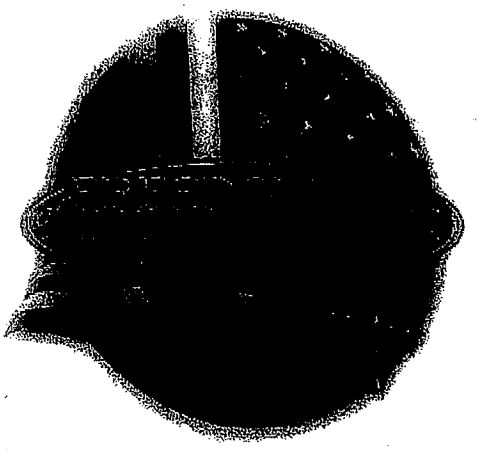
FREEDOM OF INFORMATION
AND
PRIVACY ACTS

Subject: Julius Rosenberg

File Number: 65-15348

Section: Sub 12 (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. 12

SERIALS 891
thru
967

Inventory Worksheet
FD-302 (2-10-77)

VOLUME 12 NEW YORK FILES REVIEWED BY [illegible]

File No. 65-15348-Sub A Re: Julius Rosenberg Date: 3/78 (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)
891	5-17-53	NY Post Newsclipping	1	1	
892	5-22-53	NY Mirror "	2	2	
893	5-24-53	NY Journal American "	1	1	
894	5-24-53	NY Times Newsclipping	1	1	
895	5-24-53	NY News "	2	2	
896	5-24-53	NY Herald Tribune "	1	1	
897	5-25-53	NY Post "	1	1	
898	5-26-53	NY Herald Tribune "	3	3	
899	5-26-53	NY News "	2	2	
900	5-24-53	NY Brklyn Eagle "	1	1	
901	5-25-53	NY Mirror "	1	1	
902	5-26-53	" " "	1	1	

FD-302

Inventory Worksheet
FD-302 (3-18-77)

VOLUME 17 NEW YORK FILES REVIEWED BY JEG / JEG

File No: 65-15344 Sub A Re: Julius Rosenberg Date: 3/78 (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)
903	5-26-53	NY Times Newsclipping	3	3	
904	5-26-53	NY World Telegram & Sun "	1	1	
904A	5-26-53	NY Journal American "	1	1	
905	5-26-53	NY World Telegram & Sun "	1	1	
906	5-26-53	NY Bklyn Eagle "	1	1	
907	5-26-53	NY Post "	1	1	
908	5-26-53	NY Bklyn Eagle "	1	1	
909	5-26-53	NY Journal American "	1	1	
909A	5-26-53	NY Post "	1	1	
910	5-27-53	NY Times "	3	3	
910A	5-27-53	NY World Telegram & Sun Newsclipping	1	1	
910B	5-27-53	NY Post "	1	1	

FD-302a

Inventory Worksheet
FD-503 (2-16-77)

VOLUME 12 NEW YORK FILES REVIEWED BY jeg/jeg

File No. 65153 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)
911	5-27-53	NY News Newsclipping	1	1	
912	5-27-53	NY Herald Tribune "	2	2	
913	5-27-53	NY Post "	1	1	
914	5-27-53	NY Bklyn Eagle "	1	1	
915	5-27-53	NY Journal American "	1	1	
916	5-27-53	NY World Telegram + Sun Newsclipping	1	1	
917	5-28-53	NY News "	1	1	
918	5-28-53	NY Herald Tribune "	1	1	
919	5-28-53	NY Mirror Newsclipping	1	1	
920	5-28-53	NY Times "	2	2	
921	5-28-53	NY Post "	1	1	
922	5-29-53	NY World Telegram + Sun Newsclipping	1	1	

FD/DOJ

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

VOLUME 12 NEW YORK FILES REVIEWED BY jeg / jeg

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)
923	5-29-53	NY Post Newsclipping	2	2	
924	5-29-53	NY World Telegram & Sun "	1	1	
925	5-29-53	NY Journal American "	1	1	
926	5-29-53	NY Bklyn Eagle "	2	2	
927	5-29-53	NY Journal American "	2	2	
928	5-29-53	NY Post Newsclipping	1	1	
928A	5-29-53	NY Times "	1	1	
928B	5-29-53	NY Herald Tribune "	1	1	
929	5-30-53	NY News "	1	1	
930	5-30-53	NY Herald Tribune "	1	1	
931	5-30-53	NY Mirror "	1	1	
932	5-30-53	NY Post "	1	1	

PD/DOJ

Inventory Worksheet
FD-503 (2-10-77)

VOLUME 12 NEW YORK FILES REVIEWED BY jeg/jeg

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)
933	5-30-53	NY Times Newsclipping	1	1	
934	5-31-53	NY News "	1	1	
935	6-1-53	NY Post "	1	1	
936	6-1-53	NY World Telegram & Sun "	1	1	
937	6-1-53	NY Bklyn Eagle "	1	1	
938	6-1-53	NY Post "	1	1	
939	6-1-53	NY Journal American "	1	1	
940	6-1-53	NY World Telegram & Sun "	1	1	
940A	6-1-53	NY News "	1	1	
940	6-1-53	NY Herald Tribune "	1	1	
941	6-2-53	NY Times "	1	1	
942	6-2-53	NY News "	1	1	

FOI/DOJ

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

VOLUME 12 NEW YORK FILES REVIEWED BY jgg/jgg

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)
943	6-2-53	NY Mirror Newsclipping	1	1	
944	6-2-53	NY Herald Tribune "	1	1	
945	6-2-53	NY Bklyn Eagle "	1	1	
946	6-2-53	NY Post "	1	1	
947	6-2-53	NY World Telegram + Sun "	1	1	
948	6-2-53	NY Journal American "	1	1	
949	6-3-53	NY Mirror "	1	1	
950	6-3-53	NY News "	1	1	
951	6-3-53	NY Times "	1	1	
952	6-3-53	NY Herald Tribune "	1	1	
953	6-3-53	NY Post "	2	2	
954	6-3-53	NY Bklyn Eagle "	1	1	

FD/001

Inventory Worksheet
FD-540 (2-10-77)

VOLUME 12 NEW YORK FILES REVIEWED BY jgg / jgg

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)
955	6-3-53	NY World Telegram + Sun Newsclipping	1	1	
956	6-3-53	NY Post "	1	1	
957	6-3-53	NY Journal American "	1	1	
958	6-4-53	NY Times Newsclipping	6	1	
959	6-4-53	NY Herald Tribune "	1	1	
960	6-4-53	NY News Newsclipping	1	1	
961	6-5-53	NY Herald Tribune "	1	1	
962	6-5-53	NY News Newsclipping	1	1	
963	6-5-53	NY Mirror "	1	1	
963A	6-5-53	NY Post "	1	1	
963B	6-5-53	NY World Telegram + Sun "	1	1	
963C	6-5-53	NY Journal American "	2	2	

FD-540

Inventory Worksheet
FD-50J (2-18-77)

VOLUME 12 NEW YORK FILES REVIEWED BY JLG/JLG

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)
963D	6-5-53	NY Journal American Newsclipping	1	1	
963E	6-6-53	NY Mirror Newsclipping	1	1	
963F	6-6-53	NY World Telegram & Sun "	1	1	
963G	6-6-53	NY Journal American "	2	2	
964	6-7-53	NY Journal " "	1	1	
965	6-7-53	"Herald Tribune "	1	1	
966	6-7-53	NY Mirror Newsclipping	1	1	
967	6-7-53	NY News "			
			108	108	

FD/50J

Form No. 1—D. of I.

U. S. Department of Justice

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INVESTIGATION

See also Nos. Sub files "A" (1-11)
"B" & "C"
"D" & "E"
"F" & "G"

U. S. GOVERNMENT PRINTING OFFICE

Rosenbergs' 'New Data' Called False

Washington, May 16 — FBI agents who have been investigating "new evidence" advanced by the defense for Ethel and Julius Rosenberg, atomic spies for Russia now awaiting execution in Sing Sing Prison, have found nothing but "many statements."

The results of the investigation were revealed today. A U.S. Supreme Court ruling on the Rosenberg's' third appeal for a new trial may be announced Monday. The high court twice before has turned down the appeals.

The Justice Dept. had no comment on whether it would seek indictments against the persons making the false statements.

65-15318-A-891

SEARCHED NOTIFIED
SERIALIZED FILED
MAY 18 1953
FBI - NEW YORK

J. A. Harrington

CLIPPING FROM THE
N.Y. POST
N.Y.
DATED MAY 17 1953
FORWARDED BY N. Y. DIVISION

Inside LABOR

By VICTOR RIESEL

A TWO-INCH dossier on atomic spies—with enough political dynamite in it to blow up relations between several nations—disappears from the locked files of a New York attorney and parts of it show up in Paris to discredit witnesses used in the trial of convicted espionage agents.

About the same time, a gal at a cocktail party just "happens" to have herself introduced to a prominent anti-Communist writer and philosopher revered by many. This man knew a friend of Whittaker Chambers. And after a few casual pleasantries over a drink the gal twists something the anti-Communist writer said into an attack on the credibility of the chief witness against Alger Hiss.

Victor Riesel

ISOLATED instances? Unrelated? Hardly. This is a pattern, a never ending pattern of invasion of the personal and professional lives of active anti-Communists. There have been dinner parties of active anti-Communists in no less political a spot than the New York Athletic Club—about which the Communist Party knew every detail over night.

One prominent anti-Communist had a round of private meetings one night recently, only to return home and find a grim family. Less than a half hour before he put his key in the door, a voice had phoned—using the unlisted number—to give the complete itinerary of the evening and hang up. That was all. Just to say, we know what you're doing.

All this started years ago. One night back in the thirties, Eugene Lyons, now an editor of the Readers Digest, was hiding an ex-Communist courier, the late Jan Valtin, author of "Out of the Night," in his home. Even those close to Lyons and Valtin didn't know where Valtin was living. We knew Valtin feared the Soviet secret police would kill him for exposing them in his best seller. One evening the Lyons' phone rang. A man named Wellington Roe was on the phone. He wanted to talk to Valtin!

* * *

BUT NOT UNTIL a few weeks ago was there a theft of valuable documents from anyone who had never actually been in the Communist movement. Like the mobs, the Soviet apparatus seldom molests an outsider. But now it has happened! Right in the heart of New York City.

CLIPPING FROM THE
N.Y. MIRROR
DATED MAY 22 1953
FORWARDED BY N. Y. DIVISION

15-15348-A 892
SEARCHED ... INDEXED ...
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MAY 22 1953
FBI - NEW YORK
John Harrington

This macabre incident began on Sunday, May 3, at a "Save the Rosenbergs (atomic spies) Rally." To the 7,500 persons who came out, the Rosenberg Committee leaders showed two documents. One was in the handwriting of David Greenglass, whose testimony helped convict the spies.

The other was a memo from the law partner of O. John Rogge, attorney for Greenglass. The Rosenberg Committee people roared to the crowd that these documents turned up in Paris newspapers. On the following Wednesday, the FBI asked Mr. Rogge to look for those documents, since he was known to have the originals. Rogge couldn't find them. When the FBI agents came the next morning the documents were back in place.

* * *

THERE COULD BE only one explanation. Someone had gotten into Rogge's 23rd floor office. The intruder knew what key to use on what file. The dossier was removed. The documents were photostated. And that Wednesday night someone slipped back and returned the papers to their proper place. There are competent and trustworthy witnesses to prove the disappearance of the documents from Rogge's files.

Now these photostats are on Pres. Eisenhower's desk. History awaits its next page. But the preceding chapters prove that someone painstakenly watched the Rogge office for months.

(Follow Victor Riesel in the Mirror every Sunday, Monday, Wednesday and Friday.)

Can ~~Escape Chair~~:

Hint New Offer To Rosenbergs

JP 8-L

By ARTHUR KRANISH
International News Service War Correspondent

WASHINGTON, May 23.—An authoritative source said today Julius and Ethel Rosenberg possibly could escape the electric chair by giving a full account of the atom spy plot for which they were convicted.

The high administration informant said this has been made plain to the doomed pair on "several" occasions—and at least once in the opening days of the Eisenhower Administration.

However, it was learned that President Eisenhower refused executive clemency to the Rosenbergs in February only after they had maintained their innocence and kept silent about details of their case.

Although no promises were made to the 35-year-old physicist and his wife, it was made clear that the way was still open for commutation of their death sentence if they choose to cooperate.

The Rosenbergs are now in New York State's Sing Sing prison death house

Meanwhile, William Perl, 34, former Columbia University physics professor, has been given until June 5 to tell what he knows about the alleged Rosenberg spy ring.

Federal Judge Sylvester Ryan is scheduled to sentence the jet propulsion expert on that date for falsely swearing before a grand jury that he never knew the Rosenbergs

CLIPPING
N.Y. JOURNAL AMERICAN
DATED MAY 24 1953
FORWARDED BY N.Y. DIVISION

61-15348-A-893
SEARCHED ... INDEXED ...
SERIALIZED ... FILED ...
MAY 25 1953
FBI - NEW YORK

THE NEW YORK TIMES, SUNDAY, MAY 24, 1953

ROSENBERGS GET CHANCE TO 'TALK'

Disclosures on Atomic Spying Would Be Clemency Factor, Justice Official Reports

Special to THE NEW YORK TIMES.

WASHINGTON, May 23—Julius and Ethel Rosenberg, the atomic spies now under sentence of death in Sing Sing Prison, have been told that any disclosures they might make regarding the nature and extent of espionage in this country would be a factor in any consideration for clemency, a Department of Justice source said today.

The viewpoint expressed by a department official was that any information the Rosenbergs might give regarding the identity or the activities of spies could be more important to the Government than the particular form of punishment inflicted upon the Rosenbergs themselves.

Knowledge of the nature and source of information that might have been transmitted by spies to a foreign power could also be immensely valuable, it was noted.

Consideration is always given, where pleas for clemency are involved, the official said, to the information of value to the Government that may have been divulged by defendants in treason or espionage cases.

It was emphasized that no offers to talk had come from the Rosenbergs nor were any specific pleas for clemency pending in the Justice Department. The Rosenbergs were informed some time ago, however, that one possible avenue to an easier punishment might be through telling what they knew of spies and their operations in this country.

An appeal by the couple for a rehearing of their case on the ground that perjured testimony was used to convict them is now before the Supreme Court. The tribunal previously had refused to review their convictions. The execution has been stayed pending a new high court ruling, which might be announced Monday, when the court again hands down decisions.

On Feb. 11, President Eisenhower refused to grant clemency to the Rosenbergs, stating that their betrayal of United States atomic secrets to Russia might bring death to "many, many thousands of innocent citizens." The President saw no reason to conclude that any legal remedies available had been denied them.

The Rosenbergs were convicted in March, 1951, of conspiring to give defense secrets to Russia. The death sentence was imposed by Federal Judge Irving R. Kaufman of New York. They are the first spies sentenced to die in peacetime for espionage in this country.

65-15348-A 894

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MAY 25 1953
FBI - NEW YORK

CLIPPING FROM THE
N.Y. TIMES
MAY 24 1953
... N.Y. DIVISION

Rosenbergs Get Official Bid: Talk, Save Your Lives

By FRANK HOLEMAN
of THE NEWS Bureau

Washington, D. C., May 23.—Atomic spies Julius and

Ethel and Julius Rosenberg
Will they talk to beat the chair?

Ethel Rosenberg have been told officially they might beat the electric chair if they sing loud and long, it was revealed today.

65-15348-A 895

CLIPPING FROM THE
N.Y. NEWS
DATED MAY 24 1953
FORWARDED BY N. Y. DIVISION

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SERIALIZED ... FILED
MAY 25 1953
FBI - NEW YORK

The couple, still showing no signs of being ready to talk, are awaiting execution in Sing Sing.

The offer of clemency in exchange for names of other members of the Red spy network was made to 34-year-old Julius Rosenberg and his wife Ethel, 36, "several times" during their long trial. And the offer still stands.

President Eisenhower has turned down the Rosenbergs' appeals for clemency, but he can call off the execution up to the last minute before the switch is thrown.

Says They Could Aid

The Government takes the position that rounding up spies still at large is more important to national security than insistence on executing spies already caught.

Sumner Pike, former member of the Atomic Energy Commission, said recently that he believes the Rosenbergs could put the FBI on the trail of at least two other atomic spy rings.

The Supreme Court is expected to pass on the Rosenbergs' final appeal Monday. The court has rejected previous appeals for a new trial.

If the high court turns thumbs down on the couple again, the only ~~way they~~ can save their lives is to talk.

U.S. Invites Rosenbergs To Tell All

WASHINGTON, May 23 (AP).—Justice Department sources indicated today that Julius and Ethel Rosenberg, atomic spies, might still have a chance for clemency if they should decide "to talk."

"This is always a factor, in every such case," these sources said.

"It was disclosed that the couple, awaiting execution in Sing Sing Prison as spies for Soviet Russia, have been specifically told that if they know things about espionage in this country which have not been brought to light, and want to tell about them, such action will be taken into consideration in weighing their clemency pleas.

This, officials said, was pointed out to the Rosenbergs before President Eisenhower in early February rejected their petition for commutation of their death sentences. The President, however, has the power to commute Federal sentences at any time, whether or not a petition is pending.

The Rosenbergs have strenuously protested innocence, and officials here say they have had no word of any change of heart on their part.

One of the things that concerns the government is that although an extensive round-up of atom spies has been carried out during the last few years—one pick-up usually leading to another—some guilty persons may have succeeded in escaping identification.

Hence the desire to obtain information from the Rosenbergs, if they have any.

According to top officials, the government holds it to be of more value to the welfare of the country to have information on what its enemies are doing than to exact the life of an offender.

A number of groups are pressing hard for clemency for the Rosenbergs and some of these have recently claimed discovery of new evidence. The Justice Department said a week ago that all such "new evidence" reports have been carefully investigated, but that none has been found to have any merit.

Should Rosenberg, thirty-four, and his thirty-six-year-old wife die in Sing Sing's electric chair, they would be the first American civilians put to death for spying against the United States.

CLIPPING FROM THE
N.Y. HERALD TRIBUNE
DATE MAY 24 1953
NEWARK BUREAU

65-15348-A 8
SEARCHED ... INDEXED ...
SERIALIZED ... FILED ...
MAY 25 1953
FBI - NEW YORK

The Lyons Den

By Leonard Lyons

Garry Davis' arrests in London are not for lack of funds: His father, Meyer Davis, has sent him money. It's just that Garry feels he has a right to work there, permit or not . . . The relations between City Hall and Police Commissioner Monaghan are strained, because Monaghan has become a campaign issue . . . If the Supreme Court again rejects the appeal of Ethel and Julius Rosenberg, their lawyer again will ask for a stay of execution, under Rule 2255. He will ask for a new trial, because of evidence concerning the table and David Greenglass' statement.

Michael di Salle, the ex-Price Stabilizer, was asked why there were rollbacks in almost all prices except cotton and oil. "Cotton and oil are not considered commodities any more," said di Salle. "Each has become a theology."

CLIPPING FROM THE
N.Y. POST
MAY 25 1953
ORDED BY N. Y. DIVISION

Night Extra

65-15348-A897

SEARCHED ..... INDEXED
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MAY 25 1953
FBI - NEW YORK

Rosenberg Plea Is Rejected, 7-2

By Don Irwin

WASHINGTON, May 25. — The Supreme Court, by a 7-to-2 vote, rejected for the third time today a petition for a hearing in the case of Julius and Ethel Rosenberg, convicted atomic spies now in Sing Sing under death sentence.

The court's action can set the stage for the last act in this drama of war-time atomic espionage. The court's terse order vacated a stay of execution granted Feb. 17 pending the outcome of the appeal. Unless a promised defense try for another stay succeeds, a new execution date must be set by United States District Judge Irving R. Kaufman, who originally sentenced the couple to death in New York on March 5, 1951.

Justice Department sources declined to comment on recurrent reports that the Rosenbergs have been offered the "possibility" of clemency if they tell what they are believed to know of Soviet espionage.

If They Talk

It is reliably understood, however, that the couple can at least win reconsideration of their case if they talk.

The Supreme Court made known its action in a routine order which also disclosed that it had declined a hearing for Morton Sobell, thirty-six, New York electronics and radar expert who was convicted with the Rosenbergs and sentenced to thirty years' imprisonment.

The order further disclosed without amplification that Associate Justices Hugo L Black and William O. Douglas believed the writ of certiorari sought by counsel for the Rosenbergs should be granted. Justice Black took the same position when the court rejected their second appeal for review last Nov. 17.

