and stated very briefly what his association was, as I understood it, with the persons named in the various counts of the indictment. None of my remarks were calculated to prejudice the movants at their trial, but were directed to enable the court to make an informed decision on the amount of bail to be fixed in the case of William Earl.

The indictment of Earl and his subsequent arraignment were not calculated to prejudice or affect the trial of the movants.

Sworn to before me this

JOHN M. FOLAY

day of November, 1952.

DANIEL TANENBAUM
Notary Public, State of New York
No. 34-302029
Qualified in Kings County
Cert. filed with Kings & N.Y. Co. Clks.
Term expires March 24, 1953

UNITED STATES OF AMERICA,

— 7 —

ANNOUNCEMENT IN CONNECTION

CI 34-245

Defendants.

STATE OF NEW YORK)
COUNTY OF NEW YORK) ss:
SOUTHERN DISTRICT OF NEW YORK)

MYLES J. LANE, being duly sworn, deposes and says:

I am the United States Attorney for the Southern District of New York and, as such, am familiar with the facts and circumstances relating to the above-entitled prosecution. This affidavit is submitted in opposition to the motion brought on by the defendants Julius and Ethel Rosenberg purportedly under Section 2255, Title 28, United States Code.

A perusal of the moving petition signed by the attorney for the Rosenbergs makes it patent beyond question that the instant application is absolutely devoid of merit, and that nothing is raised in the motion papers which is worthy of consideration by the Court under Section 2255, Title 28, United States Code. As a matter of law the moving papers, on their face, and when considered in conjunction with the trial, and appellate records in this case, are insufficient, present no grounds for relief, and no factual matters for a hearing. Stripped of the many irrelevant and bombastic statements they contain, the moving papers themselves demonstrate that the instant application is nothing more than a dilatory effort to forestall the

execution of the sentences which were justly and lawfully imposed upon the defendants.

The three grounds of attack urged by all the defendants in this motion are, in essence, as follows:

I. Newspaper publicity prior to and during the trial created a "hostile atmosphere" so that the defendants were not afforded a fair trial within the meaning of the Constitution;

II. The prosecution knowingly used false testimony; and

III. The information transmitted by the defendants to agents of the Soviet Union was not secret.

In the succeeding paragraphs of this affidavit, I shall deal with these alleged grounds of attack serially.

The defendants have amassed extensive exhibits containing copies of newspaper articles published during the year preceding their trial dealing with Communists, atomic warfare, spies, and their own arrest, pre-trial, and trial proceedings. Adding the lineage and headlines on all these subjects, and treating each as a personal attack upon themselves, they argue that this pre-trial and trial newspaper publicity affected the minds of the community to such an extent that the defendants were unable to secure an impartial jury and a fair trial. This, they contend, is a violation of the Fifth and Sixth Amendments and will ground a motion under Section 2235. An examination of the pre-trial and trial tactics of the defendants reveals the true and frivolous character of this contention. It may reasonably be assumed that the attorneys counsel for the defendants, and the defendants themselves, read the newspapers prior to the trial as they were part of the community in which the

alleged hostility was engendered. This would include the defendant Sobell, whose flight to Mexico indicated he was well-informed of the trend of events. With an awareness of the newspaper coverage, defendants Rosenbergs' counsel stated that he desired a speedy trial of his clients. (Defendants Exhibit VII-C-2). This also is an important constitutional guarantee, and I can only conjecture that had there been a long delay, the defendants would be relying upon that delay as a basis for a motion. For during the entire trial there was no request for a continuance, or for a change of venue.

When this case was called for trial, counsel for the defendants clearly stated on the record that "the defendants were ready to proceed". (p. 36)* An application for adjournment was made, and no statement that the pre-trial newspaper coverage given this case was such as to preclude the impaneling of an impartial jury. At the outset an opportunity to raise this question was afforded the defendants. The trial court's questioning on the voir dire was directed, in part, to any predisposition on the part of the jurors based upon anything they had read or heard concerning the case.

The trial record discloses this specific question by the District Judge:

"Has any one of you read anything in any newspaper or other publication or heard anything on radio or television about this case?"

After asking that question, the trial court specifically asked the minds of the jurors with regard to the pre-trial newspaper publicity, to determine whether each of them could fairly and impartially hear the evidence to be pre-

* "A" refers to the printed record filed by the defendants as Exhibit A.

presented in the courtroom and his as a verdict wholly upon such evidence. He raised further objections that certain prosecutive papers and exhibits offered from evidence in this case, because they had been tampered with they tried. A number of the exhibits in the prosecution case are not actually in the case, but are a part for general reference only, and are not even introduced into the case at the time they were introduced. The defense made no objection to the contrary. The defense also made a first supplementary challenge and stated that the jury was not satisfactory to the defendant and requested a new jury. The court overruled the challenge as to the alternate jurors since the time the alternate jurors were impaneled, and the fact that they were not tried was not a ground for challenge.

Not only are the statements in the ruling papers that no jury could have received the newspaper publicity influence in this case, but the statement, but the statement that the jury was let out without consent of counsel or demand of the trial, is belied by the record. The jury was cautioned not to read about or listen to news about the case. The jury deliberated from 9:00 A.M. on March 27, 1961 until 11:00 P.M. on March 27th, with several 15 minutes. Counsel for the prosecution at the trial was, incidentally, is the very same counsel, making the opening motion on the instant application, stated in open court after the jury returned its verdict of guilty as to each of the defendants as follows:

"(I) I never does not always win a case; all that a lawyer expects is a jury to decide the case on the evidence with a fair deliberation. I feel satisfied by reason of the length of time that you took for your deliberation, as well as the questions asked during the course of your deliberations that you reached a very carefully the evidence and came to a certain conclusion." (11583)

JKist(e)

The Rosenbergs' counsel, on summation, stated:

"(We) feel that the trial has been conducted and we hope we have contributed our share with that dignity and decorum that befits an American trial." (R. 1453)

Trial counsel for Sobell stated:

"I do want to thank the jury as your Honor did for the patience and care with which they sat in this case." (R. 1583)

Defendants had all the material they now rely upon available to them at their trial. They deliberately chose a different course than they now pursue. It is well-settled that Section 2255 is not a device to allow defendants to gamble on tactics.

It had been established in this circuit, before the case of United States v. Balaban, relied upon by the defendants and before the trial of the instant case, that a hostile community is a basis for a continuance or a change of venue. The proper cases are cited in the memorandum of law submitted with this affidavit. It was, of course, incumbent upon the defendants to request such a continuance or change of venue. The defendants found the venue and the timing satisfactory to them as is shown by their statements at the time of the trial. There is no suggestion, nor could there be, that the trial was conducted in an atmosphere which precluded the defendants from making such motions or requests as they believed necessary to preserve their rights. The lengthy record is replete with motions and requests by the defendants with regard to other aspects of the case. Under these circumstances, the law is clear that the allegations with regard to newspaper coverage are insufficient under Section 2255. Even taking them as true, which can hardly be done in view of the record of the trial, they

do not establish that the defendant was deprived of a fair trial, nor do they establish that defendants could not fully protect their rights at the trial, and raise these very same matters on appeal if they believed that erroneous rulings had been made. Section 2255 is not a substitute for appeal just as it is not an opportunity to retry a case that has been tried under standards comporting with due process.

Here, there was no public hearing after indictment, and no parade of witnesses prior to trial, such as that which the Court of Appeals for the First Circuit, in the Belander case, relied upon in holding that a refusal to grant a continuance was an abuse of discretion.

Apart from this, there is absolutely no evidence now before the Court that would warrant any inference to the effect that the jury which convicted these defendants was affected by any so-called hysteria. The statement in the moving papers that hysteria was "artificially induced" is so devoid of factual foundation as to require no reply. Routine statements to the press or answers to press inquiries provide no basis for the argument that the United States deliberately tried its case in the newspapers.

And surely the fact that the arrest and prosecution of persons in the United States on charges of espionage or conspiracy to commit espionage in time of war was followed by the press, cannot serve, of itself, to invalidate convictions lawfully obtained. Press coverage of cases involving the national interest is not only to be expected, but necessary in a democratic way of life. Indeed, any attempt by the prosecution to interfere with the freedom of the press in reporting the public details of the prosecution of war-time spies, would be unconstitutional and repugnant under the Constitution and laws of this country.

Such statements as those contained on page 15 of the moving petition, scarcely require comment when they are viewed in the light of the trial record. Not only were the defendants not named in the articles cited, but had they been, it would have comported with the proof at the trial. Although Harry Gold in his trial testimony did not state that he knew the Rosenbergs directly, nevertheless he forged an unbreakable link between the Rosenbergs and the Russian superiors of Gold, and, certainly, with Russian espionage.

The statement on page 23 of the moving petition concerning an alleged attempt to establish to the public that adherence to communism would lead communists to commit espionage, sabotage or other treasonable activities, likewise pales into insignificance when considered against the trial testimony. Again, the articles were not written about the defendants, and again, had they been ^{/it} would have been no more than has been proved. That very fact was established clearly and in uncontradicted testimony at the trial. Similarly, while the publicity concerning the prosecution of Brothman and Moskowitz to the effect that they were introduced to espionage through the communist party did not name or suggest these defendants, the trial testimony established that Julius Rosenberg, through his own admissions to government witnesses, stated that he, too, was able to engage in his espionage activities through contacts he made in the communist party. The bulk of the articles cited by these defendants in no way refer to them. Those in which they are named go no further than the trial proof, and usually not as far.

Allegations that information was "fed to" the press by the prosecution to inspire a press campaign against these defendants, as well as allegations that "all of the prosecution evidence" was revealed to the press, are

categorically denied. Totally untrue is the assertion on page 46 of the moving petition that Rosenberg was already in custody before Sobell fled the country. Sobell's affidavit, which cannot be supported by facts, rests upon distortions. The trial testimony established that Sobell fled shortly after the apprehension of David Greenglass in a manner that paralleled the instructions given by Rosenberg to Greenglass, and that Rosenberg was not apprehended until approximately one month later.

To summarize, there is nothing stated in the present motion as to evidence allegedly given to the press, which was not introduced at the trial. Thus, the jury had the entire story for themselves from the prosecution witnesses. The prosecuting official did not cause or stimulate "massive pre-trial publicity". Most of the articles cited do not pertain to the defendants. Defendants' own chart showing newspaper lineage in inches demonstrates that between September 1, 1950 and February 26, 1951, one week before the trial, there was very little space devoted to the defendants, and on most days none at all. Only as the trial commenced, was coverage extensive. This could hardly be a calculated publicity campaign against the defendants. Any case involving the national interest will be covered to some degree by the press. The most significant point to the instant motion is that all the facts alleged in this regard were known to the defendants and their counsel at and prior to the commencement of the trial. Yet they saw fit to raise no question as to the availability of an impartial jury in an atmosphere designed to afford a fair trial. They expressed their satisfaction with the jury and made no motion for a continuance, a change of venue, or a mistrial on these grounds. Since, at best, the most to which they would have been entitled would have been such relief, the failure to seek such relief precludes them from now raising the question.

The attempt to raise a question as to the propriety of the arrest and indictment of William Perl is a clear manifestation of the paucity of material upon which the defendants based this motion. Certainly the trial of one case does not put the processes of the administration of justice into a limbo of inaction so that other criminals cannot be prosecuted at the same time. The insignificance of the indictment of Perl on the trial of these defendants is obvious. Indeed, the news of the arrest and indictment broke at the time when Mrs. Ruth Greenglass was on the witness stand giving most damning testimony against these defendants. That the news of the prosecution of Perl affected the trial of these defendants is without basis or support in the record. Defense counsel were unquestionably aware of the newspaper coverage given to the Perl indictment at the time of the trial. As has been noted, they made no motion with respect to such publicity. If they in fact believed that it caused them the damage which they now allege, surely a motion for a mistrial at the time would have been in order. Such a motion, if denied, would have been reviewable upon appeal. The defendants refused to take that tactic at the trial, and cannot now make the Perl publicity a basis for a new trial.

The jury in this case had been instructed on innumerable occasions not to read anything in the newspapers concerning the case. There is no showing or even an intimation that any juror did not abide by this admonition of the Court. Thus, there is no showing that any juror was even aware during the trial of the publicity concerning

Perl. Certainly, had the defendants feared any adverse effect from such publicity, it was incumbent upon them to move for a mistrial or request the trial court to charge the jury to disregard such publicity. Had the trial court declined the requested instruction, its action could be reviewed only by the appellate courts, and is not ground for attacking the judgment under Section 2255. Again, failure to raise the point before the trial court would preclude its being raised at this time.

The moving papers on this motion raise a great complaint as to the cross examination of the defendant Rosenberg concerning his knowledge of or acquaintance with Perl. Certainly any objection to such cross examination was required to be raised upon the appeal from the judgment of conviction, and does not subject the judgment to collateral attack.

The allegations that the Perl indictment was procured during the instant trial for the calculated purpose of prejudicing the defendants is without factual basis, and the affidavits attached hereto show the falsity of this claim. The Perl indictment was obtained within a week after Perl had admitted that he had not been truthful to the Grand Jury. It was unsealed the day after it was filed, when it had been ascertained that Perl could be promptly apprehended and there was no danger of flight at that moment. The said insinuations in the moving papers that there was something irregular about the unsealing of the indictment against Perl are clearly set at rest by the affidavits of David Hunsney, a clerk in the Criminal Calendar Room of this Court for the past 20 years, who states that the procedure was not in any way unusual.

II

The second ground of attack is alleged fraud by the Government in that it used known perjurious testimony to convict the defendants. The first such allegation concerns the confession of David Greenglass. All the facts concerning the Greenglass confession were known to the defendants at the time they appealed from the judgments of conviction. Indeed, the testimony and statements from the record contained in the moving papers are taken directly from the record on appeal. The argument now being made was urged in the briefs submitted to the appellate courts and rejected by them. Moreover, defendants had opportunity at the trial to request the trial court to examine Greenglass' first statement for inconsistencies, but they did not choose to do so. Nor have the defendants come forth with any evidence that Greenglass lied. Moreover, the testimony in issue was elicited by the Court during cross-examination by the defendant. Thus, not only was it not perjury, but it was not testimony used by the Government.

The trial testimony of Greenglass is not at all in conflict with the statements made by Mr. Rogge or Mr. Saypol. Greenglass testified that he cooperated with the Government from the first time he was brought in for questioning. The statement made by Mr. Saypol that protestations of innocence were made by Mr. Rogge at

the arraignment of Green, does not in any way contradict the testimony. Similarly, the statement that after representation by counsel came the disclosure of the facts by both David and Ruth Greenglass likewise does not indicate that David Greenglass had not cooperated previously. There just is no inconsistency to be found between the testimony and the statements at the time of sentencing.

The statements based on information and belief on pages 63-64 of the moving petition are all on subjects about which the Greenglasses were closely cross-examined at the trial. There is nothing therein alleged which is shown or even alleged to have come to the defendants' attention subsequent to the trial. Dr. Joseph's secretary was a witness at the trial, the Dr. case was available, and even in the court room from time to time during the trial. Had the defendants or their counsel seriously believed the facts now urged, the appropriate forum for their disclosure would have been before the trial court and jury.

To set the record straight, there is submitted herewith the affidavits of John Lewis and Leo Rutkin, Special Agents of the Federal Bureau of Investigation which establish clearly and conclusively that Greenglass was truthful in his testimony.

Certainly, there was no suppression of the truth, and most certainly not with consent and acquiescence of the prosecuting officials.

With regard to the alleged concealment of coached evidence, the scientific opinions offered to establish this point fall far short of the desired target. Mere "improbability" in the "expert's" opinion does not even raise a question of the truth of Greenglass' testimony that he drew the sketches from memory. A closer scrutiny of the "expert's" qualifications and familiarity with the subject of the testimony at the trial leaves much to be desired. It must be noted that the "experts" could not have observed Ex. 3, the cross section sketch of the atom bomb nor the descriptive testimony relating thereto, as this was ordered impounded by the trial court. Furthermore, there is no showing that any of the "experts" saw any of the exhibits involved. The affidavits of Lewis and Frutkin, referred to supra, already state that Greenglass on the first evening he was interrogated drew a sketch of the lens mold apparatus about which he testified.

The fact that Greenglass saw Harry Gold while the two of them were lodged in the same prison was admitted by Greenglass at the trial. He further denied that they consulted on the testimony they gave at the trial. Defense counsel did not see fit to cross-examine Harry Gold at all and therefore did not inquire on this subject from him.

The vague insinuations that "books" of unnamed variety were brought to Greenglass at the Tomb, and that he "consulted" with unnamed persons does not raise any issue cognizable on this motion. There is no allegation that any

of this will in any way contradict any trial testimony, and no showing that even if such contradiction might exist, the facts were knowingly and wilfully suppressed by the government at the trial. Dr. Walter Licki testified that Greenglass' sketch was of a device that Licki had developed in original research and that there was nothing in scientific textbooks pertaining to this device. Despite the long list of texts cited by defendants, they point to no place where Greenglass could have obtained the information necessary to make the sketch, apart from his own memory.

The last charge in this section of the moving petition is that regarding the Schneider testimony. The defendants on the appeal from their convictions vigorously but unsuccessfully attacked the propriety of calling Schneider as a witness at the trial. Now using what is at best an ambiguous question and seizing an extrajudicial unsworn statement in a book they charge wilful perjury. Certainly the question as to when the witness last saw the defendants, in the context in which it was asked at the trial, was susceptible of a construction by the witness that the examiner was seeking to establish whether or not the witness had seen the defendants subsequent to the time when he took their passport photos and prior to the trial. (R.1437) This, in fact, was defendant's interpretation, as shown by the question asked on cross-examination.

Attached hereto is an affidavit of Special Agent Walter Roetting, which clearly established that the identification was effected on the first occasion when Schneider was interviewed, without any prompting whatsoever. The affidavit of Special Agent John A. Harrington discloses that the day prior to Schneider's testimony, Schneider was brought into the courtroom by Harrington and seated in the front row. Harrington then asked Schneider to see if he could identify the man whose picture he had taken. Schneider identified Julius Rosenberg as the person whose picture he had taken. At no time did Harrington suggest to him which person should be identified. So that at best this argument becomes no more than a quibble. The issue is collateral. The question was ambiguous in the setting. Most assuredly there was no "official condonation" of false testimony and the charge that the conviction was "steeped in fraud" is untrue and not established in the papers. Nor is it established that Schneider's answer was "wilfully untrue." Schneider had not seen Rosenberg outside of the courtroom since he had taken the pictures. That was the question asked on cross-examination by defense counsel which the court and the United States Attorney believed had been previously answered. (P. 1437). Defense counsel appeared uncertain about what had been said. Under then circumstances the possible error in detail in answering an ambiguous question about an unimportant matter, can hardly ground a motion under Section 2255.

The final ground of attack is that the information allegedly turned over by the defendants to the Soviet Union was not secret. Fundamentally, it must be remembered that the charge in this case was conspiracy to commit espionage. It was not incumbent upon the Government as part of the charge necessarily to prove that any information was actually transmitted. The allegations of the indictment would have been fully proved without any such evidence.

However, to go further, the issue now raised was conceded by the defendants at the trial. Specifically, at page 382 of the printed record on appeal, defense counsel, who makes the present charges, stated in open court that he did not intend to dispute that anything connected with Los Alamos was secret and restricted, even the names of the persons who were working there. He stated further that "there is no dispute that the Los Alamos project was a restricted and secret project" Having conceded this fact at the trial, he certainly is in no position now to argue that the information allegedly transmitted was not secret and restricted. Furthermore, in addition to the concession of defense counsel, there was considerable evidence at the trial concerning the classified nature of the information. This evidence was uncontradicted and undisputed. The jury was not asked by the defense to question that conclusion.

The only part of the moving picture, given by counsel, concerning the facts involved in the Los Alamos project are a gloss on this conclusion. Of course, fundamental questions of physical science are not the secret matter involved. It is the translation of these questions into a code which is the secret matter involved. The defendants are accused of having been fully equipped. Defendants also are accused of having been

particular device here in issue, the high explosive lens developed at the Atomic Energy Project at Los Alamos, was a matter of public knowledge. The entire presentation in this regard does not in any way contradict the sworn testimony at the trial of the scientist who was responsible for lens experimentation.

Apart from the particular device, there was testimony at the trial of the transmission of other classified matter, including the names of some of the scientific personnel working at the Los Alamos project, the physical layout of the project, and the security regulations there in effect. There is no dispute that this matter was properly "classified."

It is clear, on the face of defendants' papers, and when they are considered in conjunction with the record, that their contention with respect to the classified nature of the information is wholly frivolous.

The entire motion being without merit on the face of the papers, and when considered along with the record and the uncontradicted affidavits attached hereto, there is no warrant to hold any hearing or to require the taking of testimony. What the defendants are apparently seeking, based only on unsupported allegations which mention neither persons, time, nor place of wrongdoing, is an investigation of the Government in the hope that they will come up with some incident which will perpetuate the myth of their innocence. A motion under Section 2255 cannot be grounded on unfounded speculation, nor should it be abused by reliance on fiction instead of fact.

WHEREFORE, it is respectfully submitted that the motion should be in all respects denied.

Sworn to before me this

day of December, 1952.

MILES J. LANE
United States Attorney

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. J. E. Hoover, Director
F. B. I. - Translation Section

FROM : Mr. S. A. Andretta - Administrative Assistant Attorney General
Correspondence Section-Room 6112

SUBJECT:

DATE: November 20, 1952

A translation of the attached letter postmarked November 18, 1952

Kinzi Skryama
2007 Nakacho Hanno-machi
Choseigun, Chibaken
Japan

will be greatly appreciated.

Mr. Tolson	✓
Mr. Ladd	✓
Mr. Nichols	✓
Mr. Clegg	✓
Mr. Glavin	✓
Mr. Rosen	✓
Mr. Tracy	✓
Mr. Laughlin	✓
Mr. Mohr	✓
Mr. Winterrowd	✓
Tele. Room	✓
Mr. Holloman	✓
Miss Gandy	✓

ENC.

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H. J. [unclear]
[unclear]

NOV 21 1952

EXPEDITE PROCESSING

JULIUS ROSENBERG

Mr. S. A. Andretta - Administrative Assistant
Attorney General (Correspondence Section - Room 6112)
Director, FBI

November 26, 1952

cc
11/27/52
Kinzi Skryama
2007 Nakacho Hammo-machi
Choseigun, Chibaken
Japan

Attached is the translation which you requested by letter dated
November 20, 1952.

The foreign language material is being returned herewith.

RECORDED-72
EX-102

65-58236-1349

Enclosure
#T-14563
JHS:pb *ph*

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/22-86 BY 3042 *pwt-DTC*

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TRANSLATION FROM JAPANESE

November 15, 1952

Mr. McGRANERY
Head of Department of Justice,

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7-22-86 BY 3042 *put-Dfc*

Dear Sir:

This is unexpected but I am a lad (age 17 this year) now in second year college at the Chiba Prefectural Number One College, that is in the City of Chiba of about 130,000 people and about 1 hour by electric car from Tokyo, the capital of Japan.

To begin, returning from the Japanese school I obtained the December number of the magazine "Peace". Immediately on the train returning, while turning the pages my eyes were attracted to something like the following that was written. It was the statement that the Supreme Court of the United States had recently formally refused the application to review the case of Mr. and Mrs. ROSENBERG who had been sentenced to death for sending atomic secrets to the Soviet Union. It was also written that in the New York Court by a trial of a mere 15 days, they are decided guilty. However, I hereby request of you or make a protest that in the New York Court in the short period of 15 days they decided to cut off from this earth the most important thing to all mankind, the life of guiltless persons. We Japanese youth have all come to learn in elementary school, in high school, and in college that America is a grand country. And in it the thing most worthy of respect is that the American people are all equal and mutually respect each other and everybody has the spirit of charity. But what does this hasty action really mean? In Japan this kind of question has never been settled so lightly. Perhaps nowhere in the world has such a thing been done. Even if it has occurred I think it has been only in very uncivilized places or in countries where people of extremely bad taste have taken over the reins of the government.

The next thing I would like to say is that it is generally thought among scholars of the world today that the method of manufacture of the atomic bomb is no longer a secret. Then things that are called "secret" that GREENGLASS sent to the Soviet Union through his sister, Mrs. ROSENBERG and her husband, have been proven by American scientists not to be "secrets" or anything of the kind. Clearly this with a certain limited objective oppressed those people. At one time in our high school days we received lectures from our teachers concerning (ROOSEVELT's) the Four Freedoms. Among them are the freedoms of thought, faith, speech and assembly. Then I have been taught

TRANSLATED BY:
JOSEPH H. STIMPSON:pbp
November 25, 1952

65-58236-1349
Enclosure

that America is the number one democratic country, and free country. I think that such a thing is the harm that will cause the greatest injury to "the Four Freedoms" and "America's Democracy". No, I cannot help but think that. Then this will probably build a ditch between the peaceful American people and the many other people that live on the earth.

I make a request of you. At all costs, make it possible for them to receive a proper trial once more. Then please do not cut off their lives from this earth, for the sake of all the American people, for the sake of all the people living on the earth.

As I did not have time please excuse my rudeness in writing in Japanese.

KINZI AKIYAMA
2007 Nakacho, Honno-Nachi,
Chosei-gun, Chiba-ken
Japan



UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to
File No.

Liaison Office, Ottawa, Canada
November 20, 1952.

~~CONFIDENTIAL~~

REGISTERED AIRMAIL

Director, FBI

Re: JULIUS ROSENBERG, et al
ESPIONAGE - R

DECLASSIFIED BY: 3042 PWT/v/d

Dear Sir:

CS 11/3/86

Forwarded herewith is a card which is being distributed in Canada through the Labor Progressive (Communist) Party, and a number of which undoubtedly will be forwarded to the President of the United States.

[REDACTED] (4) b7D

It would be helpful if the particulars could be forwarded to this Office, and if such information is not available, I would appreciate being so advised. b7D

Very truly yours,

Classified by 3042 PWT/v/d

Declassify on: OAS

11/23/86

Glenn H. Bethel
Glenn H. Bethel

Enclosure

Discussed with [REDACTED]

the is hand [REDACTED]
11-26-52

67C
67D
RECORDED - 56

Classified by 2355 WBY/v/d
Exempt from GDS, Category 3
Date of Declassification Indefinite

NOV 25 1952

165-58236-1350

~~CONFIDENTIAL~~

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HEREIN IS UNCLASSIFIED
DATE 10/23/86 BY 3042 ewt/vfl

ENCLOSURE

65-58236-1350

S.A. 443

[Signature]
3-11-52.

POSTAGE
2c

PRESIDENT OF THE UNITED STATES,

WHITE HOUSE,

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED WASHINGTON, D.C.

