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XXXXXXFEDERAL BUREAU OF INVESTIGATION
FOIPA DELETED PAGE INFORMATION SHEET

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- ☐ Deleted under exemption(s) _____ with no segregable material available for release to you.
- ☐ Information pertained only to a third party with no reference to you or the subject of your request.
- ☐ Information pertained only to a third party. Your name is listed in the title only.
- ☐ Documents originated with another Government agency(ies). These documents were referred to that agency(ies) for review and direct response to you.

2 Pages contain information furnished by another Government agency(ies). You will be advised by the FBI as to the releasability of this information following our consultation with the other agency(ies).

_____ Page(s) withheld for the following reason(s):

☐ For your information: _____

☒ The following number is to be used for reference regarding these pages:

65-58236-1822 pp 34, 35

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X NO DUPLICATION FEE X
X FOR THIS PAGE X
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NY 65-15348

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*Other
Agency
Info*

*Bureau of
Public
Affairs*

J. Household Finance Company

Confidential Informant T-8, of known reliability, has advised that DAVID ENGELSON has made six loans from the Household Finance Company, 11 West 42 Street, New York City. According to T-8 ENGELSON advised that both of his parents are deceased, however, his wife's mother, MOLLY SEINZON resides at East 97 Street, New York City. His sister ETHEL PICKER resides at 843 Crotona Park, Bronx, New York, while his wife's sister SANDRA ATLAS resides in the Queens Housing Project, Queens Borough, Long Island City, New York. Other relatives:

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HAROLD LEBOWITZ 40 Monroe Street, New York City
 DAVID SAMBERG, 212 East Broadway, New York City
 IRVING GRATZ, Knickerbocker Village, New York City
 S. M. FICUS, Knickerbocker Village, New York City

The original investigation of ENGELSON conducted by Household Finance Company revealed that his wife maintained an account at the Public National Bank, New York City, and that he maintained an account at the Lafayette National Bank. When this investigation was conducted in 1948 ENGELSON was contacted and he advised the investigator that he pays for everything in cash except rent, gas and electricity. The investigator commented that when he visited ENGELSON at his home, telephone WO 2-6298, ENGELSON advised that he was interested in children and had quite a few toys which he was to bring to them into the country.

Following is a record of loans made by Household Finance Company to ENGELSON:

<u>Date</u>	<u>Amount of Loan</u>	<u>Explanation</u>
7/7/48	\$300.00	ENGELSON's address was shown to be 16 Monroe Street; He resided at this address for 6 years; owner of the Snap-Band Company, which he had operated from 9 Ferry Street for the prior 4 months. Previous to this the business had been located at 379 Bridge Street for approximately 6 months, and at 106 Fulton Street, also for 6 months. Purpose of loan, to buy gold
2/25/49	\$300.00	The first loan was paid up on 11/20/48. Second loan was repaid in full on 9/6/49.
9/16/49	\$500.00	Repaid on 12/16/49
12/5/51	\$500.00	Repaid in full 5/3/52

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Date	Amount of Loan	Explanation
12/15/51	\$500.00	Repaid in full 5/31/52
7/2/52	\$500.00	The purpose for bills repaid in full
1/23/53	\$500.00	Purpose to be used for business

K. Handy and Harman

ROBERT G. JONES, Controller, ~~Handy and Harman~~, 82 ~~Eulton~~ Street, New York City, has furnished information reflecting that ENGELSON has made numerous purchases of gold in the name of the ~~Snap-Band Company~~, 119 Livingston Street, Brooklyn, New York. Also this firm was located at 9 Ferry Street, New York City.

ENGELSON operated with Treasury license number NY9R141863.

From the information available to JONES he was able to advise that beginning in January, 1950 and continuing through August, 1952, ENGELSON made almost daily purchases of gold.

These purchases were cash purchases inasmuch as the company required ENGELSON to furnish cash or a certified check for each individual. It was noted in the examination of the invoices that the following purchases were paid for with currency:

Date	Amount	Breakdown of currency furnished by ENGELSON
4/11/50	\$1,759.09	\$1,700.00 in \$100. bills \$50.00 in \$50.00 bill
4/13/50	\$2,286.55	\$1,300.00 in \$100. bills \$800.00 in \$50. bills One \$10.00 bill

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ENCLOSURE

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Date	Amount	Breakdown of currency furnished by ENGLLSON
4/18/50	\$2640.54	\$1,500.00 in \$100. bills \$260.00 in \$10. bills \$240.00 in \$20. bills \$250.00 in \$50. bills \$400.00 in \$100. bills
4/20/50	\$2637.66	\$640.00 in \$20. bills \$2,000.00 in \$100. bills
4/21/50	\$2111.25	\$1,100 in \$100. bills \$850.00 in \$50. bills \$160.00 in \$20. bills
4/25/50	\$2,642.48	\$1,900.00 in \$100. bills \$750.00 in \$50. bills
7/17/50	\$2,641.17	\$900.00 in \$100. bills \$1,780.00 in \$20. bills \$20.00 in \$10. bills
7/24/50	\$1,055.27	\$360.00 in \$20. bills \$600.00 in \$50.00 bills \$100.00 in a \$100. bill
10/12/50	\$2,991.01	\$500.00 in \$50. bills \$2,400.00 in \$100. bills \$100.00 in \$10. bills
11/ 7/50	\$3,520.16	\$1,500.00 in \$100. bills \$100.00 in \$50. bills \$1,900.00 in \$20. bills \$30.00 in \$10. bills
3/13/51	\$3,518.01	\$2,500.00 in \$100. bills \$400.00 in \$50. bills \$620.00 in cash
6/21/51	\$2,109.64	\$1,500.00 in \$100. bills \$550.00 in \$50. bills \$60.00 in \$20. bills

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<u>Date</u>	<u>Amount</u>	<u>Breakdown of currency furnished by ENGELSON</u>
7/5/51	\$7,037.46	Cash
11/6/51	\$3,507.49 \$4,382.43	\$7,900.00 in \$20. bills

The above according to the records of Handy and Harman are the only purchases made during January, 1950 to August, 1952, which were paid for with currency.

L. The financial statement furnished probation officer

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

*refer
to
Probation*

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NY 65-15348

~~SECRET~~ADMINISTRATIVE PAGE (continued)

<u>Identity of Source</u>	<u>Date of Activity and/or Description of Information</u>	<u>Date Received</u>	<u>Agent to whom Furnished</u>	<u>File and serial number Location</u>
T - A1 [REDACTED]	Info re JULIUS ROSENBERG's activities.	1/3/51	WILLIAM F. NORTON and JOHN A. HARRINGTON.	Instant case
(b) (2)/(b) (7) (D)		3/19/51	Same	
		4/11/51	Same	
		6/1/51	Same	
		6/22/51	Same	
T - A2 [REDACTED]	YCL Information	5/1/42	Unknown	NY 100-11159
(b) (7) (D)				
✓ T - A3 Metropolitan Military District, 2d Service Command.	CP Data	2/20/43		NY 100-11159
T - A4	Anonymous			
T - A5 [REDACTED]	Used to document [REDACTED]			
T - A6 [REDACTED]	(b) (2)/(b) (7) (D)			
T - A7 [REDACTED]				

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ADMINISTRATIVE PAGE (cont)

<u>Identity of Source</u>	<u>Date of Activity and/or Description of Information</u>	<u>Date Received</u>	<u>Agent to whom Furnished</u>	<u>File and serial number Location</u>
T - A8 [REDACTED]	[REDACTED]	4/11/50	DAMON W. PITCHER, JAMES E. GIBLER.	NY 100-2936- -1A773 (5)
(b) (2)/(b) (7) (D)		1/8/52	Same	-1A773 (7)
T - A9 [REDACTED]	[REDACTED]	6/23/52	JAMES E. GIBLER, SE STEPHEN W. JENNINGS.	NY 100-2545- -2107
(b) (2)/(b) (7) (D)				
T - A10 [REDACTED]	[REDACTED]	8/22/50	F P. McRAE, SE A. E. FULLER.	NY 100-0- -58581
T - A11 Mail cover VALB Information on ENGELSON residence at 16 Monroe Street, NYC.		4/2/53	NYO (written)	Instant file
T - A12 [REDACTED]	Documentation			
T - A13 JOHN NEBEL, Hotel Bryant, NYC.	(b) (2)/(b) (7) (D) Subject expounded Communism and was teacher at Jefferson School.	Between 1/51-3/51	JOHN W. SCANNELL	NY 121-10463- -10

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ADMINISTRATIVE PAGE (continued)

<u>Identity of Source</u>	<u>Date of Activity and/or Description of Information</u>	<u>Date Received</u>	<u>Agent to whom Furnished</u>	<u>File and serial number Location</u>
T - A14 Anonymous				
T - A15 [REDACTED]	[REDACTED]			
T - A16 [REDACTED]	(b) (2)/(b) (7) (D) [REDACTED]			
T - A17 M. HEDLEY STONE, National Treasurer, NMU, NYC.	Subject believed member of Water-front Section of CP.	Between 1/51-3/51	FRANK J. NOWLAN	NY 121-10463-10
T - A18 NEAL HANLEY, National Secretary, NMU, NYC.	Subject gave impression of being CP member.	Same	Same	Same
T - A19 [REDACTED]	(b) (2)/(b) (7) (D) [REDACTED]	2/21/45 and 9/19/45	ROBERT W. BROWNELL	NY 100-26603-1A-607
(C) T - A20 [REDACTED]	3/14/47 (b) (1)	3/17/47		
T - A21 JAMES F. BIRCH, 4th Avenue Branch, Corn Exchange Trust Company, NYC.	Subject received \$25. from JAFRC.	Between 1/51-3/51	JOHN W. SCANNELL	NY 121-10463-10

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ADMINISTRATIVE PAGE (continued)

<u>Identity of Source</u>	<u>Date of Activity and/or Description of Information</u>	<u>Date Received</u>	<u>Agent to whom Furnished</u>	<u>File and serial number Location</u>
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T - A22 ONI, 3d ND, Brooklyn, NY.	Documentation of associate.			
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T - A23 [REDACTED]	Banking Data	4/7/53	THOMAS F. McQUEENEY, Jr.	NY 100-65457-23
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(b) (7) (D)

T - A24 [REDACTED]	Banking Data	4/7/53	Same	Same
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(b) (7) (D)

EXC:VND
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ADMINISTRATIVE PAGE

INFORMANTS

<u>IDENTITY OF SOURCE</u>	<u>DATE OF ACTIVITY OR DESCRIPTION OF INFORMATION</u>	<u>DATE RECEIVED</u>	<u>AGENT WHO RECEIVED INFORMATION</u>	<u>FILE NUMBER AND LOCATION</u>
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T-1

(Financial info)

2/17/53

SA EDWARD J.
C. HILL

Instant
file

T-2

(Financial info)

2/25/53

SA EDWARD J.
C. HILL

Instant
file

T-3

Background info

4/17/53

SE AMBROSE
CONROY

Instant
file

T-4

A. POL EN,
Lafayette Natl
Bank Trust
Co, 100
Livingston
St, Bklyn, NY

Financial info

2/25/53

S. EDWARD J.
C. HILL

Instant
file

T-5

Financial info

2/24/53

SA EDWARD J.
C. HILL

Instant
file

EJC:VKD
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NY 65-15348

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ADMINISTRATIVE PAGE CONT'D

INFORMANTS

<u>IDENTITY OF SOURCE</u>	<u>DATE OF ACTIVITY OR DESCRIPTION OF INFORMATION</u>	<u>DATE RECEIVED</u>	<u>AGENT WHO RECEIVED INFORMATION</u>	<u>FILE NUMBER AND LOC..TION</u>
T-6 H...ZILZER Asst. Vice- Pres. Hellenic Bank Trust Co, 139 William St, NYC	Financial info	Various dates	SA EDWARD J. CAHILL	Instant file
T-7 US Treas. Dept, Bureau of Public Debt, Chicag, Ill.	US bonds purchased		SA EDWARD J. CAHILL	Instant file
T-8 J.A. HAYDEN, Asst. Mgr. Household Finance, 11 W. 42 St, NYC	Financial info	3/5/52	SA EDWARD J. CAHILL	Instant file

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ESG:VAD
13

NY 65-15348

ADMINISTRATIVE PAGE CONT'D

LEADS

NEWARK

c ser 1726

At Orange, New Jersey:

By Air-Tel April 3, 1953 Newark Office was requested to contact the Orange First National Bank and examine the original application for Savings Bonds purchased at this bank to determine method of payment, purchaser's name and any other data available.

c ser 1726

Further determine if MARY or DAVID ENGELSON has ever maintained an account at this bank.

NY 65-15348

ADMINISTRATIVE PAGE CONT'DLEADSWASHINGTON, FIELDAt Washington, D.C.

Records of Handy and Harman, gold supplier, 82 Fulton Street for period January 1, 1950 to August, 1952 showed that ENGELSON doing business as the Snap-Band Company had made almost daily purchases of gold. It was noted that for each purchase the purchaser submitted a end use certificate for semi-processed gold form TC-29, issued by the Office of the Director of the Mint, Treasury Department, Washington, D.C.

By Air-Tel April 3, 1953, Washington Field requested to contact the mint to determine if the NU certificates are suitably arranged for examination. If so Washington Field is requested to examine same to identify any other gold purchases that may have been made by ENGELSON other than those made from Handy and Harman during the period January 1, 1950 and August, 1952.

In the event other purchases are located Washington Field is requested to identify supplier dates, and cost of each purchases.

NY 65-15348

ADMINISTRATIVE PAGE CONT'D

LEADS

NEW YORK

~~SECRET~~

At New York, New York

On May 19, 1945 United States Savings Bond 2601949145E was purchased at the Manufacturers Trust Company, 378 Sixth Avenue, in the name of DAVID ENGELSON. Will contact this branch for any information they may have concerning this purchase. Also determine if ENGELSON has ever maintained an account here.

In June, 1943 United States Savings Bond 2211150348E was purchased at the Corn Exchange Bank and Trust Company, 155 East 42nd Street, in the name of DAVID ENGELSON. Will contact this branch for any information they may have concerning this purchase. Also determine if ENGELSON has ever maintained an account here.

Will contact Lafayette National Bank, Brooklyn, New York, and examine the company of the Snap-Band Company, being noted that this account was opened July 9, 1948 and closed September 14, 1950.

Will contact the Public National Bank and Trust Company and examine any accounts they may have for DAVID or MARY ENGELSON or any company operated by the subject.

Will identify the G & W Manufacturing Company, 67 Court Street, Brooklyn, New York, being noted that ENGELSON used this firm as a reference when he opened the account of the Snap-Band Company at 9 Ferry Street.

Will obtain from the Universal Credit Cooperation any information they may have concerning ENGELSON, being noted that on March 5, 1953 ENGELSON made a payment to this firm.

Will contact National City Bank of New York, 55 Wall Street and obtain details concerning the payment made to this bank on March 24, 1953 by subject. From the information appearing on the cancelled checks it appears that ENGELSON has a loan with this bank.

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NY 65-15348

770072

ADMINISTRATIVE PAGE (continued)

LEADS

~~SECRET~~

NEW YORK

At New York, New York

Will report the results of the requested check of the United States Treasury Department in Chicago, Illinois, for the PUHNs' cashing in of United States bonds in order to purchase his photography business in August 1950, and in order for them to buy a new automobile during January 1950.

A lead requesting this information has been set out in the case entitled, "ALFRED ABRAHAM PUHN, was; SECURITY MATTER - C," Bufile 100-337701, by letter directed to the United States Treasury Department in Chicago.

Re per 2/27

Will contact Industrial Bank of Commerce, 60 East 42nd Street, and obtain details for payments made on March 24, 1953, by ENGELSON. From the information available it appears that this is a loan payment.

~~SECRET~~

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. LADD

DATE: June 17, 1953

FROM : MR. BELMONT

SUBJECT: JULIUS ROSENBERG, ET AL
ESPIONAGE - RALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/24/86 BY 3042 PWS/ABTolson _____
Ladd _____
Nichols _____
Belmont _____
Clegg _____
Glavin _____
Harbo _____
Rosen _____
Tracy _____
Gandy _____
Winterrowd _____
Tele. Room _____
Holloman _____
 Sizoo _____
Miss Gandy _____

We checked with the Washington Field Office at 10:45 A.M. this morning on the status of the motion before Justice Douglas of the Supreme Court by attorney Fyke Farmer. The Agent who was in the Court building advised that Justice Douglas and Justice Jackson went to their respective offices at 9:40 A.M. today and have not come out. The attorneys are standing by.

At 10:50 A.M. Supervisor Tom McAndrews of New York called to advise that Judge Kaufman had called the New York Office. Judge Kaufman said he learned from AUSA Kilsheimer that last night, on the recommendation of Justice Jackson, the Attorney General and Chief Justice Vinson met at 11:00 P.M. to determine whether to call the complete Court into session to dispose of Fyke Farmer's motion. Judge Kaufman advised that as of 7:30 P.M., Douglas was disposed to grant the writ. However, after he came back from dinner, he was wavering and undecided. Judge Kaufman said that even if Douglas does throw out the motion, Justice Frankfurter will hear it. Judge Kaufman said that Justice Jackson was very upset about the indecision of Douglas. Jackson felt that the whole theory of listening to Farmer's motion was ridiculous and Douglas should have turned it down yesterday.

ACTION:

For your information.

AHB:mer

ADDENDUM: AHB:mer 6-17-53

RECORDED - 28

INDEXED - 28
EX - 103

165-58236-1823

JUN 19 1953

At 11:15 A.M. Supervisor McAndrews called back to advise that Judge Kaufman had very confidentially advised that at the meeting between the Attorney General and Chief Justice Vinson last night, Justice Vinson said that if a stay is granted he will call the full Court into session Thursday morning to vacate it.

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. D. M. LADD

DATE: June 17, 1953

FROM : MR. A. H. BELMONT

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/24/96 BY 3042 PWS/AS

SUBJECT: JULIUS ROSENBERG, ET AL
ESPIONAGE - R

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

At 4:55 P.M. I spoke to Mr. Robert Erdahl of the Department in the absence of Acting Solicitor General Stern. Mr. Erdahl has been working on the Government's petition to have the Supreme Court vacate the stay of execution granted by Justice Douglas. Mr. Erdahl advised that the Department has completed its petition applying to the Supreme Court to convene the Court in a special term to review the stay of execution granted by Douglas. He said that a Departmental representative has taken the petition over to the Supreme Court for filing and that copies are being mimeographed. He said that he would furnish one to me as soon as possible.

He said that the petition asks the Court either to review the stay of execution granted by Douglas or to reconsider and reaffirm the Court's order of June 15, 1953, which denied a stay of execution.

The WFO advised us that the petition was received at the Supreme Court at 4:58 P.M. today.

I asked Mr. Erdahl how fast the Court could act on this petition. He said that Justice Reed is in North Carolina; Minton is in Indiana; Douglas left town this morning; Frankfurter is en route to some destination away from Washington, D. C. This leaves Justices Burton, Black, Vinson, Jackson, and Clark in Washington, D. C.

Erdahl said that as six Justices are needed for a quorum, Vinson can poll those absent by telephone on the question of convening in special session but it will require the return of at least one Justice to make a quorum. The majority of the quorum would govern the decision so it would be important as to who constituted the quorum.

Erdahl said that the Court will have to convene and hold a hearing and he doubts that this can be done by tomorrow. He said at any rate it appears impossible that the execution can be carried out tomorrow night. He pointed out that Judge Kaufman set the week of June 15 for the execution and this would carry up through Saturday.

ACTION: We will continue to follow this and will furnish a copy of the petition as soon as we receive it. 11 attached

AHB:mer JUN 20 1953

ESP/AS

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/24/86 BY 3042 PWS/LS
per release

IN THE SUPREME COURT OF THE UNITED STATES

JULIUS ROSENBERG AND ETHEL ROSENBERG

v.

UNITED STATES OF AMERICA

APPLICATION TO CONVENE COURT IN SPECIAL TERM AND
TO REVIEW STAY OF EXECUTION GRANTED BY MR.
JUSTICE DOUGLAS OR TO RECONSIDER AND REAFFIRM
THIS COURT'S ORDER OF JUNE 15, DENYING A STAY.

65-58236-1824
ENCLOSURE

IN THE SUPREME COURT OF THE UNITED STATES

JULIUS ROSENBERG AND ETHEL ROSENBERG

v.

UNITED STATES OF AMERICA

APPLICATION TO CONVENE COURT IN SPECIAL TERM AND TO
REVIEW STAY OF EXECUTION GRANTED BY MR. JUSTICE
DOUGLAS OR TO RECONSIDER AND REAFFIRM THIS
COURT'S ORDER OF JUNE 15, DENYING A STAY.

The Attorney General and the Acting Solicitor General, on behalf of the United States, respectfully petition the Chief Justice and the Associate Justices of this Court to convene a special term to review an order entered by Mr. Justice Douglas on June 17, 1953, staying execution of the sentences of death imposed upon the defendants, or to reconsider and reaffirm this Court's order of June 15, denying a stay.

The indictment against the defendants and others was returned on January 31, 1951. The defendants were sentenced on April 5, 1951. The convictions were affirmed, and a petition for rehearing was denied by the Court of Appeals. 195 F. 2d 583 (C.A. 2). A petition for certiorari was denied by this Court on October 13, 1953, 344 U.S. 838, and a petition for rehearing was denied on November 17, 1952, 344 U.S. 889, Nos. 111-112, O. T., 1952.

After the exhaustion of these direct review proceedings, the defendants instituted five further proceedings challenging their convictions and the sentences imposed upon them.

The first of these proceedings, which was instituted in the District Court on November 24, 1952, a few days after the denial of rehearing in Nos. 111 and 112, supra, was terminated with the denial of certiorari in No. 687, O.T., 1952, on May 25, 1953, and the denial of rehearing on June 15, 1953. On January 2, 1953, the District Court denied the defendants' motion for a reduction of their sentence. 109 F. Supp. 108. On May 26, 1953, the defendants filed in the Court of Appeals a motion for leave to file a petition for a writ of mandamus to the District Court. This proceeding attacked the District Court's refusal to reduce the sentences. The Court of Appeals denied the motion without opinion on June 2, 1953. On May 27, 1953, two days after this Court denied certiorari in No. 687, supra, the defendants filed a second motion under 28 U.S.C. 2255 in the District Court. That motion was denied on June 1 and the order of denial was affirmed by the Court of Appeals on June 5. On June 6, the defendants filed their third motion in the District Court based upon Section 2255 and Rule 33 of the Rules of Criminal Procedure. That motion was heard and denied on June 8, an appeal was taken on June 9, and the Court of Appeals affirmed on June 11, 1953.

On June 15, 1953 this Court denied an application for a stay of execution pending the determination of the petition for rehearing in No. 687 and the filing and determination of petitions for certiorari to review the Court of Appeals' judgments in the second and third proceedings mentioned above to set aside their convictions and in the mandamus proceeding.

On the same day, June 15, this Court denied the defendants' motion for leave to file a petition for an original writ of habeas corpus. No. 1 Misc., June 1953 Special Term.

CO CO

Although the defendants raised numerous contentions in these proceedings, they have never raised the point which was the basis of Mr. Justice Douglas' stay order. In fact, they do not seem yet to have made it. The contention was first made in an application for a writ of habeas corpus by one Irwin Edelman, purportedly on the behalf of the defendants, in the District Court on June 13, 1953. The defendants' counsel specifically declined to consent to the filing of that petition. The petition was denied by the District Court on June 15, 1953, on the ground that Edelman had no standing to institute such a proceeding. An identical application, coupled with a prayer for a stay, was made to Mr. Justice Douglas on June 16 by counsel for Edelman, and, as we understand Mr. Justice Douglas' opinion and order of June 17, the stay of execution was based upon that application.

THE COURT HAS POWER TO, AND SHOULD, REVIEW AND
VACATE THE STAY GRANTED BY MR. JUSTICE DOUGLAS

The full Court, as the highest judicial tribunal in the Nation, has power to vacate the stay granted by Mr. Justice Douglas. Since the only justification for a stay order by a single justice, under 28 U.S.C. 2101, is to preserve the appellate jurisdiction of the Court, the full Court can review the grounds of the stay and determine for itself that there is no such need to maintain the status quo. For it is the Court, and not its individual members, which is vested with appellate jurisdiction over proceedings in the lower courts. And it is therefore the Court which has the ultimate responsibility for overseeing the actions, by lower courts or judges or by a single justice, taken in the belief that this Court's jurisdiction needs protection. To hold that such interim actions of lower courts and judges, or of a single justice, are unreviewable is to overlook the essential basis for such stay orders as auxiliary to the effective functioning of the full Court.

The framework of the Constitution and the statutes make it clear that the Court has, and must have, this power of review. Article III endows the Court, and not the individual members, with judicial power in federal cases. The Judicial Code (28 U.S.C. 1254) gives the Court ultimate appellate jurisdiction over federal criminal convictions. Carrying out the conception that it is the Court as a whole which is the appellate tribunal, Section 2106 of Title 28 vests the Court with full authority to affirm, modify, vacate, set aside or reverse any judgment, decree, or order of a court lawfully brought before it for review--including, of course, the order of the

District Court or of the Court of Appeals which would be entered in the proceedings contemplated by Mr. Justice Douglas' order. The All-Writs Statute (28 U.S.C. 1651) gives the Court plenary power to issue all writs necessary or appropriate in aid of its jurisdiction. And it is plain from the terms of 28 U.S.C. 2101(e), under which a single justice can grant a stay, that this power is given solely to protect, in so far as necessary, the Court's appellate jurisdiction.

In view of this dependent relationship between the stay powers of a single justice and the jurisdiction of the Court, we suggest that the Court's power to review and revise the stay order stems directly from its position as the highest appellate tribunal in the federal system and need not rest on a specific statutory provision. But, in any case, Congress has expressly given the Court the broadest of means, in 28 U.S.C. 2106 and 28 U.S.C. 1651 (the All-Writs Statute), by which to take the necessary action. Under the latter provision, there is open to the Court a simple order vacating the stay, or, if deemed appropriate, the common-law writ of certiorari to review Mr. Justice Douglas' order, or, possibly, a writ of prohibition or mandamus. These and comparable common-law remedies are regularly used in cases, like this one, of great public importance where the ordinary processes of appeal are inadequate and where the circumstances imperatively demand immediate interposition by this Court. In re Chetwood, 165 U.S. 443, 462; Ex parte United States, 287 U.S. 241, 248-9; Ex parte Peru, 318 U.S. 578; U.S. Alkali Assn. v. United States, 325 U.S. 196, 201-4.