Upon word of the court's action, Emanuel H. Bloch, counsel for the condemned couple, said in New York he would come to Washington tomorrow

CLIPPING FROM THE
N.Y. HERALD TRIBUNE
N. Y.
DATED MAY 26 1953
FORWARDED BY N. Y. DIVISION

6F-15348 A898
SEARCHED ... INDEXED
SERIALIZED ... FILED
MAY 26 1953
FBI - NEW YORK

to apply for a stay of execution pending action on yet another petition for rehearing.

Court rules permit the Rosenbergs to apply for reconsideration of today's action within fifteen days. An application would serve little purpose, however, unless a stay is granted. Such a stay can be issued by a single member of the court. There was no sign today how individual justices would receive such a request.

Favorable action on a motion for reconsideration is rare, but not unprecedented. The only other way a stay can come about is if counsel can convince the court he has either new evidence or grounds for reversal of the guilty verdict. Such efforts have

Continued on page 18, column 7

Rosenbergs

(Continued from page one)

failed on the three appeals for certiorari action thus far.

Since the court's rejection on Nov. 17 of the second appeal, two stays of execution have been granted. The first came Jan. 5, when Judge Kaufman stayed an order setting the execution for Jan. 24 so the couple could appeal for Presidential clemency. President Eisenhower inherited the case when he took office. On Feb. 11, he denied the appeal on the ground that "neither new evidence nor . . . mitigating circumstances" existed. The execution was rescheduled for March 9, but was stayed on Feb. 17 when the third appeal to the Supreme Court was filed.

Julius Rosenberg, now thirty-four, and his wife, now thirty-seven, were found guilty with Sobell by a New York jury on March 29, 1951, in the nation's first atomic spy trial. Basically, the defendants were charged with complicity in the conspiracy to convey atomic secrets to Russia that led to the jailing in Britain of Dr. Klaus Fuchs, an atomic scientist.

Testimony of Greenglass

Principal testimony came from David Greenglass, a former Army sergeant stationed at Los Alamos, N. M., and Oak Ridge,

Tenn., and brother of Mrs. Rosenberg. He said they persuaded him to gather and transmit atomic secrets for Russia's benefit from late 1944 until early 1946. Greenglass testified that he had been promised Soviet help in leaving the country but had refused to run.

The Rosenbergs, parents of two small sons, were found guilty of violation of the espionage act, and were first sentenced to die by Judge Kaufman the week of May 21, 1951. They were the first American civilians ever sentenced to death for spying. Sobell, who was adjudged implicated to a lesser degree, drew a thirty-year sentence, the maximum possible under the law short of the death sentence. He, too, has two small children.

Rosenbergs Informed

Special to the Herald Tribune

SING SING PRISON, N. Y., May 25.—Julius and Ethel Rosenberg got word this afternoon that their application to the Supreme Court had been denied. The news came in identical telegrams from their attorney, Emanuel H. Bloch.

Both Rosenberg and his wife, according to prison officials, said "Thank you" on receiving copies of the telegram. Joseph Gondek, a member of the warden's staff, said neither of the prisoners seemed much surprised or worried ~~at the news~~.

Supreme Court Rejects Appeal Of Rosenbergs

By FRANCIS STEPHENSON
of THE NEWS Bureau

Washington, D. C., May 25.—For the third time the Supreme Court today rejected the appeals of Julius and Ethel Rosenberg from their sentences of death for passing atomic secrets to Soviet Russia.

The couple's only apparent remaining chance of escaping the electric chair lies in telling the Government the names of confederates and other spying secrets they may still be withholding.

The highest court also vacated the stay of the Rosenberg's execution. The death date now must be fixed again by Federal Judge Irving R. Kaufman in New York when the Supreme Court order reaches him.

Morton Sobell

The husband-wife spy team has been in Sing Sing Prison since they were sentenced to die in the chair by Judge K[illegible] on April 5, 1951. Julius is 34, Ethel 36.

Before nightfall the case was spinning again on the legal merry-go-round. Emanuel Bloch, of New York, the Rosenbergs' attorney, announced he would apply tomorrow for a stay of execution pending the filing and determination of a petition for rehearing of the case.

The court's vote today was 7-2, with Justices Black and Douglas favoring hearing the case. Black is the only member of the court who has voted all three times to hear the appeal.

Eisenhower's Position.

President Eisenhower in February refused to set aside the death verdict in a sharp statement calling the Rosenbergs' crime worse than murder. He has since indicated he would be guided entirely by the court.

Bloch has indicated he will again appeal to the White House for clemency.

The Supreme Court also denied a hearing to Morton Sobell, a 35-

65-15318 A899

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MAY 26 1953
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D. N. NEWS
N. Y.
DATED MAY 26 1953
FORWARDED BY N. Y. DIVISION

year-old radar expert, co-conspirator of the Rosenbergs, who was sentenced to 30 years in prison. Testimony showed he supplied the Rosenbergs with military information to send to the Russians.

Spies Unmoved On Getting Word

Ethel and Julius Rosenberg impassively received word yesterday that the U. S. Supreme Court had rejected their third appeal for a review of their conviction. The word was conveyed to them in their cells in the death house at Sing Sing.

At the same time, it was disclosed that a round-the-clock police guard has been posted at the East Side home of Judge Irving R. Kaufman, who pronounced the death sentence upon them for spying for Soviet Russia.

There are three uniformed men assigned to the Kaufman home, each doing an eight-hour tour daily, a headquarters source said. They have been on the assignment for some time.

Soon after Kaufman pronounced sentence two years ago last month he began to receive letters threatening harm to him, his wife and their two children. Mrs. Kaufman became alarmed and the police protection was ordered soon afterward.

The fixing of a new execution date must wait until the Supreme Court decision is transmitted officially to the U. S. Court of Appeals, it was explained at the U. S. Attorney's office. Normally this is done within ten days.

BE 2

Rosenbergs Again Told to 'Talk' If They Want to Escape Chair

Washington, May 23 (UP) — Julius and Ethel Rosenberg, doomed atomic spies, have been told that if they "talked" their chances of obtaining a commutation from their death sentences would be better, it was disclosed today.

Justice Department sources said the husband-and-wife spy team have been informed "several times" that the confessions of a prisoner are "always a factor" in determining whether or not the President should use his clemency powers.

They said the information was relayed to the convicted couple even before President Eisenhower ruled three months ago that he would not interfere with the court's sentence that the Rosenbergs are guilty of slipping atomic secrets to Russia and must die in Sing Sing Prison's electric chair.

But one department official said the unofficial offer of "more consideration for more talk" is still in effect.

He added, however, that so far the Rosenbergs have shown no indication of budging from their position that they are innocent.

The Rosenbergs were convicted last April on charges that they conspired to give U. S. atomic secrets to Soviet Russia. They were condemned to death and are now in Sing Sing's death row, pending a Supreme Court decision on their third appeal for a review.

Sumner T. Pike, a former Atomic Energy Commissioner, said recently that it is a "reasonable inference" that he believes the Rosenbergs worked with two separate espionage rings that have not yet been caught.

He said the two rings could be smoked out if the Rosenbergs ever talked. He said he believes Mrs. Rosenberg is more likely to "spill the beans" than her husband.

Justice Department sources confirmed that, in criminal cases, a death sentence often is used to spur the condemned prisoner to "tell all" about his crimes and accomplices. They said this is especially true in espionage cases.

65-15348-A90

CLIPPING FROM THE N.Y. BROOKLYN EAGLE

N.Y.

DATED MAY 24 1953

FORWARDED BY N. Y. DIVISION

SEARCHED ... INDEXED ...
SERIALIZED ... FILED ...
MAY 25 1953
FBI - NEW YORK

Rule Today On A-Spies' Appeal

WASHINGTON, May 24 (INS). — Supreme Court action is expected Monday on the third—and probably final — appeal of condemned atomic spies Julius and Ethel Rosenberg for a new hearing.

The high tribunal meets at noon EDT for one of its few remaining sessions of the present term to dispose of a mounting docket of cases that must be handled before Summer adjournment in mid-June.

Among these are cases dealing with school segregation, the immunity of major league baseball from anti-trust prosecution, the Harry Bridges perjury appeal and challenges of a California loyalty oath.

65-15348 A-901

SEARCHED ____ INDEXED ____
SERIALIZED ____ FILED ____
MAY 25 1953
FBI - NEW YORK

CLIPPING FROM THE
N.Y. MIRROR
N. Y.
DATED MAY 25 1953
FORWARDED BY N. Y. DIVISION

A-Spy Couple Lose Again in High Court

WASHINGTON, May 25 (INS).—The Supreme Court today wiped out what was probably the last chance that Julius and Ethel Rosenberg would escape the electric chair for passing atomic secrets to Russia.

In a 7-to-2 decision, the court refused for the third time to grant the condemned New York couple a hearing on their conviction for what the trial judge called a crime "worse than murder." Justices Black and Douglas dissented.

Emanuel Bloch, attorney for the Rosenbergs, announced he will apply Tuesday for a review of the decision. Should this fail, as is almost certain, Bloch probably will ask President Eisenhower to commute the death sentence.

Eisenhower has already rejected such a plea, saying he did not think justice would be served by saving the lives of the Rosenbergs. The government has indicated they can escape death only if they tell all they know about Red spy operations in the U. S.

TODAY'S Supreme Court decision also turned down an appeal by Morton Sobell, who was sent to jail for 30 years as a co-conspirator in the sensational spy case.

The case had international repercussions, as Soviet propagandists used the Rosenbergs as pawns in a world-wide attempt to cast suspicion on American justice.

However, powerful and prominent voices were also raised in their behalf. Pope Pius urged Eisenhower to follow the principles of Christian charity in considering the Rosenbergs' appeal for mercy.

In turning down their plea for a new hearing today, the high tribunal ordered New York court officials to set a new execution date.

IT WAS THIS statement by Kaufman, as well as other alleged trial errors, on which the Supreme Court plea was based.

The Rosenbergs, Sobell and David Greenglass, Mrs. Rosenberg's brother, were sentenced March 29, 1951, after a lengthy trial. Greenglass, whose testimony was instrumental in bringing the guilty verdict against the others, was sentenced to 15 years.

65-15328-A 902

SEARCHED ____ INDEXED ____
SERIALIZED ____ FILED ____
MAY 26 1953
FBI - NEW YORK

CLIPPING FROM THE
N.Y. MIRROR

N. Y. ____

DATED MAY 26 1953

FORWARDED BY N. Y. DIVISION

ROSENBERG APPEAL DENIED FOR 3D TIME BY SUPREME COURT

Stay of Execution for Spies Vacated—Mercy for Couple Hinges on Their Talking

By JAY WALZ
Special to THE NEW YORK TIMES.

WASHINGTON, May 25—The Supreme Court refused today for the third time to grant a hearing to Julius and Ethel Rosenberg, the convicted atom spies, who have been sentenced to die.

The high court also directed the United States Court of Appeals in New York to vacate its stay of execution, granted last February, to make possible the appeal acted on today. The Rosenbergs had been previously scheduled to be executed at Sing Sing prison on March 9.

Seven justices favored denying a hearing to the Rosenbergs while two—Justices Hugo L. Black and William O. Douglas—took the position that their case should have a high review. On the first two appeals, Justice Black alone favored a hearing.

The court in a separate action also refused for the second time to grant a review to Morton Sobell, radar expert who was convicted with the Rosenbergs and is serving a thirty-year sentence.

The court's action, made known in a brief order, left it to the Department of Justice to go to Judge Irving R. Kaufman of the United States District Court in New York, where the Rosenbergs were tried and convicted, to fix a new execution date.

Rosenbergs Urged to Talk

However, the Justice Department let it be known this week-end that the Rosenbergs had been told that decision on their part to give the Government any espionage secrets they possessed would be considered in determining their fate.

Officials there said that any information the Rosenbergs might give about the identity or activities of spies could be more important to the Government than their execution. Presumably, anything of this nature that the Rosenbergs had to say would be considered in another request to President Eisenhower for clemency.

It was emphasized that no offers to talk had come from the Rosenbergs.

President Eisenhower refused a first clemency plea on Feb. 11, saying that their betrayal of United States atomic secrets to Russia could bring death to "many, many thousands of innocent citizens."

Emanuel H. Bloch of New York, an attorney for the condemned couple, has said he will make a new request for executive clemency.

The Rosenbergs also may ask the Supreme Court within the next fifteen days to reconsider to-

Continued on Page 16, Column 4

65-15348-A-913

SEARCHED ..... INDEXED .....
SERIALIZED ..... FILED .....
MAY 26 1953
FBI - NEW YORK

CLIPPING FROM THE N.Y. TIMES
N. Y.
DATED MAY 26 1953
FORWARDED BY N. Y. DIVISION

HIGH COURT DENIES ROSENBERG APPEAL

Continued From Page 1

day's refusal to hear the case, and Mr. Bloch said in New York that he would appear before the Supreme Court here tomorrow to ask for a stay of its order until such a petition for a rehearing could be filed and acted on.

The procedure is for the attorney in the case to get a stay of execution from one of the Supreme Court justices pending final action. Court aides said it was rare for such requests to be granted.

Two Other Briefs Refused

The court also refused briefs offered in behalf of the Rosenbergs by two "friends of the court." One brief by the National Lawyers Guild asked the tribunal to consider whether a new trial should be ordered after "the impact of the massive hostile propaganda has been dissipated."

The other, offered by Royal W. France, an attorney in New York, said about 20,000 persons had signed a petition in support of the request.

The Rosenbergs were convicted in March, 1951, of conspiring to give defense secrets to Russia. The death sentence imposed by Judge Kaufman made the Rosenbergs the first spies to be sentenced to die in peacetime for espionage in this country.

Sobell, convicted with the Rosenbergs, asserted in his appeal that processes of the trial court were abused and that the Government engendered an atmosphere hostile to him by predisposing the community from which the jurors were drawn. He has been represented by Howard N. Meyer, Robert L. Stern, acting solicitor general, and Warren Olney 3d, assistant attorney general, have handled both the Rosenberg and Sobell cases for the Justice Department.

KAUFMAN TO SET DATE

Two Courts Here to Handle Order for Vacation of Stay

As a result of the Supreme Court's refusal to review the Rosenberg's application for a new trial, Federal Judge Irving R. Kaufman will, for the third time, soon set a new date for execution.

The defense now has, under the Supreme Court rules, fifteen days to apply to that court for a rehearing on its denial. Meanwhile, the machinery of the Supreme Court is expected to move normally and return its order to the lower court within ten days. When the United States Court of Appeals here receives the order, the lower court's mandate will be sent to the District Court. At that time the United States Attorney will present an order of execution for Judge Kaufman's signature.

The only thing to offest this procedure would be a new stay of execution. Emanuel H. Bloch, defense attorney, said yesterday he would go before the Supreme Court today to make such an application pending his petition for a rehearing.

"We still have a lot of water to swim through before we're through in the courts," Mr. Bloch said.

However, the Government, in an unusual move, will ask the Supreme Court today for permission to argue in opposition to the application for another stay. Normally, the submission of such an application is considered an ex parte matter in which the Government would take no part.

The Government is anticipating that Mr. Bloch will try to start the legal cycle rolling again with another move for a new trial based on "newly discovered evidence," if he fails before the Supreme Court.

However, if the courts refuse to grant a stay of execution, Mr. Bloch's attempt would die aborning. The court would have to be convinced that Mr. Bloch's new move was not frivolous before granting a stay.

Lawyer Calls Report False

Asked about Washington reports that the Department of Justice had offered possible clemency

if the Rosenbergs talked. Mr. Bloch said there was not one word of truth in that report." The story was attributed to a Justice Department official, otherwise unidentified.

"That story is completely false," Mr. Bloch said. "It was an unethical and a disgraceful thing to do. Neither the Rosenbergs, nor their counsel, nor the warden of Sing Sing Prison has ever been approached with any proposition by the Justice Department."

On April 10 Ethel Rosenberg, 36 years old, marked her second year in the Sing Sing death house, where she is the only woman. Her husband Julius entered the male wing a few weeks later, and has since passed his second anniversary there.

Mrs. Rosenberg got the news of the Supreme Court action at 3:30 P. M. yesterday in a telegram from Mr. Bloch. Joseph Gondeck, a clerk in the warden's office, delivered the message. He reported that Mrs. Rosenberg read the message without changing expression and said:

"Thank you. May I keep this?"

Julius Rosenberg, two years younger than his wife, merely said "thanks" when Mr. Gondeck delivered an identical telegram to him.

The National Committee to Secure Justice in the Rosenberg Case issued a statement last night calling the refusal of the Supreme Court to review the case shocking and incredible. The committee also wired an appeal for clemency to President Eisenhower.

Death for Spies.

For what should be the last time, the Supreme Court has again refused to review the conviction of atom spies Julius and Ethel Rosenberg.

The decision leaves the government free to execute the spies for giving atom secrets to Russia.

The Rosenbergs were convicted in March, 1951. For over two years the Communists and fellow travelers have milked the conviction of every ounce of propaganda value in it.

Joined by misguided persons, they have used every legal trick in the book to delay execution and make a mockery of U.S. justice.

For over two years, roadblock after roadblock has been thrown up to prevent this couple from getting the punishment they deserve.

Seldom, if ever before, has justice been so thoroughly explored and exploited. And in every appeal the verdict and the death sentence have been upheld.

Seldom, if ever before, has the patience of the American people been so sorely tested, waiting for justice to exact the penalty of those who would destroy it.

65-15348-A-104

Appeal Made to Vinson:

New Stay Asked For Rosenbergs

WASHINGTON, May 26 (INS).—New York lawyer Emanuel H. Bloch asked Chief Justice Vinson today to stay the execution of doomed atomic spies Julius and Ethel Rosenberg.

A decision on the appeal was delayed at least until late today, pending a decision by Vinson to hear the case or turn the matter over to another member of the Supreme Court.

Bloch appeared at the Supreme Court building at 10 a. m. and conferred for more than 45 minutes with the court's clerk, Harold B. Willey. In view of three refusals by the tribunal to hear the case, Bloch's chances of success are rated slim.

CHARGES PERJURY.

The lawyer specifically asked Vinson to hold up an order directing the New York Court of Appeals to terminate the stay it granted to allow the Rosenbergs to make their third appeal to the High Court. This plea was rejected yesterday.

Bloch repeated his claim that there were at least two instances of perjury during the Rosenberg trial and claimed the death sentence was "excessive.".

He said the Government submitted "false affidavits" regarding the perjury indictment of William Perl, who was convicted in New York last week of lying about not knowing the Rosenbergs.

Bloch also charged Ethel Rosenberg's brother, David Greenglass, who was sentenced to 15 years for his part in the spy conspiracy, perjured himself when he testified for the Government.

6515348 A 904

CLIPPING FROM THE

N. Y. N.Y. JOURNAL AMERICAN Spec Section

DATED MAY 26 1953

FORWARDED BY N. Y. DIVISION

SEARCHED ..... INDEXED .....
SERIALIZED ..... FILED .....
MAY 26 1953
FBI - NEW YORK

J. A. Harrington

Rosenbergs' Counsel to Try Another Appeal

By the United Press.

WASHINGTON, May 26.—Counsel for Julius and Ethel Rosenberg headed for the Supreme Court for the fourth time today to plead for yet another stay of execution for the condemned atomic spies.

The high bench yesterday rejected the third appeal of the husband and wife who were sentenced to the electric chair more than two years ago for slipping U.S. A-bomb secrets to Russia. Emanuel Bloch, their New York attorney, said he would ask for reconsideration of the court's brief rejection order, seeking at the same time a stay of execution to give him time to file his petition.

With this fourth try, permissible under federal appeals procedure, Mr. Bloch appeared to be reaching the end of the legal maneuvers available to him. However, he has indicated he intends to take another clemency appeal to President Eisenhower, too.

Mr. Bloch informed his clients by telegram of the Supreme Court decision. A member of the warden's staff at Sing Sing prison took it to them and said they showed no emotion.

"Thank you. May I keep this?" Mrs. Rosenberg said, the official reported.

Formal notification of yesterday's action will probably leave the Supreme Court tomorrow, reaching the Second U.S. Circuit Court of Appeals in New York on Thursday. As soon as the papers are relayed to the trial court, possibly by Friday, a new date may be set for the execution.

65-15348-A 90S

SEARCHED ____ INDEXED ____
SERIALIZED ____ FILED ____
MAY 26 1953
FBI - NEW YORK

COPY FILE THIS
N.Y. N.Y. WORLD TELEGRAM & SUN
DATE MAY 26 1953
PAGE ____ DIVISION Night Edition

A-Spies' Lawyer Maps 4th Appeal To High Court

Washington, May 26 (U.P.)—Counsel for Julius and Ethel Rosenberg headed for the Supreme Court for the fourth time today to plead for yet another stay of execution for the condemned atomic spies.

