

F.O.I.A.

JULIUS ROSENBERG ET AL.

FILE DESCRIPTION

HQ

FILE

SUBJECT

Rosenberg

FILE NO.

65-58236

VOLUME NO.

33

SERIALS

1897

2025

NOTICE

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Sec 33

Pg 1

File No: 65-58236Re: Ethel + Julius RosenbergDate: 11-3-86
(month/year)

| Serial | Date | Description (Type of communication, to, from) | No. of Pages | | Exemptions used or, to whom referred (Identify statute if (b)(3) cited) |
|--------|---------|--|--------------|----------|--|
| | | | Actual | Released | |
| 1897 | 6-18-53 | Hennrich memo Belmont | 1 | 1 | - |
| 1898 | 6-18-53 | Hennrich memo Belmont | 1 | 1 | - |
| NR | 6-19-53 | Hennrich memo Belmont | 1 | 1 | - |
| 1899 | 6-18-53 | Belmont memo Ladd | 1 | 1 | (b) (2)/(b) (7) (D) |
| 1900 | 6-19-53 | memo for Tolson | 1 | 1 | - |
| 1901 | 6-18-53 | Ladd memo directed ^{w/} Hq | 2 1/2 | 2 1/2 | FOIA (b) (7) (C) |
| 1901 | 6-18-53 | HQ let AG | 2 | 2 | - (b) (7) (C) |
| 1902 | 6-23-53 | Granigan memo Belmont ^{w/Encl.} | 1/40 | 1/40 | - |
| 1903 | 6-23-53 | WFO let HQ | 1 | 1 | FOIA |
| 1904 | 6-18-53 | NY TT HQ | 2 | 2 | FOIA (b) (2)/(b) (7) (D) |
| 1905 | 6-19-53 | Ladd memo directed | 1 | 1 | - |
| 1906 | 6-19-53 | Nichols memo Tolson | 1 | 1 | - |
| | | | 57 | 57 | Denied Referred Prep. Presumed |

File No: 65-58236

Re: Ethel and Julius Rosenberg

Date: 11-3-86
(month/year)

| Serial | Date | Description (Type of communication, to, from) | No. of Pages | | Exemptions used or, to whom referred (Identify statute if (b)(3) cited) |
|--------|---------|--|--------------|----------|--|
| | | | Actual | Released | |
| 1907 | 6-22-53 | Dalbore let HQ w/encl | 1/2 | 1/2 | — |
| 1908 | 6-19-53 | Novak memo Tolson | 1 | 1 | — |
| 1909 | 6-23-53 | Brannigan memo Belmont w/encl | 1/81 | 1/81 | — |
| 1910 | 6-16-53 | Jayson let HQ w/encl | 1/3 | 1/3 | — |
| 1910 | 7-3-53 | HQ let Taylor | 1 | 1 | FOIA(b)(7)(D) |
| 1911 | 6-17-53 | Hennrich memo Belmont | 1 | 1 | — |
| 1912 | 6-18-53 | Belmont memo Radd | 1 | 1 | — |
| 1912 | 6-18-53 | HQ let AAG | 1 | 1 | — |
| 1913 | 6-19-53 | Hennrich memo Belmont | 1 | 1 | — |
| 1914 | 6-14-53 | NY TT HQ | 1 | 1 | — |
| 1914x | 6-22-53 | Belmont memo Radd | 1 | 1 | — |
| 1914x1 | 6-23-53 | Belmont memo Radd | 2 | 2 | — |

99 99 Amended Referred Pres. Pres.

File No: 45-58236

Re: Ethel & Julius Rosenberg

Date: 11-3-86
(month/year)

| Serial | Date | Description (Type of communication, to, from) | No. of Pages | | Exemptions used or, to whom referred (Identify statute if (b)(3) cited) |
|--------|---------|--|--------------|----------|--|
| | | | Actual | Released | |
| 1915 | 6-24-53 | Hover memo Tolson | 1 | 1 | |
| 1916 | 6-18-53 | Belmont memo Ladd | 1 | 1 | — |
| 1917 | 6-19-53 | Hennrich memo Belmont | 1 | 1 | — |
| 1918 | 6-18-53 | Ladd memo HQ | 2 | 2 | |
| 1919 | 6-22-53 | Raughlen memo Belmont | 1 | 1 | — |
| 1920 | 6-20-53 | Lundgren let HQ | 1 | 1 | |
| 1920 | 7-2-53 | HQ let Lundgren | 1 | 1 | |
| 1921 | 6-19-53 | Raughlen memo Belmont ^{where} | 1/3 | 1/3 | — |
| 1922 | 6-19-53 | Ladd memo director | 1 | 1 | — |
| 1923 | 6-18-53 | Ladd memo director | 1 | 1 | — |
| 1924 | 6-19-53 | Hennrich memo Ladd | 1 | 1 | — |
| 1925 | 6-19-53 | Hennrich memo Belmont | 1 | 1 | — |

16 16

Denied Referred Prop. Pres

File No: 65-58236

Re: Ethel & Julius Rosenberg

Date: 11-4-84
(month/year)

| Serial | Date | Description (Type of communication, to, from) | No. of Pages | | Exemptions used or, to whom referred (Identify statute if (b)(3) cited) |
|--------|---------|--|--------------|----------|--|
| | | | Actual | Released | |
| 1926 | 6-19-53 | Hennrich memo Radd | 2 | 2 | - |
| 1927 | 6-18-53 | Hennrich memo Branigan | 1 | 1 | - |
| 1928 | 6-13-53 | NY TT HQ | 7 | 7 | (b)(1) |
| 1929 | 6-17-53 | WFO let HQ | 1 | 1 | |
| 1930 | 6-19-53 | Hennrich memo Belmont | 1 | 1 | - |
| 1931 | 6-24-53 | Hoover memo Tolson | 3 | 3 | - |
| 1932 | 6-24-53 | Hoover memo DAG | 1 | 1 | - |
| 1933 | 6-19-53 | NY let HQ | 2 | 2 | |
| 1934 | 6-8-53 | Ansall let HQ | 3 | 3 | |
| 1934 | 6-18-53 | OG let | 2 | 2 | (b)(1) - |
| 1934x | 6-9-53 | NY TT HQ | 1 | 1 | - |
| 1935 | 6-17-53 | Branigan memo Belmont | 12 | 12 | (b)(1) |

36 36 Denied Referred Prep. Pres.

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|--------|---------|--|--------------|----------|--|
| | | | Actual | Released | |
| 1936 | 6-19-53 | Ladd memo director | 1 | 1 | — |
| 1937 | 6-16-53 | Baguin let HQ | 2 | 2 | |
| 1938 | 6-22-53 | HQ let Denver | 1 | 1 | — |
| 1939 | 6-18-53 | NY TT HQ | 2 | 2 | (b)(2)-(b)(7)(D) - (b)(7)(C) |
| 1940 | 6-20-53 | Belmont memo Ladd | 1 | 1 | — |
| 1941 | 6-25-53 | Wash news service | 1 | 1 | — |
| 1942 | 6-25-53 | Wash news service | 1 | 1 | — |
| 1943 | 6-20-53 | memorandum memo Belmont | 1 | 1 | — |
| 1944 | 6-19-53 | Belmont memo Ladd | 1 | 1 | — |
| 1945 | 6-23-53 | Brannigan memo Belmont ^{w/once} | 1/25 | 1/25 | |
| 1946 | 6-11-53 | Belmont memo Ladd | 2 | 2 | — |
| 1947 | 6-19-53 | DL TT HQ | 1 | 1 | |

40 40 Denied Referred Prep. Pres.

File No: 65-50234

Re: Ethel & Julius Rosenberg

Date: 11-4-86
(month/year)

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|--------|---------|--|--------------|----------|--|
| | | | Actual | Released | |
| 1947 | 6-23-53 | HQ let Stanfield | 1 | 1 | |
| 1948 | 6-19-53 | NY TT HQ | 1 | 1 | — |
| 1949 | 6-18-53 | NY TT HQ | 2 | 2 | |
| 1950 | 6-18-53 | IC let HQ w/enc | 2 1/2 | 2 1/5 | |
| 1951 | 6-14-53 | NY TT HQ | 1 | 4 | — |
| 1952 | 6-16-53 | NY TT HQ | 1 | 1 | (b)(7)(C), (b)(2) - (b)(7)(D) |
| 1953 | 6-20-53 | NY TT HQ | 1 | 1 | (b)(2) - (b)(7)(D) |
| 1954 | 6-19-53 | NY TT HQ | 1 | 1 | " " |
| 1955 | 6-18-53 | WFO TT HQ | 1 | 1 | (b)(2) - (b)(7)(D) |
| 1956 | 6-17-53 | NY TT HQ | 2 | 2 | (b)(2) - (b)(7)(D) |
| 1957 | 6-26-53 | NY let HQ | 2 | 2 | |
| 1958 | 6-22-53 | Havana let HQ | 1 | 1 | (b)(7)(D) |

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|------------------|------------|--|--------------|----------|--|
| | | | Actual | Released | |
| 1959 | 6-26-86 | Laughlin memo Belmont | 1 | 1 | - |
| 1960 | 6-25-53 | Belmont memo Ladd | 2 | 2 | - |
| 1961 | 6-24-53 | Belmont memo Ladd | 1 | 1 | - |
| 1962 | changed to | 62-101025-2 | 1 | 1 | - |
| NR | 7-1-53 | Nichols memo Tolson | 1 | 1 | - |
| 1963 | 7-1-53 | IC let HQ | 3 | 3 | - |
| 1964 | 6-13-53 | NY TT HQ | 4 | 4 | -(b)(2)-(b)(7)(C) |
| 1965 | 6-13-53 | LA TT HQ | 3 | 3 | - |
| 1966 | 6-13-53 | Belmont let director | 1 | 1 | - |
| Serial 170 NR | 6-13-53 | WFO TT HQ | X | - | - |
| 1967 | 6-25-53 | NY TT HQ | 2 | 2 | - |
| 1968 | 6-14-53 | Belmont memo Ladd | 1 | 1 | - |

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Denied Referred Prep. Pres.

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|--------|---------|--|--------------|----------|--|
| | | | Actual | Released | |
| 1969 | 6-16-53 | HQ TT NY w/enc | 1/1 | 1/1 | — |
| 1970 | 6-13-53 | WFO TT HQ | 2 | 2 | (b)(7)(D) |
| 1971 | 6-15-53 | NY TT HQ | 1 | 1 | — |
| 1972 | 6-19-53 | Nichols memo Tolson | 1 | 1 | |
| 1973 | 6-19-53 | Warren let HQ | 3 | 3 | |
| 1973 | 6-24-53 | HQ let Warren | 1 | 1 | |
| 1974 | 6-22-53 | Stillwell let HQ | 1 | 1 | (|
| 1974 | 6-21-53 | HQ let Stillwell | 1 | 1 | |
| 1975 | 6-25-53 | Biddlecome let HQ | 1 | 1 | |
| 1975 | 6-26-53 | HQ let Biddlecome | 1 | 1 | |
| 1976 | 7-3-53 | WFO let director | 1 | 1 | — |
| 1977 | 6-23-53 | Burger let HQ | 5 | 5 | ✓ |

20 20

Series Referred Prep Pres.

File No: 65-58236Re: Ethel & Julius RosenbergDate: 11-3-84
(month/year)

| Serial | Date | Description (Type of communication, to, from) | No. of Pages | | Exemptions used or, to whom referred (Identify statute if (b)(3) cited) |
|--------|---------|--|--------------|----------|--|
| | | | Actual | Released | |
| 1977 | 6-25-53 | HQ let Boykin | 1 | 1 | - |
| 1978 | 6-18-53 | NF TT HQ | 1 | 1 | |
| 1979 | 7-1-53 | Jones memo Nichols | 3 | 3 | |
| 1980 | 6-22-53 | Manigan memo Belmont | 1 | 1 | - |
| 1981 | 6-23-53 | Manigan memo Belmont | 1 | 1 | |
| 1982 | 6-30-53 | HQ let Lippitt | 1 | 1 | ← |
| 1983 | 7-7-53 | HQ memo Tolson | 1 | 1 | - |
| 1984 | 7-7-53 | HQ memo Tolson | 1 | 1 | - |
| 1985 | 6-30-53 | HQ let Willey | 1 | 1 | - |
| 1986 | 7-6-53 | CU let HQ | 1 | 1 | - |
| 1987 | 6-26-53 | DAG let HQ | - | - | Reprocessed Reporter handled by DOJ (1) |
| 1988 | 6-30-53 | Paris let HQ w/enc | 1/16 | 1/16 | - |

29 29 Denied Referred Prep. Pres.

File No: 65-58236

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Date: 11-4-86
(month/year)

| Serial | Date | Description (Type of communication, to, from) | No. of Pages | | Exemptions used or, to whom referred (Identify statute if (b)(3) cited) |
|--------|---------|--|--------------|----------|--|
| | | | Actual | Released | |
| 1989 | 7-1-53 | Paris let HQ w/enc | 1/4 | 1/6 | - |
| 1990 | 7-3-53 | EP let HQ | 2 | 2 | |
| 1991 | 7-8-53 | NY rept | 7 | 7 | (b)(7)(D) - (b)(7)(D) - (b)(7)(D) |
| 1992 | 6-23-53 | NY TT HQ | 1 | 1 | - |
| 1993 | 7-6-53 | AUSA NY telecall HQ | 1 | 1 | - |
| 1994 | | 3rd party let HQ | 2 | 2 | (b)(7)(D) |
| 1994 | 7-17-53 | HQ let 3rd party | 1 | 1 | |
| 1995 | 7-1-53 | PH let HQ | 1 | 1 | (b)(7)(C) - (b)(7)(D) |
| 1995 | 7-8-53 | HQ let AAG | 2 | 2 | (b)(7)(C) - (b)(7)(D) |
| 1996 | 6-29-53 | NY TT HQ | 2 | 2 | - |
| 1997 | 7-1-53 | Supreme court let HQ | 1 | 1 | - |
| 1998 | 6-22-53 | Nichols memo Tolson | 4 | 4 | - |

31 31 Denied Refused Prep. Pres.

File No: 65-58236

Re: Ethel & Julius Rosenberg

Date: 11-4-86
(month/year)

| Serial | Date | Description (Type of communication, to, from) | No. of Pages | | Exemptions used or, to whom referred (Identify statute if (b)(3) cited) |
|---------|---------|--|--------------|----------|--|
| | | | Actual | Released | |
| 1999 | 6-23-53 | Belmont memo Ladd | 1 | 1 | - |
| 2000 | 6-24-53 | Nichols memo Tolson | 1 | 1 | - |
| 2001 | 6-22-53 | Paris let State depart. | 4 | 0 | Refer to State |
| 2002 | 7-13-53 | anonymous communication | 1 | 1 | - |
| 2003 | 6-26-53 | Keay memo Belmont | 1 | 1 | - |
| 2004 | 6-26-53 | 3rd party let HQ | 5 | 5 | - |
| 2004 | 7-3-53 | HQ let 3rd party | 1 | 1 | - |
| 2005 | 6-23-53 | WFO let HQ | 1 | 1 | - |
| 2006 | 6-25-53 | Ladd memo director | 2 | 2 | - |
| 2007 | 6-10-53 | Ladd memo director | 2 | 2 | (b)(1) |
| 2007 X | 6-10-53 | Brannigan memo Belmont | 2 | 2 | - |
| 2007 X1 | 6-17-53 | director memo Tolson | 2 | 2 | - |

25 19 Denied Referred Prep. Pres.
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File No: 65-58234

Re: Ethel + Julius Rosenberg

Date: 11-4-86
(month/year)

| Serial | Date | Description (Type of communication, to, from) | No. of Pages | | Exemptions used or, to whom referred (Identify statute if (b)(3) cited) |
|--------|---------|--|--------------|----------|--|
| | | | Actual | Released | |
| 2008 | 6-26-53 | 3 rd party let Nichols | 2 | 2 | |
| 2009 | 7-15-53 | HQ let AG | 4 | 4 | (b)(7)(D) |
| 2010 | 7-15-53 | HQ let NY | 1 | 1 | (b)(7)(D) |
| 2011 | 7-9-53 | NY TT HQ | 1 | 1 | - |
| 2012 | 7-15-53 | HQ let State | 2 | 2 | (b)(7)(D) |
| 2013 | 7-7-53 | Nichols memo Tolson | 1 | 1 | - |
| 2013 | 7-13-53 | HQ let AG | 3 | 3 | - |
| 2014 | 7-8-53 | Paris let | 2 | 2 | - |
| 2015 | 7-11-53 | WFO let HQ | 1 | 1 | - |
| 2016 | 7-14-53 | Ladd memo director | 1 | 1 | - |
| 2017 | 6-17-53 | Paris let HQ | 1 | 1 | - |
| 2018 | 7-10-53 | NY TT HQ | 7 | 7 | (b)(2)-(b)(7)(D) |

74 74 Denied Referred Pres. Pres.

File No: 65-58236

Re: Ethel & Julius Rosenberg

Date: 11-1-86
(month/year)

| Serial | Date | Description (Type of communication, to, from) | No. of Pages | | Exemptions used or, to whom referred (Identify statute if (b)(3) cited) |
|--------|---------|--|--------------|----------|--|
| | | | Actual | Released | |
| 2018 | 7-15-53 | HQ let Paris | 2 | 2 | (b)(7)(D) - (b)(1) |
| 2019 | 6-10-53 | Ladd memo direct | 2 | 2 | (b)(1) |
| 2020 | 7-31-53 | HQ let 3rd party | 1 | 1 | |
| 2020 | 7-27-53 | 3rd party incl to HQ | 1 | 1/1 | |
| 2021 | 7-21-53 | Brannigan memo Belmont | 4 | 4 | -(b)(7)(D) |
| 2022 | 7-22-53 | HQ let NY | 1 | 1 | |
| 2023 | 7-15-53 | NY TT HQ | 1 | 1 | - |
| 2024 | 7-10-53 | Ottawa let HQ w/enc | 1 | 1/0 | (b)(1) |
| 2025 | 7-21-53 | NY TT HQ | 2 | 2 | (b)(7)(D) |
| | | | | | |
| | | | | | |
| | | | | | |

17 16 1 Referred Referred Pres. Pres.
FBI/DOJ

cc - Mr. Ladd
Mr. Branigan

cc - Mr. Litrento

Office Memorandum • UNITED STATES GOVERNMENT

TO : A. H. Belmont

DATE: June 18, 1953

FROM : C. E. Hennrich

SUBJECT: JULIUS ROSENBERG, et al
ESPIONAGE - RTolson
Ladd
Belmont
Clegg
Glavin
Harbo
Rosen
Tracy
Laughlin
Mohr
Winterrowd
Tele. Rm.
Holloman
Gandy

dm

SAC Hood advised at 4:55 P.M., that at that time there were approximately 2,000 people at the corner of 9th and Constitution Avenue. This group had been told to remain there until the group arrives from New York at 6:00 (this actually will occur at 6:40 P.M.), or unless the decision is reached by the Supreme Court sooner. It has been announced to all persons that all trains will wait in Washington until twelve midnight tonight for return to New York.