We know of no case in which this Court, or a court of appeals, has refused to entertain an application to review and

vacate a stay granted by a single justice or judge. In this Court, there are at least three recent instances in which such applications have been made and apparently considered on their merits by the full Court. In Fahey v. Mallonee, O. T. 1946, No. 687, Mr. Justice Rutledge granted a stay; a motion to vacate the stay was then presented to him, referred by him to the Court, and denied by the Court. Sup. Ct. Journal, O.T. 1946, p. 96 (Dec. 9, 1946). In Johnson v. Stevenson, 335 U.S. 801, and Land v. Dollar, 341 U.S. 737, 738, motions to vacate stays granted by single justices were also denied. In Alexander v. United States, 173 F. 2d 865 (C.A. 9), the Ninth Circuit, sitting en banc, vacated a stay granted by a single judge (on the ground that he had no power to make such an order).

IN THE ALTERNATIVE, THE COURT SHOULD RECONSIDER ITS
ORDER OF JUNE 15 DENYING A STAY IN THE LIGHT OF THE
NEW GROUND ON WHICH MR. JUSTICE DOUGLAS ACTED

On June 15, the full Court considered and denied the Rosenbergs' application for a stay of execution. If the ground upon which Mr. Justice Douglas granted the stay in his order of this date had been before the full Court when it acted, he would have considered himself bound by that action and would have denied the stay. It was only because the contention as to the applicability of the Atomic Energy Act had not been presented to the full Court that Mr. Justice Douglas, as he stated, felt free to consider it. In order, therefore, that the full Court may now have an opportunity to consider and pass upon the merits of the new ground upon which Mr. Justice Douglas' order was based, the Government respectfully requests the Court to vacate its order of June 15, for the purpose of considering whether the contention as to the applicability of the Atomic Energy Act affords sufficient basis for the granting of a stay; and if the full Court should conclude that it does not, it should thereupon enter an order denying a stay. In view of the express terms of Mr. Justice Douglas' opinion accompanying his order, it is clear that such action by the Court would remove the basis upon which he acted, namely, that the ground presented had not theretofore been considered and decided by the full Court.

THE ATOMIC ENERGY ACT CASTS NO SUBSTANTIAL DOUBT
ON THE VALIDITY OF THE DEATH SENTENCE IN
THIS CASE

The opinion of Mr. Justice Douglas rests on the substantiality of the argument that the death sentence cannot be imposed upon the Rosenbergs without compliance with Section 10(b)(2) of the Atomic Energy Act of August 1, 1946 (42 U.S.C. §1810 (b)(2)). This could be true only if the Atomic Energy Act provision repealed pro tanto the provision of the Espionage Act involved here. We shall show that the Atomic Energy Act was not intended to embody any such repeal, that the statutory provisions are not inconsistent, and that, in any event, the Atomic Energy Act would be inapplicable to this case so that even acceptance of the principle of repeal pro tanto would not be decisive.

That the Atomic Energy Act was not intended to repeal other pertinent statutory provisions is set forth plainly in the last sentence of Section 10(b), the very subsection of the statute involved here. Section 10(b)(6) provides:

This section shall not exclude the applicable provisions of any other laws, except that no Government agency shall take any action under such other laws inconsistent with the provisions of this section.*

The former counsel for the Senate Special Committee on Atomic Energy has stated that the phrase "'applicable provisions of any other laws', while general, must be read as pointing particularly to the Espionage Act." Newman, Control of Information Relating to Atomic Energy, 56 Yale L. J. 769, 790. The history of the statute fully supports this view.

S. 1717 as originally introduced by Senator McMahon in the 79th Congress had a section entitled "Dissemination of Information", which contemplated that "basic scientific information" and "related technical

*/ The second clause of Section 10(b)(6), providing that "no Government agency shall take any action under such other laws inconsistent with the provisions of this section", does not preclude prosecution under the Espionage Act in the case of atomic espionage. As the report of the Special Committee on Atomic Energy, S. Rep. 1211, 79th Cong., 2d Sess., points out, the function of this clause is to prohibit any other agency "from placing information in a restricted category under the authority of this or any other law once such information has been released from the category by official action of the Atomic Energy Commission."

information" would not be "within the meaning of the Espionage Act" and would circulate freely. Presumably other atomic energy information would fall within the coverage of the Espionage Act. The Atomic Energy Commission would, under this version, "adopt by regulation administrative interpretations of the Espionage Act" with the express approval of the President. S. 1717 was initially introduced on December 20, 1945. Four successive Committee Prints of this bill prepared by the Senate Special Committee on Atomic Energy reflecting amendments under consideration maintained this scheme of control of atomic energy information within the framework of the Espionage Act. Committee Print No. 5, dated April 11, 1946, included as Section 10, information control provisions substantially identical in this respect to Section 10 of the Atomic Energy Act as ultimately enacted, i.e., deleted reference to the Espionage Act as protecting atomic energy information and contained for the first time a concept of restricted data and special espionage provisions for the protection of restricted data. Section 10(a)(5) of this Committee Print contained the wholly new provision presently incorporated as Section 10(b)(6) set forth above. The fact that this new provision appeared in the bill simultaneously with the deletion of the reference to protection of atomic energy secrets under the Espionage Act and the creation of new espionage provisions applicable to restricted data must be interpreted as indicating Congressional intent that the Espionage Act remain applicable to atomic energy information. Senate Report No. 1211, 79th Congress, on S. 1717, discussing Section 10 of the Atomic Energy Act, indicates that this provision was drafted in an effort to reconcile the requirement for security control of information with the necessity for "sufficient freedom of interchange between scientists to assure the Nation of continued scientific progress." This statement in the Committee Report on which Justice Douglas bases his conclusion that one of the

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purposes of the Atomic Energy Act was to ameliorate the penalties imposed for disclosing atomic secrets is somewhat clarified by Senator McMahon's statements during Senate debate on this bill.

On page 6082 of the Congressional Record of June 1, 1946, Senator McMahon referred to the security restraints written into Section 10 of S. 1717 and stated:

This was one of the most difficult subjects with which we had to deal, because we realized that if we were to progress, as we must progress in this science, the maximum amount of freedom had to be allowed scientists. At the same time, it was appreciated that during the pending state of the world's affairs it was absolutely necessary that we impose some restrictive clauses. We discovered that the Espionage Act as it was written would not do, so S. 1717 was written so as to strengthen the provisions of the Espionage Act and thus cover the subject. (*Italics supplied*)

It is apparent from this that S. 1717 was intended to strengthen the Espionage Act provisions -- e.g., by imposing the death penalty in peace time -- and not to repeal them. It is also apparent the Senate Committee was concerned not with the problem, as Mr. Justice Douglas suggests, of ameliorating the penalties for atomic espionage, but rather with providing scientists with "the maximum amount of freedom."

CO ()

Senator McMahon inserted in the record of the Senate debate on S. 1717 a prepared statement summarizing the major provisions of the Atomic Energy Act. In speaking of the information control provisions, this statement indicated that the problem of providing for "freedom necessary for scientific research and development" was not a problem of degree of penalty, but rather was a problem of precisely what types of information should be protected at all for penal provisions. See 92 Cong. Rec. 6096. This view is also supported indirectly by the published Hearings on the atomic energy bill. No question was raised by any of the scientists as to the degree of penalty which was appropriate for atomic espionage. The scientists did, however, object to "penalties which can be applied in arbitrary and unusual ways." See testimony of Dr. Harold Urey before Special Senate Committee on November 29, 1945, p. 103.

It is also apparent that one of the provisions of the new penal provisions of the Atomic Energy Act was to increase the penalties applicable to espionage relating to restricted data rather than to ameliorate the penalties applicable to restricted data, since the penalties for violation of the Atomic Energy Act provisions were generally considerably more severe than the penalties which would apply to the same acts if prosecution were under the Espionage Act.

This conclusion from the legislative history that there was no intent to repeal the Espionage Act is buttressed by the well-established principle that repeals by implication are not favored and that "when there are two acts upon the same subject, the rule is to give effect to both if possible." United States v. Borden Co., 308 U.S. 188, 189; United States v. Gilliland, 312 U. S. 86, 95-96.

Plainly there is no inconsistency, even pro tanto, between the two statutes as here applied.

Under the Atomic Energy Act the death sentence may be imposed upon a recommendation of the jury if there is a finding of intent to injure the United States. This applies in peace as well as in war. Under the Espionage Act the death penalty may be imposed for espionage only in time of war. Thus an offense under the Espionage Act in time of war, irrespective of whether it refers to atomic energy or not, is punishable by death. Certainly it is entirely consistent to impose the death penalty (1) for atomic espionage at any time if one set of conditions is fulfilled and (2) for a conspiracy with respect to a combination of atomic and other espionage in wartime without fulfilling such conditions.

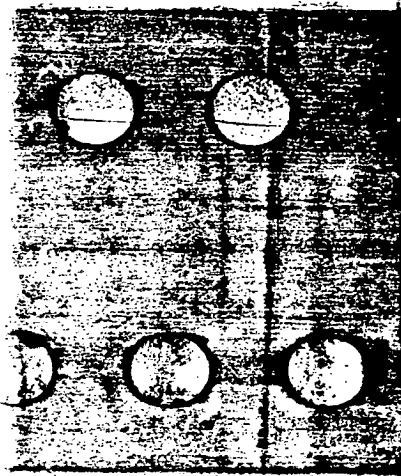
In this case there has been a specific holding by the Court of Appeals that the conspiracy charged and proved was broader than one merely to commit atomic espionage. As the Court of Appeals said in its original opinion in this case, 195 F. 2d 583, 601:

"* * * here there was a single unified purpose: the 'common end' consisted of the transmission to the Soviet Union of any and all information relating to the national defense; * * *."

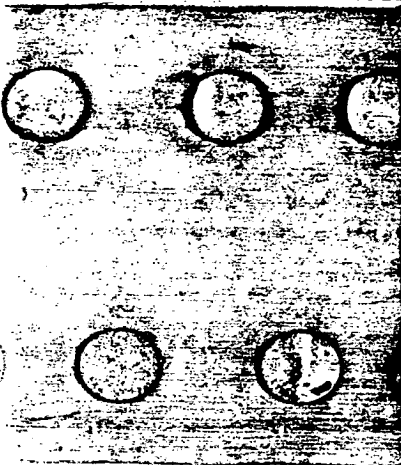
That holding was one of the major issues raised in the petition for certiorari on direct review in this case. Since, therefore, it is clear that a conspiracy during wartime to commit espionage as to matters other than atomic energy could be governed only by the Espionage Act, and since it is also clear that this conspiracy did in fact cover matters other than atomic energy, prosecution and penalty under the terms of the Espionage Act were clearly justified.

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In any event, none of the acts alleged and proved in this case would have violated the Atomic Energy Act since the transactions relating to atomic energy occurred before the passage of that Act in 1946 and the subsequent events did not relate to atomic energy. Thus, it is clear that under the facts of this case the indictment could be maintained only under the espionage statute. As noted in the opinion of Mr. Justice Douglas, the conspiracy commenced on or about June 6, 1944 - more than two years prior to the effective date of the Atomic Energy Act. All of the overt acts alleged in the indictment, and on the basis of which the jury returned its verdict, occurred between June 1944 and January 1945.



The trial testimony concerning atomic energy information which was transmitted to the Soviet Union pursuant to the conspiracy was given by David Greenglass, Ruth Greenglass and Harry Gold. All such information was furnished to the conspirators by David Greenglass. According to the testimony, the last information relating to atomic energy which Greenglass furnished to the Rosenbergs was given in September 1945 -- still almost a year prior to the effective date of the Atomic Energy Act. It is to be noted that Greenglass severed his connection with the Los Alamos Atomic Bomb Project in February 1946, when he was discharged from the Army. Thus the trial record contains no evidence of atomic energy information furnished to the conspirators subsequent to the effective date of the Atomic Energy Act.



The evidence summarized in footnote 3, page 7 of the opinion of Mr. Justice Douglas as to acts occurring after 1946 relates solely to non-atomic energy subjects. Indeed one of Sobell's main arguments in his petition for certiorari was that he was not connected with the atomic energy phase of the conspiracy.

Under these circumstances, it seems clear that the provisions of the Atomic Energy Act would not be applicable to the facts of this case. Not only was the conspiracy a general one dealing in any and all information relating to the national defense -- and not restricted to atomic energy information -- but also the acts of transmission of atomic energy information occurred prior to the passage of the Atomic Energy Act.

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CONCLUSION

It is important in the interests of the administration of criminal justice and in the national interests that this case be brought to a final determination as expeditiously as possible. "Determination of guilt or innocence as a result of a fair trial, and prompt enforcement of sentences in the court of conviction, are objectives of criminal law." United States v. Johnson, 327 U. S. 106, 112. It has been more than two years since the date of defendants' convictions and sentencing. As pointed out above, their convictions were carefully reviewed and affirmed by the Court of Appeals and this Court declined to review its judgment. Meanwhile, the defendants have exhausted the privileges the law allows for re-examination of the validity of their convictions. Having invoked those privileges and their own claims having been found to be without merit, we urge that it would not be in the interests of orderly processes of justice that the point of law upon which Mr. Justice Douglas based his stay order wend its way through the District Court and then to the Court of Appeals and this Court before this case can be brought to a final conclusion. We believe that the paramount public interest in the prompt and effective administration of criminal justice requires that this Court hear and determine the matter as expeditiously as possible.

In requesting the Court to take this action, the Government is fully mindful that human lives are at stake, and that in no circumstances should the extreme penalty of the law be exacted until the fullest measure of justice and due process of law has been afforded. The Government is not asking that the Court act with unseemly haste to avoid postponement of a scheduled execution.

On the contrary, we are convinced that the only conclusion which fair-minded persons could draw from the history of this case is that, after a fair trial in which guilt was clearly established, and after successive appeals to this Court and the Court of Appeals-- in which they had every opportunity to present every contention of law and fact to support their position--proved without avail, the defendants have now received the fullest measure of justice and due process of law. Further postponement would not serve the interests of justice. Respect for the orderly processes of law cannot help but be impaired by a parade of repeated unmeritorious appeals, each new one presenting only an insubstantial variation from its predecessors.

HERBERT BROWNELL, JR.
Attorney General

ROBERT L. STERN,
Acting Solicitor General

JUNE 1953.

Office Memorandum • UNITED STATES GOVERNMENT

TO : D. M. Ladd

DATE: June 13, 1953

FROM : A. H. Belmont

SUBJECT: JULIUS ROSENBERG
ET AL
ESPIONAGE-RALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/24/96 BY 3042 PWS/MSTolson
Ladd
Nichols
Belmont
Clegg
Glavin
Harbo
Rosen
Tracy
Gearty
Mohr
Winterrowd
Tele. Room
Holloman
Sims
Miss Gandy

At 9:30 p.m. Special Agent Leo Frutkin called me from Lewisberg, Pennsylvania, where he had proceeded from New York in accordance with Bureau instructions to contact the Warden at Lewisberg and to interview David Greenglass. Frutkin said that the warden was out of town, but he spoke to an associate warden, Mark Richmond. Richmond said that Greenglass is not being molested or ostracized, that while Greenglass is undoubtedly undergoing a severe mental strain he has not requested a transfer. Richmond said that on July 11 he received specific instructions from Prison Director James Bennett to carefully safeguard Greenglass and Harry Gold; to screen any contacts with them and to take every precaution for their safety. Bennett instructed any interviews of Greenglass by persons other than the Resident Agent must be cleared first with Bennett. Richmond was taking his instructions very literally and requested that an interview by Frutkin first be cleared by Bennett. Richmond said that any successive interviews with Greenglass would single him out for attention among the inmates and he wanted to point this out to Frutkin. Frutkin said he would send in a detail teletype and meanwhile would take no further action. He is staying at the Hotel Lewisberger at Lewisberg.

OBSERVATIONS:

It would appear that prison authorities are taking very careful precautions. Bennett has excepted the FBI from his ban on interviews but Richmond is taking the instructions to apply only to the Resident Agent. Richmond doubts the wisdom of interviews with Greenglass. I think the main angle here is to be sure that Greenglass is properly protected and we would not want to give prison authorities an excuse by setting up a series of interviews with Greenglass against the judgment of Richmond.

RECOMMENDATIONS:

It is recommended that the Resident Agent who has visited Greenglass from time to time drop in to see him Monday to be sure that things are going well and thereafter visit him further only if it appears necessary. It is recommended that Special Agent Frutkin return to New York.

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AHB:V

Interview of Bennett's attitude
Frutkin should return to N. Y.
Resident Agent should make no further contact with Greenglass.

4/15/53

Memo. to

Mr.

Belmont

CEH

Office Memorandum • UNITED STATES GOVERNMENT

TO : THE DIRECTOR

DATE: June 16, 1953

FROM : MR. D. M. LADD *DL*SUBJECT: JULIUS ROSENBERG, ET AL
ESPIONAGE - R
(BuFile 65-58236)ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/24/82 BY 3042PWS/KLBTolson
Ladd
Nichols
Belmont
Clegg
Glavin
Harbo
Rosen
Tracy
Gandy
Mohr
Winterrowd
Tele. Room
Holloman
 Sizoo
Miss Gandy

Most recent developments are:

1. On 6-15-53, by a five to four decision, the U. S. Supreme Court denied application for a stay of execution and petition for rehearing. The Court also denied motion for leave to file a petition for an original writ of habeas corpus. Thereafter defense counsel conferred with Justice Douglas from 5:15 PM to 6:30 PM. Douglas is to reconvene this conference at 10:00 AM today, at which time the defense will bring in additional material to be presented to Douglas.

It is noted that in connection with the denials above, Douglas dissented and favored granting a stay and hearing the case on the merits since he thought substantial questions were presented.

2. Newspaper reports reflect that Emanuel Bloch, Rosenbergs' attorney, will attempt to see as many individual Supreme Court Justices as possible in his efforts to get a stay. If he cannot, he will "demand" from President Eisenhower an open hearing on a clemency application.

3. A WFO source advises that Don Rothenberg of the National Committee to Secure Justice in the Rosenberg Case had talked with Bernard Burton of the "Daily Worker." Rothenberg said they were calling for a mass demonstration in Washington on Thursday, June 18, 1953, with two objectives:

- RECORDED - 67 65-58236-1826
- (a) To build the largest possible line in front of the White House.
- (b) To call on as many Congressmen as possible. He said that picketing in front of the White House on Thursday is a "must," and that the picketing will continue up until the time of the execution of the Rosenbergs.

The Attorney General and the White House are being advised of the plans for demonstration on June 18, 1953.

APL:awn *awn*ESP 580 *as*100-387837-6691
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Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. BELMONT

DATE: June 18, 1953

FROM : MR. HENRICH

SUBJECT: JULIUS ROSENBERG, ET AL
ESPIONAGE - R.

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

SAC Hood of the WFO advised at 1:12 P.M. today that an Agent who is present at the Court had been advised by newspapermen that Justice Vinson had said before he convened the Court that the Court was being convened with the approval of all Justices except Black.

ACTION:

For information.

CEH:mer

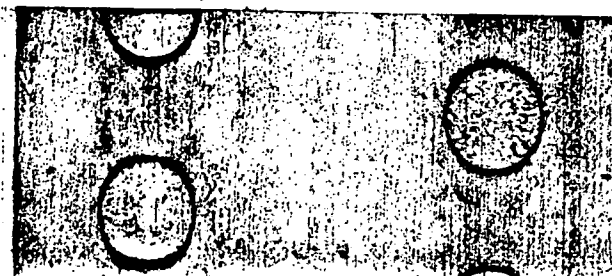
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HEREIN IS UNCLASSIFIED
DATE 7/24/86 BY 3042 PWS/MS

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65-58236-1827

JUN 19 1953

56 JUN 30 1953



Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. LADD

DATE: 6-16-53

FROM : MR. BELMONT

SUBJECT: JULIUS ROSENBERG, et al
ESPIONAGE - RALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/24/96 BY 3042 PWS/MSTolson
Ladd
Nichols
Belmont
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Glavin
Harbo
Rosen
Tracy
Gearty
Mohr
Winterrowd
Tele. Room
Holloman
 Sizoo
Miss Gandy

ASAC Whelan called from New York at 1:10 P.M. today to advise that Warden Denno has advised that attorney Bloch took the two Rosenberg children to Sing Sing this morning and they had a pleasant visit with their parents. Bloch asked the Warden when the last hour of visiting would be on June 18, and the Warden told him 7:00 P.M. Bloch asked if he could witness the execution and the Warden told him no. Bloch told the Rosenbergs there is not much hope left. Both Rosenbergs signed a petition addressed to the President for clemency.

Whelan said that Warden Denno would like to enlist our aid in a matter. Denno said that the deathhouse backs up on the Hudson River. He would like to have the Coast Guard put a picket boat on the River on the night of June 18, to stop any demonstrations, taking pictures, etc. Denno has asked the Coast Guard to do this. They have not replied as yet but said they had never had such a request before. Denno told them he hasn't had such a case as this before. Whelan thought we should cooperate with Denno on this.

RECOMMENDATION:

Our part in this matter has been restricted to arrangements to conduct an interview with the Rosenbergs if required to do so. We have no part in the security arrangements or the execution itself. Nevertheless, I suggest that Whelan contact the Coast Guard in New York and advise them that he understands Warden Denno has made this request, and ask what the Coast Guard's decision is. If the Coast Guard asks us, Whelan can tell them that we see no objection to complying with Denno's request on an unostentatious basis without publicity. I recommend this because Denno has been very cooperative and apparently feels the need for this assistance.

AHB:mer

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JUN 25 1953

JUN 19 1953

65-58236-1828

2:09

June 19, 1953

ALL INFORMATION CONTAINED
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DATE 7/24/86 BY 3042 PWS/AS

MEMORANDUM FOR MR. TOLSON
MR. LADD
MR. NICHOLS

Julius Rosenberg

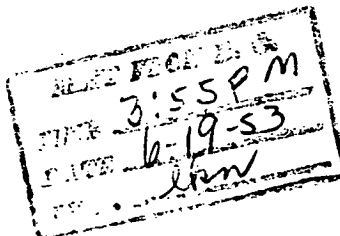
While talking to Assistant Attorney General Warren Olney today, he told me that Director of Prisons Bennett was in his office and wished to talk to me. Mr. Bennett told me that when he talked to the Warden at Sing Sing this morning, the Warden said that the executioner had taken the day off and gone off and the Warden was not going to be able to get in touch with the executioner until 5:30, which Mr. Bennett stated was too late for this matter. Mr. Bennett stated he suggested to the Warden that perhaps he could talk to one of the FBI men up there and they could go out and get the executioner.

I told Mr. Bennett that the last word I had, which was but a few minutes ago, was that they had just sent out State Troopers to try to find the executioner but I would check again and tell our men to be available if the Warden wants any assistance from us.

Very truly yours,

JEH
John Edgar Hoover
Director

Tolson _____
Ladd _____
Nichols _____
Belmont _____
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Harbo _____
Rosen _____
Tracy _____
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Mohr _____
Winterrowd _____
Tele. Room _____
Holloman _____
Sizoo _____
Miss Gandy _____



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65-58236-1829
JUN 22 1953

JEH:mpd

56 JUN 25 1953

2:01

June 19, 1953

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/24/86 BY 3042 PWS/AS

MEMORANDUM FOR MR. TOLSON
MR. LADD
MR. BELMONT
MR. NICHOLS

Julius Rosenberg

I called the Attorney General at the White House. He commented that I had probably gotten word that the Supreme Court had adjourned after turning down application for a stay of execution and a motion for reargument in the Rosenberg Case. The Attorney General stated the President is now just about to issue his statement denying clemency and as soon as that is on the wire I should advise our Agents at Sing Sing of the procedure which is to be followed. He stated the United States Marshal should fix the time of execution for tonight any time after 7:15 P.M. and before sundown and the U. S. Marshal is authorized to make a public statement, which is the custom at Sing Sing. I inquired as to whether the U. S. Marshal had yet been notified and the Attorney General stated he had not been but he had instructed Mr. Bennett, the Director of the Bureau of Prisons, to notify him.

Very truly yours,

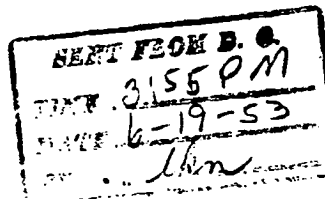
J. E. H.
John Edgar Hoover
Director

cc-Mr. Holloman

JEH:EM

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

56 JUN 25 1953



ALL INFORMATION CONTAINED
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AIR TEL

DATE 10/22/82 BY 3042 PWT/1mw 6/16/53

FBI WASH FIELD

16

DIRECTOR

URGENT

11/2/57 (10)

NATIONAL COMMITTEE TO SECURE JUSTICE IN THE ROSENBERG
CASE. IS-C. DAYLET. [REDACTED] FURNISHED THE FOLLOWING

INFORMATION CONCERNING CONVERSATION ON JUNE 15 LAST

BETWEEN BERNARD BURTON, D. C. REPRESENTATIVE FOR DAILY
WORKER AND DON ROTHENBERG, NATIONAL FUNCTIONARY CAPTIONED
COMMITTEE. ROTHENBERG STATED THAT INDIVIDUALS ON WHITE
HOUSE PICKET LINE ARE IN ADDITION VISITING CONGRESSMEN.