The high bench yesterday rejected the third appeal of the husband and wife who were sentenced to the electric chair more than two years ago for slipping U. S. A-bomb secrets to Russia.

Emanuel Bloch, their New York attorney, said he would ask for reconsideration of the courts brief rejection order, seeking at the same time a stay of execution to give him time to file his petition.

With this fourth try, permissible under Federal appeals procedure, Bloch appeared to be reaching the end of the legal maneuvers available to him. However, he has indicated he intends to take another clemency appeal to President Eisenhower, too.

Bloch informed his clients by telegram of the Supreme Court decision. A member of the warden's staff at Sing Sing took it to them and said they showed no visible signs of emotion.

"Thank you. May I keep this?" was Mrs. Rosenberg's comment, the official reported.

CLIPPING FROM THE

N.Y. BROOKLYN EAGLE

MAY 26 1953

FORWARDED BY N.Y. DIVISION

SEARCHED ____ INDEXED ____
SERIALIZED ____ FILED ____
MAY 26 1953
FBI - NEW YORK

Justice Dept. Against New Stay for A-Spies

The Justice Dept. was reported ready to oppose a new stay of execution for atom spies Julius and Ethel Rosenberg for the first time in the long-drawn-out case.

Their defense counsel, Emanuel Bloch, said he would appear today before the U. S. Supreme Court in Washington to ask that a fourth stay be granted pending still another attempt to have the highest court review the case. One number of the court could grant the stay.

Sentenced to Die in 1951

The court's third refusal yesterday to review the case will be sent to hte U. S. Circuit Court of Appeals here within 10 days, and a new date for execution will be set by the trial judge, Federal Judge Irving R. Kaufman. He first sentenced them to die the week of May 21, 1951.

Bloch said that if the high court again refuses to review the case, he would apply for a second time for Presidential clemency. President Eisenhower turned down hsi first appeal Feb. 11.

Bloch denied reports that the Justice Dept. has extended feelers promising to consider a new appeal if the Rosenbergs would tell what they know of a Soviet espionage ring.

"Neither the Rosenbergs, nor their counsel, nor the warden of Sing Sing Prison has ever been approached with any proposition by the Justice Dept., he said.

Unmoved By Decision

At Sing Sing, where the Rosenbergs are in the death house, they received the news of their latest failure to win a review unemotionally.

The high court's latest decision was 7—2, with Justices Black and Douglas voting to grant a writ of certiorari. In the two previous decisions, only Justice Black voted for the writ.

The court also denied a new hearing to a co-conspirator, Morton Sobell, sentenced to 30 years in prison.

SEARCHED ____ INDEXED ____
SERIALIZED ____ FILED ____
MAY 26 1953
FBI - NEW YORK

CLIPPING FROM THE
N.Y. N.Y. POST
DATE: MAY 26 1953 Night Extra
FORWARDED BY N. Y. DIVISION

Ends of Justice Faithfully Served in Rosenberg Case

Julius and Ethel Rosenberg are brought another step closer to justice by the third refusal of the Supreme Court to stay the execution of the death penalty for their treason to their country.

It is difficult fully to comprehend the heinousness of the crime of which these two spies have been convicted. It was their purpose to betray their own country and their own people into the hands of a potential enemy. They were willing to give to a foreign nation the power to destroy American cities and their inhabitants.

Yet, a system of justice which they and those who think like them are incapable of understanding and which they accordingly hold in deep disdain repeatedly gives them new opportunities to establish their innocence or offer just reasons for mercy.

Gradually, however, even the seemingly unlimited resources of this system of justice are being exhausted. A new fourth appeal to the United States Supreme Court for a rehearing may be made but there would seem to be no basis for favorable action.

It is impossible for men and women with normal instincts to view with any satisfaction the processes that lead inexorably to the death of other human beings. The Rosenbergs, cold, hard and ruthless, command no sympathy.

There may be a difference of opinion concerning the conclusion of Judge Kaufman of New York, who conducted their trial with scrupulous impartiality, that their acts led to the war in Korea. There can be no disputing the conviction of President Eisenhower, expressed in denying their appeal for clemency, that their crime involved "the deliberate betrayal of the entire nation and could very well result in the death of many thousands of citizens."

The case of the Rosenbergs has imposed exacting tests upon the American system of justice. The delay in disposing of this case has been long but the ends of justice have faithfully been served.

CLIPPING FROM THE
N.Y. BROOKLYN EAGLE
N.Y.
DATED MAY 26 1953
FORWARDED BY N. Y. DIVISION

SEARCHED INDEXED
SERIALIZED FILED
MAY 26 1953
FBI - NEW YORK

Doomed A-Spies:

Judge's Home Guarded by Cops

A round-the-clock police guard was posted today at the home of Federal Judge Irving R. Kaufman, who pronounced the death sentence of atom spies Julius and Ethel Rosenberg.

Police said the Judge has received letters threatening harm to him, his wife and three children.

Mrs. Kaufman became alarmed and the police guard was established. The address is withheld.

The Supreme Court yesterday by a vote of 7 to 2 for the third ne rejected appeals of the Rosenberg's from the death sentence.

The Supreme Court papers obably will reach Judge Kaufman in about 10 days. At that ne he will set a new death date.

The husband and wife atom spy team has been in the Sing Sing death house for two years.

Emanuel Bloch, counsel for the Red spies, said he would apply today in Supreme Court in Washington for a stay of execution pending the filing and determination of a petition for a rehearing of the case.

Court attaches said it was rare for such requests to be granted.

The Supreme Court also refused the appeal of Morton Sobell, convicted with the Rosenbergs, and now serving 30 years in Alcatraz.

CLIPPING FROM THE

N. Y. ...

DATED MAY 26 1953 — Afternoon Edition

FORWARDED BY N. Y. DIVISION

SEARCHED ... INDEXED ...
SERIALIZED ... FILED ...
MAY 26 1953
FBI - NEW YORK

A-Spies Ask for Stay To Make 4th Appeal

Special to the New York Post

Washington, May 26—Two attorneys for the doomed A-bomb spies, Julius and Ethel Rosenberg, asked Chief Justice Vinson today to stay their execution so that a fourth appeal can be made to the Supreme Court.

The court by a vote of 7-2 yesterday refused for a third time to hear an appeal of the New York couple who have been in Sing Sing under the death sentence for more than two years following their conviction as Soviet spies.

Their lawyers, Emanuel H. Bloch and John F. Finerty, asked Chief Justice in papers filed with the court clerk to stay the execution until June 9, the last day on which they can file a petition for reconsideration of yesterday's decision.

The papers were served on the Justice Dept. and after it files a reply, the case will be submitted to Vinson. He may hold a hearing or make his decision without one.

In petitioning for another stay of sentence, the lawyers said that unless it is granted, the Rosenbergs' "lives and liberties will be destroyed and the issues rendered academic."

If the stay is refused, the government will ask Federal Judge Irving Kaufman in New York, the trial judge, to set a new date for the execution.

Bloch said that if the high court again refuses to review the case, he would apply for a second time for Presidential clemency. President Eisenhower turned down his first appeal Feb. 11.

Bloch denied reports that the Justice Dept. has extended feelers promising to consider a new appeal if the Rosenbergs would tell what they know of a Soviet espionage ring.

"Neither the Rosenbergs, nor their counsel, nor the warden of Sing Sing Prison has ever been approached with any proposition by the Justice Dept., he said.

At Sing Sing, where the Rosenbergs are in the death house, they received the news of their latest failure to win a review unemotionally.

CLIPPING FROM THE
N.Y. POST 7 Sport edition
N. Y.
DATED MAY 26 1953
FORWARDED BY N. Y. DIVISION

65 15345-A919
SEARCHED INDEXED
SERIALIZED FILED
MAY 26 1953
FBI - NEW YORK
J. A. Harrington

New Execution Stay Denied to Rosenbergs

By JAY WALZ

Special to THE NEW YORK TIMES.

WASHINGTON, May 26—Chief Justice Fred M. Vinson denied today a request for a further stay of execution for Julius and Ethel Rosenberg, the convicted atomic spies.

The Chief Justice acted only a few hours after attorneys for the Rosenbergs had filed the request with the Supreme Court clerk, and only one day after the high court had refused the condemned man and wife a review of their espionage conviction.

The Supreme Court yesterday had also directed the United States Circuit Court of Appeals in New York to vacate a present order staying execution of the Rosenbergs until the appeal for review had been acted upon.

Emanuel H. Bloch and John F. Finerty brought their new request to Washington this morning. It said that execution of the couple now lodged in the death house at Sing Sing Prison should be stayed pending final action on a request

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65-15348 A-910

SEARCHED ..... INDEXED
SERIALIZED ..... FILED
MAY 27 1953
FBI - NEW YORK

CLIPPING FROM THE
N. Y. N.Y. TIMES
DATED MAY 27 1953
FORWARDED BY N. Y. DIVISION

NEW STAY DENIED FOR ROSENBERGS

Continued From Page 1

for the Supreme Court to reconsider yesterday's denial.

Chief Justice Vinson did not comment on his action, announced just before the closing hour this afternoon. He merely wrote "Denied" across the petition.

Earlier in the day, the Justice Department in a memorandum told the high court it saw "no occasion" for a new stay request, because it expected the courts in setting a new execution date to allow full time for an appeal action.

Mr. Vinson's action in no way affects the right of the Rosenbergs, under rules of the Supreme Court, to file within fifteen days (from yesterday) a request for reconsideration of the refusal to review. However, it does mean that the Justice Department may at any time ask Judge Irving R. Kaufman of the United States District Court in New York to set a new execution date.

It was in Judge Kaufman's court that the Rosenbergs were tried in 1951 on charges of passing United States atomic secrets to Russia. It was Judge Kaufman who, upon conviction of the pair, handed down the death sentence, and who set the execution date for last March 9. However, the United States Circuit Court of Appeals granted a stay of execution in February to permit a new appeal to the Supreme Court for a review.

No Date Seen Before June 15

The Rosenberg attorneys have until June 9 to ask the high court to reconsider yesterday's action, and the Justice Department said "there is no reason to believe, and less to assume" that the district court would set an execution date before June 15.

It is possible that the Rosenbergs' counsel might ask some other Supreme Court Justice to grant a stay, but court aides believed it "extremely doubtful" that any other Justice would grant a stay, in view of Chief Justice Vinson's denial today.

It is also possible that the Rosenbergs will make a second appeal to President Eisenhower for executive clemency, but such a step has not yet been indicated.

Asking for a new stay today, Mr. Bloch and Mr. Finerty charged that the Rosenbergs were prejudiced at their 1951 trial by the Government's timing of the indictment two and one-half years ago of William Perl, an aerodynamics expert.

The indictment, charging that Perl committed perjury when he denied knowing the Rosenbergs, came to trial in Federal Court in New York this month and last week he was convicted.

The Supreme Court in denying a review for the third time yesterday stood 7 to 2, with Associate Justices Hugo L. Black and William O. Douglas favoring a hearing for the condemned pair.

Associate Justice Felix Frankfurter, standing with the majority, noted that he adhered to the position he took in previous denials.

When the Supreme Court refused to reopen the Rosenberg case last November, Justice Frank-

furter in a statement made the point that there are legal limitations on the high court's powers of review. "Misconception" about a refusal by the court to grant reviews persisted "despite repeated attempts at explanation," he said at that time.

He noted that Congress in 1911 took away an earlier right to a Supreme Court review in death sentence cases, and that courts of appeal are charged by Congress with the duty of reviewing all criminal convictions.

He said the Second Circuit of Appeals had been "deeply conscious of its responsibility" when it reviewed the Rosenbergs' conviction by a lower court in New York. He also noted that the Supreme Court could not change a death sentence pronounced by a trial court. This had been sought by the Rosenbergs on the ground that their penalty had been too severe.

"A sentence imposed by a United States District Court, even though it be a death sentence, is not within the power of this court to revise," Mr. Frankfurter said.

Rosenbergs Plan Fourth Appeal

New Death Date May Be Set Next Week

By CHARLOTTE G. MOULTON,
United Press Staff Writer.

WASHINGTON, May 27.—Attorneys for Julius and Ethel Rosenberg planned a fourth appeal to the Supreme Court despite the likelihood that a new execution date for the condemned atom spies will be set early next week.

Chief Justice Fred M. Vinson refused yesterday to stay the execution to allow time for filing the new appeal. But Justice Department sources said it is improbable that the husband-wife spy team will be sent to the electric chair if an action is pending before the Supreme Court.

Although the couple's New York attorney, Emanuel H. Bloch, came to Washington yesterday with the stay petition, he was never admitted to Justice Vinson's chambers. The Chief Justice simply wrote the word "denied" on the papers presented to him.

The fourth appeal of the Rosenbergs, which must be filed by June 9, asks the court to reconsider its action of Monday rejecting a third appeal. This was a kind of habeas corpus action, distinct from the direct appeal of their conviction which was turned down last November.

When official word of Monday's action reaches the trial court in New York, Federal Judge Irving R. Kaufman will be free to set a new execution date.

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SEARCHED ... INDEXED ...
SERIALIZED ... FILED ...
MAY 27 1953
FBI - NEW YORK

CLIPPING FROM THE
N.Y. WORLD TELEGRAM & SUN
N.Y.
DATED MAY 27 1953
FORWARDED BY N. Y. DIVISION

Night Edition

Kaufman to Set New Death Date For Rosenbergs

A new date for the execution of convicted atom spies Julius and Ethel Rosenberg in Sing Sing Prison is expected to be set within a few days by Federal Judge Kaufman.

Chief Justice Vinson of the U. S. Supreme Court yesterday refused to stay their execution, a day after the court turned down their third request for a review.

Time For 4th Appeal

The Justice Dept., for the first time, opposed the defense's petition for another stay of execution.

The department said there was "no occasion" for such action since "there is no reason to believe, and less to assume" that the new date for their execution would be before June 15—the last day on which they may ask the Supreme Court for the fourth time to review the case.

The Rosenbergs' counsel, Emanuel H. Bloch, indicated he would ask an Associate Justice to grant a stay of execution, but it was extremely doubtful that he could find one who would approve such a petition.

If, as expected, the Supreme Court refuses a fourth request for review, the only way they could escape death in the electric chair would be for President Eisenhower to grant clemency. He turned down one Rosenberg petition.

He might change his position if the Rosenbergs' consented to tell what they know of Soviet espionage in this country. Up to now they have refused to talk.

65-15348-A-910 B

SEARCHED ... INDEXED
SERIALIZED ... FILED
MAY 27 1953
FBI - NEW YORK

N.Y. POST
MAY 27 1953
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Vinson Refuses to Stay Rosenbergs' Execution

From THE NEWS Bureau

Washington, D. C., May 26.—Chief Justice Vinson today refused to stay the execution of atomic spies Julius and Ethel Rosenberg, pending a fourth appeal to the Supreme Court.

The stay until June 9 was asked in a petition filed at noon by the pair's lawyers, Emanuel H. Bloch and John F. Finerty. The Justice Department opposed it as unnecessary, saying regular formalities will delay an execution until after June 15 without a stay.

Acting with unusual speed, Vinson wrote "denied" on the petition, and returned it. The court yesterday refused for a third time to consider the case.

The Rosenbergs have until June 9 to ask for a rehearing. Such requests are seldom granted.

At the Justice Department, the belief grew that the only way the couple can save their lives is by singing about the Red espionage network they served.

Yesterday's ruling by the High Court cleared the way for Federal Judge Irving R. Kaufman to set a new date for execution. Julius Rosenberg, 34, and Ethel, 36, have been in Sing Sing since Kaufman sentenced them to death on April 5, 1951.

65-15348-A911

SEARCHED ... INDEXED
SERIALIZED ... FILED
MAY 27 1953
FBI - NEW YORK

CLIPPING FROM THE
N.Y. NEWS
N. Y.
DATED MAY 27 1953
FORWARDED BY N. Y. DIVISION

Rosenberg Stay Denied By Vinson

By Don Irwin

WASHINGTON, May 26.—Chief Justice Fred M. Vinson denied today a petition for a stay of execution for Ethel and Julius Rosenberg, condemned atomic spies to whom the Supreme Court refused a hearing yesterday for the third time.

The Chief Justice's action will probably close one of the few remaining avenues of escape from execution left open to the couple, although there is no legal barrier to prevent their counsel from asking Associate Justices to sign a stay.

The high court yesterday rescinded, 7 to 2, a stay issued pending decision of their third and most recent appeal for a hearing. When the order is formally submitted to Judge Irving R. Kaufman in United States District Court in New York, probably in the next day or two, he is expected to set a new execution date.

Two other possible methods of escape from Sing Sing's electric chair apparently still remain for the couple. One is a petition for reconsideration of yesterday's denial, which their counsel must submit before June 9. Its chances of success are far from good, based on precedents. The second is an indication of willingness by the Rosenbergs to discuss the pattern of Soviet espionage. Justice Department sources have indicated a move would at least bring reconsideration of their case.

Today's request for a stay was put before Chief Justice Vinson by Emanuel H. Bloch, of New York, counsel for the Rosenbergs. It stressed a charge they have made previously that the indictment of William Perl, jet propulsion expert convicted Friday of perjury in connection with the Rosenberg case, was

Continued on page 8, column 4

65-15348-A-912

SEARCHED ____ INDEXED ____
SERIALIZED ____ FILED ____
MAY 27 1953
FBI - NEW YORK

CLIPPING FROM THE
N.Y. HERALD TRIBUNE
N. Y.
DATED MAY 27 1953
FORWARDED BY N. Y. DIVISION

Rosenbergs

(Continued from page one)

timed to prejudice the trial of the Rosenbergs early in 1951. The charge has been denied by government attorneys.

"It is significant," the stay application said, "that, after a two-and a half year lapse, Perl was brought to trial while the Supreme Court was considering the petitioners' request for a review."

The petition also renewed charges that perjured testimony was used against the Rosenbergs at their trial, and that their death sentences, the first ever meted out to American civilians for spying, were excessive. Under the law, the maximum alternative sentence Judge Kaufman could have set was thirty years' imprisonment, which is subject to time off for good behavior.

The petition proposed that the stay be extended to June 9, the last day for filing of the rehearing petition. Otherwise, it said, "lives and liberties will be destroyed and the issues rendered academic."

Justice Vinson issued no comment on today's action, other than to write "denied" across the face of the petition.

Mr. Bloch was not available late this afternoon for questioning on his possible next move. Harold Willey, the Supreme Court Clerk, reported, however, that Mr. Bloch had indicated another Justice would be approached with a request for a stay.

A-Spies' Lawyer Files New Lower Court Pleas

Attorney Emanuel H. Bloch today produced a new maneuver in his fight to save the lives of the atom-bomb spies, Julius and Ethel Rosenberg.

Contending that the Rosenbergs illegally sentenced to death as Soviet spies, Bloch filed a motion asking the U. S. Court of Appeals to direct Federal Judge Irving Kaufman to re-sentence them or reconsider his decision last Jan. 2 denying them a reduction of sentence.

Hearing Monday

The lawyer served Kaufman with papers calling for his appearance before the higher court on Monday when the new move will be argued.

At the same time Bloch moved before Kaufman to vacate or correct the death sentences on the ground that under the law the maximum penalty for their crime of espionage conspiracy is 20 years in prison. Many of his arguments had already been rejected by Kaufman when he refused in January to change the death sentences.

He also asked the judge to stay the execution of the Rosenbergs in the Sing Sing electric chair until both new petitions have been decided.

U. S. Attorney Lumbard said the government would not only oppose both motions but would ask the courts to dispose of them quickly. He charged that the Rosenbergs were abusing judicial process.

Bloch made his new moves following the Supreme Court's refusal Monday to review the case and Chief Justice Vinson's denial of another stay yesterday.

65-15348-A-9113

SEARCHED ____ INDEXED ____
SERIALIZED ____ FILED ____
MAY 27 1953
FBI - NEW YORK

POSTING FILM
N.Y. POST
N. Y.
DATED MAY 27 1953
FORWARDED BY N. Y. DIVISION

New Petition Filed To Save A-Spies From Death Terms

A new application to set aside the death sentences of convicted atom spies Julius and Ethel Rosenberg was filed in Manhattan Federal Court here today.

Rosenberg's attorney Emanuel H. Bloch, claimed the sentence was illegal and that 20-year imprisonment was actually the maximum sentence allowable for the crime of which they were found guilty.