ACTION:

For your information.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/25/86 BY 3042 PWT/ALC

CEH:eme

56 JUN 30 1953

RECORDED - 9

65-58236-1897
13 JUN 19 1953

FILED COPY FILED 100-387835

cc - Mr. Ladd

Mr. Branigan

cc - Mr. Litrento

Office Memorandum • UNITED STATES GOVERNMENT

TO : A. H. Belmont

DATE: June 18, 1953

FROM : C. E. Hennrich

SUBJECT: JULIUS ROSENBERG
ETHEL ROSENBERG
ESPIONAGE - R

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

gm

SAC Hood called at 1:50 P.M. He advised that the Government had concluded its presentation before the Supreme Court at 1:45 P.M., and that thereafter defense attorney Emmanuel Block had started the defense presentation.

Hood further advised that through a confidential source it was learned that Jean Montgomery, who is an employee of Tass News Agency, had called her office and asked an unidentified person how things were going at the Supreme Court. This person advised that Frankfurter, Clark, and Douglas were giving the Government a rough time. This person further said that he thought there would be a reprieve. *(b)(7)(C)* *(b)(7)(D)*

ACTION:

For information.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/25/83 BY 3042 PWT/jlc

RECORDED - 9

65-58236-1898

CEH:ene

56 JUN 30 1953

ESP

UNRECORDED COPY FILED IN 100-185386

TO: MR. A.H. BELMONT
 FROM: MR. C.E. HENNRICH

June 19, 1953

SUBJECT: NATIONAL COMMITTEE TO SECURE JUSTICE

IN THE ROSENBERG CASE
 INTERNAL SECURITY - C

SAC [redacted], WFO, advised at 10:15 am today (6-19) that there are now approximately 200 tickets at the White House.

The Committee is reportedly keeping Mrs. Rosenberg, Julius's mother, "under wraps," to be used for a personal appeal to the President if the Supreme Court ruling is adverse to the Rosenbergs.

The President has told Mr. Sherman Adams that he does not want to see Mrs. Rosenberg and, accordingly, she will be turned away at the gates if she puts in her appearance.

ACTION:

For your information.

CEH:LL

100-387835

105-52256-
 NOT RECORDED
 86 JUN 24 1953

ALL INFORMATION CONTAINED

HEREIN IS UNCLASSIFIED

DATE 7/25/86 BY 3042PWT/PLC

INVIOLATO NO STIVILINI

59 JUL 2 1953

ORIGINAL FILED IN 100-387835-660

cc - Mr. B. J. [redacted]
Mr. Litr [redacted]

Office Memorandum • UNITED STATES GOVERNMENT

TO : D. M. Ladd

DATE: June 18, 1953

FROM : A. H. Belmont

SUBJECT: JULIUS ROSENBERG, et al
ESPIONAGE - RTolson
Ladd
Belmont
Clegg
Glavin
Harbo
Rosen
Tracy
Geary
Mohr
Winterrowd
Tele. Rm.
Holloman
Sizoo
Miss Gandy

(b) (2) / (b) (7) (D)

At 12:40 P.M., Supervisor Tom McAndrews of New York advised that [redacted] a live informant, has advised that the Civil Rights Congress and the National Committee to Secure Justice in the Rosenberg Case is planning to send people to Sing Sing to demonstrate. Their final decision will be made at 3:30 P.M. this afternoon.

McAndrews said that Warden Denno has been advised of this by New York. Denno said he is prepared; he has police barricades up. Denno reaffirmed that within an hour he can go through with the execution.

ACTION:

For your information.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/25/86 BY 3042PWT/mc

AHB:eme
[initials]

RECORDED-8

165-58236-1899

JUN 19 1953

5 JUN 30 1953

UNRECORDED COPY FILED IN

100-387835-
61-10149-

6:36

June 19, 1953

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

I called Mr. Belmont concerning the call which the Warden had received and which allegedly had come from the Attorney General's Office and advised him that no calls had been made by the Attorney General's Office to the Warden; that the Attorney General had left for his home and I had spoken to Deputy Attorney General Rogers who had stated there was no foundation for this. I asked that he advise Warden Denne of this.

Very truly yours,

K/

J.E.H.

John Edgar Hoover
Director

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/25/86 BY 3042 PWT/ptc

cc-Mr. Holloman

SEVEN

| | |
|-----------------|---------|
| SENT FROM D. G. | |
| TIME | 10:10 |
| DATE | 6-24-53 |
| BY | JK2 |

RECORDED-44

65-51234-1900
JUN 25 1953

77 JUN 29 1953

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

JULIUS ROSENBERG

Office Memorandum • UNITED STATES GOVERNMENT

TO : The Director

DATE: June 18, 1953

FROM : D. M. Ladd

SUBJECT: JULIUS ROSENBERG, et al
ESPIONAGE - RALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 1/25/86 BY 3042 PWT/MLC

| | |
|------------|--|
| Tolson | |
| Ladd | |
| Clegg | |
| Glavin | |
| Nichols | |
| Tracy | |
| Harbo | |
| Belmont | |
| Mohr | |
| Tele. Room | |
| Holloman | |
| Gandy | |

In answer to your inquiry concerning the identity of Irwin Edelman, there is set forth a summary of information appearing in our files on this individual:

Edelman is the subject of a Security Matter - investigation, Los Angeles origin (Bufile 100-350204) and is on the Security Index. Edelman was born 7-16-99, Vitesk, Russia. No record of his naturalization has been located. He resides at 4406 Tourmaline Street, Los Angeles, California and is reportedly unemployed. Edelman was a CP member in 1946 and 1947 and was expelled from the CP in 1947 for disagreeing with the National leadership of the Party.

and is considered by acquaintances to be in sympathy with Communist policies. He has participated in "soapbox oratory" on several occasions and his speeches have been critical of law enforcement authorities and extremely pro-Russian and anti-American. He has written several pamphlets reflecting his belief in Marxism.

He has a daughter, Helen Edelman, who, in 1952, was reported to be a reporter on the "Daily People's World," West Coast Communist newspaper.

Edelman has published pamphlets entitled "Freedom's Electrocution" and "The Suppressed Facts in the Rosenberg Case," pointing out the so-called injustices in the Rosenberg convictions. He states that the Rosenberg case is an American version of the "French Dreyfus Case." He is extremely critical of the handling of the Rosenberg defense by Emanuel Bloch, claiming Bloch made serious errors at the trial to the detriment of the Rosenbergs.

Edelman states in his pamphlet that prior to publishing it he conferred with the Los Angeles Chapter of the National Committee to Secure Justice in the Rosenberg Case, of which he was a member, concerning the errors of Bloch. A few days before his pamphlet came off the press, he was

65-58236

APL:amb

RECORDED
INDEXED

65-58236-1901

Letter to attorney General
cc - Deputy Attorney General
6-18-53

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expelled from the Committee. He also states that in December, 1952, Fyke Farmer wrote to him about the case and pointed out that he (Farmer) had made certain suggestions to Bloch but to no avail. It was Farmer's opinion that if anything were to be done for the Rosenbergs it would have to be done independently of the Rosenberg Committee and Bloch.

Copies of the Los Angeles report of Special Agent Kenneth R. Merrill dated 11-7-52 in the Edelman case reflecting this individual's Communist background were previously disseminated to the Department and the Immigration and Naturalization Service.

ACTION:

None. This is for your information.

Send memo to A.G. &
Rogers.
H.

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 ✓

ADD 6 ROSENBERGS

HE SAID CONGRESS HAD INDICATED THE PURPOSE OF THE LAW WAS TO PROTECT THE NATIONAL DEFENSE AND YET ASSURE "SUFFICIENT FREEDOM OF INTERCHANGE BETWEEN SCIENTISTS TO ASSURE THE NATION OF CONTINUED SCIENTIFIC PROGRESS."

THE STAY WAS OBTAINED NOT BY THE BATTERY OF ATTORNEYS REPRESENTING THE ROSENBERGS BUT BY TWO OUTSIDERS REPRESENTING A LOS ANGELES RESIDENT, IRWIN EDELMAN, WHO HAD INTERESTED HIMSELF IN THE CASE. THE ATTORNEYS ARE FYKE FARMER, NASHVILLE, TENN., AND DANIEL G. MARSHALL, LOS ANGELES.

6/17--AM1131A

What do we know of Edelman?

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Wm. Bell
7/25/86
3042

ENCLOSURE

RECORDED - 9 165-58236-1901

JUN 26 1953

~~ENCLOSURE~~

WASHINGTON CITY NEWS SERVICE

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 _____

ADD 7 ROSENBERGS

DOUGLAS SAID THE ROSENBERGS "OBVIOUSLY WERE NOT ENGAGED IN AN EXCHANGE OF SCIENTIFIC INFORMATION IN THE INTERESTS OF SCIENCE," BUT HE HELD THAT "CONGRESS LOWERED THE LEVEL OF PENALTIES TO PROTECT ALL THOSE WHO MIGHT BE CHARGED WITH THE UNLAWFUL DISCLOSURE OF ATOMIC DATA."

"IF THE ROSENBERGS ARE THE BENEFICIARIES, IT IS MERELY THE RESULT OF THE APPLICATION OF THE NEW LAW WITH AN EVEN HAND," THE OPINION SAID. "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."

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ENCLOSURE

WASHINGTON CITY NEWS SERVICE

THE ATTORNEY GENERAL

June 18, 1953

DIRECTOR, FBI

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DATE 7/25/86 BY 2042 PWT/MLC

JULIUS ROSENBERG, et al
ESPIONAGE - R

RECORDED

65-58236-1901

As you may recall, it has been reported that one Irwin Edelman, a resident of Los Angeles, California, is the individual who interested Fyke Farmer, Tennessee attorney, in instituting the action in the Rosenberg case which resulted in the granting of a stay of execution by Mr. Justice Douglas of the United States Supreme Court on June 17, 1953.

A check of our files reflects the following information on Edelman:

He is the subject of a pending security investigation of this Bureau. He was born on July 16, 1899, at Vitebsk, Russia. No record of his naturalization has been located to date. He resides at 4406 Tourmaline Street, Los Angeles, California, and is reportedly unemployed. Edelman was a Communist Party member in 1946 and 1947 and was expelled from the Communist Party in 1947 for disagreeing with the national leadership of the Party.

and is considered by acquaintances to be in sympathy with Communist policies. He has participated in "scapbox oratory" on several occasions and his speeches have been critical of law enforcement authorities and extremely pro-Russian and anti-American. He has written several pamphlets reflecting his belief in Marxism.

He has a daughter, Helen Edelman, who, in 1953, was reported to be a reporter on the "Daily People's World," a west coast Communist newspaper.

Edelman has published pamphlets entitled "Freedom's Electrocution" and "The Suppressed Facts in the Rosenberg Case," pointing out the so-called injustices in the Rosenberg convictions. He states that the Rosenberg case is an American version of the "French Dreyfus Case." He is extremely critical of the handling of the Rosenberg defense by Emanuel Bloch, claiming Bloch made serious errors at the trial to the detriment of the Rosenbergs.

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56 JUL 3 1953

Edelman states in his pamphlet "Freedom's Electrocution" that prior to publishing this pamphlet, he conferred with the Los Angeles Chapter of the National Committee to Secure Justice in the Rosenberg Case, of which he was a member, concerning the errors of Bloch. A few days before his pamphlet came off the press, he was expelled from the Committee. He also states that in December, 1952, Fyke Farmer wrote to him about the case and pointed out that he (Farmer) had made certain suggestions to Bloch to no avail. It was Farmer's opinion that if anything were to be done for the Rosenbergs, it would have to be done independently of the Rosenberg Committee and Bloch.

The foregoing is for your information.

65-58236

cc - 2 - Mr. William P. Rogers
Deputy Attorney General

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. A. H. BELMONT

DATE: June 23, 1953

FROM : MR. W. A. BRANIGAN

SUBJECT: JULIUS ROSENBERG, ET AL
ESPIONAGE - R
(BuFile 65-58236)Tolson
Ladd
Nichols
Belmont
Clegg
Glavin
Harbo
Rosen
Tracy
Gearty
Mohr
Winterrowd
Tele. Rm.
Holloman
 Sizoo
Miss Gandy

Attached hereto are copies of various opinions of the United States Supreme Court and individual Supreme Court Justices in the above-captioned case made on June 17, June 19, and June 22, 1953. These attachments were received from SA Howard Fletcher, Jr. of the Washington Field Office.

ACTION

It is recommended that these attachments be filed in the Rosenberg case file.

7/24/86

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65-58236-1902

APL:awn

Attachments

JUL 23 1953

SUPREME COURT OF THE UNITED STATES

No. —, JUNE 18 SPECIAL TERM, 1953.

| | | |
|---|---|--------------------------|
| Julius Rosenberg and Ethel Rosenberg, v. United States of America. | } | Motion to Vacate a Stay. |
|---|---|--------------------------|

[June 22, 1953.]

MR. JUSTICE FRANKFURTER, dissenting.

On an application made after adjournment of the Court, MR. JUSTICE DOUGLAS granted a stay of execution of the death sentences of Julius and Ethel Rosenberg. On the afternoon of the same day, the Attorney General of the United States filed an application to convene the Court in Special Term with a view to vacating the stay. It was not until late that afternoon that arrangements for convening the Court the following day could be completed. Less than three hours before the Court convened at about noon on Thursday, June 18, and in the case of some members of the Court only a few minutes before noon, did the individual members of the Court receive the Government's application and brief bearing on the propriety and reviewability of MR. JUSTICE DOUGLAS' order.

There followed three hours of argument on jurisdictional and procedural issues as well as on the issue of the substantiality of the question of law raised by the application for a stay which led to MR. JUSTICE DOUGLAS' order. In vacating that order the Court found no infirmity in it on any jurisdictional or procedural ground. The Court recognized MR. JUSTICE DOUGLAS' power to

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Enclosure

65-58236-1902

[JUSTICE FRANKFURTER]

2 ROSENBERG v. UNITED STATES.

entertain the application for a stay;¹ his power to consider a question though raised by counsel not of record; his power to consider a question not heretofore urged, when it concerned the legality of a sentence. See *Ex parte Lange*, 18 Wall. 163.

Thus the only issue in the case was whether the question on the basis of which MR. JUSTICE DOUGLAS acted was patently frivolous or was sufficiently serious to require the judicial process to run its course with the deliberation necessary for confident judgment. That is the sole issue to which this opinion is addressed. All else is irrelevant. Once the Court conceded, as it did, that the substantiality of the question raised before MR. JUSTICE DOUGLAS was the sole issue, it became wholly immaterial how many other questions were raised and considered on their merits in the District Court and in the Court of Appeals, or how many times review was sought on these questions and refused by this Court. It was equally immaterial how long a time intervened between the original trial of this case and the present proceeding, and immaterial that this was a last-minute effort almost on the eve of the executions. To allow such irrelevancies to enter the mind not unnaturally tends to bend the judicial judgment in a false direction.

And so I turn to what is for me controlling in this case. I summarized my position in the following notation on the Court's order:

"MR. JUSTICE FRANKFURTER is of opinion that the questions raised for the first time yesterday before the full Court by the application of the Attorney General are complicated and novel. He believes

¹ Naturally enough the Government and the Court "do not doubt that MR. JUSTICE DOUGLAS had power to issue the stay in this proceeding." How could there be doubt about a power that has existed uninterruptedly ever since Congress gave it by the Act of September 24, 1789? Section 14 of the First Judiciary Act, 1 Stat. 72, 81-82.

that, in order to enable the Court to adjudicate these issues upon adequate deliberation, this application should be disposed of only after opportunity has been afforded to counsel for both sides to make an adequate study and presentation. In due course, MR. JUSTICE FRANKFURTER will set forth more specifically the grounds for this position."

Painful as it is, I am bound to say that circumstances precluded what to me are indispensable conditions for solid judicial judgment. They precluded me, and now preclude me, from saying that the legal issue that was raised before MR. JUSTICE DOUGLAS was without substance. Let me set forth some of the difficulties that immediately arise upon consideration of that issue.

The basis on which the jury convicts is authoritatively to be taken from what the judge tells the jury. In this case, the jury's attention was especially directed to the fact that the charge was a conspiracy to obtain and transmit classified materials pertaining in part to the atomic bomb:

"Bear in mind—please listen to this, ladies and gentlemen—that the Government contends that the conspiracy was one to obtain not only atomic bomb information, but other secret and classified information; that the information including the report regarding fire-control equipment requested of Elitcher by Sobell or Rosenberg was classified; that the atomic bomb information transmitted by the Rosenbergs was classified as top secret; that based on Rosenberg's alleged statements to Greenglass, other secret information such as mathematical data on atomic energy for airplanes, information relating to a 'sky platform' project and other information was obtained by Julius Rosenberg from scientist contacts in the country." R. 1557.

4 ROSENBERG v. UNITED STATES.

And the indictment charged that the conspiracy continued from 1944 to 1950. Such "averments of time in the indictment are expected and intended to be proved as laid." *United States v. Kissel*, 218 U. S. 601, 609. Indeed, the judge told the jury: "You must first determine, from all the evidence in the case, relating to the period of time defined in the indictment, whether or not a conspiracy existed." R. 1552. Only one conspiracy could have been found by the jury to have existed, and that was the conspiracy averred in the indictment, a conspiracy continuous from a date certain in 1944 to a date certain in 1950. The Government could of course have charged a conspiracy beginning in 1944 and ending on July 31, 1946, the day before the Atomic Energy Act came into effect. It did not do so. That fact is of decisive importance. The consequences of a conspiracy that was afoot for six years might have been vastly different from those of a conspiracy that terminated within two years, that is, by the time Congress devised legislation to protect atomic energy secrets.

It is suggested that the overt acts laid in the indictment all occurred before the effective date of the Atomic Energy Act and that hence the indictment did not charge any offense committed after that effective date. But, again, the offense charged in the indictment was a conspiracy, not one or more overt acts.² As the judge told the jury, they had to find a conspiracy in order to convict,

² It is worth noting that under the Atomic Energy Act it is very probably not necessary, since the Act, unlike the Espionage Act, does not make it a requirement, to prove overt acts in furtherance of a conspiracy. Cf. *Singer v. United States*, 323 U. S. 338. If so, under the Atomic Energy Act it would not have been necessary to allege or prove an overt act involving atomic espionage subsequent to 1946 in order to obtain a conviction on a conspiracy indictment such as the one here. It is not without significance that the relevance of this point was not considered by the Government in its argument or sub-

a conspiracy aimed principally at obtaining atomic secrets and characterized as such by the overt acts alleged, but a conspiracy, I cannot too often repeat, alleged to have been continuous to a date certain in 1950. The Government having tried the Rosenbergs for a conspiracy, continuing from 1944 to 1950, to reveal atomic secrets among other things, it flies in the face of the charge made, the evidence adduced and the basis on which the conviction was secured now to contend that the terminal date of the Rosenberg conspiracy preceded the effective date of the Atomic Energy Act.

It thus appears—although, of course, I would feel more secure in my conviction had I had the opportunity to make a thorough study of the lengthy record in this case—that the conspiracy with which the Rosenbergs were charged is one falling in part within the terms of the Atomic Energy Act, passed by Congress in 1946 and specifically dealing with classified information pertaining to the recent developments in atomic energy. There remains the question whether the sentence for such a conspiracy could be imposed under the Espionage Act.

Congress was not content with the penal provisions of the Espionage Act of 1917 to prevent disclosure of atomic energy information. The relevant provisions of the Atomic Energy Act of 1946 differ in several respects from those of the Espionage Act. For one thing the 1946 Act makes possible the death penalty for disclosures in time of peace as well as in war. Some disclosures which fell generally within the Espionage Act now specifically fall under § 10 of the Atomic Energy Act. The decisive thing in this case is that under the Espionage Act the power to impose a sentence of death was left exclusively to the

mission. This is significant not because it discloses a failure of counsel, but because to require consideration of this and other points within twenty-four hours after a complex of problems was first put forward is to presuppose omniscient lawyers.