BURTON INQUIRED AS TO WHETHER THERE HAS BEEN ANY FAVORABLE
RESPONSE IN THIS RESPECT AND ROTHENBERG ADVISED THAT IN

THE PAST SIX MONTHS THEY HAVE ABOUT 75 MEMBERS OF CONGRESS
WHO HAVE INDICATED SUPPORT OF ONE KIND OR ANOTHER AND THAT
THEY ARE NOW AT THE POINT WHERE THEY THINK THEY CAN "BREAK
THROUGH" WITH A PUBLIC STATEMENT FROM SOME OF THEM BUT DO NOT
WISH TO DO SO UNTIL THEY CAN GET A DOZEN OR MORE "SO THEY
CAN HAVE COMPANY" AND THAT THEY "HAVE ONE GUY WHO HAS ALREADY
SAID HE CAN BE QUOTED BUT WE HAVEN'T QUOTED HIM BECAUSE WE
WANT TO SURROUND HIM SOME MORE". FURTHER THAT THEY ARE GOING
ON THE RADIO OVER WOL TWICE EACH DAY THIS WEEK, THE FIRST
TO BE A TAPE RECORDING FIVE MINUTES DURATION OF A STATEMENT

BY URIE (PH) (PROBABLY PROFESSOR URIE). THEY HOPE TO INCLUDE

SFP:LEB
100-25474
cc - (2)
(1)

New York (RM)
WFO 100-421-R

Mr. L. []
Mr. []
Mr. []
Mr. Glavin []
Mr. Harbo []
Mr. Rosen []
Mr. Tracy []
Mr. Gearty []
Mr. Mohr []
Mr. Winterrowd []
Mr. Holloman []
Mr. []
Miss Gandy []

100-387836

100-207020

183

RECORDED - 67 JUN 23 1953

Let to AAM
W. []
6/19/53
JP4/ann

get memo
H.
GSP/BCNT

PAGE TWO

STATEMENTS BY LOVE AND LOMER, BOTH PHONETIC (LOMER
PROBABLY DEAN LOOMER OF UNIVERSITY OF CHICAGO). ALSO
HOPE TO HAVE SOME MINISTERS ON AIR. [REDACTED] HAS ADVISED
SHE WAS CONTACTED LATE EVENING JUNE 15 LAST BY HELEN SOBELL
WHO ADVISED THAT COMMITTEE ENDEAVORING TO GET AS MANY
PEOPLE FROM OUT OF TOWN TO VISIT D. C. JUNE 16, 17 AND 18
FOR PARTICIPATION WHITE HOUSE VIGIL WITH CONCENTRATION ON
THURSDAY EIGHTEENTH UP TO TIME ROSENBERG EXECUTION. EMPHASIS
ON GETTING PEOPLE FROM NEARBY EASTERN CITIES. SOBELL
REQUESTED INFORMANT TO WRITE TO AS MANY OF HER OUT OF TOWN
FRIENDS AS POSSIBLE URGING THEY COME TO D. C. IN VIEW
LATEST SUPREME COURT DECISION. SOBELL HAS INDICATED SHE
HERSELF WILL RETURN NEW YORK CITY JUNE 18 FOR PERSONAL
REASONS. NO FURTHER INFORMATION CONCERNING EITHER PURPOSE OR
OR LEADERSHIP MEETINGS AT INSPIRATION HOUSE OR ELSEWHERE BUT
SOBELL INDICATED OUT OF TOWNERS MAY REPORT AT INSPIRATION HOUSE
DURING CONTACT BY [REDACTED] WITH [REDACTED] PROGRESSIVE
PARTY FUNCTIONARY IN D. C., JUNE 15, LATTER INDICATED STILL
EMBITTERED BECAUSE NEW YORK HEADS CAPTIONED COMMITTEE HAVE
TAKEN OVER CONTROL OF DEMONSTRATIONS HERE FROM D. C. PEOPLE.
PICKETING OF WHITE HOUSE CONTINUES. AT 7:05 AM THIS DATE
SIX PERSONS IN PICKET LINE, NO COUNTER PICKETS OBSERVED BY
SAS WFO. LIAISON AND OBSERVATIONS CONTINUING.

RBT
HOOD

cc Mr Belmont
Mr Rodley

The Attorney General

June 18, 1953

Director, FBI

RECORDED - 67

JULIUS ROSENBERG, ET AL
ESPIONAGE - R
FBI File 65-58236

ALL INFORMATION CONTAINED
 HEREIN IS UNCLASSIFIED
 DATE 7/24/86 BY 3042 PWS/AB

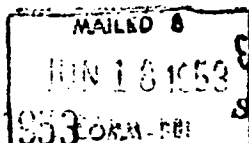
Information has been confidentially received that Don Rothenberg, national functionary of the National Committee to Secure Justice in the Rosenberg Case, has stated that individuals on the White House picket line are in addition visiting Congressmen. He claimed that in the past six months they have visited about seventy-five Congressmen who have indicated support of one kind or another, and they are now at the point where they can "break through" with a public statement from some of them, but do not wish to do so until they can get a dozen or more "so they can have company." He also stated that "they have one guy who has already said he can be quoted but we haven't quoted him because we want to surround him with some more."

In connection with this action, information has been confidentially received that the National Committee to Secure Justice in the Rosenberg Case is having people in the Baltimore area call Samuel N. Friedel, Congressman, Seventh District of Maryland, and request him to contact President Eisenhower and your office to urge clemency for the Rosenbergs. Congressman Friedel advised by letter of June 12, 1953, that an R. H. Silk, 344 East 149th Street, New York City, had visited his office on June 11, 1953, to urge that he intercede on behalf of the Rosenbergs. The Congressman was not able to see Silk who informed his secretary that Congressman Friedel would be contacted again next week.

Silk is believed to be identical with Robert Howard Silk, who was born December 23, 1925, at Detroit, Michigan. Silk is an attorney in New York City, and he was a member of the Young Communist League, Communist

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

JPL:cwn



SECURITY INFORMATION-CONFIDENTIAL

56 JUN 30 1953

DIRECTOR

Declassified
 6/10/85 A.E.I.

SECURITY INFORMATION-CONFIDENTIAL

**Party, International Workers Order, Young Progressives
of America, and the American Youth for Democracy. (100-342467)**

The foregoing is for your information.

**cc - 1 - Assistant Attorney General
Warren Olney III**

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

6-10-53

9:40 P.M.

WASHINGTON AND NEW YORK FROM WASH FIELD

DIRECTOR AND SAC (65-15521)

URGENT

Brantigan

JULIUS ROSENBERG AND ETHEL ROSENBERG, ET AL; ESPIONAGE

DASH R. JUDGE IRVING R. KAUFMAN, FEDERAL JUDGE ROSENBERG

TRIAL, LEAVING WASHINGTON, D. C., TEN ^{forty five} ~~FIFTEEN~~ A.M. D.S.T.

JUNE ELEVEN, NEXT, FLIGHT NO. THREE THIRTY, VIA AMERICAN

AIRLINES FOR NYC. MRS. KAUFMAN LEAVING WASHINGTON, D. C.,

ELEVEN FIFTEEN A.M. D.S.T. JUNE ELEVEN, NEXT, FLIGHT

NO. FIVE SEVENTYEIGHT FOR NYC, SAME AIRLINES. NYC MAKE

ARRANGEMENTS TO HAVE BUREAU CAR MEET INSTANT FLIGHTS.

HOOD

FOS:SAW

65-5521

RBN
38

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DATE 7/24/86 BY 3042 PWS/SS

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JUN 15 1953 *Lebr...*

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Brantigan

DO-6

OFFICE OF DIRECTOR
FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE

June 15, 1953

Attached was received from the
Acting Solicitor General.

Julius Rosenberg

Mr. Tolson ☒
Mr. Ladd ☒
Mr. Nichols ☒
Mr. Belmont ☒
Mr. Clegg ☒
Mr. Glavin ☒
Mr. Harbo ☒
Mr. Rosen ☒
Mr. Tracy ☒
Mr. Gearty ☒
Mr. Jones ☒
Mr. Mohr ☒
Mr. Winterrowd ☒
Tele. Room ☒
Mr. Holloman ☒
Mr. Sizoo ☒
Miss Holmes ☒
Miss Gandy ☒

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DATE 7/24/86 BY 3042 PUL/AS

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JUN 30 1953

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RLS:ht

146-41-15-133

June 15, 1953

MT. HCTV

F. B. I.

MEMORANDUM FOR THE ATTORNEY GENERAL

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/24/86 BY 3042PULH
per release

Re: Rosenberg v. United States

The following events occurring over the last week-end should be brought to your attention.

1. At 8 o'clock Saturday morning, June 13, the Clerk of the Supreme Court called me to say that counsel for the Rosenbergs were seeking an oral argument on their stay application before Justice Jackson and that the Justice would be expected in his office by 10 o'clock and the Court's conference at 11. I communicated with Messrs. Fridahl and Wilkins of the Criminal Division Appellate Section, and the three of us were at the Court by 10 o'clock. At 10:15 Justice Jackson heard the application in chambers. Mr. Bloch and Professor Malcolm Sharp argued until 10:50, substantially without interruption. Although Mr. Fridahl managed to say a few words, it was obviously impossible for us to answer within the few minutes available, and the Justice's attention was called to our memoranda. He stated that he would submit the matter to the Court, since the granting of a stay depended upon whether there was any possibility that the Court might grant the petitions for certiorari to be filed. He asked whether counsel would be prepared to argue orally on Monday, today, if the Court wished to hear argument. Later that day the Clerk called to tell me that the Court would not hear oral argument. The points mainly stressed by opposing counsel were the Perl story and the alleged misstatements by the Greenglass' about the consort table.

2. Late Saturday afternoon I received a telephone call from Mr. Bloch in which he stated that he had received a call from Mr. Main, head of the Committee to Secure Justice for the Rosenbergs, who in turn had received a call from ^{an anonymous} a parolee from Lewisburg Penitentiary. He stated that a previous call from the same person had given reliable information. The parolee stated that last Wednesday night Greenglass had begun to shout in his cell that the Rosenbergs were innocent, that other convicts had called for assistance, that Greenglass had been taken to the prison hospital, and that he was being held incommunicado to prevent the story of his confession from leaking out.

65-58236-1833

ENCLOSURE

Mr. Bloch thought the matter very important. He said he did not know, of course, whether there was anything to the story, and that the Department of Justice, as an agency of justice, would wish to find out. I told him that I would have an inquiry made immediately and that the results would be reported to you.

I thereupon called James V. Bennett, Director of the Bureau of Prisons, who said that he would have been apprised of anything unusual with respect to Greenglass. He nevertheless stated that he would telephone the prison Sunday morning. About 2:00 p.m. on Sunday, Mr. Bennett called me back to say that he had spoken with the associate warden, and that there was nothing to the alleged story, that Greenglass had caused no trouble and had been acting entirely normal. He and I thought that there was no reason why we should not tell this to Mr. Bloch, and accordingly I called him at the Statler and told him that the parolee's story was untrue. I should add that earlier on Sunday Professor Sharp had called me and indicated that they were so concerned with the story that he thought that he and I should fly up to Lewisburg on Sunday to investigate it. I then told him that I expected to have accurate information later in the day.

Robert L. Stern,
Acting Solicitor General.

9:07

June 19, 1953

Julius and Ethel Rosenberg

MEMORANDUM FOR MR. TOLSON

Re: Rosenberg Case

MR. LADD
MR. BELMONT
MR. NICHOLS

I called Mr. Belmont at Sing Sing to inquire if there was anything new. He stated they were still in the Death House and had arranged with the Warden that they would not move out of there until after everything was clear as they did not want any leak concerning their presence. I stated it would be well not to make any move until after everything was quieted down and everyone had left as we did not want it known under any circumstances that we were there. I asked Mr. Belmont to try to get a copy of the telegram to the Warden which he read over the phone. Mr. Belmont stated he furnished this to the New York Office and told them not to do any checking until such time as they were instructed to do so. I stated it would be well to send it on teletype and we could decide Monday whether we wanted to check the authenticity of it, who sent it, and the place it was sent from. I stated he should thank the Warden and I would write him a note some time next week when he got back. I also asked him to thank the other Agents with him and told him he had done a good job. Mr. Belmont stated he would try to get a plane down tonight and I told him to use his own judgment, that if he wanted to come down tomorrow it would be all right.

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HEREIN IS UNCLASSIFIED
DATE 7/24/86 BY 3042 PWS/AS

Very truly yours,

RECORDED - 65-58236-1834
John Edgar Hoover
Director JUN 24 1953

JEN:mpd

JUN 25 1953

SENT FROM 2
TIME 11:05 AM
DATE 6-23-53
BY JEA

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

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 DATE 7/24/86 BY 3042 PWS/MS

*what do we know
 about Farmer?*

(FARMER)

THE LEGAL "INTERLOPER" WHO WON TODAY'S STAY OF EXECUTION FOR JULIUS AND ETHEL ROSENBERG DISCLOSED THAT HE TRIED VAINLY FOR THREE MONTHS TO GET THE ATOM SPIES' OWN ATTORNEY TO PRESENT THE ARGUMENTS WHICH FINALLY PROVED SUCCESSFUL.

FYKE FARMER OF NASHVILLE, TENN., WAS JUBILANT OVER THE OUTCOME OF HIS LEGAL EFFORTS WHICH HE UNDERTOOK, HE SAID, WITHOUT FEE AND SOLELY "AS A PUBLIC SERVICE."

FARMER ENTERED THE CASE WITH DANIEL G. MARSHALL, A LOS ANGELES ATTORNEY, IN BEHALF OF IRWIN EDELMAN OF LOS ANGELES WHO HAD BECOME INTERESTED IN THE ROSENBERGS' FATE.

IN NEW YORK ON MONDAY, FEDERAL JUDGE IRVING R. KAUFMAN--THE JUDGE WHO IMPOSED THE DEATH SENTENCE ON THE ROSENBERGS--CALLED FARMER AND MARSHALL "INTRUDERS AND INTERLOPERS."

WITH A HAPPY GRIN, THE TRIUMPHANT FARMER SAID TODAY THAT "JUDGE KAUFMAN MAY HAVE CALLED US INTRUDERS AND INTERLOPERS, BUT WE CAME IN QUIETLY."

IT WAS FARMER WHO THOUGHT OF INVOKING THE ATOMIC ENERGY ACT OF 1946 TO SUPPORT ARGUMENTS AGAINST THE DEATH PENALTY IMPOSED BY KAUFMAN UNDER AN ENTIRELY DIFFERENT LAW.

HE SAID HE HAD BEEN TRYING "FOR THE PAST THREE MONTHS" TO GET THE ROSENBERG LAWYERS TO RAISE THE SAME ISSUE "BUT THEY DECLINED." THEN HE ASKED EMANUEL H. BLOCH, THE CHIEF ROSENBERG ATTORNEY, TO "SUPPORT OUR POINT" BUT BLOCH ALSO REFUSED TO DO THAT, FARMER SAID.

IT WAS NOT THE FIRST TIME THE GRAY-HAIRED TENNESSEAN HAS WORKED FOR WHAT HE CONSIDERED A WORTHY CAUSE. HE GAVE UP A PROSPEROUS LAW PRACTICE IN 1946 TO CAMPAIGN FOR WORLD GOVERNMENT. HE HAD PRACTICED IN NASHVILLE SINCE 1924.

IN HIS LAPEL FARMER WEARS A SMALL BUTTON BEARING THE WORDS "STOP WAR." HE HAS A SUIT PENDING IN NASHVILLE CHALLENGING THE RIGHT OF THE FEDERAL GOVERNMENT TO COLLECT INCOME TAXES FOR MILITARY PURPOSES. HE CONTENDS THAT WAR HAS BEEN INTERNATIONALLY OUTLAWED.

6/17--AW1221P

RECORDED-77
 INDEXED-77

65-58236-1835
 JUN 29 1953

WASHINGTON CITY NEWS SERVICE

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

JUN 9 1953

TELETYPE

WASH 9

FROM NEW YORK

9

1-12 AM

DIRECTOR

URGENT

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DATE 7-27-81 BY SP-2 JTB/MLB
7/24/86 3642P03/MLB

JULIUS ROSENBERG, ETAL, ESP - R. MOTION FOR NEW TRIAL UNDER RULE

THIRTYTHREE AND FOR VACATING AND SETTING ASIDE SENTENCES OF DEATH UNDER
SECTION TWO TWO FIVE FIVE WAS HEARD TODAY BY JUDGE IRVING R. KAUFMAN.
PROFESSOR MALCOLM SHARP, UNIV. OF CHICAGO, ADVISED THE COURT THAT HE
WAS RECENTLY RETAINED AS COUNSEL AND WOULD ARGUE THE NEW EVIDENCE
CONSISTING OF THE CONSOLE TABLE. HE SPOKE FOR ONE HOUR AND MOST OF
THE TIME HE WAS MAKING STATEMENTS JUSTIFYING WHY HE ^{IS} ENGAGED IN
THE CASE AND OUTLINED WHAT HE INTENDED TO TALK ABOUT. ^{UT.} JUDGE KAUFMAN
KEPT ADVISING HIM THAT IT WAS NOT NECESSARY FOR HIM TO JUSTIFY HIS
RETENTION AS COUNSEL AND KEPT ASKING HIM TO COME TO THE POINTS
THAT HE CARED TO MAKE. HE ATTEMPTED IN AN OBSCURE WAY TO EVALUATE
THE TESTIMONY AT THE TRIAL AND BROKE IT INTO THREE CATEGORIES
PLACING DAVID AND RUTH GREENGLASS IN A PRIMARY POSITION, MAX
ELITCHER AND EVELYN COX AND THE PASSPORT PHOTOGRAPHER IN ANOTHER,
AND THE TESTIMONY OF ELIZABETH BENTLEY AND IDEALOGICAL BELIEFS IN
THE THIRD, AND URGED THAT A HEARING BE HAD. EMANUEL BLOCH THEN ARGUED
AGAIN ABOUT THE CONSOLE TABLE AND THE STATEMENTS OF RUTH AND DAVID
GREENGLASS USING THE LATTER TO PROVE THAT DAVID WAS QUOTE, A CONGENITAL
LIAR, UNQUOTE. HE STATED THAT EVEN JUDGE KAUFMAN HAD BEEN MORE
HOODWINKED BY DAVID GREENGLASS THAN ANYONE ELSE. BLOCH STATED

RECORDED-86

E CORRECTION LINE 8 WD 10 IS "ABOUT."

LINE 13 LAST WD IS "MAX"

END OF PAGE ONE

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

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65-58236-183.6
JUN 23 1953

PAGE TWO

THAT THE AFFIDAVIT OF BERNARD GREENGLASS CONCERNING THE THEFT OF THE URANIUM WAS EVIDENCE THAT A CRASS DEAL HAD BEEN MADE BETWEEN THE GOVT. AND THE GREENGLASSES AND THEIR ATTORNIES, FOR THEIR TESTIMONY. HE POINTED OUT THAT THE TESTIMONY AT THE TRAIL CONCERNING THE JELLO BOX, HAD TERRIFIC IMPACT WHEREAS IN HIS PRETRAIL STATEMENTS DAVID GREENGLASS REFERRED TO A CUT CARDBOARD AND DID NOT MENTION THE JELLO BOX OR JULIUS ROSENBERG. HE REFERRED TO THE FACT THAT RUTH HAD TESTIFIED THAT SHE HAD TOLD HER COMPLETE STORY BY MID JULY, FIFTY, AND THAT IF THIS WAS SO WHY HAD NOT THE CONSOLE TABLE BEEN BROUGHT FORTH BY THE GOVT. JUDGE KAUFMAN THEN STATED WOULDN-T PERSONS ENGAGED IN ESPIONAGE HAVE REMOVED ALL INCRIMINATING EVIDENCE IN THEIR POSSESSION BEFORE THEIR ARREST. BLOCH KEPT REPEATING THAT A QUOTE, DIRTY DEAL UNQUOTE, HAD BEEN MADE AND A LOT OF DIRTY WATER HAD GONE UNDER THE BRIDGE. BUT JUDGE KAUFMAN REMINDED HIM THAT BLOCH IN SCATHING CROSS EXAMINATION HAD BROUGHT OUT ALL THE FACTS CONCERNING THE BACKGROUND OF DAVID AND RUTH GREENGLASS. WHEN BLOCH AGAIN STATED THERE HAD BEEN A DEAL, JUDGE KAUFMAN REMINDED HIM THE THE GOVT. HAD RECOMMENDED FIFTEEN YEARS FOR DAVID AND THAT WAS THE SENTENCE METED OUT AND DID NOT HIS COUNSEL ROGGE COMPLAIN THAT THIS WAS TOO SEVERE AND IF THERE HAD BEEN A DEAL WHY DID NOT ROGGE STAND UP AND SAY THERE HAD BEEN A DEAL TO TREAT LENIENTLY WITH DAVID. BLOCH THEN ASKED FOR A HEARING AT WHICH WITNESSES WOULD BE PRODUCED AND QUESTIONED

END OF PAGE TWO

PAGE THREE

ABOUT THE CONSOLE TABLE AND TO BRING BOTH RUTH AND DAVID GREENGLASS TO THE HEARING SO THAT THEY COULD BE CROSS EXAMINED. HE ASKED THE JUDGE TO CONSIDER THIS APPLICATION MORE SERIOUSLY THAN THE SERIOUS ATTENTION THAT THE JUDGE GAVE TO ALL OTHER MATTERS IN THIS CASE, STATING THAT THE EYES OF THE WORLD WERE UPON US AND ON THE AMERICAN ADMINISTRATION OF JUSTICE. THE JUDGE REPLIED THAT HE WAS PERSONALLY MIGHTY PROUD OF THE AMERICAN ADMINISTRATION OF JUSTICE AS SHOWN IN THE PRESENT CASE AND IN ALL THE PROCEEDINGS HAD IN IT. USA LUMBARD STATED THAT NO HEARING WAS NECESSARY SINCE ON THEIR FACE THE PAPERS ARE INSUFFICIENT AND MAKE NO SHOWING FOR RELIEF, UNDER SECTION TWO TWO FIVE FIVE OR RULE THIRTYTHREE. HE STATED THAT IF THE TABLE HAD ANY PROBATIVE VALUE THEY COULD HAVE AND SHOULD HAVE PRODUCED IT SINCE IT WAS IN THE POSSESSION OF THE ROSENBERG FAMILY SINCE AUG, FIFTY. LUMBARD THEN REFERRED TO THE THEFT OF THE STATEMENTS OF DAVID AND RUTH GREENGLASS FROM ROGGE-S OFFICE. BLOCH ASKED LUMBARD IF HE WAS CHARGING HIM WITH LARCENY AND HE REPLIED THAT HE WAS NOT BUT THAT SOMEBODY HAD COMMITTED LARCENY AND JUDGE KAUFMAN TOLD LUMBARD THAT HE HOPED THAT HE WOULD LOOK INTO THE SITUATION. BLOCH STATED THAT HE WANTED TO MAKE IT CLEAR TO THE WORLD THAT HE HAD USED THE STATEMENTS ONLY AFTER THE BAR ASSOCIATION OF NYC COMMITTEE ON ETHICS HAD STATED IT WAS PERMISSABLE. LUMBARD STATED THAT ANYONE WHO WOULD STOOP TO THESE TACTICS PAREN OF STEALING STATEMENTS, PAREN, CORRECTION LINE 14 LAST WD IS "AND"

END OF PAGE THREE

AGE FOUR

MIGHT STOOP TO OTHER TACTICS. AFTER APPROX. A FIFTEEN MINUTE RECESS JUDGE KAUFMAN RETURNED TO THE BENCH AND STATED HE IS FAMILIAR WITH THE LONG HISTORY OF THE LITIGATION IN THIS CASE AND HAS STUDIED THE MOVING PAPERS OVER THE WEEKEND AND LISTENED TO EXTENSIVE ARGUMENT THIS AFTERNOON. DELAYING HIS DECISION MIGHT GIVE RESULT IN A BETTER FORM OF OPINION. HOWEVER, HE WAS PREPARED TO RULE NOW. CONCERNING ALLEGATIONS UNDER SECTION TWO TWO FIVE FIVE, HE STATED THAT THE PAPERS AND ARGUMENTS CONSIDERED IN CONJUNCTION WITH THE RECORD CLEARLY SHOWED THAT THE DEFENDANTS WERE ENTITLED TO NO RELIEF, THAT NOT ONE GOVT. WITNESS HAD RECANTED AND THAT NO MATERIAL ISSUE OF FACT WAS RAISED THAT REQUIRED THE TAKING OF TESTIMONY AT A HEARING. HE STATED THAT HE SHALL TREAT AS TRUE THE BASIC FACTS IN THE MOVING PAPERS AND SHALL DISREGARD THE GOVT-S OPPOSITION AFFIDAVITS. HE POINTED OUT THAT THIS DID NOT INCLUDE CONCLUSIONS MADE IN THE DEFENDANT-S AFFIDAVITS. HE NOTED THAT THE AFFIDAVITS CONCERNING THE TABLE WITH THE EXCEPTION OF MR. FONTANA WERE FROM RELATIVES, THAT AT THE TRIAL MRS. COX, THE MAID, HAD TESTIFIED THAT IT WAS A BELATED WEDDING GIFT FROM A FRIEND ACCORDING TO ETHEL ROSENBERG. JULIUS ROSENBERG HAD DENIED IT WAS A GIFT. ASSUMING IT WAS PURCHASED FROM MACY-S THIS DOES NOT RESOLVE THE CONFLICT. THE IDENTITY OF THE VENDOR IS NOT IMPORTANT. IT WAS HOW IT WAS USED. NO RECEIPTS WERE PRODUCED AT THE TRIAL OR HERE AND THE EXISTENCE OF A TABLE SOLD BY MACY-S DOES NOT ESTABLISH PERJURY WAS COMMITTED. THE ROSENBERG FAMILY STATE THIS TABLE WAS THE SAME AS THE ONE THEY HAD SEEN AT THE APARTMENT. THE DEFENDENTS TESTIFIED AT THE TRIAL THAT IT WAS INEXPENSIVE THEREFORE,

PAGE FIVE

ONE MUST LOOK LIKE ANOTHER AS THEY WERE PROBABLY MASS PRODUCED. THE LAW IS CLEAR THAT RELIEF UNDER THIS SECTION REQUIRES THE KNOWING USE OF PERJURED TESTIMONY BY THE GOVT. IF THE COURT ACCEPTS THE DEFENDENT-S AFFIDAVITS AND THEIR CONCLUSIONS AS WELL, THERE IS NO EVIDENCE OF GOVT. PERJURY. THE DEFENSE ATTEMPTED TO IMPUTE GOVT. PERJURY BY A SERIES OF CONJECTURES. IT IS INCONGRUOUS TO SAY THAT THE GOVT. SHOULD HAVE PRODUCED THE TABLE WHEN IT IS SHOWN BY THE DEFENDENT-S OWN AFFIDAVITS THAT IT WAS IN POSSESSION OF THE ROSENBERG FAMILY. HE POINTED OUT THAT LEON SUMMIT OF THE NATIONAL GUARDIAN HAD NO TROUBLE IN FINDING THE TABLE. HE THEN POINTED OUT THAT THE INFO CONCERNING THE TABLE CAME IN RESPONSE TO QUESTIONS CONCERNING GIFTS TO JULIUS FROM THE RUSSIANS AND TESTIMONY CONCERNING THE TABLE OCCUPIED AN IN^{FIN}ITESMAL PART OF THE TIME OF THE TRIAL. HE STATED THERE WAS NO BASIS FOR THE CHARGE OF PERJURED TESTIMONY. HE POINTED OUT THAT ALL THAT WAS NECESSARY TO LOCATE THE TABLE WAS FOR SUMMIT TO ASK ETHEL GOLDBERG WHERE IT WAS. HE FURTHER POINTED OUT THAT THE FACTS CONCERNING THE TABLE HAD BEEN TESTIFIED TO BY DAVID AND RUTH GREENGLASS IN EARLY MARCH, FITYONE AND AGAIN BY JULIUS AND ETHEL ROSENBERG. HE STATED THAT SINCE THE ROSENBERG FAMILY IS AVAILABLE NOW, THAT THEY CERTAINLY WERE AVAILABLE TO TESTIFY AT THE TRIAL THAT THEY HAD SEEN THE TABLE IN THE ROSENBERG HOME. HE STATED THAT THE DEFENDENTS

END PAGE FIVE

PAGE SIX

URGED THAT THE THEFT OF URANIUM SHOWED THAT DAVID WAS INVOLVED IN INDEPENDENT ESPIONAGE. THE JUDGE QUESTIONED WHY THROW THE URANIUM IN THE RIVER AND ASKED HOW THE THEFT OF THE URANIUM TENDS TO IMPLICATE INNOCENT MEMBERS OF THE FAMILY. HE STATED THAT IT WAS FAIR TO CHARACTERIZE THE CONCLUSIONS OF THE DEFENDENTS AS UNSUPPORTED AND INCREDIBLE. THE JUDGE THEN REFERRED TO THE STATEMENTS STOLEN FROM ROGGE-S OFFICE AND THE FACT THAT THE DEFENDENTS SOUGHT TO ATTACK THE CREDIBILITY OF THE GREENGLASSES BY THE STATEMENTS. HE STATED IT WAS CLEAR THAT THE STATEMENTS REFER TO GENERAL INFO SUPPLIED TO ROGGE-S FIRM CONCERNING DAVID-S STATEMENTS MADE TO THE FBI. HE POINTED OUT THAT DURING HIS CROSS-EXAMINATION, DAVID TESTIFIED THAT HE HAD GIVEN SIX OR SEVEN STATEMENTS AND HAD NOT REMEMBERED ALL OF THE DETAILS OF HIS ACTIONS IN HIS FIRST INTERVIEW. HE POINTED OUT THAT HIS TESTIMONY HAD BEEN CORROBORATED BY RUTH, HARRY GOLD AND OTHERS. HE THEN REFERRED TO THE CHARGE OF A DEAL AND STATED THAT RUTH-S STATEMENT MUST BE READ IN THE LIGHT THAT DAVID WAS UNDER INDICTMENT IN NEW MEXICO. IT WAS NOT KNOWN IF THE GOVT. WOULD INDICT HIM IN NY. HE STATED THAT THE FEEBLENESS OF THE PRESENT CONTENTIONS BECOMES ALL TOO CLEAR. HE STATED THAT HE DID NOT ACCEPT THE CHARGES OF PERJURY KNOWINGLY USED BY THE GOVT. AND THEN DENIED THE APPEAL UNDER SECTION TWO TWO FIVE FIVE. HE THEN TOOK UP THE MOTION FOR A NEW TRIAL ON THE GROUNDS OF NEWLY DISCOVERED EVIDENCE AND LISTED

END PAGE SIX

PAGE SEVEN

THE FIVE POINTS AS SET FORTH IN THE ON LEE CASE, NAMELY, THAT THE EVIDENCE IS- ONE, NEWLY DISCOVERED, TWO, DILIGENCE OF DEFENDENTS, THREE EVIDENCE NOT CUMLATIVE OR IMPEACHING, FOUR, EVIDENCE IS MATERIAL, AND FIVE, OF SUCH A NATURE THAT ON A NEW TRIAL THE NEWLY DISCOVERED EVIDENCE WOULD PROBABLY PRODUCE AN ACQUITTAL. HE NOTED THAT NOT ONE GOVT. WITNESS HAS RECANTED. HE STATED THAT THE GUILT OF THE DEFENDENTS WAS ESTABLISHED OVERWHELMINGLY AND THAT THE PRESENT ALLEGED EVIDENCE DOES NOT IN ANY WAY DIMINISH THE STRENGTH OF THE GOVT-S CASE. HE THEN DENIED THE MOTION FOR A NEW TRIAL AND IT WAS SO ORDERED. BLOCK ASKED FOR A STAY ON THE GROUNDS THAT SERIOUS QUESTIONS OF LAW WERE RAISED. USA OPPOSED THE STAY AND JUDGE KAUFMAN DENIED THE STAY. THE JUDGE THEN DENIED THE CONCURRENT MOTION OF MORTON SOBELL.