Bloch also filed application for a stay of execution pending a decision on today's motion.

The action came as the Rosenberg's attorneys prepared a fourth appeal to the Supreme Court for review of its third denial of their appeal.

Chief Justice Fred M. Vinson refused yesterday to grant another stay of execution pending filing of the fourth appeal, but it was said to be improbable that the husband and wife spy team would be sent to the Sing Sing Prison electric chair if action is still pending before the court.

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SEARCHED ___ INDEXED ___
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CLIPPING FROM THE
N. Y. N.Y. BROOKLYN EAGLE
DATED ___ 7 1953
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Rosenbergs Fight On:

New Move to Save Atom Spies

An application seeking to vavate the death sentences of doomed atom spies Julius and Ethel Rosenberg was filed in Federal Court today by their counsel, Emanuel H. Bloch.

Bloch also asked for a stay of execution pending a decision by the Court of Appeals after arguments on a hearing, scheduled for Monday.

Yesterday, Chief Supreme Court Justice Vinson denied a petition for a stay of execution following the third refusal by the High Court to grant the condemned pair a hearing.

HITS SENTENCE.

In today's action Bloch contended that the death sentence imposed on the Rosenbergs by Federal Judge Kaufman in April, 1951, was illegal and that the maximum penalty under the law should have been not more than 20 years in prison.

By a 7 to 2 decision the Supreme Court yesterday rescinded a stay of execution issued pending a decision of the spies' third appeal for a hearing.

When this order is formally submitted to Kaufman, possibly today or tomorrow; he is expected to set a ne wdate for the executions.

The Rosenbergs are in the Sing Sing death house.

61-1538 A-915

SEARCHED ____ INDEXED ____
SERIALIZED ____ FILED ____
MAY 27 1953
FBI - NEW YORK

CLIPPING FROM THE
N.Y. JOURNAL AMERICAN
N. Y.
DATED MAY 27 1953
FORWARDED BY N. Y. DIVISION

Rosenbergs To Try Three Courts at Once

Spies' Lawyers to Act Here and in Capital

New moves were made today in New York and Washington as attorneys continued their fight to save atomic spies Julius and Ethel Rosenberg from the electric chair.

In Washington, defense counsel worked feverishly to prepare a fourth appeal to the Supreme Court, even though it appeared that a new execution date for the condemned couple will be set early next week.

Tries 2 Courts Here.

In New York, Emanuel H. Bloch, chief defense counsel, made two motions, one in U.S. District Court and the other in the U.S. Court of Appeals, seeking to have the death sentence vacated and to have the couple resentenced to prison.

Mr. Bloch contended that the death sentence, imposed on the Rosenbergs by Judge Irving R. Kaufman in April, 1951, was illegal and that their maximum penalty should not have been more than 20 years in prison.

Calls Charge Unclear.

The attorney insisted that the death sentence may be imposed only for a conspiracy, the object of which is, in time of war, to transmit national defense information to a foreign government. He contended that the indictment did not make it clear that this was the object of the Rosenberg conspiracy and that it was not made clear that the information was transmitted in time of war.

The application in the U.S. Court of Appeals contends that the Rosenbergs should be resentenced by Judge Kaufman because he allegedly considered matters which violated the Rosenbergs' constitutional rights.

Wants Execution Stayed.

Mr. Bloch asked for a stay of execution pending a decision by the Court of Appeals after arguments on a hearing, scheduled for Monday.

U.S. Attorney J. Edward Lumbard said "there is no merit to these applications and I shall vigorously oppose them." He pointed out that the Rosenberg defense "has already raised about 25 different points," and said he felt the defense was abusing the judicial process.

Mr. Lumbard said he will appear Monday in the appeals and District Courts on the two motions and "I shall ask both courts to act on these matters as expeditiously as possible."

In Washington, Chief Justice Fred M. Vinson yesterday refused to stay the execution to allow time for filing the fourth appeal to the Supreme Court. But it was considered unlikely the Rosenbergs would be executed if the court is willing to hear the fourth appeal.

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INDEXED
FILED
NEW YORK

CLIPPING FROM THE
N.Y. WORLD TELEGRAM & SUN
N. Y.
DATED MAY 27 1953
FORWARDED BY N. Y. DIVISION

Rosenbergs Play Last Cards to Beat Death

By NORMA ABRAMS

A desperate, last-ditch struggle to save convicted atom spies Ethel and Julius Rosenberg from execution was launched by their counsel yesterday. The strategy made Federal Judge Irving R. Kaufman, who imposed the death sentence, a defendant in one proceeding.

Judge Kaufman

Emanuel H. Bloch, who has represented the Rosenbergs throughout their imprisonment, tossed legalisms in two courts even as the U. S. Attorney's office advised him it will ask that a new date be set tomorrow for the execution of the pair.

In the U. S. Circuit Court of Appeals, Bloch submitted an 18-point petition asking that Kaufman be directed to reconsider his decision of Jan. 2 denying the couple a reduction in penalty. It was in this action that Kaufman was named as a defendant. Yesterday, Bloch served the jurist with papers to appear on Monday in the appeals court for argument on the motion.

In District Court, Bloch asked for an order "vacating or correcting" the death sentences ordered April 5, 1951, and staying execution of the two spies "pending the determination of these proceedings."

Argument on this motion also was marked down for Monday. U. S. Attorney J. Edward Lumbard and a top aid, Assistant U. S. Attorney James B. Kilsheimer, were prepared to battle Bloch in both courts.

In the papers submitted to the circuit court, Bloch repeated arguments offered time and again in his long defense of the Rosenbergs.

The death sentence was illegal and over the maximum penalty prescribed by law, asserted Bloch. The maximum should be not more than 20 years imprisonment, he said.

Co-defendants had gotten off easier, argued Bloch. He cited that Harry Gold got a 30-year term and David Greenglass a 15-year sentence. Kaufman, declared Bloch, had converted the death sentences "into instruments for the coercion of confessions."

61.1538 A-907

SEARCHED ___ INDEXED ___
SERIALIZED ___ FILED ___
MAY 28 1953
FBI - NEW YORK

ODIFYING FROM THE N.Y. NEWS

N.Y. Phone Edition

DATED MAY 28 1953

FORWARDED BY N. Y. DIVISION

New Execution Date Due for the Rosenbergs

By Milton Lewis

A new date for the execution of the atom spies Julius and Ethel Rosenberg is expected to be set tomorrow by Judge Irving R. Kaufman of United States District Court.

An order to fix the date and for Judge Kaufman's signature tomorrow morning was prepared late yesteday by Assistant United States Attorney James B. Kilsheimer 3d. Several hours earlier the Rosenbergs' counsel, who was served a copy of the proposed order, instituted two new eleventh-hour proceedings which seek to save them from the electric chair.

In dual, related actions, Emanuel H. Bloch, the Rosenbergs' lawyer, petitioned both the United States Court of Appeals and the United States District Court in efforts to get the death sentences reduced to twenty years. On two previous occasions Judge Kaufman set execution dates, which were stayed by appeals.

Argument Set for Monday

Argument on the petitions, to be opposed by United States Attorney J. Edward Lumbard and Mr. Kilsheimer, who has lived with the case for three years, is scheduled for Monday. The petitions were filed two days after the United States Supreme Court refused a review for the third time and one day after Chief Justice Fred M. Vinson denied a petition for a stay of execution.

Official word of the Supreme Court's orders of Monday and Tuesday was dispatched yesterday from Washington by first-class registered mail to the Court of Appeals, where it will arrive today. The Appeals court will immediately issue what is known as a mandate to the clerk of the District Court, clearing the way for Judge Kaufman to set the execution date.

Virtually all the points Mr. Bloch raised in his petitions were set forward previously without success and one argument offered was that the Rosenbergs, convicted of conspiring on behalf of Russia, did not act "with intent to injure the United States" and were accused of acting with "intent to advantage the Soviet Union."

Convicted in March, '51

In the Appeals court papers, Mr. Bloch maintained that Judge Kaufman took into consideration factors which violated the Constitutional rights of the defendants, and in the lower court petition the lawyer argued that under the law the most they should have received was twenty years.

The Rosenbergs were convicted by a jury before Judge Kaufman on March 29, 1951. The following April 5 they were sentenced to death. They were first scheduled to die last Jan. 14 and then during the week of March 9.

It appeared last night that their only possible hope of being spared was to co-operate with the Justice Department, which could recommend executive clemency, denied by President Eisenhower on Feb. 11.

CLIPPING FROM
N.Y. HERALD TRIBUNE
N.Y.
DATED MAY 28 1953
FORWARDED BY N.Y. DIVISION

Late City Edition

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SEARCHED ..... INDEXED .....
SERIALIZED ..... FILED .....
MAY 2[illegible] 1953
FBI - NEW YORK

Seek Death Date For Rosenbergs

The government yesterday asserted that it will request Federal Judge Irving R. Kaufman tomorrow to set a new date for the execution of Julius and Ethel Rosenberg, who have been awaiting death in Sing Sing for the past two years following their conviction as A-bomb spies.

ASSISTANT U. S. ATTORNEY Kilsheimer said he had given two days notice to the Rosenberg's attorney.

The move came after another desperate attempt to stave off death in the electric chair for the condemned couple—a last-ditch action in which defense attorney Emanuel H. Bloch served Judge Kaufman with papers directing him to appear before the Court of Appeals for argument on a motion to change the death decree.

Bloch petitioned the Court of Appeals to direct Judge Kaufman, who passed sentence on the Rosenbergs, to reconsider his decision denying the couple a reduction in sentence.

At the same time, Bloch moved to vacate or correct the death sentences on the grounds they were in excess of the maximum penalty allowed by law. Both arguments will be heard Monday, the second one before Judge Kaufman.

The Rosenbergs thus far have lost every appeal, including three before the Supreme Court, a request for clemency from President Eisenhower and several lower court decisions.

Chief Justice Vinson in Washington Tuesday denied the pair a stay of execution and it is presumed that he will treat a request for a rehearing with equal dispatch.

CLIPPING FROM THE
N.Y. MIRROR
MAY 28 1953
PRODUCED BY N.Y. DIVISION

SEARCHED INDEXED
SERIALIZED FILED
MAY 21 1953
FBI - NEW YORK

ATOM SPIES TO GET NEW DATE OF DEATH

U. S. Notifies Defense That Day May Be Fixed Tomorrow—Rosenbergs Make 2 Moves

Shortly after counsel for Julius and Ethel Rosenberg, condemned atom spies, made two new legal moves yesterday to reduce their death sentences, the Government notified the defense that a new date of execution probably would be fixed tomorrow.

Assistant United States Attorney James B. Kilsheimer 3d drew up a proposed order for Federal Judge Irving R. Kaufman's signature, and gave Emanuel H. Bloch, defense attorney, the two-day notice as required by law.

The signing of the order is contingent on the return of the Supreme Court's order to the United States Court of Appeals denying the Rosenbergs a review of their application for a new trial. The order is expected to arrive here by mail today or tomorrow.

The Rosenbergs no longer have a stay of execution and if the defense failed to get such an order any additional legal moves would become academic with the carrying out of the death sentences.

Fourth Time to Set Date

The Rosenbergs were found guilty of conspiracy to commit espionage by operating within a Soviet spy ring that turned over atom secrets to the Russians in wartime. This will be the fourth time that Judge Kaufman will have set a date of execution.

In one of the legal moves the defense named Judge Kaufman as respondent in an application for a writ of mandamus, asking the United States Court of Appeals to order Judge Kaufman to reconsider his decision of last Jan. 2 denying the Rosenbergs a reduction in sentence.

Mr. Bloch contended that Judge Kaufman's death sentence was "a gross and unconscionable abuse of his discretion" and took into consideration factors that were illegal and violated the constitutional rights of the Rosenbergs.

The defense pointed out that two co-conspirators, David Greenglass and Harry Gold, who cooperated with the Government, received lesser sentences. Greenglass, Mrs. Rosenberg's brother, was sentenced to fifteen years and Gold, a Philadelphia biochemist, received thirty years.

SEARCHED ____ INDEXED ____
SERIALIZED ____ FILED ____
MAY 26 1953
FBI - NEW YORK

CLIPPING FROM THE
N.Y. TIMES
DATED MAY 28 1953
FORWARDED BY N. Y. DIVISION

Judge Kaufman's Decision

In his decision denying the Rosenbergs a reduction of sentence, Judge Kaufman said:

"Indeed, this court imposed a lesser sentence upon the co-conspirator, David Greenglass. There are several answers to this. The degree of implication of each conspirator and his subsequent aid to the Government in ferreting out co-conspirators must be considered.

"Not of little importance in connection with the Greenglass sentence is the cooperation the Government received from him, a factor which I publicly stated at the time of his sentence deserved consideration from the court."

Mr. Bloch said the Rosenbergs always have maintained their innocence and this "converts the death sentences into instruments for the coercion of confessions." He added that Judge Kaufman did not have the right to take into consideration that the Rosenbergs allegedly would continue in their deep-seated devotion and allegiance to Soviet Russia.

The defense said Judge Kaufman termed the Rosenbergs traitors and said they were guilty of treason. Mr. Bloch contended that if they were convicted as traitors under the law they should have received a lesser sentence.

Mr. Bloch also moved in the District Court to vacate or correct the death sentences, contending the sentences were in excess of the maximum allowed by law. Mr. Bloch said the Rosenbergs had been found guilty of a conspiracy to transmit vital atom secrets and not for actually having passed the information to Russia.

Mr. Bloch asked both courts for a stay of execution. Argument on the defense motions has been set down for Monday.

Death Order Drafted for Rosenbergs

A new execution date for atom spies Julius and Ethel Rosenberg may be set tomorrow by Federal Judge Irving R. Kaufman.

U. S. Attorney Lumbard and U.S. Atty. Kilsheimer have prepared an order for the execution date to be signed by Kaufman, who presided at the Rosenbergs' trial in 1951 and sentenced them to death.

Papers were due to arrive here today from the U. S. Supreme Court in Washington denying the convicted couple's fourth petition for a review and for another stay of execution.

Seek Reduction of Sentence

In a last-ditch legal maneuver, the Rosenbergs' counsel, Emanuel Bloch, filed two petitions to reduce the death sentence to 20 years imprisonment. One was filed in the U. S. District Court of Appeals asking it to direct Kaufman to reconsider the sentence. It is returnable Monday.

The second was filed in Kaufman's court. It, too, will be argued Monday. Lumbard will oppose both.

Bloch contended that Kaufman violated the Constitutional rights of the Rosenbergs in sentencing them to death. He argued that two co-conspirators, David Greenglass, Mrs. Rosenberg's brother, and Harry Gold, received only prison sentences.

2 Cooperated

However, Kaufman answered this argument in previous hearings by pointing out that Greenglass and Gold played minor roles in the plot to turn over atomic secrets to the Soviet, and that they had cooperated as government witnesses.

The Rosenbergs are in the death house at Sing Sing Prison.

61-7538-A-92

SEARCHED ... INDEXED
SERIALIZED ... FILED
MAY 28 1953
FBI - NEW YORK

J. A. Harrington

N.Y. POST
MAY 28 1953

Kaufman to Set Rosenberg Date

Federal Judge Irving R. Kaufman will set a new date today for the execution of the condemned atom spies, Julius and Ethel Rosenberg.

This will be the fourth time he has fixed such a date. The jurist first sentenced the couple to death April 5, 1951. At that time he fixed the date of execution for the following month. The next two dates were in January and March, 1953. All were postponed by various legal appeals.

NEW YORK TELEGRAM & SUN
DATED MAY 29 1953
FORWARD TO ... DIVISION

MAY 29 P.53
NEW YORK

Execution of A-Spies Set Week of June 15

Federal Judge Irving R. Kaufman today set the week of June 15 as the new date for the execution of the atom-bomb spies, Julius and Ethel Rosenberg, in the Sing Sing electric chair.

During the brief and subdued proceedings, the couple's lawyer asked for and was refused a postponement and U. S. Attorney Lumbard charged that defense counsel were trying to cause continual delay by "frivolous" motions dealing with questions already decided.

Three times before Judge Kaufman has set an execution date, but each time appeals have prolonged the Rosenbergs' lives.

2 Motions Planned

Emanuel Bloch, the Rosenbergs' lawyer, was out of the city on another case and his father, Alexander, represented them. He asked Judge Kaufman to postpone signing the new execution order until 2 p.m. Monday, when the younger Bloch will be present to argue two new motions, one in Federal Court and one in the U. S. Court of Appeals.

Lumbard, opposing the request, pointed out that only this week Chief Justice Vinson had refused to stay the execution after the high court, for the third time, had refused to review the case.

"It is now quite apparent that the intent and plan of defense counsel is to bring one motion after another in this case," he said.

Lumbard added that all questions had already been passed upon and "therefore it is not unfair to characterize this as frivolous."

"I think the time has come," he said, "that they be executed without delay."

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MAY 23 1953
FBI - NEW YORK

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July Week Requested

"I am going to act today," Judge Kaufman said quietly, "because the date I will fix would be the same date whether it was fixed on Monday or today."

"Then may I ask your Honor to set the first week in July?" Bloch asked.

"No," Judge Kaufman answered. "I'm going to fix the date for the week of June 15."

He paused for several minutes and added: "I cannot remember, Mr. Bloch, any case in our American courts which has received the care and attention at all judicial levels that this case has received."

He added that the case "strongly and vigorously defended."

"All I can say is that we did what we could to save the lives of two human beings," Bloch replied.

"There is no doubt you did what you thought was proper," the judge said.

Marshal to Act

He then signed the order and U. S. Marshal Carroll said he would get in touch later with Sing Sing Warden Denno to make execution arrangements.

Ordinarily, Sing Sing executions are carried out on Thursday which in this case would be June 18. If the state has any prisoner scheduled for electrocution that night, however, another day will have to be chosen.

Rosenberg, a 34-year-old electrical engineer, and his 36-year-old wife, contend in their latest appeal that the death sentence was illegal and that at most they should have been sentenced to 20 years as Soviet spies.

Sentence Rosenbergs to Die During the Week of June 15

Judge Dooms Atomic Spies Fourth Time

Couple Pin Hopes On Court Motions

Julius and Ethel Rosenberg, condemned atom spies, will die in the electric chair at Sing Sing some time during the week of June 15, Federal Judge Irving R. Kaufman decreed today.

It was the fourth time he had sentenced the couple to death, all three previous dates being postponed by the Rosenbergs' long string of unsuccessful appeals. They still have two motions before federal courts here and an application for a review before the U.S. Supreme Court, but it was thought this time the sentencing date would stick.

Alexander Bloch, father of Emanuel Bloch, the Rosenbergs' chief attorney, appeared in behalf of the couple today in U.S. District Court, explaining his son was handling a court martial case in Massachusetts. But, like his son, he immediately launched into a plea for further delay.

Lumbard Opposes Plea

U. S. Attorney J. Edward Lumbard opposed the plea. He charged the defense with bringing one motion after another to postpone the execution as long as possible and characterized the motions as frivolous.

Mr. Bloch asked Judge Kaufman to wait until Monday afternoon, after the two motions are heard in the federal courts, to set the sentencing date. But the judge was adamant.

"I am going to act now," he said. "I cannot remember any case in our American courts receiving the care and attention at all judicial levels that this case has received." He added that he couldn't remember a case, either, in which the "defense counsel has acted more vigorously."

'Did All We Could'

"We did all we could to save the lives of two human beings," said Mr. Bloch.

"I have no doubt that you did all that you thought was proper," the judge remarked, dryly.

Argument is scheduled for Monday on the motions in U.S. District Court and the U.S. Court of Appeals, where an attempt is being made to have the death sentence set aside and reduced to 20 years.

SEARCHED INDEXED
SERIALIZED FILED
MAY 25 1953
FBI - NEW YORK

CLIPPING FROM THE
N.Y. WORLD TELEGRAM & SUN
N.Y. MAY 20 1953
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A-Spies Learn Date Today

Federal Judge Irving R. Kaufman today was again to set a date for the execution of atom spies Julius and Ethel Rosenberg.

This will be the fourth time the judge has fixed such a date. The other dates were set aside because of various appeals from the sentence to the Supreme Court.

65-15348-A92

CLIPPING FROM THE
N.Y. JOURNAL AMERICAN
DATED MAY 29 1953
FORWARDED BY N.Y. DIVISION

MAY 2 1953
FBI - NEW YORK

ROSENBERGS DIE WEEK OF JUNE 15

Federal Judge Irving R. Kaufman today set the week of June 15 as a new execution date for convicted atom spies Julius and Ethel Rosenberg.