DATE 10/23/86 BY 3042 PWT/SP

Doc 44-11-52-141

65-458236-1350

Dear Mr. President,

I, a Canadian citizen, am deeply shocked at the death sentence confronting Ethel and Julius Rosenberg.

I appeal to you to grant executive clemency so that Ethel and Julius Rosenberg, parents of two small children, may live.

Name _____

Address _____

~~CONFIDENTIAL~~

RECORDED - 56

65-58236-1350

JAN 11 1953

EX-105

Date: December 2, 1952

REGISTERED AIR MAIL

To:

[REDACTED]

b7c
b7D

DECLASSIFIED BY 3042 PWT / 11/13/84

From: John Edgar Hoover, Director
Federal Bureau of Investigation ON

11/13/84

Subject: JULIUS ROSENBERG, et al.
ESPIONAGE - R

Classified by 3042 PWT / 11/13/84
Declassify on: OADR

Reurlet 11-20-52.

The White House has received considerable mail from Canada requesting clemency for the Rosenbergs for the past several weeks and will undoubtedly continue to receive additional mail in the future. In view of this, arrangements were made with the White House to turn this mail over to the Bureau

[REDACTED]

b7D b7C

[REDACTED]

b7D
b7C

cc - Foreign Service Dept

Classified by 2346 EAD / 11/13/84
Exempt from GDS/Category 3
Date of Declassification Indefinite

- Tolson
- Ladd
- Nichols
- Belmont
- Clegg
- Glavin
- Harbo
- Rosen
- Tracy
- Laughlin
- Nease
- Tele. Rm.
- Holloman
- Gandy

APL:rmc

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE.

NOTE: Supervisor Roach of the Liaison Section advised that the White House has been turning over to him any mail from Canada concerning the Rosenbergs

DEC 3 1952

COMM-FB

619
DEC 15 1952

DEC 3 1952

~~CONFIDENTIAL~~

b7c
b7D

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

NOV 25 1952

TELETYPE

FBI NYC

11-25-52

558 AM

JCS

DIRECTOR URGENT

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7-22-86 BY 3042 *for-Ed Bragg*

JULIUS ROSENBERG, ETAL, ESP DASH R. JUDGE EDWARD WEINFELD TONIGHT
SIGNED AN ORDER TO SHOW CAUSE RETURNABLE ON THE TWENTY SIXTH NEXT
AT TEN THIRTY AM. THE ORDER TO SHOW CAUSE ASKED THAT AN ORDER
BE MADE, (ONE) VACATING AND SETTING ASIDE SENTENCES AND DISCHARGING
THE ROSENBERGS FROM DETENTION AND IMPRISONMENT, (TWO), AN ALTERNATIVE
GRANTING A HEARING TO DETERMINE ISSUES OF FACT AND CONCLUSIONS OF
LAW AND ON FINDINGS VACATING SENTENCES AND DISCHARGING ROSENBERGS
FROM DETENTION. (THREE), PENDING DETERMINATION OF CASE PROCEEDINGS
STAYING USA AND AGENCY OR AGENT FROM EXECUTING THE ROSENBERGS OR
FROM TAKING ANY STEPS PENDING TO THE EXECUTION AND FOR AN ORDER
STAYING THE EXECUTION. THE PETITION IS BROUGHT UNDER SECTION
TWENTY TWO FIFTY FIVE ON THE FOLLOWING GROUNDS., (ONE) PRE TRIAL
AND TRIAL PUBLICITY CREATING TRIAL ATMOSPHERE OF HOSTILITY
RESENBERGS (A), NEWSPAPER PUBLICITY DEVELOPED INDEPENDENTLY BY THE
NEWSPAPERS. (B), INFORMATION "FED TO" THE PRESS BY FBI, DEPARTMENT
OF JUSTICE, AND USA. (C), THE INDICTMENT OF WILLIAM PEARL PREJUDICING
MINDS OF JURORS. (TWO) PROSECUTIVE AUTHORITIES KNOWINGLY USED

FALSE TESTIMONY TO BRING ABOUT CONVICTION. (THREE), JUDGE WAS WITHOUT
COPIES DESTROYED

486 NOV 9 1960

END PAGE ONE

6-19 DEC 15 1952

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DEC 5 1952

21

65-58236-1351 *Lettrick*

PAGE TWO

AUTHORITY TO IMPOSE SENTENCE BECAUSE INFO ALLEGEDLY COMMUNICATED
WAS ARBITRARILY AND CAPRICIOUSLY CLASSIFIED SECRET WHEN IN FACT
IT WAS LAWFULLY, WIDELY AND PUBLICLY KNOWN AND TRANSMISSION WAS NOT
VIOLATIVE OF STATUTES, SECTION THIRTY TWO A AND THIRTY FOUR OF TITLE
FIFTY. JUDGE WEINFELD SIGNED THE ORDER WITHOUT GRANTING EX PARTE
STAY WITH THE NOTATION THAT IT WAS NOT PREJUDICIAL TO FURTHER
APPLICATION. HOWARD N. MEYER PRESENTED TO JUDGE WEINFELD A PETITION
FOR AN ORDER TO SHOW CAUSE UNDER SECTION TWENTY TWO FIFTY FIVE. THIS
PETITION ASKED FOR AN ORDER VACATING AND SETTING ASIDE THE JUDGEMENT OF
CONVICTION OF MORTON SOBELL OR IN THE ALTERNATIVE GRANTING
A HEARING OR A MOTION ON THE TWENTY TWO FIFTY FIVE. IT ALSO ASKED
THAT THE GOVERNMENT BE STAYED FROM TRANSFERRING SOBELL UNTIL THE
HEARING OR THE MOTION. THE PETITION ALLEGES THE FOLLOWING GROUNDS
FOR THE MOTION. (ONE), THE PROCESSES OF THE COURT WERE ABUSED DURING
THE PENDENCY OF THE TRIAL BY THE DELIBERATE BRINGING ABOUT OF THE
INDICTMENT AND ARREST OF WILLIAM PEARL WHICH HAD THE EFFECT OF
UNDULY INFLUENCING THE JURORS THAT THE ATTORNEY GENERAL, THE USA, AND

END PAGE TWO

M

PAGE THREE

FBI COLLECTEDLY ENGENDERING BY THEIR CONDUCT AN ATMOSPHERE HOSTILE TO SOBELL AND PREDISPOSED THE JURORS TO THE BELIEF THAT SOBELL WAS "AN ATOM SPY" AND "A MEMBER OF THE KLAUS FUCHS SPY RING."

(THREE) THAT SOBELL WAS REVILED AND MALIGNED AND THE SUBJECT OF SUCH CONTEMPT AND SPECTACULAR HOSTILITY NEWSPAPER AND RADIO PUBLICITY IN ADVANCE OF TRIAL AND AS A RESULT OF THE PROSECUTION SENDING PREJUDICIAL MATERIAL TO THE PRESS THAT IT WAS IMPOSSIBLE TO RECEIVE A FAIR TRIAL BEFORE AN IMPARTIAL JURY. (FOUR) THAT EVIDENCE OF "TREACHERY AND GENERAL INTENT TO BETRAY" WAS OFFERED IN THE GUISE OF SPECIFIC INTENT TO FURNISH SECRET MILITARY INFORMATION AND THE CONVICTION BASED ON UNCONSTITUTIONAL APPLICATION OF ESPIONAGE ACT IN CONTRAVENTION OF THE TREASON CLAUSE OF CONSTITUTION. PROSECUTIVE AUTHORITIES KNOWINGLY USED FALSE TESTIMONY TO BRING ABOUT THIS CONVICTION. (FIVE) SOBELL IS UNJUSTLY CONFINED IN VIOLATION OF RIGHTS UNDER FIFTH AND SIXTH AMENDMENTS. JUDGE WEINFELD STATED THAT HE WOULD NOT SIGN THE ORDER TONIGHT BECAUSE HE DID NOT THINK A FURTHER STAY WAS NECESSARY. HE STATED THAT IF SOBELL

END PAGE THREE

PAGE FOUR

WAS SENT TO ATCATRAZ AND THE JUDGE HEARING THE PETITION DETERMINED THAT HIS PRESENCE WAS NECESSARY THIS JUDGE WOULD ORDER SOBELL-S APPEARANCE BEFORE HIM. JUDGE WEINFELD STATED THAT THE MOTION WOULD BE RETURNABLE AT TEN THIRTY ON THE TWENTY SIXTH NEXT, AND THAT HE WOULD GIVE HIS DECISION AS TO WHETHER HE WOULD GRANT A FURTHER STAY TO SOBELL ON THE TWENTY FIFTH NEXT A. M. IT APPEARED FROM THE JUDGE-S COMMENTS THAT HE IS NOT INCLINED TO GRANT A FURTHER STAY TO SOBELL. IF THE STAY IS NOT GRANTED, SOBELL COULD BE REMOVED AT MIDNIGHT ON THE TWENTY FIFTH. BERNARD AND RUTH GREENGLASS ADVISED THAT THEY VISITED DAVID GREENGLASS ON THE TWENTY SECOND LAST. BERNARD ASKED DAVID PURSUANT TO EMANUEL BLOCK-S REQUEST IF HE HAD BEEN COACHED BY THE GOVERNMENT. DAVID TOLD BERNARD THAT HE HAD NOT BEEN COACHED, AND THAT BERNARD COULD TELL BLOCK THAT DAVID COULD REPEAT TODAY THE TECHNICAL INFORMATION THAT HE HAD GIVEN TO THE FBI. BERNARD IS GOING TO CONTACT DAVE ROSENBERG AND GIVE HIM THIS INFORMATION AND HE EXPECTS TO CONTACT EMANUEL BLOCK ON THE TWENTY FIFTH. BUREAU WILL BE ADVISED OF DEVELOPMENTS.

BOARDMAN

END ACK

6-12 AM OK FBI WA ELR

R 3

TU

CC: MR. BELMONT
AND SUPERVISOR
DOM. INTEL. DIVISION

NOV 20 1952

TELETYPE ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7-22-86 BY 3042

Mr. Tolson _____
Mr. Ladd _____
Mr. Nichols _____
Mr. Belmont _____
Mr. Clegg _____
Mr. Glavin _____
Mr. Harbo _____
Mr. Rosen _____
Mr. Tracy _____
Mr. Egan _____
Mr. Gurnea _____
Mr. Hendon _____
Mr. Pennington _____
Mr. Quinn Tamm _____
Mr. Nease _____
Mr. Winterrowd _____
Tele. Room _____
Mr. Holloman _____
Miss Gandy _____

11-26-52

1-01 PM JLW

URGENT

DIRECTOR

JULIUS ROSENBERG, ETAL, ESP-R. JUDGE EDWARD WEINFELD TODAY 1-9-1

DIRECTED THAT HEARING FOR MOTION TO SET ASIDE CONVICTIONS IN
ROSENBERG AND SOBELL CASES BE HEARD BEFORE JUDGE IRVING KAUFMAN.
EMANUEL BLOCK, ROSENBERG ATTORNEY WILL FILE AFFIDAVIT OF PERSONAL
BIAS ON THE PART OF JUDGE KAUFMAN TO OBTAIN A DIFFERENT JUDGE.
HOWARD MYER, ATTORNEY FOR SOBELL FILED AFFIDAVIT OF BIAS ON THE
PART OF JUDGE KAUFMAN. STATED IT IS NOT INCONCEIVABLE THAT JUDGE
KAUFMAN MIGHT BE WITNESS IN THIS PROCEEDING. SUBJECTS ATTORNEYS
THEN APPEARED BEFORE JUDGE KAUFMAN WHO SET TWO THIRTY, NOV. TWENTY
EIGHT INSTANT AS DATE FOR HEARING.

RECORDED - 59 165-58236-1352
DEC 5 1952

BOARDMAN

END

END 61-02 PM OR FBI WA EAB

RECORDED - 59
- 105 -

165-58236-1353
DEC 5 1952
J. Edgar Hoover

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

NOV 26 1952

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/22-86 BY 8042 pwt-DSC

TELETYPE

FBI NYC

11-26-52

3-25 PM

JLW

DIRECTOR

URGENT

Mr. Tolson
Mr. Boardman
Mr. Belmont
Mr. Nichols
Mr. Rosen
Mr. Tamm
Mr. Winterrowd
Tele. Room
Mr. Holloman
Miss Gandy

JULIUS ROSENBERG, WAS, ET AL, ESP R. AUSA JAMES KILSHEIMER ADVISED
THAT AFTER TODAYS HEARING ON MOTION TO SET ASIDE CONVICTION OF
ROSENBERGS AND SOBELL, HE, SAAG ROY M. COHN, AND ATTORNEYS FOR
SUBJECTS, EMMANUEL BLOCH, AND HOWARD MYER MET OUTSIDE COURT ROOM
AND DISCUSSED FILING OF CERTAIN LEGAL PAPERS. MYER ASKED WHETHER
THE GOVERNMENT WOULD CONCEDE WHEN DEFENSE EXHIBITS CONSISTING OF
PHOTOSTATS OF NEWSPAPER ARTICLES WERE IN FACT TRUE REPRODUCTIONS
OF SAME. HE ALSO ASKED WHETHER OR NOT THE USA-S OFFICE WAS
PREPARED TO FURNISH COPIES OF ALL PRESS RELEASES PERTAINING TO
SUBJECTS ISSUED BY THE DEPARTMENT AND THE FBI. KILSHEIMER
ADVISED THAT NO COMMITMENT WAS MADE, BUT THE DEPARTMENT IS BEING ADVISED
AND IT APPEARS THAT SUBJECTS ATTORNEYS INTEND TO SUBPOENAE
COPIES OF THESE RELEASES. THE PURPOSE BEING TO SET ASIDE VERDICT
BECAUSE OF PUBLICITY DURING TRIAL.

BOARDMAN

END

3-28 PM OK FBI WA SS

DEC 15 1952

RECORDED - 50

21

DEC 5 1952

CO. MR. BELMONT
AND SUBORDINATES
DOM. INTEL. DIVISION

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

NOV 28 1952

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7-22-86 BY 3042 put-BJC

TELETYPE

FBI NYC

11-28-52

944 PM

TJS

DIRECTOR

URGENT

JULIUS ROSENBERG, ETAL, ESP - R. IN HEARING TODAY, ON MOTION TO SET ASIDE CONVICTION OF ROSENBERGS AND SOBLE, JUDGE IRVING KAUFMAN ORDERED AFFIDAVITS OF PREJUDICE AND PERSONAL BIAS SUBMITTED BY DEFENSE STRIKEN FROM THE RECORD AS INSUFFICIENT ON THEIR FACE. STATED DEFENDANTS HAD A FAIR TRIAL AND THESE TACTICS ARE MERELY THE USUAL RESENTMENT FOLLOWING ADVERSE FINDINGS BY A COURT. STATED NEVERTHELESS, INASMUCH AS TWO PARTIES INVOLVED ARE DEATH SENTENCED, HE, AS A MATTER OF PERSONAL PREFERENCE AND JUDICIAL EXPEDIENCY, ASKED JUDGE KNOX TO BE RELIEVED FROM THE HEARING. STATED JUDGE KNOX HAD ASSIGNED JUDGE SYLVESTER RYAN TO SIT ON FURTHER HEARINGS. JUDGE SYLVESTER RYAN STATED HE WOULD REVIEW LEGAL PAPERS OVER THE WEEKEND AND RULE AS TO WHETHER OR NOT HE WOULD ALLOW A HEARING MONDAY, DECEMBER FIRST NEXT, TWO P. M.

74 DEC 15 1952
HOLD

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901

BOARDMAN 21

DEC 5 1952

165-58236-1354

MR. BELMONT
AND SUPERVISOR
DOM. INTL. DIVISION

Mr. Tolson
Mr. Ladd
Mr. Nichols
Mr. Belmont
Mr. Clegg
Mr. Glavin
Mr. Harbo
Mr. Rosen
Mr. Tracy
Mr. Egan
Mr. Gurnea
Mr. Hendon
Mr. Pennington
Mr. Quinn
Mr. Nease
Mr. Gandy

E.I.R.

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

NOV 29 1952

TELETYPE

Mr. Tolson	
Mr. E. A. Tamm	
Mr. Clegg	
Mr. Glavin	
Mr. Ladd	
Mr. Nichols	
Mr. Rosen	
Mr. Tracy	
Mr. Harbo	
Mr. Mohr	
Mr. Winterrowd	
Tele. Room	
Mr. Holloman	
Miss Gandy	

FBI
DIRECTOR

NYC

11-29-52

9-20 PM

JLM

URGENT

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7-22-86 BY 3042 pwt-Dlc

JULIUS ROSENBERG, ESPIONAGE - R. AFTER CONFERENCE WITH AUSA, KILSHEINER AND MARTIN, AFFIDAVITS OF SPECIAL AGENTS WALTER C. ROETTING, LEO H. FRUTKIN, AND JOHN W. LEWIS WERE PREPARED.

THE BUREAU ADVISED THAT THESE AFFIDAVITS MUST BE SUBMITTED TO THE COURT AND EMANUEL BLOCH BY ELEVEN A.M. ON DEC ONE, NEXT. BUREAU AUTHORITY FOR AGENTS TO SIGN THESE AFFIDAVITS IS REQUESTED SO AFFIDAVITS MAY BE SIGNED PRIOR TO ELEVEN A.M., DEC ONE, NEXT.

THE BUREAU-S ATTENTION IS SPECIFICALLY DIRECTED TO THE AFFIDAVIT OF WALTER C. ROETTING. THE FACTS CONCERNING THE INCIDENT RELATED IN THIS AFFIDAVIT WERE THOROUGHLY DISCUSSED WITH KILSHEINER AND MARTIN. IT WAS THEIR DECISION NOT TO INCORPORATE IN THIS AFFIDAVIT THE FACT THAT SCHNEIDER HAD BEEN BROUGHT TO THE COURTROOM WHERE JULIUS ROSENBERG WAS UNDER CROSS EXAMINATION AND HAD IDENTIFIED JULIUS ON THIS EXAMINATION. THE BUREAU-S ATTENTION IS DIRECTED TO THE REPORT OF SA WILLIAM F. NORTON, JR. DATED APRIL TWENTYEIGHT, FIFTYONE IN THIS MATTER., PAGE TWENTYFIVE AND TWENTYSIX OF THIS REPORT. THIS REPORT QUOTE AT THE REQUEST OF USA IRVING H. SAYPOL,

53 DEC 16 1952

END OF PAGE ONE

RECORDED - 40

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DEC 5 1952

PAGE TWO

SCHNEIDER WAS BROUGHT TO THE COURTROOM WHERE ROSENBERG WAS THEN TESTIFYING ON THE WITNESS STAND, UNQUOTE. AFTER OBSERVING ROSENBERG ON THE WITNESS STAND, SCHNEIDER PROMPTLY IDENTIFIED HIM AS THE MAN WHO HAD VISITED HIS STUDIO. ON THE FOLLOWING DAY MARCH TWENTYSEVEN, FIFTYONE, SCHNEIDER OBSERVED MRS. ETHEL ROSENBERG AS SHE APPEARED ON THE WITNESS STAND IN THE COURTROOM AND HE STATED THAT SHE WAS THE WOMAN WHO HAD ACCOMPANIED JULIUS ROSENBERG TO THIS STUDIO. THE FOLLOWING IS A VERBATIM STATEMENT OF THE PROPOSED AFFIDAVITS TO BE SIGNED BY THE ABOVE NAMED SPECIAL AGENTS.. QUOTE

STATE OF NEW YORK/

COUNTY OF NEW YORK/ SS..

WALTER C. ROETTING, BEING DULY SWORN, DEPOSES AND SAYS.. I AM A SPECIAL AGENT OF THE FEDERAL BUREAU OF INVESTIGATION AND HAVE BEEN SO EMPLOYED SINCE NINETEEN FORTYONE. ON MARCH TWENTYSIX, FIFTYONE IN THE COMPANY OF SPECIAL AGENT LESTER O. GALLAHER, I WENT TO THE PHOTO SHOP OF ONE BEN SCHNEIDER, LOCATED AT NINE NINE PARK ROW, NEW YORK, NEW YORK. AT THAT ESTABLISHMENT, I EXHIBITED PHOTOGRAPHS OF JULIUS ROSENBERG AND ASKED MR. SCHNEIDER WHETHER HE HAD EVER SEEN THIS MAN. MR. SCHNEIDER PROMPTLY IDENTIFIED A PHOTOGRAPH AND STATED THAT HE HAD TAKEN PHOTOGRAPHS OF THIS MAN, HIS WIFE AND

END OF PAGE TWO

PAGE THREE

TWO CHILDREN SOMETIME PREVIOUS TO MY VISIT. HE RECALLED THAT HE HAD TAKEN THE PHOTOGRAPHS ON A SATURDAY AND THAT HE PARTICULARLY RECALLED THIS OCCASION AS HE DID NOT USUALLY GO TO WORK ON SATURDAYS. HE FURTHER RECALLED THAT THE ORDER PLACED BY THIS MAN HAD BEEN LARGER THAN THE USUAL ORDER FOR PHOTOGRAPHS. HE STATED THAT HE WAS PLEASED TO RECEIVE SUCH A LARGE ORDER ON A SATURDAY. IN RECALLING THE EVENT, HE STATED THAT HE PARTICULARLY REMEMBERED THAT THE TWO CHILDREN WERE VERY UNRULY AND CAUSED HIM A GREAT DEAL OF TROUBLE. HE ALSO RECALLED THAT THE MAN WHOSE PICTURE HE IDENTIFIED HAD STATED TO HIM THAT THE PICTURES WERE NEEDED BECAUSE HIS WIFE HAD RECENTLY INHERITED SOME MONEY IN FRANCE AND THAT HE AND HIS FAMILY WERE GOING TO FRANCE TO COLLECT THE INHERITANCE. THIS WAS THE FIRST OCCASION UPON WHICH I HAD SEEN MR. SCHNEIDER AND SO FAR AS I KNOW NO AGENT OF THE FEDERAL GOVERNMENT HAD INTERVIEWED HIM PREVIOUSLY IN CONNECTION WITH THIS OR ANY RELATED MATTER. PRIOR TO SHOWING MR. SCHNEIDER THE PHOTOGRAPH, I DID NOT IDENTIFY THE NAME OF THE PERSON WHOSE PICTURE I WAS SHOWING TO MR. SCHNEIDER, NOR THE REASONS FOR WHICH I DESIRED AN IDENTIFICATION.

STATE OF NEW YORK, COUNTY OF NEW YORK, SOUTHERN DISTRICT OF NEW YORK. LEO H. FRUTKIN, BEING DULY SWORN, DEPOSES AND SAYS THAT..

END OF PAGE THREE

PAGE FOUR

I AM A SPECIAL AGENT OF THE FEDERAL BUREAU OF INVESTIGATION, AND HAVE SERVED IN THAT CAPACITY SINCE NINETEEN FORTY. IN THE COURSE OF MY OFFICIAL DUTIES, I INTERVIEWED DAVID GREENGLASS ON JUNE FIFTEEN, NINETEEN FIFTY, IN THE COMPANY OF SPECIAL AGENT JOHN W. LEWIS. I HAVE READ THE AFFIDAVIT OF SPECIAL AGENT JOHN W. LEWIS, AND I NOW STATE THAT IT IS TRUE AND CORRECT, TO THE BEST OF MY KNOWLEDGE AND BELIEF.

JOHN W. LEWIS, BEING DULY SWORN, DEPOSES AND SAYS.. I AM A SPECIAL AGENT IN THE FEDERAL BUREAU OF INVESTIGATION AND HAVE BEEN SO EMPLOYED SINCE NINETEEN FORTYTWO. ON THE AFTERNOON OF JUNE FIFTEEN, NINETEEN FIFTY, IN THE COMPANY OF SPECIAL AGENT LEO H. FRUTKIN, IN THE COURSE OF MY OFFICIAL DUTIES, I WENT TO THE HOME OF DAVID GREENGLASS AT TWO SIX FIVE RIVINGTON STREET, NEW YORK, NEW YORK. AFTER BEING IN HIS HOME FOR APPROXIMATELY THREE HOURS, SPECIAL AGENT FRUTKIN AND I ASKED GREENGLASS TO ACCOMPANY US TO THE OFFICE OF THE FEDERAL BUREAU OF INVESTIGATION IN THE UNITED STATES COURT HOUSE, FOLEY SQUARE, NEW YORK, NEW YORK, FOR THE PURPOSE OF AN INTERVIEW. SPECIAL AGENT FRUTKIN AND I INTERVIEWED GREENGLASS

END OF PAGE FOUR

PAGE FIVE

ON THAT EVENING AND DURING THE INTERVIEW, GREENGLASS ADMITTED THAT HE HAD BEEN REQUESTED BY JULIUS ROSENBERG, THROUGH RUTH GREENGLASS, TO FURNISH INFORMATION CONCERNING THE LOS ALAMOS ATOM BOMB PROJECT TO BE TURNED OVER TO A COURIER FOR THE PURPOSE OF TRANSMITTAL TO THE SOVIET UNION. HE FURTHER ADMITTED THAT ON A SUBSEQUENT OCCASION HE DID TURN OVER TOP SECRET INFORMATION TO HARRY GOLD. HE FURTHER STATED THAT THE INFORMATION GIVEN RELATED TO A HIGH EXPLOSIVE LENS. GREENGLASS, WITHOUT ANY HELP OR ASSISTANCE WHATSOEVER, DREW A SKETCH OF THE LENS SHOWING A HIGH EXPLOSIVE IMPLOSION DEVICE. GREENGLASS FURTHER ADMITTED THAT HE HAD GIVEN TO GOLD A LIST OF NAMES OF PERSONS WORKING AT LOS ALAMOS WHOM GREENGLASS CONSIDERED TO BE APPROACHABLE FOR INFORMATION AND ALSO THAT HE IDENTIFIED VARIOUS SCIENTISTS WORKING AT LOS ALAMOS. THESE STATEMENTS WERE FREELY AND VOLUNTARILY GIVEN WITHOUT ANY PROMISE OF REWARD BEING MADE TO GREENGLASS BY ANY ONE ON BEHALF OF THE UNITED STATES GOVERNMENT. TO THE BEST OF MY KNOWLEDGE AND

END OF PAGE FIVE

PAGE SIX

BELIEF, THIS WAS THE FIRST OCCASION THAT DAVID GREENGLASS HAD BEEN INTERVIEWED IN CONNECTION WITH THE FURNISHING OF INFORMATION CONCERNING THE LOS ALAMOS BOMB PROJECT. UNDER NO CIRCUMSTANCES AND AT NO TIME DID I EVER MAKE AVAILABLE TO GREENGLASS ANY BOOKS OR SCIENTIFIC TEXTS NOR ANY OTHER MATERIAL PERTAINING IN ANY WAY TO ATOMIC ENERGY. TO THE BEST OF MY KNOWLEDGE AND BELIEF, NO OTHER AGENT OF THE FEDERAL BUREAU OF INVESTIGATION FURNISHED ANY SUCH MATERIAL TO GREENGLASS.

