

50. Examination of the Greenglass testimony and drawing shows an utter lack of comprehension and knowledge of the basic processes and workings of the atomic bomb. The profound errors, mislabelling and misdescriptions make it no more than a primitive, childlike caricature of an imaginary bomb. A search for the "secret" of the vital weapon from the drawing and description of Greenglass would be no avail.

Greenglass identified and described the function of a "beryllium plastic sphere" as a means of protecting the high explosive (sic) from deterioration resulting from radio activity. This was entirely false, as the government well knew, but the court, the jury, the defense did not know that it was false, particularly in view of their reliance upon representations of the government.

There was a plastic sphere surrounding plutonium, but it was not beryllium. Its function was not to protect the high explosive from radioactivity. This the government well knew. The plastic sphere referred to was another component which was in fact a tamper, the purpose of which was the very opposite of that attributed to it by Greenglass. It was a reflector of neutrons, an impedance-matching device, and to help hold the fissioning mass together for a longer time. Absent this tamper, the bomb would not have worked.

On the one hand Greenglass describes beryllium as a shield to protect the high explosive, but then describes its purpose as a source of neutrons - inherently contradictory. In identifying the beryllium, in his ignorance he omits polonium which, together with beryllium, constituted the very initiator of the bomb itself. Finally, two other vital components of the nuclear core of the bomb are absent from the drawing and description, and the bomb could not function without them.

51. There was no such thing as "the secret". As stated by Dr. Linschitz in his affidavit:

"It is also astonishing, but critically relevant to the questions raised here, that despite so many authoritative statements to the contrary by scientists over the past two decades, the layman still clings to the misconception that there is a 'secret' or key 'formula' for the construction of an atomic bomb. This notion was even more obsessively held at the time of the Rosenberg-Sobell trial, even by the defense, and the record shows important statements by the prosecution and presiding judge which only served to re-inforce this dangerously false impression."
(emphasis supplied)

52. Not only was the Greenglass description and drawing devoid of meaningful qualitative information, it was completely devoid of any quantitative information.. Hence, in this instance by reason of the very nature of the bomb, the absence of scale, dimension and shape further distorts the "meaning" of the sketch and description. There is not "the principle" of the bomb; there are multitudinous principles involved in the making of the bomb.

Relating the word "principle" to plutonium, which was publicly known to have been the basic ingredient of the bomb, its description does not even pose the problem of the principle to be used in connection with plutonium, let alone resolve it. It is the plutonium and the nuclear core which determine the nature and functioning of the outer components.

53. In discussing the question of principle, not the principle, in relation to plutonium, Dr. Linschitz states:

"Here we immediately encounter a most serious difficulty, namely that this 'principle' itself, as represented by the drawing, depends on the precise depiction of what, to the lay eye, may appear to be minor details. This is no quibble, but is indeed a matter of the highest practical importance. For example, if the central hole indicated in Exhibit 8 is

fairly large, relative to the size of the plutonium sphere, then the basis 'principle' of the bomb may be considered to involve passing from a subcritical to a supercritical configuration simply by changing the geometrical form of the plutonium, from a hollow spherical shell to a solid sphere. On the other hand, if the central cavity is very small, or even non-existent, the passage from sub to supercriticality can only be a consequence of the change in the total volume (i.e. density) of the plutonium. Each of these two quite distinct mechanisms of detonation involves its own unique and characteristic associated phenomena and difficulties."

54. In evaluating the authenticity and accuracy of the sketch and description, Dr. Morrison felt compelled to state:

"Thus, the cross-section and its description are not factually correct and, therefore, give a false depiction of what is purported to be the cross-section of the atom bomb."

After referring to the ridiculous and patently absurd statement, known to the government to be false, that the bomb had been dropped by parachute, he stated:

"The entire testimony of Greenglass concerning the bomb is confused and imprecise. It is both qualitatively and quantitatively incorrect and misleading. The errors are further compounded by erroneous mislabellings of portions of the cross-section."

55. Dr. Morrison knew Mr. Derry in a casual way and "noted his failure upon questioning, to correct or dissociate himself and his own testimony from the errors in the Greenglass testimony. . . ." and further:

"If, in truth, Major Derry had occasion to see the actual atomic bomb under development at Los Alamos 'many times,' as he stated, he ought to have added 'and it did not look like that.'"

"Major Derry was not justified in saying, when asked if he understood the entire subject matter, 'Yes, sir, I did.' And, in fact, his later testimony showed he was not at all knowledgeable with respect to neutrons and beryllium. He was also in error when he answered in the affirmative the question, 'Can a scientist, and can you perceive (from the testimony and the sketch) what the actual

construction of the bomb was?' (And, he was even more misleading when he answered a subsequent question 'Does the information that has been read to you, together with the sketch concern a type of atomic bomb which was actually used by the United States of America?' Answer: 'It does. It is the bomb we dropped at Nagasaki, similar to it.') Say rather it was a caricature of that bomb."

56. The making of the atomic bomb "involved no single 'secret' in the scientific sense. It did involve a highly complex set of technical tricks, devices and processes combined, of course, with an immense and versatile industrial capability." As further stated by Dr. Linschitz:

"The information given by Greenglass evidently tells nothing of this prodigious and many-faceted effort, which also would have to be repeated in toto by the Russians. Thus, even superficially listing the real problems involved in bomb manufacture leads immediately to the conclusion that the information conveyed by Greenglass' disclosures could have saved the Russians essentially no time whatever."

57. The petition establishes that Derry was not an expert, although the government knowingly and falsely held him out as such to consummate the fraud. Derry's testimony failed to correct a single one of the grievous errors of the Greenglass testimony and Government Exhibit 8, errors of which the government was fully aware. Rather than dissociating himself from the Greenglass mistakes, he adopted them in full and falsely confirmed their authenticity, "substantial accuracy" and significance. This the government knowingly permitted him to do. It not merely failed to point out the errors, knowing the confirmation to be false, but intensified the fraud in its questioning of him and in prior and subsequent statements to the court and jury. Derry was testifying, in the minds of the jury, in lieu of Dr. Urey, Dr. Oppenheimer, and Dr. Kistiakowski, in the presence of the Atomic Energy Commission and the Joint Congressional Committee, with their clearly stated approval as

indicated by the prosecution. The false confirmation cannot be dissociated from the false claims made by the prosecution, in its opening and closing to the jury, and the misrepresentation made in the course of the trial, as well as the statements made at the time of sentencing.

58. The government had other means available to magnify and authenticate the Greenglass testimony. That was Gold and Fuchs. While Gold, in his pre-trial statement to his attorney, after his memory had been "refreshed" and his story developed, said the material allegedly obtained from Greenglass on June 3, 1945 was of no value, by the time he testified at the trial he characterized this "material" as being "excellent" in the eyes of his Soviet superior.

Fuchs was most intimately involved with the development of the bomb and had a unique position as a liaison scientist, thus making every aspect of the development of the bomb available to his knowledgeable eyes and mind. By falsely associating Gold as the common courier for Fuchs and Greenglass, it established the false impression of importance to the material Greenglass allegedly passed in September, 1945, Government Exhibit 8 and the description. The government still insists upon maintaining the secrecy of the Fuchs confession and information in that it would establish the valueless nature of the material Greenglass allegedly passed. Fuchs confession and statements are most relevant to this proceeding.

59. All of the above - the fraud of the prosecution foisted upon all the parties to the proceedings - served to firmly imprint on the minds of the jury that all of the testimony of Greenglass was true. This in turn was compounded by the deceptions practiced upon the defense to rely upon representations of the government that the June 3 meeting between Gold and Greenglass took place and that Gold registered at the Hotel Hilton.

By so doing, the jury would not accept the testimony of Julius and Ethel Rosenberg, who denied the entire conspiracy and the testimony of Greenglass and Elitcher. The fraud of the government deprived the ^{Rosenbergs'} A testimony of any value. This resulted in the jury's acceptance of the testimony of Elitcher, the one witness who attempted to associate petitioner with the alleged conspiracy.

60. By trapping the defense and causing counsel to ask for an in camera proceeding and to ask for the impounding of the testimony of Greenglass and Government Exhibit 8, the government was effectively depriving any qualified scientist an opportunity to evaluate the Greenglass-Derry testimony during or after the trial. It precluded any effective post-trial appellate review or collateral attack, thereby preventing effective aid to counsel in behalf of the petitioner and his co-defendants. There has never been a valid appeal from the original judgment of conviction.

The length and scope of the fraud and its impact upon all serves to reaffirm the deadly and illegal effect of any in camera proceeding. Even after the unimpounding of the evidence in April of 1966 under certain terms and conditions, it was believed by this Court that it contained secret information affecting the national security to the present time, until the matter was successfully litigated on August 3, 1966.

61. Was Government Exhibit 8 and its description "a cross section of the atom bomb itself" the "vital weapon" (R.1523), the "one weapon that might hold the key to the survival of this nation"? Did Greenglass "steal...the bomb" (R.183), could it be said that "the venture was successful as to the atom bomb secret" (R. 1551-1552), was the alleged material secrets "of immeasurable importance or significance" R. 1602)? Did this "material" constitute putting into the hands of the Russians "the A bomb years

before our best scientists predicted ... and caused the Communist aggression in Korea ... and altered the course of history to the disadvantage of our country" (R. 1614-1615)? Did "they pass[ed] ... this nation's most deadly and closely guarded secret weapon to Soviet Agents" (R. 1615)?

The answer to all of the above is NO as the government well knew. Yet these were the claims, the "proof," the statements of the government, the "evidence" the government said were true. It was on these thoroughly false premises and "facts" that the petitioner and his co-defendants were tried, convicted and sentenced. The government fraudulently deceived the court and jury, the defense itself and this fraud "has had tragic consequences."

"The statement made by Judge Kaufman, when passing sentence on the Rosenbergs, regarding the technical importance of the information conveyed by Greenglass has no foundation in fact. Rather, it expresses a misunderstanding of the nature of modern technology, a misunderstanding which, in this case, has had tragic consequences." (Affidavit of Dr. Linschitz)

THE ALLEGED GOLD-GREENGLASS
MEETING OF JUNE 3, 1945 AND
GOVERNMENT EXHIBIT 16

62. The theory of the government's case was that a single grand conspiracy to commit espionage existed for the purpose of transmitting classified atomic energy information to the Soviet Union in which petitioner, the Rosenbergs, the Greenglasses, Gold, Yakovlev and Fuchs were involved. According to

Although petitioner was unfairly burdened with the task of defending himself against the charge of being a member of such alleged conspiracy, no claim was ever made by the government nor was any evidence ever adduced that he was at any time involved in atomic espionage. This was fully acknowledged by the trial judge at the time of sentencing. See Transcript of Record, p. 1620.

the government's story, Gold's role in the alleged conspiracy was to serve as the courier between Yakovlev, Fuchs and the Greenglasses. At petitioner's trial, Gold testified freely and extensively as to his alleged courier function with Fuchs in order to lend credence to his false claim of an alleged meeting with David and Ruth Greenglass in Albuquerque, New Mexico on

June 3, 1945, at which time he supposedly received atomic bomb data from them for transmission to Yakovlev. (Government Exhibit 8 was allegedly transmitted in New York by Greenglass to Rosenberg)

63. The most prejudicial aspect of the Gold testimony related to his Albuquerque meeting, which, according to him, took place the day after he had met with Fuchs in Santa Fe for a similar purpose. To corroborate this perjurious testimony, the government introduced a fraudulent document, Government Exhibit 16 -- an alleged photostatic copy of an alleged Albuquerque Hilton Hotel registration card -- which purported to establish that Gold had registered at that hotel on June 3, 1945.

Upon information and belief the government knew that the aforesaid testimony and evidence were false, perjurious and fraudulent, in that Gold had not met with Greenglass on June 3, 1945, in Albuquerque, New Mexico, and had not registered at the aforesaid hotel. Upon information and belief, such false and perjured testimony and the forged and fraudulently created exhibit had been created and contrived by Gold and the government at the inducement and suggestion of the latter. Moreover, the government suppressed facts, evidence and prior statements of Gold which would have impeached and destroyed his credibility and would have established the falsity of his testimony and of the said fraudulent exhibit, and caused to be destroyed the "original" of Government Exhibit 16 and thus prevent an examination of the same.

64. Within the last twelve months, as a result of research by the authors of the book Invitation to an Inquest, Walter and Miriam Schneir, (New York, Doubleday & Co., Inc.), counsel for the petitioner received tapes on which had been directly recorded statements made by Gold to his attorney and other documentary data, all of which had been obtained from

counsel for Harry Gold, with the consent of Gold. These tapes, made between June 6 and August 1950, established that the statements made by Gold to his counsel were significantly contrary to the testimony given by him in the trial of petitioner and his co-defendants.

Further, from May 22, 1950 onward, even after Gold had attorneys, the government and Gold were acting in conjunction with each other in the absence of Gold's attorney in contriving, changing and altering the story belatedly by Gold so as to meet the convenience of the government. When Gold spoke to his attorneys or wrote to them with relation to the "facts" involved in this case concerning the Rosenbergs and Greenglasses, he did so only after prior consultation with the government and prior preparation of notes which were used to give his "story" to his attorneys.

These documents and tapes were made available to the government for their inspection after the execution of the Rosenbergs, but in fact, the contents were known to the government prior to receiving them from Gold's attorneys, since they were prepared jointly by Gold and the government before he would speak to his lawyers. The contradiction between the Gold testimony and his pre-trial statements to his attorneys clearly established that Gold was changing his story from time to time from the moment of his arrest and was doing so in conjunction with the government to meet its needs to convict the petitioner and his co-defendants, even though the government knew that the testimony as given was false and that it had a compliant witness who would do anything to satisfy the needs of the government. Thus, in effect, there was not only perjury but subornation of perjury.

65. It was vital to the government to establish the existence of a grand conspiracy in order to relate Fuchs and Gold and their alleged activities with the Rosenbergs and the Greenglasses. That was the only evidence that would tend to support its claim of the actual transmission of atomic information by the defendants by imposing the Fuchs confession with all of its prejudicial implications upon each defendant in this case. Further, it enhanced the "value" and "importance" of the information allegedly passed by Greenglass in the eyes of the court and jury. Since neither Fuchs nor his confession was made available, Gold became the understudy for him in playing out the fraud predicated upon Fuchs' confession, the contents of which became Gold's script. To create this needed substitution--and thus to relate Fuchs to Greenglass although they had never met or known of each other--it was vital to fabricate a meeting between Gold and Greenglass. For various reasons, hereinafter set forth, it was necessary to contrive the false testimony and the forged document so as to place this fictitious meeting on June 3, 1945.