The date is the fourth set by Kaufman for the execution, and it may not be the last. Defense counsel for the condemned couple will move next week for a stay of execution pending further appeals.

Attorney Alexander Bloch, father of defense counsel Emanuel Bloch, moved unsuccessfully for postponement of today's action until Monday, when he said his son would make further applications.

3 Times Postponed

Kaufman, who presided over the Rosenbergs' trial, first sentenced them on April 5, 1951, to die in the Sing Sing prison electric chair in June of that year.

That execution date was stayed pending appeals, as were dates set later for January and March this year.

United States Attorney J. Edward Lumbard Jr. today opposed any further delay. He told the court:

"It is now quite apparent the defense intends to bring one motion after another to the end of defeating the sentence of this court. It is frivolous and made for the declared purpose of gaining more time."

Almost as Kaufman set the new execution date, the Committee to Secure Justice in the Rosenberg Case announced circulation of a new nation-wide petition for executive clemency for the couple, convicted of passing to Russian agents during World War II secrets of United States atomic bomb experiments.

Judge's Comment

Kaufman told Bloch in refusing to grant a delay:

"I cannot remember, Mr. Bloch, any case proceeding with the care and attention in all the judicial levels of our American courts that this case has received. I cannot remember any defendants who have been represented as vigorously in the courts as these defendants."

Bloch replied: "All I can say

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MAY 29 1953
FBI - NEW YORK

Rosenbergs Die— Week of June 15

Continued from Page 1

is we did all that we thought right and proper for the defendants."

The Rosenberg defense committee said its new clemency petition based the appeal on "new evidence that the Rosenbergs are condemned on the word of perjurers who violated the commandment against bearing false witness," and on the statement of a Vatican newspaper that Pope Pius XII found the case "so pitiful as to arouse sincere commiseration."

Rosenbergs to Die Week of June 15th

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MAY 1 1953
FBI - NEW YORK

Court Denies New Delay

Condemned atom spies Ethel and Julius Rosenberg were sentenced today to die in Sing Sing's electric chair during the week of June 15.

This was the fourth time Federal Judge Irving R. Kaufman had set an execution date for the convicted couple amid a continuing series of legal defense maneuvers which included three appeals to the U. S. Supreme Court.

Defense counsel unsuccessfully sought to have Judge Kaufman postpone the setting of the execution date until Monday afternoon. The Judge declared he could see no reason for further delay, adding:

"I cannot remember any case in our American courts which has received all the care and attention that this case has received. I cannot recall any case where the defense counsel has acted more vigorously."

Ordinarily, Sing Sing executions are carred out on Thursday nights. This would mean that the Rosenbergs, parents of two young sons, would die on June 18.

IKE THEIR LAST HOPE

Their appeals rejected by every court, the last remaining hope of the Rosenbergs is a personal plea to President Eisenhower, who has the power to commute their sentences.

But White House sources have indicated that the President would only act if the Rosenbergs made a clean breast of their part in the Communist apparatus which passed American atomic secrets to Russia.

The Rosenbergs, from their death house cells in Sing Sing, have shown no disposition to "tell all" in the vast atomic conspiracy in return for their lives.

SUBSTITUTE COUNSEL

The Rosenbergs' regular counsel, Emanuel H. Bloch, was in Massachusetts on another matter and his place was taken by his father, Alexander Bloch, also a lawyer, when the case came up today.

The elder Bloch asked that the fixing of the new date be put over until Monday because two new motions will be argued on that day seeking to have the death sentences reduced to 20 years in prison.

U. S. Attorney J. Edward Lumbard attacked Bloch's motion as "frivolous" and said that "there should be no further delay in the Rosenbergs' execution."

Judge Kaufman then stated crisply:

"I am going to act today. The date I fix will be the same date, even if I did put it over to Monday. I have made up my mind."

"I then ask that you set the execution date for the first week in July," Bloch said.

"The date is June 18, Mr. Bloch," Judge Kaufman replied.

Doom's Day To Be Set for Rosenbergs

Federal Judge Irving R. Kaufman sets a new date today for the execution of condemned atom spies, Julius and Ethel Rosenberg.

This will be the fourth time Judge Kaufman has fixed a date. The jurist first sentenced the couple to death April 5, 1951. At that time he fixed the date of execution for the following month. The next two dates were in January and March, 1953.

All were postponed by various apepals on behalf of the condemned couple by their attorney, Emanuel H. Bloch.

Last Monday the U. S. Supreme Court refused for the third time to review the Rosenberg case. The following day Chief Justice Vinson denied the husband and wife spy team a stay of execution.

The two decisions were received yesterday in Federal Court and Asst. U. S. Atty. Kilsheimer notified Bloch tat Kaufman would sign the new execution order today.

MAY 29 1953

Kaufman for 4th Time To Set Rosenberg Death

Federal Judge Irving R. Kaufman will set a new date today for the execution of Julius and Ethel Rosenberg, condemned atom spies. This will be the fourth time that the jurist has fixed a date for the execution.

The Supreme Court's order denying the Rosenbergs a review of lower courts' refusals to set aside the conviction was received in Federal Court yesterday. This paved the way for Judge Kaufman's action. Assistant United States Attorney James B. Kilsheimer 3d notified Emanuel H. Bloch, defense counsel, that the execution order would be signed today.

On Wednesday Mr. Bloch applied in the United States Court of Appeals and the District Court to reduce the death sentences and to stay the execution pending the outcome of the applications. The defense move will be opposed by United States Attorney J. Edward Lumbard, assisted by Mr. Kilsheimer.

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FBI - NEW YORK

THE TIMES
MAY 20 1953

Set Rosenberg Deaths Today

Judge Irving R. Kaufman will set at 10:30 a. m. today a new date for the execution of Julius and Ethel Rosenberg, atomic spies.

This will be the fourth time the United States District Court judge will fix such a date. On April 6, 1951, when he sentenced them to death, he ordered their execution during the week of the following May. The next two dates were Jan. 14, 1953, and the week of March 9, 1953.

They were all postponed by various appeals. On Monday the United States Supreme Court refused to review the case for the third time, and on Tuesday Chief Justice Fred M. Vinson denied the Rosenbergs a stay. Those two decisions arrived yesterday at the United States Courthouse, Foley Square. Assistant United States Attorney James B. Kilsheimer 3d has already prepared papers for Judge Kaufman's signature today.

N.Y. HERALD

MAY

NEW YORK

A-Spies' No. 4 Death Date Is June 15 Week

By ART SMITH

Julius and Ethel Rosenberg, the convicted A-bomb spies, yesterday were rescheduled to die in Sing Sing's electric chair the week of June 15. It was the fourth time Federal Judge Irving Kaufman had fixed a date for the first peacetime spy execution in the nation's history.

The Rosenbergs were represented by Alexander Bloch, father of their regular counsel, Emanuel H. Bloch, who was absent from the city on business.

After unsuccessfully pleading that Judge Kaufman defer fixing a new death date until 2 P. M. Monday, Bloch said his son probably would visit his condemned clients in the Sing Sing death house today.

"In view of the fact that my son has two motions scheduled for argument in this courthouse Monday in connection with this case, I am asking that you set an execution date at 2 P. M. Monday," the elder Bloch told the court.

Charges Defense Delay.

U. S. Attorney J. Edward Lumbard rose.

"It is now apparent," he said, "that it is the plan of the defendants to bring one motion after another to postpone this as long as possible. . . . I think the time has come that they be executed without delay."

Judge Kaufman spoke briskly.

"I am going to act today because the date will be the same date I set even if I did put it over until Monday. I have made up my mind."

Ethel Rosenberg

Julius Rosenberg

Rescheduled for chair.

"Then I ask that the execution be set for the first week in July," Bloch said.

"The date is June 15, Mr. Bloch," the court replied. Then he added: "I cannot remember any case in our American courts which has received all the attention and care that this case has received. I cannot recall any case in which the defense counsel has acted more vigorously."

Arguments will be heard Monday in two actions in which Emanuel Bloch has petitioned the U. S. Court of Appeals and the U. S. District Court to reduce the death sentences to [illegible] years in prison.

N.Y. NEWS

A-929

[illegible]

[illegible] NEW YORK

Rosenbergs' Execution Set for Week of June 15

By Milton Lewis

The week of June 15 was set yesterday for the execution of Julius and Ethel Rosenberg, wartime atomic spies. This was the fourth time that Judge Irving R. Kaufman fixed a date for the Rosenbergs to pay the extreme penalty since their conviction by a United States District Court jury on March 29, 1951, for conspiring to pass atomic secrets to Soviet Russia.

The first three dates were stayed pending appeals. There is no stay outstanding now, but argument for reduction of sentence is scheduled for Monday in two Federal courts. Rosenberg, thirty-five, and his wife, thirty-seven, have been in the Sing Sing Prison death house for more than two years. June 18—a Thursday—is expected to be the execution day fixed by the prison warden.

It appeared last night that the Rosenberg's fate was sealed unless they undergo a last-minute change of heart and decide to co-operate with the Justice Department by confessing and implicating others in the huge spy ring. This might gain them executive clemency. Their first appeal for mercy was denied Feb. 11 by President Eisenhower, who agreed with Judge Kaufman that their crime was "worse than murder."

Yesterday's session before Judge Kaufman was brief. Alexander Bloch, a lawyer, explained that he was "pinch hitting" for his son, Emanuel H. Bloch, the couple's regular counsel, who is

Continued on page 4, column 5

in Fort Devens, Mass. The elder Mr. Bloch asked for a delay in fixing a new date until 2 p. m. Monday, when his son could be present. The younger Mr. Bloch will argue for reduction of the Rosenberg's sentence in United States Court of Appeals and United States District Court on Monday morning.

United States Attorney J. Edward Lumbard and James B. Kilsheimer 3d, an assistant, vigorously opposed any delay. Mr. Lumbard noted that the United States Supreme Court refused on Monday, for the third time, to review the case and that Chief Justice Fred M. Vinson denied a stay on Tuesday.

"It is now quite apparent," Mr. Lumbard said, "that it is the intention and the plan of defense counsel to bring one motion and proceeding after another [illegible] the ends of defeating the sentence of this court and postponing it as long as possible.

"The proceedings which have been brought simply raise again questions which have already been passed upon by the courts and . . . it is not unfair to characterize them as frivolous. . . . We think the time has come for the court to move forward . . . to see that there is executed without any unreasonable further delay the sentence which your honor imposed more than two years ago."

Mr. Bloch finally suggested that the week of July 1 be fixed, to which Judge Kaufman responded quietly:

"No, I am going to fix the date for the week of June 15. I cannot remember, Mr. Bloch, any case in our American courts receiving the care and attention at all judicial levels that this case has received. I cannot remember any defendants having been represented as vigorously by counsel as these defendants have been represented."

"All I can say, your honor," Mr. Bloch said, "is that we did all that we thought was proper under the circumstances in order to save the lives of human beings."

"Did What Was Proper"

"I have no doubt," Judge Kaufman concluded, "that you did what you thought was proper. Very well, the orders are filed."

The Rosenbergs, scheduled to be the first American civilians to be executed for war-time espionage and the first Federal prisoners to be put to death in Sing Sing prison, are the parents of two boys, ten and five. They have until June 9 to ask the Supreme Court to reconsider its refusal of last Monday.

The Rosenbergs were previously sentenced to be executed during the week of May 21, 1951; Jan. 12, 1953, and March 9, 1953. Unless a stay is issued before the night of execution, any court proceeding is academic.

If they are executed June 18, it will be one day before their fourteenth wedding anniversary. They were married on June 18, 1939.

New Appeals Planned

The National Committee to Secure Justice in the Rosenberg Case announced yesterday that Rosenberg Committees throughout the country were organizing delegations to visit their United States Representatives and Senators this week end to present them with "new evidence." The legislators will also be asked to urge President Eisenhower to grant clemency, the national committee said.

MAY 2 1953

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WRITER INDEXED
SERIALIZED FILED
MAY 1953
131 · NEW YORK

Mirror 5/30 P2

A-Spies To Die Week Of June 15

Condemned atom spies Julius and Ethel Rosenberg, for whom an execution date had been set three times previously, were resentenced yesterday by Federal Judge Irving R. Kaufman to die in the electric chair during the week of June 15.

A plea by defense counsel to put off the sentencing until Monday was vigorously opposed by U. S. Attorney Lumbard, who denounced the application as a "plan of the defendants to bring one motion after another to postpone this as long as possible."

"THE GOVERNMENT takes the stand that these moves are frivolous and are being made for the deliberate purpose of having

Judge Irving Kaufman... sets Rosenberg execution date for the fourth time. (AP Photo)

more time," Lumbard declared. "I think it's time they be executed without delay."

Addressing Alexander Bloch, who appeared in court in place of his son, Emanuel H. Bloch, the Rosenberg's regular attorney, Kaufman declared he could not remember "any case in our American courts which has received all the care and attention that this case has received."

Kaufman explained that he would not grant the request to postpone sentencing "because the date I fix will be the same date, even if I did put it over to Monday. I have made up my mind."

TO BLOCH'S comment that "we did all we could under the circumstances to save the lives of two human beings," Kaufman replied:

"I have no doubt that you did all that you thought was proper."

Bloch said two motions are scheduled for argument in Federal Court on Monday in relation to the case. Emanuel Bloch has petitioned the U. S. Court of Appeals and the U. S. District Court to have the death sentences reduced to 20 years in prison.

61-11348 A931
MAY 1953
NEW YORK

N.Y. MIRROR 1953

Rosenbergs' Defense Filing Last-Ditch Plea

Counsel for atom spies Julius and Ethel Rosenberg will file motions in two courts here Monday designed to stay their execution, now set for the week of June 15 at Sing Sing.

Emanuel Bloch, their lawyer, will argue in the U. S. Circuit Court of Appeals and Federal Court that the death sentence should be reduced to 20 years in prison. He also will ask that the new date of execution, the fourth set by Federal Judge Irving Kaufman, be stayed.

U. S. Marshal Carroll was to make arrangements with Warden Denno of Sing Sing for the execution in the electric chair, the first for Federal prisoners at Sing Sing. Ordinarily executions are on Thursday nights.

Bloch's father, Alexander, unsuccessfully argued before Kaufman Friday that the new date for execution not be set before Monday, and that it be for the first week of July.

U. S. Attorney Lumbard told the court "It is now apparent that it is the plan of the defendants to bring one motion after another to postpone this as long as possible. I think the time has come that they be executed without delay."

Should the motions fail Monday, the defense could again ask the U. S. Supreme Court in Washington to review the case. The high court has turned down all previous requests. Or the defense again could ask President Eisenhower to commute the death sentence. He, too, has rejected an earlier request to intervene.

NY POST

SEARCHED
SERIALIZED
FILED
MAY 30 1953
NEW YORK

Rosenbergs' Deaths Set for Mid-June

By EDWARD RANZAL

For the fourth time, Federal Judge Irving R. Kaufman fixed a date yesterday for the execution of the death sentences of Julius and Ethel Rosenberg, condemned atom spies. He set the week of June 15 for them to die in the electric chair at Sing Sing prison.

The defense sought unsuccessfully to have Judge Kaufman postpone until Monday the setting of the new date. At that time counsel for the Rosenbergs will argue in the Court of Appeals and the District Court two motions to reduce the sentences.

The new date was fixed after receipt by mail of the Supreme Court's order denying the Rosenbergs a review of a lower court's

Continued on Page 5, Column 6

ROSENBERG DEATHS SET FOR MID-JUNE

Continued From Page 1

decision denying their application to set aside the judgment of conviction.

The Rosenbergs were represented yesterday by Alexander Bloch, who told the court:

"I'm pinch-hitting for my son [Emanuel H. Bloch, chief defense counsel], who is absent from the city. In view of the two motions returnable Monday morning affecting the sentence, I am constrained to ask for a delay until 2 P. M. Monday."

United States Attorney J. Edward Lumbard jumped to his feet and said:

"We oppose any delay or adjournment in this matter, Your Honor. It is true that two matters are set down for disposition in other courts on Monday. A justice of the Supreme Court denied a further stay in this matter a few days ago, and the following day we were served with additional papers—the Circuit Court of Appeals mandamus for resentencing and a motion in the District Court for a resentence of the defendants.

"It is now quite apparent that it is the intention of and the plan of defense counsel to bring one motion and proceeding after another in this case, to the ends of defeating the sentence of this court and postponing it as long as possible.

"The proceedings which have been brought simply raise again questions which have already been passed upon by the courts, and, therefore, in their nature it is not unfair to characterize them as frivolous and made for the deliberate purpose of gaining more time.

"We think the time has come for the court to move forward and execute—to see that there is executed without any unreasonable further delay the sentence which Your Honor imposed more than two years ago, and for that reason it seems to us that there should be no further delay in signing the order which Your Honor is now free to do since the mandate has come down from the Court of Appeals."

Mr. Bloch contended:

"My request for an adjournment to Monday afternoon is not unreasonable at all, inasmuch as there really is no delay. I only wanted my son to be present and have whatever he has to say to you personally."

Judge Kaufman then said:

"No, I'm going to act today on this matter because whether I acted Monday afternoon or whether I act today the date I will fix would be the same date, and so I intend to act today."

"Would Your Honor fix the first week in July?" Mr. Bloch asked.

"No," Judge Kaufman said, "I'm going to fix the date for the week of June 15. I cannot remember, Mr. Bloch, any case in our American courts receiving the care and attention at all judicial levels that this case has received. I cannot remember any defendants having been represented as vigorously by counsel as these defendants have been represented."

Mr. Bloch answered: "All I can say, Your Honor, is that we did all that we thought was proper under the circumstances in order to save the lives of human beings."

The Supreme Court in its last decision also vacated a stay of execution granted by the Court of Appeals. Thus, without a stay, any future defense moves would become academic with the execution of the death sentences.

In its two new applications for reduction of sentence, the defense has asked the courts for a stay, but in view of Chief Justice Fred M. Vinson's decision refusing a further stay it was considered unlikely that the lower courts would grant one now. The defense could carry both new applications to the Supreme Court if time permitted.

It was understood also that Emanuel H. Bloch might soon file a motion for a new trial based on what was said to be newly discovered evidence.

After their conviction of conspiracy to commit espionage in wartime, the Rosenbergs were first sentenced on April 5, 1951, to die in the chair. They received a stay pending appeal, and when the convictions were upheld Judge Kaufman set the week of last January 12 for execution of the sentence.

The Rosenbergs then received another stay so that they could petition for Presidential clemency, and when this was denied, the week of March 9 was fixed for them to die. The defense won the latest stay from the Court of Appeals to enable it to carry a petition to the Supreme Court.

Meanwhile, the National Committee to Secure Justice in the Rosenberg Case announced yesterday that delegations were being members of the Senate and House organized over the country to visit of Representatives over the weekend to urge an appeal to President Eisenhower for clemency.

11-17933

NY TIMES

SEARCHED INDEXED
SERIALIZED FILED
MAY 30 1953
NEW YORK

CLIPPING FROM THE
MAY 30 1953
DIVISION

5/31/53 News p.20

2 Rosenbergs Write Lawyer

Atom spies Julius and Ethel Rosenberg, learning from newspapers and radio of their resentencing to die the week of June 15 following their latest turndown by the U. S. Supreme Court, wrote letters yesterday to their lawyer, Emanuel H. Bloch, Sing Sing sources disclosed.

The indefatigable Bloch, rebuffed for the fourth time, is to appear tomorrow before both the U. S. Court of Appeals and the U. S. District Court for arguments on a new move to get the death sentences reduced to 20 years' imprisonment.

The condemned couple was reported, outwardly at least, to be calm and hopeful.

A-93

CLIPPING FROM THE
N.Y. NEWS
DATED MAY 31 1953

Rosenberg Plea Cites Oatis Case

The National Committee to Secure Justice in the Rosenberg Case cited the release of William N. Oatis by the Czechs today in advancing a new appeal for clemency for convicted spies Julius and Ethel Rosenberg.

The committee made public a letter it said was written to President Eisenhower by Michael Rosenberg, 10, son of the couple awaiting execution June 18 in Sing Sing. The letter said:

"Dear President Eisenhower:

"I saw on television on Monday Mr. Oatis is not in prison anymore because the President of the country let him go. It said his wife wrote a letter to the president over there and she told why Mr. Oatis should be let go. I think it is a good thing to let him go home because I think prison is a very bad place for anybody to be.

"My mommy and daddy are in prison in New York. My brother is six years old, his name is Robby. He misses them very much and I miss them too. I got the idea to write you from Mr. Oatis on television. Please let my Mommy and Daddy go and not let anything happen to them. If they come home Robby and I will be very happy we will thank you very much."

