FREEDOM OF INFORMATION AND PRIVACY ACTS

Subject: Julius Rosenberg

File Number: 65-15348

Section: Sub 3 (A)

FEDERAL BUREAU OF INVESTIGATION

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FILE DESCRIPTION

NEW YORK FILE

SUBJECT Julius Rosenberg

FILE NO. 65-15348
Sub "A"

VOLUME NO. 3

SERIALS 156
thru
217

Inventory Worksheet
FD-503 (2-18-77)

VOLUME 3 NEW YORK FILES REVIEWED BY [illegible]

File No: 65-15348 SUB A Re: Julius Rosenberg Date: 2/78. (month/year)

Serial	Date	Description (Type of communication, to, from)	No. of Pages Actual	No. of Pages Released	Exemptions used or, to whom referred (Identify statute if (b)(3) cited)
156	3-22-51	NEWS CLIPPING FROM N.Y. MIRROR	2	2	
157	3-22-51	NEWS CLIPPING FROM N.Y. HERALD TRIBUNE	1	1	
158	3-22-51	NEWS CLIPPING FROM N.Y. NEWS	2	2	
159	3-22-51	NEWS CLIPPING FROM N.Y. COMPASS	2	2	
160	3-23-51	NEWS CLIPPING FROM N.Y. HAROLD TRIBUNE	2	2	
161	3-23-51	NEWS CLIPPING FROM N.Y. TIMES	3	3	
162	3-23-51	NEWS CLIPPING FROM N.Y. JOURNAL AMERICAN	1	1	
163	3-23-51	NEWS CLIPPING FROM N.Y. MIRROR	1	1	
164	3-23-51	NEWS CLIPPING FROM N.Y. WORLD TELEGRAM & SUN	1	1	
165	3-25-51	NEWS CLIPPING FROM N.Y. JOURNAL AMERICAN	1	1	
166	3-26-51	NEWS CLIPPING FROM N.Y. JOURNAL AMERICAN	1	1	
167	3-27-51	NEWS CLIPPING FROM N.Y. WORLD TELEGRAM & SUN	1	1	

FBI/DOJ

Inventory Worksheet
FD-503 (2-18-77)

VOLUME 3 NEW YORK FILES REVIEWED BY SWR/ely

File No: 65-15348 SUB A Re: Julius Rosenberg Date: 2/78 (month/year)

Serial	Date	Description (Type of communication, to, from)	No. of Pages Actual	No. of Pages Released	Exemptions used or, to whom referred (Identify statute if (b)(3) cited)
168	3-27-51	NEWS CLIPPING FROM N.Y. JOURNAL AMERICAN	1	1	
169	3-27-51	NEWS CLIPPING FROM N.Y. HERALD TRIBUNE	2	2	
170	3-27-51	NEWS CLIPPING FROM N.Y. BROOKLYN EAGLE	1	1	
171	3-27-51	NEWS CLIPPING FROM N.Y. NEWS	1	1	
172	3-27-51	NEWS CLIPPING FROM N.Y. MIRROR	1	1	
173	3-27-51	NEWS CLIPPING FROM N.Y. TIMES	3	3	
174	3-27-51	NEWS CLIPPING FROM N.Y. COMPASS	1	1	
175	3-28-51	NEWS CLIPPING FROM N.Y. BROOKLYN EAGLE	2	2	
176	3-28-51	NEWS CLIPPING FROM N.Y. TIMES	3	3	
177	3-28-51	NEWS CLIPPING FROM N.Y. COMPASS	1	1	
178	3-28-51	NEWS CLIPPING FROM N.Y. WORLD TELEGRAM & SUN	1	1	
179	3-28-51	NEWS CLIPPING FROM N.Y. JOURNAL AMERICAN	1	1	

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Inventory Worksheet
FD-503 (2-18-77)

VOLUME 3 NEW YORK FILES REVIEWED BY [illegible]

File No: 65-15348 SUB A Re: Julius Rosenberg Date: 2/78 (month/year)

Serial	Date	Description (Type of communication, to, from)	No. of Pages Actual	No. of Pages Released	Exemptions used or, to whom referred (Identify statute if (b)(3) cited)
180	3-28-51	NEWS CLIPPING FROM N.Y. MIRROR	1	1	
181	3-28-51	NEWS CLIPPING FROM N.Y. Post & Home NEWS	2	2	
182	3-28-51	NEWS CLIPPING FROM N.Y. HERALD TRIBUNE	1	1	
183	3-29-51	NEWS CLIPPING FROM N.Y. COMPASS	2	2	
184	3-29-51	NEWS CLIPPING FROM N.Y. BROOKLYN EAGLE	2	2	
185	3-29-51	NEWS CLIPPING FROM N.Y. NEWS	4	4	
186	3-29-51	NEWS CLIPPING FROM N.Y. HERALD TRIBUNE	2	2	
187	3-29-51	NEWS CLIPPING FROM N.Y. POST & Home NEWS	2	2	
188	3-29-51	NEWS CLIPPING FROM N.Y. MIRROR	1	1	
189	3-29-51	NEWS CLIPPING FROM N.Y. JOURNAL AMERICAN	3	3	
190	3-29-51	NEWS CLIPPING FROM N.Y. TIMES	2	2	
191	3-29-51	NEWS CLIPPING FROM N.Y. TIMES	2	2	

FBI/DOJ

Inventory Worksheet
FD-503 (2-18-77)

VOLUME 3 NEW YORK FILES REVIEWED BY [illegible]

File No: 65-15348 SUB A. Re: Julius Rosenberg Date: 2/78 (month/year)

Serial	Date	Description (Type of communication, to, from)	No. of Pages Actual	No. of Pages Released	Exemptions used or, to whom referred (Identify statute if (b)(3) cited)
192	3-30-51	NEWS CLIPPING FROM N.Y. HERALD TRIBUNE	4	4	
193	3-30-51	NEWS CLIPPING FROM N.Y. TIMES	4	4	
194	3-30-51	NEWS CLIPPING FROM N.Y. TIMES	1	1	
195	3-30-51	NEWS CLIPPING FROM N.Y. NEWS	2	2	
196	3-30-51	NEWS CLIPPING FROM N.Y. HERALD TRIBUNE	1	1	
197	3-30-51	NEWS CLIPPING FROM N.Y. WORLD TELEGRAM & SUN	1	1	
198	3-30-51	NEWS CLIPPING FROM N.Y. WORLD TELEGRAM & SUN	1	1	
199	3-30-51	NEWS CLIPPING FROM N.Y. TIMES	2	2	
200	3-30-51	NEWS CLIPPING FROM N.Y. COMPASS	1	1	
201	3-30-51	NEWS CLIPPING FROM N.Y. MIRROR	2	2	
202	3-30-51	NEWS CLIPPING FROM N.Y. BROOKLYN EAGLE	1	1	
203	3-30-51	NEWS CLIPPING FROM N.Y. BROOKLYN EAGLE	1	1	

FBI/DOJ

Inventory Worksheet
FD-503 (2-18-77)

VOLUME 3 NEW YORK FILES REVIEWED BY [illegible]

File No: 65-15348 SUBA Re: Julius Rosenberg Date: 2/78 (month/year)

Serial	Date	Description (Type of communication, to, from)	No. of Pages Actual	No. of Pages Released	Exemptions used or, to whom referred (Identify statute if (b)(3) cited)
204	3-31-51	NEWS CLIPPING FROM N.Y. MIRROR	1	1	
205	4-1-51	NEWS CLIPPING FROM N.Y. POST	1	1	
206	4-3-51	NEWS CLIPPING FROM N.Y. MIRROR	2	2	
207	4-3-51	NEWS CLIPPING FROM N.Y. JOURNAL AMERICAN	1	1	
208	4-5-51	NEWS CLIPPING FROM N.Y. JOURNAL AMERICAN	2	2	
209	4-5-51	NEWS CLIPPING FROM N.Y. MIRROR	1	1	
210	4-5-51	NEWS CLIPPING FROM N.Y. BROOKLYN EAGLE	3	3	
211	4-5-51	NEWS CLIPPING FROM N.Y. POST & HOME NEWS	2	2	
212	4-5-51	NEWS CLIPPING FROM N.Y. WORLD TELEGRAM & SUN	4	4	
213	4-5-51	NEWS CLIPPING FROM N.Y. WORLD TELEGRAM & SUN	2	2	
214	4-5-51	NEWS CLIPPING FROM N.Y. COMPASS	2	2	
215	4-5-51	NEWS CLIPPING FROM N.Y. TIMES	1	1	

FBI/DOJ

Inventory Worksheet
FD-503 (2-18-77)

VOLUME 3 NEW YORK FILES REVIEWED BY [illegible]

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Serial	Date	Description (Type of communication, to, from)	No. of Pages Actual	No. of Pages Released	Exemptions used or, to whom referred (Identify statute if (b)(3) cited)
216	4-5-51	NEWS CLIPPING FROM N.Y. NEWS	1	1	
217	4-6-51	NEWS CLIPPING FROM N.Y. WORLD TELEGRAM & SUN	1	1	
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U. S. Department of Justice

(MATERIAL MUST NOT BE REMOVED FROM OR ADDED TO THIS FILE)

File No. 65-15348

Sub. Newspaper Clipping

Subfile A

FEDERAL BUREAU

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Section 3

Serial 156-247

See also Nos.

U. S. Rests, Rosenberg On Stand at Spy Trial

By PETER WHELIHAN

Julius Rosenberg took the stand in Federal Court yesterday, after the prosecution rested, and denied he had ever seen a sketch of the atom bomb before one was shown to him on the witness stand by his counsel.

Rosenberg, his wife Ethel and Morton Sobell, an electronics expert, are on trial charged with conspiracy to commit espionage in behalf of Soviet Russia during wartime. Conviction could mean death for all.

Testifying for the government, former Army sergeant David Greenglass, who worked on the atom bomb project at Los Alamos, N. M., and his wife Ruth had stated that Greenglass in January, 1945, had turned over to Rosenberg a sketch and 12-page written description of the atomic bomb. Greenglass is a brother of Mrs. Rosenberg.

Rosenberg, an engineer employed by the Army Signal Corps from 1940 until 1945, made a general denial of the Greenglasses' testimony.

The government rested its case after hearing the last two witnesses, Elizabeth Bentley, an admitted former Soviet spy ring courier, and Immigration Inspector James F. Huggins of Laredo, Texas.

Miss Bentley testified she gave "orders from the Russians" to Earl Browder, former No. 1 U. S. Communist, after the death of her boss and sweetheart, Jacob Golos, who was her party contact from 1938 until 1943.

She said her work consisted primarily of obtaining information from Reds in the employ of the U. S. government.

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MAR 26 1951
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From NY
DATED MAR 22 1951
FORWARDED BY N. Y. DIVISION

Spy Defendant Denies Getting Data on Bomb

Rosenberg Says He Never Asked Greenglass for Information About Atom

By Blaine Littell

Julius Rosenberg went on the witness stand in United States District Court yesterday and denied that he had ever obtained or tried to obtain information on the atomic bomb for transmission to Soviet Russia.

As the first defense witness in the trial of three New Yorkers accused of war-time espionage on behalf of Russia, Rosenberg, a thirty-three-year-old electrical engineer, testified that he knew practically nothing of David Greenglass' activities as an Army sergeant at the Los Alamos, N. M., atomic bomb project and had never asked him for data on the bomb, the project itself or the scientists who worked there.

U. S. Rests Its Case

The defendant began his testimony late yesterday afternoon shortly after the government rested its case against Rosenberg, his wife, Ethel, and Morton Sobell, an electronics specialist.

One of the last government witnesses to take the stand yesterday was Miss Elizabeth T. Bentley, admitted courier for a Soviet spy ring, who testified that she had received "five or six" telephone calls from a man who identified himself as "Julius."

Under cross examination, however, Miss Bentley readily admitted that she had never met any one whose voice she recognized as that of "Julius."

Rosenberg, dressed in a gray double-breasted suit wearing a flowery necktie, testified that he was a native New Yorker, had attended various public high schools and Hebrew schools and had received a degree in electrical engineering from City College in 1939. He said he was married, the father of two children, Michael Alan, eight, and Robert Harry, four, and that he was arrested on July 16, 1950.

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Questioned by his attorney, Emanuel H. Bloch, Rosenberg said he had been employed as an engineer in New York City by the Army Signal Corps from the summer of 1940 until February, 1945. Shortly thereafter, he said, he started his own business with several partners. In the ensuing years, Rosenberg explained, his original surplus property business was turned into a machine shop, and his brother-in-law, David Greenglass, now awaiting sentence after confessing he was an espionage agent for Russia during World War II, was taken on as a partner.

Denies Seeking Information

Mr. Bloch then began to delve into the previous testimony of David Greenglass and his wife, Ruth. Had Rosenberg, as Mrs. Greenglass testified, asked her in November, 1944, to enlist her husband, then stationed at Los Alamos, in getting information from the project and turning it over to her?

"I did not," replied Rosenberg.

Did the defendant know of the Los Alamos project? Had he, as Mrs. Greenglass testified, given her $150 to spend on visiting her husband in Albuquerque, N. M.?

"I did not."

Rosenberg further denied that the names of any scientists had been passed on to him by either of the Greenglasses and, under questioning by Federal Judge Irving R. Kaufman, insisted that he met the Greenglasses only at "family get-togethers," and knew only that Greenglass was employed "at a secret project near Albuquerque."

By the time the trial was adjourned at 4:30 yesterday afternoon, Rosenberg had also denied he had ever done any work in nuclear physics and maintained that he could not possibly describe the workings of an atomic bomb.

Shortly before Rosenberg began his categorical denial of any role in any spy ring, Judge Kaufman denied motions by defense attorneys for a mistrial and dismissal of the espionage indictment against the defendants on the ground that the indictment was defective and based on an unconstitutional statute.

Phone Calls From "Julius"

Testifying that Jacob Golos had been her contact in Communist underground activities from 1938 until his death on Nov. 25, 1943, Miss Bentley said that she had received a number of telephone calls from a "Julius" at her residence at 38 Barrow Street during those years. The messages were for Golos, she said, and generally were requests for meetings or appointments between "Julius" and Golos.

Emanuel H. Bloch, defense attorney, asked Miss Bentley if she had included an account of these mysterious telephonic messages in the book she is writing. She told him she had described them "to show the incredible things Communists will do to carry on their work."

"When the calls came," she said, "frequently in the middle of the night, I had to get up and dress and go a considerable distance at times to find a public telephone to call Mr. Golos. It was considered unsafe for me to call him on my phone."

The final government witness yesterday was James S. Huggins, of Laredo, Tex., an inspector in the Immigration and Naturalization Service. He testified he had written the notation "deported from Mexico" on a manifest record card when Sobell re-entered the United States from Mexico on Aug. 18, 1950, accompanied by "about nine Mexican police officials."

Miss Bentley, in her testimony, described what she said was the close relationship between the Communist party in this country and the Communist International's Moscow headquarters. She said that as a courier she had given orders "from the Russians" to Earl Browder, once head of the Communist party in the United States. The bulk of her work, however, was collecting information from Communists in the employment of the United States government, she said, and passing it on to Golos and other contacts "for transmission to Moscow."

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MAR 26 1951
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Rosenberg Denies Any A-Theft; U.S. Rests Case

By Norma Abrams and Henry Lee

Talking for his life, Julius Rosenberg, accused A-bomb traitor, denied late yesterday in Federal Court that he ever sought or stole a single atomic secret.

Rosenberg's placid, even monotonous chain of "I did not" answers came as an anti-climax after testimony by the veteran government witness, Elizabeth T. Bentley, who added a new chapter to her many previous revelations of life as a Soviet spy courier.

Says She Gave Orders.

Miss Bentley disclosed that after the death of her spy boss and lover, Jacob Golos, in November, 1943, she regularly visited Communist Party headquarters and "gave orders to Earl Browder" which, she said, she had "received from the Russians."

With the last of its 20 witnesses, the Government rested its espionage conspiracy case against Rosenberg,

(NEWS photo by Bill Wallace)

Elizabeth Bentley in Federal Court yesterday.

his wife, Ethel, and Morton Sobell, radar expert, at 3:01 P. M.

At 3:35, after customary defense motions for mistrial and dismissal of the indictment had been denied by Judge Irving R. Kaufman, the 33-year-old Rosenberg took the stand in his own defense.

Under direct questioning, he denied the detailed story of A-spying for the Russians which had been ~~[illegible]~~ his brother-in-law, ex-Army Sgt. David Greenglass, and the latter's wife, Ruth.

Rosenberg denied having asked Ruth to enlist Greenglass—then stationed at the hush-hush Los Alamos Project—in a Soviet spy ring. He denied having obtained sketches and written descriptions of the secret work from Greenglass or even knowing, late in 1944, that the Los Alamos Project was in existence.

Rosenberg conceded that he had met Ruth several times, and also Gleenglass when he was East on furlough, but it was purely by way of family sociability, he explained, mostly at the home of his mother-in-law, Mrs. Tessie Greenglass, at 64 Sheriff St.

He also admitted knowing Greenglass was engaged in some secret work because Greenglass announced that fact at one family gathering, he said.

"Never Studied Fission."

But he knew nothing about the ingredients and operations of an A-bomb, he insisted, and had never studied nuclear fission. Asked if he could describe the bomb now, he said:

"Well, I heard the description here in court. (Greenglass had testified in detail as to the composition of the Nagasaki-type bomb.) But outside of that, no. And I couldn't repeat it."

In the matter of a console table in his $51-a-month Knickerbocker Village apartment, he also flatly threw down his brother-in-law's story. Greenglass had said that Rosenberg told him the Russians gave him the table in appreciation of his devoted espionage work. Rosenberg insisted he'd bought it himself for $21 at Macy's.

Messages From "Julius."

Miss Bentley, relating her own espionage adventures under Golos, said that many times a mysterious "Julius" telephoned messages to her for transmission to Golos. These came usually in the middle of the night, she said, and she would dress and walk blocks to a pay phone to telephone Golos.

Once, she said, she accompanied Golos when he obtained a package

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from a man near Knickerbocker Village, and the time came later when she learned that "Julius" lived in that apartment development. However, she did not directly identify Rosenberg or his voice with the Golos informant.

Of her own job as a Red underground worker, she explained:

"I would say the bulk of the work was to collect information from the Communists in the U. S. Government and pass it on to Mr. Golos or other contacts for transmission to Moscow."

The Government's last witness was Immigration Inspector James S. Huggins, flown here from Laredo, Tex., to establish that Sobell, the third defendant, had been deported from Mexico last August, accompanied "by about nine Mexican police officials."

With Rosenberg still under direct questioning, the trial will resume at 10:30 a. m. today.

Courts

Prosecution Rests In A-Spy Trial

The government rested its case yesterday in the Federal Court trial of three citizens accused of conspiracy to spy for Russia and one of them, Julius Rosenberg, immediately took the stand and denied that he had even seen a sketch of the atom bomb before one was shown to him on the witness stand by his counsel.

Rosenberg is on trial with his wife, Ethel, and Morton Sobell. His brother-in-law, David Greenglass, and Greenglass' wife, Ruth, had testified that Greenglass, who as an Army sergeant worked on the A-bomb project at Los Alamos from 1944 to early 1946, had turned over to Rosenberg a sketch and 12-page description of the bomb.

Emanual Bloch, defense counsel, showed Rosenberg a copy of the sketch which Greenglass had

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prepared for the trial to resemble the one he said he had turned over to Rosenberg. The defendant said:

"I never saw this sketch before."

In disputing Greenglass' testimony that the Rosenbergs had told him a console table in their home was a gift of the Russians in acknowledgment of services rendered, the defendant said he bought the table from Macy's in 1945 for $21.

Spy Defendant Won't Answer On Red Query

Rosenberg Is Also Silent on Link With Perl, Asserts Only Loyalty Is to U. S.

By Blaine Littell

The cross-examination of Julius Rosenberg began yesterday in United States District Court with the defendant, one of three accused of war-time espionage activities on behalf of Soviet Russia, refusing to answer a series of questions relating to his political beliefs and activities on the grounds that to do so might incriminate him.

Rosenberg, who denied emphatically under direct examination that he had ever even thought of passing atomic bomb secrets to Russian agents, was adamant in his refusal to discuss or answer questions posed by the government pertaining to Soviet Russia, Communist organizations and his alleged association with William Perl, a Columbia University physics instructor who was arrested last week and charged with perjury in connection with a Soviet espionage ring.

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F. B. I.
MAR 26 1951
N. Y.

Herald Tribune
MAR 28 1951

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Would Fight for U. S.

Testifying in his own defense, the thirty-three-year-old electrical engineer also charged that his brother-in-law, David Greenglass, had accused him of stealing atomic data for the Russians because "he had it in for me." Rosenberg also declared that he would fight for this country without hesitation in the event of a war and maintained stoutly that he owed his allegiance to the United States and to no other power.

However, under cross examination by Irving Saypol, United States Attorney, Rosenberg was reluctant to discuss his politics and the feelings he bore toward the United States compared with those he bore toward the Soviet Union. During his first hour under cross examination, Rosenberg refused seven times to answer questions relating to his Communist Party membership, contending that to answer such questions would tend to incriminate him.

Judge Hears Arguments

After Rosenberg's seventh refusal, Judge Irving R. Kaufman excused the jury and heard arguments from defense and government attorneys as to whether or not the defendant should be required to answer such questions.

Emanuel H. Bloch, one of four defense attorneys, argued that to require Rosenberg to answer "is asking him to admit to a possible perjury in some other transaction."

"If I believed," said Judge Kaufman, "that it was a collateral question, it wouldn't enter my mind for a moment to require an answer. But I believe, in view of the foundation the government has laid, that it's relevant. It is a question now whether or not I should sustain the privilege." Later he added that his decision on whether or not he will order Rosenberg to answer questions on communism—as opposed to those having to do only with the indictment charging the defendants with conspiracy to commit espionage—"remains to be seen."

Call Red Ties Irrelevant

Defense attorneys have maintained all along that allegiance to a Communist group has no relation to the case at hand and that to introduce this element into the trial would tend to prejudice the jury against Rosenberg and the two other defendants, Ethel Rosenberg's wife, and Morton Sobell.

Mr. Saypol began his cross examination of Rosenberg with this question:

"Mr. Rosenberg," he asked, his head cocked to one side and a slight smile on his face, "tell us a little about your associates at City College?"

Rosenberg mentioned Sobell, Max Elitcher, who has testified that Rosenberg sought to recruit him into espionage work, and a few others. He found it hard to think of more.

"Did you know a man called Perl, or Mutterperl?"

"I read in the newspapers about a man called Mutterperl," Rosenberg began. Then he quickly added, "I refuse to answer any question on the grounds that it might incriminate me."

"That's all I want to know," said Mr. Saypol. "If you said you hadn't known him I wouldn't have pressed you further."

Mr. Saypol asked the defendant about his activities at City College but in pressing him further heard Rosenberg admit only that he had belonged to the American Institute of Electrical Engineers, the American Students Union and had participated in student council activities.

Counsel Objects

Mr. Bloch rose to object when Mr. Saypol suggested that the defendant had also been a member of the Young Communist League.

"What group did you have in mind," Mr. Saypol inquired, "when you raised the question of constitutional rights?"

Rosenberg would not answer.

"Do you know what your lawyer had in mind," Judge Kaufman asked, "when he raised his objection?"

At this Rosenberg again asserted he had a right not to incriminate himself.

Earlier, Rosenberg testified that he went to Washington in June, 1944, to seek aid and advice from his congressman and others after he had been discharged from his job as an engineer in New York with the Army Signal Corps.

Under cross examination, Mr. Saypol asked Rosenberg why he should have called on Elitcher at the time—especially since he had seen him only once briefly after their graduation in 1939 from City College where, according to Rosenberg, they had known each other only casually.

Rosenberg replied that he was "lonely" and denied, as Elitcher had testified earlier, that he had asked his college classmate to perform espionage work for the Russian government.

Rosenberg Says He Is True to U. S. But Won't Tell Spy Jury if He Is Red

By WILLIAM R. CONKLIN

Julius Rosenberg, charged by the Federal Government with the capital crime of wartime atomic espionage for the Soviet Union, flatly refused at his trial yesterday to say whether he had ever been a member of the Communist party or the Young Communist League.