66. The substance of the false testimony of Harry Gold as to the June 3, 1945 meeting was as follows:

a. Sometime in May of 1945 Yakovlev instructed Gold to see Greenglass. He gave Gold an onion-skin paper bearing the name and address of Greenglass which also had typed thereon the words "Recognition signal. I come from Julius." (R. 822) Gold testified that he did not know whether he ever destroyed the onion-skin paper or what happened to it (R. 823).

b. At the same time he was given a piece of cardboard which appeared to have been cut from a packaged food product in an odd shape and told that Greenglass would have a matching portion thereof (R. 822).

c. He was also given an envelope allegedly containing \$500 and instructed to transmit

it to Greenglass (R. 822).

d. He identified a purported replica of the cardboard side of a food package previously cut and shaped by Greenglass during the course of the trial as similar to the one purportedly given to him by Yakovlev in 1945 (R. 823).

e. After allegedly visiting Fuchs in Santa Fe on June 2, 1945, he left by bus for Albuquerque and, at 8:30 that evening, he visited the Greenglass residence but failed to find them at home (R. 824).

f. He spent the night in the hallway of a rooming house, and in the early morning of June 3, 1945, registered under his own name at the Hotel Hilton. Thereafter, at approximately 8:30 a.m., he returned to the Greenglass residence. (R. 825).

g. Gold there stated to Greenglass, "I came (sic) from Julius" (R. 825).

h. He next brought out and matched his cardboard piece with that produced by Greenglass (R. 825).

i. Gold then identified himself as "Dave from Pittsburgh" (R. 826).

j. After introducing Gold to his wife, Greenglass told him "that he had not expected me right on that day, but that nevertheless he would have the material on the atom bomb ready for me that afternoon" (R. 826).

k. When Mrs. Greenglass went into the kitchen to prepare some food, Gold gave Greenglass an envelope containing the \$500 (R. 826).

l. Gold was instructed to return to the Greenglass residence at "3:00 or 4 in the afternoon" to receive the atomic bomb information. Before leaving he was told by Mrs. Greenglass that she had spoken to Julius "just before she had left New York to come to Albuquerque" (R. 826).

m. This meeting took "about 15 minutes" (R. 827).

n. Gold returned at about 3:00 o'clock and received an envelope containing "the information on the atom bomb" from Greenglass who informed him that he expected a furlough around Christmas time and "if I wished to get in touch with him then I could do so by calling his brother-in-law Julius, and he gave me the telephone number of Julius in New York City (R. 827).

o. Immediately after this visit, which took 5 minutes, Gold left Albuquerque by rail (R. 828).

p. The material which he had received from Greenglass, consisting of "three or four handwritten pages plus a couple of sketches," he gave to Yakovlev at a pre-arranged meeting in Brooklyn on the evening of June 5, 1945 (R. 829).

q. Yakovlev stated the Greenglass material was sent to the Soviet Union and "was extremely excellent and very valuable" (R. 831).

67. After Gold had completed his direct testimony, a full day later, and after two intervening witnesses, the prosecution offered a "photostat" of an "original" registration card of the Albuquerque Hilton, represented by the government to have been made and kept in the regular course of business in order to corroborate Gold's story of a meeting with Greenglass by "proving" his registration at the hotel on June 3, 1945.* The government, by falsely stating it was prepared to establish the authenticity of the alleged registration, was successful in inducing defense counsel to stipulate to the introduction into evidence of a purported photostatic copy of such card as Government Exhibit 16. Defense counsel relied upon the false representations of the government:

"Mr. Saypol: I now have some testimony which it is possible there may be a stipulation on: The fact of the registration of Harry Gold at the Hotel Hilton on June 3. I have a photostat of the registration card. I also have the original on the way, together with a witness if required. . . .

May I first inquire of counsel whether they will stipulate as to the records or whether they will insist upon strict technical proof?

Mr. E. H. Bloch: I am speaking for myself again: I am certainly not going to insist on

*Significantly, Gold was never asked to identify this card during his direct examination.

strict technical test/Tol. 1259/mony. In other words, Mr. Saypol, let us understand: You want incorporated in the record a concession that Harry Gold stopped at the Hotel Hilton in Albuquerque on June 3, 1945.

Mr. Saypol: I want to offer in evidence and have received a copy of the registration card as a record regularly kept in the course of business and show it to the jury.

Mr. E. H. Bloch: I certainly have no objection to that introduction.

Mr. Kuntz: We have no objection." (R. 857)

By the use of this photostat, this forged card, the government succeeded in falsely corroborating Gold's false testimony of June 3, 1945 meeting in Albuquerque, New Mexico.

68. Government Exhibit 16 is a false, fraudulent and after-contrived document and not a photostat of a registration card allegedly signed by Harry Gold on June 3, 1945, at the Hilton and kept in the regular course of business, as the government well knew. Harry Gold did not register at the aforesaid hotel that day, and no such registration card ever came into existence in the regular course of its business.

69. The government, heavily relying on the said false, fabricated testimony of the alleged June 3, 1945 meeting, stated in summation:

"The history of this jello box-side, the greetings from Julius, the Greenglasses' whereabouts in Albuquerque come to us not only from Ruth and David but from Harry Gold . . .

* * * * *

"Harry Gold, who furnished the absolute corroboration of the testimony of the Greenglasses forged the necessary link in the chain that points indisputably to the guilt of the Rosenbergs.

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"It was so obvious to everyone in this courtroom that he Gold was telling the complete truth when he described his trip to Greenglass . . .

* * * * *

"The veracity of David and Ruth Greenglass and of Harry Gold is established by documentary evidence and cannot be contradicted. You have in evidence before you the registration card from the Hotel Hilton in Albuquerque which shows that he Gold was registered there on June 3, 1945.

* * * * *

"Exhibit 4B, the other part of this jello box, last seen in Rosenberg's hands, next appeared in the hands of Soviet official Yakovlev. He handed that recognition signal to Harry Gold. He gave Harry Gold the address in Albuquerque to Rosenberg's brother-in-law, David Greenglass. He told Harry Gold to bring Greenglass greetings from Julius. Gold made the visit to Albuquerque as we have seen on June 3, 1945. He brought the greetings from Julius to David. He carried the piece of the jello box that Rosenberg had kept in the first instance. On that Sunday, in June, Gold told you that he gave Greenglass \$500 in an envelope. Gold received and delivered the atom bomb information from Greenglass along with other information he had obtained from Dr. Klaus Fuchs on the same trip to his Soviet superior, Yakovlev." (R. 1521-23).

70. In attempting to show that Fuchs, Gold, Rosenberg and petitioner were parties to a single grand conspiracy and to equate the information allegedly given by Greenglass to that given by Fuchs, the prosecutor emphasized the false testimony of the June 3, 1945 meeting of Gold and Greenglass as he declared in his summation that:

"In February, 1950 Dr. Fuchs was arrested. He confessed his activities as a spy for the Soviet Union. You have heard of the part that he performed while he was in Los Alamos. Rosenberg's position in the Soviet espionage hierarchy in this country was such that he knew that on that trip out West to see Greenglass, Harry Gold was the one that had also collected information at the same time on the atomic bomb from Dr. Fuchs. Rosenberg knew that when Dr. Fuchs disclosed to the authorities what had happened, that he must identify Harry Gold as the espionage agent who had come to him in New Mexico. Rosenberg knew that Harry Gold had dealt also at some time with David Greenglass. Rosenberg knew that David Greenglass had been recruited into this espionage work by himself and his wife." (R. 1523).

71. The court in its charge to the jury recognized the importance of the alleged June 3, 1945 meeting to the prosecution's case when it stated:

"The Government attempted to show the link with the Russians ... by

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... the testimony as to the jello box-side incident -- that one-half of the jello box-side was kept by Julius Rosenberg to be used as a recognition signal by the courier to be sent by Rosenberg to pick up secret information obtained by Greenglass at Los Alamos and that Gold subsequently received the part of the box-side from Yakovlev and used it to obtain the information from Greenglass and that at the same time Gold, in identifying himself to the Greenglasses said -- words to the effect 'I come from Julius' which the Greenglasses contend was a greeting that had been prearranged between the Rosenbergs and the Greenglasses. The Government contends that you have a right to infer that there existed a link between Julius Rosenberg and Yakovlev in that Julius Rosenberg in some way transmitted the recognition symbol, that is, the jello box-side to Yakovlev." (R. 1557).

72. In January or February of 1950, the government learned from British authorities that Fuchs had voluntarily confessed to having transmitted information relating to the development of the atom bomb to the Soviet Union through various couriers. In this confession, the full contents of which were transmitted to the American authorities, Fuchs outlined the times and places that he met with one or more couriers to transmit atomic information. He also described the nature of the information which he had transmitted. Most significantly, no claim has ever been made by any British or American authority that Fuchs claimed that he had met a courier in June of 1945.

73. The Fuchs confession, true or false, set the framework within which the government was required to seek and find either the actual courier or couriers, or persons who could be induced or

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were willing to frame their confessions and testimony to meet the needs of the prospective prosecution and provide an adequate cast of characters. Since Fuchs' written confession was only partially revealed, and in large part suppressed, adaptations, variations and alterations of the script and the addition of new "roles" by willing and compliant persons as "accomplices" and "couriers" were contrived to fill the evidentiary gap.

Prior requests had been made to the Atomic Energy Commission in 1962 for an opportunity to examine the confession of Fuchs and the information Fuchs said he transmitted to the Soviet Union. The Atomic Energy Commission declared that the technical statements contained information which was still considered classified and they would not release the other portion of the Fuchs confession because the United Kingdom still considered the entire Fuchs confession as classified.*

Thus the government did throughout the trial, and to the present time, conceal and refuse to disclose to petitioner and his counsel the vital contents of the Fuchs' confession although it was the cornerstone of the entire case, as adapted, with the government's aid, by the notorious self-confessed perjurer, Gold.

74. Upon information and belief, Fuchs stated in his confession that the courier he met in the United States was between 40 and 45 years of age [In 1945, Gold was 34⁷ and was 5' 10" tall [Gold is 5' 6" tall]]. Fuchs never identified Gold

*Fuchs had authorized counsel for the petitioner in writing to make available to them his entire file in the possession of his attorney. Thereafter, counsel for petitioner was advised by counsel for Fuchs that his file had been lost or inadvertently destroyed.

**/ J. Edgar Hoover, The Crime of the Century, Readers Digest, May, 1951.

even after being shown still and moving pictures of him. Rather Fuchs, after being informed by his attorney and the British authorities that Gold persisted in his plea of guilty, merely decided not to challenge Gold's insistence that he was the sole courier in the United States. At the time Gold was sentenced, the government adverted to Fuchs' failure to identify him and to the fact that it was Gold alone who had exposed his own alleged involvement.

Petitioner does not claim that Fuchs and Gold never met, nor does he acknowledge that they ever did, or that Gold did or did not meet Fuchs on September 19, 1945. Petitioner does affirmatively state that Gold neither met Greenglass on June 3, 1945, nor registered at the Hotel Hilton on June 3, 1945, after allegedly seeing Fuchs in Santa Fe on June 2, 1945.

75. The FBI had been investigating Harry Gold and his associate Abraham Brothman, since sometime in 1947. In that year, Gold, in the course of an investigation of charges made by Elizabeth Bentley, a self-described Soviet agent, testified before a federal grand jury as to the nature of his association with Brothman. He subsequently testified in this very court in United States v. Brothman, et al. (S.D. N.Y. Cr. 133-106), that he had lied before that grand jury. Moreover, Gold felt himself highly suspect in that he had at least attempted to engage in espionage (unrelated to that charged in the indictment of petitioner) and had obtained or sought to obtain information to be passed on to agents or representatives of the Soviet Union. Petitioner and his counsel have no idea whether such information related to the national defense, but Gold certainly had a motive to "cooperate" in order to lessen any possible criminal punishment.

Moreover, during the time he was under intensive questioning by the FBI from May 15, 1950 and while in custody from approximately May 22, 1950 to the time of his sentencing in December, 1950, Gold, who had conceded that he had engaged in or attempted to engage in espionage activity, faced the danger of the imposition of the death penalty. As the government well knew, Gold did and would contrive, adapt and conform his testimony at the slightest suggestion of the government to meet the needs of the prosecutive and investigative agencies. Quite obviously, Gold sought to exaggerate and establish his role both as an espionage courier and a "man," as well as to ingratiate himself with the authorities for future favors.

76. On May 15, 1950, while the government was unsuccessfully seeking to determine the identity of Fuchs' alleged courier or couriers in the United States, it commenced an intensive interrogation of Harry Gold. As a result, the latter is said to have confessed on May 22, 1950 that he had served in that capacity. During this period of interrogation, Gold is also supposed to have admitted that he saw Fuchs in Santa Fe in September, 1945, at which time he had registered at the Albuquerque Hilton but did not say he had registered at the Hilton on any other occasion. Thereupon, upon information and belief, FBI agents went to the Hilton and, on May 23, 1950, found a registration card dated September 19, 1945 bearing the name of Harry Gold.* Despite days of searching the hotel's filing system, which would make any other Gold registration card for 1945 easily discoverable, none was in fact found at the hotel. Thus, other "sources" of a registration card were required and the government obtained them--

*On the basis of this "support" document, Gold was arrested later that day.

but not from the Hotel Hilton. And it was not a card made and kept in the regular course of business.

77. In the government's affidavit answering the original petition, significantly it did not deny the allegations of the original petition as to the obtaining of the "June 3, 1945" card or deny that it was not obtained on May 23, 1950. But in its brief (p. 53), the government acknowledges that the two cards were obtained "on different dates" and "were handled in a different manner." Neither in the brief nor the answering affidavit, nor in response to communications and inquiry by counsel would the government disclose the circumstances of the "acquisition" and the "handling in a manner" nor does it say that the June 3 card was obtained from the Hotel Hilton, or the person involved in the transfer between May, 1950 and after.

78. But the September 19, 1945 meeting and registration card were of no value to the government in the case against petitioner and his co-defendants in that during that month Greenglass had been on leave in New York City and no claim of a meeting with Gold could be retroactively reconstructed. The usefulness of establishing a Gold-Greenglass meeting on Sunday, June 3, 1945 arose from the discovery that, fortuitously, Ruth Greenglass had deposited \$400 in an Albuquerque bank on Monday, June 4, 1945.*

79. To support this contention of such a meeting on June 3, 1945, a Gold "registration" card at the Hotel Hilton for that date was needed. It is for this reason that Government Exhibit 16 was contrived.