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discretion of the court, while under the Atomic Energy Act a sentence of death can be imposed only upon recommendation of the jury.

Surely it needs only statement that with such a drastic difference in the authority to take life between the Espionage Act and the Atomic Energy Act, it cannot be left within the discretion of a prosecutor whether the judge may impose the death sentence wholly on his own authority or whether he may do so only upon recommendation of the jury. Nothing can rest on the prosecutor's caprice in placing on the indictment the label of the 1917 Act or of the 1946 Act. To seek demonstration of such an absurdity, in defiance of our whole conception of impersonality in the criminal law, would be an exercise in self-stultification. The indorsement of an indictment, the theory under which the prosecutor is operating, his belief or error as to the statute which supports an indictment or under which sentences may be imposed, are all wholly immaterial.³ *Williams v. United States*, 168 U. S. 382, 389.

These considerations—the fact that Congress and not the whim of the prosecutor fixes sentences, that the allegations of an indictment are to be judged by the relevant statute under which punishment may be meted out and not by the design of the prosecutor or the assumption of the trial court—cut across all the talk about repeal

³ "In order to determine whether an indictment charges an offense against the United States, designation by the pleader of the statute under which he purported to lay the charge is immaterial. He may have conceived the charge under one statute which would not sustain the indictment but it may nevertheless come within the terms of another statute. *Williams v. United States*, 168 U. S. 382. On the other hand, an indictment may validly satisfy the statute under which the pleader proceeded, but other statutes not referred to by him may draw the sting of criminality from the allegations." *United States v. Hutchison*, 312 U. S. 219, 229.

ROSENBERG v. UNITED STATES. 7

by implication and other empty generalities on statutory construction. Congress does not have to say in so many words that hereafter a judge cannot without jury recommendation impose a sentence of death on a charge of conspiracy that falls within the Atomic Energy Act. It is enough if in fact Congress has provided that hereafter such a death sentence is to depend on the will of the jury.

This much, at least, lies on the surface of an analysis of the two statutes. The Reports of this Court are replete with instances of marked division of opinion in construing criminal statutes; doubtful and ambiguous statutory language and like ambiguities in the interpretative materials that led to many of those divisions are certainly not more impressive, to say the least, than the ambiguities and difficulties here. See, e. g., *United States v. Dotterweich*, 320 U. S. 277; *United States v. Singer*, 323 U. S. 338; *United States v. Petrillo*, 332 U. S. 1; *United States v. C. I. O.*, 335 U. S. 106; *United States v. Williams*, 341 U. S. 70; *United States v. Hood*, 343 U. S. 148.

In all matters of statutory construction one goes, especially these days, to the history of the legislation and other illuminating materials. It is almost mathematically demonstrable that there just was not time within twelve waking hours to dig out, to assess, to assemble, and to formulate the meaning of legislative materials. Suffice it to say that such materials bearing on legislative purpose as a necessarily very limited inquiry has revealed do not justify certitude. See S. Rep. No. 1211, 79th Cong., 2d Sess. 23-24; 92 Cong. Rec. 6082, 6096, 9257, 10194; cf. *id.*, at 9481-9482. And an authoritative commentary on the Atomic Energy Act, written by counsel for the Senate Special Committee on Atomic Energy which drafted the statute, not only recognizes a compelling need for judicial decision in order to reconcile the conflicting penalty provisions of that Act and of the

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Espionage Act but seems, as I read it, to point to the view that on facts like those of this case the Atomic Energy Act may well be found to apply to the exclusion of the Espionage Act.* Newman, *Control of Information Relating to Atomic Energy*, 56 Yale L. J. 768.

Neither counsel nor the Court, in the time available, were able to go below the surface of the question raised

* That the Atomic Energy Act is not a pellucid piece of draftsmanship so that he who runs may read is indicated by this general observation of Mr. Newman: "Skillful administration and careful judicial consideration will be needed to reconcile the apparent inconsistencies and to effect the evident intent of Congress—regardless of the labyrinth of confusion that inadequate drafting has created." 56 Yale L. J., at 791.

Some of the specific difficulties laid bare by Mr. Newman are of immediate relevance to the problem before the Court:

"It is reasonable to suppose that Congress did not intend to give the prosecuting attorney the option of moving under the Espionage Act instead of the Atomic Energy Act where an offense involving information relating to atomic energy is specifically described in the latter and only broadly and generically encompassed by the former. On the other hand this judgment creates an intellectual predicament. Its acceptance might mean that while the disclosure of information relating to the construction of a machine gun, may, under given circumstances, be punishable by death, the disclosure of information relating to the exact construction of an atomic bomb, would not, under the same circumstances, be punishable by more than 10 years' imprisonment. But in spite of its anomalous consequences the conclusion seems inescapable. When Congress adopted Section 10 of the Atomic Energy Act it intended to prescribe the exact punishment to be applied for all violations involving the unlawful dissemination of restricted atomic energy data. And, in stating in Section 10 (b) (6) that the applicable provisions of other laws were not to be excluded, it meant to guard against possible omissions, rather than to give a prosecutor the option of proceeding under other laws against offenses fully covered by the Atomic Energy Act for the sole reason that under such other laws these offenses bore heavier penalties." 56 Yale L. J., at 797-798.

Finally, this specially qualified student of the Act concludes that the conflicts and inconsistencies which he laid bare regarding the

by the application for a stay which Mr. JUSTICE DOUGLAS granted. More time was needed than was had for adequate consideration. Arguments by counsel are an indispensable adjunct of the judicial process, and responsible arguments require adequate opportunity for preparation. They must be pressed with the force of partisanship. And because arguments are partisan, judgment further presupposes ample time and an unhurried mind for independent study and reflection by judges as a basis for discussion in conference. Without adequate study there cannot be adequate reflection; without adequate reflection there cannot be adequate discussion; without adequate discussion there cannot be the searching and fruitful interchange of informed minds which is indispensable to wise decision and which alone can produce compelling opinions. We have not had in this case carefully prepared argument. We have not had what cannot exist without that essential preliminary. We have not had the basis for reaching conclusions and for supporting them in opinions. Can it be said that there was time to go through the process by which cases are customarily decided here?

The crux of all I am suggesting is that none of the obvious considerations for bringing the all too leaden-footed proceedings in this case to an end should have barred the full employment of the deliberative process necessary for reaching a firm conclusion on the issue on which the Court has now spoken, however unfortunate it may be that that issue did not emerge earlier than it did. Since I find myself under the disability of having had

penalty provisions can only be resolved, as such conflicts and inconsistencies inevitably are resolved, by adjudication:

"Differing penalty provisions: The difference can only be resolved by judicial decision. Fortunately, this raises problems within judicial proceedings as such and does not pose any difficulties or dilemmas for the Commission in administering the Act." 56 Yale L. J., at 799.

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insufficient time to explore the issue as I believe it should have been explored, nothing I am saying may be taken to intimate that I would now sustain the last claim made in behalf of the Rosenbergs. But I am clear that the claim had substance and that the opportunity for adequate exercise of the judicial judgment was wanting.

To be writing an opinion in a case affecting two lives after the curtain has been rung down upon them has the appearance of pathetic futility. But history also has its claims. This case is an incident in the long and unending effort to develop and enforce justice according to law. The progress in that struggle surely depends on searching analysis of the past, though the past cannot be recalled, as illumination for the future. Only by sturdy self-examination and self-criticism can the necessary habits for detached and wise judgment be established and fortified so as to become effective when the judicial process is again subjected to stress and strain.

American criminal procedure has its defects, though its essentials have behind them the vindication of long history. But all systems of law, however wise, are administered through men and therefore may occasionally disclose the frailties of men. Perfection may not be demanded of law, but the capacity to counteract inevitable, though rare, frailties is the mark of a civilized legal mechanism.

SUPREME COURT OF THE UNITED STATES

No. —, JUNE 18 SPECIAL TERM, 1953.

Julius Rosenberg and Ethel
Rosenberg,
v.
United States of America. } Motion to Vacate a Stay.

[June 19, 1953.]

PER CURIAM.

Motion of the petitioners for a further stay of the execution, as set forth in the written motion, is denied.

MR. JUSTICE BLACK, dissenting.

MR. JUSTICE FRANKFURTER.

On the assumption that the sentences against the Rosenbergs are to be carried out at 11 o'clock tonight, their counsel ask this Court to stay their execution until opportunity has been afforded to them to invoke the constitutional prerogative of clemency. The action of this Court, and the division of opinion in vacating the stay granted by MR. JUSTICE DOUGLAS are, of course, a factor in the situation, which arose within the last hour. It is not for this Court even remotely to enter into the domain of clemency reserved by the Constitution exclusively to the President. But the Court must properly take into account the possible consequences of a stay or of a denial of a stay of execution of death sentences upon making an appeal for executive clemency. Were it established that counsel are correct in their assumption that the sentences of death are to be carried out at 11 p. m. tonight, I believe that it would be right and proper for this Court formally to grant a stay with a proper time-limit to give appropriate opportunity for the process of

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[THE CHIEF JUSTICE] (A)

2 ROSENBERG v. UNITED STATES.

executive clemency to operate. I justifiably assume, however, that the time for the execution has not been fixed as of 11 o'clock tonight. Of course I respectfully assume that appropriate consideration will be given to a clemency application by the authority constitutionally charged with the clemency function.

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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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

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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. 851), 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)."

SUPREME COURT OF THE UNITED STATES

No. —, JUNE 18 SPECIAL TERM, 1953.

Julius Rosenberg and Ethel
Rosenberg,
v.
United States of America. } Motion to Vacate a Stay.

[June 19, 1953.]

MR. JUSTICE BLACK, dissenting.

It is argued that the Court is not asked to "act with unseemly haste to avoid postponement of a scheduled execution." I do not agree. I do not believe that Government counsel or this Court has had time or an adequate opportunity to investigate and decide the very serious question raised in asking this Court to vacate the stay granted by MR. JUSTICE DOUGLAS. The oral arguments have been wholly unsatisfactory due entirely to the lack of time for preparation by counsel for the Government and counsel for the defendants. Certainly the time has been too short for me to give this question the study it deserves. The following are some of the reasons why I think the Court should not at this time upset the considered rulings of MR. JUSTICE DOUGLAS. I add my regret that the rush of this case has deprived me of any opportunity to do more at this time than hastily sketch my view on the important questions raised.

First. The Government argues that this Court has power to set aside the stay granted by MR. JUSTICE DOUGLAS. I think this is doubtful. I have found no statute or rule of court which permits the full Court to set aside a mere temporary stay entered by a Justice in obedience to his statutory obligations.* Moreover, it is a common-

*The Government cites 28 U. S. C. § 2106 and 28 U. S. C. § 1651 as statutory authority for the Court's action in dissolving the stay

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place for judges to grant stays in vacation. This is a healthy and necessary Court custom. There may have been prior instances where vacation stays of individual Justices have been set aside by the full Court before the next regular term, but no such cases have been pointed out in the Solicitor General's argument and I have been able to find none. So far as I can tell, the Court's action here is unprecedented.

But if the Court could find statutory or constitutional power to vacate this stay, there are many reasons why I believe that power should not be exercised. Concededly, an individual Justice has power to grant stays where substantial questions are raised. He not merely has power to do so; there is a serious obligation upon him to grant a stay where new substantial questions are presented. Where the life or death of citizens is involved, that obligation is all the heavier. Surely the Court is not here establishing a precedent which will require it to call extra sessions during vacation every time a federal or state official asks it to hasten the electrocution of defendants without affording this Court adequate time or opportu-

granted by Mr. JUSTICE DOUGLAS. Neither statute authorizes the Court's action. Section 2106 provides:

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

But the plain words of this section exclude the case here. Those words say this Court may affirm, etc., any "judgment, decree or order of a court" But no court order is before us. Nor can the Government take comfort in § 1651. It says only that "The Supreme Court and all courts established by Act of Congress may issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law." The statute says nothing about dissolution of a stay order.

nity for exploration and study of serious legal questions. It is not inappropriate to point out that in *Lambert v. Barrett*, 157 U. S. 697, decided in 1895 and never overruled, this Court held that it had no jurisdiction over an appeal from a habeas corpus order of a circuit judge entered in chambers. The stay order in this case derives from petitions for habeas corpus and was entered by MR. JUSTICE DOUGLAS in chambers.

Second. The stay of MR. JUSTICE DOUGLAS in this case was based on his studied conclusion that there were substantial grounds to believe the death sentences of these two people were imposed by the District Judge in violation of law. I agree with MR. JUSTICE DOUGLAS. The Government contends, however, that the death sentences were properly imposed under the Espionage Act of 1917, 50 U. S. C. § 32, which gives a district judge unconditional power to impose the death penalty for violation of that Act. But the Atomic Energy Act, 42 U. S. C. § 1810, passed in 1946, appears to have taken the death sentencing power from district judges, in cases of atomic energy espionage, except where juries recommend a death sentence and where there are allegations and proof that atomic energy information has been unlawfully transmitted with intent to injure the United States. The indictment here charged a conspiracy alleged to have continued from June 6, 1944, to June 16, 1950. Thus the alleged conspiracy covered one period of conduct where the 1917 Act plainly governed and another period of conduct after the Atomic Energy Act went into effect. The Rosenbergs were charged with conspiracy to disclose atomic secrets as well as other kinds of secrets. Under these circumstances it would more nearly fit into the general canons of construction to hold that a District Court could impose sentence only under the less harsh statute.

I am not unaware of the Government's argument that this Court can and should give full effect to both these

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statutes, one which deprives the District Court of unconditional power to impose the death sentence and one which grants such unconditional power. This would be a strange argument in any case but it seems still stranger to me in a case which involves matters of life and death. The stay of MR. JUSTICE DOUGLAS is based entirely on his desire to have this matter passed upon in due course and after proper deliberation in a habeas corpus proceeding brought in district court and followed through to this Court. That is as it should be. Judicial haste is peculiarly out of place where the death penalty has been imposed for conduct part of which took place at a time when the Congress appears to have barred the imposition of that death penalty by district judges acting without a jury's recommendation. And it seems to me that this Court has not had time or opportunity for sufficient study to give the kind of informed decision on this important question it would if the case should take its regular course.

Third. I am aware also of the argument that MR. JUSTICE DOUGLAS should not have considered and that we should not now consider the point here involved because the Rosenbergs' lawyers had not originally raised it on appeal. I cannot believe, however, that if the sentence of a citizen to death is plainly illegal, this Court would allow that citizen to be executed on the grounds that his lawyers had "waived" plain error. An illegal execution is no less illegal because a technical ground of "waiver" is assigned to justify it. Compare *Bowen v. Johnston*, 306 U. S. 19, 26. After having seen the Court's order I find that it appears to agree with this view.

Fourth. The inadequate oral arguments before this Court have left me with the firm conviction that the applicability of the penal provisions of the Atomic Energy Act of 1946 to this case presents a substantial and serious question. This I think is fully demonstrated by

the opinion written by Mr. JUSTICE DOUGLAS when he granted the stay order, a copy of which is attached by him as an appendix to his opinion with which opinion I agree. It is my view based on the limited arguments we have heard that after passage of the Atomic Energy Act of 1946 it was unlawful for a judge to impose the death penalty for unlawful transmittal of atomic secrets unless such a penalty was recommended by the jury trying the case. I think this question should be decided only after time has been afforded counsel for the Government and for the defendants to make more informed arguments than we have yet heard and after this Court has had an opportunity to give more deliberation that it has given up to this date. This I think would be more nearly in harmony with the best judicial traditions.

I may add that I voted to grant certiorari originally in this case. That petition for certiorari challenged the fairness of the trial. It also challenged the right of the Government to try these defendants except under the limited rules prescribed by the Constitution defining the offense of treason. These I then believed to be important questions. In motions for rehearing the arguments as to the unfairness of the trial were expanded and I again voted for review. I have long thought that the practice of many of the states to require an automatic review by the highest court of the state in cases which involve the death penalty was a good practice.

It is not amiss to point out that this Court has never reviewed this record and has never affirmed the fairness of the trial below. Without an affirmance of the fairness of the trial by the highest court of the land there may always be questions as to whether these executions were legally and rightfully carried out. I would still grant certiorari and let this Court approve or disapprove the fairness of the trials.

SUPREME COURT OF THE UNITED STATES

No. —, JUNE 18 SPECIAL TERM, 1953.

Julius Rosenberg and Ethel
Rosenberg,

v.

United States of America.

Motion to Vacate a Stay.

[June 19, 1953.]

PER CURIAM.

We convened a Special Term of the Court to consider an application by the Attorney General (1) to review the stay of execution of Julius Rosenberg and Ethel Rosenberg, granted by MR. JUSTICE DOUGLAS on June 17, 1953, or (2) for reconsideration and reaffirmance of this Court's order in No. 1, Misc., *Julius Rosenberg and Ethel Rosenberg*, petitioners, v. *Wilford L. Denno, Warden of Sing Sing Prison*, June 1953 Special Term, denying a stay.

The Acting Solicitor General agrees and we do not doubt that MR. JUSTICE DOUGLAS had power to issue the stay in these proceedings. There is no dispute that a stay should issue only if there is a substantial question to be preserved for further proceedings in the courts.

The question which has been and now is urged as being substantial is whether the provisions of the Atomic Energy Act of 1946, 42 U. S. C. § 1810 (b) (2) (3), rendered the District Court powerless to impose the death sentence under the Espionage Act of 1917, 50 U. S. C. §§ 32 (a), 34, under which statute the indictment was laid.

Although this question was raised and presented for the first time to MR. JUSTICE DOUGLAS by counsel who have never been employed by the Rosenbergs, and who heretofore have not participated in this case, the full Court has considered it on its merits.

We think the question is not substantial. We think further proceedings to litigate it are unwarranted. A

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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[THE CHIEF JUSTICE]

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conspiracy was charged and proved to violate the Espionage Act in wartime. The Atomic Energy Act did not repeal or limit the provisions of the Espionage Act. Accordingly, we vacate the stay entered by Mr. Justice
DOUGLAS on June 17, 1953.

We are entering this order in advance of the preparation of full opinions which will be filed with the Clerk.

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No. —, JUNE 18 SPECIAL TERM, 1953.

| | | |
|---|---|--------------------------|
| Julius Rosenberg and Ethel Rosenberg, v. United States of America. | } | Motion to Vacate a Stay. |
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[June 19, 1953.]

PER CURIAM.

The motion for reconsideration of the question of the Court's power to vacate MR. JUSTICE DOUGLAS' stay order and hear oral argument is denied.

MR. JUSTICE BLACK, dissenting.

MR. JUSTICE FRANKFURTER desires that it be noted that he too would deny the motion to reconsider the power of this Court to review MR. JUSTICE DOUGLAS' order to stay the execution, but not because he thinks the matter is free from doubt. See his dissenting opinion in *Ex parte Peru*, 318 U. S. 578, 590, in connection with *Lambert v. Barrett*, 157 U. S. 697 and *Carper v. Fitzgerald*, 121 U. S. 87.

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SUPREME COURT OF THE UNITED STATES

No. —, JUNE 18 SPECIAL TERM, 1953.

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

On 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.

[June 19, 1953.]

MR. JUSTICE DOUGLAS, dissenting.