Rosenberg, 32 years old, is on trial in United States District Court with his wife, Ethel, 35, and Morton Sobell, 34. David Greenglass, brother of Mrs. Rosenberg, confessed his part in the spy plot and awaits sentence. Anatoli A. Yakovlev, former Russian vice consul, also named in the indictment, fled New York five years ago bound for Russia.

Under cross-examination by United States Attorney Irving H. Saypol, Rosenberg refused seven times to answer questions on his Communist affiliations. In direct examination by his attorney, Emanuel H. Bloch, Rosenberg had denied in detail the accusations of spying brought by the Government.

When Rosenberg refused to answer for the first time, Mr. Saypol said he would not ask the court to direct him to answer or to punish him for failing to do so.

Judge Irving R. Kaufman said he would keep an open mind on whether to direct Rosenberg to answer. While the 41-year-old jurist conceded that Rosenberg's refusal to answer on the ground of possible self-incrimination had some merit, he said he might or might not sustain the defendant in his refusal to testify on Communist affiliations

The Government charges that Rosenberg and his co-conspirators transmitted atomic secrets to Russia through a conspiracy that began here in 1944. The Government contends that the common bond of the conspirators was membership

Continued on Page 8, Column 6

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SEC. 3
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MAR 26 1951
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NY Times
DATED MAR 23 1951
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ROSENBERG INSISTS HE IS LOYAL TO U. S.

Continued From Page 1

in the Communist party, and that this bond provided the motive for their spying.

Rosenberg testified in his own defense for the second consecutive day yesterday when the trial went into its twelfth court day. Under Mr. Bloch's direct examination he was glib, self-assured and eager to make a good impression on the jury of eleven men and a woman. Mr. Saypol's cross-examination brought a change to nervousness, hesitation, and frequent appeals to Judge Kaufman.

When Rosenberg was being questioned about Communist activities, the jurors watched him closely.

Rosenberg told the court and jury his undivided allegiance was to the United States, and that he would fight for it against any foreign power. Mr. Saypol brought out that Rosenberg had not been in uniform in the last war and that he had held a succession of civilian jobs with the Federal Government. When the war began, Rosenberg was 23 years old, married, but without children.

Asked About His Job With Army

"Now in 1945 you were a civilian employe of the Signal Corps, United States Army," Mr. Saypol said. "Were you dismissed from that job?"

"I was suspended, and then dismissed," Rosenberg replied.

"Why?" Mr. Saypol demanded.

"It was alleged that I was a member of the Communist party," the witness replied.

"So that the Secretary of War, in the interest of national defense, directed that you be separated from the service?" Mr. Saypol suggested.

"I object to the form of that question," Mr. Bloch broke in.

Reading from a photostatic record, Mr. Saypol then showed that on March 28, 1945, Rosenberg had been summoned before an intelligence officer of the Signal Corps,

whether he was guilty of the charges against him. The charges contained the allegation of Communist party membership.

"Now, were you a member of the Communist party?" Mr. Saypol asked.

"I refuse to answer on the ground that it might tend to incriminate me," Rosenberg said after a pause.

"Did you in February, 1944, transfer from Club 16-B of the Industrial Division of the Communist party to the Eastern Club in the First Assembly District of New York, with transfer number 12179?" Mr. Saypol demanded.

"I refuse to answer on the ground that it might tend to incriminate me," Rosenberg said.

Mr. Saypol then produced a letter from Rosenberg to the commanding general of the Signal Corps and quoted from it: "I am not now and never have been a member of the Communist party."

"Was that statement true then, and is it true now?" the Federal prosecutor inquired.

Rosenberg once more claimed his constitutional privilege. At another point he had said flatly that he would refuse to answer all questions dealing with the Communist party or the Young Communist League. His brother-in-law, David Greenglass, and the latter's wife Ruth have both testified that Julius and Ethel Rosenberg were Communists.

Court's Opinion on Relevancy

When Mr. Bloch interposed the objection that if Rosenberg were required to answer, the answer might involve perjury in "another transaction," Judge Kaufman said the Government had brought weighty testimony on the Communist background of the conspiracy, adding that he therefore thought the matter of Rosenberg's political affiliations was relevant to the trial issue.

Mr. Saypol had Rosenberg admit that he had contributed to the Joint Anti-Fascist Refugee Committee. Mr. Saypol identified this as an agency listed as subversive by the Attorney General. Rosenberg also testified that he was a member of the International Workers Order. He could not remember whether the person who got him to join the I. W. O. was a Communist party member.

The prosecutor then asked if Rosenberg ever had collected funds for the Joint Anti-Fascist Refugee Committee. Receiving a denial, he produced a collection can bearing the committee's name and set it down on the jury-box rail with a loud thump. Mr. Saypol then brought out that the can had been taken from Rosenberg's apartment at 10 Monroe Street when he was arrested last year by agents of the Federal Bureau of Investigation.

Rosenberg refused to tell whether he ever had discussed Allied aid to Russia at a Communist meeting and whether he was a Communist at City College as a student until 1939. Asked if the International Workers Order was "a Communist organization exclusively," he replied:

"I don't believe it is a Communist organization."

Rosenberg ended his direct examination at 3:15 o'clock and went under cross-examination for the last hour of the session, beginning at 3:30 o'clock.

Under questioning by Mr. Saypol, Rosenberg said he had lived in Williamsburg, Brooklyn, from 1939 to 1942 with a City College classmate, "Marcus Pogarsky, who later changed his name to Page." He said another classmate was "Benjamin Yelsky who changed his name to Yelcey." When Mr. Saypol asked if he knew another classmate named William Mutterperl who changed his name to William Perl, Rosenberg again claimed constitutional privilege.

The witness explained that he had read of Perl's arrest last week and feared that any answer might incriminate him. Perl is under indictment charged with perjury for having told a grand jury he did not know either the Rosenbergs or Morton Sobell.

Professes Allegiance to U. S.

"I heartily approve our system of justice as performed in this country. Anglo-Saxon jurisprudence," Rosenberg said. "I am in favor, heartily in favor, of our Constitution and Bill of Rights and I owe my allegiance to my country at all times. I will fight for this country if it were engaged in a war with any other country.

"I felt in 1945 that the Soviet Government has improved the lot of the under dog there, has made a lot of progress in eliminating illiteracy, has done a lot of reconstruction work and built up a lot of resources. I felt and still feel that they contributed a major share in destroying the Hitler beast who killed six million of my co-religionists, and I feel emotional about that thing."

"Did you approve the communistic system of Russia over the capitalistic system in this country?" Judge Kaufman asked.

"I am not an expert on those things, your Honor, and I did not make any such direct statement," Rosenberg replied.

"Did you ever belong to any group that discussed the system of Russia?" Judge Kaufman asked.

"Well, your Honor," the witness said, "I feel at this time that I refuse to answer a question that might tend to incriminate me."

At the end of his direct examination Rosenberg entered a general denial that he ever had engaged in espionage for any foreign power or that he had conspired with others to transmit secret information from this country to the Soviet Union.

Because of Good Friday Judge Kaufman said there would be no trial session today. After wishing the jury a happy Easter holiday, he recessed the trial until 10:30 o'clock Monday morning. Mr. Saypol will then continue his cross-examination of Rosenberg.

Plot's Nerve Center:

Dock 'Cell' Bared As Red Spy Hq.

By HOWARD RUSHMORE

A Communist party "cell" known as Industrial Unit 16-B, with headquarters in a building near the East Side waterfront, directed widespread espionage in vital atomic and research projects during World War II.

Several engineers and scientists connected with this unit fled to Russia or Soviet satellites after Klaus Fuchs, British atomic expert—connected with this spy group—was arrested in London last year.

This was learned today as the trial of three persons accused by the government of conspiracy to commit espionage recessed until next Monday.

The case is expected to reach the jury of 11 men and one woman hearing the trial before Federal Judge Irving R. Kaufman next Thursday or Friday.

TIGHTLY-KNIT UNIT.

The Communist "cell" which controlled a flow of espionage data from such war plants as Western Electric, General Electric, aircraft plants and even the atomic project at Los Alamos consisted of a tightly-knitted group of scientists, some of whom may soon be arrested.

At least six of these scientists were initiated into Communism at City College where they were active in the Young Communist League or the American Students Union. Fifteen years later, they were in Unit 16-B as spy agents for the Soviet government.

This "cell" also contained several women who played the role of couriers for the spy networks, supplying money to "contacts" and relaying information from defense centers.

First mention of the "cell" came yesterday when it was revealed that the Army Signal Corps fired Julius Rosenberg, 32, of 10 Monroe st., in 1946 because Army Intelligence charged he had been a member of "Industrial Unit 16-B."

MOST DANGEROUS.

No other identification was made but the N. Y. Journal-American learned that this unit was regarded by the FBI as one of the most dangerous Red Fascist "cells" in North America.

Rosenberg, one of the defendants in the trial along with his wife, Ethel, 35, and Morton Sobell, 34, a radar engineer, refused to answer whether his 1946 denial that he had belonged to the "cell" was a truthful statement.

In a statement to the Army at the time of his discharge, he flatly denied he was a Communist.

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F. B. I.
MAR 26 1951
N. Y.
TO

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From
NY Journal American
DATED MAR 23 1951
FORWARDED BY N. Y. DIVISION

Accused A-Spy Balks At Queries on Red Groups

Accused atom-bomb spy Julius Rosenberg, on the witness stand in his own behalf, yesterday refused seven times to answer questions as to whether he ever had been a Communist. Finally the trial was recessed until 10:30 a. m. Monday, with U. S. Judge Irving R. Kaufman directing U. S. Attorney Saypol to consider over the weekend whether the government should ask the court to direct Rosenberg to answer one of the key questions.

This pertained to a letter Rosenberg admitted sending to Signal Corps officers in 1945 stating he never had been a Communist. Asked whether this statement was true, Rosenberg made his seventh refusal to answer. His attorney, E. H. Bloch, argued Rosenberg was being asked "to admit to a possible perjury in some other transaction."

During his second day on the stand, Rosenberg denied passing A-bomb secrets to a Red spy ring insisted he would fight for the U. S. against any other country, and denied point by point the testimony of government witnesses. He quoted his brother-in-law, David Greenglass, as warning him, "You'll be sorry," after Rosenberg refused him a loan to go to Mexico when Greenglass "was in a jam."

Rosenberg testified the console table and wristwatch which Greenglass quoted him as boasting were gifts from the Soviet Union actually were purchased by him here. Rosenberg, his wife Ethel, and electronics expert Morton Sobell face possible death if convicted.

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MAR 26 1951
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From
BY Marion
DATED MAR 23 1951
REPORTED BY N. Y. DIVISION

Kaufman Weighs Rosenberg Refusal

Julius Rosenberg, accused of atomspying for Russia, had a holiday today from persistent government attempts to make him say whether he was ever a Communist.

Federal Judge Irving R. Kaufman, who recessed Rosenberg's trial until Monday because of Good Friday, meanwhile is considering whether the 32-year-old defendant can be ordered to answer that question.

Adamant on Refusal.

Seven times in yesterday's session U.S. Attorney Irving H. Saypol, in one form or another, put the big question to Rosenberg. And seven times the same reply came back:

"I refuse to answer on the ground that it might tend to incriminate me."

Rosenberg, who was undergoing his first day of cross-examination yesterday after two days of testimony in his own defense, is co-defendant with his wife Ethel, 35, and Morton Sobell, 34, an electronics expert.

Defense attorneys have claimed throughout the trial that Communist party membership has nothing to do with the spying charge. An objection was raised to the question yesterday on grounds that it involved an admission of "possible perjury."

Praises Both Countries.

While keeping mum on the question Which system did he prefer, the American or the Russian? countries. Of the United States he said:

"I heartily approve our system of justice . . . Anglo-Saxon jurisprudence . . . our Constitution . . . and Bill of Rights. I will fight for this country if it were engaged in a war with any other country." (He testified he stayed out of uniform throughout World War II.)

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BY World Telegram & Sun
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ATOM-SPY CASE NEARING JURY

By HOWARD RUSHMORE

A jury of eleven men and one woman hearing the atom bomb spy trial before Federal Judge Irving R. Kaufman may reach a verdict in the case later this week.

With Julius Rosenberg, 32, continuing under cross-examination tomorrow, the defense is expected to wind up its presentation of evidence Thursday, with summations and charge expected to take another day.

At the present pace, Kaufman probably will give the case to the jury Friday afternoon unless the government calls rebuttal witnesses.

FACE DEATH IF GUILTY.

Rosenberg, his wife Ethel, 35, of 10 Monroe st., and Morton Sobell, 34, an electrical engineer, are being tried on charges of conspiring to transmit atomic and other military secrets to Russia. If convicted, the trio face the maximum penalty of death.

Rosenberg, his blanket denial of all charges by prosecution witnesses already badly battered by an hour-long government cross-examination, may be forced by Kaufman to answer questions during tomorrow's session.

Rosenberg during his cross-examination retreated seven times to the familiar device of pleading self-incrimination when when U. S. Attorney Irving S. Saypol sought to pin him down concerning membership in the Communist Party.

Rosenberg did admit participation in two organizations on the Attorney-General's subversive list but refused to answer whether he was a Communist.

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F. B. I.
MAR 27 1951
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Journal American
MAR 25 1951
N. Y. DIVISION

Ethel Rosenberg May Take Stand

By HOWARD RUSHMORE

Mrs. Ethel Rosenberg, named by her brother as a member of a Soviet spy apparatus, is expected to be the second defense witness in the atom bomb spy trial today.

The 35 year old mother of two children will follow her husband, Julius to the stand after the latter's cross examination is concluded.

Both face, if convicted, a maximum penalty of death on the charge of conspiring to transmit atomic data to the Russians. Morton Sobell, 34, the third defendant, may not be called upon to testify in his own defense.

Mrs. Rosenberg who lived with her husband at 10 Monroe st., until their arrest last July, was accused by her brother, David Greenglass, of conspiring to recruit him to the spy ring. Greenglass, a prosecution witness, admitted he had given the Rosenbergs sketches of the A bomb.

The trial is expected to go to the jury Thursday or Friday. Eleven men and one woman have heard the case since March 6 when it opened with Judge Irving R. Kaufman presiding at the U. S. Court House in Foley Sq.

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FROM
NY
DATED MAR 26 1951
FORWARDED BY N. Y. DIVISION

Mrs. Rosenberg Denies Typing Atom Secrets

Contradicts Brother; Case Nears Jury

The nation's first atomic spy trial neared an end today with an accused woman attempting to refute the testimony of her brother, a self-confessed spy for Russia.

Mrs. Ethel Rosenberg, 35, yesterday denied in United States District Court that she had typed information on atomic research for her husband, Julius, 34, to turn over to the Soviet agents. She returned to the stand this morning.

The Rosenbergs and Morton Sobell, 33, a radar expert, are on trial on charges of conspiring to commit wartime atomic espionage for Russia. All face possible death penalties if found guilty.

To Jury Tomorrow?

Federal Judge Irving R. Kaufman told the jury of 11 men and one woman yesterday that "this case may go to you sometime Wednesday afternoon."

Earlier, Mrs. Rosenberg had followed her husband to the stand in her own defense. Her main testimony was directed against her brother, David Greenglass, 29, who has pleaded guilty to the spy charge and is awaiting sentence.

Greenglass has testified he gave Rosenberg information on the atomic bomb obtained while he was an Army sergeant stationed at the Los Alamos Atomic Project. He added that his sister typed the data and then turned it over to her husband for transmission to Russia.

Insists Brother Lies.

Mrs. Rosenberg, the mother of two children, insisted under cross examination that her brother's allegations were not true.

She also followed her husband's previous example of refusing to answer several questions on the grounds that she might incriminate herself.

On two questions she finally replied after her attorney had urged her to do so.

But she refused to reply to a question by Judge Kaufman dealing with a denial by her husband of alleged Communist party membership. Her lawyer did not intervene.

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65-15348-A-167
F. B. I.
MAR 26 1951
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A-Bomb Spy Trial:

Wife Faces Quiz On Role in Plot

By HOWARD RUSHMORE

Mrs. Ethel Rosenberg, 35, one of the three defendants in the atom bomb spy trial, today faces cross-examination on her part in the alleged conspiracy.

Following the pattern set by her husband, Julius, 32, in his defense testimony, Mrs. Rosenberg already has refused to answer questions on the grounds of self incrimination.

The Rosenbergs and Morton Sobell, 34, face a possible death sentence if convicted of conspiring to transmit A-bomb secrets to Russia.

In her direct testimony which began late yesterday at the U. S. Court House in Foley sq., the short, plump mother of two children denied charges made by her brother David Greenglass that she typed scientific data which Julius gave to Soviet agents.

REFUSES TO ANSWER.

Her direct examination is expected to be concluded today with U. S. Atty. Saypol scheduled to interrogate her late in the day.

Saypol's withering cross examination of Julius Rosenberg shot holes in the latter's direct testimony which was largely a blanket denial of charges made by Government witnesses earlier in the trial.

Mrs. Rosenberg's refusal to answer questions came after Federal Judge Irving R. Kaufman questioned her on several points of her story.

A jury of 11 men and one woman is expected to receive the case late this week unless the Government calls rebuttal witnesses after the defense rests.

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From NY Journal American
DATED MAR 27 1951
FORWARDED BY N. Y. DIVISION

Suspect's Wife Denies Typing Atom Spy Data

Ethel Rosenberg Refuses Reply to Judge's Question if Her Husband Was Red

By Blaine Littell

Mrs. Ethel Rosenberg followed her husband, Julius, to the witness stand in United States District Court yesterday and denied that she had ever typed information on the atomic bomb which her husband is accused of having turned over to Russian agents.

Testifying in her own defense, the thirty-five-year-old mother of two children denied further that she had typed any data relating to national defense. She was as reluctant as her husband to answer certain questions pertaining to the Communist party.

Mrs. Rosenberg, her husband and Morton Sobell, a radar expert, are charged with conspiring to pass secret atomic information to Soviet Russia during World War II. Witnesses for the government have testified that both Rosenberg and Sobell procured or attempted to procure such information, and that Mrs. Rosenberg typed the longhand notes received by spies and couriers in her apartment at 10 Monroe Street.

Early in her testimony Mrs. Rosenberg said she had typed let-

(Continued on page 37 ~~column 7~~)

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Spy

(Continued from page one)

ters for her husband when he was dismissed from his engineering job with the Army Signal Corps on the ground that he was a member of the Communist party. In the letters that she typed, Mrs. Rosenberg testified, her husband denied that he had ever been a party member and declared that he assumed the charges against him were either completely false or a case of mistaken identy.

"Was that true?" Judge Irving R. Kaufman asked.

"I refuse to answer on account of self incrimination," Mrs. Rosenberg said.

Questioned by her attorney, Emanuel H. Bloch, Mrs. Rosenberg said that she had served as secretary of the East Side Defense Council—"a part of civil defense" during World War II.

Rosenberg stepped down from the witness stand yesterday afternoon after a thorough cross examination by Irving H. Saypol, United States Attorney, with his original story comparatively intact. Under persistent questioning, Rosenberg continued to maintain that he had never even thought of asking any one to furnish him with secrets relating to national defense, and repeated again and again that David Greenglass, his brother-in-law and a confessed spy, had testified against him in this trial because he, Julius Rosenberg, had refused to lend him $2,000 when he asked for it.

Rosenberg showed evident surprise, however, when Mr. Saypol asked him suddenly if he had had some passport pictures taken of himself a month or so before his arrest in July, 1950, at a shop at 99 Park Row.

"I might have," Rosenberg replied. "I don't recall."

Mr. Saypol pressed him further, asking whether it was not true that he had told the photographer he was about to go to France to "settle an estate."

"No, I didn't tell that to anybody," the witness said.

When asked for what purpose he had had pictures of himself taken, Rosenberg answered that he was "just taking pictures" and added hastily that he had had many pictures taken of himself, his wife and family.

Question on Table

Earlier in the day, Mr. Saypol questioned Rosenberg at length about a console table which previous government witnesses have said was a present to Rosenberg from the Russian government. But Rosenberg insisted that he had bought the table from R. H. Macy & Co. in 1944 and that he had paid $21 in cash for it.

"Don't you know," Mr. Saypol said, "that you couldn't have bought a console table then at Macy's for less than $80 or $85?"

Rosenberg replied that he had paid $21 for the piece of furniture because it had been marked down.

Mr. Saypol also queried Rosenberg about a large collection of wrist watches which the F. B. I. found in his home. Mr. Saypol asked if Rosenberg had not owned another watch at one time—"an Omega given to you by a Russian agent."

The Omega, Rosenberg said, had been a gift from his now deceased father. He said he had lost it on a railroad trip.

Rosenberg admitted that he used to read "The Daily Worker" —"but only on occasion," and that he had learned whatever he knew about the Soviet Union not only from this newspaper but also from other less partisan New York dailies.

Before the trial adjourned yesterday, Judge Kaufman told the jury of eleven men and one woman that they might expect the case to go to the jury tomorrow evening. The trial resumes 10:30 a. m. today.

Mrs. Rosenberg Denies A-Spying

A plump housewife faced a Manhattan Federal Jury today to deny charges by her brother that she was a part of Soviet spy ring he supplied with atomic bomb secrets.

Mrs. Ethel Rosenberg, 35, was the second of three accused atom spies to take the witness stand in the Federal Courthouse on Foley Square.

Her husband, Julius, 32, made a point-by-point denial of the espionage charges. He declared himself a loyal American citizen. His brother-in-law, David Greenglass, testified against him and Ethel in revenge for family disagreements, Rosenberg asserted.

The third defendant in the nation's first jury trial of atomic espionage suspects—electronics engineer Morton Sobell, 33—has yet to testify.

If convicted of the wartime spy conspiracy, all three could be sentenced to death.

Mrs. Rosenberg took the witness stand briefly late yesterday. Almost immediately, she exercised her Constitutional privilege against answering questions she said might be self-incriminating.

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From
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MAR 27 1951
FORWARDED BY N. Y. DIVISION

65-15346-A-170
F. B. I.
MAR 26 1951
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Wife Also Balks at Questions at A-Spy Trial

By NORMA ABRAMS

Ethel Rosenberg, plump, 35-year-old mother of two boys, ook the stand in her own defense at her atom-spy trial in 'ederal Court yesterday and refused—as had her husband, lulius, before her—to answer several questions on the ground f constitutional immunity.

Mrs. Rosenberg admitted she had yped letters for her husband after e was fired from his wartime Sig- al Corps civilian job when he was ccused of Communist Party mem- ership. The letters contained a lenial of the charge.

Judge Questions Her.

Judge Irving R. Kaufman inter- upted the direct examination by er attorney, Alexander Bloch, and sked: "Was that true?"

"I refuse to answer on account of elf-incrimination," she replied.

"The reply you typed denied he was a Communist?" Kaufman ressed. Again she claimed privi- lege, but when urged by Bloch to nswer, she retorted: "That's cor- rect."

Denies Plan to Flee.

Earlier, with Rosenberg on the stand, U. S. Attorney Irving Saypol alluded to a government contention that Rosenberg was about to flee the country before his arrest last year. The questioning was about pictures Rosenberg had taken at a downtown store last June.

"Did you tell the photographer you had to go to France to settle an estate?" Saypol queried. Rosenberg looked flustered as he sought an answer, but then he heatedly denied any intent to leave the country.

Jury May Get Case Today.

Before the trial was adjourned until today, when Mrs. Rosenberg will again be on the stand, Kaufman told the jurors to be prepared to receive the case tomorrow. The third defendant is radar expert Morton Sobell. All three are liable to the death penalty if found guilty of wartime espionage.

Mrs. Ethel Rosenberg

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From NY News
DATED MAR 27 1951
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65-15346A-171
F. B. I.
MAR 28 1951
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Woman Defendant Denies Receiving A-Bomb Secrets

Mrs. Ethel Rosenberg, 35, took the stand in Federal Court yesterday and denied testimony of her own brother ~~that he~~ had supplied A-bomb secrets which she, her husband and another man allegedly funneled to the Russians.