*The alleged Gold-Greenglass meeting had to take place on a weekend since Greenglass, who was stationed at Los Alamos, could spend only Saturdays and Sundays with his wife in Albuquerque.

80. As the government knew, well in advance of the trial of petitioner and his co-defendants, Gold was an acknowledged and proven pathological liar. Despite this knowledge, however, it offered him as one of its man and indispensable witnesses, representing and vouching for the complete credibility of his testimony in this trial. The prosecutor emphasized his purported faith in Gold, saying, "It was so obvious to everyone in this courtroom that he Gold was telling the complete truth when he described his trip to Greenglass ..." (R. 1521-22). Indeed, since counsel for the defendants relied upon the statements of the government that Exhibit 16 was a true copy of a document made in the regular course of business by the Hotel Hilton, counsel for the Rosenbergs acknowledged the truthfulness of the testimony of Gold and Greenglass relating to the alleged June 3, 1945 meeting as well as Government Exhibit 16 which was introduced more than a day after Gold had left the stand..

81. In so presenting Gold as one of its witnesses-in-chief, the government did not inform the court and jury that he had admitted to his attorney as well as to the government itself that he had lied before another Grand Jury unrelated to the Grand Jury testimony given in 1947, and that in pretrial statements made to the government he had lied again; and that in pre-trial statements made to his attorney after contrivance and preparation with the government, given wholly inconsistent statements substantially and vitally at variance with testimony given at the trial itself. This information, which was suppressed by the government, was unknown to the petitioner and his co-defendants, or their counsel, until very recently.

82. As the government well knew, Gold's life was such a fabrication of lies and deceptions that it was impossible for him to determine whether he was telling the truth or not.

83. Upon information and belief and upon the facts set forth in this petition, and upon evidence to be presented at the hearing, it is a fact that between the period from May 15 to June 1, 1950 the broad outlines of Gold's confession were developed and altered from time to time with the aid, suggestion and endorsement of the government, but the full false statement could not then be completely contrived since there was not yet a sufficient cast of characters, and the necessary details of the false testimony could not at that time be put in final form. Gold did not meet with his court-appointed counsel until June 1, 1950 and then for a brief period only. The "June 3, 1945 meeting" was at that point a still-to-be developed story--Gold's memory had not yet been fully "refreshed." The government was unable to make, and Gold was at that time, therefore, unable to accept, any suggestions of what his full testimony would ultimately be.

84. Commencing with June 6, 1950, Gold met on five or six occasions, for several hours each, with his counsel, at which times tape recordings of his statements were made. These recordings, which have only recently been made available to petitioner's counsel, reveal (see Schneir affidavit):

a. That Gold was speaking from detailed notes made as a result of the intensive conversations with the prosecution and its investigative agencies and that his notes were in substance the "confession" as it then existed at the time of his conversation with his attorneys.

b. That Gold stated he had no recollection of a meeting with a "G.I." in Albuquerque, in June of 1945 until his memory was aided by conversations with government agents and representatives. He had no recollection whatsoever of the name "Greenglass."

c. That he had no recollection of the address of the person he was to recall meeting in Albuquerque.

d. That not until June 14, 1950, after he had been under interrogation by and in conversation with the prosecutive authorities for approximately one month,* did he make any reference to his attorney--and then in only the most ephemeral way--of his alleged meeting sometime in June, 1945.

e. That he had no recollection of the recognition signal allegedly used other than that "Bob, or Benny or John sent me."

f. That he had no recollection of any jello box or any form of recognition device.

g. That while incarcerated, he was shown films and maps by the prosecutive and investigative authorities of various portions of Albuquerque to help him "refresh his recollection." His memory and his story grew in active conjunction with his collaborators and interrogators.

h. That he finally stated, after Greenglass was available, after intensive consultations with his interrogators:

"... and I believe that we have succeeded in identifying the person who was this G.I. ... but there were so many factors which lead us to believe that the man we finally had selected is the one. ..." (emphasis supplied)

i. That he had no recollection of registering at the Hotel Hilton even after he "recalled" the alleged June 3, 1945 meeting. In fact, Gold told his attorneys that he had slept the night of June 2, 1945 in an Albuquerque rooming house, checked his bags at the railroad station the next morning, and allegedly visited the Greenglasses.

85. Thus, until some substantial time after the arrest of David Greenglass, who was then under independent investigation

* During which period he had been interrogated by the FBI alone for at least 102 hours.

by the FBI and subject to criminal prosecution for perjury and theft, Gold:

- a. Never referred to a jello box.
- b. Never knew Greenglass' name or address.
- c. Never recalled the recognition phrase, "I come from Julius."
- d. Never stated that he stayed at the Hotel Hilton in June of 1945.
- e. Never recalled being given the name of Julius Rosenberg or his address or phone number,

all of which the government well knew and suppressed.

86. In addition, Gold told his lawyers that Yakovlev had characterized the information allegedly received in Albuquerque as "of no value." At the trial, he swore that the Russian had described it as "extremely excellent and very valuable" (R. 831). The government knew the testimony to be false.

87. The story given on June 14, 1950, was thereafter altered after the arrests of Greenglass and Julius and Ethel Rosenberg, and all of these pre-trial statements were contrived and developed in consultation with and at the inducement of the government and were directly in conflict with the testimony given in the course of the trial wherein petitioner was convicted, and this was known and suppressed by the government.

88. From the summer of 1950 until the trial in March of 1951, Gold and Greenglass were incarcerated together and had more than adequate time in which to contrive their testimony to meet the requirements of the government.

89. The failure and refusal of the government to inform the court and jury at petitioner's trial and its suppression of such vital information relevant to the guilt or

innocence of the petitioner and his co-defendants, particularly in light of Gold's lifelong record of blatant and outright prevarication and fantasizing in and out of court, and its vouching for the truthfulness of his testimony in this trial constitute a denial of due process to the petitioner and his co-defendants, depriving them of those "fundamental principles of liberty and justice which lie at the base of all our civil and political institutions." Hebert v. Louisiana, 272 U.S. 312, 316.

90. The allegations as set forth above do not merely establish prior contradictory statements but rather that the government knew Gold's story was fabricated, enlarged upon and devised in order to meet the needs of the prosecution to obtain false testimony and forged documentary evidence to convict petitioner and his co-defendants by connecting them with the Fuchs confession of furnishing atomic data to the Soviet Union.

91. An examination of Government Exhibit 16 demonstrates the following:

a. The front of the photostat bears the handwritten date, June 3, 1945. The rear portion of the photostat bears an electronic date-time stamp purporting to show that a registration took place at 12:36 P.M. on June 4, 1945, when Gold, according to his testimony, was already en route to New York and his prearranged meeting with Yakovlev.

b. Every exhibit obtained by the FBI introduced into evidence except Government Exhibit 16, bore the initials of one or more FBI agents and the date the document came into the hands of the FBI.* All documents seized from petitioner and thereafter returned to him, of whatever nature, bore such initials and the dates they were

*/ This is standard operating procedure for the FBI and other government investigative agencies.

obtained. Government Exhibit 16 bears no initials of any FBI agent nor any date of receipt. Significantly, the Hotel Hilton registration card bearing the date September 19, 1945, purporting to be a photostat of a registration card of Harry Gold, bears the initials of three FBI agents and the date of receipt, May 23, 1950. The photostat of that card bears the same handwritten date on the front portion thereof as the stamped date on the rear thereof.

92. In reply to an inquiry made by counsel for petitioner, the Department of Justice, by letter dated December 22, 1965, stated that the "original" of Government Exhibit 16 was in its possession at the time of the trial. It does not state who held it and where it was located at the time of the trial, nor who had custody of Exhibit 16 up to the point of transfer from government custody. The sentencing of petitioner and his co-defendants took place on April 5, 1951. The United States Department of Justice allegedly returned the "original" to the Hotel Hilton on August 4, 1951, barely four months after sentencing. A stipulation had extended the time within which the petitioner and his co-defendants had to file the record and Exhibits on appeal to August 15, 1951. The case was not argued until January 10, 1952 and had not been decided by the Court of Appeals until February 25, 1952.

The Supreme Court did not deny certiorari from the original judgment of conviction until October 15, 1952. Yet while the government was so rapidly causing and permitting the alleged original of Government Exhibit 16 used in the trial to be destroyed and disposed of, it did not dispose of or destroy the September 19, 1945 registration card until February 11, 1960. Indeed, it is a strange phenomenon which of itself indicates the government's desire to destroy the forged and fabricated card and hide the fraud.

This destruction of the "original of Government Exhibit 16, in the context of the undisputed facts set forth above, creates on its face a presumption of fraud and forgery which the government is required to factually attempt to overcome at a hearing.

93. The government was required and did consider the possibility of a reversal of all of the convictions and the mandating of a new trial. It might then have been required to produce the "original" of Government Exhibit 16 upon a new trial. Yet, prior to the disposition of the appeal in a capital case of international proportions, the Government would have us believe it "returned" to the Hilton Hotel the claimed original of a vital document used to corroborate its case, knowing that, according to normal established procedure and the laws of the state of New Mexico, such registration cards would then be destroyed.

The government well knew that in the event there was not a reversal of the conviction, collateral proceedings would in all likelihood be instituted and that other counsel might have required the production or examination of the "original" of Government Exhibit 16. The government well knew that if there were ever a challenge to the authenticity of the original of Government Exhibit 16, its destruction would make it much more difficult to determine and detect a forgery from a photostat than from an original document.

The government is extremely well versed and fully knowledgeable in the area of handwriting analysis and document evaluation. Elizabeth McCarthy, a handwriting and document expert who regularly examines questioned documents for the Boston and Massachusetts State Police, stated in an affidavit, after examining Government Exhibit 16, the alleged photostat of the

"original" of the June 3 card and the alleged photostat of the September 19, 1945 registration card, that "it is difficult in a case of this kind for a document expert to arrive at a definitive, conclusive opinion from a study of photostats or photographs alone." For example, the quality, age and type of paper and ink involved, the instrument used and the imprint upon the paper can only be ascertained from a microscopic study of an original. Yet, in this vitally important case, involving the death penalty and the national security, the government decided to release and permit the destruction of an original document--an exhibit relating to a vital portion of its case--on August 4, 1951.

94. The circumstances and destruction of the "originals" of these documents is more shocking when the government refuses to disclose how, from whom or when it obtained the "original" of Government Exhibit 16, or even give any evidence of the date of its actual destruction and by whom and under what circumstances, although due demand for such information has been made. Repeated requests for this information by petitioner counsel have been to no avail; the cloak of mystery continues. It cannot be said that this information is in any way classified or dangerous to the national security. It is only that the government continues to hide and keep secret the circumstances of the creation of the "original" of Government Exhibit 16 and the manner and motive of the destruction thereof. The government wishes to keep secret and prevent judicial and public scrutiny, in this or any other proceeding, of its conduct which would result in petitioner's freedom.

95. All of the above circumstances confirm and support fully the allegations of the within petition and mandate that an evidentiary hearing be held forthwith. It

is more than highly probative of the fact that the government knew that Government Exhibit 16 and its "original" was a false, forged and fabricated document used to support the contrived, false and perjured evidence of Harry Gold and David Greenglass to the effect that a meeting took place in Albuquerque, New Mexico on June 3, 1945 between Gold and the Greenglasses. It explains why the government "carelessly" departed from its normal operating procedures in a case which the trial court was led to believe was the cause of the Korean War.

96. The government in its brief in response to the original petition herein (see p. 53 of such brief) acknowledges that the FBI received the "original" of Government Exhibit 16 on a different date and that this document was handled in a different manner from that of the September 19, 1945 registration card which was never introduced into evidence and which was preserved for nine years after the trial; but the government in its brief and its affidavit refuses to disclose the facts underlying that very generalized statement and seeks to avoid its responsibility on the grounds that prior counsel made the mistake of believing and relying upon representations of the government as to the authenticity of Government Exhibit 16 and thereby were induced to concede that there was a meeting on June 3, 1945. Prior counsel's understandable but mistaken reliance upon representations of the government and false statements by Gold and Greenglass does not immunize the conviction from collateral attack in that the government knew that Gold and Greenglass testimony as to the June 3, 1945 meeting was false, and that the June 3 card was a forgery, fabricated and created retroactively.

97. Prior to the trial and particularly during the days immediately preceding the trial and during the trial itself, the government remained a constant source of propaganda for representatives of the mass media. It advised what would be proved in the course of the trial; what had been proved; the significance of the testimony presented; and the names of the witnesses and what they would establish. Particularly, the government was the source of "information" outside of the courtroom as to the nature and importance of the evidence to be adduced relating to the atomic bomb, thereby deceiving the press and through it, the public. This created an extremely inflammatory atmosphere, so highly prejudicial to the petitioner and his co-defendants as to deprive them of a fair trial.

This climate of opinion inflamed by the government had a terrible impact upon counsel for the defense and their capacity to function. They too were deceived and intimidated by this out-of-court publicity, that reached such proportion as to deprive counsel of the capacity to fully and effectively represent the petitioner and his co-defendants. It induced counsel to rely upon representations and statements made by the government in the course of the trial.

98. The Korean War was another catalytic factor fully utilized by the government in its publicity to establish that the alleged secret of the bomb, the weapon itself, had been stolen and passed on by the defense to the Soviet Union.

The mere representation of the petitioner and his co-defendants invited economic destruction and social ostracism upon the attorneys. It is in this context that defense counsel accepted the authenticity and accuracy of Greenglass concerning the alleged secret of the atomic bomb and asked for in camera proceedings; and failed to cross-examine Harry Gold; refused

to permit the petitioner to take the stand in his own defense to establish his total innocence; feared criticizing the conduct of the trial; and abandoned an apparently fruitless attempt to obtain scientific aid, if any would have been available; thereby depriving the petitioner and his co-defendants of the right to effective counsel, and other deprivations of due process.

99. Since this was a conspiracy trial, the fraudulent testimony relating to the A-bomb submerged petitioner in this prejudicial atmosphere, and since, as the court and jury were led to believe, the objective of the conspiracy was accomplished, the existence of the conspiracy was proven and petitioner was made a part thereof.