BOARDMAN

END

NY R 9 WA DP

TU DISC

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

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

JUN 10 1953

TELETYPE

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

WASH FROM NEW YORK 10 10 4-50 PM

DIRECTOR URGENT

JULIUS ROSENBERG, ETAL, ESP R. REFERENCE IS MADE TO NY TELS ADVISING THAT PROF. MALCOM SHARP WAS RETAINED AS CO-COUNSEL TO ASSIST EMANUEL H. BLOCH IN PRESENTING TO BOTH JUDGE IRVING R. KAUFMAN AND THE COURT OF APPEALS THE MOTIONS FOR A NEW TRIAL. THE BUREAU IS ADVISED THAT THIS INDIVIDUAL IS IDENTICAL WITH MALCOLM PITMAN SHARP, SUBJ OF A SECURITY MATTER DASH C ~~CANEX~~ CASE IN WHICH CHICAGO IS OFFICE OF ORIGIN, BUFILE ONE HUNDRED DASH THREE EIGHT ZERO FOUR TWO ONE, NY FILE ONE HUNDRED DASH ONE ZERO FIVE TWO FOUR ONE. BUREAU-S ATTENTION IS DIRECTED TO THE REPORT OF SA JAMES J. DALY DATED DEC TWENTYEIGHT, FIFTYONE AT CHICAGO IN WHICH IS RELATED THE BACKGROUND OF SHARP AND IN WHICH HE HAS BEEN IDENTIFIED AS A MEMBER OF THE CP AND ~~NUMEROUS~~ NUMEROUS FRONT ORGANIZATIONS. FOR INFO.

END

NY R 10 WA PH

DISC
56 JUN 30 1953

BOARDMAN RECORDED-86

memo to Belmont 6/16/53
JPL/awn

65-58236-1837
JUN 23 1953

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7-27-81 BY 62-274-1

7/24/86

3042 PWS/MS

TO : MR. A. H. BELMONT

DATE: June 16, 1953

FROM : MR. W. A. BRANIGAN

SUBJECT: JULIUS ROSENBERG, ET AL
ESPIONAGE - R
(BuFile 65-58236)

DATE 7/24/96 3042PWS/AB

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

By teletype dated 6-10-53, the New York Office advised that Malcolm Sharp, who has been retained as a cocounsel to assist Emanuel H. Bloch in presenting motions for a new trial, is identical with Malcolm Pittman Sharp, Chicago, Illinois, who was the subject of an SM-C investigation, Bufile 100-380421.

Malcolm Pittman Sharp, 5638 South Kenwood, Chicago, Illinois, was born 11-20-1897, at Madison, Wisconsin. He was educated at Amherst College, University of Wisconsin, and Harvard University Law School. He married Dorothy Reed Furbish on 6-4-24 and is the father of two children. He was engaged in the private practice of law from 1923 to 1925. He taught at the University of Iowa and the University of Wisconsin Law Schools from 1927 to 1933. He has been a professor in the University of Chicago Law School since 10-1-33.

Louis Budenz, former editor of the "Daily Worker," stated that he heard Sharp referred to reputedly as a Communist mainly by officials of the Communist Party in Illinois. Budenz described Sharp as a concealed Communist Party member. Sharp was formerly faculty advisor to the University of Chicago Chapter of the Communist Club, American Youth for Democracy, and Labor Youth League. Sharp is an active member and past president of the Chicago Chapter of the National Lawyers' Guild. Sharp is also a member of numerous Communist Party front organizations. Sharp investigation was closed 4-30-52. He is on Security Index.

ACTION

For your information.

memo to Atty General
6/18/53
JPL/ann

Send memo to A.G. &
Rogers.

65-58236-1838

RECORDED-86

JUN 28 1953

56 JUN 30 1953

Me

The Attorney General

June 18, 1953

Director, FBI

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65-58236-1038
JULIUS ROSENBERG, ET AL
ESPIONAGE - R
FBI File 65-58236

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10/22/84 BY 3042 PWT/lmw

I thought you would be interested in knowing the background as reflected in our files of various attorneys who have appeared in this case. As you are aware, Malcolm F. Sharp and John F. Finerty have been acting as cocounsel with Emanuel H. Bloch in this case. Recently Fyke Farmer and Daniel G. Marshall have appeared in this case as "next friends" independently of Bloch.

Malcolm Pittman Sharp, 5638 South Kenwood, Chicago, Illinois, was born November 20, 1897, at Madison, Wisconsin, and graduated from Harvard University Law School. He has been a professor of law at the University of Chicago Law School since 1933. An informant of known reliability advised that he heard Sharp referred to as a Communist by officials of the Communist Party in Illinois. The informant further described Sharp as a concealed Communist Party member. Sharp is an active member and past president of the Chicago Chapter of the National Lawyers' Guild. He was faculty advisor to the University of Chicago Chapter of the Communist Club, American Youth for Democracy, and the Labor Youth League, and is himself a member of numerous Communist Party front organizations. (100-380421) **GIR-5**

John F. Finerty in 1922 was the National President of the American Association for Recognition of the Irish Republic. In 1937, he was a member of the National Citizens Committee for Civil Rights in the Automotive Industry, and he has been active in the American Civil Liberties Union. He was counsel for the commission set up by the American Committee for Defense of Leon Trotsky to investigate the trial of Trotsky in absentia during the famous Russian purge trials of August, 1936, to January, 1937. The commission found Trotsky to be not guilty. Finerty also appeared as counsel during the appeals of the Sacco-Vanzetti and Tom Mooney cases. The National Guardian, New York weekly

JPL:awn
30 JUN 1953
COMM-FBI

SECURITY INFORMATION-CONFIDENTIAL

10/8/75 A.F.R.

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

publication which has been very active in seeking clemency for the Rosenbergs, in its issue dated March 5, 1953, described Finerty as being 62 years of age, born in Chicago, and educated at Northwestern University. He became an attorney for several railroads in 1900. From 1920 to 1925, he was Assistant General Counsel for the United States Railroad Administration. From 1925 to 1927, he was counsel for Eamon De Valera, President of the Sinn Fein and later head of the Free Government. Finerty is on the board of the American Civil Liberties Union and the Workers Defense League. The article indicated that Finerty drafted and argued the last writ of habeas corpus on the night of the execution of Sacco and Vanzetti. (61-7559, Serial 7411, 100-387835 Sub A)

Fyke Farmer was born November 23, 1901, at Cedar Hill, Tennessee. He has been a practicing attorney at Nashville, Tennessee, for many years. About 1945 or 1946, he reportedly became intensely interested in world government to the extent that he gave up his law practice and has since devoted full time to urging establishment of world government. Acquaintances at Nashville, Tennessee, regard Farmer as an impractical idealist. They state that while they do not believe Farmer would ever subscribe to a Communist system of Government, he could be led by Communists. Farmer was a signer of the Amist Curran brief filed with the United States Court of Appeals, Second Circuit, urging the reversal of the contempt of court conviction of several attorneys in the conspiracy trial of the eleven Communist leaders.

Daniel G. Marshall, 4631 Mullen Avenue, Los Angeles, California, was born at Troy, New York, August 11, 1905. He attended Loyola Law School, Los Angeles, from 1922 to 1926, and was admitted to the California State Bar in 1926. He is a member of the National Lawyers' Guild and held the office of vice-president in that organization in 1949. He was a member of the defense counsel for the so-called "Hollywood Ten," a group of motion picture writers and directors who refused to testify before the House Un-American Activities Committee in 1947. He was excused in 1953 for Phillip M. Connolly, Communist Party member, who was indicted for violation of the Smith Act.

The foregoing is for your information. (100-366894)

cc: 1 - Mr. William P. Rogers, Deputy Attorney General
1 - Assistant Attorney General Warren Olney III

Office Memorandum • UNITED STATES GOVERNMENT

TO :

Mr. Olney
Mr. Hoover
Mr. Bennett
Mr. Metzner

FROM :

Herbert Brownell, Jr.

SUBJECT:

Julius Rosenberg

DATE:

June 10, 1953

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

Will you please arrange to attend a conference

in my office on Monday, June 15, at 11.30 A.M. on the Rosenberg

case.

G.I.R.-5

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DATE 7/24/86 BY 3042aut/AB

I will attend.

Noted @

JUN 15 1 30 PM '53 JUN 11 10 10 AM '53

RECEIVED OFFICE OF 2 DEPT OF JUSTICE

REGIONAL ATTORNEY GENERAL

50 JUL 3 1953

RECORDED-131

on Director's desk
6-10-53
65-52236-1839
JUN 17 1953
ESP REC

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. D. M. LADD

DATE: June 17, 1953

FROM : MR. A. H. BELMONT

SUBJECT: JULIUS ROSENBERG
ETHEL ROSENBERG
ESPIONAGE - RTolson
Belmont
Clegg
Glavin
Harbo
Rosen
Tracy
Gandy
Mohr
Winterrow
Tele. Room
Holloman
 Sizoo
Miss Gandy

At 12:15 p.m., June 17, I called Assistant Attorney General Warren Olney to ask that we be advised immediately of any analysis by the Department of the decision of Justice Douglas granting a stay of execution to the Rosenbergs. I told Mr. Olney it was very necessary that we know of developments in order that we could govern our activities accordingly.

Mr. Olney called me back at 12:25 p.m. to advise that Acting Solicitor General Stern and Mr. Erdahl of the Department had gone directly to the Attorney General with this matter as soon as Justice Douglas gave his decision. As a result, the Department is preparing a petition now, which they hope to present to Chief Justice Vinson this afternoon, requesting that the entire Supreme Court be convened at once to pass on this matter and vacate the stay of execution.

ACTION:

For your information.

AHB:LL

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DATE 7/24/86 BY 3042 PWS/MS

G.I.R.-5

RECORDED

165-58236-1840
JUN 18 1953

ESP. SEC.

Mr. John Edgar Hoover, June 4, 1953
Director of the F.B.I.

Dear Sir

The Rosenbergs leave
just 18 days to make
up their minds whether
or not they want to
die according to the
ruling of the Supreme
Court of the United
States. After the long
been conducted for years
our most secret atomic
project to the Russian

These last 18 days
may or may not play an
important part on
their and our lives.
However if one would
be permitted a suggestion
how they should
spend this time. I would
say that 65-582316-1841
not the
same thing

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/24/86 BY 3042 PWS/MS

JUL 13 1953

RECORDED - 85

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37 JUN 11 1953

McGuire/Kellack

157-580

would help to
them, but even then
never granted to only
other animal,
A sort of psychologi-
cal means such
as showing them
what their freedom
would mean to them
and their children.

If they for in do
were taken to a
most beautiful
spot. Recreation spot
in their native
America to be given
the feeling of free-
dom and if they were
able to spend these
holidays with their
children, of course
to be closely guarded
by the staff we

JUN 27 4 27 PM '53
ESPIONAGE
FBI

may some how get
results.

We are dealing with
highly intelligent people
who are sensitive
to any pressure and
naturally they will
not yield.

But if this pressure
were relaxed, they
would find themselves
in a strange position
such as there would
be nothing to fight
about and everything
to live for and
nothing gained by
dying.

If we will
allow them to come
to their senses we
may get gain much
more than just.

The knowledge of
this international
gay ring. We
would show
the world how just
we are in dealing
even with spies.

It would leave
an everlasting expres-
sion and give hope
to those who
wish to talk but
are afraid to
do so.

There is one more
thing.

It must be impressed
on the Rosenberg that
the Russians and Communists
are not worth protecting
and that Man the Atom Bomb
should be a Dr. Oscar Kline
former personal physician.

of a Colonel Bene the
late Geck President.
His personality and
personal experience and
also his that proved
should be a very
important factor if
he were allowed to
speak to the Rosenbergs.

He does not know
of my suggestion but
I think he is one of
the few men who
could persuade them
to talk.

Nothing can be left
undone so I hope
you will give this some
thought.

Dr. Klingler is
now a practicing phy-
sician in New York City.
Here is his address
Dr. Oscar Klingler 850
Park Ave New York 21 NY
over

When Dr Klump, came
to this country in 1948
after hastily leaving
Geelwosloping
An article appeared
in the Saturday
Evening Post Titled
"Who gave Mosby &
murder?"

His contention
was that he was
murdered.

Who but he could
give the Rosenbergs
a much closer view
of the scruples of
the Reds.

Sincerely yours
Mrs. George Kelling
521 West Mc Kibben
PS. Kump & Olive
Dr Klump is the brother
of the man who married
my husband's sister.

15.
The described skins
the *Geckos* *Oceanic* *Geckos*
of *Geckos* *Geckos* and
with them their
only *Geckos*.

P.S. Please excuse me
for writing this paper
and as this came
to my mind I put
it down on paper.
I am sure you appreciate
it please and
don't mind.

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. D. M. LADD

DATE: June 11, 1953

FROM : MR. A. H. BELMONT

ALL INFORMATION CONTAINED

HEREIN IS UNCLASSIFIED

DATE 7/24/86 BY 3042 PLY/AB

SUBJECT: JULIUS ROSENBERG, ET AL
ESPIONAGE - R

Mrs Julius Rosenberg

Tolson
Belmont
Clegg
Glavin
Harbo
Rosen
Tracy
Gandy
Winterrowd
Tele. Room
Holloman
Sizoo
Miss Gandy

Following the conference of the Director, Special Agents Thomas McAndrews and John A. Harrington of New York, and myself today, I called SAC Boardman at New York and advised him that the Agents had been thoroughly briefed as to the handling of interviews with Julius and Ethel Rosenberg in the event such interviews should come to pass. I told him that the Agents are completing detailed plans for this and will submit the detailed plans to the Bureau for approval. Agents McAndrews and Harrington are going up to Sing Sing on the morning of June 12 to again look over the surroundings and will have the plans in the mail by the evening of June 12. I told Mr. Boardman that the Agents had been instructed to brief him and Mr. Whelan and the two other Agents who would assist in the interviews, namely, Agents Minihan and Corcoran.

I told Mr. Boardman that McAndrews and Harrington had been instructed that after this was all over, either McAndrews or Harrington should contact Judge Irving Kaufman and orally and generally advise him of additional information we have indicating the guilt of the Rosenbergs which could not be used in the trial. I told him that the Agents will, of course, protect the sources and will furnish the information only generally, but that this information would undoubtedly give Judge Kaufman peace of mind and moral satisfaction. The Bureau is to be advised before this is done.

I advised Boardman that there have been rumors that David Greenglass, incarcerated in Lewisburg Penitentiary, may be disturbed as the execution date draws near and that he fears possible attacks or threats from other prisoners. I told Boardman that inasmuch as SA Leo Frutkin had handled the original interview with David Greenglass, Frutkin should report tomorrow to Philadelphia for the purpose of going to the Resident Agency covering Lewisburg Penitentiary in order that Frutkin can visit Greenglass every other day until the execution. This will give some comfort to Greenglass and, at the same time, enable us to know if there are any threats or attacks on Greenglass. Frutkin is to stay at the Resident Agency until the execution is over. On his first visit to the Penitentiary Frutkin should advise the Warden that he is going to call on Greenglass

AHB:mer

RECORDED - 82

65-58236-1842

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from time to time and request the Warden to advise him immediately if there are any threats or disturbances involving Greenglass. In order that we will know the situation at Lewisburg Penitentiary, I instructed that Frutkin should advise the Bureau telephonically following each contact as to the situation. Frutkin is to leave New York on June 12 after he has been briefed by Agents McAndrews and Harrington.

I told Mr. Boardman to advise the Philadelphia Office that Frutkin is coming down.

Office Memorandum • UNITED STATES GOVERNMENT

TO : The Director

DATE: June 16, 1953

FROM : D. M. Ladd

SUBJECT: JULIUS ROSENBERG, et al
ESPIONAGE - R

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/24/96 BY 3042 PWS/VAS

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

With reference to your inquiry as to what the answers to the points raised in a petition on writ of habeas corpus which was filed before the Supreme Court on 6/15/53, and denied by that Court on the same date, the following is set forth for your information:

The petition of the defendants claimed that the Rosenbergs were convicted without due process of law in violation of the Fifth Amendment because:

(1) Perjured testimony of certain witnesses was used which could not have innocently been accepted by the prosecution. Specific reference was made to the testimony of David Greenglass.

(2) The death sentence should only have been given had secret information actually been transmitted to the Soviet Union.

(3) There was lack of education and intelligence on the part of Greenglass to pass information concerning the processes in making the A Bomb.

With respect to points 1 and 3, defendants originally raised same before Federal Judge Ryan in December, 1952, on petitions to set aside their convictions. On December 10, 1952, Judge Ryan denied these petitions and pointed out that after Greenglass' testimony, there was no factual basis for inferring that Greenglass' testimony was perjurious. Judge Ryan also stated that the claims of the defense that Greenglass was incapable of obtaining atomic energy information because of lack of intelligence and limited educational background had no merit. He pointed out that the credibility of Greenglass and the weight given to his testimony rested exclusively with the jury. The defendants had also submitted affidavits of various scientists to prove that Greenglass was incapable of securing this information. Judge Ryan held that these affidavits were "opinion" evidence

65-58236

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and when offered by one who has neither observed the witness on the stand nor even seen him, it is inadmissible and may not be considered as the basis for a conclusion that perjury was committed.

Judge Ryan's opinion was affirmed by the Circuit Court of Appeals, 12/13/52. Points 1 and 3 were raised in defendants' petition for writ of certiorari to the Supreme Court which was denied on 5/25/53.

With respect to point 2, it should be pointed out that the indictment under which the defendants were convicted did not state that they actually transmitted secret information to the Soviet Union but that they conspired to transmit information to the Soviet Union. It should be further noted that the Rosenbergs were charged with indictment of the Title 50, Section 34, of the United States Code which is a conspiracy part of the Espionage Statutes. Violation of Title 50, Section 34, in wartime carries the death penalty.

ACTION:

None. For your information.

AIR TEL

FBI WASH FIELD

DIRECTOR AND SAC NEW YORK (RM)

JULIUS ROSENBERG, ETAL, ESPIONAGE - R. AFTER AN APPLICATION FOR

STAY OF EXECUTION AND THE PETITION FOR REHEARING WERE DENIED BY

THE SUPREME COURT ON 6/15/53, A MOTION FOR LEAVE TO FILE A

PETITION FOR ORIGINAL WRIT OF HABEAS CORPUS ON BEHALF OF JULIUS

AND ETHEL ROSENBERG WAS FILED WITH THE SUPREME COURT BY THEIR

COUNSEL. A WRIT OF HABEAS CORPUS WAS REQUESTED AS THE CONVICTION AND SENTENCE OF DEATH WERE WITHOUT DUE PROCESS OF LAW IN VIOLATION OF THE FIFTH AMENDMENT. THE PETITION REASONED THAT THE CONVICTION WAS OBTAINED BY PRESENTATION OF PERJURED TESTIMONY THAT MUST HAVE

BEEN AND WAS KNOWN TO THE DISTRICT ATTORNEY TO BE PERJURED AT THE TIME IT WAS OFFERED. THE PETITION WAS PARTICULARLY DIRECTED AT THE PERJURED TESTIMONY OF DAVID GREENGLASS AND ESPECIALLY TO HIS TESTIMONY IN CONNECTION WITH IMPOUNDED GOVERNMENT EXHIBIT NO. 8 (CROSS SECTION OF THE NAGASAKI ATOM BOMB) AND HIS UNTRANSCRIBED

TESTIMONY RELATING THERETO. IT WAS ASSUMED THAT IF HIS TESTIMONY IN CONNECTION WITH THIS EXHIBIT WAS PERJURED, THAT HIS ENTIRE TESTIMONY WOULD BE IMPEACHED. PETITION REFLECTS THAT THE ONLY

EVIDENCE THAT THE ROSENBERGS TRANSMITTED THE SECRET OF THE ATOM BOMB WAS THE PERJURED TESTIMONY OF GREENGLASS; PETITION INDICATES

WHA:AB

ENCLOSURES

65-5521

AIR TEL

62 JUL 3 1953

RBN

cc Brangan

6-15-53-

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DATE 7/29/96 BY 30422 WJ/AB

URGENT

Mr. Tolson
Mr. E. A. Tamm
Mr. Clegg
Mr. Glavin
Mr. Ladd
Mr. Nichols
Mr. Rosen
Mr. Tracy
Mr. Carson
Mr. Egan
Mr. Gurnea
Mr. Harbo
Mr. Hendon
Mr. Pennington
Mr. Quinn
Mr. Nease
Miss Gandy

RECORDED - 82 65-58236-1844

JUN 27 1953

What are the answers
to points raised?

cc Belmont

PAGE TWO

THAT EVEN IF SUCH TESTIMONY WERE TRUE, THERE WAS NO EVIDENCE THAT THE ROSENBERGS EVER TRANSMITTED IT TO THE SOVIETS OR ANY SOVIET AGENT. SUBJECT'S COUNSEL CLAIMED THAT WHEN GOVT INTRODUCED GREENGLASS' TESTIMONY AS TO EXHIBIT 8, IT KNEW SUCH TESTIMONY WAS UNTRUE AND SUSPECTED IT WAS PERJURED; GOVT. TAKEN BY SURPRISE BY HIS TESTIMONY, SINCE NO OVERT ACT WAS ALLEGED IN THE INDICTMENT SUBSEQUENT TO JUNE 1945. THEY CLAIM THAT DR. KAISER, BRITISH ATOMIC COMMISSION AND DR. HADAMARD, DISTINGUISHED FRENCH SCIENTIST, CONCLUDE THAT GREENGLASS, BASED ON HIS OWN TESTIMONY, DID NOT HAVE THE INTELLECTUAL CAPACITY OR EDUCATION TO OBTAIN THE INFO NECESSARY FOR PRODUCTION OF EXHIBIT 8. NEW EVIDENCE THAT GREENGLASS' TESTIMONY IN CONNECTION WITH EXHIBIT 8 WAS PERJURED, WAS REPORTED TO BE CONTAINED IN A TELEGRAM SENT 6/12/53 TO THE PRESIDENT BY DR. HAROLD UREY AND IN AN ORIGINAL AFFADAVIT DATED 6/13/53 WHICH DR. UREY VOLUNTARILY FURNISHED THE COUSEL FOR THE PETITIONERS. THEY INDICATED THAT UREY'S STATEMENT AFFIRMED THE OPINION THAT GREENGLASS, IN VIEW OF HIS LIMITED QUALIFICATIONS AND ACCESS TO INFORMATION, COULD NOT HAVE TRANSMITTED TO ROSENBERG THE MATHEMATICAL FORMULA AND THE CHEMICAL AND PHYSICAL PROCESSES WHICH ARE ESSENTIAL IN THE CREATION OF AN ATOMIC BOMB AND THAT, THEREFORE, GREENGLASS' TESTIMONY THAT HE TRANSMITTED SUCH INFO IN SEPT 1945 WAS PERJURED.