The brunette mother of two is on trial before Judge Irving R. Kaufman and a jury of 11 men and one woman, with her husband, Julius, 33, an electrical engineer, and Morton Sobell, 34, an electronics expert.

Her brother, David Greenglass, a former Army sergeant who has pleaded guilty to espionage charges, had testified to supplying Mrs. Rosenberg with information on the atomic bomb he had obtained while working at Los Alamos, N. M. He said his sister typed the data and turned it over to her husband for transmission to Soviet agents.

Mrs. Rosenberg, refused three tmes on constitutional grounds to answer questions by the judge concerning Communist party membership by her husband, but twice her lawyer advised her to answer. On her third refusal—to the question of whether her written denial of party membership by her husband actually was true—her lawyer did not urge her to reply.

Judge Kaufman told the jurors they probably would get the case ~~Wednesday~~ afternoon.

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ROSENBERG'S WIFE SHIES AT RED QUERY

Claims Constitutional Right Not to Answer—Jury May Get Spy Case Tomorrow

By WILLIAM R. CONKLIN

Ethel Greenglass Rosenberg, second of three defendants charged with the capital crime of wartime atomic espionage for Soviet Russia, joined her husband, Julius, yesterday in claiming constitutional privilege against answering questions on their Communist party affiliations.

Mrs. Rosenberg took the stand as the fourth defense witness when the trial reached its thirteenth court day yesterday. Barely 5 feet tall and weighing 100 pounds, the 35-year-old defendant wore a pink blouse and black skirt and little make-up. She frequently knotted her fingers and wrinkled her forehead as she testified.

Judge Irving R. Kaufman warned the jury of eleven men and one woman to be ready to receive the case tomorrow afternoon.

Like her husband, Mrs. Rosenberg was well prepared to assert her constitutional rights at the first opportunity. In fact, she claimed them twice on questions which her attorney, 70-year-old Alexander Bloch, advised her to answer.

"Did you know anything of the charges leveled by the Government against your husband in 1945?" asked Judge Kaufman.

Hesitating, the diminutive witness appeared puzzled by the date. Then she recalled that Rosenberg had been dismissed that year from his civilian job with the Signal Corps.

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Recalls Suspicion He Was Red

"Oh, the time he was dismissed," she said. "It was alleged that he was a member of the Communist party."

"And he was dismissed for that reason?" the judge inquired.

I refuse to answer on the ground that it might incriminate me," she replied.

"And the report you typed for him denied that he was a Communist?" Judge Kaufman asked.

"I refuse to answer on the ground that it might tend to incriminate me," she replied.

"Well, was that true?" the jurist persisted.

Mr. Bloch and his son Emanuel, representing Rosenberg, objected. Judge Kaufman said he would overrule an objection based upon irrelevancy, but he separated that ground from the constitutional ground.

"Again I refuse to answer on the ground of self-incrimination," Mrs. Rosenberg replied.

United States Attorney Irving H. Saypol objected that Mrs. Rosenberg could not claim her husband's privilege. Judge Kaufman disposed of the point by saying:

"Well, she typed it, and she may feel that the typing may incriminate her."

Rosenberg Twice Shy

Rosenberg, just before ending three days on the witness stand, was asked by Mr. Saypol:

"Is or was your wife a member of the Communist party?"

"I refuse to answer on the ground that it may tend to incriminate me," Rosenberg replied.

The Rosenbergs are on trial with Morton Sobell, 34-year-old electronics expert, under an indictment charging that they stole atomic secrets for Russia in a conspiracy which began in 1944 and continued for six years. David Greenglass, ex-Army sergeant who worked at Los Alamos, and the brother of Ethel Rosenberg, has confessed his part in the plot and awaits sentence. A fifth defendant, Anatoli A. Yakovlev, fled the country five years ago. He formerly was Russian Vice Consul here.

On March 9 Greenglass testified that his sister and her husband—the Rosenbergs—were Communist party members who "preferred Russian socialism to capitalism." He quoted them as having said that Russia was an ally and deserved to get atomic information.

Rosenberg spent almost all of yesterday under cross-examination by Mr. Saypol. The No. 1 defendant stuck to the story he had told on direct examination. Mr. Saypol turned up minor discrepancies, but uncovered no substantial changes in Rosenberg's testimony.

Denies Gifts From Soviets

Much of the day was occupied by Rosenberg's denials that he had ever received a citation from the Russian Government; that he had ever received a watch from any Russian; that he had ever received a small console table as a gift from the Russians; or that he had aided Sobell or others to flee to Mexico.

In the last connection, Judge Kaufman vacated a defense subponea calling for production of records from the Mexican consulate here concerning Sobell's trip to Mexico last year.

He took the action after being informed by Monroe Collenburg, counsel for the Mexican Government, that the Ambassador would be glad to produce the records if they were applied for through diplomatic channels. Defense counsel offered no objection.

Rosenberg testified that he read The Daily Worker "occasionally" as well as THE NEW YORK TIMES, The New York Post and The New York World-Telegram and Sun.

"Ever read The Wall Street Journal?" Mr. Saypol asked.

"I do not read The Wall Street Journal," the witness answered firmly.

After testifying that he had frequent "heated discussions" with Greenglass as a business partner, Rosenberg testified that he was eager to help Greenglass when the latter was arrested last year.

"When a member of the family is in trouble," he explained, "you're not interested in sinking him. The family should stick by him, regardless of the trouble."

Earlier, Mrs. Rosenberg had recounted her lower East Side childhood. Her direct examination by Alexander Bloch will continue when the trial resumes in District Court at 10:30 A. M. today.

Denies Her Brother's Espionage Testimony

Mrs. Ethel Rosenberg, denying her brother's testimony, swore today that she had never typed any national defense data for transmission to the Russians or for any other reason.

She is on trial on espionage conspiracy charges with her husband, Julius, an electrical engineer, and radar expert Morton Sobell.

Earlier her brother, David Greenglass, a former army sergeant who has pleaded guilty to the espionage charge, testified he turned over to Mrs. Rosenberg information on the atomic bomb obtained while he was working at Los Alamos, N. M.

He said she typed the information and turned it over to her husband for transmission to Russian agents.

Mrs. Rosenberg refused three times to answer questions on grounds the answers might incriminate her, but twice her lawyer told her to go ahead and she answered. The unanswered question sought to establish whether her husband was a Communist.

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DATED [illegible] 1951

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ATOM SPY CASE HEADS FOR JURY AFTER 14 DAYS

Three May Face Death If Convicted of Giving Secrets to Red Agents

The fate of three American citizens accused as Russian spies goes to the jury in Federal Court, Manhattan, today in the nation's first atomic espionage trial.

The defendants, Julius Rosenberg, 32; his wife, Ethel, 35, and his former City College classmate, Morton Sobell, 33, all face possible execution in the electric chair if convicted.

Defense attorneys began summing up to the jury of 11 men and one woman this morning. Federal Judge Irving R. Kaufman said he expected to complete his charge by afternoon.

The tense courtroom drama on Foley Square neared an end after 14 trial days in which brother testified against sister, secrets of the atomic bomb were described and confessed spies gave the inside story of Soviet intrigue.

Rosenbergs Deny Charges

The Rosenbergs each made witness stand denials of the Government's charge that they conspired "to deliver to the Soviet Union the information and the weapons which the Soviet Union could use to destroy the United States."

They denounced the testimony of Mrs. Rosenberg's brother, David Greenglass, as false accusations made out of spite and family feuding. They

Continued on Page 2

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Atomic Spy Case Heads for Jury

Continued from Page 1

refused to answer questions about Communist party affiliations on the ground it might tend to incriminate them.

Theirs was the only defense testimony. Sobell did not take the stand or call any witnesses in his defense. The Government called only 21 witnesses from a scheduled list of more than 100.

The reputed spymaster of the operation, Anatoli A. Yakovlev, was named in the indictment. But he fled the country and his post in the Soviet Consulate here in 1946 before the ring was exposed.

Was in Army at Time

Greenglass, the Government's key witness, testified his sister and brother-in-law recruited him into the spy work in 1944 while he was working as an Army technician at the Los Alamos, N. M., atomic bomb plant.

Rosenberg told him what the Russians wanted, Greenglass said, and he supplied it. Atomic energy experts called by the Government confirmed that the sketches and descriptions Greenglass produced on the atomic bomb would have kept foreign experts abreast of what was going on at Los Alamos.

When British scientist Klaus Fuchs exposed the ring last year, Greenglass said, Rosenberg gave him $5,000 to get out of the country. Greenglass was arrested shortly thereafter, confessed and now is awaiting sentence.

Another major Government witness was Harry Gold, Philadelphia chemist, now serving 30 years in prison for his confessed part in the plot.

Tells of Getting Data

He testified he picked up information from both Greenglass and Fuchs for relay to the Russians. His undercover meeting with Greenglass, Gold said, was arranged in Rosenberg's name.

Most of the prosecution's evidence was leveled against Rosenberg. But Greenglass, as well as his wife, Ruth, named Ethel Rosenberg, as an active conspirator. Greenglass said his sister typed out the stolen secrets for transmission to the Russians.

Sobell was linked to the espinage setup by the Government's first witness, Max Elitcher, a college classmate of Sobell and Rosenberg, who said both tried to recruit him as a spy in his wartime post as a Navy Department engineer.

Sobell was arrested last Summer in Mexico, where the Government charged he fled when the FBI began closing in.

SPY CASE AGAINST 3 GOES TO JURY TODAY

Court to Convene Hour Early for Summing Up—Woman, 2 Men, May Face Death

By WILLIAM R. CONKLIN

The fate of the three defendants in the nation's first atomic spy trial is slated to go to the jury late today. Conviction might mean the death penalty for the woman and two men accused.

Before both sides rested at 4:50 o'clock yesterday, the Government brought rebuttal testimony against Julius Rosenberg, 32 years old; his wife, Ethel, 35, and Morton Sobell, 34. Against the Rosenbergs' statement that they had never obtained passport photographs, United States Attorney Irving H. Saypol called a Park Row photographer who swore that they had.

Ben Schneider of 99 Park Row, the photographer, testified that the Rosenbergs and their two young sons had been photographed in his shop in mid-June, 1950. Mr. Schneider said Rosenberg had paid him $9 for "three sets of passport pictures," three dozen in all, and that Rosenberg had told him the family was going to France to look after some property Mrs. Rosenberg had inherited.

Rosenbergs Denied Flight Plans

Husband and wife had sworn earlier that they never had planned flight from this country.

Emanuel H. Bloch of defense counsel protested the Schneider testimony because of its surprise nature. Mr. Saypol developed that special agents of the Federal Bureau of Investigation had located the photographer only last Monday.

Another rebuttal witness was Mrs. Evelyn Cox, maid for the Rosenbergs from September, 1944, to December, 1945. She contradicted the Rosenberg story that their console table had been bought from Macy's for $21. David Greenglass, brother of Mrs. Rosenberg, had identified the table earlier as a gift to his brother-in-law "from the Russians."

"When I admired the table, Mrs. Rosenberg said a friend of her husband had given it to him as a gift," the elderly Mrs. Cox testified. "She said this friend had not seen them for a long time, and it was a sort of a wedding gift."

The third rebuttal witness, Miss Helen Pagano, backed up Greenglass' story that Rosenberg had given him $5,000 to flee the country last summer.

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As secretary for O. John Rogge, attorney, Miss Pagano said a relative of Greenglass had brought $3,900 in a brown paper bag to her office on June 16, 1950, to engage Mr. Rogge as his lawyer. Greenglass had testified that he sent $4,000 to the lawyer. No one explained what had happened to the odd $100.

Greenglass, who has confessed his part in the spy plot, testified against his relatives as a Government witness. He is awaiting sentence. Anatoli A. Yakovlev, former Russian Vice Consul here who was also indicted in the plot, has been a fugitive for five years.

Court Opens Hour Early Today

Judge Irving R. Kaufman directed that the trial resume at 9:30 o'clock this morning, an hour earlier than usual. He said Mr. Saypol and the four defense lawyers had asked a total of five and one-half hours to sum up. After that, Judge Kaufman expects to deliver his charge to the jury of eleven men and one woman and place the case in their hands.

In this case the jury may return a verdict of guilty or not guilty on each of the three defendants. The jury, however, is without power to influence the sentences by recommendation. That function, Judge Kaufman has explained, belongs exclusively to him.

Mr. Saypol spent most of yesterday cross-examining Mrs. Rosenberg as the trial reached its fourteenth court day. Reading from notes of her two appearances before a Federal grand jury last August, he showed that she had claimed constitutional privilege against self-incrimination even on questions that seemed harmless.

Judge Kaufman cautioned the jury against inferring that the witness had admitted anything by refusing to reply.

Reading from the grand jury minutes, Mr. Saypol quoted: "When was the first time you talked to a lawyer? Answer: I refuse to answer on the ground of self-incrimination."

"You say that might incriminate you—the fact that you talked to a lawyer?" Mr. Saypol asked incredulously.

"That was my answer," the witness replied.

Mrs. Rosenberg said she had answered questions at the trial which she had refused to answer before the grand jury. Pressed by Judge Kaufman for an explanation, she could only say she must have had some reason for refusing to answer last August.

"Before the grand jury you re-

fused to answer when asked if you had talked to David Greenglass about the case," Mr. Saypol said. "How would such an answer incriminate you?"

"It might not incriminate me," the witness explained slowly. "But, if there was any chance that the answer might tend to incriminate me, I had the right to claim my constitutional privilege and I used that privilege as I saw fit.

"My brother had been arrested and my husband had been arrested when I appeared before the grand jury on Aug. 6. It was not for me to state what my reasons were. I felt that in answering certain questions I might tend to incriminate myself."

"You were not under any compulsion to confess your guilt?" Mr. Saypol suggested.

"I had no guilt to confess," the witness flashed back.

Edward Kuntz and Harold M. Phillips, attorneys for Sobell, rested their case "on the record" without calling their client to testify in his own defense.

In all, the defense called only four witnesses. They included Rosenberg, his wife, a clerk from The New York Herald Tribune and a lawyer representing R. H. Macy & Co. The two last-named were minor witnesses.

The Government produced twenty-two witnesses and thirty-two exhibits.

Judge Kaufman denied seven defense motions, including two for dismissal of the indictment and a directed verdict of acquittal. He ruled against the defense contention that the Government had failed to prove its case beyond reasonable doubt. He also held that the indictment contained ample information on the charges against the defendants of war-time atomic espionage for the Soviet Union.

~~Atom~~ Spy Jury Gets Case Today

The government and the defense rested yesterday in the atomic espionage trial in Federal Court.

Judge Kaufman said summations would begin this morning and the case would go to the jury later in the day.

Julius Rosenberg, an electrical engineer, his wife, Ethel, and radar expert Morton Sobell are charged with conspiracy to transmit secret information to Russia during the war.

Mrs. Rosenberg's brother, David Greenglass, who has pleaded guilty to the same charge, testified against them. He said his sister and brother-in-law persuaded him to give them atomic information to be relayed to Russian agents.

Rosenberg and his wife testified in their own defense but did not call any witnesses. Sobell neither took the stand nor called witnesses.

The Government called 20 witnesses in presenting its direct case, including Harry Gold, now serving 30 years after pleading guilty to spy activities with jailed British atomic scientist Dr. Klaus Fuchs.

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BY N. Y. DIVISION

Summations Begin in Atom Spy Trial

Jury Told It Can't Influence Sentence

A jury of 11 men and one woman was expected to begin deliberations sometime today on the fate of the three defendants in the country's first atomic spy trial.

Conviction could mean the death penalty for the trio—Julius Rosenberg, 32; his wife Ethel, 35, and Morton Sobell, 34, a radar expert.

Judge Irving Kaufman announced late yesterday that summations by the government and defense would begin at 9:30 a. m. today—the 15th court day of trial—and probably last for five and one-half hours.

No Recommendation.

After that, Judge Kaufman is expected to deliver his charge and place the case in the hands of the jury. The judge has explained to the jurors that they are without power to influence the sentences by recommendation.

After the defense had rested its case yesterday, Irving H. Saypol, United States attorney, called three rebuttal witnesses. Two gave testimony which contradicted statements given by the Rosenbergs.

Against their testimony that they never obtained passport photographs, a Park Row photographer swore that he had taken such pictures of the couple in the middle of June, 1950.

Domestic Testifies.

Another rebuttal witness, a domestic who said she had worked for the Rosenbergs off and on in 1944 and 1945, testified that Mrs. Rosenberg told her a console table in their apartment was a gift to her husband from "a friend he had not seen for years."

Husband and wife had said the table had been bought from a department store for $21. The government contends that it was given the couple by a representative of the Soviet government and that Mr. Rosenberg used it while microfilming defense data.

The three defendants are charged with conspiring to transmit atomic

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Spy Case Goes To Jury Today

Court Starts Early To Speed Verdict

By HOWARD RUSHMORE

A jury of 11 men and one woman late today begins deliberations that might send to the electric chair three persons accused as atom bomb spies.

Although the jurors have no control over the sentence in the first A-bomb espionage trial in American legal history, a judgment of guilty would pave the way for Federal Judge Irving R. Kaufman to fix the maximum penalty of death if he so chose.

The three defendants—Julius Rosenberg, 32, his wife Ethel, 35 and Morton Sobell, 34—prepared to hear their defense counsel make a last desperate plea to the jury in summations that started at 9:30 a.m. at the U. S. Courthouse in Foley Square.

'SERIOUS CASE.'

This early hour was fixed by Kaufman in an effort to send the case to the jury by late afternoon. U. S. Attorney Saypol is expected to begin his summation after the luncheon recess.

Should a guilty verdict be returned by the jury which was selected March 6, Saypol will make a recommendation of sentence on behalf of the Government. The veteran Federal prosecutor probably will be in close consultation with the Justice Department before the recommendation is made.

It was learned that the FBI and Saypol regard this trial as the most serious espionage case since the end of World War II. The Government is said to view Rosenberg and the others as dangerous espionage agents.

CONTRAST TO NAZIS.

In contrast to the Nazi spies who were executed during the war before any overt acts of espionage and sabotage had been committed, the Rosenbergs, according to government witnesses, transmitted top military secrets to Russia over a period of years.

Both Rosenberg and Sobell, prosecution witnesses testified, [illegible] "school" with Russian funds to recruit more espionage agents and enlarge the network.

Although Mrs. Rosenberg was named as an intricate part of the conspiracy, it is doubted in court circles that the government will ask the death penalty in her case.

GOLD GOT LIMIT.

However, Kaufman is not bound to follow the government's recommendations and it was pointed out here that despite a Justice Department plea for a less-than-maximum sentence for Harry Gold, he was given the 20-year limit by a Federal judge in Philadelphia.

Gold, confessed spy who testified in this trial that he brought A-bomb secrets from contacts of Lev Alamos to Anatoli Yakovlev, Soviet vice-consul here, is now serving his prison sentence.

In closing his case on the 14th trial-day after calling 30 witnesses for the prosecution, Saypol battered the testimony of Mrs. Rosenberg and forced the short, [illegible]

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Atom-Spy Jury Gets Case Today

A Federal Court jury is due to start deliberating late this afternoon in the nation's first atom spy trial, which can result in death sentences for electrical engineer Julius Rosenberg, 32; his wife, Ethel, 35, and radar expert Morton Sobell, 33. With testimony ended late yesterday, both sides will sum up this morning and Judge Kaufman will charge the jury.

Defense testimony was brief after the government concluded its case earlier yesterday. The Rosenbergs came to the stand to deny flatly the assertions of the government's 20 witnesses, notably Mrs. Rosenberg's brother, David Greenglass. It was Greenglass who testified that, while he was an Army sergeant working on the A-bomb project in New Mexico, he had been induced to turn over to Rosenberg vital atomic data for transmission to Russia. Greenglass has pleaded guilty.

Last Summer, when the spy hunt was getting "hot," Greenglass said, his brother-in-law said he was leaving the country and gave Greenglass $4,000 to do the same.

The government yesterday called three rebuttal witnesses. Mrs. Evelyn Cox, a Negro domestic who worked for the Rosenbergs in 1944 and 1945, testified Mrs. Rosenberg told her a new console table was a gift "from a friend—a sort of wedding present." The couple testified they bought it in Macy's for $21, but the prosecution said it was a gift from Russia for services rendered.

Though Rosenberg denied he ever planned to leave the country, a Park Row passport photographer, Ben Schneider, testified the entire Rosenberg family had been photographed by him last June for passport purposes.

Helen Pagano, secretary for attorney O. John Rogge, told the jury that soon after Greenglass retained him, Louis Abel, brother of Mrs. Greenglass, brought to the office a brown parcel with $3,900. Greenglass had testified that was the parcel containing the $4,000 Rosenberg gave him.

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Atom Spy Case Of 3 Nears Jury; Lawyers Sum Up

The question upon which the lives of three persons may hang was to be turned over to a jury of 11 men and one woman in Federal Court late today: Were Mr. and Mrs. Julius Rosenberg and Morton Sobell members of a Soviet spy ring which stole the secret of the atom bomb?

Both sides rested their cases yesterday after Mrs. Ethel Rosenberg, diminutive 35-year-old housewife, of 10 Monroe St., had left the stand and the government had called three rebuttal witnesses to contradict parts of the testimony of the Rosenbergs.

Sobell Offers No Defense

Sobell, a 34-year-old radar expert of 164-17 73d St., Flushing, Queens, neither testified in his own defense nor called a single witness. Although the government presented evidence before the jury and Federal Judge Irving R. Kaufman to prove that he was active in seeking military secrets for the espionage ring, he was less deeply involved by the testimony than his co-defendants.

The jury will decide merely whether the three are guilty as charged. If the verdict is guilty, the burden will fall upon Kaufmanof deciding the penalty, which may be imprisonment for 30 years or capital punishment.

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From
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DATED MAR 28 1951
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Atom Spy Case of 3 Headed for Jury

Continued from Page 4

The jury has no power to even recommend the punishment.

The four defense lawyers and U. S. Atty. Saypol asked for a total of 5½ hours to make their summations. Kaufman ordered court convened an hour earlier than usual so the closing arguments and his charge could be completed today.

Wife's Silence Stressed

The defense lawyers will sum up first, followed by Saypol, the jury is expected to get the case late in the day.

In cross-examination of Mrs. Rosenberg, Saypol brought out that she had refused to answer many questions on the ground of possible self-incrimination when she was questioned before a Grand Jury last August, including some apparently innocuous ones. She explained that she had the right to claim her rights if she thought there yas any chance that the questions might incriminate her.

Saypol called in rebuttal a photographer who said the Rosenbergs had passport photos made last June, although they have denied any intention to flee the country.

Helen Pagano, secretary to O. John Rogge, testified that David Greenglass, Mrs. Rosenberg's brother, brought Rogge, his lawyer, $3,900 in a brown paper bag on June 16. Greenglass, who pleaded guilty to the indictment and testified for the government, said the money was given him by Rosenberg to flee the country. Rosenberg has denied it.

In addition to the three defendants and Greenglass, the indictment named Anatoli A. Yakovlev, former Soviet Vice Consul here, but his case was severed because he left the country five years ago.

Spy Trial Case Expected to Go To Jury Today

Defense Rests, 3 Rebuttal Witnesses Heard; Both Sides Ready to Sum Up

By Blaine Littell

The defense rested yesterday in the trial of three New Yorkers charged with conspiring to transmit atomic secrets to a Soviet spy ring during World War II.

Defense attorneys for Julius and Ethel Rosenberg rested at 3:31 p. m. after both had testified they had not participated or attempted to participate in any espionage activities on behalf of Soviet Russia. Counsel for Morton Sobell, the third defendant, rested eight minutes later. Unlike the Rosenbergs, Sobell did not take the stand in his own defense nor were any witnesses called to testify for him.

It was believed the case against the three, which opened in United States District Court on March 6, would go to the jury of eleven men and one woman some time today —the fifteenth court day of this trial. Toward the end of yesterday's proceedings, Judge Irving R. Kaufman announced that summations by the government and defense would begin at 9:30 this morning.

After the defense had rested, Irving H. Saypol, United States Attorney, called three rebuttal witnesses to the stand. Two of them gave testimony which contradicted stories told earlier by Rosenberg and his wife.