100. A hearing will establish that petitioner was deprived of a fair trial, that he was denied due process of law and must be set free after the hardship of long incarceration. The fact that the sentence imposed upon his co-defendants is immutable and irrevocable must not be permitted to impinge upon his clear right to a hearing and release. Rather it would inure to the benefit and prestige of this nation and its people to show its confidence in its strength and its dedication to constitutional principles and processes and thus to admit grievous error in this case, which tainted the entire proceedings.

WHEREFORE, petitioner asks that, upon this petition and the exhibits thereto, and upon the files, records and exhibits of this case, the Court

(1) grant a hearing to determine the issues and make findings of fact and conclusions of law with respect thereto; and, upon such findings of fact and conclusions of law, vacate and set aside the sentence and judgment of conviction and discharge petitioner forthwith from detention and imprisonment, or

in the alternative, grant him a new trial; and

(2) order that, pending said hearing,

a. petitioner be released upon the posting of reasonable bail or, in the alternative, directed to be present at the hearing aforesaid; and

b. petitioner be forthwith authorized to take the deposition of Harry Gold;

c. petitioner be furnished with the confession of Klaus Fuchs, including the material he confessed to transmitting to the Soviet Union;

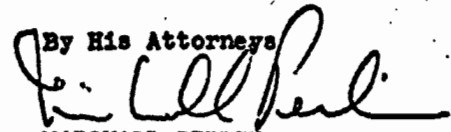
d. petitioner be furnished with any and all pre-trial statements of Ruth Greenglass, David Greenglass and Harry Gold in the possession of the government; and

(3) grant such other and further relief as to the Court may seem just and proper in the premises.

Dated: New York, New York
August 22, 1966

MORTON SOBELL,

By His Attorneys



MARSHALL PERLIN
36 West 44th Street
New York, New York

VERN COUNTRYMAN
3 Suzanne Road
Lexington, Massachusetts

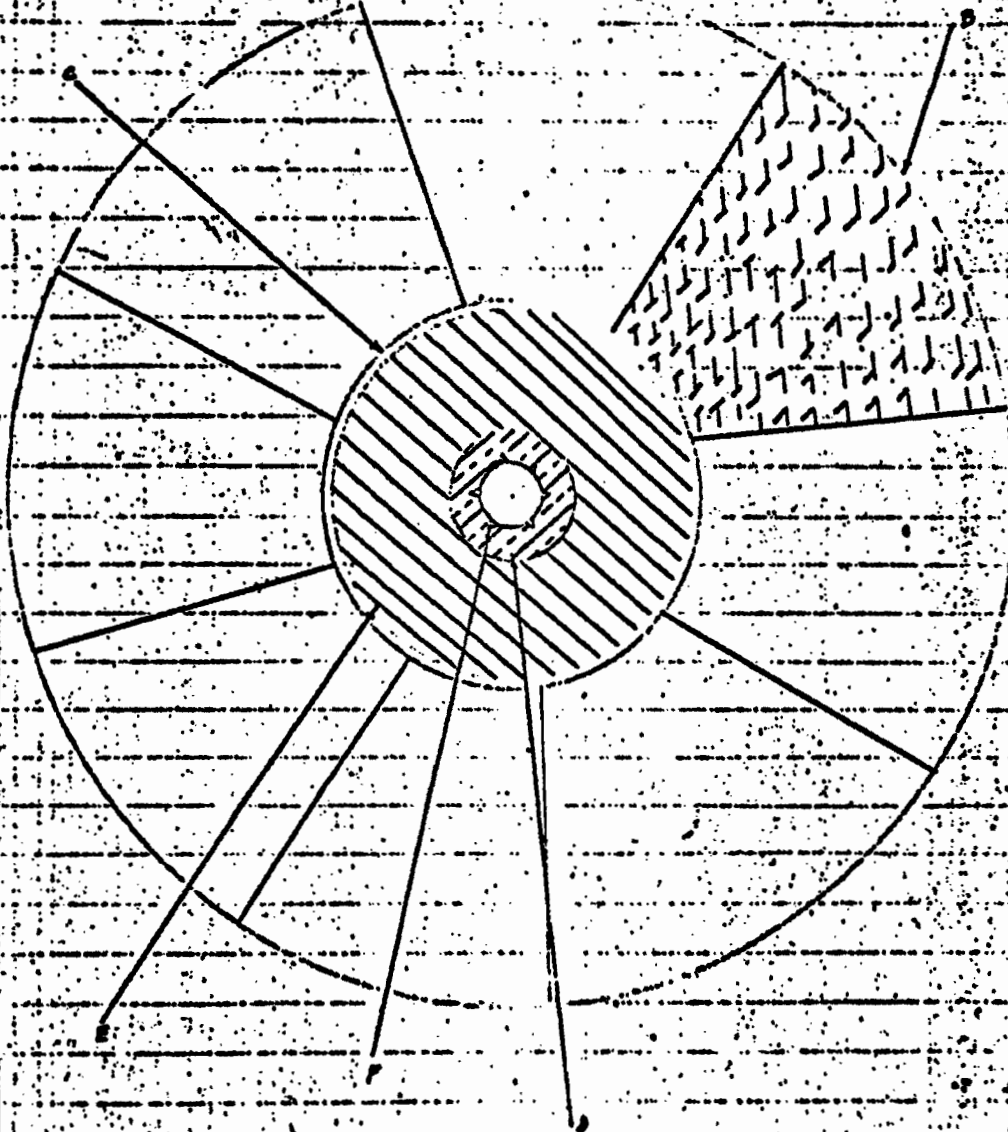
BENJAMIN O. DREYFUS
341 Market Street
San Francisco, California

MALCOLM SHARP
University of New Mexico
Law School
Albuquerque, New Mexico

ARTHUR KINOY
WILLIAM M. KUNTSLER
511 Fifth Avenue
New York, New York

EXHIBIT
U. S. Dist. Court
S. D. of N. Y.
MAR 12 '51

SEPT. 1945



CROSS-SECTION X BOMB. NOT TO SCALE

STATE OF MASSACHUSETTS)
COUNTY OF *Windsor*) SS.:

I, HENRY LINSCHITZ, being duly sworn, depose and say:
I reside at 35 Riverside Drive, Waltham, and am
Professor of Chemistry at Brandeis University, Waltham,
Massachusetts, teaching and doing research in physical
chemistry.

In the Spring of 1943 I joined the staff of the
Explosives Research Laboratory at Bruceton, Pa., where
fundamental and applied weapons-related work was being done
under the auspices of the National Defense Research Council.
I was assigned to work on shaped charges, and was able to
confirm experimentally a new hydrodynamic theory regarding
the formation of penetrating jets in lined charges such as
those used in the "bazooka." Around November of that year
at the invitation of Dr. G. B. Kistiakowsky I accepted a
post at the Los Alamos Laboratory, where studies on implosion
were beginning under Dr. S. Neddermeyer. This work developed
to the point where a separate Explosives Division was set
up under Dr. Kistiakowsky. For most of my stay at Los
Alamos I headed one of the research sections in this
Division. My group was concerned mainly with the study of
detonation wave interactions and flow and shock phenomena
associated with implosions. In connection with this, we
carried out the first lens experiments at Los Alamos, and
spent much time thereafter in establishing the properties
and characteristics of such lenses and in perfecting their
design. As part of this work we also developed certain
fabrication and testing procedures, which were later
refined and utilized in lens production. These studies
were, of course, closely correlated with work done by the

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various other sections of the Explosives Division and by groups at ERL under Dr. D. P. MacDougall.

In July 1945 I participated in the assembly of the first test bomb at Alamogordo, and then served overseas as a member of the plutonium bomb assembly group on Tinian (in charge of high explosive components).

Since 1946 I have worked as a research fellow at the Institute of Nuclear Studies of the University of Chicago and have taught on the faculties of Syracuse University and Brandeis University. During academic leaves I have also been a visiting scientist at the Brookhaven National Laboratory and a Fulbright lecturer at the Hebrew University in Jerusalem. My post-war government service has involved work on panels or committees of various agencies including NASA (Advisory Committee on Space Biology), National Institute of Health (Study Section in Biophysics and Biophysical Chemistry) and the Committee on Photobiology of the National Academy of Science.

I have examined the material recently released from the court record of the Rosenberg-Sobell trial and have considered it from the standpoint of its accuracy and completeness as a description of the plutonium bomb developed at Los Alamos in 1945. I have also considered various statements in the record of the trial regarding this material and its possible value in assisting the development and construction of a Russian implosion bomb. This affidavit gives my opinions and conclusions on these questions.

The sketch (Exhibit 8) and accompanying transcript give a garbled, ambiguous and highly incomplete description of the plutonium bomb of 1945. The description is correct in its most vague and general aspects, that explosive

"lenses" were used to achieve implosion of a core containing plutonium and beryllium components, the overall system being arranged in an essentially spherically symmetrical configuration. It is incorrect in that it does not show an important shell of "tamper" material, and in its representation of the detailed configuration of the core. It is incomplete in that it does not specify the actual form of the lens interfaces, nor the chemical composition of the explosives nor the complicated methods used to fabricate and test these lenses. The lens drawings (Exhibits 2, 6, 7) also do not give such information. Further, Exhibit 8 does not show the methods used to obtain highly simultaneous initiation of the lens detonators nor the design or construction of the primary trigger generator and associated electronic equipment. In addition, one of the component elements (polonium) is missing from the core. Finally, the sketches nowhere indicate the dimensional scale of the bomb. This refers not only to the absolute dimensions but to the relative dimensions as well, as stated by an explicit notation to that effect on Exhibit 8. The Greenglass testimony accompanying Exhibit 8 displays some naive misunderstandings of the reasons for this bomb design, such as the bizarre notion that the explosives required shielding from a radioactive center. There is also an evident lack of comprehension of the function of the beryllium components and the reasons for the peculiar construction of the core. The bomb, of course, was not dropped by parachute.

The sketch (Exhibit 8) was made with some care, as shown by the obvious use of compass and straightedge in drawing the concentric circles and labelling lines, and the uniform division of the circumference in drawing or rather indicating the lenses. The errors and omissions cited above are therefore not due simply to haste, and one may perhaps conclude that the sketch does represent its maker's

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total knowledge of the bomb's construction. If this conclusion is correct, this knowledge was very scanty.

The question now arises whether or not these drawings and descriptions constitute (referring to the testimony of Mr. John A. Derry) a "substantially accurate representation" of the implosion bomb, or even of the "principle" on which it operated. Here we immediately encounter a most serious difficulty, namely, that this "principle" itself, as represented by the drawing, depends on the precise depiction of what, to the lay eye, may appear to be minor details. This is no quibble, but is indeed a matter of the highest practical importance. For example, if the central hole indicated in Exhibit 8 is fairly large, relative to the size of the plutonium sphere, then the basic "principle" of the bomb may be considered to involve passing from a subcritical to a supercritical configuration simply by changing the geometrical form of the plutonium, from a hollow spherical shell to a solid sphere. On the other hand, if the central cavity is very small, or even non-existent, the passage from sub to supercriticality can only be a consequence of the change in the total volume (i.e. density) of the plutonium. Each of these two quite distinct mechanisms of detonation involves its own unique and characteristic associated phenomena and difficulties. In the first instance, for example, one is faced with the difficult problem of maintaining stability of a projected and accelerating "free" fluid surface, while in the second, one must estimate with reasonable accuracy the compressibilities of metals under the extreme and peculiar conditions reached in three-dimensional convergent shocks. For each case, one must then work out the detailed sequence and time scale of events occurring as the assembly goes supercritical, so as

to maximize the efficiency of detonation. In consequence, the specifications of such basic design characteristics as the weight of plutonium used, or the anticipated assembly time depend crucially on whether the first or the second "principle" is operative. In short, the two situations correspond to two different bombs, and one can perhaps see that many other types are possible. The lack of indication of the inner radius in Exhibit 8 is, of course, directly related to the absence of dimensional scale on the drawing, as well as to the sketchmaker's obvious ignorance of the physical problems involved and his preoccupation with lenses. The drawing (Exhibit 8) thus leaves a basic ambiguity in even establishing what the "principle" of the bomb was, at least so far as the dynamics of the plutonium core are concerned and the ^{actual} basic mechanism of detonation. This ambiguity is not at all resolved by the descriptive testimony (Greenglass) accompanying Exhibit 8. Thus, we read first, "... the high explosive lens implode (sic) giving a concentric implosion to the plutonium sphere on the inside. This in turn does the same to the beryllium ...". Such a description certainly implies appreciable motion by the inner plutonium surface. However, next comes, "... the plutonium which is now at a super or hypercritical stage because of the high pressure heat (sic) ...", which implies a device triggered simply by compression. Thus, essential information needed to make clear the "principle" of initiating a chain reaction in plutonium is not given by the drawing. Further discussion of "principle" seems superfluous.

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Nevertheless, continuing with the question whether Exhibit 8 gives a "substantially accurate representation" of the plutonium bomb, we point out that the omission of a shell of "tamper" material (whose chemical composition is evidently also unspecified!) is a major lapse. The "tamper" has a triple function, first, serving as a reflector of neutrons and thereby lowering the critical mass (Smyth Report, 1945), second, acting as an "impedance matching" device for efficient energy transfer from the external shell of explosive to the inner core, and finally, helping to hold the fissioning mass together for a longer time. These are all essential functions. The plutonium bomb of 1945 could not have functioned at all without its tamper. Failure to indicate the presence of a tamper shell cannot therefore be regarded simply as an omission in the sense of omitting to show the detailed construction of components whose presence at least is indicated, such as the lenses. On the contrary, the omission of the tamper shell is a serious and basic error.

Turning to the lenses themselves, these are shown in Exhibit 8 in the most extremely schematic way possible, simply as areas labelled "explosive lens." This is perhaps analogous to drawing a cross-section of a new rocket and in a certain rectangular space therein writing "fuel and engine." The bomb drawing (Exhibit 8) shows no interfaces nor indeed any structure whatever in the region marked "lens." Thus, no information regarding lens construction is conveyed by this diagram. The lenses could have been made, for example, with several interfaces and components (as in multi-element optical lenses) or even with no interfaces at all, but instead built with continuously variable composition. Interfaces are shown in Exhibits 2 and 7, which however

refer to "two-dimensional" or flat lenses. Even here, the mathematical form of the curve is not given, much less the chemical composition of the component explosives, nor indeed, where in the lens the different elements (if any!) would be placed (Exhibit 7). In other words, the drawings do not give enough information to enable anyone to build even a flat lens, let alone many large three-dimensional ones, all fitting precisely together to form a spherical shell, all performing perfectly and identically, and all capable of being detonated within a millionth of a second of one another by a suitable firing mechanism at a controlled height, when mounted in an aerodynamically stable case and dropped from an airplane.