N.Y. POST
JUN 1 1953

SEARCHED INDEXED
SERIALIZED FILED
JUN 1953
FBI NEW YORK

Rosenberg Son, 10, Cites Oatis in Appeal

The National Committee to secure Justice for the Rosenbergs cited the release of newsman William N. Oatis today in advancing a new appeal for clemency for convicted atom spies Julius and Ethel Rosenberg.

Mention of the Oatis case was made in a letter which the committee said was written to President Eisenhower by Michael Rosenberg, the 10-year-old son of the couple awaiting execution June 18 in Sing Sing Prison.

The Rosenbergs' attorney, Emmanuel H. Bloch, goes before the Court of Appeals and the District Court today to argue for a reduction to 20 years in prison.

Mr. Oatis recently was released by Czechoslovakian authorities after serving 25 months in prison for committing "espionage" in his capacity as Associated Press correspondent in Prague.

A photographed copy of the letter written in a childish scrawl and signed by Michael Rosenberg was distributed by the Rosenberg committee with a press release. The letter, which contained many erasures and misspelled words, said:

"Dear President Eisenhower:

"I saw on television on Monday Mr. Oatis is not in prison any more because the president of the country let him go. It said his wife wrote a letter to the president over there and she told why Mr. Oatis should be let go. I think it is a good thing to let him go home because I think prison is a very bad place for anybody to be.

"My Mommy and Daddy are in prison in New York. My brother is 6 years old. His name is Robby. He misses them very much and I miss them, too. I got the idea to write you from Mr. Oatis on television. Please let my Mommy and Daddy go and not let anything happen to them. If they come home Robby and I will be very happy we will thank you very much."

SEARCHED ... INDEXED
SERIALIZED ... FILED
JUN 1 1953
FBI - NEW YORK

JUN 1 1953

New Mercy Plea for A-Spies Cites Reds' Release of Oatis

The National Committee to Secure Justice for the Rosenbergs cited the release of William N. Oatis today in advancing a new appeal for clemency for convicted atom spies Julius and Ethel Rosenberg.

Mention of the Oatis case was made in a letter which the committee said was written to President Eisenhower by Michael Rosenberg, the 10-year-old son of the couple awaiting execution June 18 in Sing Sing Prison.

Oatis recently was released by Czechoslovakian authorities after serving 25 months in prison for committing "espionage" in his capacity as Associated Press correspondent in Prague.

A photographed copy of the letter written in a childish scrawl and signed by Michael Rosenberg was distributed by the Rosenberg committee with a press release. The letter, which contained many erasures and misspelled words, said:

"Dear President Eisenhower:

"I saw on television on Monday Mr. Oatis is not in prison anymore because the president of the country let him go. It said his wife wrote a letter to the president over there and she told why Mr. Oatis should be let go. I think it is a good thing to let him go home because I think prison is a very bad place for anybody to be.

"My mommy and daddy are in prison in New York. My brother is six years old, his name is Robby. He misses them very much and I miss them, too. I got the idea to write you from Mr. Oatis on television.

"Please let my mommy and daddy go and not let anything happen to them. If they come home Robby and I will be very happy, we will thank you very much.

"Very truly yours,
"Michael Rosenberg."

61-113-18 A93

SEARCHED ___ INDEXED ___
SERIALIZED ___ FILED ___
JUN 1 1953
FBI - NEW YORK

BY DOCKLYN EAGLE
JUN 1 1953

Appeals Court Weighs New Rosenberg Motion

The U. S. Court of Appeals today reserved decision on an application to reduce the sentences of the atom-bomb spies, Julius and Ethel Rosenberg, from execution at Sing Sing during the week of June 15 to 20 years in prison.

Emanuel H. Bloch told Judges Swan, Learned Hand and Frank that the re-sentencing of the Rosenbergs by Federal Judge Kaufman last January was "invalid and improper" becuse he told them they deserved to die as traitors.

He said they were not charged with treason and "a shocking part of the sentence is the fact that it was designed to coerce a confession from the petitioners in the death house."

Judge Makes It Short

Judge Swan cut off his argument by saying, "You have made your point. I want to shorten this."

For the Government, U. S. Attornye Lumbard said that all of Judge Kaufman's considerations in imposing the death sentence were "highly proper."

"Any act of any one could not be more traitorous than what the Rosenbergs were convicted of," he said.

Publish Plea by Son

After attacking Judge Kaufman in the higher court, Bloch went before him to ask him to re-sentence the Rosenbergs to prison and stay their execution.

Before this latest move in a case that has gone to the Supreme Court three times, the National Committee to Secure Justice in the Rosenberg Case made public a letter it said Michael Rosenberg, their 10-year-old son, had written to President Eisenhower appealing for clemency.

The letter referred to the William N. Oatis case and asked the President to "please let my Mommy and Daddy go and not let anything happen to them."

65-15345-A-938

SEARCHED INDEXED
SERIALIZED FILED
JUN 1 1953
FBI - NEW YORK

Bond Edition

DATED JUN 1 1953

Doomed A-Spies:

Ruling Reserved On Rosenbergs

The U. S. Court of Appeals reserved decision today on an application by condemned atom spies Julius and Ethel Rosenberg for a writ which would direct Federal Judge Irving R. Kaufman to resentence the couple to a lesser sentence.

The Rosenbergs are now scheduled to die in the electric chair at Sing Sing during the Week of June 15.

Emanuel H. Bloch, attorney for the Rosenbergs, told the three-man court, comprised of Judges Swan, Hand and Jerome N. Frank, that the resentencing of the Rosenbergs by Kaufman last January was "invalid and improper."

In opposing the motion, U. S. Attorney J. Edward Lumbard stated that "any act of anyone could not be more traitorous than what the Rosenbergs were convicted of." He added that "all of Judge Kaufman's considerations in the case were highly proper."

Lumbard said that, in his memory, "hardly any case has received a more close scrutiny" than this one "by so many of our courts."

65-15316 A939

SEARCHED ____ INDEXED ____
SERIALIZED ____ FILED ____
JUN 1 1953
FBI - NEW YORK

CLIPPING FROM THE
N.Y. JOURNAL AMERICAN Sport edition
N.Y.
DATE JUN 1 1953

Rosenbergs File Two More Pleas

Resentencing Sought As Death Date Nears

Counsel for Julius and Ethel Rosenberg, atom spies, made two desperate efforts today to save them from the death penalty, now set to be carried out at Sing Sing Prison the week of June 15.

In both the circuit Court of Appeals and U.S. District Court the attorney, Emanuel H. Bloch, urged that Rosenberg and his wife be resentenced on the ground that the resentencing last January by Judge Irving R. Kaufman after a previous appeal failure was improper.

Pleads for Resentencing.

Mr. Bloch told the three judges of the Circuit Court that a writ should be issued requiring Judge Kaufman to resentence the couple. He argued that the death sentence was designed "to coerce a confession from the petitioners in the death house" and called that "a schocking part of the sentence."

The attorney said the Rosenbergs should not be punished for ideas, and "certainly they cannot be killed for having ideas." He said Judge Kaufman had stated the couple deserved to die because they were traitors although they were not charged with treason and the court therefore had made an untrue assumption.

Point Held Not Appealable.

In opposing issuance of a writ U.S. Attorney J. Edward Lumbard said all of Judge Kaufman's considerations in the case were proper and that the courts previously had held that this matter was not appealable.

The Circuit Court judges reserved decision and Mr. Bloch prepared to go before Judge Kaufman to ask him directly to resentence the Rosenbergs to something less than death in the electric chair.

65-153 48A94
SEARCHED INDEXED
SERIALIZED FILED
JUN 1 1953
FBI - NEW YORK

DELETING FROM THE
N.Y.U.T. WORLD TELEGRAM & SUN
DATED JUN - 1 1953
FORWARDED BY N.Y. DIVISION

Rosenberg Pleaders Cite Oatis 'Precedent'

Agitators seeking to save Ethel and Julius Rosenberg, the A-traitors now waiting execution in Sing Sing, yesterday came forth with the argument that pardon of William N. Oatis, American newspaperman, by the Czechoslovakian Government set a precedent for clemency for the Rosenbergs.

The first step in the new left-wing campaign was disclosed yesterday by the Committee to Secure Justice in the Rosenberg Case with the release of a letter purportedly written by the couple's older son, Michael, 10, to President Eisenhower.

The 10-year-old had the foresight to make a copy of his appeal which, the committee asserted, it obtained from him. Text of Michael's reported letter follows:

"I saw on television on Monday Mr. Oatis is not in prison anymore because the President of the country let him go. It said his wife wrote a letter to the President over there and she told why Mr. Oatis should be let go. I think it is a good thing to let him go home because I think prison is a very bad place for anybody to be.

Wants Them Home.

"My mommy and daddy are in prison in New York. My brother is 6 years old his name is Robby. He misses them very much and I miss them too. I got the idea to write to you from Mr. Oatis on television. Please let my mommy and daddy go and not let anything happen to them. If they come Robby and I will be very happy we will thank you very much.

Very truly yours,
Michael Rosenberg"

SEARCHED INDEXED
SERIALIZED FILED
JUN 1 1953
FBI - NEW YORK

DAILY NEWS
JUN - 1 1953
ORIGINATED IN N. Y. DIVISION

Rosenbergs' Son Writes President

Michael Rosenberg, ten, older son of the condemned atom spies Julius and Ethel Rosenberg, has written to President Eisenhower asking him to "let my mommy and daddy go," it was stated yesterday by the Committee to Secure Justice in the Rosenberg Case.

According to the committee, Michael was also speaking for his six-year-old brother and wrote:

"Dear President Eisenhower:

"I saw on television on Monday Mr. Oatis is not in prison anymore because the President of the country let him go. It said his wife wrote a letter to the President over there and she told why Mr. Oatis should be let go. I think it is a good thing to let him go home because I think prison is a very bad place for anybody to be.

"My mommy and daddy are in prison in New York. My brother is six years old his name is Robby. He misses them very much and I miss them too. I got the idea to write you from Mr. Oatis on television. Please let my mommy and daddy go and not let anything happen to them. If they come home Robby and I will be very happy we will thank you very much.

Very truly yours,

MICHAEL ROSENBERG

The Rosenbergs have been resentenced to die in Sing Sing the week of June 15. Their latest appeal was rejected by the United States Supreme Court. Their attorney, Emanuel H. Bloch, is to go before the Court of Appeals and the District Court today to present arguments in a new move to have the death sentence reduced to twenty years imprisonment.

65-15348-A9M

SEARCHED ___ INDEXED ___
SERIALIZED ___ FILED ___
JUN 1 1953
FBI - NEW YORK

N.Y. HERALD TRIBUNE
JUN 1 1953

ROSENBERGS LOSE IN NEW COURT PLEA

Judge Kaufman Denies Motion to Reduce Death Sentences to 20 Years in Prison

By EDWARD RANZAL

Federal Judge Irving R. Kaufman denied yesterday a "transparent" motion by Julius and Ethel Rosenberg, condemned atom spies, to reduce their death sentences to twenty years' imprisonment.

Last Friday, Judge Kaufman ordered that the Rosenbergs be put to death in the electric chair at Sing Sing Prison the week of June 15. This was the fourth time he had fixed a date for the execution of the death sentences.

Fighting against time, Emanuel H. Bloch of defense counsel began yesterday a series of last-ditch legal maneuvers to save the doomed couple. The Rosenbergs have been unable at this time to get a further stay of execution from the courts.

In a companion move to the motion heard by Judge Kaufman, Mr. Bloch earlier asked the United States Court of Appeals to order Judge Kaufman to reduce the death sentences. The Court of Appeals reserved decision.

Judge Kaufman also brought out the fact that Mr. Bloch intended to move on Thursday or Friday for a new trial based on supposedly newly discovered evidence. The jurist urged that Mr. Bloch bring on with dispatch any new legal actions that the defense had in mind, pointing out that Mr. Bloch should not "take the responsibility of timing these motions," at this late date.

Mr. Bloch asked Judge Kaufman to resentence the Rosenbergs on the grounds that the charge on which they were convicted carried a maximum penalty of twenty years. He said the wording of the indictment did not charge the Rosenbergs with wartime espionage—a charge that carries a maximum penalty of death.

The defense attorney argued that the Rosenbergs had been found guilty of hatching a conspiracy in wartime to give atom secrets to the Soviet Union but that it never went beyond that. He asserted that the atom spies had not been convicted of transmitting any secrets in wartime to Russia.

Judge Kaufman said that since the convictions the defense had raised "a minimum of twenty-five carefully planned points of law in all the courts" but that the latest motion was new. The jurist wondered why it had not been brought before. Mr. Bloch explained that Fyke Farmer, an attorney from Nashville, Tenn., had suggested the motion only recently and he thought it had merit.

In opposing the motion United States attorney J. Edward Lumbard said that the language of the indictment clearly charged the defendants with an offense punishable by death. He said both the defense counsel and the defendants were well aware that the death sentence was involved.

After both sides had argued Judge Kaufman took a ten-minute recess, then returned to give his decision:

"I am of the opinion that the motion is transparent without any merit whatsoever."

Judge Kaufman held that a phrase in the indictment, "then and there being at war," clearly indicated that the Rosenbergs were charged with wartime espionage. He added that the "evidence at the trial demonstrated that the defendants intended to and did transmit atomic information to the Soviet Union during time of war."

In the Court of Appeals Mr. Bloch contended that Judge Kaufman took into consideration illegal factors in fixing the death sentences. He said Judge Kaufman had no right to take into consideration the Rosenbergs' alleged devotion to Russia; that he denounced the Rosenbergs as traitors when they were not charged with treason; that the intent of the Rosenbergs was to injure the United States, and that the jurist imposed the death sentences to coerce the couple into confessing their guilt.

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JUN 1953
FBI - NEW YORK

N.Y. TIMES
JUN - 2 1953

City Edition

Atom Spy Pleas Pushed in 2 Courts

By NORMA ABRAMS

Defense efforts to save convicted atom spies Ethel and Julius Rosenberg were pressed in two courts yesterday even as orders calling for execution of the couple the week of June 15 were taken to Sing Sing.

In District Court, defense attorney Emanuel H. Bloch asked Federal Judge Irving R. Kaufman to set aside the death penalty and resentence the Rosenbergs to 30 years imprisonment, which Bloch contended was the maximum prescribed by law. Bloch also asked for a stay of execution. Both requests were turned down by Kaufman.

Appeals Court Plea

In the U. S. Circuit Court of Appeals, earlier in the day, Bloch asked for a writ directing Kaufman to resentence the Rosenbergs to a penalty less than death. The bench, comprised of Judges Thomas W. Swan, Augustus Hand and Jerome N. Frank, reserved decision.

U. S. Marshal William Carroll sought formal orders for carrying out of the death sentence two weeks from now to the Sing Sing warden. Kaufman signed the papers last Friday.

Yesterday's proceedings produced nothing new in the appeals court in the way of argument, but brought intimations before Kaufman that Bloch has more motions in the offing.

Three-Point Appeal

Before the three-man bench, Bloch contended that Kaufman imposed a death sentence to "coerce a confession" from the Rosenbergs, argued that people should "not be killed for having ideas," and insisted the penalty was "invalid and improper."

U. S. Attorney J. Edward Lumbard insisted that Kaufman had ruled properly and asserted that "any act of anyone could not be more traitorous than what the Rosenbergs were convicted of."

In Kaufman's court, Bloch came up with a new argument which, he said, had been given to him by a "Tennessee lawyer." [illegible]

The statute under [illegible] the Rosenbergs were convicted provides for [illegible] when secrets are delivered to a foreign power during war, Bloch said. But, he went on, the U. S. was not at war when his clients reportedly planned to carry out their conspiracy. Hence, he said, the death penalty was illegal.

Lumbard protested that Bloch was offering a "frivolous" argument. [illegible] agreed [illegible] Bloch [illegible] would appeal Kaufman's [illegible]

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Rosenbergs Lose Two More Pleas

Condemned atom-bomb spies Julius and Ethel Rosenberg yesterday lost two more moves to escape death in the electric chair during the week of June 15 as U. S. Judge Irving R. Kaufman assailed their motions as "transparent and without merit."

At the same time, the U. S. Court of Appeals reserved decision on a third move—an effort to obtain a writ ordering Kaufman to resentence the pair to a lesser term on the grounds that in his sentencing he took into consideration as part of their background their Red affiliations, in violation of their constitutional rights.

KAUFMAN, who originally sentenced the Rosenbergs to death in March, 1951, rode roughshod over the application for a stay of execution and one for a reduction of their sentence to 20 years in prison, brought by their attorney Emanuel Bloch.

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Rosenbergs Lose Plea For Prison

By Milton Lewis

Federal Judge Irving R. Kaufman refused yesterday to reduce to twenty years the death sentences he had imposed on Julius and Ethel Rosenberg. On Friday he fixed the week of June 15 for execution of the atom spies.

The judge also denied them a stay of execution pending appeal of yesterday's ruling to the United States Court of Appeals, which earlier in the day reserved decision on a petition to order Judge Kaufman to reconsider his Jan. 2 refusal to reduce the sentences. The Appeals Court also reserved decision on a request for a stay of execution.

Judge Kaufman, of United States District Court, minced no words in telling Emanuel H. Bloch, the Rosenbergs' counsel, that the motion to reduce the sentences to twenty years was "transparent and without merit whatsoever." United States Attorney J. Edward Lumbard charged that "we are now at the point where counsel is making one frivolous motion after another to delay justice."

Mr. Bloch then let it be known that he had at least one new motion he was going to file shortly—to ask for a new trial on the ground that David and Ruth Greenglass, principal witnesses against the Rosenbergs, had perjured themselves.

"You did that once before," Judge Kaufman remarked incredulously.

"But this is new evidence," the lawyer retorted.

"I suggest you bring it on with dispatch," Judge Kaufman observed acidly.

Maximum Sentence

In petitioning for a reduction of sentence to twenty years, Mr. Bloch argued that the indictment did not specifically accuse the Rosenbergs of carrying out any conspiracy in war time—only that they conspired during war time. For that reason, he maintained, their conviction could be punished by a maximum of twenty years.

To this, both Judge Kaufman and Mr. Lumbard pointed out a half dozen occasions before, during and after the trial when Mr. Bloch conceded that this was a capital case, punishable by up to death. Mr. Bloch responded he had been in error, and said yesterday's motion stemmed from a suggestion made to him by Fyke Farmer, a Nashville lawyer present in court.

Judge Kaufman threw back at Mr. Bloch his own words, spoken just before sentence in April, 1951: "The evidence discloses in support of the charges that these defendants in the latter part of 1944 and during the year 1945 transmitted information relating to the defense of the United States to the Soviet Union."

Judge Criticized

In the Appeals Court, Mr. Bloch argued that Judge Kaufman took into consideration factors in passing sentence on the Rosenbergs which "violated their constitutional rights." These were that they had not confessed; that if he gave them thirty years they would be eligible for parole after ten years and would continue in their devotion to Russia; that Judge Kaufman called them traitors when they were not specifically charged with treason, but with espionage, and that they were not charged with intent to injure the United States, but only "with intent to advantage" the Soviet Union.

Meanwhile, United States Marshal William Carroll and his first deputy, Thomas M. Farley, went to Sing Sing yesterday to confer with Warden Wilfred L. Denno concerning arrangements for the double execution.

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JUN 2 1953
FBI - NEW YORK

N.Y. HERALD TRIBUNE
JUN 2 1953
Late City Edition

ROSENBERGS TO DIE AT 11 P.M. ON JUNE 18

Julius and Ethel Rosenberg were scheduled today to die in the Sing Sing prison electric chair at 11 p.m., June 18.

Announcement of the time of execution of the atom spies came from United States Marshal William A. Carroll as the doomed couple's lawyer continued his last-ditch efforts to save them from death.

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JUN 2 1953
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N.Y. BROOKLYN EAGLE
JUN 2 1953

Execution of Rosenbergs Set for Night of June 18

Julius and Ethel Rosenberg will be executed at Sing Sing on June 18 at 11 p.m. for betraying atom-bomb secrets to Soviet Russia, U. S. Marshal Carroll announced today.

Federal Judge Kaufman had set the electrocution for the week of June 15. The exact day—Thursday, traditional execution day at the prison—was agreed upon in a 75-minute conference yesterday between Carroll and Warden Denno at Sing Sing.

Emanuel H. Bloch, the condemned couple's attorney, said he would appeal from Judge Kaufman's decision yesterday refusing to reduce their sentences to 20 years and stay their execution. He also said he would file papers for a new trial on the ground that perjury had been committed by a government witness, an issue already rejected by the courts.