PAGE THREE

A STAY OF EXECUTION WAS REQUESTED AND IF THE WRIT OF HABEAS CORPUS WAS ISSUED, THE SUBJECT'S COUNSEL REQUESTED THAT PROVISIONS BE MADE FOR THEM TO EXAMINE IMPOUNDED EXHIBIT 8, GREENGLASS' UNTRANSCRIBED TESTIMONY RELATING THERETO, AND PRODUCTION OF GRAND JURY MINUTES TO DETERMINE IF SUCH MINUTES CONTAINED ANY REFERENCE TO EXHIBIT 8 OR GREENGLASS' UNTRANSCRIBED TESTIMONY RELATING THERETO. UREY'S AFFADAVIT INDICATED THAT HE REGARDED THE INFO THAT GREENGLASS COULD HAVE TRANSMITTED AS SECRET AND VALUABLE, BUT HE COULD NOT CREDIT GREENGLASS WITH MAJOR RESPONSIBILITY FOR THE LOSS OF ATOMIC BOMB SECRETS. THERE IS ENCLOSED FOR THE BUREAU COPIES OF THE DENIALS OF THE SUBJECTS' PETITION FOR REHEARING AND APPLICATION FOR STAY OF EXECUTION. SUPREME COURT HAS TAKEN THE PETITION FOR WRIT OF HABEAS CORPUS UNDER CONSIDERATION. THE COURT MET IN SPECIAL TERM, AT 3:15 P.M. THIS DATE, PURSUANT TO A CALL BY CHIEF JUSTICE, HAVING THE APPROVAL OF ALL THE ASSOCIATE JUSTICES. PRESENT WERE CHIEF JUSTICE VINSON, JUSTICES BLACK, REED, FRANKFURTER, DOUGLAS, JACKSON, BURTON, CLARK AND MINTON. NO. 1, MISC., JULIUS ROSENBERG AND ETHEL ROSENBERG, PETITIONERS, VS WILFORD L. DENNO, WARDEN OF SING SING PRISON. THE MOTION FOR LEAVE TO FILE PETITION FOR AN ORIGINAL WRIT OF HABEAS CORPUS IS DENIED. MR. JUSTICE BLACK DISSENTS. MR. JUSTICE FRANKFURTER ADVISES "THE DISPOSITION OF AN APPLICATION TO THIS COURT FOR HABEAS CORPUS IS SO RARELY TO BE MADE BY THIS COURT

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FBI
COMMUNICATIONS

JUN 15 1964

PAGE FOUR

DIRECTLY THAT CONGRESS HAS GIVEN THE COURT AUTHORITY TO TRANSFER SUCH AN APPLICATION TO AN APPROPRIATE DISTRICT COURT (28 USC, PARAGRAPH 2241). I DO NOT FAVOR SUCH A DISPOSITION OF THIS APPLICATION BECAUSE THE SUBSTANCE OF THE ALLEGATIONS NOW MADE HAS ALREADY BEEN CONSIDERED BY THE DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK AND, ON REVIEW BY THE COURT OF APPEALS FOR THE SECOND CIRCUIT. NEITHER CAN I JOIN THE COURT IN DENYING THE APPLICATION WITHOUT MORE. I WOULD SET THE APPLICATION DOWN FOR HEARING BEFORE THE FULL COURT TOMORROW FORENOON. ORAL ARGUMENT FREQUENTLY HAS A FORCE BEYOND WHAT THE WRITTEN WORD CONVEYS." THE DEFENSE COUNSELS HAVE REQUESTED A CANVASS OF ALL OF THE JUSTICES. DEFENSE COUNSELS WERE IN CONFERENCE WITH JUSTICE DOUGLAS FROM 5:15 P.M. TO 6:30 P.M., AT WHICH TIME THE CONFERENCE ENDED. JUSTICE DOUGLAS IS TO RECONVENE THIS CONFERENCE AT TEN A.M. JUNE 16, AT WHICH TIME THE DEFENSE WILL BRING IN ADDITIONAL MATERIAL TO BE PRESENTED TO JUSTICE DOUGLAS.

HOOD

No. 687

JULIUS ROSENBERG AND ETHEL ROSENBERG,

Petitioners,

vs.

THE UNITED STATES OF AMERICA

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/24/86 BY 3042PWS/AB

The petition for rehearing is denied.

Mr. Justice Frankfurter deems it appropriate to state once more that the reasons that preclude publication by the Court, as a general practice, of votes on petition for certiorari guide him in all cases, so that it has been his "unbroken practice not to note dissent from the Court's disposition of petitions for certiorari." Chemical Bank Co. v. Investors, 343 U.S. 982; Maryland v. Baltimore Radio Show, 338 U.S. 912; Darr v. Burford, 339 U.S. 200, 227; Agoston v. Pennsylvania, 340 U.S. 844; Bondholders, Inc. v. Powell, 342 U.S. 921; Rosenberg v. United States, 344 U.S. 889, 345 U.S. 965. Partial disclosure of votes on successive stages of a certiorari proceeding does not present an accurate picture of what took place.

Mr. Justice Black is of the opinion the petition for rehearing should be granted.

65-58236-1844

No. _____ ROSENBERG VS. UNITED STATES

An application for stay of execution was filed herein on June 12, 1953. It was referred to Mr. Justice Jackson, the appropriate Circuit Justice. Mr. Justice Jackson referred it to the Court for consideration and action, with the recommendation "that it be set for oral hearing on Monday, June 15, 1953, at which time the parties have agreed to be ready for argument."

Upon consideration of the recommendation, the Court declined to hear oral argument on the application.

Mr. Justice Frankfurter and Mr. Justice Burton, agreeing with Mr. Justice Jackson's recommendation, believe that the application should be set for hearing on Monday, June 15, 1953.

Thereupon, the Court gave consideration to the application for the stay, and denies it, Mr. Justice Burton joining in such denial.

Mr. Justice Frankfurter and Mr. Justice Jackson, believing that the application for a stay should not be acted upon without a hearing before the full Court, do not agree that the stay should be denied.

Mr. Justice Black is of the opinion that the Court should grant a rehearing and a stay pending final disposition of the case. But since a sufficient number do not vote for a rehearing, he is willing to join those who wish to hear argument on the question of a stay.

Mr. Justice Douglas would grant a stay and hear the case on the merits, as he thinks the petition for certiorari and the petition for rehearing present substantial questions. But since the Court has decided not to take the case, there would be no end served by hearing oral argument on the motion for a stay. For the motion presents no new substantial question not presented by the petition for certiorari and by the petition for rehearing.

- 10 -

ENCLOSURE

65-58526-1844

ALL INFORMATION CONTAINED

HEREIN IS UNCLASSIFIED

DATE 7/24/86 BY 3042PWT/AS

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. A. H. BELMONT

DATE: June 19, 1953

FROM : MR. C. E. HENNRICH

SUBJECT: JULIUS ROSENBERG; ETHEL ROSENBERG
ESPIONAGE - R

ALL INFORMATION CONTAINED

HEREIN IS UNCLASSIFIED

DATE 7/24/96 BY 3042PWT/AB

At 6:12 p.m., June 19, Agent Howard Fletcher, Jr., WFO, advised that Justice Frankfurter had turned down attorney Bloch's petition for mandamus to the Circuit Court to grant a stay, pending appeal.

Justice Jackson looked at the petition; said he would talk with Bloch but would decline.

Bloch asked Acting Solicitor General Stern to call the Attorney General to see if he would see Bloch. The Attorney General declined.

Bloch then said he was departing for the White House to see if the President would see him.

Bloch said he would not submit his petition to any of the other Justices.

ACTION: For your information.

RECORDED-80

56 JUN 20 1953

65-58236-7845
JUN 23 1953

cc - Mr. Brantigan
Mr. Litren

Office Memorandum • UNITED STATES GOVERNMENT

TO : D. M. Ladd

DATE: June 18, 1953

FROM : A. H. Belmont

SUBJECT: JULIUS ROSENBERG
ETHEL ROSENBERG
ESPIONAGE - R

Mrs Julius Rosenberg

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/24/86 BY 3042 PUK/MLTolson
Nichols
Belmont
Clegg
Glavin
Harbo
Rosen
Tracy
Gearty
Mohr
Winterrowd
Tele. Room
Holloman

At 2:05 P.M., Supervisor McAndrews called from New York to advise that the motion filed this morning by R. Boland Ritchie of 918 Bitting Building, Wichita, Kansas, was a petition as a friend of the Court, alleging that the Rosenbergs' indictment should be dismissed because it is duplicitious in that acts of espionage are alleged in time of war and peace and that if it is not duplicitious, they should have been convicted under the peace time provisions of the espionage statute carrying a maximum penalty of twenty years.

McAndrews said that this motion was also received in the office of the Clerk of the Court and is being presented to Judge Ryan now. Judge Kaufman has expressed his opinion to our office that this is junk and will be handled accordingly.

Relative to the motion filed by Block today in New York, Judge Kaufman said that he is not going to do a G-D-thing until Block shows up. Judge Kaufman said this is merely another maneuver.

McAndrews said that Judge Ryan is going to handle any further motions by any attorneys not of record while Judge Kaufman will handle any motions by attorneys of record.

ACTION:

For your information.

ADDENDUM:

6/18/53

CEH:eme

RECORDED-80
INDEXED-3065-58236-1846
JUN 19 1953

At 2:10 P.M., Mr. McAndrews advised that Judge Ryan had just denied the motion filed by attorney R. Boland Ritchie of Wichita.

AHB:eme

JUN 30 1953

EST 1953

Office Memorandum • UNITED STATES GOVERNMENT

~~CONFIDENTIAL~~DATE: June 19,
1953

TO : MR. A. H. BELMONT

FROM : MR. C. E. HENNRICH

SUBJECT:

JULIUS ROSENBERG
ETHEL ROSENBERG
ESPIONAGE - RALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE.

SAC Hood, WFO, advised at 5:15 p.m. today (6/19)
that a guard at the Supreme Court had overheard attorney
Bloch talking to Sing Sing. Bloch was advised that the
execution would take place at 7:45 p.m. this evening. (u)

[REDACTED]

ACTION:

For your information.

Classified by 3042PWT/lmw
Declassify on: OADR 10/30/8

RECEIVED: CEH:LL

JUN 12

56 JUN 30 1953

RECORDED-80

~~CONFIDENTIAL~~

JUN 28 1953

Classified by 355
Exempt from GDS, Category 23
Date of Declassification Indefinite

~~CONFIDENTIAL~~

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

cc - Mr. Branigan Mr. Litrento
Mr. Keay

Office Memorandum • UNITED STATES GOVERNMENT

TO : D. M. Ladd

DATE: June 18, 1953

FROM : A. H. Belmont

SUBJECT: JULIUS ROSENBERG, et al
ESPIONAGE - RALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/24/86 BY 3042 PWS/JSTolson
Ladd
Belmont
Clegg
Glavin
Harbo
Rosen
Tracy
Gandy
Mohr
Winterrowd
Tele. Room
Holloman
Sizoo
Miss Gandy

At 11:25 A.M., Supervisor Tom McAndrews of New York advised that he had just heard from Agent Harrington over the direct line from the warden's garage at Sing Sing. Denno told Harrington that Julius and Ethel Rosenberg are visiting together now. Ethel Rosen is very firm. ^{Mrs.} Julius is considerably shaken and is making out his will. They have asked for and have received permission to meet again this afternoon. From their attitude, it appears they expect the execution to be carried out.

McAndrews advised also that a motion had just been received in the mail by the U. S. Attorney calling for a rest of judgment and reduction of sentence. It was sent by R. Boland Ritche of Wichita, Kansas. The U. S. Attorney is reading it now. As there is no show cause order attached, it is questionable whether it has any legal weight and, consequently, the U. S. Attorney has not decided what he will do with it as yet.

ACTION:

We are checking our files on R. Boland Ritche for information purposes.

RECORDED-80

INDEXED-80

65-58236-1848
JUN 19 1953

AHB:eme

56 JUN 30 1953

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. A. H. BELMONT *J*DATE: June 18,
1953

FROM : MR. C. E. HENNRICH

SUBJECT: JULIUS ROSENBERG
ETHEL ROSENBERG
ESPIONAGE - R

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

SAC Hood, WFO, called at 12:20 p.m. today (6/18)
and advised that all nine Justices of the Supreme Court
are now on the Bench.

ACTION:

For your information.

ce
CEH:LL

cc-MR. NICHOLS

56 JUL 3 1953

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/24/86 BY 3042PWS/RSJ

RECORDED-84

105-57236-1849
JUN 22 1953

EC-100

Office Memorandum • UNITED STATES GOVERNMENT

TO : The Director

DATE: June 19, 1953

FROM : D. M. Ladd *DL*

SUBJECT: JULIUS ROSENBERG, ET AL

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

W Mr. Whelan telephonically informed me at 5:30 P.M. that the certified copies of the Supreme Court order had been delivered by the Agents to United States Marshal Carroll at Sing Sing.

He also advised me that at 5:30 P.M. the executioner in a State Trooper's car had gone through Red Hook, New York, which is 70 miles from Sing Sing.

DML:WMJ

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/24/86 BY 3042 PWS/MS

RECORDED-84

65-58236-1850

JUN 23 1953

56 JUL 3 1953

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Belmont

DATE: June 21, 1953

FROM : H. W. Schweppe *HS*SUBJECT: JULIUS ROSENBERG, et al
ESPIONAGE - R

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

At about 5:20 p.m. on June 20, 1953, Agent F. J. Gallant of the New York Office called and advised that [REDACTED] had provided the following information regarding the funeral arrangements for the subjects:

The bodies were to be taken to the I. Morris Funeral Home, 9701 Church Avenue, Brooklyn, New York. Services were to be held there at 9:00 p.m. on June 20, 1953, and at 2:00 p.m. on June 21, 1953. They were to be interred at the Wellwood Cemetery, Pinelawn, New York. Agent Gallant stated the New York Police Department had been advised of the above arrangements.

ACTION:

None. For your information.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/24/86 BY 3042PWS/AS

RECORDED-84

165-58236-1851
27 JUN 23 1953

S. J. [unclear]
[unclear]

HWS:mar

56 JUN 30 1953

Office Memorandum

2 • UNITED STATES GOVERNMENT

TO : MR. A. H. BELMONT

DATE: June 18,
1953

FROM : MR. C. E. HENRICH

SUBJECT: JULIUS ROSENBERG
ETHEL ROSENBERG
ESPIONAGE - R

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

100-345490
SAC Hood, WFO, advised at 4:35 p.m. today (6/18) that through a confidential source it was determined that Carl Marzani called from the headquarters of the United Electrical, Radio, and Machine Workers of America (UEMWA) to the office of Mr. James Bennett and asked the girl answering the phone if Bennett was then in town. She answered yes. He then asked, "Will he be in town tomorrow." The girl said yes. Marzani then stated he was an old acquaintance and might drop by to see Bennett. He did not identify himself by name.

The significance of the above call is not known. It is possible that Marzani was attempting to determine whether Mr. Bennett was in Washington, with the thought that his presence out of the city might have some significance in connection with the action of the Supreme Court.

ACTION:

For your information.

CEH:LL

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIEDDATE 2/15/83 BY SP3 CLE/goc
7/24/86 3042 PWS/AB

RECORDED-84

65-58236-1852

13 JUN 19 1953

56 JUL 7 1953

UNRECORDED COPY FILED IN 100-345490

Office Memorandum • UNITED STATES GOVERNMENT

TO : THE DIRECTOR

DATE: June 19, 1953

FROM : MR. D. M. LADD *DL*SUBJECT: JULIUS ROSENBERG, ET AL
ESPIONAGE - R
(BuFile 65-58236)

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

Most recent developments are:

1. The Supreme Court will convene at 12:00 noon today in connection with this case.
2. All the demonstrators except approximately 300 have left Washington.
3. Chairman Reed of the House Judiciary Committee named a five-man subcommittee to give consideration to a resolution by Representative Wheeler (D-Georgia) to impeach Justice Douglas.
4. Representative Chelf of the House Judiciary Committee introduced Bill for repeal of 1925 law which permitted Justice Douglas to act alone in granting stay.
5. Representative Kearns (R-Pennsylvania) said he would introduce legislation authorizing investigation of groups seeking clemency for the Rosenbergs.
6. Bloch filed motion in U. S. District Court June 18, 1953, to vacate Rosenbergs' convictions on grounds they were improperly sentenced to death on basis of Justice Douglas' stay.
7. Concerning rumors previously circulated by the National Committee to Secure Justice in the Rosenberg Case that David Greenglass had "cracked up" in prison, a WFO informant has advised that he inquired of Don Rothenberg, member of Rosenberg Committee, how they could get this information. Rothenberg answered "the same way we got the notes out of Rogge's files." Informant could furnish no further details.

RECORDED - 67

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIEDDATE 1/13/81 BY SP-1 GSK/mr
7/24/86 3942 PUL/AB
APL:awn

65-58236 - 1853

JUN 19 1953

UNRECORDED COPY FILED IN 65-59028
94-33476
HIX

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. D. M. Ladd

DATE: June 13, 1953

FROM : Mr. A. H. Belmont

SUBJECT: JULIUS ROSENBERG, et al
ESPIONAGE - R
Bufile 65-58236

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/24/86 BY 3042PWS/AS

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

This is to advise you that shortly after 9:00 a. m. today, I heard a news broadcast announce that a plot to blow up the residence of Judge Kaufman, in New York, had been reported to the New York Police Department. I instructed week-end Supervisor C. E. Sandall to check with the New York Office for details.

Mr. Sandall ascertained from Supervisor Charles Munticone of the New York Office that the above incident had first come to the attention of that office when Agent Munticone, on his way to work shortly before 8:00 a. m., noted an article in the New York "Daily News," page 2, headlined "A-Spies' Judge Guarded After Bomb Threat." This article, in the 4-Star final edition of June 13, 1953, stated that at 2:07 a. m., the police department headquarters, New York, received a call from a man, whose voice was youthful, cultured and well modulated, stating "I am calling to inform you that a bomb has been placed at 1185 Park Avenue, and in one hour, the Rosenbergs will blow up Judge Kaufman and his family." The caller hung up before his number could be traced.

The police dispatched 6 radio cars, 2 emergency cars, one bomb squad unit and detectives from the East 104th Street station immediately. After 40 minutes of searching the police were satisfied that there was no bomb in the apartment building and that the call appeared to be part of the harrassment program on behalf of the A-spies.

Judge Kaufman departed for Connecticut at 2:30^{PM} on Friday, June 12, 1953, accompanied by 2 agents of the New York Office. Mrs. Kaufman had left the residence for Connecticut with the children on the morning of that day. There was no one home at the Kaufman residence when the bomb threat was made.

Instructions were furnished the New York Office that Supervisor T. Scott Miller, who was on his way to the office, should contact the police department and obtain all pertinent details about this incident.

RECOMMENDATION:

56 JUN 30 1953
S:amc

None. This is for your information.

65-58236-1854
JUN 13 1953

see page 2

ADDENDUM TO MEMORANDUM FROM PELMONT TO LADD DATED 6/13/53
RE JULIUS ROSENBERG, ET AL, ESPIONAGE - R

Supervisor Munticone of the New York Office called back at 12:10 pm. today and advised that the details as related above are accurate according to the New York Police. He said that suitable stops had been placed with the Bomb Squad and the Bureau of Special Services, New York Police Department, in the event any further instances arise in connection with this case. Word had been received by the New York Office that Judge Kaufman is returning to New York as he is concerned about the appeal to the Supreme Court being made by the attorney for the Rosenbergs.

WJ

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Belmont *AB.5*

DATE: June 16, 1953

FROM : Mr. Martin *LHM/25*

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/24/96 BY 3042PWS/KBS

SUBJECT: WILLIAM J. MARTIN *Ohio*
MISCELLANEOUS INFORMATION CONCERNING
TELEPHONE CALL 6:15 p.m.

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

Brasfield

By referral from the Director's Office, the writer spoke to William J. Martin, 2028 Highland Avenue, West College Hill (suburb of Cincinnati), Ohio, who called at 6:15 p.m. William J. Martin, who appears to be a mental case, said he was calling with reference to the "Rosenbums' case" (Julius Rosenberg), and that he wanted to tell the FBI to see that President Eisenhower is not "aggravated" about the Rosenbergs' plea for leniency. He also recommended that all evidence against the Rosenbergs be preserved.

William J. Martin has called the Bureau on at least one previous occasion recently, but the memorandum reflecting that call is not yet on record.

ACTION:

For file.

ADDENDUM:

Mr. William J. Martin called again at 7:00 p.m. this evening and repeated the same advise.

LHM:mar

RECORDED - 40
INDEXED - 40

5-Subrento
100
65-58236-1855

53 JUN 30 1953
110

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. A. H. BELMONT

DATE: June 17, 1953

FROM : MR. C. E. HENNRICH

SUBJECT: JULIUS ROSENBERG
ETHEL ROSENBERG
ESPIONAGE - RALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/24/86 BY 3042ELW/ABTolson _____
Ladd _____
Nichols _____
Belmont _____
Clegg _____
Glavin _____
Harbo _____
Rosen _____
Tracy _____
Gearty _____
Mohr _____
Winterrowd _____
Tele. Room _____
Holloman _____
 Sizoo _____
Miss Gandy _____

Supervisor Dudley Payne, WFO, advised at 2:30 p.m., June 17 that in connection with possible action by the Supreme Court on the ruling of Justice Douglas, information has been received that the following Justices are now in the Supreme Court Building:

Vinson
Burton
Jackson
Clark

Douglas is out temporarily.

Reed is reportedly out of the city.

Minton is probably out of the city.

Black's whereabouts have not been determined.

Frankfurter was scheduled to leave Washington this morning (6/17); whether he did is uncertain.

Rumors have been received that the Supreme Court switchboard had been flooded with calls of protest over the decision of Justice Douglas.

ACTION:

For your information.

ll
CEH:LL

cc-MR. NICHOLS

63 JUN 29 1953

RECORDED - 118

65-58236-1856

12 JUN 19 1953

ES/PRC

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. A. H. BELMONT

DATE: June 17,
1953

FROM : MR. C. E. HENNRICH

SUBJECT: JULIUS ROSENBERG
ETHEL ROSENBERG
ESPIONAGE - RALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/24/86 BY 3042PWS/125Tolson _____
Ladd _____
Nichols _____
Belmont _____
Clegg _____
Glavin _____
Harbo _____
Rosen _____
Tracy _____
Gearty _____
Mohr _____
Winterrowd _____
Tele. Room _____
Holloman _____
 Sizoo _____
Miss Gandy _____

Supervisor Tom McAndrews, NYO, advised at 3:25 p.m. today (6/17) that Warden Denno has furnished the following information:

Julius and Ethel Rosenberg were, of course, jubilant over the news that a stay of execution had been granted by Justice Douglas. Julius' mother was with him when the news was announced on the prison radio. She fainted and had to be carried out.

There have been a considerable number of reporters gathering at Sing Sing during the past couple of days in connection with the scheduled executions of the subjects. They are considerably emotionally upset as a result of the stay and it is Denno's opinion they will probably blast Douglas.

Mr. Bennett, Director of the Bureau of Prisons, has called Warden Denno and very emphatically pointed out to him that in view of the stay granted by Justice Douglas, there will be no execution. Denno said that Bennett was so emphatic in this connection that he, Denno, was considering calling off all plans for the executions, such as extra details of police, etc., which he has arranged for. After discussing this with the NYO, he has indicated he will withhold action in this connection until the morning of June 18.

ACTION:

For your information.

CEH:LL

63 JUN 29 1953

RECORDED - 118

65-58236-1857

JUN 1953

1953

ESP/125

Office Memorandum • UNITED STATES GOVERNMENT

TO : A. H. Belmont

DATE: June 17, 1953

FROM : C. E. Hennrich

SUBJECT: JULIUS and ETHEL ROSENBERG
ESPIONAGE - R

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/24/86 BY 3042 PWS/AS

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

gmm
N.Y.C.
S.C.
In accordance with your instructions, I contacted Mr. Robert Stern, Acting Solicitor General, and at his request I arranged for Special Agent Ponder of the Washington Field Office to serve copies of the application to the Supreme Court to convene on Attorneys Emanuel Bloch, John Finerty and Malcolm Sharp. This was done and acknowledgments were returned to Mr. Stern. It is noted that Bloch signed for Attorney Finerty. Mr. Stern approved this signature. *L. J. J. J.*

At Mr. Stern's request it was determined that the attorney, Fyke Farmer, had left Washington and was registered at the Tudor Hotel in New York City. Arrangements were made for Special Agent Tom Mendenhall to proceed to New York by plane with copies of the application to be served on Attorney Farmer.

CEH:bh:dmd
clmd

ADDENDUM: LHM - 6/18/53

Night Supervisor John N. Doran of the New York Office called at 1:05 A.M., 6/18/53, and advised that Farmer and his associate, Daniel Marshall, had just entered the Tudor Hotel. SA Mendenhall and Supervisor Tom McAndrews served copies of the application on them and both Farmer and Marshall signed. *N.Y.*

RECORDED - 104
EX-127

INDEXED - 104

79 JUL 1 - 1953

122

65-58236-1858
JUN 19 1953

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. D. M. LADD

DATE: June 18, 1953

FROM : MR. A. H. BELMONT

SUBJECT: JULIUS ROSENBERG
ETHEL ROSENBERG
ESPIONAGE - R

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/24/96 BY 3042 AUL/AS

Tolson ✓
Belmont ✓
Clegg ✓
Glavin ✓
Harbo ✓
Rosen ✓
Tracy ✓
Gearty ✓
Mohr ✓
Winterrowd ✓
Tele. Room ✓
Holloman ✓
 Sizoo ✓
Miss Gandy ✓

Special Agent Maurice Corcoran of the NYO called at 1:00 p.m. today (6/18) to advise that the U. S. Attorney had received another petition from defense attorney Bloch, served by attorney Arthur Kinoy, a local attorney of the firm of Donner, Kinoy, and Perlin, of 104 East 40th Street, New York City.

This petition is essentially the same as point 2 of the petition of Fyke Farmer before Justice Douglas yesterday (6/17), which holds that the Atomic Energy Act superseded the Espionage Law of 1917. The petition contains 3 prayers: 1. Vacate sentence and dismiss the indictment; 2. or vacate sentence and direct a new trial; 3. for a full hearing on the allegations contained therein.

SA Corcoran said that the U. S. Attorney will give this to Judge Kaufman in chambers this afternoon and that in all probability Kaufman will hold the petition until the Supreme Court acts this afternoon.

Relative to the petition received through the mails earlier today from attorney R. Boland Ritchie, of Wichita, Kansas, the U. S. Attorney has merely filed this in the Clerk's Office and it will be handled in the normal course of events. The U. S. Attorney feels that it does not have to be handled in a special manner, as it was merely received through the mails.

ACTION:

For your information.