The first rebuttal witness was Mrs. Evelyn Cox, a domestic, who testified she had done housework for the Rosenbergs off and on from September, 1944, to December, 1945. She said Mrs. Rosenberg had told her that a console table in her apartment at 10 Monroe Street [illegible] given to her husband by "a friend he had not seen for years." In their testimony, both the Rosenbergs insisted they had bought the table from R. H. Macy & Co. for $81.

The government alleges that the table was given to Rosenberg by a representative of the Soviet government and that Rosenberg used it while microfilming national defense data.

The second witness called by Mr. [illegible]

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[illegible] testi-
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cret data from the atom bomb
project at Los Alamos, N. M.

Mr. Schneider said he remembered that Rosenberg, while posing for the pictures at Mr. Schneider's shop at 99 Park Row, had told him that Mrs. Rosenberg had been left some property in France and that passport photos were needed in order to take a trip to France and see to the estate. Rosenberg has denied he ever told anybody about an estate in France, and he and his wife have both denied ever having had passport photos taken of themselves or their two children.

While under cross examination yesterday, Mrs. Rosenberg indicated for the first time what her feelings were toward her younger brother, David, who sat back in his chair on the witness stand two weeks ago and testified that she had typed the information which he had stolen from Los Alamos.

Mr. Saypol asked her whether it had been "fear that your brother was trying to implicate you" that had made her side-step certain questions asked of her during her appearance before the grand jury in August.

"I must have had that fear," she replied.

But, Mr. Saypol continued, was it not true that she still "loved" her brother? Had she not testified to that effect earlier in the day?

"I once loved my brother," Mrs. Rosenberg said, placing the accent on the word "once" as if to correct Mr. Saypol. "I'd be pretty unnatural if I hadn't changed."

Mr. Saypol did not press the witness further on this subject, but he questioned her at length about her testimony before the grand jury. He read off portions of the transcript in which Mrs. Rosenberg had refused to answer certain questions pertaining to David Greenglass, her husband, Harry Gold, the convicted spy for Russia, and others on the ground that to do so "might tend to incriminate" her.

Yet, Mr. Saypol pointed out, she had answered many of these same questions freely at this trial. Mr. Saypol said he wondered why she had answered questions relating to her brother, her husband and others only after she had heard her brother's testimony.

"At the time," said Mrs. Rosenberg, "I didn't know what to believe or not to believe about my brother."

Mr. Saypol constantly inquired into the witness' reasons for not having denied outright any part in Soviet espionage activities before the grand jury as she had at this trial, but could draw from Mrs. Rosenberg only the statement that she had refrained from answering because she had felt, at the time, that to do so might tend to incriminate her.

Jury Weighing Fate of 3 In Atom-Secrets Spy Case

By DICK ARMSTRONG
COMPASS Staff Reporter

A jury of 11 men and one woman was deliberating early today the fate of Morton Sobell and Mr. and Mrs. Julius Rosenberg, accused of espionage in the transmittal of atomic bomb [illegible]ts to Soviet Russia. If convicted, the three face a maximum sentence of death.

The jury took the case at 4:53 p.m., was out for dinner from 5:05 to 6:55, and at 6:30, after resuming deliberations, sent out for and received a copy of the indictment and a list of witnesses.

It returned to the courtroom for 15 minutes at 8:15 to have read a section of prosecution testimony. At [illegible]:35, it requested and received from Judge Irving Kaufman all the exhibits introduced at the trial, except those impounded in the interest of national security.

Shortly before midnight, one of the jurors sent out to ask if a recommendation for leniency for one of the defendants could be included in a verdict.

The court replied that possible punishment was no concern of the jury. But he said he couldn't prevent a leniency recommendation although he is not bound to follow one.

Judge Kaufman had charged the jurors for an hour and nine minutes before handing them the case. He did not indicate whether he intended to impose the death sentence in case of conviction; he did not even mention that capital punishment was possible. But he told the jurors not to consider possible punishment.

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Separate Verdicts Ordered

He also said the fact that Sobell, unlike the Rosenbergs, had failed to take the stand in his own defense, should not be taken into account. A separate verdict on each defendant had been ordered.

Judge Kaufman said the jury could bring in a guilty verdict if it believed the government had proved a case beyond a "reasonable" doubt. He said it was not necessary for all "possible" doubt to be eliminated.

Throughout the judge's charge, Sobell, 33, sat sidewise in his chair, his left elbow on the chair arm and his chin resting on his hand.

Ethel Rosenberg, 35, would alternately sit back and lean forward, as if following the judge's voice intently. Occasionally she shook her head.

Rosenberg, 32, sat more quietly than the other two. He hardly moved as he directly faced the bench and appeared to be listening carefully to every word.

Saypol's Summing Up

U. S. Attorney Irving H. Saypol, in summing up his case to the jury, denounced the defendants for "one of the most serious crimes that could be committed against the United States of America."

"The identity of some of the other traitors who sold their country down the river along with Rosenberg and Sobell so far remains undisclosed," he said.

The defense, in final summations, called the Rosenbergs scapegoats of Mrs. Rosenberg's brother and sister-in-law, David and Ruth Greenglass. Greenglass pleaded guilty to stealing A-bomb data from the Los Alamos project while he was stationed there as an Army sergeant. He and his wife testified for the government that he did it at Rosenberg's behest.

The Rosenbergs' attorney, Emanuel H. Block, told the jury the Greenglasses falsely incriminated the Rosenbergs to save their own skins.

DECIDE FATE OF 2, WEIGH THAT OF THIRD

Panel Unresolved 11-1 On Last of Trio in Atom Espionage Case

The jury deliberating the fate of three American citizens accused of atomic spying reached a secret verdict today on two of the defendants but was undecided 11—1 on the third.

The one woman and 11 men jurors pondered the nation's first atomic espionage trial case for six hours and 40 minutes last night. They returned to the courtroom at 12:40 a.m. and received permission to get some sleep and resume deliberations this morning.

Vincent J. Lebonittee, jury foreman, told Federal Judge Irving R. Kaufman they had reached agreement on the verdict against two of the defendants, but needed more time to decide on the third since they were in disagreement 11 to 1.

Three in Plot

The defendants, Julius Rosenburg, 32; his wife, Ethel, 35, and Morton Sobell, 35, are accused of "conspiring to deliver to the Soviet Union the information and weapons which the Soviet Union could use to destroy the United States."

Verdicts of guilty could result in a maximum sentence of death, but Judge Kaufman instructed the jury to return only its findings and let him determine the ultimate sentence.

Each of the defendants pleaded innocent and Rosenberg proclaimed his loyalty to the United States. His wife supported Rosenberg's testimony, but Sobell never was called to testify.

Instructs Jury

The judge also reminded the jury to disregard the Rosenbergs' refusal to answer questions about their Communist affiliations, noting they were on trial only on charges of espionage.

U. S. Attorney Irving H.

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By Bobby Engle
DATED MAR 29 1951
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[illegible] and called for a verdict of guilty, charging that the defendants stole "the most important scientific secrets ever known to mankind for use by the Russians."

Emmanuel Bloch, defense attorney, in his summation exhorted the jury to free the defendants and "show the world

(Continued on Page [illegible])

Jury Reaches Spy Verdict

Continued from Page 1

that in America a man can get a fair trial."

In a series of notes to Judge Kaufman the jury said a full verdict could not be reached without more deliberation because one juror would not agree with the others on the guilt or innocence of the third defendant.

No Hint of Decision

The notes did not indicate what verdict the jury had found in the case of the two defendants, nor indicate which of the defendants they were.

Once the jurors interrupted their proceedings to return to the courtroom and hear a portion of testimony given during the 14-day trial by Mrs. Ruth Greenglass, a sister-in-law of Mrs. Rosenberg.

During the trial, the workings of the atomic bomb used at Nagasaki were revealed for the first time in testimony that was so secret that the courtroom was cleared of reporters and spectators.

Brother vs. Sister

The trial also pitted brother against sister as a cloak-and-dagger story of Soviet machinations was revealed.

David Greenglass, Mrs. Rosenberg's "baby brother," and Harry Gold, a convicted Soviet spy, were the Government's star witnesses in the first trial of its kind ever held in the United States.

It was Greenglass, a confessed agent in the spy ring uncovered by the arrest of British scientist Dr. Klaus Fuchs, who implicated his sister and brother-in-law.

Greenglass said the Rosenbergs talked him into stealing atomic secrets for the Russians while he was an Army technician at the Los Alamos, N. M., atomic plant. Sobell was accused of being a member of the ring.

Lock Up Spy Jury After It Agrees on 2

By Norma Abrams and Henry Lee

A Federal Court jury, weighing the fate of three suspected traitors in the nation's first atom bomb spy trial, revealed at 12:30 A. M. today that it had

(NEWS fotos by Harold Mathewson)

Mrs. Ethel Rosenberg [▲] leaves Federal Court last night. Her husband [▼] Julius Rosenberg (center) and Morton Sobell (left) are led from court by U. S. marshal after jury was locked up for night.

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reached agreement on two of the defendants, but was still stymied on the third by a lone holdout.

The revelation was made in a note sent in to Judge Irving R. Kaufman, who 10 minutes later ordered the jury of 11 men and one woman locked up for the night.

In the note, the jurors said they wanted to withhold announcement of any verdicts until agreement was reached on all three defendants—Julius Rosenberg, 32, an electrical engineer; his wife, Ethel, 35, and Morton Sobell, 35, electronics and radar expert.

Earlier, Judge Kaufman had informed them that they could announce a partial verdict if they so desired and if any verdict had been reached.

Taken to Hotel.

The jurors were taken by a U. S. marshal to the Hotel Knickerbocker on W. 45th St., between Broadway and Sixth Ave. They will return to court at 10 A. M. today to resume deliberations in an attempt to reach a verdict on the third defendant.

Although it had been specifically cautioned to disregard the possible penalty upon conviction—which could be death—it was apparent during last night's deliberations that it was that issue which delayed agreement.

That point was hammered home at 11:05 P. M. when the jury filed back into the courtroom and a juror asked if a recommendation for mercy could be made.

Judge Kaufman said that could be done but that he was not bound to consider it.

The case was given to the jury at 4:53 P. M. but actual delibera-

(Continued on page 44, col. 1)

Wait Verdict With Song

Julius and Ethel Rosenberg, awaiting a jury verdict which might mean death, passed the hours last night singing in their cell in the basement of the U. S. Courthouse in Foley Square. Their favorite song was "Good Night Irene."

Spy Jury Agrees on 2, Ponders Fate of Third

(Continued from page 3)

tions did not start until shortly after 6 P. M. when the jurors returned from dinner.

At 6:25 P. M. the jury asked for and got a copy of the indictment. They also requested and obtained a list of witnesses.

An hour and 35 minutes later there was a stir when Judge Kaufman summoned the defendants to his chambers. Their counsel went with them.

Wanted Testimony Read.

The purpose, it was learned, was to tell them that the jurors wanted read to them a portion of the testimony of Ruth Greenglass, a prosecution witness.

That testimony by Mrs. Greenglass dealt with the period from November, 1944, to January, 1945. In November, she declared, Rosenberg approached her and said that her husband David, an Army sergeant at Los Alamos, N. M., was working on the atom bomb. Mrs. Greenglass said Rosenberg requested her to visit her husband, explain that Russia, as an ally, was entitled to information on the bomb, and to ask him to gather data for the Russians.

Mrs. Greenglass said that she agreed, obtained some information for Rosenberg, brought it back to him. In January, her testimony went, Greenglass returned to New York and talked personally with Rosenberg.

After the testimony was read to the jurors defense counsel asked that cross-examination be read, too. The judge refused. The jurors then resumed deliberations.

Earlier in the day, during summations, the defense made indirect allusions to the chance that a guilty verdict might bring execution for the defendants.

U. S. Attorney Irving H. Saypol carefully avoided asking anything beyond a guilty verdict. In his charge, Judge Kaufman told the jurors that the penalty was "no

recipient of the A-bomb data and other war secrets, happened to be an ally at the time of the conspiracy is "immaterial," Kaufman ruled. He said he had allowed evidence regarding Communist Party membership solely "on the question of the defendants' intent or reason to believe" that they wanted to help that Government.

Judge Cautions Jury.

"I wish to caution you most strenuously," he added, "that proof of membership in the Communist Party or activity does not prove the offense charged in this indictment, but may be considered by you solely on the question of intent, which is one element of the crime charged here."

As the three defendants sat quietly, Kaufman pointed out that the Government and defense versions of the case are "different as night is from day," and added: "You must determine which one you will believe."

The Government, he pointed out, must establish guilt beyond a reasonable doubt, but needn't prove it "beyond a possible doubt."

Of the third defendant, Sobell, who according to the Government had betrayed a guilty panic in fleeing to Mexico, Kaufman said:

"Evidence of flight does not create any presumption of guilt, although it is a legitimate ground for an inference of a guilty mind if the jurors conclude that such inference is justified."

But he hung the case against Sobell squarely on the testimony of Max Elitcher, one of the prosecution's 21 witnesses. According to this witness, Sobell had recruited him into a Commie cell in Washington, D. C., and also had joined with Rosenberg in trying to get him to steal armament secrets during and after the war.

"I charge you that if you do not believe the testimony of Max Elitcher as it pertains to Sobell, then you must acquit the defendant Sobell."

In his summation which began at 2 P. M., Saypol charged that the Rosenbergs and Sobell had worked with "other traitors who sold the country down the river," though their identities are still undisclosed.

Know They Exist.

"We know that such people exist," Saypol said, "because of Rosenberg's boasting to (David) Greenglass of the extent of his espionage activities—how he had obtained information on the secret

Judge Irving R. Kaufman leaving court yesterday.

concern of yours," but did not specify that it might be death.

"The duty of imposing sentence rests exclusively upon the court," he charged. "You cannot allow the question of a penalty which may be imposed to enter into your consideration."

Lasted One Hour.

In a 47-page charge, which he read from 3:37 P. M. to 4:46, Kaufman stressed the gravity of the espionage conspiracy charge, as follows:

"Because of the development of highly destructive weapons and their highly regarded position by nations existing in a state of tension with one another, the enforcement of the espionage laws takes on a new significance.

"Our national wellbeing requires that we guard against spying on the secrets of our defense, whether such spying is carried on through agents of foreign powers or through our own nationals who prefer to help a foreign power."

Whether Soviet Russia, asserted

Greenglass, ex-Army sergeant in the Los Alamos A-bomb project, was a star government witness against his brother-in-law, Rosenberg and his own sister, who is Rosenberg's wife.

Greenglass, who has pleaded guilty in the espionage conspiracy case, and his wife, Ruth, named as a co-conspirator but not a co-defendant in the indictment, had been "infected" by the Rosenbergs "with the poison of Communistic ideology," according to Saypol.

In earlier defense summations, the Greenglasses had been bitterly castigated for sacrificing the Rosenbergs to save their own skins, but Saypol saw the emotional family issue in quite a different light.

It was a case, he said, of an older sister and a brother-in-law "dragging an American soldier into the sordid business of betraying his own country for the benefit of the Soviet Union."

Most Important Ever.

"The difference between the Greenglasses and the Rosenbergs," he went on, "was that the Greenglasses told the truth and have tried to make amends for the hurt which has been done to our nation and the world. The Rosenbergs have magnified their treachery by lying here."

Underscoring the gravity of the

case, Saypol said the "conspirators stole the most important scientific secrets ever known to mankind from this country and delivered them to the Soviet Union."

"We don't know all the details because the only living people who can supply the details are the defendants," he added.

Under federal conspiracy law, the U. S. Attorney emphasized, the Government must prove only one overt act by any member of a conspiracy to involve all the co-conspirators. Actually, he said, in the 12 specific acts charged, the Government had submitted "insurmountable evidence on literally each overt act."

Saypol concluded at 3:29 P. M. and eight minutes later the courtroom was locked, according to custom, as Judge Kaufman prepared to charge the jury.

Cites Love for Wife.

In one of the defense summations, Emanuel H. Bloch asserted that Greenglass loved his wife "more than he loved himself" and was thus willing "to bury his sister (Mrs. Rosenberg) and her husband to save his wife."

Pointing to the short, plainly dressed Mrs. Rosenberg, the lawyer exclaimed:

"Look at that terrible spy—and compare her to Mrs. Greenglass who came here all dolled up, arrogant, cute, an eager beaver."

Alternately whispering and almost shouting, he said at another point:

"Not only are the Greenglasses self-confessed spies, but they were mercenary spies. They'd do anything for money. They'd murder people for money and they are trying to murder people for money."

"Like a Schnook."

On the other hand, he tenderly described Rosenberg as "like a schnook," in obligingly doing things for Greenglass which later put him in a bad light.

Counsel for Sobell, the third defendant, insisted that "not one single, solitary word that Sobell was involved in atom spying" had come from Greenglass. It was Saypol's contention that Rosenberg and Sobell had been close ever since college days, "held together by one common bond—their mutual devotion to Communism and the Soviet Union and their membership in this conspiracy to commit espionage for the Soviet Union."

In Early 1940s.

The Government's general contention was that Rosenberg had worked in the early 1940s for the late Soviet spymaster, Jacob Golos; that Harry Gold, confessed atom spy, had been involved in the espionage machinery; that the Rosenberg spy cell cracked open after Gold's unmasking last year. Gold was found to have been involved with Dr. Klaus Fuchs, the British atomic scientist and also a confessed Soviet spy, who has since drawn 30 years in prison. Gold was a government witness at the

Spy Jury Put Up for Night; Out 7½ Hours

To Resume at 10 A. M. Verdict Was Reached on 2 of 3 Defendants

A Federal jury of eleven men and one woman, weighing the fate of three defendants in the nation's first atomic espionage case, was locked up at 12:37 a. m. today.

The jury retired for the night after deliberating seven hours and forty-four minutes without reaching a verdict. The jury received the case at 4:53 p. m. from Judge Irving R. Kaufman in United States District Court. It will resume deliberations at 10 a. m. today.

Verdict Reported on Two

Judge Kaufman said that the jury notified him it had reached a verdict on two of the defendants but not on the third. He said he told the jurors that he was willing to accept the decision on the two, but Foreman Vincent J. Lebonitte replied that they preferred to reach unanimity on all three before announcing the verdict. The judge said it was indicated that one vote was holding up the verdict on the third defendant.

The three defendants, who face a possible death penalty on charges that they gave atomic secrets to Russia during wartime, are Julius Rosenberg, thirty-two, electrical engineer; his wife, Mrs. Ethel Rosenberg, thirty-five, and Morton Sobell, thirty-three, electronics and radar expert.

Jurer Has Question

At [illegible] p. m. Judge Kaufman received a message from the jury that one of its members had doubt as to whether he could recommend leniency for one of the defendants. Court was convened, and Judge Kaufman told the jury that, in accordance with his charge, the responsibility for setting punishment rested entirely with him. The jury could make a recommendation of leniency, he said, but it could be accepted or disregarded by the court. Such a recommendation, he told the jury, should in no way affect its verdict.

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Spy Trial

(Continued from page one)

and exhibits—and once it returned to the courtroom to have portions of prosecution testimony read.

Highlight of the fourteen-day trial was the testimony in behalf of the government of David Greenglass, twenty-nine, brother of Mrs. Rosenberg, who was also accused in the indictment, and entered a plea of guilty on which he is awaiting sentence. He and his wife, Mrs. Ruth Greenglass, took the stand as key witnesses for the prosecution to denounce Greenglass's sister and brother-in-law as spies. Mrs. Greenglass was named in the indictment as a co-conspirator, but not as a co-defendant.

Greenglass, a former Army sergeant at the Los Alamos, N. M. atom plant, brought family drama to the courtroom during several days on the stand. He said he gave Rosenberg secret information, including a detailed description of the Nagasaki atom bomb, for transmission to Russia.

Mrs. Rosenberg, on the stand Tuesday, said that she once loved her brother, but she added: "I would be pretty unnatural if I had not changed."

The government produced twenty-two witnesses, including Harry Gold, confessed spy now under thirty-year sentence, and introduced thirty-two exhibits. The defense called only the two Rosenbergs and two minor witnesses. Sobell did not testify in his own behalf. The Rosenbergs denied the charges.

Anatoli A. Yakovlev, former Soviet vice-consul in New York, was also named in the indictment, but is believed to have escaped jurisdiction by fleeing to Russia.

Judge Kaufman, in his charge, said that because of the development of highly destructive weapons "the enforcement of espionage laws take on a new significance. Our national well-being requires that we guard against spying on the secrets of our defense, whether such spying is carried on through agents of foreign powers or through our own nationals who prefer to help a foreign power."

Death Penalty Not Asked

He declared that "the fact that the Soviet Union was an ally" at the time the alleged espionage took place was immaterial, since the law covers transmission of secrets to any foreign power. The state's case and the defense position, he said, are "as different as night is from day," and he left it to the jury to resolve their "incompatibility." He charged that if the jury did not believe the testimony of Max Elitcher, former City College classmate of Rosenberg and Sobell, it would have to

tion at 2 p. m. and finished an hour and a half later. Judge Kaufman began his charge to the jury at 3:37 p. m. in the packed courtroom.

Mr. Bloch's summation, beginning with a plea that the jury set aside any prejudices against communism and concentrate on the issue of espionage, then assailed the motives of Greenglass and his wife, in turning state's witnesses. He reviewed the government's many exhibits, and told the jury that none of them contained positive evidence of the conspiracy charged against the defendants.

Then, turning on the Greenglasses, he said that the two prosecution witnesses had sold the government "a bill of goods" in an attempt to obtain leniency for Greenglass.

"Don't you think," Mr. Bloch told the jury, "that the Greenglasses put it over on the government when Ruth Greenglass was not even indicted? And Ruth Greenglass got a hostage," he continued, "an exchange hostage. She walked out and put his (Greenglass's) sister in. That was the deal." He said that Greenglass loved his wife "more than he loved himself," and "that was the reason David Greenglass was willing to bury his sister and her husband to save his wife."

Mr. Bloch told the jury that there was no positive evidence linking the Rosenbergs with Gold, who was the government's principal corroborative witness. Nor was there any proof introduced, he said, that Rosenberg knew Yakovlev.

Mr. Kuntz attacked the testimony of Mr. Elitcher, whom he called an "admitted liar," and said that if his testimony was omitted the government had no case against Sobell.

Mr. Saypol said the case before the jury was "one of the most important that has ever been submitted to a jury in this country." He said that twelve specific acts were charged, and that the government only had to prove one.

turn an [illegible]ttal of Sobell.

United [illegible]es Attorney Irving H. Saypol, [illegible]n hour and one-half summation of his case, did not ask for the death penalty, but urged the jury to return a verdict of guilty against all three defendants.

Court was convened by Judge Kaufman at an unusually early hour yesterday, 9:30 a. m., for the day's long proceedings. The defense summation, conducted by Emanual H. Bloch for the Rosenbergs, and Edward M. Kuntz, attorney for Sobell, took up the entire morning.

Mr. Saypol opened his summa-

Agreed on 2, d Defendant

he atom spy trial, after reaching a verdict last heir deliberations today in an attempt to break an 11-1 deadlock on the third.

They spent the night at the Knickerbocker Hotel after debating the evidence from shortly after 6 last night until 1:40 a. m. Today they returned to the Federal Court House by bus and returned to the jury room at 10 a. m.

The three defendants, facing the possibility of execution for wartime espionage on behalf of Soviet Russia if they are convicted, are Julius Rosenberg, 33, an electrical engineer of 10 Monroe St.; his wife, Ethel, 35; and Morton Sobell, 34, formerly of 164-17 73d St., Flushing, Queens.

Not long before the jury was locked up for the night under the chaperonage of Federal marshals, it was indicated that one was holding out in the case of one defendant for a recommendation for leniency.

Federal Judge Irving R. Kaufman received a note asking if such a recommendation could be made. He sent back ward that the punishment was entirely in his hands and that, while he could not forbid the jurors to ask for clemency, he was not bound to grant their request.

Note from Foreman

The next communication was a note from the jury foreman, Vincent J. Lebonitte of White Plains, in which they reported the decision on two of the defendants.