UNQUOTE

BOARDMAN

END

ACK PLS

8-38 PM OK FBI WA DBD

M

CC: MR. BELMONT
AND SUPERVISOR
DOM. INTEL. DIVISION

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. A. H. BELMONT *AB*

DATE: November 19, 1952

FROM : V. P. KEAY *WKA*SUBJECT: JULIUS ROSENBERG;
ETHEL ROSENBERG;
MORTON SOBELL
ESPIONAGE - R

Tolson	_____
Ladd	_____
Nichols	_____
Belmont	_____
Clegg	_____
Glavin	_____
Harbo	_____
Rosen	_____
Tracy	_____
Mohr	_____
Tele. Rm.	_____
Nease	_____
Gandy	_____

In connection with the above-mentioned case there are attached post cards and letters sent by various persons in the United States to the President of the United States and to the Department of State asking for Executive clemency to spare the lives of the Rosenbergs and Sobell.

ACTION:

In view of the fact that these letters and post cards tend to follow a set pattern which gives suspicion to the fact that they may have been written by Communists, it is suggested that this memorandum, with attachments, be referred to the Internal Security Section for its information. The attached letters and post cards may be retained in the Bureau files.

Attachments (4)

RRR/sjb

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7-22-86 BY 3042 *put-bdc*

INDEXED-45

RECORDED-45

DEC 2 1952

165-58236

1356

100-370343-10
100-396777-3
100-396938-1

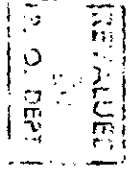
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7-22-86 BY 3042 pwt-etc

ENCLOSURE

65-58236-1356

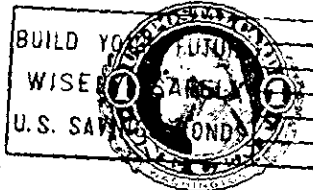


THIS SIDE OF CARD IS FOR ADDRESS

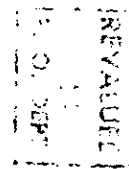


PRESIDENT HARRY S. TRUMAN
The White House
Washington, D. C.

65-58236-1356

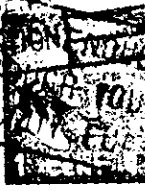
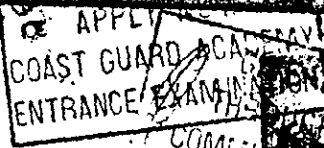
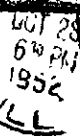


THIS SIDE OF CARD IS FOR ADDRESS



PRESIDENT HARRY S. TRUMAN
The White House
Washington, D. C.

65-58236-1356



PRESIDENT HARRY S. TRUMAN
The White House
Washington, D. C.

65-58236-1356

● O PRESIDENT HARRY S. ● UMAN

We urge you to instruct Attorney Gen. J. P. McGranery to consent to new motions made by the defense attorneys of Ethel and Julius Rosenberg and Morton Sobell and to exercise executive clemency to spare their lives.

Name

Leah Epstein

Address

*124 N. Westmasetyad
LA*

TO PRESIDENT HARRY S. TRUMAN

We urge you to instruct Attorney Gen. J. P. McGranery to consent to new motions made by the defense attorneys of Ethel and Julius Rosenberg and Morton Sobell and to exercise executive clemency to spare their lives.

Name

Leah Epstein

Address

1737 Gulson St

PRESIDENT HARRY S. TRUMAN
THE WHITE HOUSE
WASHINGTON, D. C.

Dear Mr. President:

I respectfully urge that you save the lives of Ethel and Julius Rosenberg.

I believe that the death sentence was unusually severe, particularly in view of the milder 10-year sentences given to Tokyo Rose and Axis Sally, who were convicted of the more serious crime of treason.

I hope that you grant the Rosenbergs Executive Clemency.

Sincerely,

L. S. Blumberg

RECORDED-45

SAC, Los Angeles

November 28, 1952

Director, FBI

65-58236-1356

LEAH ERB, was.;
FREDA LEAVITT;
L. S. BLUMBERG
SECURITY MATTER - C

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7-22-86 BY 3042 pwt-DAC

Enclosed are Photostats of two cards addressed to the President, the contents of which are self-explanatory, one of which is signed Leah Erb and the other Freda Leavitt.

Your attention is directed to your file 100-32137, entitled "Leah Erb, was., Security Matter - C."

In relation to Freda Leavitt, reference is made to your letter dated December 8, 1948, captioned "Lewis Allen, aka Louis Allen; Ann Allen, Security Matter - C," page 5 of which reflects that a copy of the Jewish Fraternalist, the official publication of the Jewish Peoples Fraternal Order, IWO, was obtained by a Special Agent of your office from an unknown individual in Pershing Square in 1948. This magazine was addressed to Freda Leavitt, 2737 Falsom Street, Los Angeles.

100-356577-2

Your attention is also directed to your file 100-23652, captioned "American Committee for the Settlement of Jews in Birobidzian, Inc., (Ambijan) aka Southern California Committee for Jewish Rehabilitation (SCCJR), Internal Security - R, Registration Act" and particularly the report of your office dated July 2, 1951, page 6 of which reflects that one Freda Leavitt was a member of the Eastside Committee of the subject organization. This report states that Rose Rosenfield, Financial Secretary of the SCCJR, stated that the organization supported the Communist Party of Israel.

100-99898

You should search the files of your office for any additional pertinent information concerning Leavitt and thereafter be guided by current Bureau instructions concerning the handling of security investigations.

Enclosed for the Chicago Office is a Photostat of a post card addressed to the President signed L. S. Blumberg and postmarked in Chicago, the contents of which are self-explanatory.

Bureau files contain no identifiable information concerning Blumberg.

Tolson _____
Ladd _____
Nichols _____
Belmont _____
Clegg _____
Glavin _____
Harbo _____
Rosen _____
Tracy _____
Mohr _____
Tele. Rm. _____
Nease _____
Gandy _____

53 JAN 9 1953 Chicago (Enclosure)

The Chicago Office should search its files for any additional pertinent information concerning Blumberg and be guided by current Bureau instructions concerning the handling of security investigations.

NOTE ON YELLOW ONLY:

Leah Erb is an SI subject, LA origin.
(100-370313)

Office Memorandum

TO : Director, FBI
FROM : Att: Inspector *nnrich*
SAC, New York (5-15348)
SUBJECT: *P* JULIUS ROSENBERG
ESPIONAGE - R

DATE: 11/26/52

m 092561

There is forwarded herewith for the information of the Bureau a photostatic copy of the petitions filed by attorneys for the ROSENBERGS and SOBELL in proceedings under Section 2255. *R9-1*

73 Encls. (3)

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7-22-86 BY *8042* *Int-Dtc*

GLF

65-58236-1357

JAH:PC

*Memorandum to Belmont
analysing 12-1-52
RT.*

RECORDED - 73

NOV 27 1952

12-3

60 DEC 15 1952

Handwritten signature

250-100

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x
UNITED STATES OF AMERICA,

-against-

JULIUS ROSENBERG, ETHEL ROSENBERG,
et al,

C-134-245

Defendants.
-----x

TO THE HONORABLE JUDGES OF SAID COURT:

The petition of JULIUS ROSENBERG and ETHEL ROSENBERG, by EMANUEL H. FLOCH, their attorney, respectfully represents:

FIRST: The petitioners are unjustly, unlawfully and illegally detained and imprisoned by Wilfred L. Denno, Warden of Sing Sing Prison, Ossining, New York, a New York State penal institution, acting as the agent for and under the direction of the Attorney General of the United States or his authorized representative to whose custody they were commended, under and by virtue of separate judgments entered and commitments issued by the United States District Court for the Southern District of New York, dated and filed April 5, 1951 against each of the petitioners.

SECOND: The indictment, against the petitioners (a superseding indictment following two previous ones) was returned in this Court on January 31, 1951 on charges, in a single count, that they conspired with others, from June 6,

1/ For the convenience of the Court and of all parties to this proceeding, the printed copy of the record, filed with the Supreme Court of the United States on the petitioners' petition to that Court, as hereafter stated, is made part of the moving papers herein, and marked as to Volume I, Exhibit "A" and as to Volume II, Exhibit "B". References to this record will be made herein as "R". All of the other exhibits hereinafter referred to are also annexed hereto and made a part thereof.

1944 and until June 16, 1950, to transmit to the Union of Soviet Socialist Republics "documents, writings, sketches, notes and information relating to the national defense of the United States of America" with "intent or reason to believe that they would be used to the advantage of" that foreign nation, in violation of Section 34, Title 50 of the United States Code (now 18 U.S.C.A. 794). (R. 2-4, 5, 6)

THIRD: Their trial, together with the co-defendant, MARTIN SOBELL, before a Court and Jury in this Court, commenced on March 6, 1951 and continued until March 29, 1951, when the jury returned separate verdicts of guilty against each of them. (R. 35-1579)

FOURTH: On April 5, 1951 they were sentenced to death by electrocution by Hon. Irving I. Kaufman, the trial judge; and, as aforementioned, the judgments and commitments were made and filed in the Office of the Clerk of this Court on said April 5, 1951. (R. 1612-20; 27, 28)

FIFTH: Pursuant to the authority vested in him by the provisions of Section 4082, of Title 18 of the United States Code, the Attorney General or his authorized representative, caused and ordered the transfer of the petitioner, ETHEL ROSENBERG on or about April 11, 1951, and of petitioner, JULIUS ROSENBERG on or about May 15, 1951 to the Sing Sing Prison at Ossining, New York, where they have remained and now are presently detained to await execution, since no "available, suitable and appropriate institutions" were maintained by the Federal Government within the Southern District of New York which had facilities to carry out the execution of the sentence of death of the petitioners in the manner prescribed by the judgment of conviction.

SIXTH: Thereafter the petitioners duly appealed to the United States Court of Appeals for the Second Circuit from the aforesaid judgments of conviction, which were stayed pending final determination of the appeal. On February 25, 1952, the United States Court of Appeals for the Second Circuit, affirmed the judgments of conviction of the petitioners. Its opinion is reported in 195 F.(2d) 562.

SEVENTH: Thereafter the petitioners duly petitioned the said United States Court of Appeals for the Second Circuit for a rehearing of their appeal. On April 8, 1952, the said Court denied the said petition. Its opinion is also reported in 195 F.(2d) 583.

EIGHTH: Thereafter the petitioners duly petitioned to the Supreme Court of the United States for a writ of certiorari to review the aforesaid decisions of the United States Court of Appeals for the Second Circuit. On October 13, 1952 the United States Supreme Court made and entered an order denying the said petition. No written opinion was rendered. Black, J., dissenting, noted his desire to grant the writ.

NINTH: Thereafter and on or about October 15, 1952, the Supreme Court of the United States, on the application of petitioners, made an order staying the issuance of its order of October 13, 1952 until its determination of a petition for a rehearing to be duly made before that Court by the petitioners.

TENTH: Thereafter and on October 28, 1952 the petitioners duly filed their petition with the Supreme Court of the United States for a rehearing and reversal of its order of October 13, 1952.

ELUVENTH: On November 17, 1952, the United States

Supreme Court made and entered an order denying petitioners' petition for a rehearing. Black, J., dissenting, noted his desire to grant the petitioners' prayer for relief. Frankfurter, J., wrote a memorandum opinion, not yet officially reported.

TWELFTH: Petitioners make this application praying that their sentence be vacated and set aside and that they be discharged from detention and imprisonment under the provisions of Sec. 2255, Title 28 of the United States Code on the ground that their conviction was unjustly, unlawfully and illegally procured in violation of the Constitution and laws of the United States and that the sentencing court was without jurisdiction to impose the sentence, so as to render the judgment subject to collateral attack.

THIRTEENTH: The grounds which petitioners urge in support of this application are as follows:

1. Pre-trial and trial publicity, bearing on the issues of the petitioners' case, adversely reflected upon their innocence, pre-conditioned the public mind in the Southern District of New York to an acceptance of their guilt, and created a trial atmosphere of prejudice and hostility toward them, through:

- (a) Newspaper publicity developed by the independent initiative and private enterprise of the newspapers and other mass media of communication circulated within the Southern District of New York;

- (b) Information, indicating the guilt of the petitioners "fed to" the press and other mass media of communication circulated within the City of New York by the Federal Bureau of Investigation, the Department of Justice, the office of the United

States Attorney for the Southern District of New York, and other officials of Government, and reported widely by the said media of publicity;

(a) The indictment of one, William Perl, procured by the prosecuting authorities in the Southern District of New York in the course of the trial and before the verdict of the petitioners, having the effect of prejudicing the minds of the jurors sitting in the petitioners' cause against the petitioners.

2. The prosecuting authorities knowingly used false testimony to bring about petitioners' conviction.

3. The sentencing court was without jurisdiction to impose the sentence; in that the material allegedly transferred and communicated, the gravamen of the offense, was arbitrarily and capriciously classified as "secret", when in fact it was lawfully, widely and publicly known, and its transmittal or communication, therefore, not violative of Section 32 (a) and 34 of Title 50 U.S.C.A.

GENERAL CLIMATE OF THE CASE

COURT ESTE: In October 10, 1952, subsequent to the trial proceedings in this case, the United States Court of Appeals, for the First Circuit, in Belaney v. United States (Number 4652, not yet reported) enunciated legal principles, not clearly established at the time of the petitioners' trial, concerning the effect of adverse "pervasive pre-trial publicity". The Court held that where an "enveloping hostile atmosphere" may result in the creation of a "public preconception of guilt", a defendant, tried under such conditions,

is deprived of his rights under the Sixth Amendment to the Constitution of the United States.

With respect to "this modern phenomenon of 'trial by newspaper'", where "pre-trial publicity of damaging material, tending to indicate the guilt of the defendant, is dug up by the initiative and private enterprise of newspapers", the Court stated: "The Supreme Court has not spoken its last word". It held directly that where such material is "fed to the press by prosecuting officials of the Department of Justice" the courts must, in the interests of "the administration of criminal justice in the federal courts" go beyond even "those minimal historic safeguards...which are summarized as 'due process of law'" to insure that "civilized standards of procedure and evidence" are established and maintained.

The petitioners here represent that a tremendous and almost unprecedented volume of pre-trial and trial newspaper publicity stimulated by the prosecuting officials as well as independently generated, hostile to them, had deeply ingrained in the public of the Southern District of New York, a profound conception of their guilt. No jury chosen from among this section of the population could have escaped that influence in arriving at its verdict.

To the preconception of the petitioners' culpability of the crime with which they were charged was added anger, hatred and resentment against them because their crime was falsely depicted to have been of a magnitude and character as to put in jeopardy the national security of the United States and the very survival of each of its citizens.

The remarks of the trial Court on sentence reflected this type of attitude toward the petitioners which prevailed from the time of their arrests through their trial, when he

state: "I consider your crime worse than murder... You have changed the course of history to the disadvantage of our country... Jeline Torgler was the prime mover in this conspiracy... Ethel Rosenberg... encouraged and assisted the cause... she was a full-fledged partner in this crime." (R. 1/18-1/16).

But within a week after the imposition of sentence upon the petitioners, a highly authoritative government report rated Nichols, Kay and Greenglass (along with British, Bruno Pontecorvo) as the only important atomic espionage agents, and subordinated the petitioners to a minor place. Report on Soviet Atomic Espionage Joint Comm. on Atomic Energy, 82nd Cong., 1st Sess. (U.S. Gov't Printing Office, 1951) pp. 5-7. Appendix: The Shameful Years, House Comm. on Un-American Activities (U.S. Gov't Printing Office, 1952).

Nevertheless, the exaggerations and distortions, documented below, of the disrepute of the petitioners alleged crime, prevailed in the pre-trial and trial period and created a climate of hostility which transformed the trial into a proceeding bearing the superficial trappings of due process, but devoid of the indispensable content of fairness or reasoned deliberation.

The case of the petitioners is unique in this respect: the publicity which prejudiced them consisted not alone of aspersions on their innocence, but was the accumulation of propaganda, varied in its aspects, commencing months before their arrests and continuing to and including their trial. As it became specifically directed toward them by the prosecuting officials and the mass media of communication, the petitioners were engulfed in a wave of common anger,

and public opinion hardened into a certainty of their individual guilt.

Only the history of the contemporaneous period explains the effectiveness and force of the lines of publicity which fastened the guilt of the petitioners in the public mind.

The years from the close of World War II to the date of the arrest and trial of the petitioners, and to the present, were marked by a growing strain and tension in the relations between the United States and the Soviet Union. The tempo of the deterioration of the international situation, by the time of the arrest of the petitioners and their trial, quickened by the outbreak of the Korean conflict, had reached the stage of "enmity", popularly referred to as the "cold war". Exploiting ideological identity of Communists here and abroad, domestic Communists had been presented to the public as suspect in their loyalty to our Government.

The deep fear of the consequences to the American people of the development of the "cold war" into a shooting war, was mitigated, from Hiroshima to 1949, by reliance on the illusion that the United States maintained a monopoly on the atom-bomb--the most frightful and devastating weapon yet developed by man. The sense of security of the people of the United States that they would be safe in any war with the Soviet Union because of their sole possession of this super-weapon was shattered when, in September 1949, the President of the United States announced that the Soviet Union had exploded an atomic bomb.

When Dr. Klaus Fuchs, the British atomic scientist--Dr. J. Robert Oppenheimer's opposite number at the Los Alamos atom-bomb project--was arrested in England, in February,

1950, the American people were given to understand that the Soviet Union achieved mastery of the atomic weapon, when it did, only by virtue of the espionage activities of Fuchs and his cohorts, in transmitting to the Soviet Union the innermost "secrets" of American atomic bomb production. The circumstances that President Truman had publicly disclosed that he had ordered American production of the hydrogen bomb three days prior to Fuchs' arrest, and the charge that Fuchs had also delivered hydrogen bomb data to the Soviet Union compounded the shock. N.Y. Times, Feb. 1, 1950, p. 1 (Ex. II-A-1); N.Y. Daily Mirror, Feb. 1, 1950 p. 1 (Ex. II-B-1); N.Y. Post, Feb. 1, 1950, p. 1 (Ex. II-C-1).

The entire metropolitan press and national magazines circulated in this community, featured statements by J. Edgar Hoover, Director of the Federal Bureau of Investigation, Senator Brian McMahon, Chairman of the Congressional Committee on Atomic Energy, its individual members, the United States Atomic Energy Commission, and General Leslie R. Groves, wartime head of the over-all Atomic Manhattan Engineering Project, that Fuchs had had access to our most vital and closely guarded "secrets" of the atomic and hydrogen bombs and that his transmission of this information to the Soviet Union, in all probability, was the factor which enabled the Soviet Union to bring off an atomic explosion years before the United States Government had expected it. See, e.g.: N.Y. Times, Feb. 4, 1950, p. 2 (Ex. II-A-2); ibid, Feb. 12, 1950, p. 108 (Rev. of Wk.) (Ex. II-A-3); N.Y. Herald Tribune, Feb. 4, 1950 p. 1 (Ex. II-B-1); ibid, Feb. 5, 1950, p. 1 (Ex. II-B-2); ibid, Feb. 7, 1950 pp. 1, 21 (Ex. II-B-4); N.Y. Daily News, Feb. 4, 1950 p. 1, 2 (Ex. II-C-1); ibid, Feb. 5, 1950, pp. 2, 54 (Ex. II-C-2); ibid, Feb. 5, 1950 p. 36 (Ex. II-C-5).

N.Y. Daily Mirror, Feb. 4, 1950, pp. 1, 2 (Ex. II-2-3); N.Y. Journal American, Feb. 3, 1950, pp. 1, 4, 5 (Ex. II-2-2); *ibid.*, Feb. 4, 1950, pp. 1, 2, 3 (Ex. II-2-3, 4); *ibid.*, Feb. 5, 1950, p. 15 (Ex. II-2-7, 8); *ibid.*, Feb. 10, 1950, pp. 1, 15, 16 (Ex. II-2-15-20); N.Y. World Telegram and Sun, Feb. 4, 1950 p. 1 (Ex. II-2-2); N.Y. Post, Feb. 10, 1950, pp. 1, 2, 47 (Ex. II-2-9); Time Magazine, Feb. 13, 1950, p. 24 (Ex. II-2-1); N.Y. Daily Mirror, Mar. 12, 1950, p. 3 (Ex. III-2-2); N.Y. Journal American, Mar. 11, 1950, p. 2 (Ex. III-2-1); N.Y. Post, Mar. 2, 1950, p. 15 (Ex. III-2-2); *ibid.*, Mar. 12, 1950, p. 3 (Ex. III-2-4).

The U.S. Federal Bureau of Investigation, reportedly instrumental in the arrest of *Wachs*, in tandem with the British Prosecutor of *Wachs* and the presiding ^{Judge} *at his trial*, *advised the press that* the trial and sentence, *that the motivation for Wachs's espionage activities on behalf of the Soviet Union was ideological attachment to the principles of Communism. It was widely exploited in the metropolitan press as "an object lesson in the failure of modern Communism".* N.Y. Times, Feb. 5, 1950, pp. 2, 3 (Ex. II-4-4, 5); *ibid.*, Feb. 7, 1950, p. 3 (Ex. II-4-7); *ibid.*, Feb. 11, 1950, pp. 1, 2 (Ex. II-4-12); N.Y. Journal American, Feb. 7, 1950, p. 1 (Ex. II-4-1); *ibid.*, Feb. 11, 1950, pp. 1, 4 (Ex. II-4-8); *ibid.*, Feb. 12, 1950, pp. 1, 3 (Ex. II-4-10); N.Y. Daily Mirror, Feb. 4, 1950, pp. 1, 2, 3 (Ex. II-4-1); *ibid.*, Feb. 7, 1950, p. 3 (Ex. II-4-4); *ibid.*, Feb. 12, 1950, p. 12 (Ex. II-4-8); *ibid.*, Mar. 20, 1950, p. 37 (Ex. II-4-9); N.Y. Daily Mirror, Feb. 13, 1950, p. 7 (Ex. II-4-2); *ibid.*, Feb. 6, 1950, p. 3 (Ex. II-4-14); *ibid.*, Feb. 11, 1950, pp. 1, 3 (Ex. II-4-15-16); N.Y. Journal American, Feb. 3, 1950, pp. 1, 4 (Ex. II-4-1, 2); *ibid.*, Feb. 4, 1950, pp. 1, 7, 14 (Ex. II-4-3, 10); *ibid.*, Feb. 10, 1950, pp. 1, 2, 3 (Ex. II-4-11).

15, 16, 17, 18, 19, 20); N.Y. World Telegram and Sun, Feb. 4, 1950, pp. 1, 11 (Ex. II-3-3, 11); 1950, Feb. 7, 1950, p. 16 (Ex. II-3-7); 1950, Feb. 11, 1950, p. 5 (Ex. II-3-11); N.Y. Post, Feb. 1, 1950, p. 1 (Ex. II-3-1); 1950, Feb. 10, 1950, p. 1, 2, 17 (Ex. II-3-10); 1950, Feb. 13, 1950, p. 2 (Ex. II-3-10); 1950, Feb. 13, 1950, p. 27 (Ex. II-3-11); 1950, Feb. 24, 1950, p. 12 (Ex. II-3-12); 1950, Feb. 15, 1950, p. 12 (Ex. II-3-13); Time Magazine, Feb. 13, 1950, p. 24 (Ex. II-3-1); 1950, Feb. 20, 1950, pp. 22, 23 (Ex. II-3-2); N.Y. Times, Mar. 2, 1950, pp. 1, 11 (Ex. II-3-1); N.Y. Herald Tribune, Mar. 2, 1950, pp. 1, 12 (Ex. II-3-2); N.Y. Daily News, Mar. 2, 1950, pp. 2, 11 (Ex. II-3-1); N.Y. Journal American, Mar. 1, 1950, p. 1 (Ex. II-3-1); N.Y. World Telegram and Sun, Mar. 1, 1950, p. 1 (Ex. II-3-1); N.Y. Post, Mar. 1, 1950, p. 1 (Ex. II-3-1); 1950, Mar. 5, 1950, p. 12 (Ex. II-3-2); Time Magazine, Mar. 13, 1950, p. 24 (Ex. II-3-1); New York, Mar. 13, 1950, p. 34 (Ex. II-3-2); N.Y. Herald Tribune, Mar. 21, 1950 (Ex. V-1-7).

The official treatment of the Fuchs case, dramatized by the reportage, served to co-mix the political phobias which had developed in the years following World War II. These emerged, thereafter, as objects of awe and crippling fear: (1) the fear that espionage on behalf of the Soviet Union had and would harm us; (2) the fear that native Communists, active as spies for the Soviet Union, would subvert our security; and (3) the fear of the consequences of the breach of U.S. atomic monopoly, in terms of individual and mass annihilation.

These objects became matters of widespread publicity from the time of the arrest of Fuchs to and including the arrest and trial of the petitioners. From the Fuchs case there developed a chain of atomic espionage cases in which, properly

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N.Y. Daily News, Mar. 7, 1950, p. 12 (Ex. III-C-3); *ibid.*, March 9, 1950, p. 1 (Ex. III-C-4); N.Y. Daily Mirror, Mar. 7, 1950, p. 4 (Ex. III-D-1); N.Y. Journal American, Mar. 3, 1950, (Ex. III-E-3); N.Y. World Telegram & Sun, Mar. 1, 1950, p. 2 (Ex. III-E-4); *ibid.*, Mar. 20, 1950, p. 4 (Ex. III-E-7); N.Y. Post, Mar. 1, 1950, p. 1 (Ex. III-G-1); *ibid.*, Mar. 2, 1950, p. 14 (Ex. III-C-2).

On May 24, 1950, Harry Gold, an American, was arrested on the charge of conspiring to commit espionage on behalf of the Soviet Union by transmitting to agents of that country information relating to the national defense of the United States.

This first American arrest, on a crime carrying the death penalty, produced a hysteria which became more frenzied with the reports of frantic Federal Bureau of Investigation activity to apprehend the "Rosenbergs" before they "fled" the country. These reports were officially inspired, as was the added revelation that the authorities were guarding all ports, harbors, stations and airfields to prevent their escape. When this is counterposed against the information, easily discoverable, and subsequently introduced at the trial of the petitioners, that Anatoli A. Yakovlev (a co-conspirator of Gold and co-defendant of the petitioners) and his family had left the country after openly booking Class A passage on the S.S. America in 1946 (R. 925-6), it becomes clear that the hysteria was artificially induced. And, in every story thereafter appearing, in which the petitioners were mentioned, Yakovlev's name was introduced, to the prejudice of the petitioners, as a co-conspirator who had "fled" the country. (See also narration cited in the succeeding paragraphs.)