AHB:LL

RECORDED - 75

INDEXED - 15

65-58226-1859

JUN 19 1953

63 JUN 30 1953

Office Memorandum • UNITED STATES GOVERNMENT

TO : DIRECTOR

DATE:

June 18, 1953

FROM : D. M. Ladd *DL*SUBJECT: JULIUS & ETHEL ROSENBERG

Tolson	<input checked="" type="checkbox"/>
Ladd	<input type="checkbox"/>
Clegg	<input type="checkbox"/>
Glavin	<input checked="" type="checkbox"/>
Nichols	<input checked="" type="checkbox"/>
Rosen	<input checked="" type="checkbox"/>
Tracy	<input type="checkbox"/>
Harbo	<input type="checkbox"/>
Belmont	<input type="checkbox"/>
Mohr	<input type="checkbox"/>
Tele. Room	<input type="checkbox"/>
Nease	<input type="checkbox"/>
Gandy	<input type="checkbox"/>

gm While talking with Mr. Whelan of the New York Office, he advised that the agents at Sing Sing had informed him that the warden stated he had heard a rumor that some attorney was allegedly scurrying around Albany, trying to get a writ of some kind from the State Supreme Court to hold up the warden from taking any action in the Rosenberg case.

The warden advised this would do no one any good because he was not going to be available to anybody the rest of the day.

DML:CSH

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/24/86 BY 3042PWS/SB

RECORDED - 118 65-58236-1860
JUN 19 1953

63 JUN 29 1953

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. A. H. BELMONT *AB*DATE: June 18,
1953FROM : MR. C. E. HENNRICH *CH*SUBJECT: JULIUS ROSENBERG
ETHEL ROSENBERG
ESPIONAGE - RALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/24/86 BY 3042PWS/AB

Tolson	
Board	
Belmont	
Mohr	
Parsons	
Rosen	
Tracy	
Tele. Rm.	
Holmes	
Gandy	

gm SAC Hood, WFO, advised at 10:55 a.m., June 18, that all of the Supreme Court Justices, with the exception of Frankfurter and Minton, were present at the Court. The whereabouts of Frankfurter and Minton were not known. Minton was last known to be in Indiana.

ACTION:

For your information.

ll
CEH:LL

cc-MR. NICHOLS

RECORDED - 118

65-58236-186
JUN 18 1953
*S. L. Lichten*58 JUN 26 1953 *10*

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. D. M. LADD *J/ABz*

FROM : MR. A. H. BELMONT *ABz*

SUBJECT: JULIUS ROSENBERG, ET AL
ESPIONAGE - R

DATE: June 18, 1953

Tolson ☒

Ladd ☒

Nichols ☒

Belmont ☒

Clegg ☐

Glavin ☐

Harbo ☐

Rosen ☐

Tracy ☐

Gearty ☐

Mohr ☐

Winterrowd ☐

Tele. Room ☐

Holloman ☐

Sizoo ☐

Miss Gandy ☐

Jm

My memorandum to you of this morning reported information received by Supervisor McAndrews of the New York Office that a motion had just been received in the mail by the U. S. Attorney calling for arrest of judgment and reduction of sentence. It was sent by R. Boland Ritchie of Wichita, Kansas. The U. S. Attorney was then reviewing it. As there was no show cause order attached, it was questionable whether it had any legal weight and, consequently, the U. S. Attorney had not decided what he would do with it.

The Bureau indices were searched but no references were located relating to Ritchie.

Martindale-Hubbell Law Directory, 1953, lists a R. Bowland Ritchie as an attorney in Wichita, Kansas, born 1904, admitted to law practice 1927. His office address is listed as Bitting Building, Wichita.

RECOMMENDATION:

None. This is for your information.

JWB:mer

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/24/86 BY 3042PLW/MS

EX-104

RECORDED-121
INDEXED-121

12 JUN 19 1953

63 JUL 6 1953

65-58236-1862

Office Memorandum

cc - Mr. Ladd

Mr. Brant

cc - Mr. Litrento

UNITED STATES GOVERNMENT

TO : A. H. Belmont

FROM : C. E. Hennrich

DATE: June 18, 1953

SUBJECT: JULIUS ROSENBERG, et al
ESPIONAGE - RALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/24/86 BY 3042 RWS/MSV

Tolson	
Boardman	
Belmont	
Clegg	
Glavin	
Harbo	
Rosen	
Tracy	
Laughlin	
Mohr	
Winterrowd	
Tele. Rm.	
Holloman	
Gandy	

At 3:35 P.M., SAC Hood advised that direct arguments for both the Government and defense had been completed. Each side was then granted twenty minutes for rebuttal. It appears, therefore, that the presentation will be completed by 4:15 P.M.

ACTION:

For your information.

ADDENDUM 6/18/53 CEH:eme

At 3:40 P.M., Mr. Hood advised that the arguments were completed and the Court had left the bench.

CEH:eme

RECORDED - 118

53 JUN 26 1953

65-58236
JUN 19 19531863
SE, SB

Office Memorandum • UNITED STATES GOVERNMENT

TO : THE DIRECTOR

DATE: June 18, 1953

FROM : MR. D. M. LADD *DL*SUBJECT: JULIUS ROSENBERG, ET AL
ESPIONAGE - R
(BuFile 65-58236)ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/24/96 BY 30429W/SA

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

Most recent developments are:

1. Chief Justice Vinson has announced that he will convene the U. S. Supreme Court in a special term at 12:00 noon today to consider the Government's request to overrule the stay of execution granted by Justice Douglas.
2. National Committee to Secure Justice in the Rosenberg Case has cancelled reservations for four trains to take people to Washington today for a mass demonstration. However, they have chartered one sixteen-car train to leave New York at 8:05 AM, Eastern Standard Time, and have made tentative arrangements for another train to leave New York at 1:05 PM, Eastern Standard Time, today. Washington Field Office is maintaining close liaison with railroad authorities. The Metropolitan Police Department and Secret Service have been advised.
3. A WFO informant has advised that the picket line in front of the White House has been called off as a result of Justice Douglas' ruling, but that the National Committee to Secure Justice in the Rosenberg Case is keeping people in Washington to call on Congressmen in an endeavor to have the Congressmen contact the Attorney General to "call off his dogs."

EX - 125

RECORDED-92

65-58236-1864
JUN 18 1953

29 JUN 30 1953

APL:awn awn

100 - 389835

7:22

86226

June 19, 1953

JULIUS ROSENBERG

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 9/24/96 BY 30429WJ/MSMEMORANDUM FOR MR. TOLSON
MR. LADD
MR. BELMONT
MR. NICHOLS

I called Mr. Belmont and told him that Deputy Attorney General Rogers was looking into the call the Warden had received, allegedly from the Attorney General's office, and would call him very shortly. I inquired re the status of the executioner and he stated he had just arrived and they were getting ready to go on down and he would call as soon as this move was made. Mr. Belmont advised that the Warden would be leaving the Administration Building about 7:57 and if he or the Marshal had to be reached in case of an emergency after that, the number to call was Ossining 2-0108 and ask for Emergency 94. Mr. Belmont stated that he could not be reached through our line but that the emergency number was close to the death cell.

Very truly yours,

J E H

John Edgar Hoover
Director

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

JEH:mpd

JUN 30 1953

SENT	REC'D	S
TIME	11:30 AM	
DATE	6-25-53	
BY	JEB	

RECORDED-12

165-57236-1865
JUN 24 1953
38

5:08

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/24/86 BY 3042PWS/AB

June 19, 1953

MEMORANDUM FOR MR. TOLSON

MR. LADD

MR. BELMONT

MR. NICHOLS

Julius Rosenberg

Mr. Fred Mullen, Director of Public Relations in the Department of Justice, called me today and I told him there were no indications whatsoever of the Rosenbergs' breaking, that they had made their wills and had them witnessed this afternoon, and they were being moved into the death cell at 7:00 p.m. and the execution was now set for exactly 8:00 p.m. I stated sundown there was at 8:36 and we were having the Warden check with the Rabbi as to whether the Rabbi would raise any question, since the Rabbi had indicated he would ask for a postponement should the execution fall on the Sabbath, if the Rosenbergs wanted it.

Mr. Mullen said he was pretty angry with Mr. James Bennett, Director of Prisons, for reversing himself. I said I was astounded by Bennett's reasoning; that if a person had any doubt as to the facts that was something else, but when he bases it on the belief that execution should not be made of a woman, solely because of sentimental reasons, it was ridiculous as she did not have any sentiment at the time she was a party to the stealing of these secrets. Mr. Mullen said that Mr. Bennett's change of heart came as a complete surprise to the Attorney General and the Attorney General was in a quandary as to what he should do as he had previously told the President that everyone in the Department was unanimously against any grant of clemency and he was wondering if he should convey this to the President. Mr. Mullen told the Attorney General it would be perfectly all right to do so but he would point out that his staff previously had recommended against clemency. I stated that Mr. Bennett was present when this was done; that Mr. Rogers thought we ought to be all entirely unanimous in what action was taken, either on the commutation or, if a break came on this matter, as there might be a Congressional inquiry and we ought to be united as one person, and Bennett, at that time, was in favor of it. We discussed generally Bennett's attitude toward the Rosenberg case.

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

SENT FROM B 6
TIME 11:30 AM
DATE 6-23-53
BY [Signature]

Very truly yours,

J E H
John Edgar Hoover
Director

165-57236-186

38 JUN 24 1953

JUN 30

RECORDED-12

UNRECORDED COPY FILED IN 94-4-6648

Office Memorandum • UNITED STATES GOVERNMENT

TO : The Director

DATE: June 19, 1953

FROM : D. M. Ladd *DL*

SUBJECT: JULIUS ROSENBERG, ET AL

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

Mr. Belmont called me at 3:25 P.M. and stated that Warden Denno had informed him that the Marshal had made an announcement that the execution would be at about 7:00 P.M. He stated this announcement had been made even though all arrangements had not yet been completed.

WILSON L. NY

Warden Denno stated that the New York State Troopers, who have a barracks near there, have State Police out looking for the executioner and Belmont advised that the Resident Agent is also looking for the executioner.

Belmont stated that he asked Warden Denno as to what time the Warden thought that they should move from their present quarters to the death house and the Warden stated not before 7:00 P.M. because the prisoners would not be settled down until then. Mr. Belmont stated he is going to abide by the wishes of the Warden concerning this matter.

DML:WMJ

ALL INFORMATION CONTAINED
 HEREIN IS UNCLASSIFIED
 DATE 7/24/86 BY 3042PWS/SB

RECORDED-12
 INDEXED-12

65-58236-1867
 JUN 23 1953

EX-121

56 JUN 20 1953

Office Memorandum • UNITED STATES GOVERNMENT

TO : The Director

DATE: June 19, 1953

FROM : D. M. Ladd

SUBJECT: JULIUS ROSENBERG, ET AL
ESPIONAGE - R

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

I talked to Bill Rogers of the Department at 3:00 P.M. by reference from your office. He stated that the Attorney General had told Bennett that the execution should be sometime after seven and before sundown, that either the Marshal or the Warden should make an announcement, that he had checked and said that the Marshal had "kind of gone to pieces" and they wanted the Warden to make an announcement but he had not done so as yet inasmuch as he had not yet located the executioner. He wondered if we had heard anything about this.

Mr. Belmont advised me that a few minutes ago the Warden had informed him that the executioner was not at home and that they had not as yet located him. He requested assistance from the Bureau. Mr. Belmont has arranged through the New York Office to have the Resident Agent immediately start trying to locate the executioner and he will advise the Bureau.

Mr. Rogers requested that he be advised when we hear from our Agents as to whether the executioner has as yet been located.

DML:WMJ

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/24/86 BY 3042 PWS/MS

RECORDED-12

65-58236-1868
JUN 23 1953

56 JUN 30 1953

Office Memorandum • UNITED STATES GOVERNMENT

DATE: June 19, 1953

TO : MR. A. H. BELMONT

FROM : MR. C. E. HENRICH

SUBJECT: JULIUS ROSENBERG
ETHEL ROSENBERG
ESPIONAGE - R

SA Howard Fletcher, Jr., WFO, advised at 12:05 p.m. today (6/19) that the Supreme Court had just vacated the stay of execution for the Rosenbergs and overruled Justice Douglas.

ACTION:

For your information.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

DATE 4/13/81 BY SP-1 GSK/mc
7/24/86 3042003/MS
RECORDED

165-58236

JUN 23 1953

1869

JUN 30 1953

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

JUN 17 1953

WESTERN UNION

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

OBI WUD123 PD

LONG BEACH CALIF JUN 17 300PMP

J EDGAR HOOVER

Julius Rosenberg

FBI

UTMOST POWER SET ASIDE ROSENBERG

A H CHRISTENSEN US MERCHANT MARINE

750P

RECORDED - 44

INDEXED - 44

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/24/86 BY 3042PWS/DB

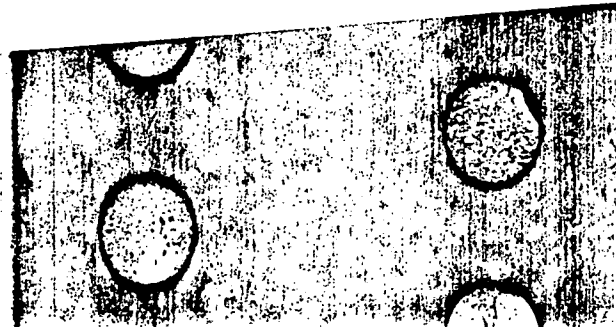
65-58236

JUN 23 1953

EX-104

COPIES DESTROYED

36 NOV 10 1960



Julius Rosenberg

Chief G-Man: - - -

You will go down in history, together with Attorney-General Brownell and Judge Kaufman, and President Eisenhower, as the first quartet of ghouls. Your action in murdering the young Rosenberg parents will haunt you for the rest of your blood-stained life. You will never forget it. Nor will all decent people throughout the world.

Bramwell Gould

NY

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/24/96 BY 3042 PWS/AS

INDEXED - 44

RECORDED - 44

65-57236

25 JUN 25 1953

62 JUL 1 1953

noach possible
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9463
CRIM 7/1/53

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XXXXXX
XXXXXXFEDERAL BUREAU OF INVESTIGATION
FOIPA DELETED PAGE INFORMATION SHEET

_____ Page(s) withheld entirely at this location in the file. One or more of the following statements, where indicated, explain this deletion.

- ☐ Deleted under exemption(s) _____ with no segregable material available for release to you.
- ☐ Information pertained only to a third party with no reference to you or the subject of your request.
- ☐ Information pertained only to a third party. Your name is listed in the title only.
- ☐ Documents originated with another Government agency(ies). These documents were referred to that agency(ies) for review and direct response to you.

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disposition handled by Dept. of State

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☒ The following number is to be used for reference regarding these pages:

65-58236-1872

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X NO DUPLICATION FEE X
X FOR THIS PAGE X
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BUREAU OF INVESTIGATION
DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

JUN 24 1953

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/24/96 BY 30429WJ/AS

TELETYPE

3-07 P

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

WASH FROM NEW YORK 1

22

URGENT

DIRECTOR

JULIUS ROSENBERG, ESP. R. WARDEN DENNO, SING SING, ADVISED THAT JULIUS
AND ETHEL ROSENBERG SPENT THEIR LAST DAY PREPARING AN INVENTORY OF
PROPERTY AND VOLUMINOUS CORRESPONDENCE. THIS PROPERTY IS TO BE TURNED
OVER TO THE U. S. MARSHAL ON TUESDAY, JUNE TWENTY THREE, FIFTY THREE.
DENNO ADVISES THAT HE BELIEVES THIS OFFICE SHOULD EXAMINE THIS CORRESPON-
DENCE. ARRANGEMENTS BEING MADE WITH U. S. MARSHAL TO REVIEW THE CORR-
ESPONDENCE AND PROPERTY BEFORE IT IS TURNED OVER TO THE ROSENBERGS
ATTORNEY UACB.

RECORDED 44

JUN 25 1953

BOARDMAN

END

56 JUL 1 1953

cc [Signature]

105-58236-1873
[Signature]

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. D. M. LADD

DATE: June 22, 1953

FROM : MR. A. H. BELMONT

SUBJECT: JULIUS AND ETHEL ROSENBERG
ESPIONAGE - R

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/24/96 BY 3042/PL/MS/ST

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

Warden Wilfred L. Denno of Sing Sing Prison was most cooperative with the Bureau in connection with the Rosenberg matter. He had his feet on the ground and approached the various problems which arose in a sensible, logical manner. Any request we made of him was readily granted even during the barrage of questions and problems facing him during the day of the execution and immediately prior thereto. At our request he kept the Bureau entirely out of the publicity, which was most difficult in view of the intense coverage afforded the prison by the press. Indeed, not even the guards at the prison knew of the fact that Agents were present at Sing Sing. He handled all contacts with the Bureau Agents personally and made all arrangements personally.

RECOMMENDATION:

I recommend a letter from the Director to the Warden, and a proposed letter is attached for the Director's approval.

I also recommend letters of commendation to Special Agents Thomas J. McAndrews, John A. Harrington, Richard A. Minihan, and Maurice W. Corcoran, and to the two stenographers Harold Doherty and Anthony R. Villano.

While the questioning of the Rosenbergs did not take place, these Agents did make all the arrangements with Warden Denno which worked out successfully and handled the entire matter very discreetly. On Thursday, June 18, and Friday, June 19, a great deal of time was spent going over and over the plans for questioning the Rosenbergs and I feel confident that, had it occurred, it would have been handled in a highly competent manner. In addition, the various problems which were arising very rapidly throughout those two days were promptly and discreetly handled. The two stenographers likewise handled themselves very well and discreetly during the time they were at Sing Sing under conditions of considerable tension. It was a rather trying situation for clerical employees and I feel that these two employees acquitted themselves very creditably and were fully prepared to handle any assignment given to them.

AHB:mer
Attachment

CC: Mr. Glavin

56 JUL 14 1953

EN-104

RECORDED-44

INDEXED-44

65-58236-1874

JUN 25 1953

FILED

For the above reasons, I feel that letters of commendation to these employees are fully justified.

I approve, letters of commendation to agents are attached.

SPV.

Approved. Belmont did an outstanding job from the beginning of the case until it end - a three years grind. He is to be commended & recommended for a meritorious increase.

K.

Howe 6/27/53

Office Memorandum • UNITED STATES GOVERNMENT

TO : A. H. BEAUMONT

DATE: June 19, 1953

FROM : C. E. HENRICH

SUBJECT: JULIUS ROSENBERG;
ETHEL ROSENBERG
ESPIONAGE - R

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/24/86 BY 3042 PWS/CS

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

At 1:05 P.M., SAC Hood advised that Acting Solicitor General Robert Sterns had made a request to the Supreme Court for certified copy of the Court's order vacating the stay issued by Justice Douglas.

Mr. Sterns then requested Special Agent Howard Fletcher, Jr., who was in the Court House, to make arrangements to have this certified copy flown to New York by Agents.

ACTION:

I told SAC Hood to initiate action to have this done, and to obtain specifically from Sterns instructions as to whom the copies were to be delivered to and any other specific instructions.

CEH:fk

RECORDED-41

EX-116

65-58236-1875

JUN 23 1953

68 JUN 30 1953

SEC

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. BELMONT

~~CONFIDENTIAL~~

DATE: June 19, 1953

FROM : MR. HENRICH

SUBJECT: JULIUS ROSENBERG
ETHEL ROSENBERG
ESPIONAGE - R(u)
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE.

Tolson ✓
Ladd ✓
Belmont ✓
Clegg ✓
Glavin ✓
Harbo ✓
Rosen ✓
Tracy ✓
Gearty ✓
Mohr ✓
Winterrowd ✓
Tele. Room ✓
Holloman ✓
 Sizoo ✓
Miss Gandy ✓

[REDACTED]

(C) ~~CONFIDENTIAL~~ (b)(1)

At 4:30 P.M. Justice Burton denied oral motions
of Bloch for further consideration. (u)

ACTION:

For your information. (u)

CEH:mer

CC: Mr. Ladd

Classified by 3040 PWT/lmw
Declassify on: OADR 10/20/82

RECORDED - 70

INDEXED - 70

JUN 23 1953

8 JUL 6 - 1953

~~CONFIDENTIAL~~
Classified by 2755 WAT/20 10/20/75
Exempt from GDS, category 2+3
Date of Declassification Indefinite

~~CONFIDENTIAL~~

ESP

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. D. M. LADD

DATE: June 22, 1953

FROM : MR. A. H. BELMONT

SUBJECT: JULIUS ROSENBERG
ETHEL ROSENBERG
ESPIONAGE - RALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

7/25/86 3042 PWS/MS

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

This memorandum is to record briefly the important telephone calls during June 18 and 19, 1953, at Sing Sing Prison, over the two leased lines to the New York Office.

I arrived at Sing Sing Prison at 6:15 p.m., June 18, 1953, by Bureau car, with Special Agents Thomas J. McAndrews and Maurice W. Corcoran and stenographers Anthony R. Villano and Harold Doherty, all of the NYO. Special Agents John A. Harrington and Richard A. Minihan were at the Warden's garage when we arrived, having been previously instructed to maintain liaison with the Warden at the Prison.

JUNE 18, 1953

6:15 p.m.

I reported to Mr. Ladd, via the leased line, that there were no disturbances around the Prison; it was very quiet; and that the Warden had 170 State Troopers in the vicinity of the Prison. I further advised Mr. Ladd that Warden Denno had heard confidentially from the Governor's office that an attorney is attempting to contact a New York Supreme Court justice in order to get an order staying the execution. The Governor's office learned this from Washington--source unknown. Warden Denno is keeping scarce so that he cannot be served and has instructed that no one is to get on the Prison grounds except authorized newspapermen or other authorized persons. If, despite this, he is served, the Attorney General of the State of New York, or his deputy, is standing by, and Denno will advise them. Mr. Ladd informed me that Mr. Rogers of the Department is to advise the U. S. Marshal that a State Court writ is of no value and has no legal weight. Mr. Ladd advised that there had been no action from the Supreme Court. He advised me that my calls

RECORDED-84

INDEXED-84

EX-128

AHB:LL

59 JUL 2 1953

165-58236-1872
13 JUN 25 1953

should be made to the Director's office, as Departmental officials would be there. He instructed that the Director should be advised at once when the execution takes place.

I advised the Director of the above developments. He stated that the Supreme Court was still in session and the attorneys had been called back to stand by and that the Government Printer was standing by. He advised that if it can be done, an Agent will fly up to New York with a copy of the Supreme Court order and will be driven to Sing Sing so the order can be furnished to the Marshal or the Warden.

8:33 p.m.

Mr. Ladd advised that the Supreme Court had just announced it had gone into recess until 12:00 noon, June 19.

8:10 p.m.

I called Mr. Ladd's attention to the fact the Jewish Sabbath is from sundown Friday to sundown Saturday. If the execution is postponed until 11:00 p.m. on Saturday, that would bring it very close to the end of the week set by Judge Kaufman. If the Rosenbergs decided to talk, they might stall for that hour and, thus, require the matter to go back to the Court. I suggested that 9:00 p.m. Saturday would be more advisable than 11:00 p.m. The Warden said that any time after 8:00 p.m. would be satisfactory with him, as the inmates would be in their cells. I advised Mr. Ladd that the Warden had been asked by both the Chaplain and newspapermen whether the subjects would be executed on the Jewish Sabbath and that, therefore, this appeared to be an issue.

8:40 p.m.

The Director called to advise that we should close up for the night, in view of the recess by the Supreme Court. I advised him regarding the question which had been raised concerning the Jewish Sabbath; that the

Warden stated that any time from 8:00 p.m. on was satisfactory to him; and I suggested that if the execution is postponed to Saturday, it be carried out at 9:00 p.m. The Director indicated that the execution might be late Friday afternoon. I advised the Director we would stay at an adjoining town, in order that we would not be conspicuous, and would report back to the Prison on Friday morning.

The night of June 18 we spent at the Florence Hotel in Tarrytown, New York, where we again went over the plans for possible interview with the Rosenbergs until after midnight. Agents Harrington and Minihan stayed at the Warden's house.

JUNE 19, 1953

10:20 a.m.

I called Mr. Ladd from the Warden's garage. He advised that the Supreme Court would meet at noon.

12:07 p.m.

The Director advised me that the Supreme Court had canceled the stay of execution. He said that at the Attorney General's conference on the night of June 18, James Bennett was the only one who thought there should be commutation for the subjects. The question of the Jewish Sabbath arose and it was suggested that the execution be before sundown on June 19. Bennett was opposed, saying that the Warden could not get ready. I told the Director that the Warden said he could be ready in one hour; that the executioner was on call for 6:00 p.m.; that the Warden would prefer that the inmates be settled down, but could carry out the execution at any time. I advised the Director that the newspaper carried sunset on June 19 as 8:31 p.m.

12:20 p.m.

SAC Boardman, NYO, called to advise that Commissioner Monaghan, New York Police Department, had called him to say that because of the publicity in this case, he wondered if something happened to Judge Kaufman whether he could say that the FBI was responsible for covering Judge Kaufman. He wanted to know whether Kaufman was in the city. Boardman told Monaghan that the Kaufman family was out of the city; that Kaufman was in New York under 24-hour guard. Monaghan asked to be kept advised, and Boardman told him he had been kept advised; for example, when New York received a call alleging a bombing on the night of June 18, the police were advised at once. I told Boardman that Monaghan was apparently building a record not only as to Kaufman and his family personally, but also as to the bombs in the apartment. Boardman said the police had men at the apartment. I told Boardman to call Mr. Ladd and advise him of Monaghan's call.

1:15 p.m.

I called Mr. Ladd and advised him of the following:

Warden Denno had advised that Bennett called and wanted to know if the execution could be carried out before sundown, June 19. The Warden told Bennett that the inmates are out until 7:00 or 7:10 p.m. and that the execution would be after the inmates were placed in their cells. The executioner is due to leave Cairo, near Catskill, at 6:00 p.m. and will arrive at Sing Sing about 8:30 p.m. His wife told the Warden she did not know where he is. The Warden said he can probably be located and brought down by car by the State Police. The Warden felt that the Government might be charged with rushing the execution, if it were carried out on June 19, in order to avoid additional motions by the defense. Relative to execution on the Jewish Sabbath, the Warden felt that it would open the Government to charges of criticism; however, the

execution was postponed for 24 hours on June 18, which would bring it, normally, to 11:00 p.m., June 19; the delay was not caused by the Government, but by the defense. The Warden did not know if a precedent had been set for execution on the Jewish Sabbath. The Warden felt that if the execution were postponed until Saturday, it would be running very close to the end of the week set for the execution. The Warden said that the Rabbi will be available on the evening of June 19. I advised Mr. Ladd that I was furnishing the Warden's thinking for the Bureau's information.

2:05 p.m.

The Director advised confidentially that the execution probably would be set for between 7:45 and 8:00 p.m., June 19.

2:10 p.m.

Warden Denno advised that Julius Rosenberg has asked to have someone witness his will. The Warden is handling. The subjects have boxed up all of their personal effects and have asked to have them sent to their relatives. The Warden is having these sent up to his office and will turn them over to the Marshal and get a receipt. He suggested that we get these from the Marshal and look them over before they are sent to the relatives. He said there might be a diary by Julius and Ethel Rosenberg among the effects.