The lack of any dimensional scale on these drawings has already been noted. A further major consequence of this is that perhaps the most important bomb parameter of all, the critical mass of plutonium, cannot be inferred from the drawing, but would still have to be determined by the receiver of this information. The omission of the polonium from the core would render inoperative the central initiator which is shown at this point.

After this analysis, what information can one say these drawings finally convey? Essentially, we are left with the then classified words or concepts, "lens" and "implosion," together with a general impression of spherically disposed components and convergent detonations. Does this constitute a "substantially accurate representation of the principle" of the bomb? In my opinion, no. Nevertheless, it is clear that such a judgment must be a highly subjective one indeed. A diagram that may obviously represent a "principle" to a research expert who has devoted years of hard work and worry to the problem, and who cannot help but

correct and fill in the gaps subconsciously with his own knowledge, may be totally useless to a technician who has actually to construct the device. We undoubtedly have such a situation in Exhibit 8. In addition, we have to contend with the vagueness of such terms as "substantially accurate." It seems to me, therefore, that in the face of possibly conflicting and certainly subjective judgments, the proper question to ask is not whether the drawings are "substantially accurate" or describe "principles," but simply, what value could this information have had for the Russians in developing their own bombs? One might even hope to answer such a question quantitatively, in terms of the time which might have been saved in the Russian effort, as a consequence of having this information.

Such an appraisal of the "value" of Exhibits 2, 6, 7, 8 is relevant here for another reason also, namely that the ultimate fate of the defendants in this trial did not depend only on a proof of conspiracy to transmit classified information, but specifically and explicitly on the nature of the information transmitted. Thus, in his statement accompanying the sentencing of the Rosenbergs, Judge Kaufman stated (p. 1614):

But in your case, I believe your conduct in putting into the hands of the Russians the A-bomb years before our best scientists predicted Russia would perfect the bomb has already caused, in my opinion, the Communist aggression in Korea, with the resultant casualties exceeding 50,000 and who knows but that millions (fol. 2452) more of innocent people may pay the price of your treason I also assume that the basic Marxist goal of world revolution and the destruction of capitalism was well known to the defendants, if in fact not subscribed to by them, when they passed what they knew was this nation's most deadly and closely guarded secret weapon to Soviet agents.

There can be no doubt that the severity of the sentence is directly associated with the presumption that the transmitted information was sufficient to describe the weapon, and could have greatly assisted the Russians in their bomb development effort. We now address ourselves to this question. We discuss first the "value" of 'Greenglass' information in solving the problem of actually putting together a plutonium bomb, and in this context, consider also the role of Klaus Fuchs. Finally, we discuss the "value" of Exhibits 2, 6, 7, 8 in terms of the total effort needed to obtain the materials for an atomic bomb.

One can roughly measure the magnitude of a "research and development" effort in dollars spent or man-hours required. Such a measure is perhaps not valid in situations where individual brilliance plays an essential role. In the case of the Manhattan Project, for example, it would be hard to overestimate the contributions of some uniquely creative individuals, such as E. Fermi's work in the development of nuclear piles. Nevertheless, the most important matters treated in Exhibits 2, 6, 7, 8 are lenses and implosion, and the work done on these problems was essentially developmental in character, suitable for measurement in man-hour units.

The original concept of "implosion" is an almost inevitable and immediate result of consideration of the fast-assembly problem, and implosions were discussed almost from the beginning of work at Los Alamos. The concept of a lens is certainly more sophisticated, but is a straightforward utilization of the characteristics of high explosives involving no new fundamental principles. In the context of implosion, the notion of a lens will also almost inevitably occur to qualified physicists, especially

after trying a few non-lens implosions. Even without the powerful suggestive effect of the implosion problem, techniques for studying and working with detonation waves were being developed by all the nations involved in World War II, particularly in connection with the appearance of weapons utilizing "shaped charges." For example, we began our own lens work under the impression that this was a new development. Later, we found that closely related work had been done independently by the British, who actually had patented a simple ("plane lens") device. One must presume that the Russians, with comparable experience in shaped charge technology, could have done the same. In any event, in terms of a man-hour count, the time elapsed from the beginning of experimental implosion studies (about the summer of 1943) to the final achievement of a lens-implosion was two years. At the beginning, only a very small number of individuals worked on the problem. Toward the end, it became one of the major concerns of the laboratory. Of this work, practically all was development, in the sense of being directly concerned with bomb problems. The lens work, in particular, was necessarily empirical in nature. By far the greatest fraction of activity in this area (over 80%) was spent in the tedious perfection of lens design and lens components by essentially cut-and-try methods, and in working out large-scale fabrication and testing techniques to obtain uniform and reliable units. This effort was many times that invested in the original lens experiments and would have to be repeated in toto by the Russians, even if they had the information in Exhibits 2, 6, 7, 8. However, the lens development was itself only a fraction of the total Los Alamos effort. Other aspects of the work of the Explosives Division

which also required substantial man-hour expenditure had to do with the development of a reliable firing mechanism. This would similarly have to be repeated by the Russians, since no information on this major problem beyond a reference to a condenser discharge is given in the Greenglass testimony. Simultaneously with these studies, yet other work was in progress on the non-lens bomb components and problems, by numerous other groups, such as the Divisions of Theoretical Physics, Experimental Physics, Bomb Physics, and Chemistry and Metallurgy. As described in the Smyth Report, these groups worked on a vast variety of bomb-related problems, such as determination of critical masses, neutron multiplication factors and times, properties of tamper materials, shock-hydrodynamics of metals, the purification and fabrication of plutonium, instrumentation for the Alamogordo Test, etc. In addition to all this, work continued on the design and construction of U-235 bombs, such as that dropped over Hiroshima. The information given by Greenglass evidently tells nothing of this prodigious and many-faceted effort, which also would have to be repeated in toto by the Russians. Thus, even superficially listing the real problems involved in bomb manufacture leads immediately to the conclusion that the information conveyed by Greenglass' disclosures could have saved the Russians essentially no time whatever.

In evaluating Exhibits 2, 6, 7, 8, one must further and particularly take into account the information supplied to the Russians by Dr. Klaus Fuchs. By accident or intention Fuchs was assigned the unique position of maintaining liaison between the experimental work of the Explosives Division on lens development and implosion, and the efforts of the Theoretical Physics Division on related problems of

shock hydrodynamics and nuclear phenomena. As a necessary and routine part of his duties, he regularly and systematically visited the several research sections of Explosives Division, and both sat in and contributed actively to our research and planning conferences. Fuchs thus had about as direct access to the work of both Divisions as anyone at Los Alamos, and could obtain complete and quantitative information on all aspects of bomb design, including the plutonium, high-explosive, mechanical and electronic components. Under these circumstances, what value could Greenglass' information have had? Even as mere qualitative confirmation of Fuchs' information, the Greenglass "data" was worthless. In 1945, Fuchs was a gifted physicist, with an international reputation. Scientific information differs from "military information" in that systematic relationships appear and thus serve as internal checks. Any competent physicist could establish in a short time the scientific validity, reasonableness and overall self-consistency of the complex and detailed pattern of information which Fuchs was in a position to supply. Such "confirmation" as would be provided by the obviously amateurish and bungling sketches and descriptions here in question could play no appreciable role in expediting the construction of Soviet bombs.

Finally, we must evaluate Exhibits 2, 6, 7, 8 in terms of their relationship not only to the actual bomb construction problem itself but to the total bomb-related effort required of the Russians. For this purpose, a rather extended discussion may be needed. It is obvious, at the outset, that no drawing of any bomb, no matter how complete and detailed, can be of use unless the bomb components and materials are themselves available. To provide fissionable

material in quantities sufficient for bomb manufacture requires an immense and complex technological effort-- much larger in fact than that needed to design and fabricate the actual bomb.

It is also astonishing, but critically relevant to the questions raised here, that despite so many authoritative statements to the contrary by scientists over the past two decades, the layman still clings to the misconception that there is a "secret" or key "formula" for the construction of an atomic bomb. This notion was even more obsessively held at the time of the Rosenberg-Sobell trial, even by the defense; and the record shows important statements by the prosecution and presiding judge which only served to re-inforce this dangerously false impression. In assessing the Greenglass disclosures and the various statements at the trial regarding the significance or value of this information, it is therefore necessary at this time to describe the type of information, technical knowledge and capability required to make an atomic bomb possible. At the risk of being tedious, it must be repeated, until it is definitely and finally recognized, that the construction of an atomic bomb, assuming the generally widespread distribution of fundamental knowledge prevailing in, say, 1941, involved no single "secret," in the scientific sense. It did involve a highly complex set of technical tricks, devices and processes, combined of course with an immense and versatile industrial capability.

Full appreciation of this point is of such paramount importance that, again risking tedium, it is worth citing a very few out of the incredible number and variety of new technological and scientific problems that had to be

solved on the Manhattan Project. Since we are concerned here with a plutonium bomb, we limit ourselves to problems related solely to plutonium production. In order to obtain plutonium, it was necessary, for example, to develop methods for production of large quantities of uranium and graphite, of unprecedented chemical purity and at reasonable cost; to develop methods for large-scale processing of materials at staggering levels of radioactivity; to determine the chemical, metallurgical and nuclear properties of hitherto unknown elements; to measure neutron capture and reaction cross-sections of a large number of nuclei, including fission products; to identify the fission products themselves, and establish their relative yields and decay schemes; to work out theoretical techniques for describing neutron diffusion dynamics and to apply these to pile design; to study the dimensional and thermodynamic stability of materials under intense neutron bombardment; to develop methods for protecting uranium from corrosion by pile coolants (this was the famous "canning problem"). This list, as has been indicated in the Smyth Report of 1945, could be extended for pages. A similar list could be given for that enormous part of the Manhattan Project which was concerned with the extraction of U-235, and the problem of actual bomb design and construction led to yet another host of questions. Moreover, just as a transcontinental telephone wire will not function if broken at a single point, so too the construction of an atomic bomb could not have been achieved without success in every relevant aspect of the problem, covering the entire complex sequence of operations from the initial processing of uranium ore to the final chain reaction in the imploded bomb. One can reasonably say, therefore, that every one of a large number

of essential and interrelated technical contributions was a "key" contribution. For example, the development of lenses would have been of no avail without the crucial ether-extraction step in the purification of uranyl nitrate (Smyth Report, p. 93) or the solution of the "canning problem" (Smyth, p. 116).

It is in the detailing of this enormous body of necessary technological and scientific "know-how" that the information conveyed by Exhibit 8 is so totally and utterly deficient. This is hardly surprising. It is not possible in any technologically useful way to condense the results of a 2-billion dollar development effort into a diagram, drawn by a high school graduate machinist on a single sheet of paper.

To summarize:

Before bomb construction can even begin, a nation must build a full-fledged atomic energy industry and obtain an adequate supply of fissionable material. To do this unaided requires a research, development and construction effort measured in hundreds of millions of dollars. This is the major task in bomb development. Absolutely none of the requisite scientific and technological information needed for plutonium production is conveyed in the Greenglass testimony or drawings introduced at the Rosenberg-Sobell trial.

The information in question purporting to describe the construction of a plutonium bomb was too incomplete, ambiguous and even incorrect to be of any service or value to the Russians in shortening the time required to develop their nuclear bombs. This conclusion is even more firmly established, in view of the information presumably given by Klaus Fuchs.

The statement made by Judge Kaufman, when passing sentence on the Rosenbergs, regarding the technical importance of the information conveyed by Greenglass has no foundation in fact. Rather, it expresses a misunderstanding of the nature of modern technology, a misunderstanding which, in this case, has had tragic consequences.

Henry Linschitz
HENRY LINSCHITZ

Sworn to before me, this
17 day of August, 1966.

Henry W. L.
J. Chester Webb
Notary Public, Massachusetts
Comm. Exp. 7/20/72

STATE OF *Mass.*)
COUNTY OF *Middlesex* ss.:

I, PHILIP MORRISON, being duly sworn, depose and say:

I reside at 11 Bowdoin Street, Cambridge, Massachusetts.
I am a professor of physics at the Massachusetts Institute of Technology, Cambridge, Massachusetts.

My educational background, degrees and experience are as follows:-- Public schools, Pittsburgh, Pa. until 1932; High School diploma; B. S. in Physics, Carnegie Inst. of Technology 1936; Ph. D. in Physics, 1940, University of California at Berkeley, Calif. Instructor in Physics, San Francisco State College, 1941; Instructor in Physics, University of Illinois, Urbana, 1941-42. Manhattan Project as physicist and group leader, in Chicago and in Los Alamos, 1943-1946. Faculty member in Physics, Cornell University, 1946-1965; Professor of Physics, MIT, Cambridge, Mass. 1965. Author and co-author of many papers and books in Physics, professional and popular. Fellow of the American Physical Society. Oersted Medal, 1965.

As of April, 1945, I was one of a half-dozen physicists who formed the Critical Assemblies group at Los Alamos. Our assignment was a central one in the initial venture on the part of the United States government to develop a nuclear weapon. We had made ourselves expert in the task of bringing small masses of fissionable materials, uranium (U235) and plutonium (Pu239), to the point of criticality and beyond in order to test the possibility of creating a nuclear explosion.

In April, 1945, the Los Alamos Laboratory began to move toward actual fabrication and assembly of the first plutonium bomb,

the device which was to be test-fired at Alamogordo as the first atomic explosion in history.

Dr. Marshall Holloway and I were selected to act as "G-Engineers". "G-Division" was responsible for the nuclear explosive portion of the plutonium bomb. The "G-Engineers" were responsible for executing the final design, supervising, producing, testing, imposing quality control, organizing and finally developing the operational uses of the nuclear portion of the plutonium bomb.

Five distinct engineering and research groups held responsibility for developing the five functional systems of that first bomb:

- (1) The external casing of the bomb and its properties in flight and drop, with the electronic and other arming and fusing.
- (2) The explosive-wire detonating system;
- (3) The imploding system of high explosive lenses, and
- (4) The nuclear assembly, including the initiator and its surroundings.
- (5) The initiator itself.

My own responsibility centered around the fourth group - the nuclear assembly including the initiator, and its surroundings which I knew in detail. In this function I was required to have as well, and I did have, a general understanding of the structure and workings of the entire bomb, to coordinate my activities with those of the other groups. I assisted in the final assembly of

the test explosion in the desert in Alamogordo on the night of July 15 to 16, 1945. I assisted also in the assembly of the combat bomb on Tinian from where that bomb was flown and dropped on Nagasaki. I believe I am a co-holder of the secret patent on that weapon.