When the motion for a stay was before me, I was deeply troubled by the legal question tendered. After twelve hours of research and study I concluded, as my opinion* indicated, that the question was a substantial one, never presented to this Court and never decided by any court. So I issued the stay order.

Now I have had the benefit of an additional argument and additional study and reflection. Now I know that I am right on the law.

The Solicitor General says in oral argument that the Government would have been laughed out of court if the indictment in this case had been laid under the Atomic Energy Act of 1946. I agree. For a part of the crime alleged and proved antedated that Act. And obviously no criminal statute can have retroactive application. But the Solicitor General misses the legal point on which my stay order was based. It is this—whether or not the death penalty can be imposed *without the recommendation of the jury* for a crime involving the disclosure of

*Attached hereto as an Appendix.

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atomic secrets where a part of that crime takes place after the effective date of the Atomic Energy Act.

The crime of the Rosenbergs was a conspiracy that started prior to the Atomic Energy Act and continued almost 4 years after the effective date of that Act. The overt acts *alleged* were acts which took place prior to the effective date of the new Act. But that is irrelevant for two reasons. *First*, acts in pursuance of the conspiracy were proved which took place *after* the new Act became the law. *Second*, under *Singer v. United States*, 323 U. S. 338, no overt acts were necessary; the crime was complete when the conspiracy was proved. And that conspiracy, as defined in the indictment itself, endured almost 4 years after the Atomic Energy Act became effective.

The crime therefore took place in substantial part *after* the new Act became effective, *after* Congress had written new penalties for conspiracies to disclose atomic secrets. One of the new requirements is that the death penalty for that kind of espionage can be imposed *only* if the jury recommends it. And here there was no such recommendation. To be sure, this espionage included more than atomic secrets. But there can be no doubt that the death penalty was imposed because of the Rosenbergs' disclosure of atomic secrets. The trial judge, in sentencing the Rosenbergs to death, emphasized that the heinous character of their crime was trafficking in atomic secrets. He said:

"I believe your conduct in putting into the hands of the Russians the A-bomb years before our best scientists predicted Russia would perfect the bomb has already caused, in my opinion, the Communist aggression in Korea, with the resultant casualties exceeding 50,000 and who knows but that millions more of innocent people may pay the price of your

[JUSTICE DOUGLAS]

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treason. Indeed, by your betrayal you undoubtedly have altered the course of history to the disadvantage of our country."

But the Congress in 1946 adopted new criminal sanctions for such crimes. Whether Congress was wise or unwise in doing so is no question for us. The cold truth is that the death sentence may not be imposed for what the Rosenbergs did unless the jury so recommends.

Some say, however, that since *a part* of the Rosenbergs' crime was committed under the old law, the penalties of the old law apply. But it is law too elemental for citation of authority that where two penal statutes may apply—one carrying death, the other imprisonment—the court has no choice but to impose the less harsh sentence.

A suggestion is made that the question comes too late, that since the Rosenbergs did not raise this question on appeal, they are barred from raising it now. But the question of an unlawful sentence is never barred. No man or woman ~~can go~~ to death under an unlawful sentence merely because his lawyer failed to raise the point. It is that function among others that the Great Writ serves. I adhere to the views stated by Chief Justice Hughes for a unanimous Court in *Bowen v. Johnston*, 306 U. S. 19, 26-27:

"It must never be forgotten that the writ of *habeas corpus* is the precious safeguard of personal liberty and there is no higher duty than to maintain it unimpaired. *Ex parte Lange, supra*. The rule requiring resort to appellate procedure when the trial court has determined its own jurisdiction of an offense is not a rule denying the power to issue a writ of *habeas corpus* when it appears that nevertheless the trial court was without jurisdiction. The rule is not one defining power but one which relates to the appropriate exercise of power."

Shover

[JUSTICE DOUGLAS]

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Here the trial court was without jurisdiction to impose the death penalty, since the jury had not recommended it.

Before the present argument I knew only that the question was serious and substantial. Now I am sure of the answer. I know deep in my heart that I am right on the law. Knowing that, my duty is clear.

SUPREME COURT OF THE UNITED STATES

No. —, JUNE 18 SPECIAL TERM, 1953.

| | | |
|---|---|--------------------------|
| Julius Rosenberg and Ethel Rosenberg, v. United States of America. | } | Motion to Vacate a Stay. |
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[June 19, 1953.]

By MR. JUSTICE JACKSON, whom MR. CHIEF JUSTICE VINSON, MR. JUSTICE REED, MR. JUSTICE BURTON, MR. JUSTICE CLARK and MR. JUSTICE MINTON join.

This stay was granted upon such legal grounds that this Court cannot allow it to stand as the basis upon which lower courts must conduct further long-drawn proceedings.

The sole ground stated was that the sentence may be governed by the Atomic Energy Act of August 1, 1946, instead of by the earlier Espionage Act. The crime here involved was commenced June 6, 1944. This was more than two years before the Atomic Energy Act was passed. All overt acts relating to atomic energy on which the Government relies took place as early as January 1945.

The Constitution, Art. I, § 9, prohibits passage of any *ex post facto* Act. If Congress had tried in 1946 to make transactions of 1944 and 1945 offenses, we would have been obliged to set such an Act aside. To open the door to retroactive criminal statutes would rightly be regarded as a most serious blow to one of the civil liberties protected by our Constitution. Yet the sole ground of this stay is that the Atomic Energy Act may have retrospective application to conspiracies in which the only overt acts were committed before that statute was enacted.

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We join in the opinion by MR. JUSTICE CLARK and agree that the Atomic Energy Act does not, by text or intention, supersede the earlier Espionage Act. It does not purport to repeal the earlier Act, nor afford any grounds for spelling out a repeal by implication. Each Act is complete in itself and each has its own reason for existence and field of operation. Certainly prosecution, conviction and sentence under the law in existence at the time of the overt acts are not improper. It is obvious that an attempt to prosecute under the later Act would in all probability fail.

This stay is not and could not be based upon any doubt that a legal conviction was had under the Espionage Act. Application here for review of the Court of Appeals decision affirming the conviction was refused, 344 U. S. 838, and rehearing later denied, 344 U. S. 889.

Later, responsible and authorized counsel raised, among other issues, questions as to the sentence, and an application was made for stay until they could be heard. The application was referred to the full Court, with the recommendation that the full Court hold immediate hearing and as an institution make a prompt and final disposition of all questions. This was supported by four Justices and failed for want of one more, MR. JUSTICE DOUGLAS recording his view that "there would be no end served by hearing oral argument on the motion for a stay." Sup. Ct. J., June 15, 1953, p. 254.

Thus, after being in some form before this Court over nine months, the merits of all questions raised by the Rosenbergs' counsel had been passed upon, or foreclosed by denials. However, on this application we have heard and decided (since it had been the ground for granting the stay) a new contention, despite the irregular manner in which it was originally presented.

This is an important procedural matter of which we disapprove. The stay was granted solely on the petition

[JUSTICE JACKSON]

ROSENBERG v. UNITED STATES.

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of one Edelman, who sought to appear as "next friend" of the Rosenbergs. Of course, there is power to allow an appearance in that capacity, under circumstances such as incapacity or isolation from counsel, which make it appropriate to enable the Court to hear a prisoner's case. But in these circumstances the order which grants Edelman's standing further to litigate this case in the lower courts cannot be justified.

Edelman is a stranger to the Rosenbergs and to their case. His intervention was unauthorized by them and originally opposed by their counsel. What may be Edelman's purpose in getting himself into this litigation is not explained, although inquiry was made at the bar. It does not appear that his own record is entirely clear or that he would be a helpful or chosen champion. See *Edelman v. California*, 344 U. S. 357.

The attorneys who appear for Edelman tell us that for two months they tried to get the authorized counsel for the Rosenbergs to raise this issue but were refused. They also inform us that they have eleven more points to present hereafter, although the authorized counsel do not appear to have approved such issues.

The Rosenbergs throughout have had able and zealous counsel of their own choice. These attorneys originally thought this point had no merit and perhaps also that it would obscure the better points on which they were endeavoring to procure a hearing here. Of course, after a Justice of this Court had granted Edelman standing to raise the question and indicated that he is impressed by its substantiality, counsel adopted the argument and it became necessary for us to review it. They also shared their time and the counsel table with the Edelman lawyers thus admitted as attorneys-at-large to their case. The lawyers who have ably and courageously fought the Rosenbergs' battle throughout then listened at this bar to the newly imported counsel make an argument which plainly

[JUSTICE JACKSON]

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implied lack of understanding or zeal on the part of the retained counsel. They simply had been elbowed out of the control of their case.

Every lawyer familiar with the workings of our criminal courts and the habits of our bar will agree that this precedent presents a threat to orderly and responsible representation of accused persons and the right of themselves and their counsel to control their own cases. The lower court refused to accept Edelman's intrusion but by the order in question must accept him as having standing to take part in, or to take over, the Rosenbergs' case. That such disorderly intervention is more likely to prejudice than to help the representation of accused persons in highly publicized cases is self-evident. We discountenance this practice.

Vacating this stay is not to be construed as indorsing the wisdom or appropriateness to this case of a death sentence. That sentence, however, is permitted by law and, as was previously pointed out, is therefore not within this Court's power of revision. 344 U. S. 889.

SUPREME COURT OF THE UNITED STATES

No. —, JUNE 18 SPECIAL TERM, 1953.

| | | |
|---|---|--------------------------|
| Julius Rosenberg and Ethel Rosenberg, v. United States of America. | } | Motion to Vacate a Stay. |
|---|---|--------------------------|

[June 19, 1953.]

MR. JUSTICE CLARK, with whom THE CHIEF JUSTICE, MR. JUSTICE REED, MR. JUSTICE JACKSON, MR. JUSTICE BURTON, and MR. JUSTICE MINTON join.

I agree with and join the opinion of the Court, but wish to record these additional views. Seven times now have the defendants been before this Court. In addition, THE CHIEF JUSTICE, as well as individual Justices, have considered applications by the defendants. The Court of Appeals and the District Court have likewise given careful consideration to even more numerous applications than has this Court.

The defendants were sentenced to death on April 5, 1951. Beginning with our refusal to review the conviction and sentence in October 1952, each of the Justices have given the most painstaking consideration to the case. In fact, all during the past Term of this Court one or another facet of this litigation occupied the attention of the Court. At a Special Term on June 15, 1953, we denied for the sixth time the defendants' plea. The next day an application was filed contending that the penalty provisions of the Atomic Energy Act governed this prosecution; and that since the jury did not find that the defendants committed the charged acts with intent to injure the United States nor recommend the imposition of the death penalty the court had no power to impose the sentence of death. After a hearing MR. JUSTICE DOUGLAS,

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7/24/86 BY 3042 PWT/MLC

2 ROSENBERG v. UNITED STATES.

finding that the contention had merit, granted a stay of execution. The Court convened in Special Term to review that determination. Cf. *Ex parte Quirin*, 317 U. S. 1 (1942).

Human lives are at stake; we need not turn this decision on fine points of procedure or a party's technical standing to claim relief. Nor did MR. JUSTICE DOUGLAS lack the power and, in view of his firm belief that the legal issues tendered him were substantial, he even had the duty to grant a temporary stay. But for me the short answer to the contention that the Atomic Energy Act of 1946 may invalidate defendants' death sentence is that the Atomic Energy Act cannot here apply. It is true that § 10 (b) (2) and (3) of that Act authorizes capital punishment only upon recommendation of a jury and a finding that the offense was committed with intent to injure the United States. (Notably, by that statute the death penalty may be imposed for *peacetime* offenses as well, thus exceeding in harshness the penalties provided by the Espionage Act.) This prosecution, however, charged a wartime violation of the Espionage Act of 1917 under which these elements are not prerequisite to a sentence of death. Where Congress by more than one statute proscribes a private course of conduct, the Government may choose to invoke either applicable law: "At least where different proof is required for each offense, a single act or transaction may violate more than one criminal statute." *United States v. Beacon Brass Co.*, 344 U. S. 43, 45 (1952); see also *United States v. Noveck*, 273 U. S. 202, 206 (1927); *Gavieres v. United States*, 220 U. S. 338 (1911). Nor can the partial overlap of two statutes work a *pro tanto* repealer of the earlier Act. *Ibid.* "It is a cardinal principle of construction that repeals by implication are not favored. When there are two acts upon the same subject, the rule is to give effect to both if possible The intention of the legislature to repeal

ROSENBERG v. UNITED STATES. 3

'must be clear and manifest' It is not sufficient . . . 'to establish that subsequent laws cover some or even all of the cases provided for by [the prior act]; for they may be merely affirmative, or cumulative, or auxiliary.' There must be a 'positive repugnancy between the provisions of the new law, and those of the old.' " *United States v. Borden Co.*, 308 U. S. 188, 198 (1939). Otherwise the Government when charging a conspiracy to transmit both atomic and non-atomic secrets would have to split its prosecution into two alleged crimes. Section 10 (b) (6) of the Atomic Energy Act itself, moreover, expressly provides that § 10 "shall not exclude the applicable provisions of any other laws . . .," an unmistakable reference to the 1917 Espionage Act.* Therefore this section of the Atomic Energy Act, instead of repealing the penalty provisions of the Espionage Act, in fact preserves them in undiminished force. Thus there is no warrant for superimposing the penalty provisions of the later Act upon the earlier law.

In any event, the Government could not have invoked the Atomic Energy Act against these defendants. The crux of the charge alleged overt acts committed in 1944 and 1945, years before that Act went into effect. While some overt acts did in fact take place as late as 1950, they related principally to defendants' efforts to avoid detection and prosecution of earlier deeds. Grave doubts of unconstitutional *ex post facto* criminality would have attended any prosecution under that statute for transmitting atomic secrets before 1946. Since the Atomic Energy Act thus cannot cover the offenses charged, the alleged inconsistency of its penalty provisions with those of the Espionage Act cannot be sustained.

*See Newman and Miller, *The Control of Atomic Energy*, p. 235 (1948); Newman, *Control of Information Relating to Atomic Energy*, 56 Yale L. J. 769, 790 (1947).

[JUSTICE CLARK]

4 ROSENBERG *v.* UNITED STATES.

Our liberty is maintained only so long as justice is secure. To permit our judicial processes to be used to obstruct the course of justice destroys our freedom. Over two years ago the Rosenbergs were found guilty by a jury of a grave offense in time of war. Unlike other litigants they have had the attention of this Court seven times; each time their pleas have been denied. Though the penalty is great and our responsibility heavy, our duty is clear.

Office Memorandum • UNITED STATES GOVERNMENT

TO : DIRECTOR, FBI

DATE: June 23, 1953

FROM : SAC, WFO (100-0)

SUBJECT: POSTERS CONCERNING JULIUS
AND ETHEL ROSENBERG

MRS. GEORGE H. BABBITT, 1819 Wyoming Avenue, N. W., Washington, D. C., telephonically requested an Agent to contact her on June 23, 1953, concerning some subversive literature which she had in her possession. (b)(7)(C)

MRS. BABBITT was contacted by SA DENSIL E. MOORE at about 2:00 P.M. She called two boys in from her back yard, who had, on the day before, been playing in a deserted garage behind 1834 Kalorama Road, N. W. The boys advised that they had discovered several stacks of posters bearing free hand drawings of ETHEL and JULIUS ROSENBERG, captioned "We Are Innocent", in the garage. They furnished seven of the posters which measure about 30" by 20". The drawings are made by crayons. (b)(7)(C)

The Washington telephone directory indicates 1834 Kalorama Road, N. W., is occupied by MRS. EDNA M. GRINAGE. The indices of this office are negative concerning MRS. GRINAGE. (b)(7)(C)

The posters will be destroyed.

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65-58236-1903

JUL 25 1953

5-8015

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

JUN 18 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 | ✓ |

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DATE 10/22/86 BY 3042 pwt-DSC

FBI NYC 6-18-53 918 A HCH

DIRECTOR AND SAC WASH FLD

URGENT

(b) (2) / (b) (7) (D)

JULIUS ROSENBERG, ET AL, ESP DASH R. DAYLET.

TELEPHONICALLY ADVISED [REDACTED]

INFORMED HIM THAT THE QUOTE BOOK OF LETTERS UNQUOTE WRITTEN BY THE ROSENBERGS HAS BEEN PUBLISHED BOTH IN FRANCE AND THE U.S. [REDACTED]

TOLD INFORMANT THAT THE CP OF FRANCE SENT SEVERAL THOUSANDS OF DOLLARS DIRECTLY TO THE ROSENBERGS, OSTENSIBLY AS ADVANCE ROYALTIES ON THE BOOK. INFORMANT DID NOT KNOW WHETHER THIS MONEY WAS SENT IN THE NAME OF THE FRENCH CP OR CAMOUFLAGED UNDER THE NAME OF A CP FRONT GROUP.

[REDACTED] ASSERTED THAT THIS INFORMATION EMANATED FROM EMANUEL BLOCH'S OFFICE. [REDACTED]

[REDACTED] ALSO ADVISED THAT CP MEMBERS IN QUEENS COUNTY, NY, ARE WORKING FEVERISHLY TO PERSUADE SYMPATHIZERS, PARTICULARLY TEENAGERS AND TEACHERS, TO GO TO WASHINGTON DC TO SUPPORT THE VIGIL AT THE WHITE HOUSE. INFORMANT STATED THAT BERNARD BENDER OF THE QUEENS COUNTY CP APPEARED TO BE THE LEADER OF THIS ACTIVITY.

[REDACTED] ADVISED THAT LEM HARRIS, SECY NATL FARM COMMISSION, CPUSA, AND BILL LAWRENCE, FORMER EXECUTIVE SECY, NY STATE CIVIL RIGHTS CONGRESS, WERE ALSO WORKING TO DEVELOP SUPPORT AND SYMPATHY FOR THE

ROSENBERG
59 JUL 2 1953
END PAGE ONE

RECORDED-11

INDEXED

(b) (7) (D)

ECB 5/12/53

PAGE TWO

(b) (7) (D)

[REDACTED]
[REDACTED] IN EVENT DISSEMINATION
OF ABOVE INFO IS NECESSARY, REFERENCE TO INFORMANTS CONTACT WITH [REDACTED]
[REDACTED] SHOULD NOT BE REVEALED SO INFORMANTS IDENTITY WILL BE PROTECTED

BOARDMAN

(b) (7) (D)

END

9-25 AM OK FBI WA WS

MM

TWO COPIES WFO

CC: MR. BELMONT
AND SUPERVISOR *M. J. [unclear]*
DOM. INTEL. DIVISION

Office Memorandum • UNITED STATES GOVERNMENT

TO : The Director

DATE: June 19, 1953

FROM : D. M. Ladd

SUBJECT: JULIUS ROSENBERG, ET AL

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

SAC Boardman telephonically advised me that he had just received a phone call from United States Attorney Lumbard. He stated that Mr. Lumbard advised that he understood the attorneys for the defense were at New Haven, Connecticut, trying to contact members of the Circuit Court in an effort to have some action taken there; that Mr. Rogers of the Department had just called Mr. Lumbard, had given him the text of the Supreme Court decision, and had requested that it be furnished through the New York Office to the New Haven Office to be delivered to the Circuit Court members there.

Mr. Boardman wanted to know if this would be agreeable. I told him I thought he should send such a teletype.

DML:WMLJ

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165-58236-1905

JUN 23 1953

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DATE 7/25/86 BY 3042 pmt/lee

59 JUL 2 1953

Mr. Tolson

June 19, 1953

L. B. Nichols

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

During the afternoon, Mr. Sizoo advised me that Mr. Belmont's voice was weak on the special telephone line between Ossining and the New York board. We immediately checked this with the telephone company here. There appeared to be no problem whatsoever existing on the Bureau's direct line to the New York Office. There was nothing that could be done on this end to increase the volume on the line.