The official pronouncements, reported by the metropolitan press linked Gold to Fuchs. It also joined Gold with the alleged American espionage agents, Elizabeth Bentley, who testified at, and Jacob Golos, named in suspicious connection with Rosenthal, at the trial of the petitioners (R. 996-1023). N.Y. Times, May 24, 1950, p. 1 (Ex. V-A-5); ibid, May 25, 1950, p. 1 (Ex. V-A-6); N.Y. Herald Tribune, May 25, 1950, p. 1 (Ex. V-B-5); ibid, May 26, 1950, (Ex. V-B-7); ibid, May 31, 1950, (Ex. V-B-8); N.Y. Daily Mirror, May 24, 1950, p. 3 (Ex. V-D-7); ibid, May 25, pp. 1,3 (Ex. V-D-8); N.Y. Journal American, May 24, 1950, pp. 1,18,19 (Ex. V-D-1, 2, 3); N.Y. World Telegram and Sun, May 24, 1950, pp. 1,5 (Ex. V-F-4, 7); N.Y. Post, May 24, 1950, pp. 1,2 (Ex. V-C-1); ibid, May 25, 1950, pp. 1,2,3 (Ex. V-C-2).

At the same time officials and the newspapers persisted in reporting that Fuchs, in co-operation with K.G.B. agents in London, was implicating other Americans as his espionage contacts. Speculative estimates on the number of people he would have named ranged from 10 to 100. N.Y. Herald Tribune, May 26, 1950, (Ex. V-B-6); N.Y. Daily News, May 24, 1950, pp. 1, 3, 50 (Ex. V-C-3, 4, 5); ibid, May 25, 1950, pp. 2,50 (Ex. V-C-6); N.Y. Daily Mirror, May 25, 1950, pp. 1,3,53 (Ex. V-D-8); ibid, May 26, 1950, p. 6 (Ex. V-D-9); N.Y. Journal American, May 24, 1950, pp. 1,14,18,19,24 (Ex. V-D-1, 2, 3, 4); ibid, May 25, 1950, pp. 1, 15 (Ex. V-D-5, 6); N.Y. World Telegram and Sun, May 5, 1950, p. 10 (Ex. V-B-3); ibid, May 25, 1950, pp. 1,2 (Ex. V-F-8); ibid, May 29, 1950, p. 4 (Ex. V-F-10); ibid, May 31, 1950, p. 34 (Ex. V-B-11); N.Y. Post, May 24, 1950, pp. 1,2,54,55 (Ex. V-B-1).

All the proceedings in the Gold case following his arrest, as well as his testimony against other of his alleged confederates at their trial, received unusually prominent treatment in the press in this District and kept alive in the public mind through the entire period terminating with the trial of the petitioners, the misdeeds of Gold and Fuchs. As with Fuchs, reports of official "tins" that Gold was "talking" about others allegedly connected with him in Soviet espionage, served to associate future suspects with his criminal activities. This background facilitated the forging of a prejudicial nexus between Rosenberg and Gold, although Gold, when he subsequently testified at the petitioners' trial never claimed that he met or knew the Rosenbergs. (R. 708-848). N. Y. Times, June 2, 1950, p. 11 (Ex. VI-A-1); *ibid*, June 10, 1950 pp. 1, 3 (Ex. VI-A-5); *ibid*, June 13, 1950, p. 14 (Ex. VI-A-6); N.Y. Herald Tribune, June 1, 1950 pp. 1, 13 (Ex. VI-B-1); *ibid*, June 2, 1950, p. 4 (Ex. VI-B-2); *ibid*, June 10, 1950 (Ex. VI-B-4); *ibid*, June 13, 1950 (Ex. VI-B-5); N.Y. Daily News, June 1, 1950, p. 6 (Ex. VI-C-1); *ibid*, June 10, 1950, pp. 2, 6 (Ex. VI-C-2); N.Y. Journal American, June 9, 1950, p. 1 (Ex. VI-E-1); N. Y. Times, July 21, 1950, p. 8 (Ex. VII-A-7); N. Y. Herald Tribune, July 21, 1950, (Ex. VII-B-3); N.Y. Daily News, July 21, 1950, p. 4 (Ex. VII-C-4); N. Y. Daily Mirror, July 21, 1950, p. 2 (Ex. VII-D-6); N.Y. Journal American, July 20, 1950, p. 1 (Ex. VII-E-5); N. Y. Post, July 20, 1950 p. 2 (Ex. VII-G-3); N. Y. Herald Tribune, Aug. 1, 1950 (Ex. VIII-B-1); *ibid*, Aug. 3, 1950 (Ex. VIII-F-2); N. Y. Post, Aug. 16, 1950, p. 4 (Ex. VIII-G-2);

N. Y. Times, Nov. 1, 1950, pp. 1, 18 (Ex. XI-A-1); *ibid*,
 Nov. 18, 1950, p. 9 (Ex. XI-A-3); *ibid*, Nov. 21, 1950, p.
 10 (Ex. XI-A-4); *ibid*, Nov. 22, 1950, p. 5 (Ex. XI-A-5);
 N. Y. Herald Tribune, Nov. 1, 1950, (Ex. XI-B-4); *ibid*,
 Nov. 17, 1950 p. 11, (Ex. XI-B-5); *ibid*, Nov. 21, 1950, p.
 16 (Ex. XI-B-6); *ibid*, Nov. 22, 1950 (Ex. XI-B-7); N. Y.
 Daily News, Nov. 16, 1950, p. 6 (Ex. XI-C-4); *ibid*, Nov. 17,
 1950, p. 36 (Ex. XI-C-5); *ibid*, Nov. 22, 1950, p. 10 (Ex. XI-
 C-6); N. Y. Daily Mirror, Nov. 16, 1950, p. 2 (Ex. XI-D-3);
ibid, Nov. 17, 1950, pp. 2, 34 (Ex. XI-D-4); *ibid*, Nov. 18,
 1950, p. 5 (Ex. XI-D-5); *ibid*, Nov. 21, 1950, p. 6 (Ex. XI-
 D-6); N. Y. Journal American, Nov. 16, 1950, p. 4 (Ex. XI-E-6);
ibid, Nov. 17, 1950, p. 7 (Ex. XI-E-8,9); *ibid*, Nov. 20, 1950,
 p. 13 (Ex. XI-E-10); *ibid*, Nov. 21, 1950, p. 4 (Ex. XI-E-12);
ibid, Nov. 22, 1950, p. 3 (Ex. XI-E-13); N.Y. Telegram and
 Sun, Nov. 16, 1950, p. 16 (Ex. XI-F-2); *ibid*, Nov. 17, 1950,
 p. 3 (Ex. XI-F-3); N.Y. Post, Nov. 16, 1950, p. 3 (Ex. XI-G-4);
ibid, Nov. 20, 1950, p. 7 (Ex. XI-G-5); *ibid*, Nov. 21, 1950,
 p. 4 (Ex. XI-G-6); *ibid*, Nov. 22, 1950, p. 4 (Ex. XI-G-7);
 N. Y. Times, Dec. 10, 1950, pp. 1, 19 (Ex. XII-A-1); N.Y.
 Herald Tribune, Dec. 8, 1950, (Ex. XII-B-7); *ibid*, Dec. 10,
 1950, pp. 1, 42 (Ex. XII-B-8); N. Y. Daily News, Dec. 10, 1950,
 p. 2 (Ex. XII-C-1); N.Y. Daily Mirror, Dec. 10, 1950, p. 4
 (Ex. XII-D-1); N.Y. Journal American, Dec. 9, 1950, p. 1
 (Ex. XII-E-4); *ibid*, Dec. 10, 1950, p. 1 (Ex. XII-E-5); N. Y.
 World Telegram and Sun, Dec. 9, 1950, p. 1. (Ex. XII-F-2);
 N.Y. Post, Dec. 7, 1950, p. 5 (Ex. XII-G-1); N.Y. Times,
 March 16, 1951, pp. 1, 8 (Ex. XV-A-10); N.Y. Herald Tribune,
 Mar. 16, 1951, p. 1 (Ex. XV-B-7); N.Y. Daily News, Mar. 16,
 1951, p. 8 (Ex. XV-C-11); N.Y. Daily Mirror, Mar. 16, 1951,
 p. 12 (Ex. XV-D-8); N. Y. Journal American, Mar. 16, 1951,

p. 22 (Ex. VI-E-11); N.Y. World Telegram and Sun, Mar. 16, 1951, p. 3 (Ex. XV-F-9); N. Y. Post, Mar. 16, 1951, p. 4 (Ex. XV-G-9);

On June 15, 1950, Alfred Dean Slack, a chemist, was arrested on charges of espionage and was connected directly to Gold and Fuchs. These latter were, by now, commonly characterized as the Fuchs-Gold "Atom-Spy" ring. Although the charge against Slack was that he had illegally transferred information concerning RDX (a high explosive) to Gold, he was nevertheless united with the "Atom-Spy" ring. His arrest and subsequent plea of guilty in September, 1950 and his sentence in that month likewise were given front page attention. N.Y. Times, June 16, 1950, pp. 1, 4 (Ex. VI-A-12); N.Y. Herald Tribune, June 16, 1950, pp. 1, 11 (Ex. VI-B-6); Ibid, June 12, 1950 (Ex. VI-B-9); N. Y. Daily News, June 14, 1950, pp. 2, 48 (Ex. VI-C-3); N. Y. Daily Mirror, June 16, 1950, pp. 1, 3 (Ex. VI-D-3); N. Y. Post, June 16, 1950, pp. 1, 3 (Ex. VI-G-4,5); N.Y. Times, Sept. 19, 1950, p. 20 (Ex. IX-A-4); Ibid, Sept. 23, 1950, p. 2-E (Ex. IX-A-8).

Again, as in the instances of Fuchs and Gold, "sources close to the Justice Department" announced to the press that there would follow many more arrests. See: e.g. N.Y. Daily News, June 14, 1950, pp. 2, 48 (Ex. VI-C-3).

On June 16, 1950, immediately in the wake of Slack's arrest, David Greenglass, the main prosecution witness in the trial against these petitioners, was apprehended, arrested, and on the following day arraigned. Sensational stories occupying top space in the metropolitan newspapers accompanied his seizure and the Government's

charges against him. Greenglass was tied in by official announcement and widespread independent newspaper reporting and comment with Fuchs, Gold and Slack and was labelled as one of the members of the Fuchs-Gold "Atomic espionage" ring. The Slack indictment, however, associated him only with Gold. Each step in the prosecution against Greenglass, was accorded constant and inordinately prime treatment for many months thereafter. As with the others, predictions were made by the investigative and prosecuting authorities of the Government, together with their prominent persons in public life, that he was "talking" and that further arrests would result as a consequence of his confessions. N.Y. Times, June 17, 1950, pp. 1, 2 (Ex. VI-A-13); *ibid*, June 24, 1950, p. 2 (Ex. VI-A-15); N. Y. Herald Tribune, June 17, 1950, pp. 1, 6 (Ex. VI-B-7); *ibid*, June 18, 1950, p. 6 (Ex. VI-B-8); *ibid*, June 24, 1950 (Ex. VI-B-10); N.Y. Daily News, June 17, 1950, pp. 1, 3 (Ex. VI-C-4); *ibid*, June 18, 1950, p. 10 (Ex. VI-C-5); N. Y. Daily Mirror, June 17, 1950, pp. 1, 3 (Ex. VI-D-4); N.Y. Journal American, June 16, 1950, p. 1 (Ex. VI-E-4,5); *ibid*, June 17, 1950, pp. 1,5 (Ex. VI-E-6); *ibid*, June 23, 1950, p. 4 (Ex. VI-E-9); N. Y. Post, June 16, 1950, pp. 1, 3 (Ex. VI-G-2); *ibid*, June 18, 1950, pp. 1, 3, 6 (Ex. VI-G-3); N. Y. Herald Tribune Aug. 1, 1950, (Ex. VIII-B-1); *ibid*, Aug. 3, 1950 (Ex. VIII-B-2); N. Y. Times, Oct. 19, 1950, p. 16 (Ex. X-A-5); N.Y. Herald Tribune, Oct. 19, 1950, pp. 1,23 (Ex. X-B-2); N.Y. Daily News, Oct. 19, 1950, p. 3 (Ex. X-C-2); N.Y. Daily Mirror, Oct. 19, 1950, p. 5 (Ex. X-D-2); N.Y. Journal American, Oct. 18, 1950, p. 1 (Ex. X-E-2); N.Y. World Telegram and Sun, Oct. 18, 1950, p. 23 (Ex. X-F-3).

On July 17, 1950, the petitioner, Julius Rosenberg, was arrested and on a later date that night before a United States District Court Judge. Following the latter act by the preceding arrests mentioned above, he was linked with Gold, Slack and Greenglass in an "Atom-Sov" conspiracy. Again, as in the previous arrests, the officials and the press noted that more arrests would result. In relation to its coverage of the proceedings of the petitioner, Julius Rosenberg, which followed his arrest, the press meticulously recorded, either independently or as a report of official announcement, the stories and history of the Rosenbergs proceedings, the Gold proceedings, the Slack proceedings, the Greenglass proceedings and held the petitioner, Julius Rosenberg, to be part of the Rosenbergs-Gold-Slack-Greenglass atomic espionage conspiracy, and criminally responsible for its operations. The arrest of the petitioner, Julius Rosenberg, was widely publicized in all of the Metropolitan press and was acknowledged as most important news by columnists, feature story writers and other commentators. N. Y. Times, July 18, 1950, p. 1 (Ex. VII-A-3); *ibid*, July 19, 1950, p. 20 (Ex. VII-A-4); *ibid*, July 20, 1950, pp. 9, 18 (Ex. VII-A-5, 6); *ibid*, July 23, 1950, pp. 28, 102 (Rev. of W.) (Ex. VII-A-8); N. Y. Herald Tribune, July 19, 1950, pp. 1, 15 (Ex. VII-B-1); *ibid*, July 19, 1950 (Ex. VII-B-2); N. Y. Daily News, July 18, 1950, pp. 1, 3, 24 (Ex. VII-C-1); *ibid*, July 19, 1950, p. 6 (Ex. VII-C-2); *ibid*, July 20, 1950, p. 49 (Ex. VII-C-3); *ibid*, July 31, 1950, p. 8 (Ex. VII-C-6); N. Y. Daily Mirror, July 18, 1950, pp. 1, 2 (Ex. VII-D-2, 3); *ibid*, July 19, 1950, p. 2 (Ex. VII-D-4); *ibid*, July 20, 1950, p. 6 (Ex. VII-D-5); N. Y. Journal American, July 18, 1950, pp. 1, 8 (Ex. VII-E-3);

ibid, July 20, 1950, p. 1 (Ex. VII-E-5); ibid, July 29, 1950
 p. 1 (Ex. VII-E-8); N. Y. Post, July 18, 1950, pp. 2, 14 (Ex.
 VII-G-1); ibid, July 19, 1950, p. 33 (Ex. VII-G-2); N. Y.
 Times, Aug. 18, 1950, p. 7 (Ex. VIII-A-10); ibid, Aug. 24,
 1950, p. 20 (Ex. VII-A-25); N. Y. Herald Tribune, Aug. 18,
 1950 (Ex. VIII-E-7); ibid, Aug. 24, 1950, p. 10 (Ex. VIII-
 10); N.Y. Daily News, Aug. 18, 1950, p. 23 (Ex. VIII-C-4);
 ibid, Aug. 24, 1950, pp. 1, 11 (Ex. VIII-C-6); N. Y. Daily
 Mirror, Aug. 18, 1950, p. 5 (Ex. VIII-E-10); N. Y. Journal
 American, Aug. 12, 1950, p. 2 (Ex. VIII-E-6); ibid, Aug. 13,
 1950, pp. 1, 4 (Ex. VIII-E-7); ibid, Aug. 17, 1950, p. 3
 (Ex. VIII-E-9); ibid, Aug. 23, 1950, pp. 2, 26 (Ex. VIII-
 14, 15); N.Y. Post, Aug. 17, 1950, p. 4 (Ex. VII-G-3); ibid,
 Aug. 23, 1950, p. 56 (Ex. VIII-C-6); N. Y. Times, Sept. 23,
 1950, pp. 7, 32 (Ex. IX-A-13); N.Y. Journal American, Sept.
 22, 1950, p. 10 (Ex. IX-E-2); N. Y. World Telegram and Sun,
 Oct. 6, 1950, p. 16 (Ex. X-F-1); ibid, Oct. 1, 1950, p. 2
 (Ex. X-E-2); N. Y. Times, Feb. 14, 1951, p. 12 (Ex. XIV-A-1);
 ibid, Mar. 1, 1951, p. 14 (Ex. VX-A-1); N. Y. Daily News,
 Mar. 1, 1951, p. 21 (Ex. XV-C-1).

Within two weeks after the arrest of the petitioner,
 Julius Rosenberg, there were arrested in this City, Abraham
 Brothman and Miriam Moskowitz, charged with conspiracy to
 obstruct justice, in that they induced Gold to testify false-
 ly before a Grand Jury concerning his espionage activity.
 Despite the form of charge, these two were depicted in the
 press as part of the Fuchs-Gold "Atom-Spy" ring. They were
 linked by the United States officials and by the press to
 Fuchs, Gold, Slack, Bentley, and Golos and to Greenglass
 and the petitioner, Rosenberg, although no connection was
 so made at petitioners' trial.

The pattern of prediction of further arrests accompanied the press reception of the Brothman-Moskowitz arrests. N. Y. Times, July 30, 1950, p. 1 (Ex. VII-A-14); Ibid, July 31, 1950, p. 8 (Ex. VII-A-15); N. Y. Herald Tribune, July 30, 1950, pp. 1, 21 (Ex. VII-B-7); Ibid, July 31, 1950, (Ex. VII-B-8); N. Y. Daily News, July 30, 1950, pp. 1, 2, 48 (Ex. VII-C-5); Ibid, July 31, 1950 p. 8 (Ex. VII-C-6); N. Y. Daily Mirror, July 30, 1950, p. 2 (Ex. VII-D-8); Ibid, July 31, 1950, p. 2 (Ex. VII-D-9); N. Y. Journal American, July 30, 1950, p. 1 (Ex. VII-E-9); Ibid, July 31, 1950, p. 3 (Ex. VII-E-10); N. Y. Times, Aug. 1, 1950, p. 18, (Ex. VIII-A-1); Ibid, Aug. 3, 1950, p. 10 (Ex. VIII-A-2); Ibid, Aug. 9, 1950, p. 10 (Ex. VIII-A-7); N. Y. Herald Tribune, Aug. 3, 1950 (Ex. VIII-B-2); Ibid, Aug. 9, 1950, (Ex. VIII-B-3); N. Y. Daily News, Aug. 1, 1950, p. 6 (Ex. VIII-C-1); N. Y. Daily Mirror, Aug. 1, 1950, p. 4 (Ex. VIII-D-1); N. Y. Journal American, Aug. 2, 1950, p. 26 (Ex. VIII-E-1); Ibid, Aug. 3, 1950, p. 3 (Ex. VIII-E-3); Time Magazine, Aug. 7, 1950, pp. 11, 15 (Ex. VIII-F-); Newsweek, Aug. 7, 1950, p. 20 (Ex. VIII-F-);

The trial of Brothman and Moskowitz occurred in November, 1950. During this month the press was cluttered with reports of the trial, giving special emphasis to the testimony of Gold and Bentley, who were witnesses for the prosecution against these two and both of whom appeared as witnesses in the trial of the petitioners. In the accounts, the press never neglected to recall the entire chain of circumstances and arrests, beginning with Fuchs, continuing to and including all of the persons apprehended on "atom-bomb" charges prior to the trial. The trial formally for a conspiracy to obstruct justice was transformed, in part by the testimony there adduced into another trial for espionage, maintaining the appearance of Soviet spies. N. Y. Times, Nov. 15, 1950, p. 17 (Ex. XI-A-1); Ibid, Nov. 16, 1950, p. 1

p. 30 (Ex. XI-5-1); 1-13, Nov. 13, 1950, p. 7 (Ex. XI-5-2);
ibid, Nov. 15, 1950, p. 5 (Ex. XI-5-3); ibid, Nov. 16, 1950,
p. 3 (Ex. XI-5-4); 1-13, Nov. 20, 1950, p. 7 (Ex. XI-5-5);
ibid, Nov. 21, 1950, p. 4 (Ex. XI-5-6); ibid, Nov. 22, 1950,
p. 4 (Ex. XI-5-7); ibid, Nov. 23, 1950, p. 48 (Ex. XI-5-8);
ibid, Nov. 28, 1950, p. 3 (Ex. XI-5-9).

In the meantime and one or about August 11, 1950,
within two weeks after the Brothman and Moskowitz arrests,
the petitioner, Ethel Rosenberg, was arrested, arraigned, and,
as with her husband, the petitioner, Julius Rosenberg, was
held in \$100,000.00 bail. The propaganda line of publicity
ran true to form--the petitioner, Ethel Rosenberg, was
linked not only to her husband and her brother, David
Greenglass, who were indicted with her but also with Fuchs,
Gold, Black, Brothman and Moskowitz, who were not. There
was a prognostication, again, of further arrests by the
prosecuting officials and the entire press. Her arrest
provoked a spate of publicity. N. Y. Times, Aug. 12, 1950,
pp. 1, 30 (Ex. VIII-A-11); N.Y. Herald Tribune, Aug. 12, 1950,
p. 5 (Ex. VIII-B-5); N. Y. Daily News, Aug. 12, 1950, p.
2 (Ex. VIII-C-2); ibid, Aug. 13, 1950, p. 16 (Ex. VIII-C-3);
N.Y. Daily Mirror, Aug. 12, 1950, pp. 2, 6 (Ex. VIII-E-8);
N.Y. Journal American, Aug. 11, 1950, p. 1 (Ex. VIII-B-5);
ibid, Aug. 12, 1950, p. 2 (Ex. VIII-E-6); ibid, Aug. 13, 1950,
p. 4 (Ex. VIII-E-7).

The press coverage of her case thereafter merged
with that of her husband, the petitioner, Julius Rosenberg.
(See documentation supra, concerning Julius Rosenberg.)

Within a week of the arrest of the petitioner,
Ethel Rosenberg, Morton Sobell, a co-defendant, was arrested

p. 2 (Ex.VIII-9-3); Ibid, Aug. 20, 1950, p. 22 (Ex.VIII-9-5); Newsweek Aug. 28, 1950, p. 39 (Ex. VIII-9-1).

The 1950 and early 1951 period was punctuated with accusations against many persons, infer ally, although publicly, charged with espionage activities. In September, 1950, one, Oscar Vento a former business associate of Gold, was indicted for perjury, in a Grand Jury investigation concerning espionage. N.Y. Times, Sept. 29, 1950, p. 17 (Ex.XI-A-17); N.Y. Daily Mirror, Sept. 29, 1950, p. 2 (Ex.XI-B-4); N.Y. Journal American, Sept. 29, 1950, p. 1 (Ex.XI-B-5); N.Y. World Telegram and Sun, Sept. 29, 1950, p. 3 (Ex.XI-F-3). In August, one, Blum, a young engineer was indicted for theft of plutonium from Los Alamos, where he had formerly been employed. N.Y. Times, Aug. 23, 1950, p. 1 (Ex.VIII-A-23).

Blum, the General, was a part of the case in the attack on scientists by Congressional committee hearings centering on the alleged Communist political association of a group of our leading scientists at the Berkeley, California Experimental Laboratories. The situation became so wild that the press and officials, like Senator McCarthy, brought into question the loyalty of our American atomic scientist, including such outstanding contributions to the development of nuclear physics as Drs. Oppenheimer and Titchener.

No espionage indictments were ever returned against such others as Steve Nelson, Sidney Weinberg (Scientist 1), Clarence E. Hickey and Arthur Weiss, among others, but the climate was aggravated by constant criticism of the press against the Government because it had failed to do so. N.Y. Daily Mirror, Feb. 12, 1950 p. 20 (Ex.XI-B-1); N.Y. Journal American, Feb. 12, 1950, p. 17 (Ex.XI-B-2); Ibid, Feb. 12, 1950

During the entire year 1950 and 1951, and including the total of the petitioners in 1951, there were repeated hearings by the officials, but in 1951, at the request of the U. S. State Dept., the Director of the Federal Bureau of Investigation, on many occasions, that the petitioners for the activities had been a very high school for a decade, the danger of the country during this period. President Truman, in 1951, issued a statement in which specifically mentioned the petitioners.

...by the ... concentration of ... and ... 191 ... that was ... to ... public mind from considering Communists as an ... political minority, into a ... that their ideological adherence to Communism would lead them to a ... sabotage and espionage ... treasonable activities ... in behalf of the Soviet Union. ... on this subject are found in the statements of ... : "First the danger in ... and ... travellers lies in the fact that they represent ... ing grounds for espionage, infiltration and ... Daily Mirror, March 3, 1950, p. 28 (Ex. III-B-1); of the representative Carl A. ... of South Dakota, that: "The reason we have the sabotage danger is that as there are so many Communists in this country... they are off the hydrogen bomb secrets just as actively as they tried forward. succeeded in getting the A bomb from New..." N.Y. Daily Mirror, Feb. 12, 1950 p. 2 (Ex. II-B-17); see also United Press & World Report, Feb. 17, 1950 (Ex. II-B-1); N.Y. Times, June 9, 1950, p. 1 (Ex. VI-A-1); N.Y. Herald Tribune, June 9, 1950, p. 1 (Ex. VI-B-3); N.Y. Daily Mirror, June 9, 1950, p. 10 (Ex. VI-B-1); N.Y. Times, July 25, 1950, p. 1 (Ex. VII-A-9); ibid, July 26, 1950, p. 5 (Ex. VII-A-12); N.Y. Herald Tribune, July 25, 1950 (Ex. VII-B-4); ibid, July 26, 1950 p. 1 (Ex. VII-B-1); N.Y. Times, Aug. 25, 1950, p. 5 (Ex. VIII-A-2); ibid, Aug. 19, 1950, pp. 1, 4 (Ex. VIII-A-19); N.Y. Daily Mirror, Aug. 7, 1950, editorial page (Ex. VIII-B-5); ibid, Aug. 9, 1950, p. 2 (Ex. VIII-B-6); ibid, Aug. 10, 1950, p. 1 (Ex. VIII-B-7); N.Y. Journal American, Aug. 8, 1950, p. 16 (Ex. VIII-E-4); N.Y. Post, Oct. 13, 1950, p. 49.