He was awaiting a decision by the U. S. Court of Appeals on his motion for a stay and an order directing Judge Kaufman to resentence the Rosenbergs to 30 years.

65-15348-7946

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JUN 2 1953
FBI - NEW YORK

N.Y. POST
JUN 2 1953

Rosenberg Deaths Are Set for June 18

Atom spies Julius and Ethel Rosenberg will be executed at 11 p.m. on Thursday, June 18, U.S. Marshal William A. Carroll announced today.

Mr. Carroll said the date and time were determined following a 75-minute conference yesterday between him and Warden Wilfred Denno at Sing Sing.

Emanuel H. Bloch, the Rosenbergs' attorney, has until June 9 to file for a rehearing of the case before the U.S. Supreme Court, which recently refused to review it.

Officials at the U.S. Court House, Foley Square, stated that the filing of motions and appeals from judgment are "only academic gestures" without a court order for a stay of execution.

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N.Y. MORNING TELEGRAM & SUN
JUN 2 1953

Marshal Sets Date:

Rosenbergs Die In Chair June 18

A-Spies to Meet Doom at Sing Sing

The hour of 11 o'clock on the night or Thursday, June 18, was set today for the execution of Ethel and Julius Rosenberg, condemned atomic spies, in Sing Sing's electric chair.

The date and other formalities of the execution were arranged by U. S. Marshal William A. Carroll and Sing Sing Warden Wilfred Denno in a 75-minute conference.

The Rosenbergs, convicted of conspiring to spy for Soviet Russia, have been in the Sing Sing Death House for about two years.

COURT WEIGHS MOTION.

The U. S. Court of Appeals is now considering a defense motion for a stay of execution and for a court order directing Federal Judge Irving R. Kaufman to change the death sentence to a 20-year prison term.

Judge Kaufman, who branded the Rosenbergs' crime as "worse than murder," yesterday refused to reduce their sentence and said "time was running out" for the convicted electrical engineer and his wife.

Emanuel H. Bloch, Rosenberg lawyer, has until June 9 to file for a rehearing of the case before the U. S. Supreme Court, which has refused three times to intervene.

Bloch indicated he plans another clemency appeal to President Eisenhower, who rejected an earlier appeal.

There have been reports from authoritative government sources that the Rosenbergs could still save themselves from the electric chair by telling all they knew of the Red atomic spy conspiracy. This they so far have refused to do, contending they are innocent.

N.Y. JOURNAL AMERICAN

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JUN 2 1953
FBI - NEW YORK

Rosenbergs Due To Die on June 18

Condemned A-bomb spies Julius and Ethel Rosenberg have been scheduled to die in Sing Sing's electric chair June 18 at 11 p. m., it was announced yesterday.

* * *

EVEN AS THE husband-and-wife spy team heard the news, they held to their plea of innocence, refusing to cooperate with Director of Prisons James V. Bennett, who visited them in their death house cells yesterday.

In a telegram to their attorney, the Rosenbergs said Bennett offered them clemency if they cooperated with the government.

Earlier, the U. S. Court of Appeals refused their application for a stay and refused to alter the death sentence.

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JUN 1953
FBI - NEW YORK

Appeal Court Spurns Rosenbergs

By NORMA ABRAMS

An application by defense counsel for a stay of execution and for reduction of the death sentences of atom spies Ethel and Julius Rosenberg was unanimously denied yesterday by the U. S. Circuit Court of Appeals.

Judges Augustus Hand, Jerome N. Frank and Thomas Swan issued no opinion in rejecting the plea made by defense attorney Emanuel H. Bloch on Monday.

Confers with Warden.

The appeals court acted shortly after U. S. Marshal William A. Carroll disclosed that execution of the couple is scheduled for 11 P. M. June 18. He and Sing Sing Warden Alfred Denno fixed that time during a 75-minute conference Monday. Federal Judge Irving R. Kaufman decreed the Rosenbergs must die in the chair the week of June 8, and Thursday is the usual execution night.

Carroll said he and Denno agreed that two weeks from tomorrow was an acceptable date.

In the courts, Bloch carried on his battle to stave off execution. Yesterday afternoon, he filed notice of appeal from Kaufman's ruling, on Monday, denying the Rosenbergs a stay of execution and resentencing to 30 years. Bloch said he also planned to ask for a new trial on the ground that a government witness committed perjury.

Lawyers said that Bloch's flurry of activity constituted "only academic gestures" so long as no stay of execution was issued.

Should the courts fail to interfere with the death sentence—and the U. S. Supreme Court has rejected pleas on the Rosenbergs's behalf three times—the sole hope for the couple will rest with the President. He has previously refused to intervene.

Visited in Prison.

James V. Bennett, director of the Federal Prison Bureau, visited the Rosenbergs in the death house yesterday and advised them that Denno will put them in touch with authorities—the Justice Department—if they want to cooperate.

In a telegram to Bloch telling of the visit, they said: "We both reasserted our innocence and said that since we are not guilty we cannot tell him anything about espionage. Also, that he should tell the Attorney General to recommend a commutation of our sentence."

Bloch plans to visit the couple at Sing Sing today.

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N.Y. NEWS
JUN 3 1953
Final Edition

ROSENBERGS DENY ANY GUILT AS SPIES

Federal Prisons Head Visits Pair in Death House and Asks They Tell of Ring

Federal Director of Prisons John V. Bennett visited Julius and Ethel Rosenberg, condemned atom spies, in the Sing Sing Prison death house yesterday and asked them to tell what they knew of the wartime Russian espionage ring of which they were members.

The Rosenbergs refused to admit their guilt and thus win a commutation of their death sentences. In Washington the Department of Justice described Mr. Bennett's visit as "routine."

Later, Emanuel H. Bloch, defense attorney, said the suggestion that the Rosenbergs cooperate came from Attorney General Herbert Brownell Jr. The Justice Department, however, denied this.

Mr. Bloch quoted the Rosenbergs as saying in a telegram after Mr. Bennett's visit:

"We both reasserted our innocence and said since we are not guilty we cannot tell them anything about espionage."

The telegram received by Mr. Bloch at his office here late yesterday afternoon said:

"Mr. Bennett, Director of Federal Prison Bureau, at direction of Mr. Brownell saw Ethel and myself today and told us if we want to cooperate with the Government, we can do so through him and he will put us in touch with the proper officials.

"We both reasserted our innocence and said since we are not guilty we cannot tell them anything about espionage. Also that he should tell the Attorney General to recommend a commutation of our sentence.

"We would like to see you to fill in the details."

The wire was signed "Julie and Ethel."

Mr. Bloch said he would visit the couple today at Sing Sing.

Circuit Court Denies Stay

Earlier the United States Court of Appeals unanimously turned down a motion by the Rosenbergs to order Federal Judge Irving R. Kaufman to reduce their death sentences to twenty years. The court also refused to grant a stay of execution.

The Court of Appeals, which heard argument on Monday, returned its decision without opinion. Ten minutes after a companion motion had also been argued Monday before Judge Kaufman, the jurist refused to reduce the death sentences to twenty years.

Meanwhile, United States Marshal William A. Carroll said that after a conference Monday afternoon with Sing Sing Warden Wilfred L. Denno, he had selected Thursday, June 18, at 11 P. M. for the electrocution of the couple.

The state, which usually schedules its executions on Thursday nights, has none set for June 18.

A half hour before the Court of Appeals issued its denial, Mr. Bloch filed notice to appeal Judge Kaufman's decision. On Monday the defense attorney said that if the Court of Appeals ruled adversely he would appeal that decision too.

Necessity of Obtaining Stay

More important than the number of legal moves the defense may raise until the date of execution is the necessity of obtaining a stay of execution order from some court. It is doubtful that such an order can be obtained at this time from the lower courts in view of the expeditious manner in which the reduction of sentence motions were decided.

Mr. Bloch, therefore, will have to ask the United States Supreme Court for such an order. The high court recently refused to review lower court rulings denying a Rosenberg motion to set aside the judgment of conviction.

Chief Justice Fred M. Vinson refused to grant the defense a stay of execution pending the Supreme Court's decision on whether it will grant a rehearing.

However, the defense is expected to bring new legal actions before the court. Mr. Bloch said he would file tomorrow or Friday a motion for a new trial based on supposedly new evidence.

N.Y. TIMES
JUN 3 1953
Late City Edition

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JUN 1953
FBI - NEW YORK

Rosenberg Deaths Set For June 18; Plea Fails

By Milton Lewis

Julius and Ethel Rosenberg are slated to be executed at Sing Sing at 11 p. m. Thursday, June 18.

This was announced yesterday a few hours before the United States Court of Appeals dealt another severe blow to last-ditch attempts to save them from the electric chair.

Last night it was revealed that James V. Bennett, director of the Federal Bureau of Prisons, conferred in Sing Sing with the Rosenbergs yesterday for forty-five minutes.

Visited by Bennett

In a telegram the doomed couple sent their lawyer, they were quoted as saying that Mr. Bennett visited them at the direction of Attorney General Herbert Brownell jr. and "told us if we want to co-operate with the government, we can do so through him and he will put us in touch with the proper officials."

"We both reasserted our innocence," the telegram continued, according to the lawyer, "and said since we are not guilty we cannot tell them anything about espionage. Also that he should tell the Attorney General to recommend a commutation of our sentence. We would like to see you to fill in the details. (Signed) Julie and Ethel."

Emanuel H. Bloch, the lawyer, said he would visit them today.

Visit Called Routine

Mr. Bennett was at Sing Sing just about the time that it was announced here that they would be executed June 18. In Washington, the Justice Department confirmed the visit, but described it as "routine" and denied he was sent there by Mr. Brownell. A Justice Department spokesman said that Mr. Bennett had conferred with the Rosenbergs several times.

However, it is no secret that the Justice Department said recently that the Rosenbergs would have a better chance for clemency if they confessed and implicated others in a huge atom spy ring.

In a unanimous ruling, the three-member appeals tribunal denied a defense motion which sought an order directing Federal Judge Irving R. Kaufman to resentence the couple to twenty years. A motion for stay of execution was also denied.

Another Notice Filed

No opinion accompanied the denial by Chief Judge Thomas W. Swan and Judges Augustus N. Hand and Jerome N. Frank who heard argument Monday. Thirty minutes earlier, Mr. Bloch filed notice of appeal from a decision on Monday by Judge Kaufman throwing out a companion petition to reduce the sentences to twenty years. Judge Kaufman also denied a stay.

Mr. Bloch, the Rosenberg's lawyer, has other legal moves still in mind. On Monday he said he intends to petition for a new trial on the ground that David and Ethel Greenglass, witnesses against the Rosenbergs, committed perjury. He brought a similar action previously, but got nowhere. David Greenglass is Mrs. Rosenberg's brother, and received fifteen years in prison when he turned state's evidence. He was a co-defendant.

FROM THE
JUN 3 1953
DIVISION
SEARCHED INDEXED
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JUN 3 1953
FBI - NEW YORK

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Offered Deal to Tell All, A-Spies Say; U. S. Denies It

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JUN 1953
FBI - NEW YORK

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N.Y. POST Sea Veritas
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By MALCOLM LOGAN and WILLIAM GREAVES

Julius and Ethel Rosenberg, facing execution in 15 days as Soviet A-bomb spies, asserted today that the government offered to spare their lives if they would talk, but they rejected the deal.

Their statement, issued through their lawyer, Emanuel Bloch, after he had visited them in the Sing Sing death house, was based on a talk they had yesterday with James V. Bennett, Federal Director of Prisons.

The Justice Dept. said Bennett's visit was "routine" and he was not acting as a department emissary. Sing Sing Warden Denne said he was present and heard Bennett say merely that he would help the doomed couple if they ever wanted to get in touch with federal authorities.

Bloch, went to see them in response to a telegram from them yesterday and after more than two hours he emerged with this statement which he said they had dictated to him:

"Yesterday we were offered a deal by the Attorney General of the U. S. We were told that if we cooperated with the government our lives would be spared.

"By asking us to repudiate the truth of our innocence, the government admits its own doubt concerning our guilt. We will not help to prify the foul record of a fraudulent conviction and a barbarous sentence.

"We solemnly declare now and forevermore that we will not be coerced, even under pain of death, to bear false witness and to yield up to tyranny our rights as free Americans. Our respect for truth, conscience and human dignity is not for sale. Justice is not some bauble to be sold to the highest bidder.

"If we are executed it will be murder of innocent people and the shame will be upon the government of the U. S. History will record—whether we live or noe—that we were victims of the most monstrous frameup in the history of our country."

Bloch said he planned moves in Federal District Court, the U. S. Court of Appeals and Supreme Court in an attempt to get a stay of execution. So far, however, he has been unable to win any further respite for them.

He was asked if he would make a second appeal to President Eisenhower, and he answered, "There will be an appeal made to the President only when, and if, we are unsuccessful in securing justice in our courts."

The three-judge Court of Appeals yesterday unanimously denied a stay of execution for the Rosenbergs and refused to reduce their sentences from death to a prison term. On Monday Federal Judge Irving R. Kaufman, who presided at their espionage-trial, denied similar motions.

Lawyer Confers With Rosenbergs

Emanuel Bloch, counsel for condemned atom spies Julius and Ethel Rosenberg, went to Sing Sing Prison today for a conference with his clients that may produce "some big news."

A telegram from the Rosenbergs, the attorney said, had summoned him to the prison death house.

Bloch charged the Rosenbergs had been subjected to "coercive pressure" from Federal authorities attempting to induce them to confess and implicate others in the espionage ring of which they were a part.

He said the couple scheduled to die June 18 for giving atomic secrets to Russia, wired him yesterday after they had a 45-minute interview with James V. Bennett, Federal director of prisons.

"We both reasserted our innocence," the Rosenbergs wired, "and said since we are not guilty we cannot tell them anything about espionage."

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JUN 1953
FBI - NEW YORK

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DATED JUN 3 - 1953
FORWARDED BY N. Y. DIVISION

Rosenbergs' Attorney Promises Big News

Emmanuel Bloch, counsel for the convicted atom spies Julius and Ethel Rosenberg, promises "some big news" at a press conference today following a visit to his clients in the Sing Sing death house.

Federal Prisons Director Alin V. Bennett visited the Rosenbergs yesterday but failed to persuade them to talk about Communist espionage activities.

The Rosenbergs refused to admit their guilt and thus win a possible commutation of their death sentence. They are scheduled to die in the electric chair at 11 p.m. Thursday, June 18.

After Mr. Bennett left, the doomed couple asked Mr. Bloch about the interview and said they would like to fill him in on the details.

The three-judge U.S. Court of Appeals yesterday denied a stay of execution and refused to reduce the Rosenbergs' sentence. On Monday, Federal Judge Irving R. Kaufman, who presided at the spy trial, denied similar defense motions.

N.Y. WORLD TELEGRAM & SUN

JUN 3 1953

RECORDED BY N.Y. BUREAU

JUN 1953
FBI - NEW YORK

A-Spy Lawyer Hints Big News

Defense counsel Emanuel Bloch goes to Sing Sing Prison today for a conference with condemned atom spies Julius and Ethel Rosenberg.

Bloch, summoned to the prison death house by a telegram from the Rosenbergs, said he would hold a press conference after his visit and he "may have some big news."

Bloch charged last night that the Rosenbergs had been subjected to "coercive pressure" from federal authorities attempting to induce them to confess and implicate others in the espionage ring of which they were a part.

He said the Rosenbergs, scheduled to die June 18 for having given atomic secrets to Russia, sent him a telegram yesterday after they had a 45-minute interview with James V. Bennett, Federal Director of Prisons. They told Bloch in the telegram that Bennett came to see them on orders from Attorney General Brownell.

Bennett, they said in the telegram to Bloch, "told us if we want to co-operate with the government, we can do so through him and he will put us in touch with the proper officials."

"We both reasserted our innocence," the Rosenbergs wired, "and said since we are not guilty we cannot tell them anything about espionage. Also that he should tell the Attorney General to recommend a commutation of our sentence. We should like to see you to fill in the details."

A Justice Dept. spokesman in Washington denied that Bennett's visit had been made at Brownell's direction. The spokesman said Bennett's visit was "routine" and that he had made similar calls in the past.

Sing Sing Warden Denno said he was present at the interview and heard Bennett tell the Rosenbergs he would help them if they ever wanted to get in touch with federal authorities. Denno said Bennett did not try to persuade the couple to talk.

As Bloch came to the prison where the Rosenbergs are scheduled to be electrocuted at 11 p.m. June 18, he carried with him the disappointing news that two last-minute legal maneuvers had failed to bring about a reduction in their sentences or a stay of execution.

The three-judge Court of Appeals yesterday unanimously denied a stay of execution for the Rosenbergs and refused to reduce their sentences from death to a prison term. On Monday, Federal Judge Irving R. Kaufman, who presided at their espionage trial, denied similar motions.

Bloch already has appealed the Kaufman ruling, and said he intends to file a petition Monday seeking a new trial.

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Reveal Proposal by U.S. Prison Chief:

A-Spies Spurn Offer 'to Talk'

Condemned atom spies Julius and Ethel Rosenberg today had a chance of missing their appointment with death by implicating others in the huge Russian espionage ring.

The hope of clemency was offered by Federal Prison Director John V. Bennett on a visit to the couple in the Sing Sing Prison death house.

TELEGRAM TO ATTORNEY.

He told them that if they wish at any time to communicate with Federal authorities, Warden Wilfred L. Denno will make the arrangements.

But the Rosenbergs reasserted their innocence and said "since we are not guilty we canot tell them anything about espionage."

This was revealed by the couple in a telegram to their attorney, Emmanuel H. Bloch.

The lawyer was to confer today with the Rosenbergs about their plea to Benett to tell Atty. Gen. Brownell to recommend a commutation of their sentence.

Bloch made last-ditch efforts to save the couple from death as their execution was set for 11 p.m., Thursday, June 18.

A few minutes after the meeting, the U.S. Circuit Court of Appeals unanimously denied an application for a stay of execution and reduction of the death sentences.

The defense attorney announced he would appeal the decision to the U.S. Supreme Court.

Bloch filed notice of appeal from a ruling by Federal Judge Kaufman denying the Rosenbergs a stay of execution and resentencing to 30 years.

He also said he would file papers seeking a new trial on the ground of alleged perjury by David Greenglass, brother of Mrs. Rosenberg who was sentenced to 15 years in prison.

N.Y. JOURNAL AMERICAN
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JUN 1953
FBI - NEW YORK

NO 'DEAL' FOR LIVES, ROSENBERGS ASSERT

Special to The New York Times.

OSSINING, N. Y., June 3—Julius and Ethel Rosenberg, condemned atom spies, declared today, in a statement issued by their lawyer, that they would not make a "deal" with the Government to save their lives by repudiating "the truth of our innocence."

Later, their lawyer, Emanuel H. Bloch, said he would ask the United States Court of Appeals tomorrow for a stay of execution, which has been set for June 18. He also indicated that if this and other court maneuvers failed, he would appeal again to President Eisenhower.

The Rosenbergs, in an attack on Attorney General Herbert Brownell Jr., referred to a wire of the previous day that a "deal" had been proposed to them in jail here by Federal Director of Prisons James V. Bennett. The offer, said the prisoners, had been spurned.

The handwritten statement attributed to the Rosenbergs by Mr. Bloch was made public early in the afternoon after the lawyer had spent more than an hour in the death house with his clients. It ignored the denial of the "deal" by the Justice Department and the Government's insistence that Mr. Bennett's visit was "routine."

The prisoners called their conviction "fraudulent and a barbaric sentence" and said they would not lie or surrender their rights under coercion.

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JUN 4 1953
FBI - NEW YORK

N.Y. TIMES

JUN 4 - 1953

Late City Edition

Rosenbergs Bar 'Deal' They Say U. S. Offered

Counsel for Julius and Ethel Rosenberg, doomed atom spies, announced yesterday that his clients had spurned a "deal," allegedly offered by the government, to spare their lives. They reiterated that they were innocent, he said.

The couple are in Sing Sing Prison, where they are slated to be executed June 18—two weeks from tonight—for conspiring to pass atom secrets to Russia. Unless some Federal court issues a stay before then, any planned motions filed by their lawyer, Emanuel H. Bloch, will be academic.

On Tuesday the Rosenbergs were visited by James V. Bennett, director of the Federal Bureau of Prisons. The Justice Department described that call as "routine" and denied, as asserted by the prisoners, that Mr. Bennett was sent there by Attorney General Herbert Brownell Jr.