Mr. McGuire had Mr. Boardman immediately check with the engineers who installed the special line from the New York Office to Ossining. Boardman advised that he was informed that the phone company could do nothing on the New York end of the special line to Ossining; that the only way to increase the volume would be to put a booster on the line at Sing Sing. Mr. Belmont objected to any checking of the line at this late hour during the afternoon in view of the climactic approach to the Rosenberg case during the late afternoon since it would be necessary for the phone company to enter the premises with the equipment and take the line out of service at a time when it would be needed most. Belmont had the line checked when it was installed and a test check of the engineers at that time advised that in their opinion a booster was not needed.

Our operators here in Washington each time they have placed a call to Belmont have been telling him to speak clearly and loudly as there was difficulty in hearing him.

cc: Mr. Holloman

JJM:orn

It was almost impossible to hear Belmont & it was most embarrassing.

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65-58236-1906

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Cincinnati Ohio.

June 22, 1953.

Mr John Edgar Hoover
Dear Chief.

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DATE 7/25/86 BY 3042 pwt/mc

I am enclosing to you
a valuable Clipping. Please notice the
names mentioned in it. Due to the fact
that this Rabbi is from Cincinnati most
of these demonstrations could start here.
There are lots of Communists here in
Cincinnati and Cleveland Ohio. This
Clipping should never have been printed
as it is a disgrace. I am speaking for
the millions of American mothers in
the United States whose sons paid the Supreme
Sacrifice. And I ask that Mr Bloch, Mrs
Rose Schwartz and all of those, who are
making masters of the Rosenbergs, be given
a one way ticket to Russia. I ask Gods
richest Blessings on you Mr Hoover, and
President Eisenhower, and Attorney General
Brownell. May God Bless you.

Respectfully yours

Mrs Helen Osborne, National American

Officer 37th Dir. 1111 H. L. ...
20 West 13th St. Cincinnati 10 Ohio.

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65-58236-1907

Am. ...

No ack Card made
See 66-77867

7-1-53 *LT*

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DATE 7/25/02 BY 3042PWT/PLC

[Signature]

June 22, 1953
10,000 In Cheers
At "Murder" Cry
In Rosenberg Rite

CRONBACH IS HISSED

Cincinnati Rabbi Leads In Eulogies To Pair Hailed As Martyrs

NEW YORK, June 21 (INS)—The funeral of Julius Rosenberg was turned into a raucous political rally today when charges of "murder" were hurled against President Eisenhower as more than 10,000 demonstrators outside the chapel cheered the executed atom spies as martyrs.

Three of the speakers at the services, presided over by Rabbi Abraham Cronbach, professor emeritus of Hebrew Union College, Cincinnati, repeatedly stormed that the Rosenbergs had been murdered. Emanuel Bloch, attorney for the Rosenbergs in their unsuccessful fight for life, declared:

"I place the murder of the Rosenbergs at the door of President Eisenhower, Attorney General Brownell and (FBI director) J. Edgar Hoover."

The 10,000-person mob, jammed into the streets in the vicinity of the funeral chapel, burst into hysterical cheers when the coffins were brought out to a hearse for the journey to the Wellwood Cemetery at Pineblawn, L. I.

A brief disturbance broke out when bystanders attacked news cameramen but augmented police forces moved in quickly and quelled the outbreak. No in-Pineblawn, Long Island.

CRONBACH MODERATION IS HISSED

Rabbi Cronbach, more tempered in his eulogy, drew low hisses and murmurs of "No!" for almost a full minute from the audience when he said:

"Let us give them (the prosecutors) credit for this; that they did what they thought was right."

He said it was a Jewish maxim that when a person has paid the penalty for violating a law he is no longer in violation.

"According to that," Rabbi said, the Rosenbergs are now "innocent even from the harshest possible view. We must eschew hatred, forsake rancor and keep our hearts clean of vindictiveness, because it was hatred that killed Ethel and Julius."

The judges and executives broke our hearts, but let us not vituperate those who pronounced the dire verdict."

The rabbi ended by saying:

"Our work is unfinished, there are tasks to perform. We must ascertain and publish the truth and one day perhaps the whole world will pronounce Julius and Ethel Rosenberg innocent."

CALLS FOR RUSSIAN FLAG

A woman who gave her name as Mrs. Rose Schwartz jeered: "Our boys are dying under the American flag in Korea! They ought to have the Russian flag in there!"

Outside the chapel, demonstrators were turning the services into a bizarre carnival. The mobs of sympathizers and the morbidly curious shrieked and wept—and sometimes even laughed. Some couples, succumbing to New York's sweltering heat, showed up in bathing suits and shorts.

The demonstration, policed by reinforced foot patrolmen, mounted officers and squad cars, seemed even to have robbed the Rosenbergs of any dignity in death.

Thirty thousand persons were estimated to have filed into the funeral home to view the bodies which the public was permitted to see between 8 p. m. Saturday and 1 p. m. today.

The doors to the funeral home were closed at 1 p. m. and the bodies moved to a special chapel for services. Julius' body was taken into the chapel at 2 p. m. and the body of Ethel was carried in at 2:05 p. m.

Directly after the services, funeral authorities conducted a procession around the block in accordance with Jewish orthodox procedure.

Earlier, when the bodies had been taken into the chapel—in the order that the couple had been put to death—there had been a brief moment of silence, except for the wails of mourners and the sound of police whistles in the jammed streets.

As the cantor began the slow, unspeakably sad chant of the orthodox funeral service, Mrs. Sophie Rosenberg, moaning and sobbing, cried out, "My baby, my baby, my little baby!"

But the solemn portions of the funeral ceremony were short-lived.

Mr. Bloch, in leading up to his charge of murder against the Chief Executive and others, asserted:

"America today by virtue of the murder of Ethel and Julius Rosenberg is living under the heels of a military tyranny, under military dictators in the guise of civilians."

"Then men who run this country have no hearts . . . they have souls of murderers."

Mr. Bloch admitted that the men he assailed "did not pull the switch" but declared that "they are the ones who directed the ones who pulled the switch."

The attorney called Mr. Brownell a "barbarian" for "rushing the execution before Friday sundown instead of waiting until the Jewish sabbath was over."

Enclosure 65-58236-1907

3:50

June 19, 1953

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

Re: Rosenberg Case

Mr. Ladd called to advise that he had received a call from Deputy Attorney General Rogers indicating they would like to have SAC Boardman of our New York Office send over the teletype to New Haven a copy of the Supreme Court decision which United States Attorney Lambard made available to the office. Mr. Ladd stated he understood some of the attorneys for the defense are trying to shop around in the Circuit Court in New Haven and Mr. Rogers wanted the Circuit Court to have the Supreme Court decision for guidance. I told Mr. Ladd it would be all right to send this over the teletype.

Very truly yours,

J. E. H.
John Edgar Hoover
Director

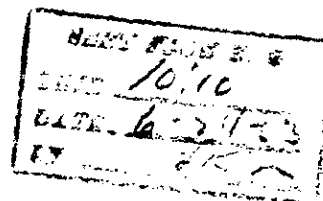
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DATE 7/25/86 BY 3042 pwt/MLC

cc-Mr. Holloman

JEM:EH

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



RECORDED - 7

JUN 25 1953

165-58236-1908

JUN 30 1953

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. A. H. BELMONT

DATE: June 23, 1953

FROM : MR. W. A. BRANIGAN

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 _____
Sitton _____
Miss Gandy _____

Attached are Photostats of motion papers which were filed by Emanuel Bloch, attorney for the Rosenbergs, in the United States District Court, Southern District of New York, June 5, 1953, in connection with this case, and a copy of an affidavit of Special Agent John A. Harrington which was submitted by the Government in opposition thereto.

The attachments were personally delivered to the Bureau on June 9, 1953, by Special Agent Gerard Pote of the New York Office.

ACTION

It is suggested that the attachments be filed in the Rosenberg case file.

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DATE 7/24/86 BY 3042 PWT/NLC

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JUL 15 1953

APL:awn
Attachments

X

:

:

: AFFIDAVIT

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

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

I am a Special Agent of the Federal Bureau of

Investigation and have been so employed for almost ten

years. I have been assigned continuously to the

Investigation of this case since June, 1950. This

affidavit is submitted in connection with a statement on

page 12, paragraph "(c)" of the petition of Emanuel H.

Bloch dated June 3, 1953.

I participated in the arrest of Julius Rosenberg,

which took place at his home at 10 Monroe Street, New York,

N. Y., on July 17, 1950. At that time a search was made of

the premises occupied by Rosenberg and his family.

I also participated in the arrest of the defendant

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Enclosure

65-58236-1909

Ethel Rosenberg on August 11, 1950. This arrest was effected on the street in front of the United States Court House, Foley Square, New York, N. Y. At the time of the arrest of Ethel Rosenberg there was no search conducted of her home at 10 Avenue A, New York, N. Y. to the knowledge, there was no search of those premises conducted by any agents of the Federal Bureau of Investigation subsequent to the search above referred to which took place on July 17, 1950.

Sworn to before me this
day of June, 1953

65-58236-1909

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

----- X
UNITED STATES OF AMERICA,

-against-

No. C-134-245

JULIUS ROSENBERG and ETHEL ROSENBERG,

Defendants.
----- X

3 I R :

PLEASE TAKE NOTICE that upon the petition of JULIUS ROSENBERG and ETHEL ROSENBERG, by EMANUEL H. BLOCH, their attorney, duly verified, and the affidavits of EMANUEL H. BLOCH, SOPHIE ROSENBERG, DAVID ROSENBERG, ETHEL GOLDBERG, JOHN FONTANA, LEON SUMMIT, REV. H. S. WILLIAMSON and BERNARD GREENGLASS, all duly verified, and the supplemental affidavits of SOPHIE ROSENBERG and ETHEL GOLDBERG, both duly verified, and all the proceedings heretofore had herein, and on the files and records of this case, the undersigned will move this Court, at a Criminal Part to be held thereof, on June 9, 1953, at 10:30 A.M., or as soon thereafter as counsel can be heard, for (1) an order granting the petitioners a new trial, pursuant to Rule 33 of the Federal Rules of Criminal Procedure; (2) vacating and setting aside the judgments of conviction and sentences thereunder, pursuant to Section 2255, Title 28 U.S.C.; and (3) for such other and further relief as may be just and proper in the premises.

Dated: New York, June 5, 1953

Yours, etc.

EMANUEL H. BLOCH
401 Broadway
New York 13, N. Y.

JOHN F. FINERTY
120 Broadway
New York

MALCOLM SHARP
University of Chicago Law
School
Chicago, Illinois

Attorneys for Petitioners

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DATE 7/24/86 BY 3012 PWT/MLC

TO: J. EDWARD LOMBARD, ESQ.
United States Attorney for the
Southern District of New York
Foley Square
New York, N. Y.

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

----- X
UNITED STATES OF AMERICA,

-against-

JULIUS ROSENBERG and ETHEL ROSENBERG,

Defendants.
----- X

PETITION

No.C 134-245

TO THE HONORABLE JUDGES OF SAID COURT:

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

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

HISTORY OF THE PROCEEDINGS

Second: The indictment, against the petitioners (a superseding indictment following two previous ones) was returned in this Court on January 31, 1951 on charges, in a

✓ For the convenience of the Court and of all parties to this proceeding, the printed copy of the record, filed with the Supreme Court of the United States on the petitioners' petition to that Court, as hereafter stated, is made part of the moving papers herein, and marked as to Volume I, Exhibit

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

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

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

Fifth: Pursuant to the authority vested in him by the provisions of Section 4082, of Title 18 of the United States Code, the Attorney General or his authorized representative, caused and ordered the transfer of the petitioner, Ethel Rosenberg, on or about April 11, 1951, and of petitioner, Julius Rosenberg, on or about May 15, 1951 to the

V (cont'd.) "A" and as to Volume II, Exhibit "B". Reference to this record will be made herein as "R--". All of the other exhibits hereinafter referred to are also annexed hereto and made a part thereof.

Sing Sing Prison at Ossining, New York, where they have remained and now are presently detained to await execution, since no "available, suitable and appropriate institutions" were maintained by the Federal Government within the Southern District of New York which had facilities to carry out the execution of the sentence of death of the petitioners in the manner prescribed by the judgment of conviction.

Sixth: The United States Court of Appeals for the Second Circuit affirmed the judgments of conviction on February 25, 1952, and denied rehearing on April 8, 1952 (195 F. 2d 583,609). The United States Supreme Court denied certiorari on October 13, 1952 (344 U.S.838) and rehearing on November 17, 1952 (344 U.S.889), Black, J., in each instance, noting his opinion that the petition should be granted. On November 24, 1952, the petitioners made application in this Court, under 28 U.S.C. § 2255, to vacate and set aside the aforesaid judgments of convictions. This application was denied without a hearing on December 10, 1952 (108 F.Supp.798). The Court of Appeals for the Second Circuit affirmed the order of the District Court on December 31, 1952. (200 F. 2d 666) The United States Supreme Court denied a petition for a writ of certiorari on May 25, 1953 (Docket No. 687, October Term, 1952), Justices Black and Douglas noting their opinion that certiorari should be granted. On December 29, 1952, within 60 days after the denial of certiorari by the United States Supreme Court, in the criminal appeal, an application was made to the sentencing judge for a reduction of the aforesaid sentences, pursuant to Rule 35 of the Federal Rules of Criminal Procedure.

On January 2, 1952, the application was denied (109 F. Supp. 108). On January 6, 1953, an application was made to the President of the United States, for an executive reduction of the sentence. This application was denied on February 11, 1953.

PRESENT APPLICATION

Seventh: Petitioners make this application praying for a new trial and that their convictions be vacated and set aside and that they be discharged from detention and imprisonment under the provisions of Rule 33 of the Federal Rules of Criminal Procedure and Section 2255, Title 28, U.S.C.

Eighth: The grounds relied on by the petitioners are (a) newly discovered evidence; and (b) the use by the prosecuting authorities of ^{Kay's} perjured testimony to bring about their convictions, unjustly, unlawfully, illegally and in violation of the Constitution and laws of the United States, depriving the court of jurisdiction to convict, and rendering the judgment of conviction and the sentences imposed thereunder subject to collateral attack.

The Console Table Evidence

Ninth: A console table belonging to the petitioners Julius and Ethel Rosenberg, and part of the furnishings of their home some time from after late 1944 or 1945, played a prominent part in the prosecution's case. Evidence concerning this console table was introduced through the testimony of David Greenglass and Ruth Greenglass, his wife, the main Government witnesses, and Evelyn Cox (in rebuttal), designed to show that the petitioners were in criminal confederacy with agents of the Soviet Union to commit espionage.

On the direct examination of David Greenglass, the following information was elicited by the prosecution:

"Q. Now, did Rosenberg ever say anything to you about any reward that he received from the

Russians for the work that he had been doing?

A. He said he had gotten a watch as a reward."
(C.R. 520-21)

"Q.. Now, was there anything else that they [the Rosenbergs] received which they told you about?

A. I believe they told me they received a console table from the Russians.

Q. A console table?

A. That is right.

Q. When did they tell you about that?

A. That was after I had gotten out of the Army.

Q. Did you ever see that table?

A. I did." (C.R. 521-22)

Ruth Greenglass testified as follows:

"Q. But you did visit them [the Rosenbergs] from time to time?

A. Yes.

Q. Now, on any of those visits did you notice any particular piece of furniture in the Rosenberg apartment?

A. ---

Q. When was this, as best you can recall?

A. I think it was 1946.

Q. And what piece of furniture did you notice?

A. Mahogany console table.

Q. Did you have a conversation with the Rosenbergs concerning that table?

A. Yes, I did.

Q. And was your husband also present?

A. I think he was, yes.

Q. Now will you tell us what that conversation was in connection with this console table as best you can recall it?

A. I admired the table and I asked Ethel when she bought a new piece of furniture; she said she hadn't bought it, she had gotten it as a gift and I said it was a very nice gift to get from a friend, and Julius said it was from his friend and it was a special kind of table, and he turned the table on its side to show us why it was so special.

Q. And what did he show you when he turned the table on its side?

A. There was a portion of the table that was hollowed out for a lamp to fit underneath it so that the table could be used for photography purposes, and he said when he used the table he darkened the room so there would be no other light and he wouldn't be obvious to anyone looking in.

Q. And did Julius Rosenberg tell you what he photographed using the table?

A. Yes. He took pictures on microfilm of the typewritten notes." (C.R.706-7).

JULIUS ROSENBERG, on direct examination, testified as follows:

"Q. Now, from time to time during the course of your living with your family at that apartment, did you have occasion to purchase new furniture?

A. Only once did I purchase a new item.

Q. What item was that?

A. A console table.

Q. And when did you purchase that?

A. I would say it was either in 1944 or 1945.

Q. And from where did you purchase that console table?

A. From R. H. Macy & Company.

Q. And how much did you pay for that console table?

- A. It was somewhere about \$21." (C.R.1054)
- "Q. Did you ever receive a console table from the Russian government?
- A. I did not.
- Q. I think you have already testified that you purchased a console table from R. H. Macy?
- A. That is correct.
- Q. Now, can you be as specific as you possibly can about the date of that purchase?
- A. Well, I can't remember exactly the date, but it was somewhere between 1944 and 1945 that I personally purchased the console table.
- Q. How much did you say you paid for it?
- A. Somewhere in the neighborhood of \$21.
- Q. Did you pay cash for it; was it a C.O.D. transaction?
- A. I paid cash for it and I ordered it sent to my house. As a matter of fact, if I do recall, I believe I bought something else at that time.
- Q. Now, did you get a bill for it?
- A. Yes, I did.
- Q. In whose name was the bill made out?
- A. In my name.
- Q. Julius Rosenberg?
- A. That is correct.
- Q. Was it subsequently delivered by R.H.Macy Company to your home at 10 Monroe Street?
- A. It was.
- Q. Do you know how long after you purchased that console table that it was delivered?
- A. I can't remember; maybe a week or two weeks afterwards.

Q. Now, was the table that you purchased at Macy's the same console table that was in your home at the time the FBI finally came around to arrest you?

A. Yes, it was." (C.R.1136-37)

On cross-examination of JULIUS ROSENBERG, the following testimony was elicited:

"Q. Let us have a little talk about this console table. Is your best recollection that you bought that at Macy's in 1944 or 1945?

A. That is about the best I can recall, sir.

Q. Do you remember what day of the week it was that you bought it?

A. Well, I can't recall. It is too many years ago. My recollection is hazy about events.

Q. Suppose you describe the table to us, what color it was.

A. Well, the table was a dark brown.

Q. Mahogany?

A. I don't know if the wood was mahogany.

Q. Mahogany-colored?

A. That is right.

Q. Yes.

A. The table was--the top of the table was about three feet by two feet.

Q. You mean three feet wide?

A. That is right, by--

Q. By two feet from front to back?

A. Right. It had a piano hinge in the center, and the table could open up double. Across the inside of the table there was a bar with a hole in it and there was a little wooden boss that had two holes in it that held the top of the table to the bar, so that when the table was-- I mean the cover of the table would swing around at right angles, you could open the table double.