(Ex. X-C-); N. Y. Herald Tribune, Nov. 29, 1950, p. 9
 (Ex. XI-B-4); N. Y. Journal American, Nov. 14, 1950, p. 27,
 (Ex. XI-E-3); *ibid*, Nov. 17, 1950, pp. 3, 7 (Ex. XI-F-7,8,
 9); N. Y. Herald Tribune, Dec. 1, 1950, p. 1 (Ex. XII-B-1);
ibid, Dec. 3, 1950, p. 1 (Ex. XII-B-2); *ibid*, Dec. 4, 1950
 p. 1 (Ex. XII-B-3); *ibid*, Dec. 5, 1950, p. 1 (Ex. XII-B-4);
ibid, Dec. 6, 1950, p. 1 (Ex. XII-B-5); *ibid*, Dec. 7, 1950,
 p. 1 (Ex. XII-B-6); *ibid*, Dec. 11, 1950, p. 1 (Ex. XII-B-9);
 N. Y. Daily Mirror, Jan. 9, 1951 (Ex. XIII-D-); N. Y. Journal
 American, Jan. 9, 1951, Editorial page (Ex. XIII-E-2);
 N. Y. World Telegram and Sun, Jan. 29, 1951, p. 13 (Ex.
 XIII-F-5); N. Y. Times Magazine Section, Nov. 6, 1950, p.
 12 (Ex. XI-E-);

The motive of Communist ideology was attributed
 to every atomic bomb espionage suspect, whether or not he
 was thereafter convicted of espionage or another crime,
 or even where no arrest, indictment or conviction followed
 the suspicion or act of draft subversion. The precedent
 was set with Fuchs (see documentation supra). When it
 came to Gold, his motivation was represented to be his
 desire to "aid a country whose aims he liked". N. Y. Times,
 May 24, 1950, pp. 1, 21 (Ex. V-A-5); *ibid*, May 24, 1950, p.
 E-1 (Rev. of Ex.) Ex. V-A-7); N. Y. Herald Tribune, May 24,
 1950, pp. 1, 15 (Ex. V-B-1); N. Y. Daily News, May 24, 1950,
 pp. 1, 3, 50 (Ex. V-C-3, 4, 5); *ibid*, May 25, 1950, pp. 2, 50
 (Ex. V-C-6); N. Y. Daily Mirror, May 24, 1950, pp. 1, 3, 30
 (Ex. V-D-1); N. Y. Journal American, May 24, 1950, pp. 1,
 14, 16, 19, 24 (Ex. V-E-1, 2, 3); *ibid*, May 25, 1950, pp. 1, 15
 (Ex. V-E-6); N. Y. World Telegram and Sun, May 24, 1950, p. 1
 (Ex. V-F-6); *ibid*, May 25, 1950, p. 1 (Ex. V-F-8); N. Y.
 Post, May 24, 1950, pp. 1, 54, 55 (Ex. V-G-1); *ibid*, May 25,
 1950, p. 2 (Ex. V-G-2); N. Y. Journal American, May 21, 1950

p. 4 (Ex. XI-E-12); N.Y. Times Dec. 10, 1950, pp. 1, 19 (Ex. XII-A-1); N.Y. Herald Tribune, Dec. 10, 1950, p. 1, (Ex. XII-B-5); N.Y. Daily News, Dec. 10, 1950, p. 2 (Ex. XII-C-1); N.Y. Daily Mirror, Dec. 10, 1950, p. 1 (Ex. XII-D-1); N.Y. Journal American, Dec. 10, 1950, p. 1 (Ex. XII-E-5); N.Y. World Telegram and Sun, Dec. 9, 1950, p. 1 (Ex. XII-F-1); N.Y. Post, Dec. 7, 1950, p. 5 (Ex. XII-G-1);

Greenleaf's arrest was greeted by the announcement of the FBI and the U. S. Attorney for this District that he had been a member of the Young Communist League, and that he explained his actions by saying: "I felt it was gross negligence on the part of the United States not to give Russia the information about the atom-bomb because she was an ally." It is interesting that his trial testimony did not include this remark. N.Y. Times, June 16, 1950, p. 1 (Ex. VI-A-13); N.Y. Herald Tribune, June 17, 1950, pp. 1, 6 (Ex. VI-B-7); N.Y. Daily News, June 17, 1950, pp. 1, 3 (Ex. VI-C-1); N.Y. Daily Mirror, June 17, 1950, p. 1 (Ex. VI-D-4); N.Y. Journal American, June 17, 1950, p. 1 (Ex. VI-E-4, 5); N.Y. Post, June 16, 1950, p. 1 (Ex. VI-F-3);

the newspapers reprinted this same paragraph from the Greenleaf proceedings. N.Y. Times, June 21, 1950, p. 2 (Ex. VI-A-15); N.Y. Daily Mirror, June 21, 1950, p. 10 (Ex. VI-B-1); ibid, July 13, 1950, p. 17 (Ex. VI-C-1); ibid, Oct. 19, 1950, p. 5 (Ex. VI-D-2); N.Y. Journal American, June 23, 1950, p. 4 (Ex. VI-E-9);

and of the high light of the Greenleaf case. With reference to the testimony of Bentley, it was stated that an agent who claimed that Bentley was a member of the Young Communist League and was introduced to Bentley by the Communist Party had been introduced to Bentley by the agent of that organization. N.Y. Times, Nov. 15, 1950, p. 17 (Ex. XI-A-1); ibid, Nov. 22, 1950, p. 5 (Ex. XI-A-5); N.Y. Daily News, Nov. 15, 1950, p. 1 (Ex. XI-B-3); N.Y. Journal American, Nov. 15, 1950, p. 1

...a police officer publicly, "I am sorry, the
official release of the press, rendered the...
...advertising, in each instance, to national ex-
...of the... needs. ... in... of...
...the... in... of...
...period of... who were both natives of Russia..."
...a family name of...
...1950, p. 1, 2 (Ex. 7-1-5). Similarly, on the Greenless
arrest, they took pains to point out irrelevantly that
Greenless' father was Russian born and his mother Polish
born, N. Y. Times, June 27, 1950, p. 1 (Ex. 7-1-13). Ethel
Greenberg, one of the petitioners, is the sister of Green-
glauz, and the intended stigma carried over.

As an example, for instance, there loomed a picture of the mass extermination of the population by imminent atomic attack. No situation ever existed in history to arouse the instincts of self preservation and to provoke public alarm. The fact of this mass fear was enmeshed with the prosecution of those accused of having been instrumental, via espionage, in allegedly aiding the Soviet Union to develop the atomic bomb. The inevitable result could only be to direct against them intense and violent hostility.

The highest authorities, governmental, military and scientific, made dramatic statements to implant in the public mind that New York City and the nation was in grave danger of an atomic bomb attack. For instance, the N. Y. Daily News on July 11, 1950, pp. 3, 28 scare headlined:

UR 100 AN CAN A-BOMB BE NEW

the Soviet Union's position in the world of the future. It is the Soviet Union's position in the world of the future. It is the Soviet Union's position in the world of the future.

In its issue of Jan. 8, 1950, p. 1, the N.Y. Journal American, carried:

"The Soviet Union is now the only power in the world which has the capability of launching a nuclear attack on the United States. It is the only power in the world which has the capability of launching a nuclear attack on the United States. It is the only power in the world which has the capability of launching a nuclear attack on the United States."

The article states that the Soviet Union is now the only power in the world which has the capability of launching a nuclear attack on the United States. It is the only power in the world which has the capability of launching a nuclear attack on the United States. It is the only power in the world which has the capability of launching a nuclear attack on the United States.

Very Newspaper carried a similar article in the N.Y. Daily Mirror of Jan. 2, 1950, p. 2 (A-11-5-7) which was captioned:

"The Soviet Union is now the only power in the world which has the capability of launching a nuclear attack on the United States. It is the only power in the world which has the capability of launching a nuclear attack on the United States. It is the only power in the world which has the capability of launching a nuclear attack on the United States."

To sound the panic, the Soviet American position is now being abandoned, and a reverse position advanced: that the Soviet Union has now achieved superiority in atomic development and stock pile. It is the only power in the world which has the capability of launching a nuclear attack on the United States. It is the only power in the world which has the capability of launching a nuclear attack on the United States. It is the only power in the world which has the capability of launching a nuclear attack on the United States.

"THE RUSS ARE NOW IN A POSITION TO LAUNCH A NUCLEAR ATTACK ON THE UNITED STATES. IT IS THE ONLY POWER IN THE WORLD WHICH HAS THE CAPABILITY OF LAUNCHING A NUCLEAR ATTACK ON THE UNITED STATES. IT IS THE ONLY POWER IN THE WORLD WHICH HAS THE CAPABILITY OF LAUNCHING A NUCLEAR ATTACK ON THE UNITED STATES."

"WHILE PLAY WITH RADIO AT SKILL,
BRITON WARNS", N.Y. Daily Mirror,
Aug. 7, 1950, editorial page (Ex.
VIII-D-5);

"BRITON WARNS: 3 R-10'S AND
S. T. BRITON WARNS", N.Y.
World Telegram and Sun, Feb. 6, 1950,
p. 11 (Ex. II-E-4);

"BRITON WARNS HAVE 3 A-1 ARTS AND
60-20'S (11-10)", N.Y. Journal American,
Sept. 24, 1950, p. 10 (Ex. IX-E-3);

"BRITON WARNS: A B-1 SI" front page
stranger, N.Y. Journal American, June
14, 1950, p. 1 (Ex. VI-E-2).

There was coupled the warning that there was
no true defense to an atom bomb attack, e.g.:

"NO MORE DEFENSE AGAIN", N.Y. Times
Feb. 10, 1950, p. 1 (Ex. II-A-10, 11);

"BRITON WARNS: A B-1 SI" front page
stranger, N.Y. Journal American, Feb. 12, 1950, pp. 1, 17
(Ex. II-E-20, 26).

Gruesome and lurid stories and pictures were
presented to dramatize the disastrous and devastating
effects of an atomic bombing. The population of this city
was treated to the following stories:

"BRITON WARNS: A B-1 SI" front page
stranger, N.Y. Times, Sept. 11, 1950, pp. 1, 16
(Ex. IX-A-2, 3);

"BRITON WARNS: A B-1 SI" front page
stranger, N.Y. Times, Oct. 15, 1950, p. 32 (Ex. X-A-1);

"BRITON WARNS: A B-1 SI" front page
stranger, N.Y. Times, Oct. 15, 1950, p. 32 (Ex. X-A-1);

"BRITON WARNS: A B-1 SI" front page
stranger, N.Y. Times, Oct. 15, 1950, p. 32 (Ex. X-A-1);

Within 10 seconds after it is dropped on N.Y. or any other city an atom bomb would kill almost every living thing within a half-mile radius of the blast and spread horrible destruction for miles around. (New York Daily Mirror, Aug. 19, 1950, p. 4 (Ex. VIII-D-7)).

"A. R. H. ... DEATH BY ATOM BOMB", N.Y. Journal American, Feb. 5, 1950, p. 15 (Ex. II-A-8).

"If the hydrogen bomb is developed to its maximum efficiency, there will be no place to hide." N.Y. Journal American, Feb. 8, 1950, p. 1 (Ex. II-A-12).

"At 3,000 feet ... ATOM BOMB", N.Y. Journal American, Feb. 11, 1950, p. 1 (Ex. II-A-13).

"A. R. H. ... ATOM BOMB", N.Y. Journal American, March 1, 1950, p. 4 (Ex. II-A-14).

"A bomb will have to run in a bomb start detonating. A big black cloud full of radioactive particles will set you even if you happen to be browsing on the bottom of an abandoned mine", Constellation, N.Y. Journal American, March 6, 1950, p. 4 (Ex. II-A-15).

Not only were the horrors of death and injury from blast, radiation, and fire depicted, but the people were told, as well, that even their unborn offspring might be irreparably affected. There were also such a horrifying spectacle displayed for public consumption; the exhibits themselves offer the most eloquent testimony of the terrible impact that was produced upon the public mind. To impress the public with the gravity and danger of the situation I advised that the exhibits be held in the city hall, in the open of the county, and the public was urged to bring their families for immediate action. There were streets in the hands of every parent by the thousands of their children and air-raid drills in the schools. And children were were designated in the city's plan to be evacuated and to be taken to convert their cellars into shelters, and searchers took posts on the roofs as part of a network of enemy aircraft detection.

The Court is of the opinion that it is not necessary to state that the defendant entered a plea of guilty to the charge of being a member of the Communist Party, which was considered to have been responsible for the attack on the President of the United States on January 30, 1950. R. v. [redacted], Feb. 9, 1950, p. 1, (Ex. I-A-1); Ibid, Feb. 10, 1950, p. 1 (Ex. II-A-10); Ibid, Feb. 10, 1950, p. 1 (Ex. II-A-11, 11); Ibid, Feb. 12, 1950, p. 1 (Ex. II-A-12); Ibid, Feb. 12, 1950, p. 2 (Ex. II-A-13, 14, 15); Ibid, Feb. 15, 1950, p. 39 (Ex. II-A-16); Ibid, Feb. 20, 1950, p. 1, (Ex. II-A-17); Ibid, Mar. 3, 1950, p. 9, (Ex. III-A-3); Ibid, Mar. 6, 1950, p. 1 (Ex. III-A-4); Ibid, Mar. 14, 1950, p. 2 (Ex. III-A-5); Ibid, April 1, 1950, p. 1 (Ex. IV-A-1); Ibid, Apr. 1, 1950, p. 3 (Ex. V-A-1); Ibid, Apr. 5, 1950, p. 4 (Ex. V-A-2); Ibid, June 4, 1950, p. 1 (Ex. VI-A-2); Ibid, June 6, 1950, p. 5 (Ex. VI-A-3); Ibid, June 12, 1950, p. 29 (Ex. VI-A-7); Ibid, June 14, 1950, p. 12 (Ex. VI-A-12); Ibid, June 15, 1950, p. 33, (Ex. VI-A-9); Ibid, June 15, 1950, p. 1, (Ex. VI-A-10); Ibid, June 16, 1950, p. 5 (Ex. VI-A-11); Ibid, July 6, 1950, p. 1, (Ex. VII-A-2); Ibid, July 20, 1950, pp. 9, 18 (Ex. VII-A-5, 6); Ibid, July 27, 1950, pp. 11, 14 (Ex. VII-A-10, 11); Ibid, July 28, 1950 pp. 1, 8 (Ex. VII-A-12); Ibid, Aug. 5, 1950, p. 24 (Ex. VIII-A-3); Ibid, Aug. 6, 1950, p. 1 (Ex. VIII-A-4); Ibid, Aug. 8, 1950, p. 1 (Ex. VIII-A-6); Ibid, Aug. 9, 1950, p. 1 (Ex. VIII-A-7); Ibid, Aug. 10, 1950 pp. 1, 7 (Ex. VIII-A-9, 10); Ibid, Aug. 12, 1950, pp. 1, 4, 30 (Ex. VIII-A-11, 12); Ibid, Aug. 13, 1950, p. 1 (Ex. VIII-A-13); Ibid, Aug. 13, 1950 p. 12 (Ex. VIII-A-13); Ibid, Aug. 14, 1950, p. 8 (Ex. VIII-A-14); Ibid, Aug. 15, 1950, p. 20 (Ex. VIII-A-15); Ibid, Aug. 16, 1950, p. 12 (Ex. VIII-A-16); Ibid, Aug. 16, 1950, p. 12, (Ex. VIII-A-16); Ibid, Aug. 17, 1950, p. 11 (Ex. VIII-A-17); Ibid, Aug. 17, 1950, p. 16 (Ex. VIII-A-17).

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1951, Jan. 4, 1951, p. 7 (Ex. XIII-A); Ibid, Jan. 5, 1951, p. 9
(Ex. XIII-A); Ibid, Jan. 6, 1951, p. 7 (Ex. XIII-A);
Ibid, Jan. 7, 1951, pp. 15, 32 (Ex. XIII-A); Ibid, Jan. 8, 1951,
pp. 8, 10 (Ex. XIII-A); Ibid, Jan. 11, 1951 (p. 7 (Ex. XIII-A
-); Ibid, Jan. 12, 1951, p. 1 (Ex. XIII-A); Ibid, Jan.
13, 1951, p. 7 (Ex. XIII-A); Ibid, Jan. 14, 1951, p. 1, 31
(Ex. XIII-A); Ibid, Jan. 15, 1951, p. 5 (Ex. XIII-A); Ibid,
Jan. 16, 1951, p. 22 (Ex. XIII-A); Ibid, Jan. 17, 1951,
p. 11 (Ex. XIII-A); Ibid, Jan. 18, 1951, pp. 20, 21 (Ex.
XIII-A); Ibid, Jan. 20, 1951, p. 3 (Ex. XIII-A); Ibid,
Jan. 21, 1951, pp. 14, 33, 34 (Ex. XIII-A); Ibid, Jan. 22, 1951,
p. 1 (Ex. XIII-A); Ibid, Jan. 26, 1951, pp. 11, 12 (Ex.
XIII-A); Ibid, Jan. 28, 1951, pp. 1, 17 (Ex. XIII-A); Ibid,
Jan. 29, 1951 (Ex. XIII-A); Ibid, Jan. 30, 1951, p. 17 (Ex. XIII-
A); Ibid, Feb. 3, 1951, p. 1 (Ex. XIV-A); Ibid, Feb. 2,
1951 (p. 1 (Ex. XIV-A); Ibid, Feb. 5, 1951, p. 3 (Ex. XIV-A);
Ibid, Feb. 6, 1951, p. 3 (Ex. XIV-A); Ibid, Feb. 7, 1951, p. 1
(Ex. XIV-A); Ibid, Feb. 9, 1951, p. 7 (Ex. XIV-A); Ibid,
Feb. 10, 1951, p. 1 (Ex. XIV-A); Ibid, Feb. 11, 1951, p. 1
(Ex. XIV-A); Ibid, Feb. 12, 1951, p. 9 (Ex. XIV-A); Ibid,
Feb. 14, 1951, p. 7 (Ex. XIV-A); Ibid, Feb. 15, 1951, p. 13
(Ex. XIV-A); Ibid, Feb. 20, 1951, p. 1 (Ex. XIV-A); Ibid,
Feb. 22, 1951 p. 5 (Ex. XIV-A); Ibid, Feb. 23, 1951, p. 1
(Ex. XIV-A); Ibid, Feb. 24, 1951, p. 5 (Ex. XIV-A); Ibid,
Feb. 25, 1951, pp. 3, 37 (Ex. XIV-A); Ibid, Mar. 3, 1951, p.
5 (Ex. XV-A); Ibid, Mar. 4, 1951, p. 30 (Ex. XV-A); Ibid,
Mar. 5, 1951 p. 1 (Ex. XV-A); Ibid, Mar. 6, 1951, p. 11 (Ex.
XV-A); Ibid, Mar. 10, 1951, pp. 1, 5 (Ex. XV-A); Ibid,
Mar. 12, 1951, p. 1, 15 (Ex. XV-A); Ibid, Mar. 15, 1951, p. 1,
(Ex. XV-A); Ibid, Mar. 18, 1951, p. 13 (Ex. XV-A); Ibid,
Mar. 19, 1951, p. 13 (Ex. XV-A); Ibid, Mar. 21, 1951, p. 14
(Ex. XV-A); Ibid, Mar. 24, 1951, p. 24 (Ex. XV-A); Ibid,

Mar. 28, 1951, p. 18 (Ex. XV-A-16); N.Y. Herald Tribune,
 Feb. 5, 1950, pp. 1, 21, 22 (Ex. II-B-21); *ibid.*, Feb. 10, 1950,
 p. 1 (Ex. II-B-6); *ibid.*, Feb. 10, 1950, p. 1 (Ex. II-B-7);
ibid., Feb. 11, 1950, pp. 1, 4, 5 (Ex. II-B-8, 9); *ibid.*, Feb. 12,
 1950, sec. 2 pp. 1, 3 (Ex. II-B-10); *ibid.*, Feb. 13, 1950, p. 1
 (Ex. II-B-11); *ibid.*, Feb. 22, 1951, p. 6 (Ex. XIV-B-1); *ibid.*,
 Feb. 2, 1951, p. 2 (Ex. XIV-B-2); *ibid.*, Feb. 12, 1951,
 (Ex. XV-B-3); *ibid.*, Mar. 14, 1951, p. 1 (Ex. XV-B-13); *ibid.*,
 Aug. 13, 1950, sec. 2, p. 3 (Ex. VIII-A-1); N.Y. Journal
 American, Feb. 4, 1950, p. 2 (Ex. II-B-1); *ibid.*, Feb. 7, 1950,
 p. 15, (Ex. II-B-2); *ibid.*, Feb. 8, 1950, p. 1 (Ex. II-B-3);
ibid., Feb. 17, 1950, p. 9 (Ex. II-B-35); *ibid.*, Feb. 20,
 1950, p. 6, 16 (Ex. II-B-4, 41); *ibid.*, Feb. 20, 1950, pp.
 4, 16, (Ex. II-B-4, 41); *ibid.*, Feb. 27, 1950, pp. 1, 7 (Ex.
 II-B-43, 44); *ibid.*, Feb. 28, 1950, pp. 1, 7 (Ex. II-B-45, 46);
ibid., Feb. 12, 1950, p. 1 (Ex. II-B-47); *ibid.*, Feb. 12, 1950,
 p. 1 (Ex. II-B-48); *ibid.*, Mar. 1, 1950, p. 1 (Ex. III-B-1, 2);
ibid., Mar. 3, 1950, p. 12 (Ex. III-B-3); *ibid.*, Mar. 5, 1950,
 p. 1 (Ex. III-B-5); *ibid.*, June 14, 1950, p. 1 (Ex. VII-B-1);
ibid., Sept. 10, 1950, p. 1 (Ex. IX-B-1); *ibid.*, Sept. 20,
 1950, p. 10 (Ex. IX-B-3); *ibid.*, Sept. 25, 1950, p. 6
 (Ex. IX-B-4); *ibid.*, Nov. 30, 1950, p. 1 (Ex. XI-B-17, 18);
ibid., Dec. 6, 1950, p. 34 (Ex. XII-B-3); *ibid.*, Jan. 6,
 1951, p. B (Ex. XIII-B-1); *ibid.*, Jan. 9, 1951, p. 10
 (Ex. XIII-B-2); N. Y. Daily News, Feb. 5, 1950, p. 2, 4,
 28, (Ex. IX-C-2, 3); *ibid.*, Feb. 7, 1950, p. 2, 4 (Ex. IX-
 C-4); *ibid.*, Feb. 27, 1950, p. 25 (Ex. IX-C-9); *ibid.*,
 Sept. 1, 1950, p. 2, 3, (Ex. IX-C-1); *ibid.*, Sept. 11,
 1950, p. 2, 28 (Ex. IX-C-2); *ibid.*, Sept. 23, 1950, p. 4
 (Ex. IX-C-3); N. Y. Daily Mirror, Feb. 12, 1950, p. 1
 (Ex. IX-C-1); *ibid.*, Feb. 2, 1950, p. 1 (Ex. IX-C-2); *ibid.*,
 Feb. 5, 1950, p. 3, (Ex. IX-C-5, 6); *ibid.*, Feb. 12, 1950,
 p. 2, 3, 26, (Ex. IX-C-17, 18, 19); *ibid.*, Feb. 13, 1950,

editorial page (Ex. II-D-20); *ibid.*, Aug. 25, 1950, p. 2 (Ex. VII-F-); *ibid.*, Aug. 4, 1950, p. 5 (Ex. VIII-D-); *ibid.*, Aug. 7, 1950, p. 2 (Ex. VIII-D-5); *ibid.*, Aug. 7, 1950, editorial page (Ex. VIII-D-); *ibid.*, Aug. 10, 1950, p. 1 (Ex. VII-D-7); *ibid.*, Aug. 13, 1950, p. 2, 6 (Ex. VIII-D-9); *ibid.*, Sept. 19, 1950, p. 2, (Ex. IX-D-3); *ibid.*, Oct. 13, 1950, editorial page (Ex. X-D-1); *ibid.*, Dec. 28, 1950, p. 22 (Ex. XII-D-); N.Y. World Telegram and Sun, Feb. 6, 1950, p. 1, 11 (Ex. II-F-3,4); *ibid.*, Feb. 9, 1950, p. 1, 9, 16 (Ex. II-F-8, 9, 10); *ibid.* Feb. 11, 1950, p. 8 (Ex. II-F-11); *ibid.*, Mar. 4, 1950, p. 2, 15, (Ex. III-F-3, 4); *ibid.*, Jan. 4, 1951, p. 8 (Ex. XIII-F-1); *ibid.*, Jan. 8, 1951, p. 6 (Ex. XIII-F-3); *ibid.*, Mar. 22, 1951, p. 3 (Ex. XV-F-12); *ibid.*, Mar. 4, 1950, p. 11, (Ex. III-F-5); *ibid.*, Mar. 11, 1950, p. 17 (Ex. III-F-6); N. Y. Post Feb. 3, 1950, p. 1 (Ex. II-G-2); *ibid.*, Feb. 5, 1950, p. 1 (Ex. II-G-3); *ibid.*, Feb. 6, 1950, p. 4, 25 (Ex. II-G-4); *ibid.*, Feb. 7, 1950 pp. 27, 28 (Ex. II-G-6); *ibid.*, Feb. 8, 1950, p. 29 (Ex. II-G-7); *ibid.*, Feb. 10, 1950, p. 1 (Ex. II-G-9); *ibid.*, Feb. 16, 1950, p. 5 (Ex. II-G-14); *ibid.*, Feb. 27, 1950, p. 3 (Ex. II-G-16); *ibid.*, Mar. 1, 1950, p. 11 (Ex. III-G-1).

Exhibit I indicates the constant volume of publicity, given totally approximately 30,000 column inches of news space, by the metropolitan press, uninterruptedly for a fourteen month period from February, 1950 to the end of March, 1951, to the volatile subjects which bore upon the case of the petitioners--espionage on behalf of the Soviet Union, the expectation that native Communists would act as spies for the Soviet Union, and the effect of the

breach of the United States atomic monopoly. The quality of the press treatment of these subjects can best be characterized as "front page news", larger headlines, embellished pictorially, and can most effectively be comprehended by an examination of all the exhibits on stand under Exhibits II to XV. The coverage of radio and television, not specifically documented here, aided tremendously to this development of the culture.