"After I got that note," Kaufman said, "I sent them a note telling them that if they wished to give a partial verdict, they may do so.

"The foreman sent back a note stating that they preferred holding up the two verdicts until they reached unanimity on all three."

Ask Enlightenment

Earlier, the jurors had twice asked for further enlightenment. Once they wanted the list of government witnesses and exhibits, and once they returned to the courtroom to hear part of the

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"The foreman sent back a note stating that they preferred holding up the two verdicts until they reached unanimity on all three."

Ask Enlightenment

Earlier, the jurrors had twice asked for further enlightenment. Once they wanted the list of government witnesses and exhibits, and once they returned to the courtroom to hear part of the testimony of Mrs. Ruth Greenglass, sister-in-law of Mrs. Rosenberg.

Mrs. Greenglass and her husband, David, 29, a former Army sergeant who was stationed at the A-bomb project at Los Alamos, N. M., in 1944 and 1945, were the government's principal witnesses against the Rosenbergs.

Both testified that the Rosen-

Continued on Page 24

Atom Spy Jury Is Still Out

Continued from Page 3

bergs persuaded Greenglass to hand over sketches and other information about the A-bomb for transmission to Rusia.

Frameup Charged

The Rosenbergs denied the charge and their attorney in summation yesterday accused the Greenglasses of falsely implicating their relatives to save themselves.

Sobell was not directly connected with the A-Bomb theft by any testimony, but a witness accused him of being in league with Rosenberg in recruiting spies for the espionage apparatus, allegedly headed by former Soviet Vice-Consul Anatoli A. Yakovlev. U. S. Atty. Saypol, in his summation, asserted that Sobell was a member of the conspiracy and this made him as guilty as the other two of any acts resulting from the plot.

Atom Spy Jury Holds Fate of 3

A Federal Court jury early this morning was debating the fate of three New Yorkers, first in the nation to be tried on charges of betraying American atom bomb secrets to Russia. Court observers expected a verdict momentarily, after the jurors—11 men and one woman—returned to the courtroom to ask Judge Irving R. Kaufman if they properly could recommend mercy.

This was taken to indicate the jurors were inclined toward a guilty verdict, but opposed to the possible death penalty.

Grimly awaiting the verdict were Julius Rosenberg, 32, an electrical engineer; his wife Ethel, 35, mother of two, and Morton Sobell, 33, an electronics expert. They were charged with funneling atomic secrets to the international Red spy ring headed by Klaus Fuchs until his arrest in England early last year.

In answer to the jury's question about a recommendation,

Handcuffed Morton Sobell, espionage defendant, arriving at Federal Court yesterday.

Judge Kaufman read this section of his charge:

"You are instructed that the question of possible punishment . . . is no concern of the jury and should not in any sense enter into or influence your deliberations. The duty of imposing sentence rests exclusively with the court . . . The desire to avoid the performance of an unpleasant task cannot influence your verdict."

The jurors received the case at 4:53 p. m. after a dramatic

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MAR 30 1951
N.Y.

ments of Mrs. David Greenglass, ~~wife of~~ a former Army ~~sergeant~~ who worked at the Los Alamos, N. M., atomic bomb plant.

Greenglass, a brother of Mrs. Rosenberg, has pleaded guilty of espionage. He and his wife were important witnesses against the Rosenbergs and Sobell.

At 9:35 p.m. the jurors again returned to the courtroom and obtained all exhibits except those which have been impounded. The latter include a cross-section drawing of the type of atomic bomb dropped on Nagasaki, Japan, and a stenographic record of Greenglass' testimony on operation of the bomb.

Shortly after midnight, Judge Kaufman summoned the prors and instructed them to continue their deliberations if they believed a verdict could be reached "in a reasonable time." Otherwise, he said, they should allow a marshal an hour in which to arrange sleeping accomodations for them for the night.

The jurors went back to their deliberations.

Kaufman had delivered his charge to the jury, lasting an hour and 10 minutes, after U.S. Attorney Saypol, in a bitter summation, called for a guilty verdict without mentioning the death penalty.

Kaufman declared the development of highly destructive weapons in a world of tensions gives "new significance" to enforcement of espionage laws, but said use of the word "espionage" does not justify convicting innocent persons. He said, however, "irrational sympathies must not shield proven traitors."

He told the jury not to draw any inference against the Rosenbergs because they exercised constitutional privileges in refusing to answer questions about Communist affiliations.

Saypol's charge that the Rosenbergs and Sobell had worked with "other traitors" to steal atomic secrets was challenged by defense attorneys, though the prosecutor contended the government proved 12 specific acts of conspiracy.

Saypol declared Rosenberg's espionage superior in the early 1940s was the late Jacob Golos, top Red agent here.

Fate of 2 Held Secret

(Other Photo in Picture Section)

By HOWARD RUSHMORE

A Federal jury which reached a secret verdict last night on two of the three defendants in the nation's first atomic espionage trial sat down at 10 a. m. today to decide the fate of the remaining member of the spy network.

Which of the three has yet to be found guilty or not guilty was not known as the 11 men and one woman took up their deliberations anew in the United States Courthouse on Foley sq.

The mystery of whose guilt is still in the balance grew out of a jury deadlock which dragged out the deliberations to 12:40 a. m. and forced Federal Judge Irving R. Kaufman to send the jurymen under custody to a Midtown hotel for the rest of the night.

That Mrs. Ethel Rosenberg, 36-year-old mother of two children, was the defendant that caused one juror to cast a dissenting vote was the consensus of most court observers, although others argued that the jury was split over the fate of Morton Sobell.

NAMED BY ONLY ONE

The latter, a 34-year-old radar expert who lived in Flushing, Queens, before he left for Mexico last June, was named a spy by only one Government witness during the trial that opened March [illegible]

Mrs. Rosenberg, of 10 Monroe st., faces a possible maximum penalty of death if convicted. The solitary juror who has deadlocked the case may be refusing to cast a vote that might send her to the electric chair.

A contrary opinion expressed by court observers held that Mrs. Rosenberg and her husband, Julius, had been found guilty by the jury which heard two witnesses name the couple as major participants in a spy network allegedly supplying Russia with atomic secrets during World War II.

Only one witness linked Sobell with this conspiracy during the Government's case. The prosecution's remaining evidence against the engineer was testimony regarding his furtive and hurried flight to Mexico. Re-

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"No defendan[illegible] [illegible] [illegible] the bar of [illegible] [illegible] these [illegible]

[illegible] of the earth and destroy peace."

Saypol then told the jury:

"The identity of some of the other traitors who sold their country down the river along with the Rosenbergs and Sobells remains undisclosed."

ANALYSIS OF LAW.

In his 12,000-word-charge to the jury, Kaufman made a thorough analysis of the questions of law surrounding the involved case and warned:

"The defendants are accused of having conspired to commit espionage. Espionage, reduced to essentials, means spying on the United States to aid a foreign power.

"Because of the development of highly destructive weapons and their highly guarded possession by nations existing in a state of tension with one another, the enforcement of the espionage laws takes on a new significance.

"Our national well-being requires that we guard against spying on the secrets of our defense, whether such spying is carried on through agents of a foreign power or through our own nationals who prefer to help a foreign power."

Violent objections to the section of the charge dealing with Communist activities were made by the defense after Kaufman had told the jury he had admitted such testimony because of its bearing on the motives of the defendants accused of espionage.

During the trial, both Rosenbergs refused to answer questions regarding membership in the Communist party, although the Greenglass couple had testified both were members of the Red organization.

In summing up for the Rosenbergs, their attorney Emmanuel H. Bloch centered his attack on Ruth and David Greenglass, branding them "liars" and calling Greenglass "the lowest animal I have ever seen—a man who would testify against his own sister in a trial in which her life is at stake."

SAYS HE GAVE SECRETS.

It was Greenglass' testimony that formed one of the strong blocks of the Government's case. The 29-year-old former Army mechanic at the Los Alamos atomic project testified that he supplied Julius with secrets of the A-bomb that was dropped on Nagasaki in 1945.

His wife, Ruth, 36, corroborated his testimony in every detail and both stood up under a blistering cross-examination with the major facts of their testimony unshaken.

Edward Kuntz, former attorney for the Daily Worker and Communist leaders, centered his summation attack on Max Elitcher, former Navy engineer, who testified

Refreshed After Night's Rest:

Spy Jury Resumes Debate on 3d Verdict

Continued from First Page

testimony was regarded as a possibility.

In his final note to Kaufman, jury foreman Vincent J. Lebonitte requested more time for the jurors to return a unanimous decision.

If a conviction is returned, sentence will not be passed by Kaufman until next week and U.S. Attorney Irving S. Saypol will be asked to submit the Government's recommendation.

While the jury deliberations stretched out, the Rosenbergs spent hours in their cell singing one song over and over again. The song was "Good Night, Irene."

The shadow of the electric chair over the defendants apparently was the subject of considerable jury debate. At 11:05 p.m. after five hours of deliberations, one juror notified Kaufman that he was doubtful as to whether the jury had the right to recommend leniency.

Kaufman, whose crisp and fair handling of a difficult case won praise from the Government and defense alike, reminded the jury that punishment of the defendants was no concern of theirs and should not influence their decision.

"The duty of imposing sentence rests exclusively upon the court," he told them. "The desire to avoid the performance of an unpleasant task cannot influence your verdict."

However, Kaufman told the jury that if they desired to make a recommendation for leniency they could do so with the understanding that his decision would be in no way influenced by their appeal.

Before this, the jury asked to have read portions of the testimony of Mrs. Ruth Greenglass, sister-in-law of Mrs. Rosenberg and one of the main prosecution witnesses.

DELIBERATED 6 HOURS.

The portion requested dealt with Mrs. Greenglass' testimony that Julius Rosenberg asked her to enlist her husband, David Greenglass, in the espionage network. The Government witness said her husband acceded to the request.

Shortly after they started their deliberations the jury requested all trial exhibits with the exception of sketches and descriptions of the A-bomb that were impounded by the court during David Greenglass' testimony.

Receiving the case at 5:33 p. m., the jury recessed immediately for dinner and at 6:08 started the deliberations that were to end more than six hours later.

The three defendants frequently were shuttled from a ground-floor detention pen to the courtroom as the jury returned for its various requests.

Morton Sobell, looking like a young college professor, lounged in his chair, gazing abstractly over the crowded courtroom with an occasional glance at his tiny wife, Helen, who has occupied a front-row seat since the trial began.

In contrast to Sobell's studied unconcern Ethel Rosenberg twisted her hands and stared straight ahead. Unemotional, as he has been since the case opened, her husband chatted with his lawyers and showed no trace of strain or weariness.

However, this composure was shaken earlier in the day when U. S. Attorney Irving S. Saypol in a 32-page summation lashed out at the defendants as "traitors and conspirators."

SPY JURY LOCKED UP AFTER DECIDING ON 2 IN ATOM CONSPIRACY

Panel in 6½-Hour Study, but Still Must Reach Verdict on the Third Defendant

TO RESUME DEBATE TODAY

One Juror Holding Up Complete Findings — Judge Kaufman Gives 12,000-Word Charge

Excerpts from charge to the jury are printed on Page 10.

By WILLIAM R. CONKLIN

After considering for six hours and thirty-two minutes the capital case of three defendants accused of wartime atomic espionage, a Federal Court jury reported at 12:40 o'clock this morning that it had not completed its verdict and was locked up for the night. It will resume its deliberations at 10 o'clock this morning.

The jurors reported they had reached a verdict on two of the defendants, but had not yet been able to agree on the third. They did not identify the two on whom they had agreed.

Federal Judge Irving R. Kaufman said he had informed the jury he was willing to accept a verdict on the two defendants before ordering the jury locked up in the Knickerbocker Hotel. But Vincent J. Lebonitte, jury foreman, advised him the jurors preferred to bring in the verdicts on the three defendants at the same time.

One Juror Delays Decision

Judge Kaufman said a note received from the jury after midnight had indicated only one juror was holding up agreement on the verdict on the third defendant.

"After I got that note, I sent them a note telling them that if they wished to give a partial verdict, they might do so," the judge said. "The foreman sent back a note stating that they preferred holding up the two verdicts

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they reach unanimity on the charge.

The nation's first atomic espionage case went to the jury of eleven men and one woman at 4:33 o'clock yesterday afternoon in United States District Court. If convicted, the three defendants face possible death sentences as a maximum penalty.

The three on trial were Julius Rosenberg, 32 years old, an electrical engineer; his wife Ethel, 35, and Morton Sobell, 34, an electronics expert.

A fourth defendant, David Greenglass, brother of Ethel Rosenberg, confessed his part in the plot and testified against his relatives as a Government witness. He is awaiting sentence.

The fifth defendant named in the espionage indictment is Anatoli A. Yakovlev. He left this country on Dec. 27, 1946, with Russia his ultimate destination. He has been a fugitive since then.

Judge Gives 12,000-Word Charge

Before receiving the case the jury heard a 12,000-word charge from Judge Kaufman. The charge included discussions of novel aspects of the law on conspiracy to commit espionage, espionage itself, and the claiming of constitutional privilege against self-incrimination by two of the three defendants.

Defense attorneys objected to Judge Kaufman's refusal to bar references to Communist party activity by the defendants. The Judge told the jury he had admitted such testimony because of its bearing on the motives of the defendants accused of espionage.

United States Attorney Irving H. Saypol had contended they had no motive other than their common membership in the Communist party here.

The defense also objected to Judge Kaufman's reference to the present "state of tension" between nations as a result of "the development of highly destructive weapons."

Judge Kaufman had handed the case to the jury after fifteen trial days. The hearings, which began on March 6, had been expected to require at least six weeks.

The jury went out to dinner at a Foley Square restaurant at 5:05 o'clock, and began deliberations on its return at 6:02 o'clock. Twenty minutes later the jurors requested and received a list of witnesses and a copy of the indictment, which had been read to them earlier by Martin Schaefer, court clerk.

At 8:17 P. M. the jury re-entered the courtroom for a reading of portions of testimony by Mrs. Ruth Greenglass, wife of David,

Continued on Page 11, Column 3

Spy Jury Locked Up; Has Verdict on 2 of 3 in Trial

Continued From Page 1

given on March 14. Requested by one juror, the testimony recounted how Julius Rosenberg had solicited her to persuade her husband to contribute secret atomic bomb data in November, 1944.

She said she had received $150 from Rosenberg to visit her husband at his post at Los Alamos, and that this money had come from Julius' friends, "the Russians." The reading continued through David Greenglass' furlough in New York in January, 1945. The jury resumed deliberations at 8:30 o'clock.

A defense motion to have the cross-examination of Ruth Greenglass read to the jury was denied on the ground that the jury had not asked for it.

At 9:37 P. M. the jury indicated it might deliberate at length when it asked for all thirty-two Government exhibits in the case except the cross-section sketch of the atomic bomb made by David Greenglass. The court had impounded this sketch, as well as the testimony that accompanied it.

Judge Kaufman at 11:03 P. M. read a note from the jury conveying the information that one juror was in doubt about the element of leniency. He then re-read the portion of his charge on that subject, in which he had said that "the possible punishment of the defendants in the event of conviction is no concern of the jury, and should not in any sense enter into or influence your deliberations."

"If you want to make a recommendation, you can do so," the court said. "This recommendation, however, cannot effect your decision, which must be based upon the evidence."

Judge Kaufman added that it was his prerogative to decide whether to follow any recommendation the jury might make.

Case Is Summed Up

Mr. Saypol summed up for the Government between 2 and 3:30 o'clock. Emanuel H. Bloch, attorney for Julius Rosenberg, summed up for both Rosenberg and the latter's wife. She had been defended by Alexander Bloch, father of Emanuel. Edward Kuntz, of counsel for Morton Sobell, closed the case for his client in a one-hour summing up. Harold M. Phillips also had represented Sobell.

Mr. Saypol told the jury:

"The identity of some of the other traitors who sold their country down the river along with the Rosenbergs and Sobell remains undisclosed. We know that such people exist because of Rosenberg's boasting to Greenglass of the extent of his espionage activities.

"We know of these other henchmen of Rosenberg in this plot by him, by Sobell, by the Soviet Union and its representatives, and by other traitorous Americans to deliver the safeguards of our security into the hands of a power that would wipe us off the face of the earth. We know that these conspirators stole the most important scientific secrets ever known to mankind from this country and delivered them to the Soviet Union."

A "Victim of Propaganda"

Concerning the testimony by David Greenglass, Mr. Saypol said the former Army technical sergeant had exposed himself to the death penalty by confessing and pleading guilty. He said Greenglass had been a victim of the "communistic propaganda" of Julius and Ethel Rosenberg.

"The Greenglasses have told the truth," he commented. "They have tried to make amends for the hurt which has been done to our nation and to the world. The Rosenbergs have magnified their treachery by lying here."

Tracing the conspiracy from June 6, 1944, until June 16, 1950, the prosecutor told in detail how it had operated. He stressed that the charges against Sobell and the Rosenbergs had come not only from David Greenglass and his wife, Ruth, but also from Harry Gold and other witnesses. He cited the thirty-two Government exhibits as documentary corroboration.

"Harry Gold has been sentenced to thirty years, the maximum term of imprisonment," he reminded the jury. "He can gain nothing by testifying as he did in this courtroom except the inward relief of having told the truth. Harry Gold forged the link that points indisputably to the guilt of the Rosenbergs. And he was not even asked one question on cross-examination."

Mr. Saypol contended the cut-out portion of a Jello box used as identification between spies was one piece of tangible evidence that linked the conspirators together. He said one portion had been retained by Julius Rosenberg in January, 1945, while the second was taken by Ruth Greenglass to her husband's post at Los Alamos.

He then cited Gold's testimony that Gold had received the New York portion of the box from Yakovlev, Russian Vice Counsel at New York. Gold in turn took it to Greenglass and the portions were matched at Los Alamos.

Mr. Saypol accused Ethel Rosenberg of typing a twelve-page report on the atom bomb received from David Greenglass.

"This description of the atom bomb, destined for delivery to the Soviet Union, was typed by Ethel Rosenberg in her apartment at 10 Monroe Street," the prosecutor declared. "Just so had she on countless other occasions sat down at that typewriter and struck blow after blow at her own country in behalf of the Soviet Union."

Cites Instruction to Flee

Proof that the Rosenbergs had intended to flee the country came from a passport picture photographer who had taken their photographs last June, the prosecutor said. Turning to Morton Sobell, Mr. Saypol said he and Rosenberg had been classmates at City College in 1938. The prosecutor traced the classroom-to-courtroom association down to the present.

"Sobell and Rosenberg were joined by the common bond of communism and devotion to the Soviet Union," he said. "Sobell and his family fled to Mexico in the same month that Greenglass was paid by the Russians through Rosenberg to flee to Mexico. Sobell used seven false names trying to get out of Mexico. His conduct fits the pattern of membership in this conspiracy and flight from an American jury when the day of reckoning had come.

"The crime charged here is one of the most serious that could be committed against the United States. No defendants ever stood before the bar of American justice less deserving of sympathy than these three. I am confident you will render the only verdict possible—guilty as charged as to each of these three defendants."

Mrs. Rosenberg, 5 feet tall and weighing 100 pounds, followed the prosecutor's remarks closely without changing expression. She is the mother of two sons, Michael, 9, and Robert, 6. Her husband, 5 feet 8 and weighing about 145 pounds, teetered back and forth in his chair but gave no outward sign the accusations might have disturbed him.

Sobell, heavy-set and swarthy in countenance, appeared slightly bored by the proceedings. He is the only defendant who did not take the stand.

After Mr. Saypol had finished, Judge Kaufman began his charge at 3:37 o'clock. He ended it at 4:57, and delivered the case to the jury six minutes later.

Emanuel H. Bloch in his summing up sought to divorce the Rosenbergs from the activities of their relatives, the Greenglasses. He maintained that David and Ruth Greenglass had sold the prosecution "a bill of goods" in an effort to obtain leniency for themselves.

"Don't you think," he asked the jurors, "that the Greenglasses put it over on the Government when Ruth Greenglass was not even indicted? She walked out, and put Greenglass' sister in. David Greenglass was willing to bury his sister and her husband to save his wife.

"Not only are the Greenglasses self-confessed spies, but they were mercenary spies. They'd do anything for money. They'd murder people for money, and they are trying to murder people for money. Any man who will testify against his own blood and flesh, his own sister, is repulsive, revolting, and is violating any code of civilization that ever existed. He is lower than the lowest animal I have ever seen."

Edward Kuntz, representing Sobell, argued that his client had not been implicated in the spy plot except by one witness, Max Elitcher. He said Elitcher was "an admitted liar" and taxed Mr. Saypol with having asked Elitcher "a poisonous question" on the stand. He declared David Greenglass had not implicated Sobell.

Following are excerpts from the 12,000-word charge delivered yesterday by Federal Judge Irving R. Kaufman to the jury of eleven men and one woman in the nation's first trial for wartime atomic espionage for the Soviet Union. Judge Kaufman's interpretation of the Federal law on espionage, conspiracy, and the claiming of constitutional privilege against self-incrimination constituted novel aspects of the charge.

I must remind you that it is your duty to weigh the evidence in this case calmly and dispassionately, without sympathy or prejudice, for or against either the Government or the defendants.

The very importance of the case makes it all the more urgent that you heed these words of caution. In this connection you will bear in mind at all times that these three defendants are charged here as three individuals, and that the guilt or innocence of each must be passed on by you separately.

The presumption of innocence remains with the defendants throughout the trial of the case and applies to the consideration of each of the essential ingredients going to make up the crime charged unless and until you, the jury, are satisfied beyond a reasonable doubt, from the evidence adduced by the prosecution, on whom is the burden of proof, of the guilt of the defendants as charged. You may well ask what is meant by the expression "beyond a reasonable doubt." I believe the words themselves give the answer. It is such a doubt as is based on reason, that is, a doubt which a reasonable man might entertain. It is not a fanciful doubt; it is not an imagined doubt; it is not a doubt that a juror might conjure up in order to avoid performing an unpleasant duty. Let me repeat, it is a reasonable doubt, that is a doubt which arises in a juror's mind because of something in the evidence in the case, or the absence of evidence in the case. The burden, therefore, is on the Government to establish the guilt of the defendants beyond a reasonable doubt.

Absolute Proof Impossible

It is not necessary for the Government to prove the guilt of the defendants beyond a possible doubt. If that were the rule, few men or women, however guilty they might be, would be convicted. The reason would be that in this world of ours it is practically impossible for a person to be absolutely and completely convinced of any controverted fact, which by its nature is not susceptible of mathematical certainty. In consequence, the law is such that in a criminal case it is enough if proof that the defendants are guilty be established beyond a reasonable doubt, not

spiracy is a partnership in criminal purposes."

Persons may be guilty of being parties to a conspiracy though the objects of the conspiracy were never accomplished. On the other hand, proof concerning the accomplishment of the objects of a conspiracy is the most persuasive evidence of the existence of the conspiracy itself. Simplifying this perhaps a bit more, success of the venture, if you believe it was successful, is the best proof of the venture or the agreement (and the Government claims the venture was successful in the instant case as to the atom bomb secret).

Gives Law on Conspiracy

You are further instructed that where several persons are proved to have combined together for the same illegal purpose, any act or declaration made by one of them during the pendency of the illegal enterprise, and in furtherance of the common objects, is not only evidence against himself but is evidence against the other conspirators who, when the combination is proved, are as much responsible for such declarations and acts as if made and committed by themselves.

You must first determine from all the evidence in the case, relating to the period of time defined in the indictment, whether or not a conspiracy existed. If you decide that a conspiracy did exist, you must next determine, as to each defendant, whether or not he was a member of the conspiracy. In considering whether or not a particular defendant was a member of the conspiracy, you must do so without regard to and independently of the statements and declarations of others. In other words, you must determine the membership of a particular defendant from the evidence concerning his own actions, his own conduct, his own declarations, or his own statements, and his own connection with the actions and conduct of others. However, once you have determined that a defendant was a member of the conspiracy, using this test, you may then consider as if made by him the statements and declarations of other co-conspirators, made in furtherance of the conspiracy and during the existence thereof as alleged.