- Q. You mean it was an extension table?
- A. It wasn't an extension; it was hinged over the top cover of the table.
- Q. About how high did the table stand?
- A. AS high as the ordinary eating table. The same height as the table over there (indicating).
- Q. How many people could sit around it?
- A. When it was opened, you could have about six people sitting around.
- Q. When it wasn't used for eating, where was it kept in your apartment?
- A. Well, in the beginning days when we first had it, when we had the other table before we shipped it out to California, it was kept in the foyer, and then in the last few years, I would say the last four years, we used it to eat on, and particularly the last couple of years it had a lot of use for eating on. The top of the table kept falling off because the two wooden screws that held the studs at the top of the table stripped the threads and I used two little match sticks in there to try to keep it tightened.
- Q. That was the hinged back that used to stand up against the wall, was it not?
- A. No, it didn't. Only in the beginning, we used to keep it as a show piece, because it was one of the nicest pieces of furniture we had in the house.
- Q. It was the only new piece you had in the house, as a matter of fact?" (C.R.1205-06)
- * * * * *
- "Q. Now, you bought this table in 1944 or 1945, during the war; is that right?
- A. That is correct sir.
- Q. Did you have any trouble finding any furniture at that time?
- A. That was on the floor of Macy's. There was a big display, many little tables were on the floor.
- Q. The place was full of little tables?

A. That's right.

Q. Don't you know, Mr. Rosenberg, that you couldn't buy a console table in Macy's, if they had it, in 1944 and 1945, for less than \$85.?

A. I am sorry, sir. I bought that table for that amount. That was a display piece, Mr. Saypol, and I believe it was marked down.

Q. You mean the place was full of marked-down tables?

A. That is correct sir." (C.R.1211)

ETHEL ROSENBERG on direct examination, testified:

"Q. Your sister-in-law testified that on a certain occasion in 1946, or at least she thought it was 1946--

Mr. A. Bloch: That is page 1013.

Q. --your sister-in-law visited you at your home and that she noticed a piece of furniture and that that piece of furniture was a mahogany console table; and that she had a conversation with the Rosenbergs--that means you and your husband--concerning the table; that she said that she admired the table and she asked you 'she said she had not bought it, she had gotten it as a gift'; that she said 'it was a very nice gift to get from a friend,' and that 'Julius said it was from his friend and it was a special kind of table,' and thereupon your husband, Julius, 'turned the table on its side to show us why it was so special'; did any such thing ever occur?

A. No, it did not.

Q. She further testified that your husband, in your presence, turned the table on its side and that 'there was a portion of the table that was hollowed out for a lamp to fit underneath it so that the table could be used for photograph purposes' and that your husband said that 'when he used the table he darkened the room so that there would be no other light and he wouldn't be obvious to anyone looking in'; did you hear any such conversation, at any time, either in 1946 or 1947, or at any other period?

A. I never heard any such conversation.

Q. Did your husband ever use any table console table or any other table, for photograph purposes?

A. No, he did not.

Q. Did your husband ever photograph on microfilm or any other substance anything pertaining to any information or secret concerning the national defense, or anything else at all?

A. No, he did not.

Q. Your sister-in-law further testified in answer to a question, I think Mr. Kilsheimer put: "Q. And did Julius Rosenberg tell you what he photographed using the table?"

And his answer was:

'Yes. He took pictures on microfilm of the typewritten notes.'

Did any such thing ever take place?

A. No, it did not.

Q. Did your husband ever take pictures on microfilm of any typewritten notes?

A. No, he did not." (C.R. 1331-32).

On cross-examination ETHEL ROSENBERG testified:

"Q. You told everybody that you bought it in Macy's for \$21?

A. I wouldn't say that I told everybody. I don't know whom I might have spoken to and whom I may not have, but I know I bought it at Macy's." (C.R. 1359-60).

In rebuttal the Government called one Evelyn Cox, a former domestic employed by the Rosenbergs in their home. Although she cleaned the apartment and the furniture therein, her testimony is barren of any statement that the subject console table was a special kind of table with a hollow underneath for a lamp for photographic or microfilm use.

Tenth: The console table itself was never introduced in evidence by the Government nor did the Government produce any evidence to show that the console table was unavailable to them at the trial or had theretofore been unavailable.

Contrariwise, the circumstances show that the console table was or could have been available to the Government. This becomes evident from the following facts and chronology of events.

(a) Ruth Greenglass testified at the trial that she had made a written statement to the authorities of her full story, within two or three days after a conference, attended by David, (her husband), O. John Rogge (her lawyer), the United States Attorney and his aides, and F.B.I. representatives, in mid-July, 1950 (C.R.742-47).

(b) David Greenglass was arrested on June 15, 1950 (C.R.567), and testified that he implicated Julius Rosenberg immediately that night or the early morning of the following day. He made five or six further written statements and a number of oral statements, which were transcribed, all before the end of the summer of 1950. (C.R.577-78, 604-5).

(c) At the time of the respective arrests of the petitioners in July and August, 1950, the F.B.I. agents made a thorough search of the petitioners' home where the console table was located and removed therefrom articles allegedly tending to incriminate the petitioners, *e.g.*: watches (C.R.1134), snapshots (C.R.1293), and even a collection can for money for the Joint Anti-Fascist Refugee Committee (C.R.1177).

(d) The console table was in the home of the Rosenbergs at the time of their respective arrests and until October, 1950. (See annexed affidavits of Julius and Ethel Rosenberg; David Rosenberg; Sophie Rosenberg; and Ethel Goldberg).

If the Government had knowledge of the importance of the console table to show criminality any time prior to mid-October, 1950, it could have subjected the table to its

possession, either as an incident of the arrests or under the authority of a duly issued search warrant.

If the Greenglasses were testifying truthfully when they swore that they revealed the complete story of the alleged conspiracy by mid-summer, 1950, they must necessarily have revealed the criminal import of the console table. In that event, the investigative and prosecutive authorities, must have seen the table itself, which, as hereinafter shown, by reason of the absence of the physical characteristics ascribed to it by Ruth Greenglass, and the possibility of ascertaining its source and price, belied her testimony. This testimony the Government, nonetheless, knowingly sponsored, and suppressed the console table, and its knowledge of the table's capacity to expose Ruth Greenglass' perjury and corroborate the defense testimony of the Rosenbergs.

If the Greenglasses did not reveal the facts concerning the console table to the authorities, then, clearly, they deliberately lied as to the time they testified they had made full disclosure, and the Government necessarily knowingly sponsored this false testimony. It is apparent that the true time when the Greenglasses disclosed the facts of the alleged conspiracy, or any aspect thereof, had a direct bearing on their credibility.

Eleventh: The console table, in question, was not available to the petitioners at the time of their trial and could not have been discovered by the petitioners, at that time, by the exercise of reasonable diligence, for the reasons set forth in the annexed affidavits of Julius and Ethel Rosenberg, ^{Emmanuel H. Bloch,} David Rosenberg, Sophie Rosenberg and Ethel Goldberg.

Twelfth: The whereabouts of the console table

became known to the petitioners, within the last few months, under circumstances set forth in the annexed affidavit of Leon Summit. Upon the discovery of the whereabouts of the table, an investigation was initiated to ascertain (a) whether the table discovered was the table that was in the Rosenberg home during the years 1944 or 1945 to October, 1951; (b) the retailer of the table; (c) the period during which the table was sold by the retailer; (d) the retail price of the table during the aforesaid period.

Thirteenth: The console table discovered several months ago is the console table that was in the Rosenberg home during the years 1944 or 1945 to October, 1951 as shown by the affidavits of Julius and Ethel Rosenberg, David Rosenberg, Sophie Rosenberg, Ethel Goldberg, Leon Summit and Rev. H.S. Williamson. Photographs of said console table are annexed hereto and marked "Exhibits A to F." The console table will be produced, at the request of the Court.

Fourteenth: The table was sold by R.H. Macy & Co., New York City in its furniture and occasional furniture department, during the years 1944 or 1945 for the sum of \$19.97. The markings on the console table so indicate, as appears from the annexed affidavit of Joseph Fontana, the buyer for R. H. Macy & Co., of occasional furniture during the years 1944 and 1945.

Fifteenth: Physical examination of the console table reveals that it is in no sense a "special kind of table", nor is any part of it whatever "hollowed out".

Sixteenth: In sum, this newly discovered evidence concerning the console table demonstrates that Ruth Greenglass perjured herself when she testified that the console

table in question was a "special kind of table" and "hollowed out for a lamp to fit underneath it"; that David Greenglass perjured himself when he testified that the console table was a gift to the Rosenbergs "from the Russians".

Indeed, the evidence supports almost to the penny the testimony of Julius Rosenberg (and Ethel Rosenberg) that he himself bought the table in Macy's in 1944 or 1945 for "about \$21" (\$19.97 plus 2% sales tax, or \$20.37). It refutes the tendentious question of the prosecutor implying that "you couldn't buy a console table in Macy's, if they had it, in 1944 and 1945, for less than \$85." [See also summation of prosecutor on this subject. (C.R. 1526-27)]. Even the Government's own witness, Evelyn Cox, in identifying the newly discovered console table--not "hollowed out" in any part--as the console she saw in Rosenberg home, during the period in question, now corroborates the Rosenberg version of the facts.

The effect of this perjured testimony on the jury was of vital significance in that it forged a false link, apparently supported by the testimony of Mrs. Cox, a disinterested witness, between the Rosenbergs and the "Russians".

Greenglass Liar. "Hysteria"

Seventeenth: Evidence, newly discovered by the petitioners since their trial and within the last few months, independently and in conjunction with the newly discovered console table evidence set forth above, the evidence set forth hereinafter, and the evidence of perjury adduced on the prior \$2255 application herein, taken in context with trial testimony of David Greenglass, demonstrates that

David Greenglass' trial testimony, always suspect, is a fabric of lies.

Upon information and belief, Ruth Greenglass, David's wife, at or about the time of his arrest, stated "that he had a 'tendency to hysteria'." She stated further: "at other times he would become delirious and once when he had the grippe he ran nude through the hallway shrieking 'elephants', 'lead pants'." She had known him since he was ten years old. She said that he would say things were so even if they were not. He talked of suicide as if he were a character in the movies but she didn't think he would do it". (Emphasis added)

The sources of the information and the grounds of the brief, are a photostatic reproduction of an inter-office memorandum, a true copy of which is hereto annexed and marked Exhibit G, from the files of the firm of Rogge, Goldman, Fabricant & Gordon, Esqs. of 401 Broadway, New York City, the then attorneys for David and Ruth Greenglass and verified to be an accurate representation of the contents of the original document in the files of the said law firm by O. John Rogge, Esq., the senior member thereof, as appears from the annexed affidavit of Emanuel H. Bloch.

It has been obvious, from the beginning, that David Greenglass had the strong motivation of self-preservation (to ward off a possible death penalty and mitigate his own punishment) as well as to avoid punishment for his wife and an animus against Julius Rosenberg, stemming from personal and business antagonisms. It now appears that, in addition, he is an unbalanced individual, whose wife characterizes ^{him} as one who "would say things were so even if they were not," an ingrained pattern of behavior, familiar to her over the course of years. This is the first clue, which has become known to the petitioners, to the long-

standing corruption of the character of David Greenglass and the imbalance of his emotions. That a person of these characteristics must be prone to capitulate to his life-long pattern of lying, in time of a crisis which threatened his very life and that of his wife [whom he admitted he loved more dearly than himself], is not only self-explanatory, but likewise explains the development of his tale, told to the authorities, which eventually ensnared the Rosenbergs in the crime of espionage. Ruth Greenglass, with her knowledge of David's propensity to falsehood, exploited it for her own self-preservation and that of her husband.

The discovery of this new evidence illuminates the true role played by the Greenglasses in being the major factor in bringing about the conviction of the Rosenbergs.

Further Evidence of the Greenglasses'

Falsehoods

Eighteenth: Pre-trial statements of the Greenglasses, newly discovered since the conclusion of the trial and very recently, further exposes the untruthfulness of the Greenglass trial testimony, corroborates the inescapable inferences drawn here from the new evidence concerning the console table, and verifies the pre-trial characterization by Ruth Greenglass of her husband as an habitual liar, as well as the sordid advantage taken by Ruth of the falsehoods of her husband, the product of his corrupt and unstable character. See Exhibits C-7

(a) Examination theft: The testimony of David Greenglass (C.R. 564-65) and Ruth (C.R. 715-18) at the trial deliberately concealed or falsified the fact that David was questioned by an F.B.I. agent, concerning the theft of the evidence from Los Alamos, at the Greenglass home in February, 1950.

Now it appears from a pre-trial statement of Ruth Greenglass to her attorneys, made on June 19, 1950 Exhibit C

annexed hereto^{2/}, that the Greenglasses were questioned, and knew they were questioned by the F.B.I. concerning a theft of uranium from Los Alamos.^{2/}

Now it further appears that David Greenglass did, in fact, steal uranium from Los Alamos, with criminal intent as evidenced by his surreptitious disposal of the fruits of the larceny. [See annexed affidavit of Bernard Greenglass.]

The new evidence that there was theft of uranium by David Greenglass supplies the motive for the Greenglasses' concealment of the truth, at the trial, of their having been questioned by the F.B.I. concerning uranium theft. Had they not concealed this important information at the trial, their testimony would have revealed espionage activity on their part, admittedly unconnected with the Rosenbergs, and in conflict with their studious efforts to depict themselves as pawns in the hands of the Rosenbergs. That David Greenglass stole uranium, evinces an additional reason on the part of the Greenglasses to exchange their testimony, implicating the Rosenbergs, for mitigation and avoidance of penalties against them.

On the other hand, the new evidence that David Greenglass stole uranium is persuasive support for the version of facts testified to by the Rosenbergs, at the trial. The

^{2/} The attorneys' memorandum ascribes to Ruth Greenglass the statement: "Shortly before their accident the F.B.I. asked if they had a specimen of uranium in the house, in the course of what they call a routine investigation. One of their friends had a similar experience."

The "accident" referred to took place in the middle of April, 1950 (C.R. 524). "Shortly before" must necessarily have referred only to the February, 1950 interview, since the undisputed record discloses that the Greenglasses were not interrogated by the F.B.I. between the February, 1950 interview and June 16, 1950, the date of David's arrest.

Rosenbergs testified that: (a) in about February, 1945, Ruth called Julius to her home to seek his advice because, she said, David had ideas of stealing "things" from the army; Julius cautioned her to dissuade David from committing such an illegal act (C.R. 1089); (b) when David appeared agitated, in 1950, at that time demanding money from Rosenberg to flee the country, the Rosenbergs recalled this as a possible source of David's difficulty (C.R. 1120-21; 1334); or (c) an alternative source of his trouble ^{was} being the theft of uranium (C.R. 1225-28; 1366-67).

In the light of Ruth Greenglass' inconsistent testimony concerning the 1945 incident, conjoined with the concealment of the uranium theft, it was possible for the Government to present to the jury the impression that the Rosenbergs, interested parties, had concocted their version of that same incident for their own advantage. If this concealed evidence, now brought to light, had been before the jury, it might well have shifted the balance of probabilities in favor of the Rosenbergs, causing the jury to give credence to the Rosenberg version which has now been substantiated.

(b) "Hamlet" Without Hamlet: The newly discovered document, Exhibit H, reveals that when Greenglass was first interrogated by the F.B.I., he told a very different story relating to the Rosenbergs from the one which he told at the trial -- as different as "Hamlet" without Hamlet. Exhibit H reveals that Greenglass "made sure" to tell the F.B.I. that it was Rosenberg who had sought to involve the Greenglasses in espionage. Nevertheless, as to some of the most salient features of the conspiracy, to which he later testified at the trial, he made no connection between these incidents and the Rosenbergs.

In his pre-trial statement, Exhibit H, he stated, "I identified Gold by a torn or cut piece of card, but I did not tell them where or how I got it." He also stated, "I did not know who sent Gold to me."

His testimony concerning the cut Jello-Box, as a means of identifying espionage couriers, and, finally, as a means of identifying Gold, constituted one of the most hair-raising cloak-and-dagger episodes related to the jury. The vividness with which these events were told in his trial testimony, would make it almost inconceivable that, in relating the facts concerning both the Jello-box and the identification of Gold, if they occurred at all in connection with the Rosenbergs, Greenglass could possibly have forgotten that the "cut piece of card" was a Jello-box or that the Rosenbergs were connected with both the arrangement of the Jello-box as a code and the use of that code, arranged by the Rosenbergs, ^{that} identified Gold.

The omission to connect Rosenberg with the Jello-box incident and the Gold visit to New Mexico could not conceivably be ascribed to a desire to avoid implicating Rosenberg, as a close member of the family, because, as Greenglass stated, he had "made sure" to tell the F.B.I. that Rosenberg was somehow involved in the alleged conspiracy. The trial connections made between the various incidents and the Rosenbergs almost inescapably appears to be the later fabrication of Greenglass' curious mind in pyramiding the false accusations against the Rosenbergs which resulted in their convictions.

Taken together with the other evidence submitted on this motion it would seem most likely that, if the facts now available had been before the jury, they would not have believed the Greenglass stories pertaining to the Rosenbergs.

It is significant and telling that in none of the pre-trial statements represented by the exhibits here, did David Greenglass implicate his sister, Ethel Rosenberg, in any way, with the alleged conspiracy to commit espionage. As the statement relates to his wife, Ruth, David Greenglass reveals that his failure to mention her was a deliberate omission on his part with the express intention of shielding her. The pre-trial statement, Exhibit N, reveals that Greenglass stated, "I definitely placed my wife out of the room at the time of Gold's visit."

The absence of implicating matter relating to Ethel Rosenberg is not explained as in the case of Ruth, David's wife, as a conscious effort on his part to protect a close relative. The only inference that can be drawn here is that the implication of Ethel Rosenberg was the same kind of subsequent invention as was the criminal implication of Julius Rosenberg.

It is to be noted, furthermore, that David Greenglass' pre-trial testimony, placing his wife, Ruth, out of the room when Gold arrived, is contradicted by the trial testimony, where she is placed in the room on Gold's visit (C.R. 699), obviously in an effort to avoid before the jury the impression that the testimony of the Greenglasses was motivated by a desire to minimize the role and mitigate the punishment of Ruth.

(c) The Atom Bomb Theft Without the Atom Bomb: Equally significant is the absence from the pre-trial statements of David Greenglass of any reference to transmission of information relating to the "secret" of the atom bomb itself in a conspiracy, the heart of which, as presented by the Government, was the theft and transmission of the "secret"

of the atom bomb.

This central incident was not once mentioned by the Greenglasses in their pre-trial statements, much less mentioned in connection with the Rosenbergs. It might even be said that the connection of this alleged conspiracy with the atom bomb itself, might never have been made until shortly before the trial in the light of the fact that even in the last superseding indictment of January 31, 1951, where other overt acts were added, the September, 1945 incident, relating to the delivery to the Rosenbergs of the cross-section of the atom bomb, was never listed as an overt act under the indictment.

(d) Unconcern for the Truth If, in addition to all the other new evidence set forth herein, the jury had known of the following pre-trial statements of the Government's witness-in-chief, could it be said that they would have convicted in a capital case on the testimony of this witness? At the trial, Greenglass testified to the contrary of these statements:

"But this I'll tell you, I can honestly say the information I gave Gold may be not at all what I said in the statement."

and

"I stated that I met Gold in N.Y. at 209 Hick St., my place. They told me that I had told him to come back later because I didn't have it ready. I didn't remember this but I allowed it in the statement." (Exhibit H)

It is shocking that two persons should be consigned to their death upon the testimony of a Greenglass, who thus displayed such a wanton unconcern for the truth.