The cumulative effect of this reportage, quantitatively and qualitatively, together with the independent coverage of the charges against, and trial of, the petitioners (shown below) inexorably preconditioned the public mind to acceptance of the guilt of the petitioners.

THE DISSEMINATION CASE

FIFTEENTH: The petitioners were charged with and tried for being members of a conspiracy to transmit atomic bomb information to the Soviet Union, with intent to advantage that nation. At the trial the prosecution introduced evidence, accepted by the Court, that the petitioners were members of the Communist Party of the United States and preferred "Russian Socialism" over "American Capitalism," as relevant on the question of motive and intent (R. 1558, 1494-55).

It is evident, therefore, that the three lines of propaganda which had preceded the petitioners' case for a period of fourteen months touched upon the essential elements of the accusation which the jury was called upon to determine.

In addition to this propaganda, further credence was lent to the Government charges against the petitioners by the fact that previous to the petitioners'

trial, those whom the Government heralded, indiscriminately, as their confederates -- Fuchs, Gold, Greenglass and Slack -- confessed their guilt. Brothman and Moskowitz, similarly named, had already been convicted at a trial which had featured their alleged espionage connection with Gold and Bentley.

The Government-forced nexus between the petitioners and these others also served to foist upon the petitioners the heinousness assigned to the crimes of these confessed and convicted. The world had already been told by Fuchs' sentencing Judge that his crime "is only thinly differentiated from high treason." N.Y. Times, March 2, 1950, p. 1 (Ex. III-A-1). Gold had confessed his "deep and horrible remorse." N.Y. Journal American, December 9, 1950, p. 1 (Ex. XII-B-4). And District Judge Irving Kaufman's widely reported remarks on the sentence of Brothman and Moskowitz, termed their alleged crime "beyond . . . comprehension that anyone would commit." N.Y. Times, November 20, 1950, p. 25 (Ex. XI-A-7).

The gravity of the crimes of those prior accused, which thus necessarily adhered to the petitioners, was qualitatively heightened by constant references to them as "traitors" and the continuous iteration, as to the Americans, that their crimes subjected them to the death penalty. e.g.: N.Y. Daily News, October 19, 1950, p. 3 (Ex. X-C-2); N.Y. Daily Mirror, May 25, 1950, p. 1, 3 (Ex. V-D-8); *ibid*, July 21, 1950, p. 2 (Ex. VII-D-6); *ibid*, October 19, 1950, p. 5 (Ex. X-D-2); N.Y. Journal American, June 9, 1950, p. 1 (Ex. VI-E-1); *ibid*, July 20, 1950, p. 1 (Ex. VII-D-5); N.Y. Times, June 17, 1950, p. 1 (Ex. VI-A-13); *ibid*, July 21, 1950, p. 6 (Ex. VII-A-7); N.Y. Daily News, June 17, 1950, p. 1 (Ex. VI-C-4); N.Y. Journal

American, October 18, 1950, p. 1 (Ex. X-E-2); *ibid*, March 7, 1951, p. 6 (Ex. XV-E-2); N.Y. World Telegram and Sun, October 18, 1950, p. 43 (Ex. X-F-3); N. Y. Post, August 17, 1950, p. 4 (Ex. VIII-C-3); *ibid*, August 20, 1950, p. 23 (Ex. VIII-C-5); *ibid*, August 23, 1950, p. 56 (Ex. VIII-C-6); *ibid*, November 24, 1950, p. 48 (Ex. XI-E-8); N.Y. Herald Tribune, June 24, 1950 (Ex. I-E-13); N.Y. Daily News, June 17, 1950, p. 1 (Ex. VI-C-4); *ibid*, July 19, 1950, p. 6 (Ex. VII-C-2); N.Y. Journal American, June 21, 1950, p. 31 (Ex. VI-E-8); *ibid*, June 23, 1950, p. 4 (Ex. VI-E-9); *ibid*, December 10, 1950, p. 1 (Ex. XII-E-3); N.Y. Post, December 7, 1950, p. 5 (Ex. XII-C-1).

Fuchs, Gold and Greenglass had also acknowledged either their Communist or former Communist affiliations or sympathy for the plight or objectives of the peoples of the Soviet Union. Brothman and Moskowitz, who neither "confessed," nor testified at their trial, were nevertheless subjected to pretrial charges of their Communist affiliations, and these were made matters of proof by the prosecution through the witness Bentley.

N.Y. Times, February 11, 1950, p. 1 (Ex. II-A-12); *ibid*, February 19, 1950, p. 2-7 (Rev. of Wk) (Ex. II-A-14); N.Y. Daily News, February 20, 1950, p. 27 (editorial) (Ex. II-C-3); N.Y. Daily Mirror, February 8, 1950 (editorial) (Ex. II-D-12); *ibid*, February 11, 1950, p. 3 (Ex. II-C-16); N.Y. Journal American, February 10, 1950, p. 1 (Ex. II-E-16, 17); *ibid*, February 17, 1950, p. 9 (Ex. II-E-35); N. Y. Post, February 13, 1950, p. 22 (Ex. II-C-11); Time Magazine, February 20, 1950, pp. 22-23, (Ex. II-H-); N.Y. Times, March 2, 1950, pp. 1, 14 (Ex. III-A-1); N.Y. Herald Tribune, March 2, 1950, pp. 1, 12 (Ex. I-I-E-2); N.Y. Daily News, March 3, 1950, p. 14 (Ex. III-C-4); N.Y. World Telegram and Sun, March 1, 1950, pp. 1, 2 (Ex. III-F-1,2); N.Y. Post, March 1, 1950, pp. 1,

3, 44 (Ex. III-C-1); N.Y. Herald Tribune, May 5, 1950
 (Ex. V-B-1); N.Y. Post, May 25, 1950, p. 1 (Ex. V-C-2);
 N.Y. Herald Tribune, June 1, 1950, pp. 1, 13, 14 (Ex. VI-B-
 1); N.Y. Times, July 21, 1950, p. 8 (Ex. VIII-A-7); N.Y.
 Herald Tribune, July 21, 1950 (Ex. VII-B-3); N.Y. Daily
 News, July 21, 1950, p. 4 (Ex. VII-C-4); N.Y. Daily Mirror,
 July 21, 1950, p. 2 (Ex. VII-B-6); N.Y. Journal American,
 July 20, 1950, p. 1 (Ex. VII-E-5); N.Y. Post, July 20, 1950,
 p. 2 (Ex. VII-C-3); N.Y. Times, November 19, 1950, p. 16
 (Ex. X-A-5); N.Y. Daily News, November 19, 1950, p. 3 (Ex.
 X-C-2); N.Y. Daily Mirror, November 19, 1950, p. 5 (Ex.
 X-D-2); N.Y. Journal American, November 18, 1950, p. 1
 (Ex. X-E-2); N.Y. World Telegram and Sun, November 18, 1950,
 p. 43 (Ex. X-F-3); N.Y. Times, December 10, 1950, pp. 1, 19
 (Ex. XII-A-1); N.Y. Herald Tribune, December 10, 1950, p. 1
 (Ex. XII-B-8); N.Y. Daily News, December 10, 1950, p. 2
 (Ex. XII-C-); N.Y. Daily Mirror, December 10, 1950, p. 4
 (Ex. XII-D-); N.Y. Journal American, December 9, 1950,
 p. 1 (Ex. XII-E-4); *ibid*, December 10, 1950, p. 1 (Ex. XII-
 E-5); N.Y. World Telegram and Sun, December 9, 1950, p. 1
 (Ex. XII-F-2); N.Y. Post, December 7, 1950, p. 5 (Ex. XII-
 G-1); N.Y. Journal American, January 15, 1951, p. 2
 (Ex. XIII-E-3); N.Y. Times, November 23, 1950, p. 1 (Ex.
 XI-A-6); *ibid*, November 29, 1950, p. 25 (Ex. XI-A-7); N.Y.
 Herald Tribune, November 23, 1950, p. 1 (Ex. XI-B-8); *ibid*,
 November 29, 1950, p. 1 (Ex. XI-B-9); N.Y. Daily News,
 November 23, 1950, p. 2 (Ex. XI-C-7); *ibid*, November 29,
 1950, p. 8 (Ex. XI-C-8); N.Y. Daily Mirror, November 23,
 1950, p. 2 (Ex. XI-D-8); *ibid*, November 29, 1950, p. 4
 (Ex. XI-D-9); N.Y. Journal American, November 22, 1950, p.
 3 (Ex. XI-E-13); *ibid*, November 28, 1950, p. 1 (Ex. XI-E-
 14-16); N.Y. World Telegram and Sun, November 28, 1950,

p. 22 (Ex. XI-F-5); N.Y. Post, November 22, 1950, p. 4 (Ex. XI-G-7); *ibid*, November 24, 1950, p. 48 (Ex. XI-G-8); *ibid*, November 28, 1950, p. 3 (Ex. XI-G-3).

The press campaign as it was specifically applied to the petitioners was inspired, almost entirely, by the prosecuting arm of the Government, by material "fed to" the newspapers.

Long before the petitioners were brought to trial in the early part of March, 1951 and commencing with their respective arrests, the Government had already tried their case in the newspapers, through the issuance of ex parte announcements on each of the essential issues which later arose in the trial. The initial blow was a joint announcement by Hoover and J. Howard McGrath, then Attorney General. The subsequent releases emanated from Saypol and his assistants.

These announcements transcended the actual charges contained in the indictment, egregiously magnified the seriousness of the alleged crime and conveyed the official conviction of the petitioners' guilt of the crime charged. To give merely two instances:--Though the indictment did not charge the petitioners with "intent to injure" the United States, the prosecutive and investigative agents of the Government made this public pre-trial accusation; though neither Dr. Klaus Fuchs nor Alfred Dean Slack nor Brothman and Moskowitz were named as defendants or co-conspirators in the indictment against the petitioners (and it cannot be contended that these were the "other unknown" co-conspirators, as stated in the indictment), these officials made this accusation as part of their pre-trial public presentation.

On the date of the arrest of the petitioner, Julius Rosenberg, the Hoover statement, published in every metropolitan newspaper, said that Julius Rosenberg was

"another important link in the Soviet espionage apparatus that includes Dr. Klaus Fuchs...Harry Gold...Alfred Dean Slack...and David Greenglass..." N.Y. Times, July 18, 1950, p. 1 (Ex. VII-A-3). See also: N.Y. Herald Tribune, July 18, 1950, p. 1 (Ex. VII-B-1); *ibid*, July 19, 1950 (Ex. VII-B-2); N.Y. Daily News, July 18, 1950, p. 1 (Ex. VII-C-1); N.Y. Daily Mirror, July 18, 1950, pp. 1, 2 (Ex. VII-D-2-4); N.Y. Journal American, July 18, 1950, p. 1 (Ex. VII-E-3); N.Y. Post, July 18, 1950, p. 2 (Ex. VII-G-1). The N.Y. Daily News for July 18, 1950 stated that "Hoover's announcement of the Rosenbergs' arrest declared that the suspect was part of the ring that included Fuchs, British nuclear physicist and three other Americans, Gold, David Greenglass...and Alfred Dean Slack."

His statement was also quoted by the N.Y. Times of July 18, 1950 to the effect: "that the gravity of Rosenberg's offense was accentuated by the fact that he--an American born citizen aggressively sought means to secretly conspire with the Soviet Government to the detriment of his own country."

As reported by the N.Y. Times, among other newspapers, on July 20, 1950, p. 18 (Ex. VII-A-6) "authoritative sources" were quoted as saying that "Rosenberg had contacts with other persons besides his brother-in-law, David Greenglass." Saypol, then a few days later, stated: "Rosenberg is involved in a situation which has intensive ramifications." N.Y. Daily Mirror, August 1, 1950, p. 4 (Ex. VIII-D-1).

On and after the arrest of the co-defendant, Morton Sobell, statements again were attributed to Saypol, and never denied by him, that Sobell was a "close personal friend of Julius Rosenberg;" that Rosenberg "recruited

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Sobell as a member of the ring," and "told Sobell to leave the country." No such evidence was ever produced at the trial. Indeed, it is undisputed that Rosenberg was already in custody before Sobell allegedly fled the country. N.Y. Times, August 19, 1950, p. 1 (Ex. VIII-A-19); *Ibid*, August 24, 1950, p. 20 (Ex. VIII-A-25); N.Y. Herald Tribune, August 20, 1950, p. 16 (Ex. VIII-B-9); N.Y. Post, August 18, 1950, p. 2 (Ex. VIII-C-4).

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Above all, by means of revealing, in detail, all of the prosecution evidence to be presented in Court, the officials of the United States Government, responsible for the prosecution of the case against the petitioners, induced the public to accept their estimate of the guilt of the petitioners. The trial itself became a mere formality, to give judicial confirmation to evidence already imbedded in the memory of the jury.

On the day of the arrest of the petitioner, Julius Rosenberg, Mr. Hoover's announcement stated that their investigation revealed, according to the N.Y. Times of July 18, 1950, pp. 1, 8 (Ex. VII-A-3):

"Mr. Hoover related that Rosenberg recruited Greenglass to make secret technical information available both to Gold and Rosenberg in 1945."

"Mr. Hoover said that Rosenberg gave Greenglass specific information on the type of atomic data the Russians desired."

"According to Mr. Hoover, Rosenberg early in 1945 gave, Greenglass, while the latter was on furlough in New York, one half of an irregularly cut Jello box top. The other half of the top was given by Rosenberg to Harry Gold in Albuquerque, N.M. This was done so Gold could identify himself to Greenglass."

"When Gold and Greenglass met in June of 1945 Greenglass was paid \$500 by Gold, who got it from his Soviet superior, Anatoli A. Yakovlev, vice consul of the Soviet Consulate in New York."

"Greenglass, Mr. Hoover said, turned over to Gold secret information he had secured from the atomic bomb project at Los Alamos, where Greenglass was stationed as a soldier.

"After Dr. Fuchs and Gold were arrested in February and May, respectively, Greenglass was warned by Rosenberg to leave the country. The F.B.I. said that he instructed Greenglass to obtain a passport to Mexico. He was then told to make his way to Switzerland and report to the Czechoslovakian embassy there.

"However, Greenglass was arrested shortly after he got these instructions from Rosenberg."

Similar accounts of the Hoover statement were reported in all other newspapers for that date cited in the paragraphs immediately prior to this one.

In statements issued to the press at or after the various proceedings which followed the arrest of the petitioner, Julius Rosenberg, and the subsequent arrest of the petitioner, Ethel Rosenberg, further revelations of evidence were made by the prosecuting attorney, Saypol. On the proceedings for pleading to the indictment against the petitioners, Saypol was quoted as having given the following information:

"Mr. Saypol said that the Rosenbergs were active in recruiting espionage agents for the Soviet Government. He added that after Gold's arrest, Rosenberg tried to persuade the Greenglasses to flee to Russia. The Rosenbergs were preparing to leave themselves when Rosenberg was arrested."

He added:

"The conspiracy in the main centered around a plot to obtain secretive and classified data and information concerning the atom bomb project at Los Alamos...the objective was to turn over to the agents of the Russian Government the information obtained."

N. Y. Times, August 18, 1950, p. 7 (Ex. VIII-A-18); N.Y. Herald Tribune, August 18, 1950, (Ex. VIII-B-7); N.Y. Daily News, August 18, 1950, p. 23 (Ex. VIII-C-4);

N.Y. Daily Mirror, August 16, 1950, p. 2 (Ex. VIII-D-10);
N.Y. Journal American, August 17, 1950, p. 3 (Ex. VIII-E-9).

On the arrest of the co-defendant, Morton Sobell Saypol announced in New York "that Sobell had many dealings with Rosenberg in the conspiracy to supply Russia with atomic secrets." N.Y. Times, August 18, 1950, p. 1 (Ex. III-A-19); N.Y. Herald Tribune, August 19, 1950, p. 1 (Ex. III-B-8); Ibid, August 20, 1950, p. 16 (Ex. VIII-B-9); N.Y. Daily News, August 19, 1950, p. 2 (Ex. VIII-C-5); N.Y. Daily Mirror, August 19, 1950, p. 2 (Ex. VIII-D-11); N.Y. Journal American, August 19, 1950, p. 1 (Ex. VIII-E-12); N.Y. Post, August 18, 1950, p. 2 (Ex. VIII-G-4); Ibid, August 20, 1950, p. 23 (Ex. VIII-G-5).

Likewise, the authorities infected the public attitude by their pre-trial characterizations of the petitioners as Communists and their motivation and intent to be grounded on ideological considerations. Hoover's public statement was carried in the metropolitan press in the following way:

"The FBI investigation revealed, Mr. Hoover said, that Rosenberg made himself available to Soviet espionage agents so he could do the work he was slated for and so he might do something to help Russia." N.Y. Times, July 18, 1950, p. 1 (Ex. VII-A-3).

"...The FBI disclosed that its agents had been trailing Rosenberg for several years. According to the FBI he had worked as an engineering inspector for the Army Signal Corps during the war but was dismissed in 1945 on suspicion that he was a Communist Party member...The FBI began to watch him. It became especially suspicious of him when he broke all open connections with the Communist Party in 1948 even cancelling his subscription to the Daily Worker." Ibid, July 23, 1950 (Rev. of Wk.) p. 2E (Ex. VII-A-8).

"The FBI announcement said he (Rosenberg) was removed as associate engineering inspector by the Secretary of War in Feb. 1945 on the recommendation of his Commanding Officer on the basis of information indicating Communist Party membership'. . .The FBI Director added that the inquiry to date indicated that Rosenberg made himself

available to Soviet Agents 'so he could do the work he felt he was slated for' and 'do something to directly help Russia'." N.Y. Herald Tribune, July 18, 1950, p. 1 (Ex. VII-B-1); *ibid.*, July 19, 1950 (Ex. VII-E-2).

"The FBI quoted Rosenberg as saying 'I wanted to do something to directly help Russia'." N.Y. Daily News, July 18, 1950, pp. 1, 24 (Ex. VII-C-1).

"Rosenberg's red affiliation was known as far back as Feb. 9, 1945, Hoover said, when he was discharged as an engineering inspector from the Army Signal Corps on information indicating he was a member of the Communist Party." N.Y. Journal American, July 18, 1950, pp. 1, 8 (Ex. VII-E-3, 4).

"Rosenberg at that time was an associate engineering inspector for the Army Signal Corps. He was fired by the War Secretary in 1945 on information that he was a card-carrying Communist." N.Y. Post, July 18, 1950, pp. 2, 14 (Ex. VII-G-1).

On the basis of the Government's announcements the press took up the hue and cry against the petitioners, independently embellished the stories, and featured independent commentaries and editorials with respect to Soviet spying. They connected the petitioners with the "Fuchs-Gold" espionage ring, and pounced upon their alleged Communist affiliations and beliefs, and inflated the F.B.I. appraisal of the injury inflicted on our country by reason of the alleged espionage activities of the petitioners. This is apparent in all of the newspaper articles and commentaries to which we have referred above. And as the eve of the trial of the petitioners approached, the press was still permeated with vivid accounts and graphic pictorials of the effects of atomic attack upon the New York city population (See e.g.: Exhibits VIII-A to XV-A).

Thus, the prosecuting and investigative officials of the Department of Justice "caused and stimulated . . . massive pre-trial publicity." All of this evidence pointed to the "guilt of the offenses charged in the indictment." Some of the damaging evidence could never have been properly introduced at the trial of the petitioners, because it related to matters outside the scope of the

charge.

This pre-trial publicity was prosecution without defense. In effect, it was not only testimony without cross-examination, but a special public sponsorship by the F.B.I. -- weighted by its prestige and reputation for infallibility -- of the credibility of the prosecution witnesses. It was a presentation of evidence untampered, unchallenged or minimized by evidence offered by the accused. It was, in short, the kind of circumstances, which the court in the Delaney case, stated was conducive to public "preconceptions as to probable guilt," which must vitiate the conviction.

THE PERL INDICTMENT

SIXT-ENTH: The unfair tactics of the Government, which preceded the trial, in influencing the community, were climaxed with a coup in the very midst of the trial proceedings, in the form of the indictment of one, William Perl.

The trial of the petitioners commenced on March 6, 1951 and terminated when the jury returned a verdict of guilty on March 29, 1951.

On March 15, 1951, a sensational story broke in the entire metropolitan press of New York City concerning the indictment, returned in the U.S. District Court of the Southern District of New York against Perl, for the crime of perjury.

Four counts were reported to be contained in the indictment. The first count related to false testimony Perl allegedly gave before the Grand Jury with respect to material matter as to his knowledge of the co-defendant Morton Sobell. The second count made similar charges with respect to matter as to his knowledge of Helene Blitcher, wife of Max Blitcher. Mrs. Blitcher had been listed as a proposed Government witness (R. 51-2). Blitcher had already

completed his testimony as a Government witness in the trial, on March 9 (T. 197-388). The third count made similar charges with respect to matter as to his knowledge of the petitioner, Julius Rosenberg. The fourth count made similar charges with respect to matter as to his knowledge of Ann and Michael Sidorovich (wife and husband). This latter couple had likewise been listed on the Government's roll of witnesses (R. 51-2).

The falsity of the testimony was alleged to be Perl's sworn denial of his knowledge of any of these persons on his appearances before the Grand Jury on August 18, 1950 (first three counts) and on September 11, 1950 (fourth count), in the course of its inquiry into "Soviet espionage."

The metropolitan press bannered the Perl indictment. It was the front page story of the day. The New York Times headlined its story: "COLUMBIA TEACHER ARRESTED, LINKED TO 2 ON TRIAL AS SPIES." The sub-head read: "Physicist called perjurer in denying that he knew Rosenberg or Sobell." (Ex. XV-A-9). The New York Daily News' front page read: "EAB NEW YORK PROF IN SPY PROBE." The story itself appeared on page 2 under the caption "Columbia instructor nabbed by FBI as atom-plot perjurer." (Ex. XV-C-10). The New York Daily Mirror blared: "COLUMBIA PROFESSOR SEIZED BY FBI," accompanied by adjoining pictures of William Perl and petitioners in handcuffs. The companion story was headed: "College Scientist arrested as liar in atom spy case" (Ex. XV-D-7). The New York World Telegram and Sun likewise featured its story with: "COLUMBIA PROF HELD IN TRIAL AS SPY LINK," with the sub-head "U.S. says he had been urged to go abroad" (Ex. XV-F-8); the N.Y. Herald Tribune headlined its story: "COLUMBIA INSTRUCTOR ARRESTED FOR PERJURY IN ATOM SPY CASE," followed by sub-title "FBI

seizes William Perl; 4 count indictment based on denial he knew Rosenberg, Sobell." Alongside the story was a large picture of Perl. (Ex. XV-B-8). On Page 1 of the N.Y. Post of this day was a full length picture of Perl with the caption "Columbia University Scientist held in \$20,000 bail on a perjury charge." (Ex. XV-C-8). The N.Y. Journal American, p. 1, introduced its story: "COLUMBIA INSTRUCTOR ARRESTED ON PERJURY CHARGE IN ATOM PLOT" (Ex. XV-D-10).

The N.Y. Daily News story connected Perl with Gold, one of the prosecution witnesses in the trial against the petitioners and the "spy ring on trial." It continued: "He was charged with denying before the Grand Jury last August and September that he knew Julius Rosenberg . . . and Morton Sobell, now on trial on espionage charges . . . the FBI said he was a classmate of Rosenberg and Sobell at City College . . ." There followed, in the same account, a resume of the testimony that had theretofore been given on the trial of the petitioners.

The N.Y. Daily Mirror story stated, among other things, that "a young Columbia University scientist, described by the U.S. Attorney's Office as one of the nation's top specialists in aerodynamics and jet propulsion was arrested by the FBI last night on a four-count perjury indictment linking him with the current atomic espionage case . . . Dr. William Perl, 32, of Russian, Polish extraction (sic) was taken into custody . . . Perl was indicted Tuesday by the Federal Grand Jury investigating the atom spy ring, charged with denying acquaintance with his former CCNY schoolmates, Julius Rosenberg, and Morton Sobell, defendants in the espionage case being tried in Federal court here . . . Perl, in his testimony before the Grand Jury on August 18 and September 11, 1950, also denied

knowing Michael and Ann Sidorovich of Cleveland, Ohio and Max and Helene Elitcher of . . . Flushing. The Sidorovich's according to trial testimony of former army sergeant David Greenglass and his wife Ruth were supposed to act as couriers between Cleveland and New York, a job subsequently given to Harry Gold, also a defendant . . . Perl, Rosenberg, Sobell and Elitcher, all attended CONY. . . In Washington, FBI director J. Edgar Hoover said Perl had been under investigation since shortly after the arrest of Harry Gold in May, 1950. The arrest of Gold, Rosenberg, his wife, Ethel, and Sobell followed the capture of Dr. Klaus Fuchs in England . . . Asked whether Perl is believed to have turned aeronautic secrets over to the spy ring members, U.S. Attorney Saypol commented "all I can say is that he was indicted in connection with the probe of a Soviet atomic spy ring some of whose members are now on trial." There followed a recapitulation of the testimony of Ruth Greenglass which had been given on the trial of the petitioners on March 14, 1951, the day before. It must be recalled that her testimony had not been completed and the record shows that she was in the midst of cross examination when the news of the indictment became public (R. 756).

The N.Y. World Telegram and Sun story stressed: "William Perl, jet propulsion scientist and physics instructor at Columbia University today pled innocent to a 4 count perjury indictment in connection with current atomic espionage trial." It added he was charged "with having lied when he told a Federal Grand Jury he did not know Julius Rosenberg and Morton Sobell."

The N.Y. Herald Tribune story had this comment: "William Perl, 32, an instructor in physics at Columbia University was arrested here last night by agents of the

Federal Bureau of Investigation on a sealed indictment charging him with perjury in connection with a spy ring transmitting atomic secrets to Russia... Four count indictment accuses him of lying when he denied he knew Julius Rosenberg, Ethel Rosenberg and Morton Sobell, 2 of the 3 in a trial now entering its eighth day at the U.S. courthouse here, in which they were accused of a war-time conspiracy to steal atomic secrets for Russia... Mr. Perl was a classmate of both Rosenberg and Sobell at City College... the other two counts accused him of denying that he knew Mr. and Mrs. Michael Eldorovich and Mrs. Helene Fitcher who have already appeared as witnesses for the government in the current espionage trial. [The record shows that these three people were never called, by the Government to testify.] All four of the alleged perjuries were said to have been committed before the grand jury August 10 and September 11." The remainder of this story spilled over into an account of the testimony that had been offered in the trial of these petitioners the day before.