The indictment in effect charges conspiracy or agreement between the defendants now on trial and persons, such as David and Ruth Greenglass, Harry Gold and Anatoli A. Yakovlev, and others to the grand jurors unknown, to deliver to a foreign Government, to wit, the Union of Soviet Socialist Republics, information relating to the national defense of the United States, with the intent that such information would be used to the advantage of the Union of Soviet Socialist Republics.

The indictment further enumerates twelve overt acts allegedly

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[illegible] to such consideration as you may find it deserves depending upon the inferences you think it necessary and reasonable to draw from such evidence. No great degree of certainty is required when the evidence is circumstantial than when it is direct, for in either case the jury must be convinced beyond a reasonable doubt of the guilt of the defendants. Circumstantial evidence consists of facts proved from which the jury may infer by process of reasoning other facts sought to be established as true.

Different inferences, however, may be drawn from the facts and circumstances in the case, whether proved by direct or circumstantial evidence. The prosecution asks you to draw one set of inferences while the defendants ask you to draw another. It is for you to decide and for you alone, which inferences you will draw. If all the circumstances taken together are consistent with any reasonable hypothesis which includes the innocence of the defendants, or any of them, the prosecution has not proved their guilt beyond a reasonable doubt, and you must acquit them. On the other hand, if you find that all of the circumstances established by the evidence in this case, taken together, satisfy you beyond a reasonable doubt of the guilt of the defendants, in accordance with these instructions, it is your duty to find the defendants guilty.

Cites New Weapons

The defendants are accused of having conspired to commit espionage. Espionage, reduced to essentials, means spying on the United States to aid a foreign power. Because of the development of highly destructive weapons and their highly guarded possession by nations existing in a state of tension with one another, the enforcement of the espionage laws takes on a new significance. Our national well-being requires that we guard against spying on the secrets of our defense, whether such spying is carried on through agents of foreign powers or through our own nationals who prefer to help a foreign power.

A conspiracy may be defined as a combination of two or more persons, by concerted action, to accomplish a criminal or unlawful purpose, or some purpose not in itself unlawful or criminal, by criminal or unlawful means. The gist of the offense is the unlawful combination or agreement to violate the law. As Justice Holmes said many years ago: "A conspiracy may be [illegible] doubt only one of the aforementioned overt acts in furtherance of the conspiracy, in addition to proving the existence of the conspiracy and the membership of each defendant in the conspiracy beyond a reasonable doubt.

The charge is that of conspiring to transmit information relating to the national defense to the advantage *of a foreign nation*—note that I have said "a foreign nation." Whether the Union of Soviet Socialist Republics was an ally or friendly nation during the period of the alleged conspiracy is immaterial.

I charge you further that the information which it was the object of the alleged conspiracy to transmit must have related to the national defense. I charge you that the information, which the defendants are accused of conspiring to obtain, must be secret information.

Bad Faith Necessary

Furthermore the statute requires that the alleged conspirators have intended or have had reason to believe that the information to be obtained was to be used to the advantage of a foreign nation. This requires those prosecuted to have acted in bad faith.

So you must find whether a conspiracy did exist and whether this conspiracy called for

(1) the transmitting of secret information (2) relating to the national defense as I have defined it (3) to the Union of Soviet Socialist Republics or an agent thereof (4) intending or with reason to believe that the information was to be used to the advantage of the Union of Soviet Socialist Republics.

[At this point Judge Kaufman reviewed in detail the Government's contentions and defense testimony. He stressed the Government contention that the conspiracy aimed not only at obtaining top secret information on the atom bomb, but other types of classified information for the Soviet. Turning then to Government allegations that the defendants were motivated by their membership in the Communist party, he continued:]

It is contended by the Government that the defendants intended to benefit Russia and that their membership in the Communist party and adherence to its principles showed a preference for the Soviet form of government. I wish to instruct you at this point that I have admitted testimony as to membership or activity in the Communist party

INSTRUCTS SPY JURY

Judge Irving R. Kaufman
The New York Times

and also testimony to the effect that the Communist party is dedicated to furthering the interests of the Union of Soviet Socialist Republics solely on the question of the defendants' intent or reason to believe that the alleged secret information to be transmitted would be used to the advantage of a foreign nation, in this case the Union of Soviet Socialist Republics, which is an element of the charge that the Government must prove beyond a reasonable doubt.

I wish to caution you most strenuously that proof of Communist party membership or activity does not prove the offense charged in this indictment, but may be considered by you solely as to the question of intent, which is one element of the crime charged here. It will be up to you to determine whether you believe that testimony and, if so, the weight that you will give it on the question of intention.

The Law on Flight

As to any evidence of flight adduced by the Government in this case, I charge you: Evidence of flight does not create any presumption of guilt although it is a legitimate ground for an inference of a guilty mind, if the jurors conclude that such inference is justified. Flight is a circumstance which the jury may con-

indictment and the Government must prove each and every material allegation of the charge beyond a reasonable doubt. Counsel for Sobell contend that Sobell was not a member of the conspiracy, that Elitcher is a perjurer who should not be believed, and that the Government has failed to prove Sobell guilty beyond a reasonable doubt as required.

Judge's Role: Impartial

No matter how careful a judge may be to avoid it, there is always the possibility that the jury or some particular juror may get an impression that the judge has some opinion with reference to the guilt or innocence of the defendants, or that he thinks that some particular phase of the case is more important than another, or that some particular witness is more credible than another or that a certain inference of fact should or should not be made and so on. If you have formed any such impression you must put it out of your mind and utterly disregard it. Nothing I have said during the trial nor in these instructions was intended to give any such impression; nor were any remarks or questions addressed to any of the witnesses or to counsel so intended.

You should consider—and naturally would, I think—a witness' demeanor, his background, his or her candor, or lack of candor, possible bias or prejudice, means of information, and accuracy of recollection. You should consider whether the witness' testimony is supported or whether it is contradicted by other credible testimony or circumstances.

You should particularly consider whether a witness has an interest in the case, for when a witness has an interest in the result, the temptation does exist to color his or her testimony, or possibly withhold certain facts.

The greater a person's interest is in the case, the stronger is the temptation to falsify testimony, and the interest of the defendants who took the stand is of a character possessed by no other witness. Manifestly they have a vital interest in the outcome of the case.

As to the testimony of David Greenglass, Ruth Greenglass and Harry Gold, you must consider it carefully and act upon it with caution, for they are accused of being accomplices. An accomplice in this case is anybody that the prosecution charges agreed or confederated with any or all of the defendants in the commission of the crime charged, as alleged in the indictment. I am not saying that because a person is a co-conspirator or an accomplice, he or she is not to be believed. If this were so, many cases in this court could not be proven. In the Federal Court a defendant can be convicted upon the uncorroborated testimony of an accomplice

questions when she appeared before the grand jury on the ground that the answers might tend to incriminate her. Her failure to answer such questions is not to be taken as establishing the answers to any questions she was asked before the grand jury, but may be considered by you in determining the credibility of her answers to those same questions at this trial.

If you find that the law has not been violated, you should not hesitate for any reason to render a verdict of not guilty. But, on the other hand, if you find that the law has been violated as charged, you should not hesitate because of sympathy or any other reason to render a verdict of guilty.

You are instructed that the question of possible punishment of the defendants in the event of conviction is no concern of the jury, and should not in any sense enter into or influence your deliberations.

You cannot allow a consideration of the punishment which may be inflicted upon the defendants to influence your verdict in any way; the desire to avoid the performance of an unpleasant task cannot influence your verdict.

was cross-examined concerning

[illegible] prove the guilt of a [illegible]ndant, as an indication of [illegible]nscious-ness of guilt.

I charge you that if you do not believe the testimony of Max Elitcher as it pertains to Sobell, then you must acquit the defendant Sobell.

If you find that there was a conspiracy and that Morton Sobell was a member of the conspiracy, any statements or acts of any co-conspirators are binding upon him because the law is that once you have joined a conspiracy attempting to accomplish an unlawful objective, the acts of the co-conspirators, done in furtherance of the same objective, even though the co-conspirators are unknown to you, are binding upon you.

The defendant Morton Sobell has entered a plea of not guilty. By doing so he has put in issue every material allegation in the [illegible] whose testimony [illegible] jury of the defendants' guilt beyond a reasonable doubt.

The fact that the defendant, Morton Sobell, who has a right so to do, has not seen fit to testify in this case cannot be considered by you as any evidence against him or against any of the other defendants, or as a basis for any presumption or inference unfavorable to him or to them. You must not permit such fact to weigh in the slightest degree against any defendant.

I charge you further that no inference is to be drawn against any defendant who has exercised his or her Constitutional privilege against testifying as to any matters which may tend to incriminate him or her.

May Consider Witness' Silence

The defendant Ethel Rosenberg was cross-examined concerning her refusal to answer certain

All 3 Convicted as Atom Spies; May Get Death for Aid to Russia

Jury Omits Leniency Plea; Sentencing Is Set for Thursday; Defense Is Planning Appeal

By Blaine Littell

Three defendants in the nation's first atomic espionage trial were found guilty yesterday of conspiring to pass military secrets to Soviet Russia during World War II. A jury of eleven men and one woman convicted Julius Rosenberg; his wife, Ethel, and Morton Sobell at 1 a. m. after deliberating seven hours and thirty-nine minutes in United States District Court. The jury did not recommend leniency for the convicted defendants. All face a maximum penalty of death in the electric chair.

Judge Irving R. Kaufman, after congratulating the jury on its decision and noting that he could hardly "find words to describe this loathsome affair," set 10:30 a. m. next Thursday as the time for sentencing.

Penalty Not Specified

Irving H. Saypol, United States Attorney and the government's chief prosecutor in this case, did not say what penalty he would ask the court to prescribe then.

He remarked that David Greenglass, a former Army sergeant and confessed spy, would also be sentenced next Thursday. Ironically, it was Greenglass who, as one of the government's chief witnesses in the trial, provided the testimony which implicated his sister, Ethel Rosenberg, and his brother-in-law, Julius, in the war-time spying which stole data on the atomic bomb and transmitted it to Russian agents.

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Defense to Appeal

Attorneys for the convicted spies said they would appeal the verdict right up to "the highest court in the land."

The defendants were found guilty under an indictment which stated that they conspired with each other and with other persons to commit espionage from June 6, 1944, through June 16, 1950, and transmitted information relating to national defense to foreign agents to be used for the advantage of the Soviet Union.

Also named in the idictment were

(Continued on page 3, column 3)

3 Guilty as Spies

(Continued from page one)

Greenglass, who pleaded guilty, and Anatoli A. Yakovlev, former Soviet Vice-Consul in New York who is now thought to be safe behind the Iron Curtain. The indictment named as co-conspirators, but not defendants, Greenglass' wife, Ruth, and Harry Gold, the Philadelphia biochemist who has been sentenced to thirty years in prison for his espionage work. The latter two served as government witnesses during the trial.

As Vincent J. Lebonitte, of 221 Martine Avenue, White Plains, N. Y., the jury foreman, pronounced the three defendants "guilty as charged," Rosenberg and his wife clasped hands under the defense council table. Sobell, a thirty-two-year-old specialist in electronics and radar, pursed his lips. Otherwise, the three New Yorkers displayed no emotion. Both Rosenberg, thirty-three, and his wife, thirty-two, had taken the witness stand in the final days of the three-week-long trial to testify in their own defense. Sobell did not.

After the jurors had been polled individually, Judge Kaufman expressed his "deepest gratitude" to them and added that "my own opinion is that the verdict is a correct one."

"As an individual I cannot be happy," he said. "It's a sad day for America. That her citizens should lend themselves to the destruction of their own country with the most destructive weapon known to mankind is so shocking that I can't find words to describe this loathsome affair."

Enemies' "Sharpest Eyes"

At the conclusion of the judge's remarks, Mr. Saypol told the court and jury that the convicted defendants represented "perhaps the sharpest secret eyes of our enemies."

"The case itself has implications so wide in their ramifications that they involve the very question of

whether or when the devastation of atomic war may fall upon this world. The case is a necessary by-product of the atomic age. Let us hope that it will serve to supply the democracies of the world with some significant lessons.

"It is not possible for a great nation to be free from traitors, but this case shows that it is possible to reach them and ultimately bring them to the bar for punishment."

Through one of their two attorneys, Emanuel H. Bloch, the Rosenbergs said they felt "their chances in this kind of political climate" were "minimal." Mr. Bloch also noted that the Rosenbergs, the parents of two children, had been "psychologically prepared" for the verdict as early as Wednesday night, when the jury sent word to Judge Kaufman that it had reached a decision on two of the defendants but was still debating a request for leniency for the third.

The jury received the case at 4:53 p. m. Wednesday. It adjourned almost immediately for dinner and resumed its deliberations at 6:08 p. m. Judge Kaufman locked the jurors up at 12:37, and they returned to the courtroom at 9:50 a. m. yesterday.

Ethel and Julius Rosenberg left the courthouse at Foley Square at 1:40 yesterday afternoon. They left in a prison van which took Mrs. Rosenberg to the Women's House of Detention and her handcuffed husband to Federal Detention Headquarters.

Sobell, accompanied by a United States marshal, walked the short distance from the courthouse to the Tombs at 100 Centre Street in a drizzling rain. He was surrounded by photographers most of the way.

"Look this way, Mr. Rosenberg," said one of them.

"Sobell," the prisoner replied. "Sobell."

3 IN ATOM SPY CASE ARE FOUND GUILTY; MAXIMUM IS DEATH

Woman and 2 Men Convicted of Wartime Espionage in Behalf of Soviet Union

JURY SPLIT FOR A WHILE

One Member Was Not Sure at First About One Defendant—Sentencing Next Thursday

By WILLIAM R. CONKLIN

Possible death sentences moved closer to three defendants in the nation's first atomic spy trial when a Federal Court jury found all three guilty of wartime espionage for Soviet Russia at 11 o'clock yesterday morning.

Though the jury was aware that death was a maximum penalty, it made no recommendation for leniency. Judge Irving R. Kaufman was prepared to receive such a recommendation, but had told the jury in his charge that it would not be binding upon him. Judge Kaufman will sentence the three at 10:30 o'clock next Thursday.

The convicted spies are Julius Rosenberg, 32 years old, an electrical engineer; his wife, Ethel, 35, and Morton Sobell, 34, an electronics expert. United States Attorney Irving H. Saypol, Government prosecutor, said David Greenglass, 29, would be brought up for sentencing at the same time.

Greenglass, a brother of Mrs. Rosenberg, was a key Government witness against the woman and her husband at the trial, which began on March 6. He had confessed his part in the spy plot.

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65-15348-A-RB

F. B. I.

N. Y.

TITLE

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Times

DATE MAR 30 1951

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The indictment is still pending against a fifth defendant, [illegible] A. Yakovlev, former Russian vice consul here. Yakovlev has been a fugitive since he left New York with his family on Dec. 27, 1946, bound for Russia.

Rosenberg and his wife, who lived at 10 Monroe Street in Knickerbocker Village, are parents of two sons, Michael, 8, and Robert, 4. Sobell and his wife, Helen, have a daughter, Sydney, 11, and a son, Mark, 18 months. Greenglass and his wife, Ruth, are the parents of two small children. Mrs. Greenglass was named as a co-conspirator but not as a co-defendant.

The jury of eleven men and one woman had received the case at 1:53 o'clock Wednesday afternoon. After deliberating for several hours, they spent the night in a midtown hotel and resumed deliberations at 9:50 o'clock yesterday morning. When they announced at 11 o'clock that they had reached a verdict, they had considered the evidence for seven hours and forty-two minutes.

Judge Kaufman, it was reported, has not yet decided on what punishment he will inflict. Harry Gold, a Government witness against the Rosenbergs and Sobel, got a thirty-year sentence in Philadelphia after confessing his part in the same spy conspiracy. The heavy sentence was imposed despite a plea for leniency by the Department of Justice, which considered Gold a cooperative witness.

The "Hold-Out" Juror

Juror No. 7, Harold H. Axley, was reported as the lone juror who had not been convinced of the guilt of one of the three defendants. A Bronx restaurant man, Mr. Axley refused to discuss the case when reached at his home, 250 East 207th Street, the Bronx. However, he would not deny that he had been the "hold-out" juror.

Courtroom rumor had it that the juror had not been convinced of the guilt of Sobell before the final verdict was reached. Late Wednesday night the jury had reported that it had agreed on two defendants, but had disagreed on a third. The jury did not identify either the single defendant or the other two.

Counsel for all three defendants announced that they would appeal after sentencing. Emanuel H. Bloch, attorney for the Rosenbergs, said:

"Despite the verdict, Mr. and Mrs. Rosenberg have authorized me to say that they are innocent of the crime of which they were convicted. They will appeal to the highest courts of this land, and they always will maintain their innocence. I think they thought that in this political climate it was almost impossible to overcome a charge of this kind."

25-15946-193

3 IN ATOM SPY CASE FOUND GUILTY HERE

Continued From Page 1

in defending Sobell, announced that he also would appeal.

"Our client will carry his fight to the highest court, confident that his innocence will be established and that justice will be done," Mr. Phillips said.

Of the three defendants, Sobell seemed hardest hit by the verdict. His counsel had hoped that the jury would find him less implicated than the Rosenbergs, and the jury split on Wednesday night had fortified their hope. All three defendants took the guilty verdict stoically without changing expression.

On leaving the United States Courthouse in Foley Square, Rosenberg declined to comment on his conviction. He was taken, handcuffed, to the Federal House of Detention on West Street. Sobell, also handcuffed, went to the City Prison adjoining the Criminal Courts Building. Mrs. Rosenberg was unfettered, and went to the House of Detention for Women, 10 Greenwich Avenue. All three will remain in cells until sentenced next week.

Judge Kaufman, who will be 61 in June, thanked the jury for its verdict.

"You have my deepest gratitude for the conscientious and industrious way in which you went about deliberating in this case," the judge said. "This case is important to the Government of the United States.

"My own opinion is that your verdict is a correct verdict, and what I was particularly pleased about was the time which you took to deliberate in this case. I must say that as an individual, I cannot be happy because it is a sad day for America.

Judge Thanks Attorneys

"The thought that citizens of our country would lend themselves to the destruction of their own country by the most destructive weapon known to man is so shocking that I can't find words to describe this loathsome offense. I say a great tribute is due to the Federal Bureau of Investigation and to J. Edgar Hoover for the splendid job they have done in this case."

Judge Kaufman thanked the defense attorneys for "demeaning themselves as attorneys should." On the Government side he commended Mr. Saypol; Myles J. Lane, Mr. Saypol's chief assistant; Roy M. Cohn and James Kilsheimer, Assistant United States Attorneys, and Special Agents Harrington and Norton of the F. B. I., who worked on the case.

"The conviction of defendants in

113

Rosenbergs and Sobell, the F. B. I. believes that others who have engaged in espionage may be prompted to confess their activities.

Deterrent Against Spying Seen

The Government agency also feels that the convictions will be a substantial deterrent to anyone tempted to spy for a foreign power. In recent years Mr. Saypol has obtained more than a dozen convictions, with sentences of twenty-five years or more in counterfeiting cases. The United States Secret Service has informed the Department of Justice that counterfeiting is now a rare crime in the Southern district of New York.

The Federal prosecutor would not say what recommendation he would make for punishment of the three convicted as spies. It is expected, however, that he will ask the death penalty as one proportionate to the crime of stealing the atom bomb secret in 1945 from the United States for Soviet Russia.

American authorities believe that this information made it possible for Russia to explode several atomic bombs five to ten years earlier than independent research would have made possible. President Truman announced on Sept. 23, 1949, that the Russians had effected "an atomic explosion."

The trial took fifteen court days instead of the eight weeks that had been forecast when it began on March 6. The Rosenbergs were two of the four defense witnesses. Sobell did not take the witness stand.

The Rosenbergs consistently claimed constitutional privilege against self-incrimination in refusing to answer questions on their Communist party membership and associations. Judge Kaufman upheld their refusals to answer.

The Government contended that common membership in the Communist party provided the motive for the three to engage in spying for Russia. Several of the Government's twenty-two witnesses testified that the Rosenbergs and Sobell were Communists.

Government experts testified that the sketch and twelve-page description of the atom bomb made by Greenglass in January, 1945, contained sufficient information to divulge the secret. Harry Gold testified that he delivered this data to Yakovlev for transmission to Soviet Russia.

Testimony on the structure and function of the atom bomb remains impounded by Judge Kaufman to prevent circulation of the information. The trial judge directed the stenographers not to transcribe this portion of the testimony, at the request of the Atomic Energy Commission.

65-15348-A-193

2 Spy Defendants Classmates at C. C. N. Y.

Biographical sketches of the defendants in the atom spy trial follow:

Julius Rosenberg

Julius Rosenberg, the electrical engineer, will be 33 years old on May 12. Like his wife, Ethel, he was born into a poor family on the lower East Side. His father, Harry, and his mother, Sophie Cohen Rosenberg, both were born in Russia.

The engineer met his wife while both were students at Seward Park High School. He majored in science at the City College and failed in his studies there in 1937. Reinstated, he was graduated as an electrical engineer in February, 1939.

His college classmates included Morton Sobell, tried with Rosenberg as an atomic spy; Max Elitcher, a Government witness against Rosenberg and Sobell, and William Perl. Perl, a 32-year-old physics instructor, is under separate indictment for perjury for having denied that he knew Sobell or the Rosenbergs.

After graduation from college, Rosenberg married Ethel Esther Greenglass on June 18, 1939. He passed civil service examinations and in 1940 became a civilian employe of the Signal Corps of the Army in New York. While he professed loyalty to the United States and willingness to fight for it, he was not in uniform in World War II.

The Rosenbergs lived in a three-room apartment renting for $51 monthly at 10 Monroe Street in Knickerbocker Village.

In February, 1945, Rosenberg was dismissed from the Signal Corps on charges that he was a member of the Communist party. Failing to win reinstatement, he engaged with relatives in small machine shops on the East Side but did not prosper. He was a partner in a small machine shop when arrested as a spy on June 17, 1950, by special agents of the Federal Bureau of Investigation.

Ethel Rosenberg

In the spy trial Ethel Greenglass Rosenberg had the unusual experience of hearing her brother David testify against her while her husband sat at her side as a co-defendant. Now 35 years old, she is the mother of two sons, Michael, 8, and Robert, 4.

Born at 64 Sheriff Street on the East Side, she was the daughter of Barnet and Tessie Greenglass. Her father was born in Russia and her mother came here from Austria.

After going to neighborhood schools she completed the course of study at Seward Park High School. She then took six months of instruction in stenography and typing, later studying voice and modern dancing. After her first child was born she took a course in child psychology at the New School for Social Research.

Describing herself as a housewife, Ethel Rosenberg refused to answer all questions dealing with Communist party membership by herself or her husband. She did identify her signature on a Communist party nominating petition in Brooklyn twelve years ago. Her mother, who still lives at 64 Sheriff Street, visited her often in the Women's House of Detention.

Barely five feet tall and weighing 100 pounds, Mrs. Rosenberg was the smallest person in the courtroom. She wore little make-up, almost no jewelry and simple blouse-and-skirt costumes.

Mrs. Rosenberg told the jury that Michael, her older boy, was "a very precocious child." Her husband had described the boy as suffering from a highly emotional condition. Both children are in a temporary shelter in the Bronx.

Morton Sobell

Morton Sobell, 34, worked during World War II as a civilian employe on electronics. Swarthy-faced, with a receding shock of heavy black hair, he did not take the witness stand in his own defense. He was married in Washington in 1947. His wife, Helen, was a daily attendant at the trial.

Sobell met Julius Rosenberg at the City College, where Sobell was graduated in 1938 as an electrical engineer. Earlier he had attended Stuyvesant High School, where he met Max Elitcher, the first Government witness. Mr. Elitcher testified that Sobell and Rosenberg had tried to get him to impart information to them.

On leaving college, Mr. Elitcher and Sobell shared an apartment in Washington. Sobell obtained a job with the General Electric Company and moved to Schenectady, N. Y. There he did research on electronics problems. In 1947 he moved with his wife to 164-17 Seventy-third Avenue, Flushing, Queens. He worked then for the Reeve Instrument Company in Flushing where Mr. Elitcher later worked.