(e) The "Deal": The petitioners, at their trial, attempted to show that the Greenglasses, as the guilt-free men

for their testimony inculcating the Rosenbergs, were promised by the authorities either immunity or leniency. This attempt was blocked or frustrated by the Greenglasses in their denial that any such arrangement had been negotiated or consummated. (C.R. 607-8; 736 ff.) The new evidence, consisting of Exhibit I, hereto annexed, exposes this Greenglass testimony to be totally perjurious. Exhibit I not only reveals that a deal was made but sets forth in detail the terms of the deal. If the Greenglasses had not lied, the jury would have had before it the shocking evidence that, where the Rosenbergs were punished by death, it was first conceived that neither of the Greenglasses should be named as defendants; that the Government thereafter retreated only somewhat by modifying the deal to make David Greenglass a co-defendant who would receive a suspended sentence only; and that, finally, after charges in open Court by counsel for the Rosenbergs, at their arraignment, that a deal might be in the making, the Government, as a face-saving device, only then indicated to the Greenglasses that David Greenglass might well have to serve some time in prison. That at least the deal was fulfilled as to Ruth Greenglass cannot be questioned; as to Greenglass, the Government's recommendation indicates that it attempted, at least partially, to fulfill the understanding.

Nineteenth: Upon the foregoing, justice demands a new trial for the petitioners and a vacation of the judgment under which they are presently detained and imprisoned.

Twentieth: No previous application for the within relief has been made to any court or judge thereof, except as hereinbefore set forth.

WHEREFORE, the petitioners ask the judgment of this Court that an order be made and entered (1) granting the petitioners a new trial; (2) vacating and setting aside the judgments of conviction and sentences thereunder, and (3) for such other and further relief as this Court may deem proper and just in the premises.

EMANUEL H. BLOCH
Attorney for Petitioners

Dated: New York, June 5, 1953

STATE OF NEW YORK)

COUNTY OF NEW YORK) SS:

EMANUEL H. BLOCH, being duly sworn, deposes and says that he is the attorney for the petitioners; that he has read the foregoing petition and knows the contents thereof; that the same is true to his own knowledge, except as to the matters therein stated to be alleged on information and belief, and that as to those matters he believes it to be true.

Sworn to before me this

5th day of June, 1953.

3/ Emanuel Bloch

s/ Gloria Agr
Notary Public State of New York

Commission expires Mar. 30, 1954

State, New York
County of New York S.S.

My name is Bernard Greenglass.
I live at 64 Sheriff St New York, N.Y.
I am the brother of Ethel Rosenberg
and David Greenglass; Ethel is my
elder sister and David is my younger
brother.

Some time in the year 1946
my brother David told me he had
taken a sample of uranium from
Los Alamos without permission of
the authorities. He told me this at
his then home 265 Livingston Street
New York, N.Y. I do not remember
whether Ruth, David's wife was
present at that time.

Sometime later, and I don't
remember whether it was a year
or more later or sometime before
David's arrest in June 1950, David
told me that he had thrown this
uranium into the East River.

About a month ago, on a Friday night David Rosenberg, Julius Rosenberg's brother came to my home to discuss the case of Ethel and Julius. There was also present Ruth Greenfarb, and my mother Jessie Greenfarb. The subject of uranium came up. I told David Rosenberg the same story that I am stating here.

Ruth, David's wife said "yes" David took a sample of uranium but he threw it into the East River.

I told this same story about the uranium to my sister Ethel during my visit to her about a month and one half ago on a Saturday at the Sing Sing chalk house.

I also told the same story to Rabbi Kosiow at his home in Mamaroneck, N.Y. in the presence of David Rosenberg on the evening of May 25, 1950.

I have voluntarily related
this story again to Charles H.
Black at his office at 40, Broadway
New York, N.Y. on this 31st day of May
1953.

The above is true,
sworn to before me
this 31st day of May, 1953 - Bernard Gungor
Jona Azin
Notary Public State of NY
Com. Exp. Mar. 30, 1954

(3)

STATE OF NEW YORK)
 188
COUNTY OF NEW YORK)

JOSEPH FONTANA, being duly sworn, deposes and says:

I reside at 19 Litchfield Road, Port Washington, Long Island, New York. I am presently employed by R. H. Macy & Co., Inc., (Macy's) and have been continuously so employed since 1919. I was the buyer of occasional furniture for Macy's during the years 1944 and 1945.

On March 14, 1953, there was submitted to me for observation and examination, certain photographs of a console table, depicting various views of the same and parts of the same. I have marked each of these photographs with my signature; there are a total of six photographs and I have marked them "A" to "F", both inclusive.

I make the following statement voluntarily and based upon what I observed from the said photographs. I am assuming that the photographs, and the markings as shown on the console table, are genuine:

(a) The table is a type and style which was handled and sold by Macy's in the furniture and occasional furniture department. It is possible that Macy's handled and sold the particular table shown in these photographs during the years 1944 and 1945.

(b) The markings on the table are not in sufficient detail for me to state that Macy's handled or sold this particular table, or this type or style of table during any particular year.

(c) The table would appear to have been manufactured by the Brandt Manufacturing Company and the markings "N N 4046-760-F4-1997" on the under side of the table would indicate the following information:

"N N" means Macy's occasional furniture department

"4046" is the pattern number assigned by Brandt Manufacturing Company to this style in the year 1940

"760" means the Brandt Manufacturing Company Cabinet Works of Hagerstown, Md.

"F4" is a symbol of a Macy season; "F4" was last used as a symbol in the fall season of 1936; however, "E4" was last used as a symbol in the early part of 1944. A view of photographs "F" and "F", which are close-ups, show that the seasonal symbol could be read as either "F4" or "E4". The use of "E4" would be consistent with the manufacturer's pattern number.

"1997" is Macy's retail selling price of \$19.97.

(d) This console table was one of the lower priced tables sold in Macy's furniture department sometime during or subsequent to the year 1944, if the symbol "E4" is correct.

Sworn to before me this
16th day of March, 1953.

Joseph Fontana

SEAL

Florence Andrews
Notary Public, State of New York
No. 24-5081600
Qualified in Kings County
Certificates Filed With:
New York and Kings County Clerks
New York and Kings County Reg. Off.
Commission Expires March 30, 1954

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

----- X

UNITED STATES OF AMERICA,

-against-

JULIUS ROSENBERG and ETHEL ROSENBERG,
Defendants.

----- X

STATE OF NEW YORK)
) P.F.:
COUNTY OF NEW YORK)

LEON SUMMIT, being duly sworn, deposes and says:
I reside at 77 Frankel Boulevard, Merrick, L.I.,
New York.

I am a newspaperman by profession and I am presently
employed by the National Guardian, a weekly newspaper, with
offices at 17 Murray Street, Borough of Manhattan, City of
New York.

I was assigned by my newspaper to make an investiga-
tion with respect to testimony at the trial of the aforesaid
defendants concerning a certain console table, and I attempted
to locate the said console table.

I had conversations with Ethel Goldberg, a sister
of the defendant, Julius Rosenberg, and ascertained from her
that the console table in question was located at the home
of Sophie Rosenberg, the mother of Julius Rosenberg, residing
at 36 Laurel Hill Terrace, in the Borough of Manhattan,
City of New York.

In or about the early part of March, 1953, I visited
the aforesaid apartment of Mrs. Sophie Rosenberg and saw in
the living room thereof a console table. I was accompanied
by a photographer and caused photographs of the said console

table to be made in various views. The photographs of the said console table are hereto annexed and marked Exhibits "A" to "F" inclusive. The said console table was the only console table I saw in the home of Mrs. Sophie Rosenberg.

Thereafter, and on or about March 20, 1953, I traveled to the home of Mrs. Evelyn Cox, 147-16 110th Road, Borough of Queens, who was one of the rebuttal witnesses on behalf of the prosecution at the trial of the above named defendants. I was accompanied by Reverend H. S. Williamson, whose affidavit is hereto annexed and made part of these moving papers. I stayed outside in the automobile while Reverend Williamson went up to Mrs. Cox's home. A few moments later, Reverend Williamson came down and told me that Mrs. Cox was not at home and was not expected until a few days later. March 20th was a Friday.

On Monday, March 23, 1953, Reverend Williamson and I, accompanied by a Mr. Malloy, again traveled out to the apartment of Mrs. Cox. This time I had the console table in question in my possession, which I had seen in Mrs. Sophie Rosenberg's home, the photographs of which are hereto annexed and marked Exhibits "A" to "F" inclusive. I obtained possession of the said console table from Mrs. Sophie Rosenberg early that morning before I picked up Reverend Williamson and Mr. Malloy. I placed the console table, which I received from Mrs. Rosenberg, in my automobile in which the three of us traveled to the home of Mrs. Cox.

When we arrived at her house, I remained in the automobile, while Reverend Williamson and Mr. Malloy took the console table and the aforesaid photographs out of the car and brought the same up to the home of Mrs. Cox for purposes of identification and verification. Reverend

Williamson and Mr. Malloy spent about two hours in the home of Mrs. Cox and then returned.

Reverend Williamson, upon his return, told me that Mrs. Cox had recognized the console table and stated that it looked like the console table that was formerly in the home of Julius and Ethel Rosenberg at 10 Monroe Street, in the Borough of Manhattan, City of New York. He also said Mrs. Cox identified the photographs as accurate photographs of the console table. Reverend Williamson also told ^{me} that Mrs. Cox stated that "This table looks like the one that was in their Rosenbergs house but I will not submit an affidavit that this table is the exact table." in accordance with the phraseology of an affidavit that Reverend Williamson and I had in our possession on that date for signing by Mrs. Cox. Reverend Williamson also told me that Mrs. Cox said that we could return the following night with an affidavit that the console table exhibited to her "closely resembled" the console table in the Rosenberg home.

The following night, namely, March 24, 1953, Reverend Williamson and I returned to Mrs. Cox's home. This time I entered the home with Reverend Williamson. I had with me a corrected affidavit to conform to the phraseology demanded by Mrs. Cox. I also brought with me the photographs, Exhibits "A" to "F" inclusive, annexed hereto. We saw Mrs. Cox. In the course of the discussion Mrs. Cox made statements, the exact verbiage of which is hereto set forth in Exhibit I attached to this affidavit.

On the following afternoon, March 25, 1953, Reverend Williamson and I again visited Mrs. Cox's home. Mrs. Cox was not present but we spoke to her daughter, Mrs. John J.

Capello. She made certain statements which are set forth herein in Exhibit II, hereto attached to this affidavit, which represent the substance of her thoughts at that meeting.

On March 27, 1953, Reverend Williamson and I again returned to Mrs. Cox's home and again Mrs. Cox was not at home. Her son-in-law, Mr. Capello, stated at that meeting "My mother-in-law says it looks like the same table but how does she know it's really the same one."

On March 28, 1953, Reverend Williamson and I again returned to Mrs. Cox's home and did see Mrs. Cox. Mrs. Cox restated substantially what she had told us on March 24, 1953. On this last occasion, as on previous occasions, when she discussed the console table with Reverend Williamson and myself, she said in substance that she was sick and tired of this case and did not desire to become involved again.

The above facts represent the upshot of our transactions and conversations with Mrs. Cox concerning the console table.

From the time that I obtained possession of the console table from Mrs. Sophie Rosenberg on March 23, 1953, and up to and including the present, I have had the console table in my sole possession and have always had the same under lock and key, and access to the said table was had solely by me. Indeed, I had a special lock made to insure that the said console table would not be stolen or tampered with in any way by any person. The only exception was at a rally held at Randall's Island a few weeks ago on a Sunday, when the said table was exhibited to the general public who were in attendance or members of the audience at that meeting, but I was always present and had the console table under my supervision and control.

Sworn to before me this
2nd day of June, 1953.

Leon G. Summit

Gloria Agrin
Notary Public, State of N.Y.
Comm. Exp. Mar. 30, 1954

EXHIBIT I

Mrs. Cox: "I looked the table over and it's the same one in these pictures. It looks like the table the Rosenbergs had in their apartment, only their table was new and this one is used."

"I won't sign an affidavit, but I'll swear in any court in the land that this looks like the table the Rosenbergs had in their apartment."

"Nobody could swear this was the very same table without being there the whole time. But I know this looks like the same table and I would swear to that in court."

"I recognized that table. It looked just like the Rosenberg table. I can swear to that. But I can't swear it's exactly the same table -- only that it looks like the same table."

"I recognize the table from these pictures. The pictures look like the table the Rosenbergs had."

EXHIBIT II

Mrs. Capelle:

"Mama says it looks like the same table, but how can she swear it is the same table."

"From the day those F.B.I. men brought Mama home from the trial until the day you came here with the table, Mama never said one word about the Rosenbergs or what went on at the trial or what she testified or anything else about the trial."

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

----- X
UNITED STATES OF AMERICA,

-against-

JULIUS ROSENBERG and ETHEL ROSENBERG,

Defendants.
----- X

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

REVEREND H. S. WILLIAMSON, being duly sworn, deposes
and says:

I reside at 467 West 164th Street, in the Borough
of Manhattan, New York City, and am an ordained minister
in the Constitution Church.

I have read the affidavit of Leon Summit verified
this day, hereto annexed, and aver that all the statements
and averments therein contained concerning meetings and
transactions with Mrs. Evelyn Cox, at which I participated
and had knowledge, are true and accurate. I also aver that
the conversations that I had with Mrs. Cox at her home on
March 23, 1953 were as related in Mr. Summit's affidavit in
which he sets forth my relation of my conversation with Mrs.
Cox that day.

Sworn to before me this

2nd day of June, 1953.

H. S. Williamson

Gloria Agrin
Notary Public, State of N.Y.
Comm. Exp. Mar. 30, 1954

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

----- X

UNITED STATES OF AMERICA,

-against-

JULIUS ROSENBERG and ETHEL ROSENBERG,
Defendants.

----- X

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

JULIUS ROSENBERG and ETHEL ROSENBERG, being duly
and severally sworn, depose and say:

We are the petitioners in this action and the
defendants in the case of the United States v. Rosenberg
et al.

We reassert here all of our testimony, given at our
trial by each of us, relating to the console table with the
same force and effect as though here set forth in full.

We have been shown pictures of a console table
marked Exhibits A - F, annexed hereto. These pictures are
fair and accurate representations of a console table which
we had in our home at 10 Monroe Street, New York City, from
either late in 1944 or early in 1945 to the time of our
respective arrests. This was the only console table which we
had in our home during that period. It was placed in the
living room of our apartment and was used for decorative and
eating purposes.

In about October 1950, when it became apparent that the bail which was fixed for each of us was so high that it could not be raised, and the charges against us would involve protracted litigation, we decided to yield up our said apartment and to dispose of all the furniture and belongings therein. We agreed with the family of Julius Rosenberg that they were to dispose of our household and personal effects as they saw fit and that they were to arrange all the necessary details. In about the middle of October 1950, we were told by Mrs. Sophie Rosenberg, upon visits to us at our respective houses of detention, that the furniture and furnishings of our apartment, except for clothing belonging to ourselves and our children, had been gotten rid of for "junk."

Sworn to before me this
third day of June 1953.

Joseph A. Gondek
Notary Public
State of New York
Jame Epine March 30,
1954

Julius Rosenberg

JULIUS ROSENBERG

Ethel Rosenberg

ETHEL ROSENBERG

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

- - - - - X

UNITED STATES OF AMERICA,

-against-

JULIUS ROSENBERG and ETHEL ROSENBERG,
Defendants.

- - - - - X

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

DAVID ROSENBERG, being duly sworn, deposes and
says:

I reside in the Borough of Manhattan, New York
City.

I am the brother of Julius Rosenberg, one of the
petitioners herein.

I visited my brother's home at 10 Monroe Street,
Borough of Manhattan, City of New York, on many occasions
during the period when my brother and his wife, Ethel, lived
there, from about 1942 to the time of their respective
arrests in July and August, 1950.

I remember that from some time in the latter part
of 1944 or in 1945, there was a console table in my brother's
home. This was the only console table I ever saw there.
Fair and accurate representations of this console table,
consisting of photographs of the same, are hereto annexed
and marked Exhibits A - F, inclusive.

At all of the times I visited my brother's home, I saw this console table in the living room thereof. I saw it used for decorative and eating purposes. After the arrests of my brother and sister-in-law, Ethel, their home at the same Monroe Street address was unoccupied. The children of my brother and sister-in-law were in a public institution, and no other person or persons took up residence in the Monroe Street apartment. The apartment was kept locked; the only person in possession of a key to the apartment was my mother, Sophie Rosenberg.

Upon information and belief, rent for the said apartment continued to be paid, after their arrests, by Emanuel H. Bloch, Esq., the attorney for my brother and sister-in-law. The source of my information and the grounds of my belief are conversations I had with my brother and sister-in-law, and with Mr. Bloch.

Finally, in October 1950, when it became apparent that the bail fixed in the case of my brother and sister-in-law could not be raised, and the charges against them would involve protracted litigation, it was determined by my brother and sister-in-law to yield up the apartment and to dispose of all the furniture and belongings therein.

In or about the middle of October 1950, I met Mr. Bloch at the said Monroe Street apartment. My mother had loaned the key to me for that morning. A little later that morning my mother arrived at the apartment. The furnishings and furniture in the said apartment were cheap, worn-out, and, in my estimation and the estimation of the other members of my family, of no value whatsoever. I recall saying to Mr. Bloch on that occasion that I would cause the entire house and its contents to be sold for "junk."

Later that morning, I had a discussion with my mother and my two sisters, Ethel Goldberg and Lena Cohen at my sister Lena's home. We all agreed that the womenfolk of the family would take care of the actual details in getting rid of the household belongings.

About a week later I was informed by my mother and sisters that they had so disposed of all of the said belongings in the said Monroe Street apartment, except some of the clothing belonging to my brother, sister-in-law and their children. After I was so informed by my mother and sisters, I communicated with Mr. Bloch and told him that everything had been taken care of as we had planned.

Some time in June 1951, the children of my brother and sister-in-law were taken out of the institution and a home was made for them by the members of my family at 36 Laurel Hill Terrace, Manhattan, New York City. My mother leased a four-room apartment in that building and the children moved in with her. A few days after this apartment was set up I visited the same and noticed the same console table which had formerly been in the living room of my brother and sister-in-law when they resided at Monroe Street.

I then learned that my mother and sisters had not disposed of all of the furniture of the Monroe Street apartment but had retained in their possession a few articles: some pots and pans, by my sister Lena; two of the children's chests of drawers, a bicycle and other toys, and the aforesaid console table by my sister Ethel, who informed me that she had stored these things in the basement of her home during the intervening period from October 1950 to June 1951.

Whenever I visited my mother's home at Laurel Hill Terrace, I noticed the said console table, except that the same was taken out of the said home recently as appears from the affidavit of Leon Summit, hereto annexed.

Sworn to before me this
first day of June, 1953.

DAVID ROSENBERG

GLORIA AGRIN
Notary Public of the State of N.Y.
Comm. Exp. MAR. 30, 1954

DAVID ROSENBERG

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

----- X

UNITED STATES OF AMERICA,

-against-

JULIUS ROSENBERG and ETHEL ROSENBERG,
Defendants.

----- X

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

ETHEL GOLDBERG, being duly sworn, deposes and says:
I reside at 5347 - 65th Place, Borough Of Queens,
New York City.

I am the sister of Julius Rosenberg, one of the
petitioners herein.