Mr. Bloch, after leaving the death house at 12:55 p. m. yesterday, let reporters copy from an unsigned statement which he said was written by the Rosenbergs.

It was noted that some of the words were identical with those in a letter Mr. Bloch signed and sent to 5,000 persons last year asking them to petition for judicial clemency. The unsigned statement follows:

"Yesterday we were offered a deal by the Attorney General of the U. S. We were told that if we co-operated with the government, our lives would be spared.

"By asking us to repudiate the truth of our innocence the government admits its own doubts concerning our guilt. We will not help to purify the foul record of a fraudulent conviction and a barbaric sentence.

"We solemnly swear now and forever more that we will not be coerced even under pain of death to bear false witness and to yield up to tyranny our rights as free Americans.

"Our respect for truth, conscience and human dignity is not for sale. Justice is not some bauble to be sold to the highest bidder.

"If we are executed, it will be the murder of innocent people and the shame will be upon the government of the U. S. History will record—whether we live or not—that we were the victims of the most monstrous frame-up in the history of our country."

Mr. Bloch said that if all his further court moves fail—and he said there will be several—another appeal for mercy will be made to President Eisenhower, who turned down an appeal on Feb. 11.

DAILY HERALD TRIBUNE
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JUN 4 1953
FBI - NEW YORK

Rosenbergs Say They'll Not Talk for Lives

With their execution scheduled two weeks from tonight, convicted atom spies Ethel and Julius Rosenberg yesterday issued a statement from the Sing Sing death house declaring they were innocent and charging that the Government itself is not sure of their guilt.

"Yesterday," their statement said, "we were offered a deal by the Attorney General of the U. S. We were told that if we cooperated with the Government our lives would be spared. By asking us to repudiate the truth of our innocence, the Government admits its own doubts concerning our guilt.

May Appeal to Ike Again.

"We will not help to purify the foul record of a fraudulent conviction and a barbaric sentence. Our respect for truth, conscience and human dignity is not for sale. If we are executed, it will be the murder of innocent people, and the shame will be upon the Government of the U. S."

The statement was handed out by defense attorney Emanuel H. Bloch, who visited the couple in their cells yesterday. Bloch said he plans to try the courts at every level in an effort to get a stay of execution and will appeal to President Eisenhower for clemency "only as and if we are unsuccessful in the courts."

Both the Circuit Court of Appeals and the U. S. Supreme Court have rejected appeals by the Rosenbergs three times, and the President has refused to intervene.

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DAILY NEWS
JUN 4 - 1953
Final Edition

Rosenbergs' Pleas Today

Counsel for Julius and Ethel Rosenberg will argue two motions before the United States Court of Appeals this morning in further efforts to get the June 18 execution of the atomic spies stayed. In the afternoon he is expected to file a third motion—for the same purpose—in United States District Court.

It was emphasized yesterday by a government official that there is nothing to stop Emanuel H. Bloch, defense counsel, from filing as many court actions as he chooses, but unless some Federal court grants a stay of execution, the couple will be put to death as scheduled in Sing Sing Prison.

Mr. Bloch will appeal this morning Federal Judge Irving R. Kaufman's refusal last Monday to grant a stay or reduce the sentences to twenty years in prison.

The lawyer will also ask the Appeals court for a stay pending an appeal to the Supreme Court of its (Court of Appeals) refusal Tuesday to direct Judge Kaufman to reconsider his unwillingness on Jan. 3 to reduce the sentences.

In the afternoon, Mr. Bloch is expected to go into United States District Court and ask for a new trial on the ground that David and Ruth Greenglass, witnesses against the Rosenbergs, had committed perjury at the trial. This will probably be referred to Judge Kaufman in that court.

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N.Y. HERALD TRIBUNE
DATE JUN 5 1953
PAGE Late City Edition

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JUN 5 1953
FBI - NEW YORK

Pleads Once More for Rosenberg Stay

By NORMA ABRAMS

A new motion to stay the execution of Julius and Ethel Rosenberg will be argued at 10:30 A. M. today before the U. S. Circuit Court of Appeals, which has heard and rejected three previous appeals. The atom spies are scheduled to be electrocuted at Sing Sing the night of June 18.

Emanuel H. Bloch, their counsel, asked yesterday for the hearing. He said he wants to appeal again to the U. S. Supreme Court. His move to that body, which has rejected other arguments for the Rosenbergs, will be an appeal from a recent refusal of the Court of Appeals to direct Federal Judge Irving Kaufman to vacate the death sentences and substitute prison terms.

Bloch said he was proceeding in good faith and that he also will file papers for a new trial on grounds of newly-discovered evidence.

Bloch was joined in court by Prof. Malcolm Sharp of the University of Chicago Law School, who said he will help in the preparations of today's arguments. Sharp said his examination of the new evidence had left him highly doubtful of the trial verdict.

In addition to affidavits relating to the supposed "deal," the new evidence is said to include information bearing on a disputed console table that figured in the testimony.

Greenglass related at the trial that the table, formerly in the Rosenberg apartment at 10 Monroe St., was a Communist gift to Rosenberg and contained a secret compartment for the development of microfilms. Rosenberg, denying this, described it as an ordinary, inexpensive piece of furniture purchased from a department store.

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N.Y. NEWS
JUN 5 1953
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JUN 5 1953
FBI - NEW YORK

A-Spies' Counsel Seeks Stay Today

In a race against the June 18 deadline, counsel for condemned atom spies Julius and Ethel Rosenberg prepared yesterday to argue two motions today before the U.S. Court of Appeals to block the executions.

The court scheduled a hearing for 10:30 a.m. today on the appeal of Emanuel H. Bloch from a ruling by Federal Judge Irving R. Kaufman denying a stay of execution and reduction of the death sentence to 20 years' imprisonment.

THE THREE-MAN court will decide at the same time on the application for a stay of the execution pending the outcome of an appeal to the U.S. Supreme Court from a recent ruling by the Court of Appeals denying a writ of mandamus directing Kaufman to vacate the death sentence and substitute prison terms.

It was noted by court attendants yesterday that June 18 happens to be the Rosenbergs' wedding anniversary.

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N.Y. MIRROR

A-Spies Clear Way For Stay Appeal To Supreme Court

By MALCOLM LOGAN

The U. S. Court of Appeals refused today to stay the execution of the condemned atom-bomb spies, Julius and Ethel Rosenberg, on June 18, but told their lawyer he could apply for a stay in Supreme Court.

Emanuel Bloch, the Rosenbergs' lawyer, asked for the stay in order to appeal to the Supreme Court from a U. S. Court of Appeals decision denying a writ directing Federal Judge Irving R. Kaufman to vacate the death sentence and substitute a 20-year term.

The Court of Appeals also heard argument and reserved decision on another action — a motion to reverse Judge Kaufman's denial of a stay and resentencing and to direct him to stay the execution of the death sentence.

Perl Gets 5 Years

While these new legal moves were being argued, Federal Judge Ryan rejected a jury's clemency recommendation and sentenced jet-propulsion expert William Perl to five years in prison for perjury.

Perl, 34, was convicted by a jury on May 22 of lying to a Federal Grand Jury in 1950 when he denied that he knew Rosenberg and Morton Sobell, who is serving 30 years as a collaborator of Rosenberg in a Soviet espionage ring.

Asst. U. S. Atty. MacMahon asked the court to impose "a most severe sentence," saying that if Perl had told what he knew to the Grand Jury "the evidence would have been of great help in putting an end to Soviet espionage in this country."

Refuses Clemency

The tall, slender defendant stood motionless for almost 45 minutes while his attorney, Philip Wittenberg, pleaded for a light sentence and asserted that his only Communist connections were in 1939 when as a youth he was a member of the Young Communist connections were in 1939 when as a youth he was a member of the Young Communist League.

It was absolutely established by the evidence that you knowingly gave false testimony," Judge Ryan said to him. "The explanations you offered were stupid and clumsey.

"I cannot accept the recommendation of clemency made by the jury. Your motive was not to conceal your mistakes in judgment and philosophy in the activities of your youth. The court finds your motive was to conceal your activities of your mature life."

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JUN 5 1953
FBI - NEW YORK

Appeals Court Denies Stay for Rosenbergs

The U.S. Court of Appeals today denied a stay of execution to condemned atom spies Julius and Ethel Rosenberg. They are scheduled to die in the electric chair June 18.

However, Judge Thomas W. Swan told their attorney, Emanuel H. Bloch, that he might appeal for a stay in the U.S. Supreme Court.

Mr. Bloch sought the stay pending an appeal to the U.S. Supreme Court from a recent ruling by the Appeals Court. This court denied a writ of mandamus directing the trial judge, Irving R. Kaufman, to vacate the death sentence he imposed on the couple and substitute a 20-year prison term.

The U.S. Supreme Court has refused three times to review the case. Mr. Bloch said several days ago that if all else failed he would appeal to President Eisenhower for clemency. But the President already has refused such a request.

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Execution Stay Is Denied Again To Rosenbergs

The U. S. Court of Appeals, for the second time in a week, today refused to stay the execution of atom spies Ethel and Julius Rosenberg in Sing Sing's electric chair June 18.

Presiding Judge Swan told Emanuel Bloch, counsel for the doomed couple, that his argument had no merit, but that he could apply for a stay in the U. S. Supreme Court.

Bloch sought the stay pending an appeal to the U. S. Supreme Court from Tuesday's ruling of the Apeals Court which refused to direct Judge Irving R. Kaufman to vacate the death sentence and substitute a 20-year prison term.

RESERVES ONE DECISION.

The Appeals Court, however, reserved decision on a defense motion to have the court reverse Kaufman's denial of a stay and resentencing.

In arguing for the stay, Bloch contended Judge Kaufman "had no right to take into consideration that the Rosenbergs were traitors in imposing sentence. They were not charged with treason."

Bloch said a judge in an espionage case "abuses his discretion in imposing a sentence for a crime which has not been committed."

JUDGE COMMENTS.

Judge Swan commented:

"Of course, you don't mean that Judge Kaufman did not know what crime they were convicted of when he sentenced them."

After listening to Bloch's arguments for six minutes, Judge Swan cut off the defense lawyer by announcing the application for the stay was denied.

As part of the feverish campaign to save the Rosenbergs from the chair, Bloch announced he would file a petition some time today for a new trial in the Federal District Court.

The deadline for such a petition is midnight tonight and U. S. Attorney Lumbard said one of his

Continued on Page 5, Column 6

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JUN 5 1953
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A-Spies Try Again To Beat Execution

Counsel for condemned atom spies Julius and Ethel Rosenberg today began another 11th-hour legal action to save the couple from the electric chair June 18.

Emanuel H. Bloch, the Rosenbergs' attorney, served Assistant U.S. Attorney James Kilsheimer with motion papers for filing in U.S. District Court. The papers claim to reveal "new evidence" and seek either a new trial or a setting aside of the verdict and the death sentence.

Table Charge Disputed.

The alleged new evidence is that:

1. A table the prosecution contended was presented to the Rosenbergs by the Russians actually was bought in a department store and it wasn't equipped for microfilming documents.

2. A memorandum from the files of O. John Rogge, attorney for David Greenglass, Mrs. Rosenberg's brother and an important witness against the Rosenbergs, shows that Greenglass' wife, Ruth, said her husband didn't tell the truth at all times.

3. Greenglass concealed the fact at the Rosenberg trial that he once stole a piece of uranium.

Greenglass Deal Charged.

4. A handwritten statement made by Greenglass before the trial didn't mention points he made later.

5. Greenglass made a "deal" with the government to get a lighter sentence for himself by testifying against the Rosenbergs.

The motion probably will be argued next Tuesday. Meanwhile, the "Committee to Secure Justice in the Rosenberg Case" pointed out that the couple's execution date will be their wedding anniversary.

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N.Y. WORLD TELEGRAM & SUN

The Subversive Front:

Will Rosenbergs Talk?

By HOWARD RUSHMORE

INSIDERS say that Ethel Rosenberg, the distaff side of the A-bomb spy ring, is the really strong member of the team and and that she has several times whipped her husband into line when he was ready to co-operate with the Government.

However, the Justice Department still hopes that one or both of the Rosenbergs will at the last minute open up and name at least six other spies who were part of the network here and in Cleveland.

N.Y. JOURNAL AMERICAN

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Congressional probe
munist lawyers in
way with a list of
attorneys the starting poi
zation. Many of those in
Immigration and Natural
The American Bar Ass
an active interest in this
probably will seek the
lawyers who refuse to ar
Communists.

* * *

A film taken inside a
has been obtained by the
Security Subcommittee to
by Sen. Welker (R.-Ind.) i
veal a startling story of a
hind the diplomatic curtain.

The State Dep[illegible]ent's passport divi
sion slipped again. Betty Sanders, chair
man of the [illegible]mmunist-front [illegible]
People's Arti[illegible] has returned [illegible]
Moscow-directed "cultural conference"
Chile where she "represented" the United
States, thanks to a lenient State Depart
ment which didn't bother to check Con
gressional testimony naming the Sanders
woman as a Communist.

* * *

A new propaganda outlet known as the
"union book club" has been organized with
Angus Cameron as one of its heads.
Cameron recently refused to state whether
he was a Communist when called by a Con
gressional committee.

Still In "Business"

Despite claims by the newly-respectable Distributive, Processing and Office Workers, CIO, that they have renounced all former Red ties, the Communist "faction" in the union apparently is as aggressive as ever. So far in the Daily Worker "subscription drive" the comrades within the union have sold 435 new subscriptions for the Fifth Column organ to fellow-workers in their industry. Yet Mike Quill, Transport Workers Union president, maintains the union was welcomed into the CIO after an "investigation" which revealed Local 65 was rid of Communist influence. Who did the investigating?

* * *

The eight Communist leaders now serving time for subversive conspiracy have been refused the National Guardian as prison light reading following the arrest for deportation of Cedric Belfarge, the paper's editor.

Sedition Case Revived

The almost-forgotten sedition case of World War II has been revived by Gerald B. Winrod, the Kansas anti-Semite, in his publication "The Defender." Winrod, one of the defendants in the case, has published a book "The Sedition Case" in praise of the 30 persons involved and is attempting to get a mass distribution for his propaganda. The Chicago Tribune recently criticized the book for "its frequent anti-Semitic rantings."

* * *

Free labor will set up a program to combat Communist infiltration of trade unions in the democratic countries at the Stockholm convention next month of the International Confederation of Free Trade Unions. More than 25 American delegates including George Meany, AFL president, and Walter Reuther, CIO head, will attend. The United Mine Workers also will send delegates.

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Execution Near:

Asks New Trial For Rosenbergs

Lawyer Charges 2 Witnesses Lied

In a move to save atom spies Julius and Ethel Rosenberg from execution June 18, their counsel, Emanuel H. Bloch, filed motions in Federal Court yesterday for a new trial.

Asst. U. S. Atty. James Kilshimer 3d was roused at 1:35 a. m. at his home in Riverdale, Bronx, to be served with one copy of the papers and supporting affidavits.

At 10 a. m., when court opened, original papers and affidavits were filed with the court clerk.

Bloch alleged he had "newly discovered evidence" that two chief prosecution witnesses, Mrs. Rosenberg's brother, David Greenglass, and the latter's wife, Ruth Greenglass, had committed perjury at the trial.

QUOTES AFFIDAVIT.

At his office, 401 Broadway, Bloch said he had an affidavit from Bernard Greenglass, brother of David, and quoted from it:

"Some time in 1946, my brother David told me he had taken a sample of uranium from Los Alamos, N. M., without permission of the authorities. Some time later, I don't remember whether a year later or more, or some time before David's arrest in June, 1950, David told me he had thrown this uranium into the East River."

Bloch said this episode of David Greenglass, who is serving a 15-year term for his part in the conspiracy, had never been brought out at the trial of the Rosenbergs.

The affidavit does not specify whether the theft of uranium from the A-bomb project occurred before, during or after the conspiracy with the Rosenbergs in 1944 and 1945.

DID NOT TESTIFY.

Bernard Greenglass did not testify at the trial and was reluctant, Bloch said, to make his affidavit.

"A month ago, Ruth Greenglass visited Bernard at his home, 64 Sheriff st., and there admitted the uranium theft episode," said Bloch. "As a result, Bernard finally gave us an affidavit last Sunday."

Bloch said he was also challenging testimony of Ruth Greenglass.

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JUN 7 1953

Rosenbergs Ask New Trial

Emanuel H. Bloch, attorney for Julius and Ethel Rosenberg, convicted atom spies sentenced to die June 18, filed motions yesterday for a new trial on the basis of alleged newly discovered evidence purporting to show that two principal prosecution witnesses committed perjury.

According to the papers, served on assistant United States Attorney James Kilsheimer 3d and filed in United States Court House, Foley Square, Mrs. Rosenberg's brother, David Greenglass, and his wife, Ruth, both lied in their testimony.

The purported new evidence consisted of two items. One was an affidavit by Bernard Greenglass, brother of Mrs. Rosenberg and David Greenglass, that David had admitted stealing a sample of uranium from the Los Alamos atom bomb project, but that he later threw it in the East River, which was not brought out at the trial, according to Mr. Bloch.

The other was that a console table purchased by Rosenberg did not have a special hollowed-out space for developing microfilm, as was testified by Ruth Greenglass.

Mr. Bloch in his affidavit argued that David Greenglass withheld information that he allegedly stole uranium and that this tends to disprove the government's contention that the Rosenbergs were the guiding geniuses of the espionage ring.

The motions will be heard before Judge Irving R. Kaufman either at 2 P. M. tomorrow or 9:30 A. M. Tuesday.

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JUN 7 1953

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[illegible] NEW YORK

Mirror 4/7/53
P. 40

New Evidence, Say A-Spies; Ask Re-Trial

In another bid to save convicted atom spies Julius and Ethel Rosenberg from execution, their attorney, Emanuel H. Bloch, yesterday filed motions for a new trial in which he claimed to have uncovered new evidence which would show the government's two chief witnesses committed perjury.

HIS PAPERS WERE accompanied by affidavits purporting to prove that David Greenglass, Mrs. Rosenberg's brother, had taken a uranium sample from Los Alamos and thrown it into the East River and that a table in which the Rosenbergs allegedly had a secret microfilm compartment actually was only a common piece of furniture.

The motions will be argued either tomorrow afternoon or Tuesday morning before Federal Judge Irving R. Kaufman who presided at the trial. The Rosenbergs are scheduled to be electrocuted June 18 in Sing Sing.

Bloch charged Greenglass and his wife, Ruth, lied while giving testimony. Mrs. Greenglass was never a defendant but her husband was sentenced to 15 years' imprisonment for his part in the alleged conspiracy to deliver atom secrets to the Russians.

[illegible] which, Bloch declared, was signed "reluctantly" May 31 by David's brother, Bernard, said "Some time in 1946 David told me he had taken a sample of uranium from Los Alamos. Sometime later, before David's arrest in 1950, he told me he had thrown this uranium into the river."

That information, Bloch charged, was never disclosed at the trial.

Both David and Ruth lied, Bloch charged, when they testified the Rosenbergs had a special console table with a secret space in it for developing microfilm. Greenglass testified the table was a gift "from the Russians." But, said Bloch, it was just an ordinary table which the Rosenbergs had purchased in a local department store for $20.37.

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Atom Spies Charge Perjury, Ask a Retrial

By DAVID QUIRK

In still another move to save atom spies Julius and Ethel Rosenberg from the chair, their attorney, Emanuel H. Bloch, yesterday filed motions in Federal Court for a new trial on the grounds that new evidence has been discovered showing that David and Ruth Greenglass, the Government's star witnesses, perjured themselves at the trial.

The papers, with supporting affidavits, were served upon Assistant U. S. Attorney James Kilsheimer 3d at his home in Riverdale, Bronx, at 1:35 A. M. yesterday. They were filed later in the U. S. Courthouse, Foley Square.

Bloch revealed that the chief affidavit was obtained from Ethel Rosenberg's and David Greenglass' brother, Bernard Greenglass. It charged that David admitted stealing a sample of uranium from the atom bomb project at Los Alamos, N. M., and throwing it later into the East River.

Bloch said this was never brought out at the trial of the Rosenbergs. Bernard Greenglass, who was not a witness at the trial, was "reluctant" to come forward with this information until last May 31, Bloch added.

The affidavit does not state when David reportedly stole the uranium — whether before or after the alleged conspiracy with the Rosenbergs in 1944 and 1945.

In an affidavit Bloch charged that David Greenglass "withheld this information about the uranium" when he testified at the trial. He accused Greenglass of making a deal with the Government for a lighter sentence.

Greenglass was sentenced to [illegible]

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