2:12 p.m.

The Director advised that he had talked with Messrs. Olney and Bennett, who said the Warden was having trouble locating the executioner and for us to offer assistance to the Warden. I advised him of the Warden's call regarding the effects of the Rosenbergs. The Director said that we should look at them only if it can be arranged with the Warden with complete security and without the knowledge of the Marshal.

2:25 p.m.

N.Y. I talked to Warden Denno, who advised he had been informed by Bennett that the execution was set for between 7:45 and 8:00 p.m. He told Bennett he would call him back, as he was having trouble reaching the executioner and could not reach the executioner's office by telephone. I told Denno we would try to help him. He gave me the executioner's name as Joseph P. Francel, Cairo, Catskill, telephone Cairo 9-9322. I told him that we would attempt to locate the executioner and have him call the Warden at Ossining 2-0204.

2:30 p.m.

I called ASAC Whelan, NYO, and told him to get the Resident Agency busy to locate Francel and have him call the Warden and for the Agents to stand by to bring him down to Sing Sing. I told him that this was urgent.

2:40 p.m.

Mr. Ladd advised that Agent William Duke of the Washington Field Office will leave by air at 2:45 p.m.; would be met at LaGuardia and travel up by car, with a certified copy of the papers for Marshal Carroll.

2:43 p.m.

Special Agent Scott Miller called from New York. Agent Duke should be at Sing Sing Prison with the Supreme Court papers between 5:00 and 5:30 p.m. I told him to give us the license number of the car and the number of the NYO car bringing Duke up.

3:00 p.m.

Agent Miller advised that Duke was coming up by Radio Car 336, a 1952 grey Ford, license 1N1531. Agents John G. Willis and Blaize Tomasani were accompanying the WFO Agents, William Duke and William Daly.

3:05 p.m.

Mr. Ladd advised that Mr. Rogers had called and said that no announcement was being made by the Warden as to the time of the execution, as they had not found the executioner. Rogers wanted to know if we could help. I told Mr. Ladd we were working on it.

3:10 p.m.

ASAC Whelan advised that Resident Agent John Lupton at Kingston was on his way to Cairo to locate the executioner.

3:15 p.m.

I advised Warden Denno that Agents were bringing up certified copies of the papers for the Marshal. He said that the Marshal was not at Sing Sing yet, but was on his way. He said the Marshal had announced the time of the execution, in spite of the fact arrangements had not been completed. The Warden said that the executioner was not yet located, but he had State Police Barracks looking for him. I told the Warden we had a man on the way from Kingston and would advise him when the executioner was located. I told him we would like to go over arrangements for us to go from the garage to the death house. He suggested we not move until 7:00 p.m. I told him we would be guided by his wishes but wanted to talk further about this.

3:20 p.m.

I advised Mr. Ladd regarding the above conversation with the Warden. Mr. Ladd said to be sure and notify the Director at once regarding the execution.

3:31 p.m.

The Director inquired if Francel, the executioner, were located. I told him no; that the Resident Agent was on the way up; that the State Police were alerted and when he was located we would have him call the Warden at once and

would bring him down by Bureau car if necessary. The Director instructed that he be advised at once when Francel was located.

4:05 p.m.

Warden Denno advised that the execution would be between 7:45 and 8:00 p.m. if the executioner was there. I told him we would not want to examine the effects of the subjects at Sing Sing. He said he would turn them over to the Marshal and we could make arrangements in New York if we desired. The Marshal had not arrived as yet. I told the Warden we would have the certified papers from the Supreme Court and would advise him when they arrived. He said Francel was not yet located. I told the Warden it was most important for us to know at once when the execution takes place. He said he would arrange for a guard to tip us off. I told him we appreciated the fact that no mention had been made of us as being at the Prison, and he said he would continue to make no mention of us. He reiterated that 7:00 p.m. was the best time for us to go to the death house and he would arrange for that.

4:15 p.m.

ASAC Whelan advised that it was 96 to 100 miles from Cairo to Ossining and that Francel had not yet been located.

4:15 p.m.

Agent Miller advised that Agents had left LaGuardia Field with the Supreme Court papers and it would take a little over an hour to reach Sing Sing.

4:20 p.m.

I advised the Director regarding my conversation with Warden Denno at 4:05 p.m. and with Agent Miller and with ASAC Whelan at 4:15 p.m. I also mentioned to the

Director that we had seen a Coast Guard helicopter in the vicinity of Sing Sing; that I had talked to Whelan as to whether we could get the Coast Guard to send the helicopter up to Cairo to bring the executioner down, and Whelan thought we could. I suggested that in view of the time element, we explore this. The Director said to go ahead.

4:25 p.m.

I called Whelan at New York and he said Francel had just been located; that our Agent and a State Trooper were with him and he was being sent down immediately by State Trooper Car 529. The Agent is following to make sure there is no delay.

4:28 p.m.

I advised the Director that Francel had been located.

4:33 p.m.

I advised the Warden that Francel had been located. He said he had just received a call from the State Police to that effect. He said the execution was now set for 8:00 p.m.

4:38 p.m.

I advised the Director that the Warden had said the execution was set for 8:00 p.m.

4:55 p.m.

The Director advised that Mr. Rogers of the Department had raised the question of a possible protest by the Rabbi regarding execution during the Jewish Sabbath. A check had been made at the Weather Bureau, which said that sundown was 8:36 p.m. on June 19. The

Director said that if the Rabbi does protest, the Warden should advise the Marshal, who would call Washington, D. C.; that I should point out to the Warden that 8:36 p.m. is sundown and arrange for the Warden to call me if the Rabbi protests. The Director said the Rabbi stated upon leaving for Sing Sing that he would ask for a postponement if the Rosenbergs asked for a postponement on the basis of the Jewish Sabbath.

5:05 p.m.

SAC Miller advised that New York Car 336 had just passed Briarcliff, New York, on the way to Sing Sing. In order that additional Agents would not come to the Prison, I sent out Agents Harrington and Minihan with a Bureau car to get the papers and bring them back.

5:35 p.m.

The papers arrived. Warden Denno was notified. He could not leave his office and asked to have his personal guard bring them over. He said the Marshal was with him.

5:37 p.m.

I called the Director and advised him we had the papers and are delivering them to the Warden, through the guard at his request. The Director advised that both copies should be given to the Warden.

5:38 p.m.

Guard Ray Cammarata was given the papers to deliver.

6:00 p.m.

Guard Cammarata advised that the papers had been delivered to the Warden.

6:15 p.m.

Warden Denno was advised of the Rabbi's statement concerning possible postponement if the Rosenbergs asked for it on the basis of the Jewish Sabbath. He said the Rabbi had not raised any issue while he was in his office. The Rabbi had stated that orthodox Jews were against executions but if it was carried out, there was no objection if it were before the Sabbath.

6:17 p.m.

SAC Boardman advised that executioner Francel was opposite Beacon, New York, about 30 minutes from Sing Sing.

6:25 p.m.

Frederick M. VINSON DC

Warden Denno said he had received a call from some woman, reputedly from Attorney General Brownell's office, to the effect that Justice Vinson was considering another stay, pending an insanity and lie detector test. The Warden asked that I check as to the accuracy of this, although he believed it to be a fraud as she would not answer questions but hung up.

6:26 p.m.

I called the Director and advised him of this. He said it would be checked. I told him that Francel was at Beacon, about 30 minutes from Sing Sing.

6:34 p.m.

The Director advised that there was not a single foundation for the alleged call from the Attorney General's office; that there had been no calls from the Attorney General's office.

6:35 p.m.

The Warden was advised.

6:50 p.m.

Warden Denno called to advise he had received a telegram signed "Emanuel H. Bloch," postmarked New York, June 19, reading as follows: "Under Rule 38 of the Federal Rules of Criminal Procedure, a sentence of death is stayed automatically if an appeal is taken. There is now pending in the Federal Court of Appeals, an appeal from a denial of a petition attacking the sentence of death. You are on notice that the execution of the Rosenbergs would be in violation of law and that a writ of mandamus will be sought immediately, staying the execution." I asked for the symbols on the telegram, and the Warden gave them as follows:

SYB 103 56
SY NC493 Long BD - PDN New York
347 PME June 19, 1953
PM 402

The Warden said that attorney Bloch had talked with the U. S. Marshal after 4:10 p.m. from Washington and, therefore, this wire must have come from someone else. He wanted to know what his position was. I told him I would check.

6:55 p.m.

ARTHUR X KINoy NY

I called the Director and read this telegram to him and to Mr. Rogers. I advised that Bloch had talked with the Marshal after 4:10 p.m. from Washington and the wire was not mentioned by Bloch. I told them this might apply to attorney Kinoy's motion of June 18 before Judge Kaufman in New York, who turned it down today. The radio indicated that Kinoy was going to appeal to the Circuit Court of Appeals at New Haven, where Judge Swan is, and that this may have reference to that appeal. I advised that the Warden wants to be sure of his position, although he thinks the telegram is a fraud. Mr. Rogers said that Bloch had made a statement that he had exhausted all legal steps, but that this would be checked.

7:10 p.m.

I called Warden Denno and told him that we are checking on this wire. He advised that any emergency call to him after he leaves the Administration Building at 3 minutes to 8 should be made to Ossining 2-0108 and ask for Emergency 94. I told Warden Denno we should be getting down to the death house. He said he would see if it was clear and have Guard Cammarata take us down. I repeated to him that we wanted to know at once when the executions take place. I told him this was procedural and did not involve publicity. The Warden said that this would be taken care of.

7:20 p.m.

I advised the Director that the executioner had reached Sing Sing and gave the Director the emergency number to reach the Warden after 3 minutes to 8. The Director advised that Rogers was checking on the wire to the Warden.

7:25 p.m.

The 4 Bureau Agents, 2 stenographers and myself were transported by station wagon to the death house.

7:28 p.m.

The Director called. Mr. Rogers said that he cannot find any appeal in any court; that they have checked and Bloch is in Washington and could not have signed the wire. The news ticker reflects that Bloch says he is abandoning any further legal action. Judge Swan and Judge Frank considered a motion in Connecticut at 6:00 p.m. and denied it. I told the Director that we are in the death house.

7:35 p.m.

I advised Warden Denno of the results of the check on the wire signed Bloch.

8:05 p.m.

I advised the Director that Julius Rosenberg had been executed as of 8:05 p.m.

8:15 p.m.

I advised the Director that Ethel Rosenberg had been executed as of 8:15 p.m.

I mentioned I had told the Warden there would be no publicity from Washington in view of the fact the Warden had a tight control on the press to see that the press all got an even break. Mr. Rogers agreed that there would be no publicity from Washington. The Director instructed that we stand by.

9:05 p.m.

The Director called to advise that a copy of the telegram to the warden, signed "Emanuel H. Bloch," should be furnished to the New York Office and sent by teletype to the Bureau. The Director advised that we could leave the Prison when matters were clear and that we should thank the Warden.

9:20 p.m.

We received word that the Warden advised things were clear for us to leave the death house, and we left.

9:25 p.m.

I called the Warden from the garage and expressed our very great appreciation for the manner in which he had handled the entire matter. He advised that both of the Rosenbergs had gone to the chair with no apparent emotion and that they had made no requests whatever to make a statement.

9:30 p.m.

We departed from Sing Sing Prison.

TO: MR. LADD

June 22, 1953

FROM: A. ROSEN

86227

SUBJECT: UNKNOWN SUBJECTS
 EXECUTIONER OF ROSENBERGS, VICTIM
 EXTORTION

JULIUS ROSENBERG

ASAC McCabe, New York, while contactin the Bureau on another matter, advised that the prison executioner at Sing Sing has reportedly received a threatening letter because of his execution of the Rosenbergs. McCabe said the letter is being handled by the New York State Police and is not being submitted to the FBI for investigation. McCabe was instructed to send in full details to the Bureau by airtel.

CC MR. NICHOLS

FLR/rh

ALL INFORMATION CONTAINED
 HEREIN IS UNCLASSIFIED
 DATE 7/25/82 BY 3042 PUL/AB

65-57236
 NOT RECORDED
 138 JUN 30 1953

INITIALS ON ORIGINAL

56 JUL 3 1953

ORIGINAL COPY FILED IN 9-124 376-1

DO-48

OFFICE OF DIRECTOR
FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE

June 10, 1953

From Walter Winchell.

Mr. Tolson ☒

Mr. Ladd ☒

Mr. Nichols ☒

Mr. Belmont ☒

Mr. Clegg ☒

Mr. Glavin ☒

Mr. Harbo ☒

Mr. Rosen ☒

Mr. Tracy ☒

Mr. Gearty ☒

Mr. Jones ☒

Mr. Mohr ☒

Mr. Winterrowd ☒

Tele. Room ☒

Mr. Holloman ☒

Mr. Sizoo ☒

Miss Holmes ☒

Miss Gandy ☒

Walter Winchell

E. J. [unclear]

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED #227,987.
DATE 9/12/84 BY SP8 BTJ/GU
7/24/86 3042 PWJ/AB

Committee To Secure Justice In The Rosenberg Case

JOSEPH BRAININ
Chairman

DAVID ALMAN
Executive Secretary

AARON SCHNEIDER
Organizational Secretary

1050 SIXTH AVENUE
NEW YORK 18, N. Y.
LOngacre 4-9585

JS
To Henry

June 2, 1953

Julius Rosenberg

SPONSORS (Partial List)

Nelson Algren
Emily Alman
Dr. Herbert Aptheker
Ivan Von Auw
Dr. Edward K. Barsky
Prof. E. Berry Burgum
Alice Hill Byrne
John F. Clewe
Rev. I. C. Collins
Rabbi Abraham Cronbach
Prof. Ephraim Cross
Marjorie DiSilva
Dr. Katherine Dodd
Dr. W. E. B. DuBois
Gertrude Evans
Waldo Frank
Joseph Friedman
John Gojack
B. Z. Goldberg
Shirley Graham
Nahum Greenberg
Louise Harding Horr
Rev. Spencer Kennard
Hon. Robert Morris Lovett
Dr. Bernard Lubka
Dr. John Marsella
John T. McManus
Mrs. Bessie Mitchell
Capt. Hugh N. Mulzac
William A. Reuben
Dr. John L. Simon
Leon Straus
Lois Timmins
Elizabeth Todd
Dr. Leonard Tushnet
Dr. Gene Weltfish

Dear Neighbors:

We have no way of knowing how much you know about The Rosenberg Case but you must have heard something about it. We, who send you this appeal, have been deeply stirred by it, and especially so since the Rosenbergs are near us in the Death House at Sing Sing.

We have taken it upon ourselves to study the facts in this case and we are now faced with the terrifying conclusion that the Death Sentence is a monstrous punishment for this alleged crime BECAUSE the crime with which the Rosenbergs were charged was NOT ESPIONAGE or TREASON but only CONSPIRACY TO COMMIT ESPIONAGE. And this is the first time in our history that such a terrible punishment has been given for such an alleged crime.

In simple humanity we ask you to read the facts in the enclosed brochure and then to petition President Eisenhower for clemency. Our children and your children will have sweeter sleep if the Rosenberg parents are saved from the electric chair.

With deep sincerity

NORTHERN WESTCHESTER CHAPTER
of the COMMITTEE TO SECURE
JUSTICE IN THE ROSENBERG CASE

Dear Mr. Winchell:

found in my mail box this morning-

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/12/84 BY SP8 BTJ/KCL
3042 PWS/AS
7/24/96

A "resident" of Croton.

RECORDED-84
-128

65-58236-1

JUN 25 1953

UNRECORDED COPY FILED IN 100-387835

SAC, New York (100-107111)

June 23, 1953

Director, FBI (100-387835)

65-58236-1878
NATIONAL COMMITTEE TO SECURE JUSTICE
IN THE ROSENBERG CASE
INTERNAL SECURITY - C

RECORDED-84

There are enclosed for your information two photostats of a letter dated 6/2/53 and signed by the Northern Westchester Chapter of the captioned organization.

The original copy of this letter was forwarded to the Bureau by Walter Winchell, who received it from a "resident" of Croton.

Enclosure

100-387835-
62-31615

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED #227987
DATE 9/12/84 BY SP8 BTJ/GCL
7/24/86 3042 PWS/AB

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COMM - FBI
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59 JUL 2 1953

UNRECORDED COPY FILED IN

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

JUN 18 1953

TELETYPE

WASH 7 FROM NEW YORK 18 5-53 PM
DIRECTOR URGENT

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

JULIUS ROSENBERG, ETAL, ESP - R. REMYTEL JUNE EIGHTEEN CONCERNING
PETITION AS AMICUS CURIAE FILED BY R. BOWLAND RITCHE OF WICHITA,
KANSAS. JUDGE RYAN DENIED SAME AT TWO FIFTEEN PM THIS DATE.

BOARDMAN

HLD

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED
DATE 7/31/86 BY 3042 PWS/AS
RECORDED-1
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EX 121

cc Branigan
56 JUN 30 1953

65-58236-1899

JUN 23 1953

Same

UNRECORDED COPY FILED IN 100-325913

TO : MR. LADD

DATE: June 16, 1953

FROM : MR. BELMONT

SUBJECT: JULIUS ROSENBERG, ET AL
ESPIONAGE - R

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Glavin
Harbo
Rosen
Tracy
Gearty
Mohr
Winterrowd
Tele. Room
Holloman
 Sizoo
Miss Gandy

On the evening of June 15, 1953, ASAC Whelan of New York called to advise that Eddie Ransel of the New York Times had informally discussed with him a campaign being waged by the Rosenbergs and the Communist Party for clemency or stay of execution. Ransel expressed the opinion that the defense has been making considerable headway from a propaganda standpoint and he wondered whether it was not possible for the Government to hit back through the medium of newspapers to counteract this propaganda. He said that he realized the Government may not be in a position "to carry the ball" but perhaps he could be of assistance through the New York Times.

Mr. Whelan said that he realized that anything the Government said in connection with this case would be seized upon by the defense as additional material for propaganda and that if the New York Times is going to attempt to counteract the propaganda, it would have to be on their own. He wondered whether there was any slant we would want to give the New York Times for this purpose.

I told Mr. Whelan it was my frank opinion that the Government should not be pushed into making any disclosures or comments counteract this propaganda; that it has been made clear to the American public that, first, the Rosenbergs are guilty, and, second, that the Rosenbergs have the means to ameliorate their sentence as explained to them by Judge Kaufman. Mr. Whelan said that Eddie Ransel has been highly cooperative with the New York Office and he believes him to be trustworthy and loyal.

ACTION:

For your information. I question that we are in a position to take advantage of Ransel's offer for the above reasons.

AHB:mer

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HEREIN IS UNCLASSIFIED
DATE 6/2/80 BY SP5-RJG/TMG

7/24/86

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56 JUN 30 1953

RECORDED-8

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165-58236-1880

EX-121

JUN 19 1953

UNRECORDED COPY FILED IN 100-400-370.

6:19

June 19, 1953

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/26/86 BY 3042PWS/AS

MEMORANDUM FOR MR. TOLSON
MR. LADD
MR. BELMONT
MR. NICHOLS

Julius Rosenberg

The Attorney General called and stated that Deputy Attorney General Rogers and Fred Mullen were with him and he thought Mr. Rogers and Mr. Mullen would come over to my office and he would go on home at 6:30. I told him we would keep in touch with him by phone if anything turned up. He stated they had received a clearance from Acting Solicitor General Stern who stated every petition had been turned down. I told the Attorney General that I had just talked to our Agents at Sing Sing in the Death House and they say there is no indication of any break at all so I thought everything was all right and we would keep in touch with him.

Very truly yours,

61 S.E.H.

John Edgar Hoover
Director

cc-Mr. Holloman

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JEH:EH

56 JUN 20 1953

RECEIVED
TIME 10:10
DATE 6-24-53
BY JKH

RECORDED - 9

165-58236

21 JUN 25 1953

2:05

Julius Rosenberg

June 19, 1953

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/25/86 BY 3042P/W/AS

MEMORANDUM FOR MR. TOLSON
MR. LADD
MR. BELMONT
MR. NICHOLS

I called Mr. Belmont and advised him that the execution will go through this evening and the President will shortly announce the denial of their plea. I cautioned him that I did not want this information to go beyond him at the present and that I would alert him when it was formally announced. I stated that Mr. Bennett, the Director of the Bureau of Prisons, will call the U. S. Marshal in due time. I told Mr. Belmont that I had just spoken to the Attorney General, who was at the White House, and they are issuing a press release and the Marshal will be instructed to fix the time of execution, which is to be sometime between 7:15 and sundown. Mr. Belmont was advised that I would be on duty all evening until this was over and I would let him know as soon as it is officially over the wire and then he could talk to the other Agents and set up whatever procedures were necessary.

Very truly yours,

John Edgar Hoover
Director

cc-Mr. Holloman

JEH:EH

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JUN 20 1953
10:10
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65-58236-11
JUN 20 1953
1882

56 JUN 20 1953

6:27

June 19, 1953

MEMORANDUM FOR MR. TOLSON
MR. LADD
MR. BELMONT
MR. NICHOLS

Julius Rosenberg

Mr. Belmont called from Sing Sing Prison to advise that Warden Denno had received a call purporting to come from some woman in Attorney General Brownell's Office. He stated the woman said that Justice Vinson was considering another stay of execution and the giving of a lie detector test and an insanity test to the Rosenbergs. Mr. Belmont stated when the Warden asked her to repeat her name she hung up and now the Warden was asking us to check on this to make sure there was nothing to it. I told Mr. Belmont we would check on this right away. Mr. Belmont advised me at this time that the Executioner was about thirty minutes away.

Very truly yours,

J. E. H.
John Edgar Hoover
Director

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE *7/25/86* BY *3042 PWS/AS*

cc-Mr. Holloman

JEH:EH

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TIME	<i>10:10</i>
DATE	<i>6-24-53</i>
BY	<i>JRH</i>

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65-58236-183
JUN 25 1953

56 JUN 20 1953

8:08

June 19, 1953

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/25/96 BY 3042 PWS/AB

MEMORANDUM FOR MR. TOLSON
MR. LADD
MR. BELMONT
MR. NICHOLS

Mr. Belmont called to advise that Julius Rosenberg had been electrocuted and they had gone to get Ethel Rosenberg. I told him to advise us as soon as this was done.

8:17

Mr. Belmont called back to advise that Ethel Rosenberg had been electrocuted. Mr. Belmont stated he promised the Warden there would be no publicity out of Washington and I stated that would be adhered to. Mr. Rogers, who was on the phone with me, agreed and asked the time on this and Mr. Belmont advised that Julius was electrocuted at 8:05 and Ethel at 8:15, but he did not have the exact time and would have to verify this. Mr. Rogers stated this was close enough and I asked Mr. Belmont to stand by as I would be talking to him about the closing up of this situation.

Very truly yours,

JEH

John Edgar Hoover
Director

RECORDED - 9

65-58236-188
JUN 25 1953

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JEH:mpd

56 JUN 20 1953

SEARCHED	INDEXED
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JUN 25 1953	
FBI - NEW YORK	

6:34

June 19, 1953

MEMORANDUM FOR MR. TOLSON
MR. LADD
MR. BELMONT
MR. NICHOLS

Julius Rosenberg

I called the Attorney General and in his absence spoke to Deputy Attorney General Rogers and advised him that we had just learned that the Warden had received a call from a woman identifying herself as secretary to the Attorney General advising him, the Warden, that the Chief Justice was now considering the giving of a lie detector test and an insanity test to the Rosenbergs. I stated the Warden asked her to repeat her name and she hung up and the Warden wanted us to verify whether there was any foundation for this or whether this was a crank. Mr. Rogers stated there was no foundation for this.

Very truly yours,

John Edgar Hoover
Director

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/25/86 BY 3042PWW/AS

RECORDED-77

cc-Mr. Holloman

JEH:EH

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TIME	10:10
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BY	JRZ

65-52236-1885
21 JUN 25 1953

56 JUL 3 1953

12:09

June 19, 1953

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/25/86 BY 3042 PWS/AB

MEMORANDUM FOR MR. TOLSON
MR. LADD
MR. BELMONT
MR. NICHOLS

Julius Rosenberg

I called Mr. Belmont to advise him that the Supreme Court had cancelled the stay of execution of the Rosenbergs though I did not have all the details. I told him that last night there arose at the Attorney General's dinner quite an extended controversy with Director of the Bureau of Prisons Bennett. I stated the Attorney General had raised the question as to whether the President might be inclined to grant commutation and sought the opinions of those of us who were present, and Bennett was the only one who urged commutation.

I stated that then the fact that the Jewish Sunday starts at sundown tonight and runs until sundown tomorrow night came up and the question arose as to whether the Rosenbergs should be executed on a Jewish Sunday. I commented that this matter was still at a hiatus. I indicated there was a suggestion they be executed before sundown today but it seemed to be the feeling that that might be a little too fast a move. I commented that Bennett also opposed this and stated the Warden could not be ready by sundown today. I commented that the matter would probably be settled at the 12:30 luncheon today, but if they are not executed today they will then be executed after tomorrow night. I stated they have to be executed this week otherwise the matter will be back in court again before Judge Kaufman.

I then asked Mr. Belmont what the conditions in the institution were this morning and he stated they were very quiet. I also asked him confidentially how long it took to get ready for an execution and Mr. Belmont stated the Warden said he could handle the execution within an hour's notice; that as he understood it the Warden told the Executioner to be available at 6:00 P.M. this afternoon to set it up. I commented I would keep this in mind.

Mr. Belmont then advised that the only opinion the Warden has expressed was that he would prefer not to have the execution during the day, or daylight, but when things settled down in the prison which was any time from 8:00 o'clock on. He stated, however, he did not believe the Warden would object if they desired it carried out this afternoon. I stated if the

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65-58236-1886
JUN 21 1953

execution takes place tomorrow we thought it ought to be set up somewhere between 9:00 and 10:00 o'clock rather than 11:00 o'clock tomorrow night and Mr. Belmont stated 9:00 o'clock would be very appropriate. I told Mr. Belmont that I would keep the Warden's comment in mind in today's discussion and would let him know the results.

Very truly yours,

E. J. E. H.

John Edgar Hoover
Director

cc-Mr. Holloman

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SENT FROM D. C.	
TIME	10:10
DATE	6-24-53
BY	JRZ

6:59

June 19, 1953

MEMORANDUM FOR MR. TOLSON
MR. LADD
MR. BELMONT
MR. NICHOLS

Julius Rosenberg

Mr. Belmont called from Sing Sing and stated that Warden Denno was in receipt of a telegram postmarked at New York at 3:47 P.M., Dated June 19, 1953, which read as follows: (I asked Mr. Rogers to come on the line while this was read).