I have studied the testimony of David Greenglass, given on the 9th day of March, 1951, concerned with the cross-section of the implosion bomb and the sketch he made (Government Exhibit 8).

While the sketch contained in Government Exhibit 8 illustrates the general points: the use of explosive lenses to make spherical implosion; the use of electrical detonation for simultaneity; the use of a plutonium sphere, and the use of beryllium as one component, it is barren of any meaningful or correct quantitative information. Equally, the description given by Greenglass as to the presence or use of the various elements involved demonstrates a lack of comprehension, without awareness of its inherent contradictions. Thus, the cross-section and its description are not factually correct and, therefore, give a false depiction of what is purported to be the cross-section of the atomic bomb.

The testimony and the drawing itself entirely omit two important spherical components of that bomb, without which it could not operate. These omissions distort the scale so as to give a grossly false impression of the relative size of the plutonium sphere, which is the most costly and critical component of the bomb. Where it is said that Greenglass' description and drawing of a cross-section of the bomb represented a "substantially

true or accurate description of the bomb" it is not founded squarely on the facts.

For example, Greenglass mis-describes the use of and incorrectly locates an element described as "beryllium". That element is well known to be a source of neutrons under suitable circumstances, but he describes it as serving in a function that called, as he in fact implies, not for a source of neutrons but, rather, an absorber of neutrons. The function of the outer "beryllium-plastic" sphere, as it was designated by Greenglass (the spherical component marked "D" in the sketch) was wrongly described by Greenglass as protecting the "high explosive from the radiation of the plutonium". Greenglass said, "this is to prevent h.e. (high explosive) from deteriorating and not go off until it is set off". In fact, the function of the plastic shield comes into play only at the moment of explosion; the actual element incorporated in the plastic shield that serves as a transient neutron-absorber is an element which is associated with neutron-shielding functions generally.

The diagram, the drawing and the description entirely omits any mention of another key element, polonium, which served internally in the initiator along with beryllium as a neutron source. Polonium is the alpha-^{particle} source which sets free the first neutrons to initiate with certainty the explosive chain reaction in the plutonium.

An additional and important error in the testimony

is the assertion that the bomb was dropped by parachute, not corrected by authenticating witness, John A. Derry. No one involved in the development could have thought seriously of parachuting the bomb. A parachute used in that manner would slow the drop, making the aim and direction of the bomb dependent upon varying, unpredictable air and wind changes and would, of course, make it more vulnerable to gunfire. The parachute idea can be traced to Japanese eye-witnesses to the dropping of the bomb. They reported that they saw parachutes falling from the bombers. The parachutes which they saw carried not the bomb but instruments to measure the blast. This false detail came from newspaper reports. It could have been learned from the newspapers after August, 1945; indeed, it is still current in the press.

The entire testimony of Greenglass concerning the bomb is confused and imprecise. It is both qualitatively and quantitatively incorrect and misleading. The errors are further compounded by erroneous mislabelings of portions of the cross-section.

I have also read the testimony of John A. Derry in the same trial. In this connection, I have also noted, the record shows that representatives of the Atomic Energy Commission were present in the court room during his testimony. In calling Mr. Derry to the stand, Mr. Saypol stated that "the witness is going to establish the authenticity of the information that Greenglass gave to Rosenberg." (r. 902) "... establish the authenticity of the cut-away sketch."

I knew Major Derry in a casual way during my stay at Los Alamos. Major Derry had many years of experience in the field of design and construction of electric power lines. But he had neither the scientific background to equip him with knowledge of the design and construction of the atomic bomb, nor was he closely associated with the technical aspects of the project. Accordingly, I noted his failure upon questioning, to correct, or to dissociate himself and his own testimony from the errors in the Greenglass testimony, particularly with respect to the confusion surrounding the designation of "beryllium" in the Greenglass testimony.

Major Derry testified that he saw the bomb itself "many times". The sketch of Exhibit 8 is not a representation of what you would see were you present at the assembly of an implosion bomb. It is a somewhat schematized cross-section, which might be called a pedagogical descriptive picture. If, in truth, Major Derry had occasion to see the actual atomic bomb under development at Los Alamos "many times", as he stated, he ought to have added "and it did not look like that". In reality, such an inside view cannot be obtained. It is doubtful that such a sketch was to be found anywhere on the project, as Major Derry apparently testifies on fol. 1335. The drawing was completely insufficient and could not be used for any construction purposes in that it lacked any detail. Nor was it of use for theoretical discussion in that it was factually incorrect, with seriously wrong emphases and designations.

Major Derry was not justified in saying, when asked

if he understood the entire subject matter, "Yes, sir, I did". And, in fact, his later testimony showed he was not at all knowledgeable with respect to neutrons and beryllium. He was also in error when he answered in the affirmative the question, "Can a scientist, and can you perceive (from the testimony and the sketch) what the actual construction of the bomb was?" (And, he was even more misleading when he answered a subsequent question "Does the information that has been read to you, together with the sketch concern a type of atomic bomb which was actually used by the United States of America?" Answer: "It does. It is the bomb we dropped at Nagasaki, similar to it.") Say rather it was a caricature of that bomb.

In connection with my duties at Los Alamos, I had occasion to work with Klaus Fuchs. An able British physicist, he made himself a specialist in shock-hydrodynamics and served as liaison between the physicists and the explosive experts. Klaus Fuchs had available to him all of the theoretical and technical information concerning the operation of the test bomb. It later was publicly announced and brought to the attention of all that Klaus Fuchs supplied information to the Soviet Union and reportedly supplied such information all during the period we were working with him on the Los Alamos project. I have not seen the confession of Fuchs nor would I know what information he said he transmitted. I believe, however, that any information that was sent from Los Alamos by Fuchs to the Soviet Union was very probably correct. It would be most useful to know what information Klaus Fuchs confessed to having trans-

mitted; a comparison of that with the present subject matter
would seem pertinent.

Philip M. Munn

Sworn to before me this
2th day of August, 1966.

Reeth L. Dawson
Notary Public,
com expires 1/26/68

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- x
MORTON SOBELL,

Petitioner,

-against-

UNITED STATES OF AMERICA,

Respondent.
----- x

STATE OF NEW YORK)

COUNTY OF NEW YORK)

ss.:

WALTER SCHNEIR and MIRIAM SCHNEIR, being duly sworn,
depose and say:

We are submitting this affidavit in support of petitioner's application for relief pursuant to 28 U.S.C. 2255.

As experienced researchers, we undertook in 1959 a protracted investigation and study of the case of United States v. Rosenberg, et al. After five years of such research, our findings were published (in August, 1965) by Doubleday & Company, a major American publisher in a 467 page book entitled "Invitation to an Inquest". In addition to our own independent investigation, we consulted during the writing of this book with all of the available literature concerning United States v. Rosenberg, et al. and related subjects.

As a result of the intensity of our investigation, we were successful in discovering material directly pertaining to the case which had never before been made public. During the course of this investigation and because of the nature of some of this material we became convinced of the innocence of the defendants and therefore made available to the attorneys for Morton Sobell, shortly before the publication of "Invitation to

an Inquest", that portion of our newly discovered material which we believed related to him.

On July 12, 1966, counsel for Morton Sobell made available to us respondent's affidavit and memorandum in opposition to his original petition filed pursuant to 28 U.S.C. 2255. In particular this affidavit is addressed to that of Assistant United States Attorney Robert L. King, in which he states that "all matters set forth therein (Sobell's petition) were publicly known at the time petitioner brought his third Section 2255 motion in May, 1956." (P.2). This statement is not borne out by the facts with respect to the pre-trial statements of Harry Gold and the Hotel Hilton registration cards as follows:

A. The pre-trial statements of Harry Gold

1. On April 25, 1961, we wrote to John D.M. Hamilton, Gold's attorney, requesting permission to listen to tapes of pre-trial interviews with his client and to examine pretrial letters and reports prepared by Gold. On May 23, 1961, we were informed by Augustus S. Ballard, Mr. Hamilton's associate, that Gold had authorized him "to permit you. . .to use the tapes and other material in our files."

2. During the first week of June, 1961, Mr. Ballard turned over to us, in Philadelphia, the following material:

a. Some 14 hours of recorded pre-trial interviews between Messrs. Hamilton and Ballard and their client at Holmesburg County Prison on June 6, June 8, June 14, June 23 and August 9, 1950.

- b. A handwritten itemized list compiled by Gold of the dates and hours of his meetings with F.B.I. agents in Philadelphia between May 22 and July 19, 1950.
- c. An 8 page "Chronology of Work for the Soviet Union" compiled by Gold in his own handwriting, dated June 15-16, 1950 with portions added in August, 1950.
- d. A 2 page "Chronology of Life" by Gold, dated June 28, 1950.
- e. A 26 page statement in Gold's own handwriting, dated July 20, 1950.
- f. A 76 page statement in Gold's own handwriting, entitled, "Harry Gold - a Report", dated October 23, 1950.
- g. A 12 page statement in Gold's own handwriting, entitled, "Money Accounting of My Espionage Work", dated December 3, 1950.
- h. A one paragraph excerpt from a statement given by Gold to the F.B.I. on May 22, 1950.
- i. A statement by Gold rejecting an appeal from his sentence dated December 9, 1950.
- j. A 10 page letter to the United States Board of Parole relating to Gold by Mr. Hamilton, dated September 30, 1960.
- k. An extensive file of inter-office memoranda, principally between Messrs. Hamilton and Ballard, relating to Gold's case.
- l. Correspondence between Mr. Hamilton and F.B.I. special agent Arthur Cornelius, Jr.; J. Edgar Hoover; Harry Gold; Joseph Gold, (a brother); Director of Prisons James V. Bennett; and diverse other persons.
- m. Letters from friends and associates of Gold.
- n. Transcripts of Gold's academic records at the University of Pennsylvania, Xavier university and Drexel Evening Diploma School.
- o. Records of Gold's loans from a Philadelphia bank from 1938 - 1949.
- p. Correspondence relating to a proposed series of articles about Gold to be written by Bob Considine for International New Service.
- q. Gold's Selective Service file.

3. Photostatic copies of this material as well as the Hamilton-Gold tape recordings are in our possession. We were informed by Messrs. Hamilton and Ballard that some or all of this material had previously been made available only to the F.B.I., to Mr. Considine and to the Senate Internal Security Subcommittee. Except as noted in 4. below, none of this material had ever been made public until the publication of our book.

4. Gold testified before the Senate Internal Security Subcommittee in open session on April 26, 1956. At the conclusion of that hearing, Sen. Herman Welker entered two exhibits into the record. The first was the "Chronology of Work for the Soviet Union" (2 c above) and the second, "The Circumstances surrounding my work as a Soviet Agent-A Report", by Harry Gold, dated October 11, 1950. (This document was missing from the files received from Mr. Ballard and he did not know its whereabouts). The hearing report was not published until December, 1956, long after the filing of petitioner's third 2255 petition.

5. Moreover, there was virtually no public notice of the inclusion of Gold's pre-trial statements in the Senate report. Although a number of books and articles relating to the case have been published between December of 1956 and August of 1965 (when our book was published), none of them, to our knowledge,

commented on the serious and significant discrepancies between Gold's statements before trial and his trial testimony. We, ourselves, despite our full familiarity with the literature on the case, did not know that Gold's reports had been published by the subcommittee until we obtained the transcript from the Government Printing Office in November of 1960.

B. The Hilton Registration Cards

1. We obtained photostatic copies of the alleged two Hilton Hotel registration cards for June 3, 1945 and September 19, 1945, from respondent on February 21, 1961. The first, dated June 3, 1945 on the front and date-time-stamped June 4, 1945, on its reverse side, was Exhibit 16 at petitioner's trial. The second, which bears no discrepancy in dates, was never used at any trial. It had never previously been publicly available. Although the existence of this September card had been revealed in "The Judgment of Julius and Ethel Rosenberg" by John Wexley in 1955, Wexley had not secured a copy of the card.

2. Much additional research was necessary in order to fully understand the discrepancy in dates on Exhibit 16. Two research trips to the Albuquerque Hilton Hotel were made, and a number of people who had been employed there in 1945 and/or 1950 were interviewed. Most of these individuals were located with difficulty at different hotels and in different cities.

3. The newly available September, 1945, card was essential to our research on Exhibit 16, the June, 1945 card. For example, a comparative study of the newly available September 19 card with Exhibit 16 brought to light the fact that the latter document lacked any FBI identifying data. In addition, a comparative study of the two registration cards also revealed that the same desk clerk had apparently initialed both cards. We noted, however -- as is obvious even to the untrained eye -- that the clerk's handwritten entries on these two cards appear to have been written by two different people. (See attached exhibits.)

4. Our discovery in 1961 of Gold's pre-trial statements disclosed that in his pre-trial recounting of the alleged Albuquerque episode, he not only failed to refer at all to a stay at the Hilton in June, 1945, but even precluded the possibility of such a hotel stay.

The allegations set forth in the Petition of Morton Sobell with reference to the newly obtained evidence, are, in all respects, true.

It must be emphasized, in considering both the pre-trial statements and the Hotel Hilton cards, that we were conducting our research in comparative secrecy. We were not associated with or working for petitioner or his attorneys. The material we discovered we did not make available to anyone connected with the defense until the summer of 1965. We have become thoroughly convinced that there has been a horrendous miscarriage of justice

and that we ought, in good conscience and as human beings, to share with petitioner's defense counsel the results of our more than five years of intensive research. We stand ready to testify as to any aspect of our investigation in the hopes that we can help to redress, at least partially, a grievous and tragic maladministration of criminal justice.

Walter Schneir
Walter Schneir

Miriam Schneir
Miriam Schneir

Sworn to before me this

19 day of August, 1966.

Toviah Rochelle Lewis Marmor
TOVIAH ROCHELLE LEWIS MARMOR
Notary Public - State of New York
Qualified in Kings County
No. 24-2350520
Commission expires March 30, 1967.

Welcome



Hotel

No 65841

WE RESERVE THE RIGHT TO LIMIT THE LENGTH OF YOUR STAY. IN CONNECTION WITH CURRENT DIRECTIONS TO YOUR COUNTRY AND TO TRAVEL OR MILITARY OR OTHER SPECIAL CASES.