In June, 1950, Sobell left his Flushing home hurriedly and turned up in Mexico. Prosecution testimony showed that he used seven aliases in Mexico City, Veracruz and Tampico in efforts to flee the country.

Sobell was deported from Mexico by the Mexican secret police last August. He was arrested in Laredo, Tex., on Aug. 18 as soon as he crossed the border

The Government records show that Sobell joined in applications for his deferment from military service in World War II. After a long interchange of correspondence with Selective Service officials he was classified as essential in a civilian specialty.

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From
MAR 30 1951
DIVISION

65-15348-A-1941
F. B. I.
N. Y.

3 Guilty of A-Spying; Will Hear Fate April 5

By Norma Abrams and Harry Schlegel

Icily calm, almost detached in their composure, the three defendants in America's first atom spy trial heard a department store manager utter one word in Federal Court yesterday that could mean death for them.

"Guilty!"

With no sign of emotion, Julius Rosenberg, 32-year-old engineer, his plump wife, Ethel, 35, and radar expert Morton Sobell, 35, gazed steadily at the jury box as foreman Vincent

(NEWS foto by Walter Kalcher)

Julius and Ethel Rosenberg leave the U. S. Courthouse for prison after they were found guilty in America's first atom-spy trial.

J. Lebonitte pronounced the verdict, returned by a jury of 11 men and one woman at 11 A. M. after seven hours and 18 minutes of deliberation.

Judge Irving R. Kaufman then announced that he will pass sentence on the Rosenbergs and Sobell at 10:30 A. M. April 5. They are liable to jail terms up to 30 years, or the maximum penalty of death.

It Could Be Chair.

If any of the three is sentenced to die, electrocution will take place at Sing Sing, under terms of a federal law which provides that facilities be used in the state in which the sentence is imposed. However, a U. S. marshal would be in charge of the electrocution.

After thanking the jurors for their work in the case, Kaufman declared, "I must say as an individual that I cannot be happy because it is a sad day for America. That citizens should lend themselves to the destruction of their own country by the most destructive weapon known, is so shocking that I can't find words to describe the loathsome offense."

U. S. Attorney Irving H. Saypol

(Continued on page 20, col. 6)

65-15348-A-195

All 3 Convicted of A-Spying

(Continued from page 3)

said that "it is not possible for a great nation to be free from traitors. This case shows that it is possible, however, ultimately to reach some of them and bring them to the bar for punishment."

As Saypol spoke, Sobell's eyes wandered toward the ceiling. Rosenberg leaned over and whispered to his wife, who smiled.

Will File Appeals.

After the jury was excused—with the usual caution not to discuss the case—Emanuel Bloch, attorney for the Rosenbergs, and Edward M. Kuntz, a lawyer for Sobell, announced that appeals would be made for their clients.

Bloch then said, "The defendants Julius and Ethel Rosenberg maintain that they are innocent of the crime of which they have been convicted. They will always maintain their innocence." Kuntz added that Sobell, too "maintains his complete innocence."

The Rosenbergs and Sobell were found guilty of conspiracy to commit espionage by communicating, delivering and transmitting to Soviet Russia documents and other information relating to national defense.

Stymied for a Time.

Also indicted with them was Mrs. Rosenberger's brother, David Greenglass, a former Army sergeant who pleaded guilty and testified at the trial for the Government. He also will be sentenced on April 5.

The case went to the jury at 4:08 P. M. Wednesday, and the jury was locked up at 12:40 A. M. yesterday, after it reported to Kaufman that it had reached an agreement on two of the defendants, but was stymied on the third by a lone holdout. It was learned after the verdict yesterday that the juror had been undecided about Ethel's guilt.

Morton Sobell
Verdict doesn't ruffle him.

Deliberations were resumed at 9:50 A. M. yesterday

The prisoners were led from the courtroom shortly after 1 P. M., and Rosenberg was sent to the Federal House of Detention, while his wife went to the Women's City Prison. Sobell was remanded to the City Prison, adjoining the Criminal Courts Building.

65-15348-A-195

"A Sad Day for America"

No one who has followed the trial of the three Americans accused of giving atomic secrets to Soviet Russia during the war can have doubted their guilt. The evidence against Julius and Ethel Rosenberg and Morton Sobell was overwhelming; their defense, where it existed at all, seemed half-hearted and unconvincing. But even though one awaited a verdict of guilty, its actual arrival still produces both shock and revulsion. Judge Irving R. Kaufman was speaking for more people than himself when, while thanking the jury, he commented: "I must say as an individual that I cannot be happy, because it is a sad day for America."

Despite the fact that the trial was overshadowed by more spectacular—if less vital—hearings elsewhere, it was one of the most dramatic proceedings of its kind ever held in this country. For this was truly an international spy ring, with links between the United States, England and Russia, with mysterious comings and goings, with secret methods of identifying emissaries—by piecing together the side of a Jello box, for instance. And yet, the defendants as they appeared in court were outwardly normal, respectable, family people, with no more reason for turning traitor than the jurymen who convicted them.

The seriousness, not to say enormity, of their offense against their countrymen was displayed most sharply when a diagram was produced in court of nothing less than the Nagasaki A-bomb, a copy of the sketch sent to the Soviet Union by the defendants. Even today, this material is still regarded as classified, and yet a mere machinist at Los Alamos was able to obtain it and help transmit it to a foreign power. For those who have been found guilty of crimes such as these, no one can have sympathy. No penalty, no matter how severe, would be unjust. From the evidence given at the trial it is apparent that security regulations and practices must be tightened constantly to prevent recurrences of this type of successful espionage. It is even more important to forestall spies than to punish them.

CCB

65-15348-A-196

TITLE

CLASS

MAR 30 1951

[illegible] N. Y. DIVISION

Behind the Traitors.

The names of Julius and Ethel Rosenberg and Morton Sobell have been added to America's roll of infamy. A New York Federal Court jury has found them guilty of betraying their country as spies for the Soviet Union.

Their heinous crime—conspiracy to commit espionage in wartime—could be punished by death, and many Americans must feel that the extreme penalty would not be inappropriate.

With Klaus Fuchs, the British atomic scientist, and Harry Gold, the Philadelphia biochemist, they took part in the theft and delivery to Russia of A-bomb secrets—secrets of a fearful weapon which may [illegible] used against their country and the lives [illegible] their own relatives and friends.

The enigma of their case, like that o[illegible] Alger Hiss, is a stern challenge to our educational system and particularly to the institutions in which they enjoyed well above average advantages.

Presumably, although it was not a direct issue in their cases, they had fallen under the influence of communism. But what is it in communism that can sweep aside the influences of home, church and school and lead its dupes or devotees to serve the interests of a distant, alien enemy?

Obviously, this is an evil about which we know too little and are doing less. A few traitors have been brought to justice. But they can be nothing more than almost accidental hints at the real extent of a vast and diabolical conspiracy against our liberties and lives. And there is small reason to believe that the almost purely defensive measures thus far devised have more than barely begun to deal adequately with this menace.

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65-15348-A-197

World Telegram & Sun.

MAR 30 1951

[illegible] DIVISION

F.E.I.

N.Y.

A-Spy Prosecutor Mum on Sentence

The possibility of death in the electric chair loomed today for three persons found guilty of conspiring to pass atomic secrets to Russia during World War II.

Julius Rosenberg, his wife, Ethel and Morton Sobell will be sentenced next Thursday by Federal Judge Irving R. Kaufman. The maximum penalty on the charge is death.

Irving H. Saypol, United States Attorney, who headed the prosecution of the trio, did not indicate what penalty he would ask.

A jury of 11 men and one woman yesterday found the defendants guilty after deliberating seven hours and 39 minutes. It was the nation's first atomic spy trial.

Judge Kaufman congratulated the jury on its verdict, noted that he could hardly "find words to describe the loathsome affair."

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65-45348-A-198

F.B.I.

N.Y.

FROM
NY World Telegram & Sun
DATED MAR 30 1951
FORWARDED BY N. Y. DIVISION

THE SPY TRIAL

Two New York men and one woman have been found guilty of betraying secrets of the atomic bomb to Soviet Russia during the last war. They have denied their guilt and have appealed their case. But to the layman it must seem that they have been convicted after a fair trial, and that their conviction rests on the testimony of their own self-confessed accomplices in a spy ring which centered around the convicted British scientist Klaus Fuchs, and was headed by a master spy disguised as a Soviet vice consul in New York. The story is not yet finished. Other members of the ring are still being hunted. But the extent of the crime, and the details of how it was committed, are now on the record.

The trial raises questions which are difficult to answer. One of these is how it is possible that native-born Americans, educated through college at public expense, could enlist freely and without compensation in the services of a foreign country ruled by a despotism that is a terrible negation of all that this nation stands for. The only answer adduced by the prosecution is that they were members of the Communist party and were motivated by their Communist convictions. If that is so—and there is no reason to doubt it, whatever subsidiary elements may enter into the situation—then they can only be considered, like so many others, as willing victims of the Big Lie which pictures Soviet Russia as a paradise and [illegible]

Another [illegible] question is raised by the ease with which Soviet spies penetrated our most carefully guarded secrets. Prosecutor Saypol is right in

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65-15348-A-199
F.B.I.
N.Y.

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MAR 30 1951

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saying that it is impossible to keep a great nation wholly free from spies. But the testimony suggests that our atomic plants were protected by inadequate security regulations, that a spy working in them could freely pass in and out without being thoroughly searched, and that once inside he had no difficulty in learning all he wished to know. A nation which once prided itself that it had no secrets and did not engage in espionage may have difficulty in adjusting itself to the demands of the new age. But the spy trial is another solemn warning that a way must be found to perfect a security system on which may depend our very lives.

Courts

Jury Convicts All 3 In A-Secrets Spy Case

The jury in the atom conspiracy case returned a verdict of guilty against all three defendants at 11 a.m. yesterday. The maximum penalty is death, but court attaches pointed out that the government, in summing up, did not demand capital punishment. The defendants also may be imprisoned up to 30 years.

Counsel for the three—Julius Rosenberg, his wife Ethel, and Morton Sobell—announced that they would carry their fight to the U. S. Supreme Court if necessary.

Judge Kaufman set next Thursday for sentencing.

The jury had the case 19 hours, but with time out for eating and a night's sleep actually deliberated seven hours and 18 minutes.

Held out for Leniency

At least one of the jurors held out a long time for leniency for one of the defendants, presumably Sobell. The government's case against him was weaker than against the Rosenbergs.

The three were convicted of conspiring to deliver some of the nation's top wartime secrets, including A-bomb data, to Soviet Russia.

As the court clerk queried the jury foreman on the verdict, the defendants looked at the jurors intently. Rosenberg rocked slowly back and forth in his chair. His wife, beside him, sat calmly, her arms on the arms of her chair. Sobell sat rigid, a slight frown creasing his face.

The only reaction noticeable when the foreman announced the verdict was by Mrs. Rosenberg, who shook her head quickly.

Calls it Sad Day

Judge Kaufman, after congratulating the jury and voicing "deep gratitude" for its "conscientious and industrious" way of considering the case, added:

"I must say as an individual that I cannot be happy, because it is a sad day for America. That citizens should lend themselves to the destruction of their own country by the most destructive weapon known is so shocking that I can't find words to describe the loathsome offense."

U. S. Attorney Irving Saypol, who prosecuted, told the jury "this is no occasion for exultation," and said:

"Your verdict is a ringing answer to those who would destroy our democratic society."

The defendants were taken to three separate jails to await sentence. Rosenberg was taken to the Federal House of Detention, his wife to the Women's City Prison and Sobell to the New York City Prison.

65-45348-A-200

F. B. I.

N. Y.

3 Atom Spies Guilty, Face Death Sentence

By GEORGE GRADY and PHILIP SANTORA

A Federal jury, after overnight deliberations, yesterday wrote a stern chapter into American history by returning a verdict of guilty against three U. S. citizens, defendants in this country's first atomic spy trial. All three face a maximum penalty of death in Sing Sing's electric chair.

The verdict by the 11 men and one woman came after seven hours and 18 minutes of deliberations which began Wednesday night. It was delivered dramatically in the hushed courtroom of Judge Irving R. Kaufman as the three traitors—scholarly Julius Rosenberg, his petite wife, Ethel, and electronics and radar expert Morton Sobell, sat rigidly in their places, straining against the impact of the blow they expected.

The roll of the jury was called. Then Vincent J. Lebonitte, foreman, spoke the name of each defendant, adding the fateful, "Guilty as charged."

Mrs. Rosenberg, 35, sister of David Greenglass, the government witness who put the finger on the spies, nervously shook her head when her name was called.

MORTON SOBELL
Will be sentenced with co-conspirators on April 5.
(Mirror Photo)

Then she sat back in her chair and tried to appear nonchalant as the "guilty" verdict was intoned.

Sobell frowned. Then his attention went to the reporters dashing out. Rosenberg was pale, but unemotional.

A sigh went up from the spectators as Judge Kaufman broke the spell by thanking the jury

If Doomed, Spies Go To Sing Sing Chair

Should the three atom spies be sentenced to death on April 5, they would be executed in the Sing Sing electric chair. They would not be hanged or shot, in the traditional punishment of traitors.

The law specifies the penalty shall follow the statutes of the state in which the trial takes place, and where conviction is obtained, though espionage is a Federal offense.

SAT AT HISTORIC TRIAL

Judge Irving R. Kaufman in his chambers after spy case decision yesterday.

65-15348-A-261
F. B. I.
JAN 1 1951
N. Y.

3 Atom Spies Guilty, Face Death Sentence

Continued from Page 3

most destructive weapon known, is so shocking I can't find words to describe the lothsome offense."

He added:

"I must say, as an individual, I cannot be glad, because it is a sad day for America."

Turning to U. S. Attorney Saypol and the staff which prosecuted, Judge Kaufman congratulated them for their "capable and fair presentation of the case." He paid tribute also to the FBI agents who did the investigative work.

Saypol echoed Kaufman's words.

"This is no occasion for exultation," he said soberly. "The conviction of these defendants is an occasion for deep reflection. It is not possible for a great nation to be free from traitors. This case shows it is possible, however, ultimately to reach some of them and bring them to bar for punishment."

He told the jury:

"Your verdict is a ringing answer to those who would destroy our democratic society."

Sobell's eyes wandered toward the ceiling as Saypol spoke. Mrs. Rosenberg threw her arm over the back of her chair and studied the faces of the jurors. At one point she pushed her chair back, then smiled apologetically when it touched a deputy marshal behind her.

Judge Kaufman set April 5 for sentencing the three and Greenglass, the ex-Army sergeant who confessed he gave atom secrets to his relatives for relay to the Soviet.

End of the Chain

The end climaxed a series of spectacular events which led to the arrests in February, 1950—shortly after German-born Dr. Klaus Fuchs was seized in Britain and sentenced to 14 years. Fuchs, an atomic scientist, admitted passing A-bomb data to the Russians on four occasions between 1943 and 1947.

The downfall of the mastermind of the international spy ring started the avalanche which buried Sobell, the Rosenbergs, Greenglass and Harry Gold, Philadelphia biochemist.

Gold, the U. S. counterpart of Fuchs, admitted Fuchs had turned over atomic secrets to him when the scientist worked at the Los Alamos project. Gold got 30 years.

His confession led to Greenglass, who had been assigned to Los Alamos.

day, returning the verdict 82 minutes later.

Judge Kaufman will decide on whether the sentence is to be death or imprisonment.

Sobell was remanded to City Prison, Rosenberg to the Federal House of Detention, and Mrs. Rosenberg to the women's section of City Prison.

During the trial, Greenglass testified the material he gave the conspirators included a cross-section drawing of the A-bomb. The courtroom was cleared while the drawing was exhibited.

The defendants were allowed to have lunch at the Federal Building before being removed to prison.

The Rosenbergs were taken out through the rear exit, into a prison van. Sobell went out the Pearl St. side. The two men were handcuffed, but Mrs. Rosenberg was not.

All shook their heads when asked if they had anything to say. Mrs. Rosenberg clutched her husband's arm as they posed for cameramen. Husband and wife entered the same van, but were separated by a heavy wire grill.

215 E. 91st St., went to Mexico City, but was deported on request of U. S. officials. He was a schoolmate of Rosenberg, 32, in City College in the mid-30s.

Among the 22 witnesses for the government were Greenglass' wife and Max Elitcher, of 164-18 72d Ave., Flushing, who worked with Sobell for the Reeves firm.

6-Year Conspiracy

The defendants were convicted on an indictment charging they conspired with each other and with others for six years, from June 6, 1944 to June 6, 1950, to commit espionage for the advantage of Russia.

It alleged 14 overt acts and named Greenglass as a co-conspirator in addition to his wife, Ruth, 26, and Gold.

Also named in the indictment was Anatoli A. Yakovlev, former Soviet Vice-Consul here. Yakovlev is believed to be in Russia, having left the U. S. on Dec. 27, 1946.

Defense counsel announced the convictions will be appealed.

It was learned the jury might have come in with a verdict late Wednesday night, but was considering asking leniency for Mrs. Rosenberg.

In his charge to the jury, Judge Kaufman had warned against any recommendations.

The jurors were locked up in a hotel at 12:40 a.m. and resumed deliberations at 9:50 a.m. yester-

Atom Spies to Hear Fate on April 5

A stern Federal jurist began today a weeklong task of deciding whether three citizens convicted of giving atom bomb secrets to Russia must become the first Americans to die in this country for espionage.

Judge Irving R. Kaufman, 41, said yesterday he had set April 5 as the date he must pass sentence on Julius Rosenberg, 32; his wife, Ethel, 35, and radar expert Morton Sobell, 35.

A jury of 11 men and one woman yesterday returned a verdict of guilty on each of the defendants. But the jurors were spared the job of determining the fate of the two men and one woman, mother of two children, they had convicted.

Kaufman assumed sole responsibility for their destiny in his charge to the jury.

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65-15348-A-202

TITLE

CITY

FROM

BY

DATED MAR 30 1951

OBTAINED BY N. Y. DIVISION

The Convictions in the Atomic Bomb Conspiracy

The spectacle of three American citizens being convicted for conspiring to steal U. S. atom bomb secrets for Soviet Russia is shocking and disgusting.

Judge Irving R. Kaufman, who presided over the trial and who must now decide whether to give the convicted trio the death penalty, said to the jury after it announced its verdict, substantially what we think must be in the minds of average citizens.

"As an individual," he declared, "I cannot be happy because it is a sad day for America when its citizens lend themselves to the destruction of our country by the most destructive weapon the world has known . . . I cannot find words to describe this loathesome offense."

It is, however, reassuring to know that it is possible under our democratic system to ferret out such people and then bring them before a jury of their peers and secure a conviction. We hope it will be an example and a warning to any other traitors in our midst. Meanwhile, the convicted trio will be able to avail themselves of our judicial system, and appeal the case to the highest court in the land. How different it would be in the military dictatorship of Russia for which they must have such a warm regard.

The conviction is the climax of the international spy mystery that broke over a year ago with the arrest and conviction in England of Dr. Klaus Fuchs, British atomic scientist, and the subsequent arrest and confession of Harry Gold, Philadelphia biochemist.

Incidentally, this case shows the need for the establishment of much stricter security regulations in this country in order to prevent the recurrence of such flagrant espionage.

65-0348:A-203

TITLE
CLASS
MAR 20 1951
DIVISION
N. Y.

Case Not Closed

ALONG WITH a sense of justice accomplished, Americans must also feel the gnawing and inexplicable tragedy inherent in the case of the three convicted atom spies.

Why? Why? Why?

What got into them? What bit them?

Those are the questions Americans are asking.

Obviously, they were not infected in their homes.

They came of poor, hard-working parents, but God-fearing ones. The father of Ethel Greenglass Rosenberg, himself a native of Russia, was violently anti-Communist. He would not permit the subject to be discussed favorably in his home.

But, somewhere along the course of their development, Ethel and her husband, Julius, and the third defendant, Morton Sobell, picked up the germ of treason and acquired the malady of communism which resulted in their selling out their own country.

We suggest that the case of the People vs. the A-Spies is not closed until the course is retraced—back through the schools, the associations, the companions, the organizations—and until the source of the virus be found.

The jury, the prosecution, the meticulous FBI, the Federal judge, Irving R. Kaufman, the defense attorneys, all played a part in a fair and just trial, arriving at a correct verdict.

But, in the words of Judge Kaufman, this "*is a sad day for America.*"

We have not done enough to protect our young boys and girls during the impressionable periods of their lives when too many have been duped by wickedness walking in the guise of idealism.

65-15348-A-204
F. B. I.
APR 2 1951
N. Y.
10

Miami
MAR 3 1 1951

The Forgotten Three

The conviction of the three atomic spies who gave their all for Joseph Stalin merited only a bleak three-paragraph news item on page nine of The Daily Worker. Not a single editorial tear was shed by the Communist gazette. Despite all the services the convicted trio rendered the Communist fatherland, their comrades now choose to treat them as strangers. The desolate three committed the highest crime in the Communist book; they got caught.

SAC
ASAC 1
ASAC 2
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65-15348-A-205

F. B. I.
APR 3 1951
N. Y.
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Post
APR

Orchestra of 8 Million

WE WISH to congratulate three fine Americans of our city: Judge Irving R. Kaufman, who presided over the court which tried the Atom-bomb spies, and United States Attorney Irving H. Saypol and his assistant, Roy Cohn, who prosecuted and convicted those spies, Julius Rosenberg, Ethel Rosenberg and Morton Sobell.

Some bigots will say the three spies are Jews and will denounce all Jews. *They will forget to say that the judge, the prosecutor and his assistant who did such a magnificent job for America, are also Jews.*

The unfairness of drawing general conclusions from particular instances; the indecency of fixing a universal stereotype from a bad type is here exemplified.

It would be like saying that all the fine Americans of Italian descent in our city are like Frank Costello or Joe Adonis, rather than Arturo Toscanini or our Mayor Vincent Impellitteri.

It would be like saying that all the hard-working, decent Negroes in our city are like Paul Robeson, instead of like Ralph Bunche or Jackie Robinson.

It would be like saying that all the Americans in our city of Anglo-Saxon stock are like Alger Hiss, instead of like Bishop Sherrill.

It would be like saying that all Irishmen are like "Cockeye" Dunn, instead of like John Coleman and General Rosie O'Donnell.

There is no logic in drawing false conclusions from a minimum of facts. Who dares say this Rosenberg creature is typical of our citizens of Jewish persuasion, when against him can be pitted millions of Americans such as Bernard M. Baruch, Bernard Gimbel, Jesse Isidor Straus, Barney Balaban, Admiral Lewis Strauss, Chaplain Joshua Goldberg, Rudolph Halley and so many others who come quickly to mind?

65-15348-A-206
F. B. I.
APR 4 1951
N. Y.

W. F. Norton

TITLE
CLASS
FROM
BY Merri
APR 3 1951

We raise this very sensitive question because our city is the home of citizens of fairly immediate foreign origin. *Of course, we were all of foreign origin at one time, and the history of our city shows that when a group became "old-timers" they tended to look down on the "newcomers."*

In a list of the white population in 1940 whose mother tongue was other than English, there were 429,000 Germans, 896,000 Italians, 163,000 Poles, 149,000 Russians, 121,000 Spaniards and 911,000 who spoke Yiddish, a Germanic dialect used by Jews. Altogether this list included more than 26 varieties of "mother tongues" for a total of 3,000,000 persons.

Undoubtedly, during the past ten years, this list has decreased, for the pattern is constant in our city, namely, that by the third generation the process of relating the "newcomer" to America completes itself and the "newcomers" become "old-timers."

But we are not a melting-pot, as Israel Zangwill so graphically described us. We are more like a symphony orchestra, in which men play various instruments, violins, cellos, flutes, oboes, trumpets, drums, and so on. Each plays differently; yet out of their differences comes the glorious Beethoven's Fifth or even George Gershwin's Rhapsody in Blue.

Harmony means neither sameness nor monotony. It does mean cooperation, self-discipline and teamwork.

Of course, there will sometimes be a devil who plays out of tune and out of time. He has to be straightened out or kicked out.

But because there is one sour note, we do not tear down Carnegie Hall.