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DATE 7/25/86 BY 30420WJ/AB

"Under Rule 38 of the Federal Rules of Criminal Procedures, the sentence of death is stayed automatically if an appeal is taken. There is now pending in the Federal Court of Appeals an appeal from the denial of a petition attacking the sentence of death. You are on notice that the execution of the Rosenbergs would be in violation of the law and that a writ of mandamus will be sought immediately to stay the execution. Emanuel P. Bloch."

Mr. Belmont advised that the Warden stated the U. S. Marshal had talked to Bloch after 4:10 P.M. from Washington, D. C. so apparently the wire is not directly from Bloch, and he, the Warden, desired that a check be made on this as to his position. Mr. Belmont stated it was possible this was sent by an attorney by the name of Kinoy, who had filed a motion before Judge Kaufman yesterday advising he intended to appeal to the Circuit Court in New York. He stated Kinoy may have been representing Bloch. Mr. Rogers then spoke up and stated that Bloch issued a statement, which had come over the wire a short time ago, saying that he had abandoned all his legal remedies. Mr. Rogers thought he, Mr. Belmont, might call this to the Warden's attention. Mr. Rogers also stated that Mr. Belmont would be called regarding this.

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cc-Mr. Holloman

JEHEH

JUL 3 1953

TIME 10:10
DATE 6-24-53
PP

Very truly yours,

K/ J.E.H.

John Edgar Hoover
Director

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JUN 25 1953 1887

4:31

June 19, 1953

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/25/96 BY 3042PWS/AB

MEMORANDUM FOR MR. TOLSON
MR. LADD
MR. BELMONT
MR. NICHOLS

Julius Rosenberg

Mr. Belmont called me from Sing Sing Prison to advise that they had just received a call from Assistant Special Agent in Charge Whelan who advises they have located the Executioner at his home. He Stated the Executioner had been put in a State Troopers' car and a Bureau car was following in case anything should break down. I instructed Mr. Belmont to advise the Warden of this.

(4:40) Mr. Belmont called me back to advise that he had just talked to the Warden concerning the above and the Warden had also been trying to get in touch with him as he, the Warden, had been advised of this by the State Police. Mr. Belmont advised that the Warden had set the execution for 8:00 P.M. and that the Executioner will be there in plenty of time. I stated this was fine and asked that I be advised as soon as the Agents arrive with the writs. Mr. Belmont stated this would be done.

(4:55) I called Mr. Belmont again a little later and advised him that Deputy Attorney General Rogers has raised the question of the Rabbi making any protest as the evening comes on. I stated it might be well for him to make a comment to the Warden concerning this situation. Mr. Belmont was advised that according to the press ticker the Rabbi had announced, before he left his home, that he would request a postponement of the execution if the Rosenbergs should ask for it if the execution was going to take place tonight. I commented that at that time the Rabbi was assuming the execution was going to take place at 11:00 o'clock. I stated the Department has checked with the Weather Bureau and has learned that sundown in New York is at 8:36 and therefore if the execution takes place at 8:00 it will be over by 8:05 or 8:10 at the latest. I told Mr. Belmont I did not want to ask the Warden to speak to the Rabbi but just to suggest he might be alert to this possibility as we want no objection raised. Mr. Belmont then inquired concerning the procedure in the event an objection is raised by the Rabbi and I told him it would be up to the Warden.

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JUN 25 1953

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to alert him, Belmont, and also convey it to the Marshal so the Marshal could communicate this information down here so it could be taken care of right away . I stated, however, it could be pointed out to the Rabbi that the Jewish Sabbath does not commence until 8:36 and it will all be over before the Sabbath starts.

(5:41) Mr. Belmont called me again to advise that he had received the documents from the Supreme Court and he was sending them over to the Warden by one of his guards in view of the fact the Warden could not get away from his office at that time. Mr. Belmont stated he had an original and a copy and he assumed that both were to be delivered to the Warden and I told him that was right.

Very truly yours,

John Edgar Hoover
Director

cc-Mr. Holloman

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4:25

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HEREIN IS UNCLASSIFIED
DATE 7/25/96 BY 3042 PWS/AS

June 19, 1953

MEMORANDUM FOR MR. TOLSON
MR. LADD
MR. BELMONT
MR. NICHOLS

Junius Rosenberg

Mr. Belmont called to advise that no word had been received on the Executioner as yet, nor had the Warden received any word. He stated, however, that he would have a report from our Agent, who was proceeding to Cairo, within the next few minutes. I asked for the name of the Executioner and was advised it was Francel and then inquired whether he was under instructions to be at the prison at 6:00 P.M. tonight. Mr. Belmont stated that was what the Warden told him last night, however, today the Warden told them that Francel was going to start from Cairo at 6:00 and it would take about two and a half hours to come down to Ossining. I stated that would bring him in too late. Mr. Belmont stated he had just talked to the Warden and the execution was set for between 7:45 and 8:00, if the Executioner is there. Mr. Belmont thought it might be a good idea to contact the Coast Guard in New York and have them get a helicopter up around Cairo, which is about ninety-six miles from Sing Sing, and I told him to go ahead and do this.

Mr. Belmont then mentioned the personal effects of the Rosenbergs and stated we were not going to touch them at all; that they will go down to New York with the Marshal and if we feel it is necessary to contact him down there that can be done. I agreed.

Mr. Belmont then stated he told the Warden we were highly appreciative of the fact that he had made no mention of our being up there and that nothing had come out on it and the Warden said he would continue that policy. I stated when this was over we would want to write him a very nice letter. Mr. Belmont told me they were going to the Death House at 7:00 P.M.; that he had talked this over with the Warden who felt this was the best time and there was no indication that the Rosenbergs will want to talk. I was also advised that the certified papers would be there at about 5:30; that the Agent had reached LaGuardia and was now on his way to Sing Sing. Mr. Belmont stated he was arranging to have one of the Agents already within the prison slip out and bring the papers in in order to avoid any more people being inside the prison. I agreed on this procedure and asked to be advised as soon as the writs were

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delivered to the Warden. Mr. Belmont stated he had told the Warden they were coming up here and the writs would be given to the Marshal. I told him it would be better to give the documents to the Warden inasmuch as the orders were to give them to either the Warden or the Marshal.

Very truly yours,

S. J. E. H.

John Edgar Hoover
Director

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cc-Mr. Holloman

JEH:EH

RECEIVED	
TIME	10:10
DATE	6-24-53
BY	JKT

3:33

June 19, 1953

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HEREIN IS UNCLASSIFIED
DATE 7/25/86 BY 3042 PWS/AS

MEMORANDUM FOR MR. TOLSON
MR. LADD
MR. BELMONT
MR. NICHOLS

Julius Rosenberg

I called Mr. Belmont to see if any word had been received concerning the Executioner and he advised me there was none; that he had just talked to the Warden and the Warden had the State Police in the Catskills looking for him. I inquired where he had gone and was advised that the Executioner did contracting work and apparently had been bothered by so many people that he had taken the phone off the hook and the Warden had not been able to reach him. Mr. Belmont advised me that the Executioner lived at Cairo and that we have a resident Agent near there who is on his way with instructions to locate this individual and have him call the Warden immediately and stand by to bring him down. I stated whichever one could bring him down the quickest, our Agents or the State Troopers, should do it. I asked Mr. Belmont to make those arrangements and call me at the first word he gets as to the Executioner's location and the approximate time he can get to the prison.

Very truly yours,

A. J. E. H.

John Edgar Hoover
Director

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c-Mr. Holloman

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56 JUN 20 1953

SENT FROM D. C.	
TIME	10:10
DATE	6-24-53
BY	JK

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JUN 25 1953

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DATE 7/25/82 BY 3042PWS/AS

June 19, 1953

MEMORANDUM FOR MR. TOLSON
MR. LADD
MR. BELMONT
MR. NICHOLS

Julius Rosenberg

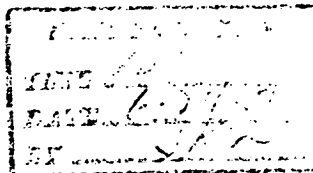
Deputy Attorney General Rogers called regarding the possibilities of the Executioner not showing up and I advised him that he had just been located and is being brought by car from Cairo to Ossining which will take about two hours and he will be at the Prison in plenty of time for the execution which is set for 8:00 P.M. I stated the papers have also been received at LaGuardia and are being brought by car to Ossining and should be there in about forty-five minutes. Mr. Rogers commented he thought everything was pretty much under control and I agreed. I stated the U. S. Marshal had not yet arrived but that he was en-route by automobile. I commented that the Marshal had made an announcement when he left New York that he was proceeding with his assistants and Mr. Rogers stated they had contacted Mr. Bennett from the White House and had told him that the Marshal was not to say anything.

I also told Mr. Rogers that the Rosenbergs had a visit this morning and then again this afternoon and they will probably be moved into the death cell at 7:00 P.M. I stated thus far there has been no indication of their talking; that they have wrapped all their personal effects and turned them over to the Warden with instructions to be delivered to their relatives, and they have made their will which has been witnessed by representatives of the Warden's staff.

Mr. Rogers then asked whether anyone had checked with the Warden concerning the Rabbi to be sure he made no protest about the 8:00 o'clock time. I told Mr. Rogers that earlier in the day the Rabbi stated if the Rosenbergs asked not to have the execution this evening he would make that request for them in view of the Jewish Sabbath. I stated I would call our Agents at Sing Sing on this. I told Mr. Rogers that the executions would be over before the Jewish Sabbath began.

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6 JUN 20 1953
cc-Mr. Holloman



Very truly yours,

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John Edgar Hoover
Director

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65-58236-1
JUN 25 1953

J.E.H.

8:02

June 19, 1953

Julius Rosenberg

MEMORANDUM FOR MR. TOLSON

MR. LADD

Re: Rosenberg Case

MR. BELMONT

MR. NICHOLS

The Attorney General called me to inquire if there was anything new. I advised that Mr. Rogers was also on the phone and told him the last word we had was that they left the Death House at 7:57 and it was just now 8:00 p.m. and we were expecting word any minute. I stated there had not been any indication they would talk and that Mr. Rogers had advised Mr. Belmont to inform the Warden about the results of the check on the latest telegram which arrived, about something pending in Court. I stated the Rosenbergs were not scheduled to enter until exactly 8:00 and I thought there might be a few minutes drag on that; that Julius would go first and Ethel would follow. I told the Attorney General it was now exactly 8:02 and we should be getting a call very shortly. He asked that we call him. Mr. Rogers then came on and stated the Deputy Marshal talked with them a little while ago and stated everything was in good order and there was no problem at all.

Very truly yours,

JEH

John Edgar Hoover
Director

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56 JUN 30 1953

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8:20

June 19, 1953

Julius Rosenberg

ALL INFORMATION CONTAINED
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DATE 7/23/86 BY 3042PWS/AS

MEMORANDUM FOR MR. TOLSON
MR. LADD
MR. BELMONT
MR. NICHOLS

Re: Rosenberg Case

Deputy Attorney General Rogers called the Attorney General to advise him that it was all over, that the electrocutions had taken place at approximately 8:05 and 8:15. He stated we did not have any fill-in on it yet as Mr. Belmont had not yet talked to anyone who came out. The Attorney General stated they should all go home but Mr. Rogers stated they would stand by for a little while to see if there were any repercussions and, otherwise, if there was nothing, he would not bother to call him. The Attorney General agreed to this.

Very truly yours,

JEH
John Edgar Hoover
Director

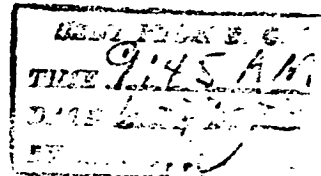
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JUN 25 1953

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9:04

June 19, 1953

Julius Rosenberg
Re: Rosenberg Case

MEMORANDUM FOR MR. TOLSON
MR. LADD
MR. BELMONT
MR. NICHOLS

Mr. William Rogers called the Attorney General and stated they had talked to the Warden who indicated that things went fine as there were no outbursts of any kind and no emotion. He was pronounced dead at 8:06 3/4 and she at 8:16. He stated the newspaper people were perfectly happy and there were no complaints and as far as he could tell everything went all right. The Attorney General stated he was glad to get this report. Mr. Rogers stated he thought he would leave as he did not think there would be any need to wait any longer. The Attorney General asked Mr. Rogers to thank everyone.

Very truly yours,

J E H

John Edgar Hoover
Director

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56 JUN 20 1953

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TIME <i>9:45 AM</i>
DATE <i>6-23-53</i>
BY <i>[Signature]</i>

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65-58236-1894
JUN 22 1953

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Nichols

DATE: June 19, 1953

FROM : M. A. Jones

SUBJECT: MRS. BRUCE RYAN
EL CENTRO, CALIFORNIA
TELEPHONE CALL TO THE BUREAU ON
6-19-53 REGARDING ROSENBERG CASE

Julius Rosenberg

At 7:40 p.m. on 6-19-53 a woman giving the name Mrs. Bruce Ryan called from El Centro, California, and asked for the Director. The call was referred to SA Melvin L. Long in Crime Records Section.

Mrs. Ryan stated that she wanted to make a plea for the Rosenbergs because she thought that two innocent people were about to die. It was explained to her that the Bureau is strictly an investigative agency and could therefore be of no assistance with regard to her plea. She stated that she had failed in efforts to contact the President and Mrs. Eisenhower and she thought that she would now try to reach Justice Douglas.

When Mrs. Ryan hung up she appeared to have been satisfied with her call to the Bureau.

No data in Bufiles could be identified with Mrs. Ryan.

RECOMMENDATION:

None. For information.

cc - Mr. Nichols
cc - Telephone Room
cc - Mr. Holloman

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HEREIN IS UNCLASSIFIED
DATE 7/25/86 BY 3042PWS/KES

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65-58236-1895

JUN 1953

JUN 20 1953

FROM

DO-7

OFFICE OF DIRECTOR, FEDERAL BUREAU OF INVESTIGATION

TO
OFFICIAL INDICATED BELOW BY CHECK MARK

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

See Me _____
Note and Return _____
For Your Recommendation _____
What are the facts? _____
Remarks: _____

An amazing
opinion
with reasoning
that is certain
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serve the cause
of the defendants.

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ENCL

SUPREME COURT OF THE UNITED STATES

Julius Rosenberg and Ethel
Rosenberg, Petitioners,
v.
The United States of America. } Application for a Stay.

[June 17, 1953.]

MR. JUSTICE DOUGLAS.

These are two applications for a stay of execution made to me after adjournment of the Court on June 15, 1953. The first raises questions concerning the fairness of the trial of the Rosenbergs. I have heard oral argument on that motion and considered the papers that have been filed. This application does not present points substantially different from those which the Court has already considered in its several decisions to deny review of the case, to deny a stay of execution, and to deny a petition for a writ of *habeas corpus*. While I differed with the Court and thought the case should have been reviewed, the Court has spoken and I bow to its decision. Although I have the power to grant a stay, I could not do so responsibly on grounds the Court has already rejected.

Another motion for stay, together with a petition for writ of *habeas corpus* challenges the power of the District Court to impose the death sentence on the Rosenbergs. The Espionage Act (50 U. S. C. § 32 (a)) provides:

"Whoever, with intent or reason to believe that it is to be used to the injury of the United States or to the advantage of a foreign nation, communicates, delivers, or transmits, or attempts to, or aids or induces another to, communicate, deliver, or transmit, to any foreign government, or to any faction or party or military or naval force within a foreign country,

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per release

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ENCLOSURE

2 ROSENBERG v. UNITED STATES.

whether recognized or unrecognized by the United States, or to any representative, officer, agent, employee, subject, or citizen thereof, either directly or indirectly, any document, writing, code book, signal book, sketch, photograph, photographic negative, blue print, plan, map, model, note, instrument, appliance, or information relating to the national defense, shall be punished by imprisonment for not more than twenty years: *Provided, That whoever shall violate the provisions of subsection (a) of this section in time of war shall be punished by death or by imprisonment for not more than thirty years*" (Italics added.)

Section 34 provides:

"If two or more persons conspire to violate the provisions of sections two or three of this title and one or more of such persons does any act to effect the object of the conspiracy, each of the parties to such conspiracy shall be punished as in said sections provided in the case of the doing of the act the accomplishment of which is the object of such conspiracy. Except as above provided conspiracies to commit offenses under this title shall be punished as provided by section thirty-seven of the Act to codify, revise, and amend the penal laws of the United States approved March fourth, nineteen hundred and nine."

The indictment, which was returned in 1951, charged a conspiracy to violate § 32 (a) with an intent to communicate information that would be used to the advantage of a foreign nation, viz., Soviet Russia. The conspiracy was alleged to have continued from June 6, 1944 to and including June 16, 1950. The overt acts of the Rosenbergs which were *alleged* took place in 1944 and 1945.

ROSENBERG v. UNITED STATES. 3

On August 1, 1946, the Atomic Energy Act became effective. Section 10 (b)(2) and (3) provide:

"(2) Whoever, lawfully or unlawfully, having possession of, access to, control over, or being entrusted with, any document, writing, sketch, photograph, plan, model, instrument, appliance, note or information involving or incorporating restricted data—¹

"(A) communicates, transmits, or discloses the same to any individual or person, or attempts or conspires to do any of the foregoing, with intent to injure the United States or with intent to secure an advantage to any foreign nation, upon conviction thereof, shall be punished by death or imprisonment for life (*but the penalty of death or imprisonment for life may be imposed only upon recommendation of the jury and only in cases where the offense was committed with intent to injure the United States*); or by a fine of not more than \$20,000 or imprisonment for not more than twenty years, or both;" (italics added).

"(B) communicates, transmits, or discloses the same to any individual or person, or attempts or conspires to do any of the foregoing, with reason to believe such data will be utilized to injure the United States or to secure an advantage to any foreign nation, shall, upon conviction, be punished by a fine of not more than \$10,000 or imprisonment for not more than ten years, or both.

¹ It would seem that the secrets involved in this case were "restricted data" within the meaning of the Act. Section 10 (b)(1) defines that term as meaning "all data concerning the manufacture or utilization of atomic weapons, the production of fissionable material, or the use of fissionable material in the production of power, but shall not include any data which the Commission from time to time determines may be published without adversely affecting the common defense and security."

4 ROSENBERG v. UNITED STATES.

"(3) Whoever, with intent to injure the United States or with intent to secure an advantage to any foreign nation, acquires, or attempts or conspires to acquire any document, writing, sketch, photograph, plan, model, instrument, appliance, note or information involving or incorporating restricted data shall, upon conviction thereof, be punished by death or imprisonment for life (*but the penalty of death or imprisonment for life may be imposed only upon recommendation of the jury and only in cases where the offense was committed with intent to injure the United States*): or by a fine or not more than \$20,000 or imprisonment for not more than twenty years, or both." (Italics added.)

It is apparent from the face of this new law that the District Court is without power to impose the death penalty except

—upon recommendation of the jury
and

—where the offense was committed with an intent to injure the United States.

Neither of those conditions is satisfied in this case as the jury did not recommend the death penalty nor did the indictment charge that the offense was committed with an intent to injure the United States. If the Atomic Energy Act of 1946 is applicable to the prosecution of the Rosenbergs, the District Court unlawfully imposed the death sentence.

The Department of Justice maintains that the Espionage Act is applicable to the indictment because all of the overt acts *alleged* took place before the passage of the Atomic Energy Act of 1946. Petitioner maintains that since the indictment was returned subsequent to the Atomic Energy Act and since the conspiracy alleged,

though starting prior to that time, continued thereafter, the lighter penalties of the new Act apply.

Curiously, this point has never been raised or presented to this Court in any of the earlier petitions or applications. The first reaction is that if it was not raised previously, it must have no substance to it. But on reflection I think it presents a considerable question. One purpose of the Atomic Energy Act was to ameliorate the penalties imposed for disclosing atomic secrets. As S. Rep. No. 1211, 79th Cong., 2d Sess., p. 23, stated, the problem in drafting § 10 was to protect the "common defense and security" and yet assure "sufficient freedom of interchange between scientists to assure the Nation of continued scientific progress."

The Rosenbergs obviously were not engaged in an exchange of scientific information in the interests of science. But Congress lowered the level of penalties to protect all those who might be charged with the unlawful disclosure of atomic data. And if the Rosenbergs are the beneficiaries, it is merely the result of the application of the new law with an even hand. In any event, Congress prescribed the precise conditions under which the death penalty could be imposed. And all violators—Communists as well as non-Communists—are entitled to that protection.

This question is presented to me for the first time on the eve of the execution of the Rosenbergs without the benefit of briefs or any extended research. I cannot agree that it is a frivolous point or without substance. It may be that not every death penalty imposed for divulging atomic secrets need follow the procedure prescribed in § 10 of the Atomic Energy Act. If the crime was complete prior to the passage of that Act, possibly the old Espionage Act would apply. But this case is different in three respects: *First*, the offense charged was a conspiracy commencing before but continuing after the date

6 ROSENBERG v. UNITED STATES.

of the new Act. *Second*, although the overt acts *alleged* were committed in 1944 and in 1945, the Government's case showed acts of the Rosenbergs in pursuance of the conspiracy long after the new Act became effective.² *Third*, the overt acts of the co-conspirator, Sobell, were *alleged* to have taken place between January, 1946, and May, 1948. But the proof against Sobell, as against the Rosenbergs, extended well beyond the effective date of

² Thus the Government's brief filed July 25, 1952 in opposition to the petitions of the Rosenbergs and of Sobell for certiorari stated:

"In February 1950, when the arrest of Klaus Fuchs was publicized, Julius (Rosenberg) went to David (Greenglass) and told him that Fuch's contact was the man who had got data from Ruth and David in June 1945; that Fuchs' arrest meant that the Greenglasses' activities would be discovered; and that therefore they would have to leave the country (R. 523). These warnings were renewed at the time of the arrest of Harry Gold (R. 525-526, 709) in May 1950. During that month, Julius gave David \$1,000, and promised him more, in order that David and Ruth might discharge their obligations and leave the country (R. 526, 710). In addition, he gave them specific and detailed instructions as to how to get to Mexico and ultimately to the Soviet Union (R. 526-530, 710).

"Julius informed the Greenglasses that he and his wife also were going to flee and that they would meet the Greenglasses in Mexico (R. 529, 713). Rosenberg did, in fact, ascertain from his physician what inoculations were needed for a trip to Mexico (R. 551), and he had passport pictures taken of himself and his family (R. 1427-1429).

"On May 30, 1950, in accordance with Julius' request, the Greenglasses had six sets of passport pictures taken, five of which they gave to Julius (R. 530-531, 712). The sixth set was retained by Greenglass and introduced in evidence at the trial (R. 531, 712; Ex. 9A, 9B). A week later, Julius visited the Greenglasses' apartment and gave David \$4,000 wrapped in brown paper (R. 532, 713; Ex. 10). He asked David to repeat the flight instructions, which David did (R. 532-533). David gave the \$4,000 to his brother-in-law, Louis Abel, who, after David's arrest, turned it over to the latter's lawyer (R. 536, 713, 794-795)."

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the new Act.³ In short, a substantial portion of the case against the Rosenbergs related to acts in pursuance of the conspiracy which occurred after August 1, 1946.

³ The Government's brief dated July 25, 1952, in opposition to the petitions for certiorari filed by the Rosenbergs and by Sobell summarized some of Sobell's activities as follows:

"In June 1948, (Max) Elitcher decided to leave the Bureau of Ordnance to take a job in New York (R. 256). When he informed Sobell of his plans, the latter urged him not to do anything until he discussed the matter with Rosenberg (R. 256).^{*} Pursuant to arrangements made by Sobell, Elitcher met Rosenberg and Sobell in midtown New York (R. 256-257). When Rosenberg was told about Elitcher's plans, he tried to persuade Elitcher to remain in Washington, stating that he needed a source of information in the Navy Department (R. 257). Rosenberg further stated that he had already made plans for Elitcher to meet a contact in Washington (R. 257). During this conversation, Sobell also attempted to persuade Elitcher to stay at the Bureau of Ordnance; he told Elitcher, 'Well, Rosenberg is right, Julie is right; you should do that' (R. 257).[†]

"Sobell then left and Elitcher had dinner with Rosenberg (R. 257). During the course of dinner, Rosenberg said that money could be made available for the purpose of sending Elitcher to school to improve his technical status (R. 258). Elitcher asked Rosenberg how he had got 'started in this venture' (R. 258). Rosenberg replied that a long time ago he had decided that this was what he wanted to do; that he made it a point to get close to people in the Communist Party and kept getting from one person to another until he finally succeeded in approaching a Russian 'who would listen to his proposition concerning this matter of getting information to Russia' (R. 258).

"A month later, in July 1948, Elitcher drove with his family from Washington, D. C., to New York City, preparatory to changing his job (R. 259). On the way, he noticed that he was being followed (R. 259-260). Upon his arrival in New York, he proceeded to Sobell's home, where he planned to stay overnight (R. 259). When Elitcher told Sobell of his fear that he had been followed, Sobell

^{*}Elitcher testified that Sobell said, 'Don't do anything before you see me. I want to talk to you about it, and Rosenberg also wants to speak to you about it' (R. 256).

[†]Elitcher, nonetheless, did not change his mind, and shortly afterwards changed his employment (R. 257, 255).

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I do not decide that the death penalty could have been imposed on the Rosenbergs only if the provisions of § 10 of the Atomic Energy Act of 1946 were satisfied. I merely decide that the question is a substantial one which should be decided after full argument and deliberation.

It is important that the country be protected against the nefarious plans of spies who would destroy us.

It is also important that before we allow human lives to be snuffed out we be sure—emphatically sure—that we act within the law. If we are not sure, there will be lingering doubts to plague the conscience after the event.

I have serious doubts whether this death sentence may be imposed for this offense except and unless a jury recommends it. The Rosenbergs should have an opportunity to litigate that issue.

I will not issue the writ of *habeas corpus*. But I will grant a stay effective until the question of the applicability of the penal provisions of § 10 of the Atomic Energy Act to this case can be determined by the District Court and the Court of Appeals, after which the question of a further stay will be open to the Court of Appeals or to a member of this Court in the usual order.

So ordered.

became angry and said that Elitcher should not have come to his house; that he had some valuable information in the house that he should have given Rosenberg some time ago, information that was 'too valuable to be destroyed and yet too dangerous to keep around' (R. 260-261). Over Elitcher's protests, Sobell insisted the information be delivered to Rosenberg that night. Sobell then took a 35 millimeter film can from his house, and, accompanied by Elitcher, drove to Manhattan. While Elitcher waited in the car, Sobell left to deliver the can to Rosenberg. When Sobell returned, Elitcher asked him what Rosenberg thought about his being followed (R. 261). Sobell replied that Rosenberg said that he had 'once talked to Elizabeth Bentley on the phone but he was pretty sure she didn't know who he was and therefore everything was all right' (R. 261). The two then returned to Sobell's house (R. 261)."