OTHER ITEMS AND OTHER VALUABLE PACKAGES MUST BE PLACED IN OFFICE OTHERWISE THE MANAGEMENT WILL NOT BE RESPONSIBLE FOR LOSS

NAME	ROOM	RATE	TAXES	REMARKS
6-8-45	1001	1.50	1.25	12 days in. 9A

until 8 P.M.

June card, face and reverse.

RECEIVED
JUN 4 12 30 PM '45
HILTON HOTEL
ALBUQUERQUE, N.M.

Welcome

Hilton Hotel

No 78783

WE RESERVE THE RIGHT TO LIMIT THE LENGTH OF YOUR STAY. IN CONNECTION WITH CURRENT DIRECTIONS TO YOUR COUNTRY AND TO TRAVEL OR MILITARY OR OTHER SPECIAL CASES.

OTHER ITEMS AND OTHER VALUABLE PACKAGES MUST BE PLACED IN OFFICE OTHERWISE THE MANAGEMENT WILL NOT BE RESPONSIBLE FOR LOSS

NAME	ROOM	RATE	TAXES	REMARKS
9-19-45	521	2.00	1.25	at

September card, face and reverse.

RECEIVED
SEP 17 12 30 PM '45
HILTON HOTEL
ALBUQUERQUE, N.M.

5-23-50
65-6
7-1-50
[Signature]

STATE OF NEW YORK }
COUNTY OF NEW YORK } ss.:

HELEN SOBELL, being duly sworn, deposes and says:

That she is the wife of the petitioner, MORTON SOBELL, in the within proceeding; that she has read the foregoing petition and knows the contents thereof; that the same is true to her own knowledge except as to matters therein stated to be alleged on information and belief, and that as to those matters she believes it to be true. She further says that the reason this verification is made by her and not by petitioner is that petitioner is presently incarcerated in the United States Federal Penitentiary at Lewisburg, Pennsylvania, and that by reason thereof, he is not this day available to his counsel in New York to verify the same, and she is authorized to act on his behalf in verifying this petition. Her husband, Morton Sobell, shall in the immediate future be receiving this petition and attached papers and shall verify the same.

The grounds of deponent's belief as to all matters not stated upon deponent's knowledge are as follows: Much of the material set forth in the within petition was of necessity not obtained by the petitioner in view of his incarceration, and the sources of such other information are individuals who have personally investigated the same, acquired the information, and seek the relief asked in the within petition.

Sworn to before me this
22nd day of August, 1966.

HELEN SOBELL

16/ William M. Kuntze
Notary Public, State of NY
Qualified in Westchester County
My Commission Expires April 30, 1968

UNITED STATES GOVERNMENT

Memorandum

Tolson _____
DeLoach _____
Mohr _____
Wick _____
Casper _____
Callahan _____
Conrad _____
Felt _____
Gale _____
Rosen _____
Sullivan _____
Tavel _____
Trotter _____
Tele. Room _____
Holmes _____
Gandy _____

TO : Mr. W. C. Sullivan

DATE: 8/31/66

FROM : W. A. Branigan

1 - Mr. DeLoach
1 - Mr. W. C. Sullivan
1 - Mr. W. A. Branigan
1 - Mr. Lee

SUBJECT: MORTON SOBELL
ESPIONAGE - RUSSIA

This is an informative memorandum, summarizing latest petition filed to set aside conviction of subject.
BACKGROUND:

Morton Sobell is currently serving a 30-year sentence as a result of his conviction in 1951 of espionage conspiracy along with Julius and Ethel Rosenberg. He filed his sixth motion to set aside his conviction on 5/13/66 charging the Government with knowingly using forged documents, perjured testimony and having suppressed evidence which would have helped him. The answer to this petition was filed on 7/11/66, and on 7/25/66 the defense obtained permission to file an amended petition. The amended petition was filed on 8/22/66 and a copy has been received from the New York Office. The Government answer is scheduled to be filed September 3, 1966.

ALLEGATIONS IN AMENDED PETITION: EX-113

The defense claims that the Government by knowing use of false statements, testimony and evidence, falsely established in the minds of the trial court and jury that David Greenglass had passed an atomic bomb secret and thus convinced the court that an atomic bomb was handed over to the Russians. The defense claims no such "secret" existed. In addition, the claim is made that the sketch of the cross-section of the bomb drawn by Greenglass was false, misleading, and deceptive and that the testimony of John Derry of the Atomic Energy Commission to authenticate this sketch was false. The sketch referred to was one prepared by Greenglass and introduced into evidence as a copy of one which Greenglass had furnished to Rosenberg in 1945.

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The above claim is in line with arguments previously raised in the Rosenberg case and in this case as well as in pro-Rosenberg books that there was no "secret" to pass and that the information concerning the principle of the bomb is general knowledge. It is also an attempt to downgrade the value of the sketch which was impounded during the trial at the request of the defense counsel.

CONTINUED - OVER

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Memorandum W. A. Branigan to W. C. Sullivan
RE: MORTON SOBELL
101-2483

The defense claims that the Government by including the names of prominent scientists on the list of witnesses falsely insinuated that these persons agreed with the case of the prosecution and would so testify.

In cases involving the death penalty, the Government must furnish the defense with a list of potential witnesses prior to the trial. The prosecution in furnishing this list obviously felt it necessary to include all potential witnesses who might be called. The allegation is also made that the registration card for Harry Gold at the Hilton Hotel, Albuquerque, for 6/3/45 is a forgery and the photostat of the card was introduced at the trial to buttress Gold's false testimony about meeting Greenglass on that date. This is strictly an allegation on the part of the defense and no proof is offered that the card is false. Our files, of course, show that this was a legitimate card.

The claim is also made that Harry Gold lied about this meeting. The basis for this allegation is the fact that Gold told his attorney that he did not recall, at first, that he stayed at the Hilton Hotel in June, 1945. It is true that Gold did not tell of his meeting with Greenglass and his stay at the Hilton Hotel when he was first interviewed. This was obtained in successive interviews since it was impossible for Gold to tell all the details of an espionage career covering most of his adult life in one interview.

The allegation is also made that based on the conversations Gold had with his attorneys that he is a liar and the Government knew this when his testimony was used. This claim is based on the old trick of comparing every statement made by Gold and whenever a discrepancy occurred he was immediately branded a liar. Actually the evidence given by Gold was substantiated by appropriate proof.

To excuse the actions of the defense counsel at the trial, the petition claims that the "climate of opinion inflamed by the Government" deprived counsel of the capacity to fully represent the defendants. In this statement the defense is attempting to overcome the several concessions made by the trial counsel. For example, trial counsel conceded that Gold stayed at the Hilton Hotel and that he met Greenglass on 6/3/45.

Memorandum W. A. Branigan to W. C. Sullivan
RE: MORTON SOBELL
101-2483

In addition he stated that he did not cross-examine Gold because Gold then under a sentence of 30 years was telling the truth. The trial counsel, Emanuel H. Bloch, is dead and is no position to defend his actions.

ACTION:

For informative purposes. This matter is being followed very closely.

JAR *AR* *Law* *R* *✓* *h*
GRE

FBI

Date: 9/6/66

Transmit the following in _____
(Type in plain text or code)Via AIRTEL _____
(Priority or Method of Mailing)

TO: DIRECTOR, FBI (101-2483)

FROM: SAC, NEW YORK (100-37158) (P)

SUBJECT: MORTON SOBELL
ESP - R

ALL INFORMATION CONTAINED
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ReNYairtel, 8/23/66. DATE 4-29-87 BY 3042/PWT/CLS

Enclosed herewith for the Bureau is one copy of "Memorandum of the U.S. In Opposition to Amended Section 2255 Petition of MORTON SOBELL," which was furnished by AUSA ROBERT L. KING, SDNY, on 9/6/66. This memorandum was filed in USDC by the Government on 9/3/66.

For the information of the Bureau, one copy of each of the following documents has been furnished to AUSA KING for his information:

Boston LHM, dated 8/16/66, captioned "PHILIP MORRISON".

Report of SA PETER E. MAXSON, dated 11/24/64, at Albany, entitled "PHILIP MORRISON; SM - C".

- 3 - Bureau (Encl. 1) (RM) *1 Encl*
- 1 - New York (100-109849) (HELEN SOBELL)
- 1 - New York (100-107111) (CSJMS)
- 1 - New York (65-22584) (PHILIP MORRISON)
- 1 - New York

PFD:dje
(10)

EX-117
ENCLOSURE
ENCLOSURE
ENCLOSURE

REC-10

101-2483-653

16 SEP 1966

SOVIET SECTION

55 SEP 13 1966
Special Agent in Charge

Sent _____ M Per _____

memo W. A. Brangan to W. C. Sullivan 9/8/66

JPL: sal

G. Wick

NY 100-37158

Albany LHM, dated 5/11/64, captioned
"PHILIP MORRISON".

WFO LHM, dated 1/20/66, captioned
"PHILIP MORRISON".

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x

MORTON SOBELL, :
 : 66 Civ. 1328
Petitioner, :
 :
- v - :
 :
UNITED STATES OF AMERICA, :
 :
Respondent. :
-----x

MEMORANDUM OF THE UNITED STATES OF
AMERICA IN OPPOSITION TO AMENDED
SECTION 2255 PETITION OF MORTON SOBELL.

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DATE 5-4-87 BY 3042/ROT/C/S

ROBERT M. MORGENTHAU
United States Attorney for the
Southern District of New York
Attorney for the United States
of America.

ROBERT L. KING,
STEPHEN F. WILLIAMS,
Assistant United States Attorneys,

Of Counsel.

101-248 3-165-3

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MORTON SOBELL, :

Petitioner, :

-v- :

66 Civ. 1328

UNITED STATES OF AMERICA, :

Respondent. :

-----X

MEMORANDUM OF THE UNITED STATES
OF AMERICA IN OPPOSITION TO AMENDED
SECTION 2255 PETITION OF MORTON SOBELL.

Preliminary Statement

By amended petition, dated August 22, 1966,
petitioner Morton Sobell brought his sixth

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motion,* pursuant to 28 U.S.C. §2255, to vacate and set aside his 30-year prison sentence and his judgment of conviction entered on April 5, 1951.

* In reality, this is Sobell's seventh such motion. In May of this year, petitioner moved by order to show cause for similar relief on some of the grounds presented in the amended petition. He withdrew this motion on the adjourned return date thereof, July 25, 1966, after the Government had devoted over 400 hours to a study of the record of this and related cases and to the preparation of voluminous answering papers, which were served timely on July 11, 1966. The purported basis for the withdrawal was that sometime between July 14 and July 18, 1966, counsel for petitioner "received new additional information and was in a position to conclude that it was absolutely necessary to proceed forthwith to amend or supplement the original petition in light of this new evidence." Aff. of Marshall Perlin, sworn to July 25, 1966, p.4. The "new evidence," which petitioner's counsel represented was "inherently and necessarily interrelated" to the subject matter of the original petition (Transcript, July 25, 1966, p. 7), was said to relate to the authenticity and accuracy of certain evidence concerning the atomic bomb impounded at the trial, i.e., Government Exhibit 8 and testimony relating thereto. It is pertinent to note that the Government was formally notified by petitioner's counsel of their consultation with Drs. Henry Linschitz and Philip Morrison concerning this evidence on May 24 and July 7, 1966, respectively.

Said motion also seeks the following interim relief: (1) a hearing to determine the issues; (2) the release of petitioner on bail or in the alternative, a direction that he be present at the hearing; (3) authority to take the deposition of Harry Gold,* a Government witness at the trial; (4) the furnishing to petitioner of the confession of Klaus Fuchs, not a witness at the trial; and (5) the furnishing to petitioner of any and all pre-trial statements of David and Ruth Greenglass and Harry Gold, each of whom testified for the Government at the trial.

In view of the repeated failure of petitioner to comply with time schedules set by three judges of this

* Mr. Gold's release from prison on May 13, 1966 was the stated reason why the original motion was initiated by order to show cause. Upon assurance given by the Government to Judge Marvin E. Frankel on May 13, 1966, that Mr. Gold will be available should this Court order a hearing on the motion and his presence be required, the question whether Gold should be produced was deferred pending a determination on whether a hearing is necessary.

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Court with respect to this motion and its predecessor, Judge Irving B. Cooper on August 15, 1966, upon application of the Government, set September 12, 1966 "peremptorily" as the return date of the motion. (transcript, August 15, 1966, pp. 10, 16.)

The Government submits this memorandum in opposition to petitioner's amended motion and to each and every request for permanent and temporary relief sought therein. The grounds of the Government's opposition are that (1) the motion constitutes an abuse of 28 U.S.C. §2255, and (2) the motion and the files and records of this case conclusively show that petitioner is entitled to no relief.

Statement of Facts

Indictment C. 134-245, filed on January 31, 1951, charged Julius and Ethel Rosenberg, Morton Sobell, David Greenglass and Anatoli A. Yakovlev with conspiring between 1944 and 1950 to violate 50 U.S.C. §32* by

* Repealed June 25, 1948, C.645, §21, 62 Stat. 862, effective September 1, 1948; now covered by Title 18, United States Code, Sections 792 and 2383.

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combining to communicate to the Union of Soviet Socialist Republics documents, writings, sketches, notes and information relating to the national defense of the United States, with intent and reason to believe that they would be used to the advantage of the Soviet Union. Named as conspirators but not as defendants were Harry Gold and Ruth Greenglass; and a severance for trial purposes was granted to David Greenglass, who pleaded guilty, and as to Anatoli Yakovlev, who had left the United States.