The N.Y. Post story was headlined "PHYSICIST HELD AS HUSBAND OF SPY TRIAL AID", and sub-headed: "William Perl... was held today... on a perjury indictment growing out of the atomic spy trial". The story indicated that Perl was said to flee the country and introduced one, Vivian Glesner, who "has been listed by the government as one of the witnesses to be called in the espionage conspiracy trial of Julius Rosenberg, his wife, Ethel, and Morton Sobell... Perl is accused... of lying... by denying that he knew Rosenberg, Sobell and other persons who have been mentioned in the espionage case... Policy [an Assistant U.S. Attorney] asserted: 'In my presence Perl has admitted in my presence that he lied to the grand jury...'

despite his denial that he knew Rosenberg and Sobell on trial for their lives with Mrs. Rosenberg. The FBI said that Perl was his classmate...."

The N.Y. Journal American quotes U.S. Attorney Saypol as stating that Perl "was part of the whole atom spy investigation and was given money by Vivian Glasser to flee the country". It recites further that the perjury was based upon Perl's statement to the Grand Jury that he did not know Sobell, the Greenbergs or the Glitchers. "The D.A. continued to explain that Perl was a college classmate of Sobell, Rosenberg and Ethel." "The dark wavy haired Perl has been urged by the government for the past month to be a prosecution witness in the current spy case...It was learned he became more and more obstinate though his name was on the list of prospective Federal witnesses handed over to the defense, and flatly refused to testify." The story refers to the parentage of Perl as a "Russian" father and a "Polish" mother.

Perl's alleged perjury was committed six months before he was indicted. If Asst. U.S. Attorney Foley is to be believed Perl had admitted to the authorities that he had lied.

The inquiry naturally arises as to the reason the Government waited six months before causing an indictment to be returned against Perl and why the indictment was unsealed in the course of the petitioners' trial. There is no indication that Perl told the Government or any agent of the Government anything other than what he told the Grand Jury on his appearances before that body in August and September of the previous year.

The docket in the Perl case (C-135-43) shows that

the indictment against Perl was returned on March 13, 1951 and filed and ordered sealed by Judge Belmont, who was then sitting in the Criminal Court which normally disposes of such matters. Nevertheless, the sealed indictment was not ordered opened until the following day. It was then opened and a bench warrant issued, not by Judge Goddard, but by Judge Irving Kaufman, the presiding judge in the petitioners' trial.

This deviation from normal procedure must be related to the circumstances that David Greenglass, the Government's main witness against the petitioners, had been on the stand testifying for the Government on March 13, and March 14, 1951, the day of, and the day following, the return of the sealed indictment. His examination was concluded on March 14, 1951. Ruth Greenglass also a key prosecution witness had completed her direct testimony and was in the midst of her cross examination by the close of the court day of March 14. Perl was apprehended the night of March 14 and arraigned March 15.

The timing of the release of the indictment becomes significant when one considers the statement made to the press by prosecuting attorney, Saypol, when Perl's indictment was made public. He said:

"Mr. Saypol said that Perl had been listed by the Government as a prosecution witness in the current espionage trial. His special role on the stand, Mr. Saypol added was to corroborate certain statements made by David Greenglass and the latter's wife, who are key Government witnesses at the trial."

Further insight into the timing of the indictment and clarification of Saypol's position are found in the parallel lines of the statements concerning the perjuries of William Perl issued to the press, and the testimony of David Greenglass on the witness stand at the petitioners' trial.

Greenglass (and his wife) had testified that Rosenberg stated to them that Ann Sidorovich was an espionage courier (R. 443-50, 686-90). It will be recalled that the press stressed the count in Perl's indictment that he had lied concerning his knowledge of the Sidorovitchs, and coupled this with his alleged perjury with respect to his knowledge of the petitioner Julius Rosenberg.

David Greenglass testified further that Rosenberg had admitted to him that he had espionage contacts in Cleveland where Perl apparently resided and where, concededly, the Sidorovitchs lived (R. 516-17). The Government's claim that Perl lied would lend support to this testimony of the Greenglasses.

Moreover the subject of Perl and the Sidorovitchs became important in the cross examination of Julius Rosenberg when he took the stand in his own defense. Saypol queried him sharply about his knowledge of Perl, which in the face of the indictment that had then been returned on March 15, was prejudicial on its face (R. 1159-60). (Saypol apparently understood this, since, after the formalities, it was the first question he posed on cross.)

But Saypol went further in his cross examination and inquired whether Rosenberg gave Vivian Glassman \$2,000 to give to an alleged confederate in Cleveland (R. 1193-1198). It will be remembered that the newspaper accounts stated that the purpose of the alleged Vivian Glassman trip was to give money to Perl. This was, per se, a poisonous injection into the trial which could only prejudice the petitioners in the minds of the jury.

That this coup of the prosecution in causing the indictment of Perl, when it did, cannot be sloughed off as a

routine criminal proceeding was made apparent only by events which occurred--and became known to the petitioners--subsequent to the termination of their trial.

The docket in the Earl case records that Earl has not yet been brought to trial although he has been pressing for a speedy trial. At the time of Earl's arraignment, on March 15, 1951, John W. Foley, Assistant U.S. Attorney, also a counsel of record for the Government in the trial of the petitioners, stated to the Court:

"The Government is ready to proceed on April 2nd. However, counsel for the defendant has advised me that he is going to be engaged through the 8th of April and he would not be ready for trial until the 16th or 17th of April. The Government has no objection to the date defense counsel suggests."

The Government, however, has avoided a trial. According to Earl's contradicted statements in affidavits submitted in support of motions to compel a speedy trial, the Government refused to proceed on a trial date set for June 18, 1951, and, again on October 4, 1951, to which date the trial had been adjourned, when the case was marked off the calendar.

The U.S. Attorney's office, as noted above, had declared, at the arraignment of Earl which occurred during the sentence of the petitioners' trial, that it was "ready to proceed on April 2," (1951), but has since objected to going to trial even a year later--in June 1952.

In an affidavit submitted on May 24, 1951, by Robert Martin, Assistant U.S. Attorney, in final the following language:

"The reason that the case has not been brought to trial to date is because, among other reasons, which may not properly be declared at this time, the U.S. Attorney believes it desirable to have all aspects of the Rosenberg and Sobell prosecution completed before commencing prosecution in the related cases."

He further stated in a supplementary affidavit on June 1, 1952:

"The offense charged in the indictment of this case is one of the most serious import. The defendant is a physicist and a leading specialist in crypto-mathematics. He has done work in fields of top military secrecy. He is charged with perjury in that he denied knowing, before a Grand Jury investigation of espionage, persons who have subsequently been convicted of engaging in espionage on behalf of the Soviet Union. The prosecution in the espionage case, that against Julius Rosenberg has not been completed and is presently awaiting application for review by the Supreme Court. The U.S. has deemed it unwise to proceed further and reveal proof in this perjury case until the Rosenberg case and related matters have been concluded."

It is constituted a surprising change in the Government's attitude, for on March 30, 1950, in arguing against the motion for a bill of Particulars, the U.S. Attorney Foley had stated:

"If this were an unusually difficult case, if it was a complicated factual situation, if it required great pains in preparing for trial, then I could understand the defense counsel predicament. I would not agree with their contention, however. But this is such a simple case, your Honor, I do not see why any unusual allowance should be made in a Bill of Particulars."

The only reasonable conclusions that can be drawn from this concatenation of events are either: (1) the Government acted in bad faith in causing an indictment to be returned against Perl and timed its release to prejudice the petitioners before the jury at their trial, or (2) that the evidence that might have been elicited on Perl's trial would have tended to exculpate the petitioners in their case.

The Court has before it the question as to whether or not these actions in the Perl indictment represents a fraud upon the Court. But whether or not there was mala fides, there was imposition on the administration of justice, by the timing of the Perl indictment, under the circumstances above described.

Its effect was highly prejudicial and could only have further influenced the jury against the petitioners, and deprived them of that fair trial guaranteed to them under the fifth and sixth Amendments to the Constitution of the United States.

II

SUMMARY: The case against the petitioners was built upon perjured testimony. The prosecution, as will be pointed out below, must have known that the testimony was false.

The incidents recited below, singly and together, give indication that the entire prosecution was tainted with fraud. In combination with the extra-judicial tactics of the Government to prejudice the petitioners in a trial by newspaper, and the matter discussed in Point III below, it is made readily apparent that the petitioners--who stand to forfeit their lives--were the subjects of a monstrous miscarriage of justice.

THE GREENGLASS "CONFESSOR"

BACKGROUND: David Greenglass was apprehended in the early afternoon of June 15, 1950 (p. 562).

He testified that, in the evening of June 15 and the early hours of June 16, he revealed to the authorities truthful information concerning his illegal activities at Los Alamos and elsewhere.

During questioning by the Court, Greenglass testified as follows:

- Q. Well, did you conscientiously withhold any facts that night?
- A. No, I did not conscientiously withhold those facts.
- Q. And did you conscientiously tell substantially what you have told in court these past few days?
- A. That I did, and in other statements, because I couldn't remember at once.
- Q. Well, when you left that evening, was there any understanding that you would make a subsequent statement?
- A. I suppose there was.

Q. I don't want to know whether you suppose.

A. Yes, there was an understanding to that effect. I said to them that is to the best of my knowledge at this time." (R. 577-78).

Immediately, after his apprehension, Greenglass arranged to retain the firm of O. John Rogge, Esq., as his attorneys (R. 594), and the following day paid Rogge a retainer of \$4,000 to represent him (R. 732, 794). Greenglass was allowed to testify further, under cross-examination as follows:

Q. Didn't you tell your lawyer to fight this case for you?

A. I did not." (R. 594).

Greenglass' answers to the above questions were false and perjurious and known to be such by the prosecution.

It was only during the proceedings on Greenglass' sentence, which took place after the case against the petitioners had been fully closed and sentence against them had been pronounced, that this testimony was belied.

At that time, Saypol, the United States Attorney, in active and chief charge of the prosecution, addressed the court as follows:

"When David Greenglass was arrested after the first indictment in the State of New Mexico, I remember well how at his arraignment before the Commissioner in this District Mr. Rogge protested his innocence. Through Ruth Greenglass, his wife, came the subsequent recantation of those protestations, their representation and the disclosure of the facts by both of them..." (S. 1423).

The facts comport with Saypol's comments. It is significant, however, that when the trial did Saypol make any attempts to correct the falsity.

Greenglass was the key government witness against the petitioners. A sharp issue was presented to the jury. Its determination was necessarily based upon an evaluation of the credibility of the testimony of Greenglass as against the

the credibility of the testimony of the petitioners, which testimony was in direct conflict on the basic issue of the case. Not only would his failure to "confess" in effect have per se impaired Greenglass' credibility, but it would have enabled the defense to inspect the first statements that Greenglass allegedly gave to the authorities on his apprehension, that may have further exposed this witness.

On the afternoon of June 14, Greenglass was arraigned and Mr. Rogge, appearing as his counsel, demanded low bail (R. 596). The United States Attorney opposed the application and Greenglass was then lodged in the West Street Detention House and placed in solitary confinement (R. 596-97).

In the meantime and on the morning of June 14, the petitioner Julius Rosenberg was requested by the F.B.I. representatives to be interviewed at the Federal Building (R. 1137). Upon compliance with the request, this petitioner was questioned for a number of hours, but was not detained (R. 1137-41). He left the building, unharmed and unrestrictured (R. 1141).

On June 16, two days later, Greenglass' wife, Ruth Greenglass, the second most important Government witness, consulted with Rogge (R. 732). About a day later, Greenglass was removed from his confined quarters and restored to the usual privileges of prisoners (R. 598-99).

Mrs. Greenglass continued in regular consultation with Rogge (R. 775-80). In the middle of July, she "willingly" accompanied this lawyer to attend a pre-arranged conference at the office of the United States Attorney, Greenglass being brought in to attend (R. 742-43). Present were present at this conference Rogge, his chief assistant, Lere, and agents of the F.B.I. It is interesting to note that in contrast to other witnesses, Mrs. Greenglass' first interview took place in the

office of the United States Attorney rather than in the office of the F.B.I. (R. 742). Both David and Ruth Greenglass were vague about the subjects of discussion at this session (R. 701-2, 743), but in the wake of the conference three events ensued. Mrs. Greenglass, with her lawyer, returned the next day to talk with F.B.I. agents and the day following signed a prepared statement (R. 743). The petitioner Julius Rosenberg was arrested within a few days thereafter. Greenglass was transferred from the Federal House of Detention at West Street to the Tombs (R. 593-59). From that time Greenglass became a frequent visitor at the Federal Building and signed "six" or "seven" statements and, in addition made many unwritten statements (R. 704). Mrs. Greenglass remained and continues to remain a free woman (R. 740).

When Rogge, on Greenglass' sentence, made his plea for leniency, he declared:

"...now with this background what I do want to emphasize is that David did cooperate with the Government and all out from the outset? (R. 1628)

He further stated that he represented at least six people who were active for the prosecution in this case -- the Greenglasses, Max Elither (the first witness against the petitioners at the trial) and Elither's wife (who was named on the Government's list of witnesses but not called), Louis Abel and Dorothy Abel, his wife (who were Government witnesses), and Helen Pagano (Mr. Rogge's secretary, who was likewise a Government witness) (R. 1629).

Upon information and belief, Greenglass told Rogge, immediately after his apprehension and on a number of occasions thereafter, that he desired to defend himself against the charges. He also told Rogge and Ruth Greenglass, his wife,

immediately upon his apprehension and within a few days thereafter that he had deliberately told the F.B.I. conflicting stories at the time he was questioned upon his apprehension on the evening of June 15 and the early hours of June 16, 1950.

Were George or his associates to be subpoenaed or were the records of George's office and the office of the U.S. Attorney, to be produced in Court under a subpoena duces tecum, it will be disclosed that Greenglass did not "confess" to the authorities at the time of his apprehension or within a few days thereafter and that, far from cooperating with the authorities he intended to stonewall "cooperation" until he had effected a satisfactory deal for himself and his wife.

The suppression of the truth on the part of Greenglass at the petitioners' trial with the consent and acquiescence of the prosecuting officials constituted a fraud upon this Court and resulted in a conviction which is violative of petitioners' rights under the Fifth and Sixth Amendments to the Constitution of the United States.

GENERAL FACTS OF CASE NO. 100-1-100

FACTS: Government's exhibits 2, 6, 7, and 8 were introduced in evidence on the basis of Greenglass' testimony.

Exhibit 2 was a purported replica of a sketch which Greenglass allegedly delivered to the petitioner, Julius Rosenberg in January, 1945. It purportedly represented a lens mold made at the Los Alamos project (R. 438).

Exhibits 6 and 7 were replicas of sketches of a lens mold in schematic view that were later purportedly developed at the Los Alamos project.

Exhibit 8 was a purported replica of a sketch of a cross-section of the Nagasaki-type atomic bomb, a sketch of

which was allegedly delivered by Greenglass to the petitioner, Julius Rosenberg, in, September, 1945 (E. 498-69).

These exhibits were made by Greenglass after his apprehension: Exhibit 2, immediately after his arrest; Exhibits 6, 7, and 8, prior to the petitioners' trial for trial purposes (E. 439-41, 440-41, 463).

Greenglass swore that these exhibits were prepared by him from memory alone and that he was not aided in preparing them by any person or by any reading matter furnished to him by the authorities or any other person. On cross-examination, his testimony was:

Q. And when you drew the sketches--one of them I believe in Dec., 1950 and the other a day or two before you testified--and I think they are reflected and marked Government's Exhibits 2, 6 and 7--did you rely solely on your memory in making them?

A. I did.

Q. Now, when was the last day that you worked on the Los Alamos project?

A. 1946, February.

Q. That month?

A. February.

Q. That was about four and a half years ago?

A. That's right.

Q. And you relied solely on your memory?

A. I did. (E. 609)

Q. Now, were you given any reference books or text books while you were in jail since your arrest, relating to any scientific matter?

A. No. I didn't--nobody gave me any.

Q. Did you read any scientific books while you have been in jail?

A. Just science-fiction. (E. 610)

And again, in answer to the Court, he stated:

"The Court: ...let me ask you: These sketches that are in evidence, are they the product of your own mind? That is, were you helped by anybody outside in drawing these sketches?"

The witness: Nobody else, just myself.

The Court: Did anybody tell you to change any line here or change any line there?

Q The witness: "Nobody told me anything like that." (P. 411)

10 this testimony was perjurious and must have been
11 known to the authorities to be false.

Since all of these exhibits were prepared by Green-
glass after he was already in the custody of the United States
Government, he could not have been aided or coached by any
person or reference Larks without the knowledge of the prose-
cuting authorities, or their agents.

Greenglass is a high school graduate, with no higher educational degree to his credit. He failed in the eight courses he took in a single semester at a polytechnical institution. His remaining adult education was confined to attendance for a year and one-half at a school of design. He never acquired a degree in science and engineering; nor has he ever taken any courses in calculus or advanced calculus, thermodynamics, nuclear or atomic physics, or quantum mechanics. He was a machinist by vocation in civilian life for a short time prior to his induction into the Army. During his Army career he was assigned to work as a machinist. (A. 10-15).

Renowned scientists have read the testimony given by Greenglass, and considered it in light of: (a) the time lapse between the alleged production of the sketches in 1945 and their alleged reproduction almost six years later; and (b) his educational and vocational background and scientific knowledge. They have attested as follows:

The affidavit of SA [redacted] AFD 63-81 [redacted], duly sworn to before a Consul of the United States in London, England, on November 6th, 1953, annexed hereto, made a reference and named "Exhibit C", stating that, in the circumstances above described, in his opinion, it would have been "if possible" for

Greenglass to have reproduced Exhibits 2, 4, 7 and 8 "relying solely on memory and without any outside aid".

The affidavit of THOMAS JAMES WALL, Jr., duly sworn to before a Consul of the United States at Manchester, England, on November 10, 1952, annexed hereto, made a part hereof, and marked "Exhibit B", states that, in the circumstances above described, in his opinion it is "improbable" that Greenglass "could reproduce, in any detail" Exhibits 2, 4 and 7, after a lapse of five or six years and "relying solely on his unaided memory"; and that it was "inconceivable" that Greenglass could reproduce Exhibit 8 "without the aid or assistance of any person or written matter or help from any technical scientific source".

The affidavit of JACQUES S. MADAYANO, duly sworn to before a Vice-Consul of the United States, in Paris, France, on November 7, 1952, annexed hereto, made a part hereof and marked "Exhibit C", states that, in the circumstances above described, in his opinion, it is "highly improbable" that Greenglass "could have reproduced in any detail" Exhibits 2, 4 and 7, after a lapse of five years "relying solely on his unaided memory"; and that it is "inconceivable" that Greenglass could have reproduced Exhibit 8, "relying solely on his unaided memory".

Upon information and belief, Greenglass was in consultation with the co-conspirator Gold and others while the two were lodged under the roof of the same institution or institutions either at the Federal House of Detention at 425 West Street, Borough of Manhattan or at the "Punks" at Centre Street, Borough of Manhattan. Some employees at these latter two institutions will, if subpoenaed, testify that books were brought in to places within these prison walls or in the Federal

Building, Foley Square, New York City, for access to and reading by, Greenglass, and, that he consulted with Gold and other persons for the purpose of enabling him to prepare Exhibits 2, 6, 7 and 8.

These exhibits went to the gravamen of the case and the core of Greenglass' testimony. As can well be understood, they constituted in the lay mind of the jury, most damaging evidence. The suppression concerning the truth, that a hearing on this petition will now fully reveal, that these exhibits were literally "manufactured" for trial, is a most profound imposition upon the court and a measure of the magnitude of the extent to which the evidence on which the petitioners were convicted was a result of fabrication.

SCHNEIDER TESTIMONY

THE FILLS: The last witness for the Government, produced in rebuttal, was one, Ben Schneider. This witness' name did not appear on the Government's list of witnesses and the failure to give the petitioners advance notice, as required by statute, was excused on the ground that he was not known to the authorities until one day before the day he gave his testimony.

Schneider testified on March 27, 1950. He testified that he was first approached by F. B. I. agents the morning before and shown photographs of the petitioners, that he recognized them from those photographs, although on cross he admitted that he had seen but not recognized pictures of the petitioners which had appeared in the newspapers from the time of their arrest to the time he was approached by the F. B. I. He claimed the newspaper pictures were unrecognizable to him because they showed only a "front view", and the F. B. I. agents

had shown him "a front view and side view" (R. 1432).

On his direct examination Schneider testified in response to a question by the District Attorney, in part, as follows:

"Q. Did you then deliver it to Mr. Rosenberg?

A. Yes (R. 1429)."

This question referred to the witness' delivery to Rosenberg of passport photos allegedly taken by the petitioners and their two children in May or June, 1950, at the witness' photography shop at 99 Park Row, Manhattan, New York City.

Then the prosecutor asked the following questions and received the following answers from the witness:

"Q. Did he pay you?

A. That's right, Sir.

Q. And is that the last time you saw him before today?

A. That's right." (R. 1429) (emphasis ours)

Upon information and belief this testimony was perjurious. The ground of information and the source of belief are a book published after the trial of the petitioners, in 1952, by Oliver Pilat, entitled "The Atom Spies" (G. P. Putnam Sons, New York). On page 287 of this work the author states:

"Julius and his lawyer scoffed at the idea that the Rosenbergs ever had any notion of leaving the country. While Julius was still on the stand, an FBI agent brought into the courtroom a photographer from a shop hardly a block away who recalled somebody resembling the description of Rosenbergs, with two wild kids, coming in for passport photos. He wanted a look at Rosenbergs to be sure, and when he took the look, he nodded. He was the next witness, a devastating one. He described the wild behavior of the Rosenberg boys, then recalled that Rosenberg had boasted that his wife had just inherited a large sum from a relative in France, and that the family was planning a trip to Europe to collect the inheritance." (emphasis ours).

The petitioner Julius Rosenberg was on the stand on March 26. It is apparent that Schneider did see the Rosenbergs

for purposes of identification the day prior to his own testimony. It is a fair inference that the prosecuting officials aided him to come into the courtroom, in contravention of the trial Court's order excluding all witnesses from the courtroom, except in the course of their testimony.

The prosecution authorities, therefore, knew that Schneider lied when he said that he had not seen the petitioner Julius Rosenberg from the time of the taking of the alleged photographs, in May or June, 1950, to the time he took the stand on March 28, 1951 and identified the petitioners in open court. On a hearing on this petition, the petitioners will be enabled to produce evidence of this knowing fraud upon the Court.

Schneider's testimony was a dramatic climax to the trial and introduced harmful and damaging evidence against the petitioners. It served to corroborate Greenglass' otherwise uncorroborated story, that the petitioners were intending to flee the country and that they were making preparations to accomplish that purpose by taking passport photos (R. 529). And it served to relate more directly to these petitioners evidence concerning the alleged "flight" of the co-defendant, Morton Sobell (R. 919-935).

Were it known to the jury that this "aid" to Schneider's recollection was necessary to accomplish his identification of the petitioners, it might have attached credence to the testimony of this otherwise potentially suspect witness.

The conviction of the petitioners was steeped in fraud aided and abetted by the prosecuting officials. It was an imposition on the court, the jury, the entire administration of criminal justice. This official co-ordination of false testimony must nullify the conviction which was obtained upon it.

III

THE "SECURITY OF THE INFORMATION" ALLEGED TO HAVE BEEN TRANSMITTED

TWENTY-FIRST: United States v. Heine, 151 F. 2d 813, 815 (C.C.A. 2nd, 1945) cert. den. 328 U.S. 833, construed the Espionage Act to read that, unless the information alleged to be the subject of transmittal--or conspiracy to transmit--to a foreign nation is "secret", no crime is committed under that law. "Secret" information, as defined by the Heine case and Corin v. United States, 312 U.S. 19 (1941), has the meaning accorded to the more common usage: "classified" information.

The testimony at the trial of the witnesses Walter S. Koski and John A. Derry attested that the information, in the instant case, allegedly transmitted to the Soviet Union, and the subject of the alleged conspiracy to transmit, was "secret", classified matter (R. 466-86; 903-917).

The petitioners represent, as set forth below, that the United States Government or one or more of its agents, arbitrarily and capriciously classified the aforesaid material as "secret"; and that, in fact, it was not "secret", but widely known and published throughout the world - and, especially in the Soviet Union, the alleged beneficiary of the transmittal.

I. GENERAL STATEMENT ON THE SECRET OF THE ATOM BOMB

There were three principal military secrets of the atomic bomb.

The first of these was whether the existing technology in any country or group of countries could produce the needed materials in the quantity and of the purity required for the detonation process.

The second secret was whether such a bomb, if assembled, would actually explode, and explode with the violence.

which had been theoretically predicted.

The third secret was the rate of production of atomic bombs. Clearly, if only one or two could be produced every ten years, this weapon would be of minor military importance. On the other hand, if production of large numbers were possible in a reasonable period of time, the bomb would become an important factor in current military theory.

Any other so-called secrets were minor, subsidiary in character, or no secrets at all. For example, the necessary theoretical physics for the production of the bomb was never a secret. It was internationally known by 1940. H. D. Smyth in his well-known report on "Atomic Energy for Military Purposes", Princeton Univ. Press 1945, documents this point quite fully in his introductory chapter. After detailing the developments of theory which led to the decision to make atomic bombs, he states in paragraph 1.60:

"Looking backward on the year 1940, we see that all the prerequisites to a serious attack on the problem of producing atomic bombs and controlling atomic power were at hand. It had been proved that mass and energy were equivalent. It had been proved that the neutrons initiating fission of uranium reproduced themselves in the process and that therefore a multiplying chain reaction might occur with explosive force. To be sure, no one knew whether the required conditions could be achieved, but many scientists had clear ideas as to the problems involved and the direction in which solutions might be sought."

Of the three really important secrets, the first two were simultaneously revealed to the world when the Hiroshima bomb was exploded. The responsible authorities of the Manhattan Project quite clearly recognized that a very large part of the entire project was not a real secret by issuing the Smyth Report, and by the relatively prompt declassification of project material now being published by the McGraw-Hill Publishing Company of New York as a National Nuclear Energy Series. Some fifty volumes have already been published, or will be published soon.

The Smyth Report outlined all the basic steps involved in bomb production. It related, for example, the successful processes for the separation, in large quantity, of the critical isotope, uranium 235. It described many problems -- and their solutions -- associated with the pile; it told of the proper moderators to use for slowing down neutrons. It spoke in detail of the production of Plutonium 239, another explosive element. A section of the report was devoted to the principle of detonation of the bomb. The book included photographs of plants which had been built, and thus revealed the magnitude of the required facilities. In sum, it was a full, although qualitative, description of the most important technological problems which had been encountered, and of the methods of solution worked out in this country. It was published in 1945, shortly after the Hiroshima bomb was dropped, because what it related was not a secret.