Atomic Espionage:

Study Death Plea For 3 Red Spies

By HOWARD RUSHMORE

U. S. Attorney Irving S. Saypol today will confer with his staff and the Justice Department on whether the Government should recommend that three convicted Soviet spies be sent to Sing Sing's electric chair.

That recommendation is being carefully considered by the Justice Department and other Government agencies because:

1. A death penalty might serve as a warning that Soviet-directed and financed spy operations against this country will be met with maximum punishment in the future;

2. A few months in the death house might loosen the tongues of one or more of the three traitors and lead to the arrest of the 20 other Americans who were part of the espionage apparatus;

DIDN'T STOP UNDERGROUND.

3. Former light jail sentences or deportation of spies did nothing to stop the operations of the underground Red network and a maximum penalty might reduce the effectiveness of Stalin's agents in recruiting other Americans to treason.

Kaufman, whose handling of the difficult case won praise throughout judicial circles, expressed his contempt of the three spies after the verdict and characterized their espionage on behalf of Russia as a "loathsome" act.

Courthouse observers predicted that if any distinction is made by the government or Kaufman between the three, Rosenberg will draw the graver penalty.

Throughout the trial, government witnesses described the slender engineer of 10 Monroe st., Knickerbocker Village, as the guiding light of the spy network—the man who not only passed on atom secrets to Russia but recruited others into the sinister apparatus.

Sobell's activities, comparatively, were on a less extensive scale and although he was found equally guilty under the espionage law, the radar expert emerged as Rosenberg's subordinate in the Soviet plotting.

Mrs. Rosenberg, mother of two children, joined in the conspiracy to entrap her brother, David Greenglass, 29, an Army sergeant into stealing atomic secrets from Los Alamos where the latter was stationed in 1944-45.

If Mrs. Rosenberg is given the death penalty, she will be the first woman in this nation's history executed for the crime of espionage.

Journal American
APR 3 1951

65-15398-A-207
F. B. I.
APR 4 1951
N. Y.
W. F. Norton

U. S. May Ask Death Penalty For 1 In Plot

By HOWARD RUSHMORE

Four spies who passed atomic bomb secrets on to Russia in wartime will be sentenced for their crimes today.

The death penalty may be asked for at least one of them by the U. S. Attorney.

Three of them—Julius Rosenberg, 32, his wife, Ethel, 35, and Morton Sobell, 34, found guilty of espionage by a jury here last week—could be sentenced to death in the electric chair. These three also could get the maximum prison term of 30 years.

It was predicted that U. S. Attorney Irving S. Saypol would urge death at least for Rosenberg, mainspring in the plot, if not for the others.

TO HEAR SENTENCE.

Their work for Stalin's espionage agents in this country probably gave Russia a five-year advantage in constructing the atomic bomb.

The chief witness for the Government in the case, a brother of Mrs. Rosenberg, also will hear his sentence to a guilty plea of stealing atomic secrets from Los Alamos in 1944-45.

He is David Greenglass, 29, former Army sergeant whose testimony is expected to result in a recommendation of leniency in his case to Federal Judge Irving R. Kaufman.

In none of the sentences is Kaufman bound by Saypol's request.

FACTORS IN SENTENCING.

It is believed, however, that Kaufman will give serious consideration to the recommendations, since Attorney-General McGrath yesterday in Washington gave Saypol the Justice Department's views.

Kaufman, whose handling of the difficult case won praise from legal circles throughout the city, is expected to consider the following factors in his sentences:

1. The Government's position that several months in the death house might cause one of the spies to reveal the names of other Soviet agents involved in the elaborate espionage network.

2. The failure of the jury to

Continued on Page 10, Column 3.

ASAC 2
SEC. 1
SEC. 2
SEC. 3
SEC. 4
SEC. 5
SEC. 6
SEC. 7
SEC. 8
SUPERVISOR
PROPERTY CLERK
TRAINING UNIT

CCB

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APR 6 1951
N. Y.

W. F. Norton

Journal - American
4-5-51

4 Spies Hear Sentences Today—

By HOWARD RUSHMORE

Continued from First Page

recommend leniency of any of the trio despite the fact the jurors asked Kaufman if they could make such a plea.

3. The attitude of the U. S. Circuit Court of Appeals which possibly might reverse a death sentence on the grounds that the sentence would be too severe for an act not committed on behalf of an enemy nation.

This last point has been the subject of much legal research by Saypol's staff during the past several days. Although the spies were convicted of espionage in wartime—punishable by death or 30 years as contrasted to the peacetime penalty of 20 years—Russia was at the time technically an "ally" and not an enemy.

Against this contradiction, Kaufman must balance the crimes of the conspirators which included:

1. Theft of virtually complete details of the type of atom bomb that was dropped on Nagasaki.

2. Transmittal to Russia of the blueprints and plans of the top-secret proximity fuse, a "sky platform" which is still restricted in the Defense Department files and radar developments from leading industrial plants.

3. Recruiting of other scientists and engineers in major cities, all of whom became Rosenberg's accomplices in the espionage ring.

Late yesterday Mrs. Tessie Greenglass, mother of the admitted spy David and the convicted espionage agent Ethel, visited Judge Kaufman's chambers in a last-minute effort to intervene for her children.

Forty-five minutes later she left the courthouse, her eyes red from weeping. Mrs. Greenglass would not say whether she asked leniency for both her children and Kaufman would not comment.

Mrs. Ruth Greenglass, 26, wife of the admitted spy and mother of two children, visited her husband late yesterday. She was a witness for the Government during the trial and although an admitted conspirator in the network, she was not a defendant in the case.

Her testimony followed that of her husband in the trial that opened before a judge of 11 men and one woman on March 6.

WAS STAR WITNESS.

Historic in the sense that it marked the first time Soviet atomic spies had faced a jury, the trial heard sensational testimony from Harry Gold, admitted espionage courier now serving a 30-year prison sentence; Max Elitcher former Communist and Navy ordinance engineed who said he was asked to supply secrets to Sobell and scientists from the Atomic Energy Commission.

However, Greenglass was the star witness and his testimony that the Rosenbergs persuaded him in 1944 to steal atomic secrets from Los Alamos was the highlight of the Government's case.

The chunky ex-sergeant detailed to a tense courtroom from which all spectators had been excluded the scientific details of the A-bomb—secrets he had given Rosenberg in September, 1945.

Greenglass also said that in 1950, shortly after the arrest of Gold and Klaus Fuchs, British atomic scientist who is now serving a 15-year sentence, Rosenberg gave him $5,000 to flee the United States.

Rosenberg also gave Greenglass other sums of money and said it "came from the Russians" according to the Government witness.

Mother Pleads For Atom Spies

Mrs. Tessie Greenglass, whose son and daughter will be among four atomic-bomb spies sentenced today, spent 45 minutes yesterday pleading with U. S. Judge Irving R. Kaufman for leniency. The judge revealed he received hundreds of letters asking that he impose the death penalty.

Her son, David, former Army technical sergeant, who pleaded guilty, was among witnesses testifying against her daughter, Mrs. Ethel Rosenberg, 35, and Ethel's husband, Julius, 34. Morton Sobell, 34, tried with the Rosenbergs, also will be sentenced. David is expected to receive a lighter sentence than the others, who face possible death.

Kaufman listened patiently to Mrs. Greenglass, who was accompanied by an attorney who declined to identify himself. The court made no promises and refused to comment to reporters.

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APR 6 1951
N. Y.
W. F. Norton

TITLE
CLASS
From
N.Y. Mirror
DATED Apr 5 1951

FACE DEATH FOR SELLING OUT TO SOVIET

Penalty to Be Decided By 'Tough' U. S. Judge —Appeal Planned

A "tough" Federal judge decides today whether four American atomic spies must pay with their lives for betraying A-bomb secrets to Russia.

If Federal Judge Irving R. Kaufman imposes the death penalty, it would be the first ever meted out against Americans for espionage in this country.

The alternative maximum sentence would be 30 years imprisonment for Julius Rosenberg, 32, an electrical engineer; his wife, Ethel, 35, and Morton Sobell, 34, electronics expert.

Awaiting sentence with them was Mrs. Rosenberg's brother, former Army sergeant David Greenglass, 29. He was expected to draw the lightest penalty because he confessed his part in the wartime Soviet atom spy ring and testified as the Government's principal witness against his sister and brother-in-law.

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APR 6 1951
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New York
APR 5 1951

Appeals Is Planned

A jury of 11 men and one woman found the Rosenbergs and Sobell "guilty as charged" one week ago. Their attorneys announced in advance of the sentencing that they would appeal "to the highest court."

Judge Kaufman, 41, a youthful-looking but stern jurist, received the jury's findings as a "correct verdict," and added, "I can't find words to describe this loathsome offense."

Mrs. Tessie Greenglass, 53-year-old mother of David and Ethel, pleaded with the judge for almost an hour yesterday to spare their lives. Kaufman received her in the privacy of his chambers. He consoled her but gave no indication of what today's sentences would be.

Children in Shelter

Mrs. Greenglass was described as too ill to care for the Rosenbergs' two children—8 and 4 years of age. They are

Continued on Page 2

4 Atom Spies Hear Fate Today

Continued from Page 1

being cared for in a temporary children's shelter.

Sobell and Greenglass also are the fathers of two children each.

Judge Kaufman has received hundreds of letters from throughout the country since the convictions last Thursday. Most of the letters, it was understood, urged him to exact the death penalty, with very few expressing any sympathy or pleas for leniency.

Fills in Gap

The conviction and sentencing three New Yorkers, the Government said, filled another gap in the Harry Gold-Klaus Fuchs atomic spy plot.

Fuchs, British scientist who worked on the atomic bomb at Los Alamos, N. M., confessed his part last May and was sentenced to 14 years in prison—the most he could receive under British law.

Gold, confessed go-between for the Russians, and Fuchs and Greenglass, was sentenced to 30 years in prison in Philadelphia.

Anatoli A. Yakovlev, reputed boss of the spy ring who posed as a Soviet vice consul here, was named as a defendant along with the Rosenbergs and Sobell. But he fled the country in 1946 before Federal agents closed in on the spy ring.

3 Atom Spies for Soviet To Be Sentenced Today

By MALCOLM LOGAN

A week after their conviction as members of the Soviet spy ring which stole the secret of the Atom Bomb, Julius and Ethel Rosenberg and Morton Sobell were to return to Federal Judge Irving R. Kaufman's courtroom today to hear their sentences.

The penalty for any or all of them may be death; if Judge Kaufman decides to send them to prison, they face 30-year terms.

The death penalty was written into the law in 1917, but Asst. U. S. Atty. Cohn, one of the prosecution staff, said that so far as he could find, no American had ever forfeited his life for espionage.

6 Nazis Electrocuted

On Aug. 8, 1942, six of the eight Nazi saboteurs who landed on the Long Island and Florida coasts, were electrocuted in Washington after their conviction by a military commission for espionage and the additional crime of sabotage, but these are the only executions on record.

Before Judge Kaufman pronounces sentence, U. S. Attorney Saypol, who directed the prosecution which ended with the jury's verdict of guilty last Thursday, will recommend the penalties the Justice Dept. believes should be imposed.

He conferred in Washington yesterday with Attorney General McGrath, but would not indicate what decision was reached. In any case, Judge Kaufman need not adopt any of Saypol's suggestions since the punishment is a matter entirely within his discretion.

Might Ask Death

There was a widespread belief at the Federal Bldg. that Saypol might well urge capital punishment at least for Rosenberg, who was pictured during the trial as a Communist who volunteered to become a Russian spy and who recruited others into the ring.

One of these, David Greenglass, his brother-in-law, an Army sergeant stationed at Los Alamos in 1944 and 1945, testified that he gave Rosenberg sketches and written information about the A-Bomb. An atomic scientist said this information would have enabled a foreign power to make the bomb.

Greenglass, who pleaded guilty, was to be sentenced by Judge Kaufman after he disposed of the other three.

Yesterday afternoon Mrs. Tessie Greenglass of 64 Sheriff St., the aged mother of Greenglass and Mrs. Rosenerg, went to see Judge Kaufman and was with him more than an hour, pleading for clemency for her children.

When the jury had returned its verdict, Judge Kaufman indicated that the three defendants could expect little mercy from him. He said:

"That citizens should lend themselves to the destruction of their own country by the most destructive weapon known is so shocking that I can't find words to describe the loathsome offense."

Detained Separately

Since their conviction, the three have been detained separately. Mrs. Rosenberg, a tiny woman of 35 and the mother of two children, has been in the Women's House of Detention; her 33-year-old husband in the Federal House of Detention, and Sobell, 34, an electronics expert, in a cell in the Tombs.

The theft of the most terrible military secret in history was engineered with almost ridiculous ease by the Soviet spies and their allies in the U. S. and Great Britain.

The first public knowledge of it came with the arrest on Feb. 2, 1950, of Dr. Klaus Emil Fuchs, 41, a thin, sallow, spectacled German-born psysicist who was granted British citizenship and taken into the Atom Bomb project when it was started in 1943.

After long questioning Fuchs, an admitted Communist, confessed that he had passed to Soviet Russia on everything he knew about the atomic research.

Much of this information was given by him to an American courier, whose real name he did not know. FBI agents, after

Continued on Page 33

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APR 6 1951

N. Y.

W. F. Norton

C-438

From Post & Home News

TED JUN 5 1951

EWARDED BY N. Y. DIVISION

Convicted A-Spies Hear Fates Today

Continued from Page 4

weeks of investigation, arrested Harry Gold, a plump biochemist of 40, as the courier, and Gold, too, confessed. Then came the arrests of Greenglass, the Rosenbergs and Sobell. The latter had fled to Mexico and was extradited.

trial started, the government con-

Ex-Employers Convicted

Before the Rosenberg-Sobell victed Gold's former employers, Araham Brothman, a Queens chemist, and Miriam Moscowitz of 151 Eighth Av., of conspiracy to obstruct justice by influencing Gold to give false testimony to a Grand Jury investigating espionage here in 1947.

They were sentenced by Judge Kaufman, Brothman to seven years in prison and Miss Moscowitz to two. The jurist said as he imposed the maximum sentences that he regretted that the penalty was not more severe.

Rosenbergs Get Chair, Sobell 30 Yrs.

Judge Calls Their Treason 'Worse Than Murder'

By MURIEL FISCHER,
Staff Writer.

The death penalty was pronounced by Federal Judge Irving R. Kaufman today on Julius Rosenberg, 32, electronics engineer, and his wife, Ethel, 35, for betraying America's atomic-bomb secrets to Russia in wartime.

For Morton Sobell, their 33-year-old co-conspirator, Judge Kaufman decreed the maximum imprisonment of 30 years, with a recommendation against parole.

He ruled that the Rosenbergs should be executed the week of May 21. Under federal law the penalty would be carried out at Sing Sing.

In a tense and dramatic courtroom scene linked closely to the war peril now facing the nation, Judge Kaufman delivered a stern denunciation of the Rosenbergs before he sealed their doom.

He called them worse than murderers; he blamed them in part for the Korean war that has resulted in 60,000 American casualties.

'Altered History.'

"Indeed," he said, "I believe you have altered the course of history, and in this case unfavorably to your country."

The damning sentence came almost as a physical blow to the tall, bespectacled Rosenberg and his tiny wife. Gone from Ethel's face was the pert appearance that characterized her demeanor through their sensational trial.

A look of shock and disbelief crossed their faces. Ethel's face twitched.

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F. B. I.
APR 6 1951
N. Y.

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World Telegram & Sun
APR 5 1951

W. F. Norton

'Worse Than Murder.'

At one point Judge Kaufman said the Rosenbergs had made a choice of "the denial of God and the denial of sanctity of the individual." And as he spoke the bells of a church near the U.S. Court House in Foley Square rang the noon hour.

"I consider your crime worse than murder," Judge Kaufman told the parents of two young boys. "Plain, deliberate murder is far less than the crime you have committed. In your case I believe your conduct in giving Russia atomic-bomb information has already caused Communist aggression in Korea, in which 60,000 Americans have been sacrificed and millions more may pay the price. Indeed, I believe you have altered the course of history, and in this case unfavorably to your country.

"We have evidence of your treason around us every day," Judge Kaufman continued.

"You entered into this with the full realization of its implications.

(Continued on Page 2.)

2 A-Spies Get Chair; Sobell Draws 30 Years

Rosenbergs to Die Week of May 21

(Continued From Page One)

I must consider means for stopping this diabolical conspiracy and to be sure the nation's security remains intact and that this traffic in military secrets be stopped."

He called Julius the prime mover in the conspiracy that piped the atom secrets to the Soviet in 1945, but, he said, "I do not question Ethel's role. She encouraged and assisted in the course of the crime. She was a full-fledged partner."

He pictured the pair as knowingly sacrificing their own two sons for the cause they served in treason.

"They must have known they would sacrifice their own children if caught. Yet the love for their cause was greater than that for their children," he said.

"Searched . . . for Mercy."

Judge Kaufman said his task was not an easy one. He asserted: "I have searched the records and my conscience for mercy. But I am convinced that I would violate a sacred trust were I to show leniency."

"I rule that you, Julius and Ethel, be punished by death."

Earlier the jurist took time to urge on Congress a revision of the espionage laws to fit modern times. He pointed out that spying in peacetime could bring a maximum sentence of only 30 years.

"It is time for Congress to examine the penal provisions of this act," he said.

As guards ushered the doomed pair from the courtroom, Rosenberg put an arm around his wife for a few steps.

'No Doubt About' Sobell.

In sentencing Sobell, Judge Kaufman said there was "no doubt about your guilt," but observed that it was of a "lesser degree."

Evidence during the trial that ended in conviction of the three a week ago today had been limited so far as Sobell was concerned and he did not take the stand in his own defense.

That bit of strategy worked against him today when his lawyer, Harold M. Phillips, sought a stay of sentence and charged that the radar expert had been kidnaped from Mexico last August for delivery to American authorities across the border. Denying the motion, Judge Kaufman ruled that the defense had had plenty of opportunity to air the charge during the trial.

Greenglass Sentence Put Off.

Judge Kaufman put off until 2 p.m. tomorrow sentencing of David Greenglass, Mrs. Rosenberg's "baby" brother, who pleaded guilty and testified against his sister and brother-in-law.

During the trial the 29-year-old former Army sergeant asserted that while stationed at the Los Alamos atom project he had turned over detailed descriptions and sketches of atom bomb construction to the spy ring, into which he said Rosenberg recruited him.

Kaufman Urges Death For Peacetime Spying

Inadequacies in the punitive provisions of federal espionage laws were scored today by Federal Judge Irving R. Kaufman as he sentenced the A-bomb spies for betraying their country to Russia. He called upon Congress to re-examine the punitive provisions.

The text of his statement, in part, follows:

"In view of the importance of the sentences I am about to impose, I believe it is my duty to give some explanation respecting them.

"At the outset I would like to say a few words about the law under which these defendants are about to be sentenced.

"It provides for the following punishment:

"If the espionage or the conspiracy to commit espionage is committed during time of war, the punishment might be death, or imprisonment for not more than 30 years. If the espionage or conspiracy to commit espionage is committed at any other time, the maximum punishment is imprisonment for not more than 20 years.

Asks Revision of Law.

"This section, under which the defendants were prosecuted and convicted, was enacted in 1917, at which time the Russian international spy ring did not present the threat to all of us which it does now. Today, it is a well-organized, well-directed ring, with tentacles which reach into the most vital places.

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APR 5 1951
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W. F. Norton

"The incongruent penal provisions of the statute are spotlighted by the 20-year maximum imprisonment provisions for commission of the offense of espionage during peacetime. I ask that some thought be given to that for a moment, for it most likely means that even if spies are successful in the year 1951 in delivering to Russia or any foreign power our secrets concerning the newer-type atom bombs or even the H-bomb, the maximum punishment that any court could impose in that situation would be 20 years.

Overt Acts Committed.

"I therefore, say that it is time for Congress to re-examine the penal provisions of the espionage statutes.

"In the case before me the conspiracy as alleged and proven commenced on or about June 6, 1944, at which time the country was at war. Overt acts were committeed during the period of actual hostilities. Therefore the maximum penalty is death or imprisonment for not more than 30 years.

"Espionage, as viewed here today, does not reflect the courage of a Nathan Hale, risking his life in the service of his own country. It is rather a sordid, dirty work—however idealistic are the rationalisms of the persons who engage in it—with but one paramount theme, the betrayal of one's own country.

Mother Asks Mercy For Atom Spies

Mrs. Tessie Greenglass, mother of David Greenglass and Mrs. Ethel Rosenberg, who will be sentenced today for conspiracy to commit wartime espionage, paid a surprise visit to Federal Judge Irving R. Kaufman in his cham-

65-15348-A-214

F. B. I.

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bers yesterday to plead for mercy.

She entered the Federal Building with an attorney who refused to identify himself, and left about 45 minutes later. Judge Kaufman, who may sentence her children and two others to death, refused to comment on the visit.

Greenglass was a principal government witness against his sister and her husband, Julius Rosenberg, electrical engineer. Greenglass had confessed before the trial began. The fourth defendant in the case was Morton Sobell, electronics expert.

PLEADS FOR ATOM SPIES

Mrs. Greenglass, Mother of Two Convicted, Visits Judge

Mrs. Tessie Greenglass, mother of two of the four defendants to be sentenced today for transmitting atom secrets to Russia, made a personal plea yesterday to Federal Judge Irving R. Kaufman for mercy for her children. She visited the jurist's chambers in the United States Court House.

Three of the defendants were found guilty last Thursday of wartime espionage. They were Mrs. Greenglass" daughter, Mrs. Ethel Rosenberg, her husband, Julius, and Morton Sobell. Mrs. Greenglass' son, David, pleaded guilty to the charge and testified for the Government. The maximum punishment is death. Judge Kaufman has received hundreds of letters. Most of them urged the death sentence.

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DATE APR 5 1951

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Spies' Mother In Mercy Plea

Mrs. Tessie Greenglass, mother of ex-Sgt. David Greenglass and Mrs. Ethel Greenglass Rosenberg, two of four defendants facing sentence today for conspiracy to steal U. S. atom secrets for Russia in wartime, yesterday pleaded for mercy for her children in a 45-minute visit to Federal Judge Irving R. Kaufman in his chambers.

She voiced no comment as she left the court with an attorney.

Mrs. Rosenberg, 35, her husband, Julius, 32, an electrical engineer, and Morton Sobell, 35, an electronics expert, were found guilty by a jury last Thursday. David Greenglass, the Government's star witness against the three, pleaded guilty before the trial.

Judge Kaufman, if he chooses, can pronounce the death penalty against all four.

Numerous letters have reached the judge since the trial's conclusion. A high percentage reportedly urged him to punish the Rosenbergs and Sobell with death.

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Congressmen Consider Tougher Spy Penalties

Open Way for Boosting 20-Year Jail Limit During Peacetime

By the United Press.

WASHINGTON, April 6.—A Congressional drive to increase penalties under the nation's 34-year-old Espionage Act arose today in the wake of death sentences for two atomic spies.

Top legislators of both parties agreed that the death penalties were possible only because of unusual legal circumstances. The death sentences were impossed in New York by Federal Judge Irving R. Kaufman upon Julius and Ethel Rosenberg. Both were convicted of stealing atomic secrets for Russia during World War II.

In passing sentence Judge Kaufman pointed out that the death penalty was possible only because the offenses were committed during the war. Peacetime espionage carries a maximum penalty of 20 years' imprisonment. Judge Kaufman urged Congress to re-examine the espionage statute with a view to tightening it up.

He said the 20-year limit would "most likely" apply "even if spies are successful in the year 1951 in delivering to Russia or any foreign power our secrets concerning the newer-type atom bombs or even the H-bomb."

The statement was disputed by Sen. Brien McMahon (D., Conn.), chairman of the Joint Congressional Atomic Energy Committee. He said the Atomic Energy Act carries the death penalty for atomic espionage.

But Sen. Bourke B. Hickenlooper (Iowa), ranking Republican on the committee, said the Atomic Energy Act is a "very loose and ineffective approach" to the question. Sen. oJhn W. Bricker (R., Ohio) said he believed the Atomic Committee, of which he is a member, should examine the whole question.

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