Trial of the Rosenbergs and Sobell commenced before Hon. Irving R. Kaufman and a jury on March 6, 1951, and concluded on March 29, 1951 with a verdict of guilty as to each defendant. The evidence at the trial was summarized by the Court of Appeals on the Rosenbergs and Sobell's direct appeal from the conviction, 195 F. 2d at 588-90, as follows:

"At the trial, witnesses for the government testified to the following: In November 1944, Ruth Greenglass planned a visit to her husband, David,

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stationed as a soldier in the Los Alamos atomic experimental station. Before her visit, Ethel and Julius Rosenberg, sister and brother-in-law of David Greenglass, urged Ruth to obtain from David specific information concerning the location, personnel, physical description, security measures, camouflage and experiments at Los Alamos. Ruth was to commit this information to memory and tell it to Julius upon her return to New York, for ultimate transmittal to the Soviet Union. David, reluctant at first, agreed to give Ruth the information Julius had requested. He told her the location and security measures of the station, and the names of leading scientists working there. When David returned to New York in 1945 on furlough, he wrote out a fuller report on the project for Julius, and sketched a lens mold used in the atomic experiment. A few nights later, at the Rosenberg home, the Greenglasses were introduced to Mrs. Sidorovich whom Julius explained might be sent as an emissary to collect information from David in New Mexico. It was agreed that whoever was sent would bear a torn half of the top of a jello box which would match the half retained in Ruth's

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possession. Ethel Rosenberg, at this time, admitted her active part in the espionage work Julius was carrying on, and her regular typing of information for him. Julius introduced David to a Russian, who questioned David about the atomic-bomb operation and formula. In June 1945, Harry Gold arrived in Albuquerque with the torn half of the Jello box and the salutation, 'I come from Julius.' He had been assigned to the mission by Yakolev, his Soviet superior, and had, the day before his trip, met pursuant to Yakolev's command, with Emil Fuchs, British scientist and Russian spy working at Los Alamos. David delivered to Gold information about personnel in the project who might be recruited for espionage, and another sketch of the lens mold, showing the basic principles of implosion used in the bomb construction. Gold relayed the information to Yakolev. On a revisit of the Greenglasses to New York, David turned over a sketch of the cross-section and a ten-page exposition of the bomb to Rosenberg. Ethel typed up the report, and, during this

meeting, Julius admitted he had stolen a proximity fuse from a factory, and had given it to Russia. After the war, David went into business -- a small machine-shop -- with Julius, and Julius several times offered to send David to college on Russian money. Julius confided to David that he was helping the Russians subsidize American students, that he had contacts in New York and Ohio, and supplied information for siphoning to Russia, that he transmitted information to Russia on microfilm equipment, and that he received rewards for his services from the Russians in money and gifts. In 1950, Julius came to David and told him to leave the country immediately, since Dr. Fuchs, one of Gold's collaborators, had been arrested; he, Julius, would supply the money and the plan to get to Russia. A month later, after Gold's arrest, Julius repeated the warning to flee, adding that he and his family intended to do likewise, and giving David \$1,000. Julius said his own flight was necessitated by the fact that Jacob Golos, already exposed as a Soviet agent, and Elizabeth Bentley, probably knew him. Julius said he had made several phone calls to her

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and that she had acted as a go-between for him and Golos. Julius gave David an additional \$4,000 for the trip. Julius had passport photos taken telling the photographer that he and his family planned to leave for France. After David's arrest for espionage, Ethel asked Ruth to make David keep quiet about Julius and take the blame alone, since Julius had been released after admitting nothing to the F.B.I. In 1944, Julius several times solicited Max Elitcher, a Navy Department engineer, to obtain anti-aircraft and fire-control secrets for Russia, and in 1948 asked him not to leave his Navy Department job because he could be of use there in espionage. A month or so later Elitcher accompanied Sobell to deliver 'valuable information' in a 35-millimeter can to Julius.

"According to the government's witnesses, Sobell a college classmate of Rosenberg's suggested to Rosenberg that Elitcher would be a good source of espionage information, and he, Sobell, later joined Julius, in urging Elitcher not leave the Navy Department. According to Julius, Sobell regularly delivered information for transmittal to Russia. Sobell (as noted above) delivered 'valuable information' to Julius on an emergency midnight

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ride after learning that Elitcher was being followed by the F.B.I. He asked Elitcher for a fire-ordinance pamphlet and for the names of young engineers who might supply military information to the Russians. In 1950, Sobell fled to Mexico, used various aliases there, and made inquiries about leaving Mexico for other countries. He was, however, deported from Mexico to the United States.

"The Rosenbergs took the stand and testified as follows: They had never solicited the Greenglasses for atomic information or participated in any kind of espionage work for Russia. Julius denied stealing a proximity fuse. He did not, he said, ever know Harry Gold or call Elizabeth Bentley. He admitted that he and David went into business together after the war, but said they did not enjoy good business relations. In 1950, David, according to Julius, excited, asked Julius to get a smallpox vaccination certificate from his doctor and to find out what kind of injections were necessary for entrance into Mexico. Ruth had told Julius that David stole things while in the Army, and Julius thought David was in trouble on this account. David

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asked for a few thousand in cash and, when Julius refused, told Julius he would be sorry. Julius denied that he gave David any money to flee, or had any passport pictures of his own family taken preparatory to flight. He never discussed anything pertaining to espionage with either Sobell or Elitcher although he saw both socially. In short, the Rosenbergs denied any and every part of the evidence which the government introduced in so far as it connected them with Soviet espionage. Sobell did not take the stand but he pleaded not guilty."

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Testimony of David Greenglass Relating
to Government Exhibits 2, 6, 7 and 8.

David Greenglass testified that he graduated from high school in New York City and thereafter attended for brief periods Haaren Aviation School, Brooklyn Polytechnic and Pratt Institute (R. 548-49, 870-73).^{*} He further testified that he never obtained a degree in science or engineering and that he was "no scientific expert", but that he knew something about the basic theory of atomic energy (R. 872-73).

Greenglass further stated that his occupation was that of a machinist and that he had practical experience in that field in New York City prior to his induction into the Army in April, 1943, and thereafter at ordnance school in Aberdeen, Maryland and at each Army post to which he was stationed up to and including his assignment at Los Alamos commencing August, 1944 (R. 549-52, 875-77).

At Los Alamos, Greenglass was assigned to the "E" building shop in the technical area (R. 554). He then worked as a machinist in the "E" group headed by Dr. George B. Kistiakowski on high explosives, subsequently becoming foreman of the shop (R. 555-58). His job there consisted of machining various apparatus which scientists at Los Alamos

^{*}References with the prefix "R." are to the stenographic transcript of the trial.

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required in connection with their experimentation on atomic energy (R. 559). In the fall, 1944, he moved to the "Theta" shop in the "Theta" building but continued in the same duties (R. 559-60, 573). Part of Greenglass' work included the machining of flat type lens molds and other molds with which Dr. Walter S. Koski was experimenting (R. 572).

On January 1, 1945, Greenglass arrived in New York City on a 15-day furlough (R. 596). A few days after his arrival, Julius Rosenberg came to his home and requested any information of value on the atomic bomb (R. 596). Greenglass told Rosenberg he was working on high explosive lens molds and Rosenberg told him to write up anything he knew (R. 597). Among the written material which Greenglass gave to Julius and Ethel Rosenberg a day or two later were sketches of various types of lens molds (R. 612-14, 621-22). Government Exhibit 2, which was prepared by Greenglass at the time of trial, is a copy of a sketch of a lens mold used in connection with experimentation on the atomic bomb which Greenglass furnished to the Rosenbergs at that time (R. 615-18, 620). He also gave the Rosenbergs written material explaining the meaning of the letters "A", "B" and "C" which appear on the sketch (R. 619-20).

During this same meeting, Greenglass and the Rosenbergs spoke of a plan to send a courier to Albuquerque, New Mexico to receive additional information from Greenglass

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(R. 622-24). Greenglass was introduced to a woman, Ann Sidcovich, who was the intended courier, but a jello box was cut irregularly and divided to serve as a recognition device in the event that a different courier was selected (R. 622-33).

In the morning of the first Sunday in June, 1945, Harry Gold appeared at the Greenglass apartment in Albuquerque and identified himself as the courier by stating "Julius sent me" and producing the matching piece of the jello box (R. 638-42). Greenglass told Gold to return that same afternoon for written material (R. 642). Among the written material which Greenglass gave Gold that afternoon were sketches of a high explosive lens mold and a sketch of an experiment with the mold, all relating to the experimentation on the atomic bomb (R. 644-54). Government Exhibits 6 and 7, prepared June 15, 1950 and at the time of trial, respectively, are replicas of the sketch of a face view of the flat type lens mold and of the sketch of the experiment on the lens mold turned over to Gold on this occasion (R. 646-54). Greenglass also gave Gold on another sheet of paper the meaning of the lettering on Government Exhibit 7 (R. 652-54).

Greenglass again returned to New York City on furlough in September, 1945. The morning after his arrival, Julius Rosenberg visited him (R. 689-90). Greenglass told

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Rosenberg "I think I have a pretty good - a pretty good description of the atomic bomb" (R. 690-91). Greenglass in his testimony explained that over the months he was at Los Alamos he worked on various things used in connection with the experimentation on the atomic bomb, such as high explosive lens molds; that in addition he "would usually have access to other points in the project and also I was friendly with a number of people in various parts of the project and whenever a conversation would take place on something I didn't know about I would listen very avidly and question . . . the speakers as to clarify what they had said" without their knowledge; and that on the basis of this accumulated knowledge he thought he had a pretty good description of the bomb itself (R. 696-97). Rosenberg asked Greenglass to write up the information immediately (R. 698-99).

In the afternoon of the same day, Greenglass gave Julius and Ethel Rosenberg at their house about 12 pages of material including a sketch of the atomic bomb and a description of the sketch (R. 701). Government Exhibit 8 is a replica prepared by Greenglass of the sketch of the bomb, the same as the original sketch he gave to the Rosenbergs with "maybe a little difference in size" (R. 702).*

*It is not clear whether the words at the bottom of the sketch "CROSS-SECTION A BOMB NOT TO SCALE" were on the sketch given to the Rosenbergs, but defense counsel had no objection to the retention of these descriptive words (R. 703-4).

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Greenglass testified that on additional pieces of paper given to the Rosenbergs at the time he placed material descriptive of the sketch and the lettering thereon (Impounded Testimony, pp. 1-2). He orally summarized in his testimony this descriptive material (Id. at 2-3)

Testimony of Dr. Walter S. Koski and
John A. Derry Relating to Government
Exhibits 2, 6, 7 and 8.

Dr. Walter S. Koski, possessor of a Ph.D. degree in physical chemistry from John Hopkins University and associate professor of that subject at that institution, a consultant at Brookhaven National Laboratories in nuclear chemistry, and an engineer at Los Alamos from 1944 to 1947, was called as a Government witness (R. 656-57). He testified that all work done at Los Alamos was of a highly classified and secret nature (R. 658, 665).

Dr. Koski's work at Los Alamos was associated with implosion research connected with the atomic bomb (R. 660). In that connection, Dr. Koski experimented with high explosive lenses, defined by him as "a combination of explosives having different velocities and having the appropriate shape so when detonated at a particular point, it will produce a converging wave" (R. 661). This experimentation included work on flat type lenses (R. 663-65). The lens mold designs he prepared were taken to "Theta" shop, where Greenglass was located, for mechanical work incidental to their manufacture (R. 662, 664).

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Dr. Koski testified that Government Exhibits 2 and 6 were substantially accurate replicas of sketches he had made and submitted to "Theta" shop in connection with his experimentation at Los Alamos during the latter half of 1944 and the first six months of 1945 (R. 665-69). He further testified that Government Exhibit 7 is a rough sketch of an experimental set-up at Los Alamos for studying cylindrical implosion (R. 671). The sketch and the information given by Greenglass to Gold in connection therewith were reasonably accurate descriptions of the experiments and their details as Dr. Koski knew them at the time (R. 671-72).

Dr. Koski also testified that knowledge of his experimentation would have been of advantage to a foreign nation; and that to his knowledge information on this particular subject constituted a new and original field (R. 672-73).

On cross-examination by the Rosenberg counsel, Dr. Koski stated that Government Exhibits 2, 6 and 7 were rough sketches and "not quantitative", omitting the relative dimensions, but illustrating "the important principle involved"--"the use of a combination of high explosives of appropriate shape to produce a symmetrical converging

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detonation wave" (R. 678-79). Sobell's counsel did not cross-examine.

On redirect, Dr. Koski testified that a scientific expert, interested in finding out what was going on at Los Alamos, could ascertain from Government Exhibits 2, 6 and 7 the object of the activity that was under way at Los Alamos in relation to the production of an atomic bomb (R. 679-81, 683). He further stated that Exhibits 2 and 6 do show relative dimensions in that they show the relations of each of the factors in the lens, one to the other (R. 682).

John A. Derry was also called as a Government witness. He is a graduate of Rose Polytechnic Institute with a B.S. degree in electrical engineering (R. 1320). After several employments in the area of electrical construction, he became an Army Officer in April, 1942 (R. 1320-21). In April, 1944, he was assigned as liason officer between General Leslie Groves, Commanding General of the entire Manhattan Engineer District Project, and the Los Alamos Laboratory (R. 1321-22). His assignment was to keep General Groves informed of the technical progress of the research, development and production phases of the atomic bomb project at Los Alamos, and for that purpose he visited Los Alamos for about one to six days each month (R. 1323-24). He

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testified that the entire Manhattan Project was classified, with Los Alamos a little more classified than anything else (R. 1325).

After viewing Government Exhibit 8 and listening to Greenglass' testimony relating thereto, Derry testified that the description in conjunction with the sketch related to the atomic weapon in development in 1945 (R. 1328). They "demonstrate substantially and with substantial accuracy the principle involved in the operation of the 1945 atomic bomb" (R. 1329). From the Greenglass testimony and the sketch, a scientist could perceive what the actual construction of the bomb was to a substantial degree, which was classified top secret information relating to the national defense of the United States (R. 1330). In response to a question whether the Greenglass testimony and the sketch did "concern a type of atomic bomb which was actually used by the United States of America," Derry replied "It does. It is the bomb we dropped at Nagasaki, similar to it." (R. 1331).

During cross-examination by Rosenberg's counsel, the following took place:

"Q Just one further question, Mr. Derry:
If you were asked to give a written description elucidating this sketch in Government's Exhibit 8 so that any scientist or any person of intelligence interested might understand what you were talking about

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and trying to describe, could you compress a description of that within 12 pages?

A You could give substantially the principle involved.

Q That would not, of course, be a complete description, would it? A You would have the principle. That is what is intended here.

Q Would you say from what Mr. Slavin read to you from the testimony of Mr. Greenglass where Mr. Greenglass described the various things on that sketch, including the initials, that that would represent a complete description of the cross-section of the atomic bomb and the function of the atomic bomb and how it works and the principles under which it works?

THE COURT: I don't think it was offered on the theory that it represented a complete -- is that true, or am I mistaken?

MR. SAYPOL: Indeed not. As I said when I had the witness Koski on the stand, the import of this whole thing is that there was enough supplied to act upon --

THE COURT: That was my understanding of the question.

MR. SAYPOL: You remember, your Honor, I used the colloquialism, tip off.* That is exactly --

THE COURT: I don't think it was offered as a complete or as a detailed description.

*Mr. Saypol was here referring back to his redirect examination of Koski, where he used the term "tip off" in the sense of "indicating" or "revealing" what was going on at Los Alamos (R. 679-81).