The third major secret -- whether the bomb is a curiosity or a potentially important weapon -- has been revealed by the large number of bombs exploded for experimental purposes. Quite obviously, if the bomb production rate were one a year, any government would hesitate about detonating any considerable fraction of its stock-pile for experimental purposes.

This petition will demonstrate the following: it will first indicate the general problem of atomic bomb production in order to show the overall process and the interrelations of its many parts. It will demonstrate that the details of the detonation mechanism are but a miniscule part of the whole gigantic operation. It will also show that the details of any particular detonating element need not be known to produce the bomb because there are many alternative paths.

It will then prove that the secret of the detonating mechanism -- allegedly the secret transmitted by David Greenglass to the U.S.S.R. -- is no secret at all. At the time of the trial, it was held by the Government and its witness, Walter S. Koski, that the theory of "implosion" utilized for the purpose of assembling the critical mass of fissionable metal was invented and developed at the Los Alamos Project. The falsity of this statement will be shown by direct reference to the scientific and patent literature available prior to the initiation of the Manhattan Project.

II. GENERAL PROBLEM OF ATOM BOMB PRODUCTION

A. THE RELATIONSHIP OF THE DETONATING MECHANISM TO THE OVERALL PROCESS.

There are four major steps in the production of an atom bomb. These include: a) the preparation of the many pure compounds, metals and elements required at the start; b) the use of the starting materials for the preparation of the fissionable isotopes Uranium 235 and Plutonium 239; c) the conversion of these isotopes into pure metallic form operating now with small subcritical batches of material; and d) arranging the pure fissionable metal in a device so that at the appropriate time a mass in excess of the critical mass can be assembled with great speed and thus detonated.

To understand the magnitude of the effort and the multitude of paths by which one may proceed in developing an atom bomb, a brief review of processes at each level will be presented.

To make bombs a sizable quantity of pure Plutonium 239 or pure Uranium 235 is needed. This quantity must be as many times larger in its magnitude than the critical mass as are the number of bombs to be produced. The metal must be extremely pure. A bomb can be made from this very pure metal

utilizing at least three different methods: a) That of firing two subcritical masses together; b) that of compressing the critical mass from a sponge form to the very dense form of the metal; and c) that of suddenly placing a neutron reflector around a mass of metal not presently in the critical conditions. All three of these methods have been variously discussed as possibilities and we can see that in this final phase there are these three methods for achieving detonation. No doubt each was tried in a great variety of combinations.

Going to the step which precedes detonation, we come to the preparation of the pure fissionable metal. This step requires the preparation of metal in very small subcritical batches. It is evident that this is necessary, else otherwise a self-sustaining nuclear reaction would begin. The methods of preparing pure metals are many and are varied. To list only a few that are commonly used by chemists, there are the reduction methods of the halogen compounds of these metals by more active metals like sodium, potassium, calcium, magnesium, aluminum and so forth. There are also reduction methods utilizing an electrical current with which the metal is plated out on an electrode. All of these and others were no doubt tried.

The step which precedes the final preparation of the pure metal is obviously its synthesis. There are two general methods for effecting the synthesis of fissionable metals. The first of these is a direct separation of Uranium 235 from naturally occurring uranium. The second method is that of synthesizing an element like Plutonium 239 by a nuclear transformation of Uranium 238 into it, i.e., the method of synthesis in the pile. The first of these, that of concentrating the least abundant isotope of uranium, may be effected in a great many ways, all of which have been investi-

gated in this country and discussed in the Smyth Report. Among the methods discussed in that report were: a) Gaseous diffusion; b) Electro-magnetical separation; c) Centrifugation; d) Chemical exchange methods; e) Thermal diffusion methods. Each of these requires a huge plant and many subsidiary factories to make the necessary parts. Each one conservatively estimated would be more than a hundred million dollar industry.

Among the methods for producing plutonium in a pile one may use uranium with any one of a number of different moderators so that we would have the possibility of: a) a helium moderated pile; b) a heavy water moderated pile; c) a beryllium moderated pile; d) a graphite moderated pile. There are also the possibilities of operating breeder type piles which involve much less moderation of the neutrons to achieve their effect. In any event, there are at the stage of fissionable element synthesis nearly a dozen ways to proceed. Again each of these requires a gigantic plant and many subsidiary industries. The construction of each such plant is in the 250 million dollar class of expenditure. The step which precedes the element synthesis stage is the one in which the pure raw materials needed for this work are made. There are many different kinds of compounds needed in an atomic energy program and in many cases whole new industries must be created for the production of individual compounds. Of these we may list the preparation of pure uranium compounds such as uranyl nitrate, the uranium oxides, uranium hexafluoride, the preparation of pure uranium metal itself in tonnage quantities, the preparation of tonnage quantities of the rare isotope of hydrogen, i.e., deuterium, the preparation of extremely pure graphites of high specific gravity, the preparation of aluminum tubing and jacketing materials for the uranium slugs, all of which must be of the highest

chemical purity, the preparation of pure beryllium compounds, the preparation of tonnage quantities of many of the fission fragment chemicals. Most of these substances required the development of completely new plant processes in this country in order to have these ready as needed by the atomic energy program.

Now from the mere recital of these many different processes it may be seen that there are a vast multitude of ways by which one may arrive at the final production of the bomb. The policy of the United States during the war was to depend on no one process so that at none of the four critical stages could a bottleneck develop. Thus, at every stage a group of parallel efforts along different lines was made. Hence it can be seen that any single process, any single detail of any process, such as one particular method for atom bomb assembly, represents the most minute part of the whole program. The small effort involved in any particular method of atom bomb assembly, represents the most minute part of the whole program. The small effort involved in any particular method of atom bomb assembly is indicated by the much smaller staff assembled to work on the final phases of atom bomb construction. (In this connection see the Rabinowitch quotation below.)

It is evident, therefore, that for any country to produce atom bombs a highly developed technology is as essential as is a highly competent corps of theoreticians. This means that in a particular nation there must exist not only people with scientific, engineering and mechanical skills, but also the physical plant in different areas of manufacture, transportation, power, communication and other fields. By way of example, the following, among others, are essential:

(a) A highly developed electrical industry, whether based on coal or hydro-electric power;

(b) A highly developed and productive metallurgical industry, capable equally of making relatively large amounts of pure new metals like uranium, as well as conventional steel and other alloys required for construction and other phases of bomb manufacture;

(c) A highly developed chemical industry, because of the necessity of making extremely pure materials in large quantity - whether carbon, heavy water, or fluorine.

(d) A well-developed mechanical electronic and instrumental industry, in order to make the large numbers of precise controlling mechanisms which are obviously required for those parts of bomb manufacture (including isotope separation) which must be run automatically.

(e) A large and efficient construction industry. One need only to look at the pictures of the Oak Ridge and Hanford plants which are reproduced in the Smyth Report (page 138) to realize that the bomb cannot be built in a mud hut.

(f) A well-developed transportation industry. This is obviously necessary in order to schedule the orderly shipment and receipt of the tonnage quantities of raw, semi-finished and finished products and materials associated with bomb manufacture.

The vastness of the scientific, engineering and manufacturing effort which went into the making of the bomb must be realized for a true picture of what is involved. The estimate has been made that some two billion dollars -- perhaps one per cent of our national income at the time -- was expended before the first bomb was exploded. It was an effort which required the cooperative efforts of several hundred thousand people with diverse skills. (Thus, the

population of Hanford, Washington, at the pile site, is given as 60,000 in 1944, Smyth Report, Page 146.) In short, in order to make atomic bombs, a nation must have a well-developed technology in all fields of engineering and manufacture, as well as a large corps of well-trained scientists, engineers and skilled workers.

This point is well made in the Smyth Report, in Chapter 13, Section 3 (page 224):

"Before the surrender of Germany there was always a chance that German scientists and engineers might be developing atomic bombs which would be sufficiently effective to alter the course of the war. There was, therefore, no choice but to work on them in this country. Initially many scientists could and did hope that some principle would emerge which would prove that atomic bombs were inherently impossible. This hope has faded gradually; fortunately in the same period the magnitude of the necessary industrial effort has been demonstrated so that the fear of German success weakened before the end came. By the same token, most of us are certain that the Japanese cannot develop and use this weapon effectively." (Our emphasis)

This statement is interesting and pertinent for several reasons. In the first place, the fear of German success most obviously did not abate because Germany did not have the necessary industrial plant. Merely to make the statement is to demonstrate its ridiculousness. The fear of German success decreased because Germany was in no position at the time to devote the necessary industrial plant (which she had) to making the bomb. The same can be said of the U.S.S.R. -- i.e., that almost all manufacturing facilities were devoted to the more immediate problems of getting out implements of warfare already tested in the field. It is primarily for this reason that the U.S.S.R. did not develop the bomb during the war -- because the large scale manufacturing effort could not then be made. It will be recalled that this was at a time when much of her industry was destroyed, a large part of her industrial areas overrun by the invader, and a frightening percentage of her people killed or under occupation.

With the end of the war, a reassessment of the desirability of making atomic fuels and explosives could be made. This reassessment must have been spurred by the disclosure of the one real secret involved in the bomb -- it could be successfully made and successfully exploded. The Smyth Report says that the hope that it could not be made faded gradually. This means that it was not known for some time that it could be successfully exploded. In the absence of the knowledge that the quest could be successful, any nation would hesitate before launching upon the scale of expenditure that is so necessary. However, once a bomb has been made, even though the many tons of blueprints associated with it was not available, the knowledge that success has been obtained must of necessity enter into calculations of whether to proceed or not. In addition, knowledge that the end was successful also means that more time can be spent in developing many alternatives paths to that end.

As a consequence, it is clear that there were an enormous number of combinations of methods by which success could be achieved. In time of peace it would be possible to decide which were the more efficient. In time of war and of hastily made decisions it was only necessary that a process work; efficiency was secondary.

It is also clear that in such an industry no one process was of overriding importance -- no one technical detail critical even though at the time individuals might have thought so.

In this vast array of processes any single method for the assembly of the fissile materials was just another detail -- just another of the many thousand details of the whole operation. To illustrate the validity of this assertion, suppose that failure was encountered at any of the stages where the pure isotopes were being prepared. Then no

matter how wonderfully ingenious the device for assembling the metal, it would have been quite useless.

On the other hand, suppose that any country of moderate technological ability were given the necessary amounts of the pure fissionable metals. How long would it take them to produce a detonation? It seems likely that only a few months would be needed. Quoting from a pertinent article in the Bulletin of the Atomic Scientists by Professor E. Rabinowitch (May 1951 issue, p. 139) on this very point we find:

"According to the Senate testimony of Admiral Parsons, the principles of these mechanisms were clearly established within a very short time after the beginning of this work. Considering that this research was, to a large extent, in internal ballistics, a field in which Russia has had a more extensive experience than the United States and in which it possessed a considerable number of first-class specialists, it is unreasonable to assume that even the necessity of solving these secrets on their own would have delayed the Soviet progress, if at all, by more than a few months. Perhaps they would have arrived at a solution different from those developed at Los Alamos; but whether their mechanism would have been (or, in fact, is) less or more efficient than ours, we do not know (unless this information has been provided by an American agent in the Soviet atomic project).

"It has often been pointed out that the bottlenecks in the development of the atomic bomb project during the war have not been in the establishment of basic facts or the blueprinting of technical solutions, but in the actual construction of the large production plants. There is no reason to assume that the same was not true of the Soviet progress as well. This means that the speed of this progress probably was determined by factors on which spying had but little, if any, influence,-- except possibly, by inducing their earlier initiation."

Thus it seems quite evident that the detail of the atom bomb is trivial technically and most inconsequential as a secret.

B. THE PRODUCTION OF ATOM BOMBS IN THE U.S.S.R.

From what has gone before it is obvious that any nation which seeks to produce atom bombs must have not only an extensive corps of junior and senior scientists but in addition it must have a highly developed technology and industrial apparatus. When it sets up such a two billion dollar industry with its 200,000 employees, that industry is controlled by the framework of the social organization of the country as well as by the kinds of goods manufactured and the methods of manufacture available to it. In such a context no one detail of an American process, obtained through espionage or otherwise, can have even the little importance that it had in the industry where it was developed. What is good American manufacturing practice may in Soviet hands be otherwise and vice-versa.

The purpose of this section is to show that the U.S.S.R. did in fact have the necessary scientists and technology for doing the job and that the principal reason that it could not make atom bombs during the course of the war was that all of its available manufacturing facilities were devoted to the more immediate necessity of producing well tested implements of war. It did not need any American "secrets" to produce a bomb.

That the U.S.S.R. has first rate scientists in this field may be demonstrated in several ways. One of these is to compare their discoveries in relation to our own. This is illustrated in the following table, which demonstrates, in the field of nuclear physics, simultaneity of discovery and development in the U.S.S.R. and in the U.S.A.

1) Theory of fission of the uranium nucleus:

N. Bohr and J. Wheeler - Physical Review, Volume 56, page 423 (1939) - from Denmark and the U.S.A., and

J. Frenkel, Journal of Physics, U.S.S.R., Volume I, page 125 (1939) - in the U.S.S.R.

2) Theory of the Pile

L. Fermi, and others in the U.S.A. - 1939 to 1940, reported in "Atomic Energy for Military Purposes", by H. D. Smyth, Princeton, 1945, and L. Feldovich and L. Khariton, Journal of Experimental and Theoretical Physics (USSR) Volume 9, page 1425 (1939) and Volume 10, page 29 (1940) in the USSR.

3) Theory of the Synchrotron

E. McMillan, Physical Review, Volume 68, Page 143 (1944) in the U.S.A., and

V. Veksler, Journal of Physics, USSR, Volume 9, page 153 (1945) in the USSR.

4) Operation of the Betatron

D. W. Kerst, Physical Review, Volume 60, page 47 (1941) (for earlier work) and Physical Review, Volume 68, page 233 (1945) in the U.S.A., and

J. Terletsky, Journal of Experimental and Theoretical Physics (USSR) Volume 11, page 96 (1941) and Journal of Physics (USSR), Volume 9, page 159 (1945) in the USSR.

5) Resonance Method for Nuclear Magnetic Moments

Purcell, Torrey and Pound, Physical Review, Volume 69, page 37 (1946), and Bloch, Hanson and Packard, Physical Review, Volume 69, page 127 (1946) in the U.S.A., and

V. Favoisky, Journal of Physics (USSR), Volume 9, pp. 211, 245, 477 (1945) in the USSR.

The idea of a monopoly in fundamental knowledge and fundamental theory is a most improbable one. Any advantage in time in the realm of theory is so temporary as to be considered non-existent. In the past, in periods long before the development of communications brought the world together, fundamental knowledge was developed more or less simultaneously, and was widely shared. Today this process has markedly accelerated.

The point must now be made that in the USSR there are scientists whose researches in fundamental problems are

of first-rate importance. There is also a competent corps of junior scientists in various fields who have made contributions as well. This is illustrated in the following admittedly incomplete table of papers from Soviet physicists and chemists in the field of nuclear physics:

1. A particular mode of fission of the uranium nucleus. - Chlopin, Fassvik - Chlopin and Folker - Nature, 144, 595 (1939).
2. Electro-capillary theory of splitting of heavy nuclei by slow neutrons - Frenkel - J. Exp. Theor. Phys. USSR 9, 641 (1939).
3. On the splitting of heavy nuclei by slow neutrons - Frenkel - Phys. Rev. 55, 987 (1939).
4. On some features of the process of fission of heavy nuclei. Frenkel - J. Phys. USSR. 10, 533 (1946).
5. Registration of uranium fission fragments with removal of background due to alpha particles emitted by uranium. - Perfilov - Comptes Rendus URSS 47, 623 (1945).
6. Chemical nature of the radioactive fragments of thorium fission. Radioactive halogens. - Polessitsky, Orbell and Nemewsky - Comptes, Rendus, URSS, 28, 15 (1940).
7. A new method of recording of particles of the type of uranium fragments by means of a photographic plate. - Perfilov - J. Phys USSR. 10, 1 (1946).
8. The first USSR cyclotron. - Eukavichnikov - Phys. Rev. 52, 1077 (1937).
9. Investigation of the phasing properties of the relativistic resonance accelerator. I. Synchrotron. II. Cyclotron with varying frequency of dee voltage (phasotron) - Rabinovich - J. Phys. USSR. 10, 523 (1946).
10. A new method of acceleration of relativistic particles - Veksler - C.P. URSS. 43, 329 (1944).
11. A new method of acceleration of relativistic particle. - Veksler - J. Phys. USSR. 9, 153 (1945).
12. Concerning some new methods of acceleration of relativistic particles - Veksler - Phys. Rev. 69, 244 (1946).
13. Solid body model of heavy nuclei. - Frenkel - Phys. Z. Sowjetunion 9, 533 (1936).
14. On the spectroscopy of heavy nuclei. II. Rotation and magnetic excitation levels of heavy nuclei in conjunction with soft gamma rays - Frenkel - J. Phys. USSR 4, 493 (1941).
15. Collisions of deuterons with heavy nuclei - Lifschitz - Phys. Z. Sowjet. 13, 224 (1938).

16. Quadrupole and dipole gamma radiation of nuclei - Migdal - J. Phys. USSR. 8, 331 (1944).
17. Directional distribution in beta decay - Predmostnikov - Phys. Z. Sowjet 13, 32 (1938).
18. Beta radioactivity and nuclear forces. Phys. Z. Sowjet 10, 567 (1936).
19. Constitution of atomic nuclei - Iwanenko - Comptes Rendus Paris 195, 439 (1932).
20. The dipole character of the meson, etc. - Iwanenko and Sokolow - J. Phys. USSR. 6, 175 (1943).
21. Statistical theory of nuclei - Landau - Phys. Zeit - Sowjet-union, 11, 556 (1937).
22. On the interpretation of beta disintegration data - Alichanian and Berestozky - Physical Rev. 55, 927 (1938).
23. Binding energy of the atomic nucleus and alpha decay. - Cherdynzev - Phys. Z. Sowjetunion 13, 170 (1938).
24. Ionization of the atom due to beta decay - Feinberg - J. Phys. USSR 4, 423 (1941).
25. On the four pole beta spectrograph - Korsunsky - J. Phys. USSR. 9, 14 (1945).
26. The Geiger-Mueller counter with a hollow anode - Mikhalevas - J. Phys. USSR. 10, 296 (1946).
27. Energy of conversion electrons arising in the transformation of bromide isomers - Roussinow and Yusephovich - Comptes Rendus URSS 24, 129 (1939).
28. On nuclear isomers with long life time - Roussinow and Igel'nitski - Comptes Rendus URSS 47, 333 (1945).
29. Long-Period radioactivity in Ag, (and inactivated by slow neutrons - Alexeeva - Comptes Rendus URSS 18, 553 (1938).
30. Energy spectrum of positive electrons ejected by radioactive nitrogen - Alichanov, Alichanian and Dzelepov - Nature 133, 950 (1934).
31. Artificial radioactivity by neutron bombardment - Kurt-Schatow, Latyschew, Kekenov and Gelinow - Physikalische Zeitschrift der Sowjetunion 6, 569 (1935).
32. Properties of electrons and mesons in the classical approximation - Galanin - J. Phys. USSR. 6, 35 (1943).
33. Hyperfine structure of secondary x-ray spectra - Krasnikov - Comptes Rendus URSS 49, 337 (1945).
34. Proper masses and magnetic moments of elementary particles and the Wentzel-Dorae x process - Vorkov - Comptes Rendus, URSS 47, 177, (1945).

35. Coherent scattering of gamma rays of nuclei - Akhiezer and Pomerantschuk - Phys. Kalische Zeitschrift der Sowjetunion 11, 478 (1937).
36. On the scattering of low energy neutrons in helium - Akhiezer and Pomerantschuk - J. Phys. USSR. 9, 461 (1945).
37. Scattering of relativistic electrons through large angles - Alichanian, Alichanow and Weissenberg - J. Phys., USSR 9, 280 (1945).
38. An equation for the scattering of particles, taking into account the reaction of emission - Plokhintsev - Comptes Rendus USSR 53, 201 (1946).
39. On nuclear scattering of mesotrons - Sineberg - J. Phys. USSR. 10, 298 (1946).
40. Scattering of neutrons by protons - Goloborodko - J. Phys. USSR. 8, 13 (1944).
41. On the theory of scattering of protons by protons - Landau and Smorodinsky - J. Phys. USSR 8, 154 (1944).
42. The scattering of fast electrons - Kulchitsky and Latyshev - J. Phys. USSR 5, 249 (1941).
43. Transfer of neutrons between nuclei in heavy nuclei in collisions - Lifschitz - Journal of Experimental and Theoretical Physics, USSR 9, 237 (1939).
44. Scattering of slow neutrons in a crystal lattice, Pomerantschuk - Physikalische Zeitschrift der Sowjetunion 13, 65 (1938).
45. Nuclear scattering of electrons in thin metallic films. I. - Petukhov and Vyshinsky - J. Phys. USSR 4, 234 (1941).
46. The effect of long-range order in alloys on the scattering of slow neutrons - Spirnev and Vonsovsky - J. Phys. USSR 5, 262 (1941).
47. On the scattering of neutrons by protons - Smorodinsky - J. Phys. USSR 8, 219 (1944).
48. Scattering of mesons taking into account - S. Kolon - J. Phys. USSR 5, 221 (1941).
49. Threshold value for nuclear excitation of Indium-115 by x-rays - Korsunsky - Comptes Rendus USSR 25, 124 (1940).
50. An investigation of "Bremsstrahlung" by means of excited Indium-115 nuclei - Korsunsky, Zolther, Ivanov, Zepkin and Ganenko - J. Phys. USSR 7, 122 (1943).

51. Chemical investigation of short-lived artificial radioelements - Polossitsky - Physikalisches Zeitschrift der Sowjetunion 12, 332 (1937).
52. Beta spectra of artificially produced radioactive elements Allichanow, Allichanien and Tarlepor - Nature 135, 257 (1935).
53. Gamma rays from radioactive iodine - Pak and Nikolaevskaya - Comptes Rendus USSR 22, 312 (1939).
54. Internal conversion of gamma rays from K⁴⁰ - Constantinov and Latyshev - J. Phys. USSR 5, 239 (1941).
55. Formation of pairs in gases by gamma rays from ThC - Grosher - J. Phys. USSR 5, 115 (1941).
56. The recoil electron spectrum of gamma rays from Thorium active deposit - Latyshev and Kulchitsky - J. Phys. USSR 4, 515 (1941).
57. Angular distribution of phot-neutrons from beryllium - Goloborodko and Rosenkewitsch - Phys. Z. Sowjetunion 11, 78 (1937).
58. Slowing down of neutrons by nuclei of heavy elements - Lukinsky and Couva - C R URSS 3, 411 (1936).
59. On the absorption of fast neutrons by heavy nuclei - Mescheryakov Comptes Rendus URSS 43, 555 (1943).
60. Passage of fast neutrons through beryllium - Russinow - Phys. Zeit. Sowjetunion 10, 219 (1936).
61. On the frequency of even and odd atomic nuclei - Gherdynzev - Comptes Rendus URSS 33, 22 (1941).
62. Angular distribution for the interaction of mesons with nuclei - Feinberg - J. Phys. USSR 5, 177 (1941).
63. Movement of the meson in a homogeneous magnetic field - Galanin - J. Phys. USSR 6, 27 (1943).
64. Theory of interaction of mesons with the electromagnetic field - Ginsburg - J. Phys. USSR 5, 47 (1941).
65. On the determination of symmetry of nuclear spin functions - Godnen - Comptes Rendus URSS 43, 194 (1944).
66. Energy levels of a heavy nucleus. Gurevitsch - Phys. Zeit. Sowjetunion 12, 439 (1937).
67. Pair production at beta disintegration - Tisza - Phys. Zeit. Sowjet. 11, 425 (1937).

Related areas of work by Soviet scientists include the construction of large electrical installations, like a 4.5 million volt van de Graaf electrostatic generator in 1937,

and several cyclotrons. There is in addition the work of A. E. Brodsky, a member of a commission set up by the Soviet Government in 1937 to accelerate research on isotope separations. Brodsky has published work on the separation of heavy water, on a theory of isotope separation by thermal diffusion in cascade processes, and (in 1942) made an estimate of the power which might be required for the separation of uranium 235 from the other uranium isotopes by thermal diffusion of the hexafluoride. The references follow:

Brodsky and Skaare, Journal of Physical Chemistry (U.S.S.R.), Volume 13, page 51 (1939), and Acta Physicochemica, Volume 10, page 729 (1939). Papers on the separation of heavy hydrogen and oxygen by Thermal diffusion.

A. E. Brodsky, Journal of Applied Chemistry (U.S.S.R.) Volume 13, page 670 (1940). Paper on various methods of preparing heavy water.

A. E. Brodsky, Acta Physicochemica, Volume 17, page 224 (1942). Paper on estimated costs for the separation of uranium isotopes by thermal diffusion of uranium hexafluoride (the process used at Oak Ridge). It should be realized that this paper was published at a time when such material was handled as secret matter in the U.S.A.

Similar accounts can be drawn up for other fields—physical chemistry, organic chemistry, electrical, mechanical and civil engineering, applied and fundamental mathematics.

A conclusion which must be drawn from this account is that before the war there was a sufficient number of competent Soviet theoretical and experimental scientists so that independent development of the necessary nuclear theories could have been expected; so that simultaneous development was quite likely, and so that a serious lag behind other countries was so improbable as to be almost

impossible.

If we recognize these elementary facts that

(a) The U.S.S.R. had the staff for bomb manufacture and that

(b) The U.S.S.R. had the plant or had the potentiality to build the plant required

then it follows that they needed no help from us. The idea, commonly held, that without the activity of atomic spies, the Soviet Union would not now and, for many years to come, be able to make a bomb is seen to be one of wildest fancy. It is an idea held by none of leading American scientists who directed this great effort.

III. THE EXPLOSIVE LENS IN THE ATOMIC BOMB

Dr. Walter S. Koski, a Government witness, testified during the trial (R. 656-683) that a converging force wave was used to bring together the critical mass of the bomb with the required speed (R. 660). He applied the term "Implosion" to these converging waves (R. 673), and testified that these processes were not previously known. He said that "there was no information in text books or technical journals on this particular subject."

This testimony is incorrect. We shall show that:

- 1) The general idea was used in the Middle Ages;
- 2) An important variant was published in 1888;
- 3) A number of patents were issued on applications of the idea during the last forty years;
- 4) One particular device invented in 1941 or earlier is very much like the explosive lenses described in the trial, and
- 5) The theory and practice of convergent shock waves was widely understood in the U.S.S.R. before 1945,