I visited my brother's home at 10 Monroe Street,
Borough of Manhattan, City of New York, on many occasions
during the period when my brother and his wife, Ethel, lived
there, from about 1942 to the time of their respective
arrests in July and August 1950.

I remember that from some time in the latter part
of 1944 or in 1945, there was a console table in my brother's
home. This was the only console table I ever saw there.
Fair and accurate representations of this console table,
consisting of photographs of the same, are hereto annexed
and marked Exhibits A - F, inclusive.

At all of the times I visited my brother's home,
I saw this console table in the living room thereof. I saw

it used for decorative and eating purposes. After the arrests of my brother and sister-in-law, Ethel, their home at the same Monroe Street address was unoccupied. The children of my brother and sister-in-law were in a public institution, and no other person or persons took up residence in the Monroe Street apartment. The apartment was kept locked; the only person in possession of a key to the apartment was my mother, Sophie Rosenberg.

Upon information and belief, rent for the said apartment continued to be paid, after their arrests, by Emanuel H. Bloch, Esq., the attorney for my brother and sister-in-law. The source of my information and the grounds of my belief are conversations I had with my brother and sister-in-law, and with Mr. Bloch.

Finally, in October 1950, when it became apparent that the bail fixed in the case of my brother and sister-in-law could not be raised, and the charges against them would involve protracted litigation, it was determined by my brother and sister-in-law to yield up the apartment and to dispose of all the furniture and belongings therein.

In or about the middle of October 1950, our family met at the home of my sister, Lena Cohen. My mother, my brother, David Rosenberg, and my sister Lena were present besides myself. I was informed by my brother David that earlier that day he had met with Mr. Bloch at the apartment at 10 Monroe Street formerly occupied by my brother Julius and his wife, Ethel. After a discussion we all agreed to dispose of the furniture and furnishings in the home of my brother Julius and his wife, and, since my brother David was

preoccupied in his business, we three women of the family agreed to take care of the details of the said disposal.

A few days later, accompanied by my mother, I went to the said apartment at 10 Monroe Street and I helped pack some of the items there. I specifically reserved, to be kept by me for storage, certain items of furniture which I marked, consisting of two children's chests of drawers, a bicycle and some other children's toys and the aforesaid console table.

My mother caused these items to be shipped to me at my home. Upon their delivery there, I caused them to be stored in my basement, and they were kept under lock and key in a section thereof at all times until about the middle of June 1951.

On this latter date, I caused the console table, the two children's chests of drawers, the bicycle and the other toys to be delivered to the home of my mother, which she had set up at 36 Laurel Hill Terrace, Borough of Manhattan, New York City, for herself and the children of my brother Julius and his wife. The children had been placed in a public shelter home after the arrests of my brother Julius and his wife, and they were taken out of the said shelter home and a home made for them by our family with my mother, as aforesaid.

I was at my mother's home when the said console table and other items aforesaid were delivered there, and I helped unpack them. The console table has always been in my mother's home since the said June 1951 until recently, as appears from the affidavit of Leon Summit, hereto annexed.

I recall telling my brother David that the women of the family had disposed of the effects in my brother Julius's home about a week or so after all of us had met in or about the middle of October 1950, here and above referred to.

Sworn to before me this
first day of June 1953.

GLORIA AGRIAN
Notary Public State of N.J.
Comm. Expires Mar 30, 1954

ETHEL GOLDBERG
ETHEL GOLDBERG

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

----- X
UNITED STATES OF AMERICA,

-against-

JULIUS ROSENBERG and ETHEL ROSENBERG,

Defendants.
----- X

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

ETHEL GOLDBERG, being duly sworn, deposes and says:

I am making this affidavit to clarify and supplement the affidavit I have heretofore made on the 1st day of June, 1953.

Neither I nor any member of my family (Sophie Rosenberg, my mother, Lena Cohen, my sister, and David Rosenberg, my brother) had any communication, contact or relationship with Mr. Bloch, the attorney for Julius and Ethel Rosenberg during the period from the time of the respective arrests of the said Rosenbergs, until sometime after the close of the trial and sentence of the Rosenbergs in 1951, except, upon information and belief, Mr. Bloch did see my brother David, and my mother Sophie, on one occasion in or about mid-October 1950 at the apartment at 10 Monroe Street, in the Borough of Manhattan, City of New York, formerly occupied by Julius and Ethel Rosenberg. The sources of my information and the grounds of my belief are conversations I had with my brother, David, my mother, Sophie, and with Mr. Bloch.

Although as I have previously averred, I had the

arrests of my son and daughter-in-law, Ethel, their home at the same Monroe Street address was unoccupied. The children of my son and daughter-in-law were in a public institution, and no other person or persons took up residence in the Monroe Street apartment. The apartment was kept locked; I was the only person in possession of a key to the said apartment.

Upon information and belief, rent for the said apartment continued to be paid, after their arrests, by Emanuel H. Bloch, Esq., the attorney for my son and daughter-in-law. The source of my information and the grounds of my belief are conversations I had with my son and daughter-in-law, and with Mr. Bloch.

Finally, in October 1950, when it became apparent that the bail fixed in the case of my son and daughter-in-law could not be raised, and the charges against them would involve protracted litigation, it was determined by my son and daughter-in-law to yield up the apartment and to dispose of all the furniture and belongings therein.

In or about the middle of October, 1950, I met Mr. Bloch at the said Monroe Street apartment. My son David was present. The furnishings and furniture in the said apartment were cheap, worn-out, and, in my estimation and the estimation of the other members of my family, of no value whatsoever. I recall my son David saying to Mr. Bloch on that occasion that the entire house and its contents will be sold for "junk".

Later that morning, I had a discussion with my two daughters, Ethel Goldberg and Lena Cohen and my son David, at the home of my daughter, Lena, with whom I was living at the time. We all agreed that the womenfolk of the family

would take care of the actual details in getting rid of the household belongings.

Within a few days after this decision was made, my daughters and I packed the belongings in the said Monroe Street apartment for disposal. I personally disposed of all of the belongings in the said house at some Market Street junkstore for the sum of \$5.00, except that the following items were not sold: Certain items of clothing of my son Julius and his wife Ethel, and certain items of furniture which my daughters retained. My daughter Lena retained some pots and pans and my daughter Ethel had delivered to her home a child's bicycle and some other toys, two children's chest of drawers and the aforesaid console table. Upon information and belief, my daughter Ethel kept these items in her basement. The grounds of my information and the sources of my belief are conversations I had with my daughter Ethel.

About a week later when all of the effects of the said apartment had been disposed of, as aforesaid, I told my son David that everything had been taken care of as we had discussed.

Within a short time thereafter, I visited my son Julius and my daughter-in-law Ethel, at their then respective places of confinement, namely, the West Street Detention House and the Women's Detention House, respectively. I told my son Julius and my daughter-in-law Ethel, at that time that everything in the house had been gotten rid of for junk.

Prior to and sometime in June, 1951, my children and I felt that the children of Julius and Ethel who were in a public shelter home at the time, should be given a real home. I rented a four room apartment at 36 Laurel Hill Terrace, in the Borough of Manhattan, City of New York, and

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

-against-

JULIUS ROSENBERG and ETHEL ROSENBERG,

Defendants.

- - - - - X

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

SOPHIE ROSENBERG, being duly sworn, deposes and
says:

I am making this affidavit to clarify and supplement the affidavit I have heretofore made on the 2nd day of June, 1953.

I have heard read the supplemental affidavit of my daughter, Ethel Goldberg, and aver that the contents thereof are true to my own knowledge and the averments therein contained are re-iterated herein with the same force and effect as though fully set forth.

When I disposed of the effects of the household furniture and furnishings of my son, Julius and his wife, Ethel, located in 1950 and theretofore at 10 Monroe Street, in the Borough of Manhattan, City of New York, I sold them for the price mentioned in my main affidavit, of \$5.00 to a second-hand furniture store located around Pike or Market Streets, in the Borough of Manhattan, City of New York. I regarded this store as a store that purchases "junk", and in fact there were certain articles of furniture, like a double bed belonging to my said son, Julius, and his wife,

Ethel, that he did not even want to take for any price. I did not tell Mr. Bloch or anybody else the name of the junk dealer to whom I had sold the furniture or anything about it.

I cannot read either English or Yiddish, or any other language, and I did not read any newspapers either prior to or during the trial of my son Julius, and his wife, Ethel. Hence, I was completely unaware that there was any testimony concerning a console table that was introduced into the trial of my said son, Julius and my daughter-in-law, Ethel. Nor did I ascertain during this period from my son, Julius, or his wife, Ethel, that there was any evidence at the trial concerning a console table, or any other table, nor was I informed by any other person or means that any such evidence of the console table became an issue at the trial. When I visited them during the trial, we did not talk about anything but personal matters and we hardly discussed evidence at the trial at all. My son, Julius, and his wife, Ethel, kept reassuring us that they were innocent and tried to tell us not to worry about them.

Sworn to before me this
5th day of June, 1953.

Sophie Rosenberg

Gloria Agrin
Notary Public, State of N.Y.
Comm. Exp. Mar. 30, 1954

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

- - - - - X

UNITED STATES OF AMERICA,

-against-

JULIUS ROSENBERG and ETHEL ROSENBERG,
Defendants.

No. 6.134-245

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STATE OF NEW YORK)

COUNTY OF NEW YORK) ss:

EMANUEL H. BLOCH, being duly sworn, deposes and says:

I am the attorney for Julius and Ethel Rosenberg, the petitioners herein.

On May 4, 1953, I noticed a story in the New York Times concerning photostats of certain documents purported to be pre-trial statements of the Greenglasses. I communicated with C. John Regge, whose office is located in the same building in which I conduct my offices. Upon my request, I met with C. John Regge and his partner, Herbert Fabricant, at the latter's office. I had in my possession photostats of the documents showing pre-trial statements of the Greenglasses, copies of which are annexed hereto and marked Exhibits C and E, which I had received in the manner set forth in Exhibits ii and iii hereto annexed.

I asked Mr. Regge whether the photostats in my possession were accurate reproductions of documents in his office file. He compared the photostats in my possession with the documents in his file and stated that the said photostats were accurate reproductions of the documents in his file. The substance of further conversations had at this conference are reflected in Exhibits i, ii and iii.

Subsequently and on June 4, 1953, I received a photostat of which Exhibit I is a true copy, by registered mail, from the National Committee to Secure Justice in the Rosenberg Case. There is reason to believe, especially in comparing the photostat of which Exhibit I is a true copy with the photostats which I had in my possession, of which Exhibits G and H are true copies and which Mr. Rogge authenticated, that the photostat of Exhibit I is a true reproduction of an original document in the files in Mr. Rogge's office.

Questions arose between Mr. Rogge and myself concerning the propriety of using Exhibits G and H in any Court proceeding and attention is directed to the sanction received by the affiant from the Professional Ethics Committee of the Bar Association of the City of New York that it was ethical for the affiant to use the said documents. (See Exhibits iii and iv). I awaited the ruling of the said Professional Ethics Committee before I founded any application on the basis of Exhibits G and H.

During the period from the arrest of the Rosenbergs to some time after the conclusion of the trial of the Rosenbergs, I had no communication, contact or relationship with the members of the Rosenberg family, namely, Sophie Rosenberg, David Rosenberg, Ethel Goldberg and Lena Cohen, except that on one occasion in the middle of October, 1950, I met with David Rosenberg and Sophie Rosenberg at 10 Monroe Street, Borough of Manhattan, City of New York, the home formerly maintained by the Rosenbergs prior to their arrest, for the purpose of considering the disposition of the household effects of the Rosenbergs and the yielding up of possession of said apartment to the landlord.

The first intimation I had that any console table would play a part in the trial of the Rosenbergs came in the testimony of David Greenglass. As appears from the affidavit

of David Rosenberg hereto annexed, I was given to understand and was under the impression that the said table had been disposed of as "junk" together with the remaining household effects and furnishings of the Rosenbergs formerly located at 10 Monroe Street, Borough of Manhattan, City of New York. My impression that the table had been disposed of as "junk" was that it had been disposed of to some itinerant junk dealer and the possibility of tracing the table appeared to me to be extremely remote. Had there been available to me sufficient finances, it may have been possible for me to take a remote chance of attempting to locate even an itinerant junk dealer. As appears from the files of this Court, the petitioners were prior to and at the time of their trial, paupers. At that time I had received a meager fee which I revealed to the Trial Court upon an application for the petitioners to proceed in forma pauperis.

It was not until May 31, 1953 that I procured an affidavit from Bernard Greenglass showing that David Greenglass, his brother, had admitted to him that he had stolen uranium from Los Alamos. I was unable to get such an affidavit prior thereto for the reason that Bernard Greenglass had previous to the time he signed the affidavit, been reluctant to reduce his oral statement to the same effect, to a sworn written statement.

EMAUUEL M. BLAUER

Sworn to before me this

5th day of June, 1953.

GLORIA AGRIA
NOTARY PUBLIC STATE OF NEW YORK
COMM. EXPIRES MAR 30-1954

EXHIBIT 1

ROSEN, FARMIGANT & GORDON
401 Broadway
New York 13, N.Y.
May 9-1670

G. John Rosen
Robert F. Farmigant
Harvey A. Gordon

Cable address
ROSEN

21 Rue Vivienne
Paris-Bourse, France

May 6, 1953

Samuel L. Block, Esq.
401 Broadway
New York 13, N. Y.

Re: United States v. Rosenberg, et al.

Dear Sam:

At a conference held at our office with you on May 4, 1953 we advised you that what purported to be a photostat of a statement in writing by our client David Greenglass, which photostat recently appeared in the Paris Combat, was an authentic photographic copy of such a statement previously prepared at our request by David Greenglass. We further advised you that the photostatic copy in your possession of a typed memorandum dated June 19, 1950 and initialed "RHS" is likewise an authentic photostatic copy of a memorandum prepared by Mr. Robert H. Goldman on that date. Mr. Goldman was at that time a member of our firm. This latter memorandum pertained to information aduced by Mr. Goldman from Ruth Greenglass in connection with the above-entitled matter.

At our conference we further advised you that the originals of the foregoing documents were in our firm files and that they were never released therefrom to our knowledge or with our consent or approval. And we then also advised you that we had not released the originals or copies of the foregoing documents for publication or otherwise to anyone not connected with our firm, and, of course, we never knew, consented, or approved of any such release or use.

In the circumstances it is plain, and we have so told you, that the documents, photostats of which were published as mentioned and have come into your possession, must of necessity have been stolen from our files. We at this time have no knowledge of who perpetrated or was responsible for any such theft. Wherever the responsibility for such improper impairment of the security of a lawyer's confidential files may lie, and however innocent may be the manner in which you obtained photostatic copies of the materials mentioned, we feel certain that, having been advised that these materials have been stolen from our files, you

5/6/53

will not hesitate to return to us any originals or copies, photostatic or otherwise, of any such materials which may have come from our files. We therefore request that you return to us any such originals or copies promptly and that you refrain from disclosing or using the contents thereof in any manner or fashion.

Of course, if by means of any legal process you are entitled to any documents, records or other materials in our custody or control, such process has always been and remains available to you in order that you may safeguard fully the rights of your clients, defendants in the above-entitled prosecution. We do not at this time suggest what your legal rights in this respect may be, nor do we waive any objections that we may have thereto. But however broad or narrow your rights to obtain access to the described materials, we are confident you will agree with us -- and that you will act accordingly -- that the way, and the only way, to delve into the data accumulated by a lawyer in connection with the defense of a criminal case is by means of appropriate legal process rather than stealth and guile.

Very truly yours,

ROOGE, FAHRICANT & GORDON

OJR:MRP

By E. John Rogge

cc:
Bar Association of the City of New York
Chief Judge Knox, U. S. District Court,
Southern District of New York,
United States Attorney, Southern District of New York,
Federal Bureau of Investigation, New York,

EXHIBIT 11

May 7, 1953

Regge, Fabricant & Gordon, Esqs.
401 Broadway
New York City 13, New York

ATTENTION: C. John Regge, Esq.

RE: United States v. Rosenberg, et al.

Dear Johns

This is in reference to your letter of May 6, 1953 in which you request that I forward to you "any originals or copies, photostatic or otherwise" of: (1) a memorandum which you state is in the handwriting of your client, David Greenglass, and (2) a typed memorandum, dated June 19, 1950, initialed "RHS", which you state to have been prepared by Robert H. Goldham, formerly a member of your firm.

It is apparent that your request is occasioned by the conference between us and Herbert Fabricant of your firm, held at your office on May 4, 1953, which I requested as a result of a statement by you, reported in the N.Y. Times of that day, to the effect that photostatic copies of the above documents, theretofore published in the French press, were authentic.

I told you at that conference that I had theretofore received a photostatic copy of each of the above documents, by mail, from Mr. Paul Villard, Avenue de la Cour, 65 Rue de la Cour, Paris, France. (I am enclosing herewith a copy of my correspondence with this French lawyer.)

I told you further that my purpose in coming to confer with you was to ascertain, in accordance with my obligations to my clients, Julius and Ethel Rosenberg, whether the aforesaid photostatic copies, which I displayed to you, were authentic. You advised me that the originals of these documents were in your files and that they had never been released therefrom to your knowledge or with your consent and approval. You further advised in your letter of May 6th, and state, expressly, that the originals of these photostatic documents were in your files.

You now state that, since you have so informed me,

"...however innocent may be the manner in which you obtained photostatic copies of these materials mentioned, we feel certain that, having been advised that these materials were stolen from our files, you will not hesitate to return to us any originals or copies, photostatic

Rogge, Fabricant & Gordon, Esqs.

May 7, 1953

or otherwise, of any such materials which may have come from our files. We therefore request that you return to us any such originals or copies promptly and that you refrain from disclosing or using the contents thereof in any manner or fashion."

May I state, first, that you must realize, of course, that these documents, independently of myself, have been published in the public press, and that, in fact, as appears from the newspapers of May 4th, you yourself have made public statements regarding them, presumably with your clients' consent. Now can I assume that you mean in any manner to foreclose me from disclosing or using the contents of these photostatic documents in a proper legal manner or fashion in any proceeding duly authorized by law.

I desire to avoid going into a lengthy analysis as to whether I have the right or duty to retain these documents on behalf of my clients Julius Rosenberg and Ethel Rosenberg. However, as long as one iota of doubt may exist as to the propriety of my retaining these photostatic documents, I am not disposed to retain them. Indeed, the fact that the originals of the photostats in my possession may have been "stolen" from your files (and I am relying upon your representation to this effect) is sufficient to move me to respond affirmatively, and without hesitation to your request.

I, therefore, enclose herewith a photostatic copy of the document, which I have designated above as (1), consisting of three pages, and of the document which I have designated as (2), consisting of three pages. I have neither made nor retained copies of these documents. I have not now nor have I ever had in my possession any other "originals or copies, photostats or otherwise of any such materials which may have come from your files".

I request that you forthwith acknowledge receipt of this letter and the enclosed documents.

However, since I am deeply concerned as to the propriety of transmitting these documents to you, in terms of my duty to my clients and, therefore, your concomitant right to demand and receive them, in terms of the due administration of criminal justice, I propose to direct a request to the Committee on Professional Ethics of the Bar Association, and to Chief Judge Knott, for a ruling as to the rights and duties of each of us, as officers of the court, with respect to the present and past use or suppression of the contents of these documents, insofar as they may seriously affect

Rego, Fabreant & Curtis, Esq.

the very lives of the interested parties.

6th/77

Registered Mail
Return Receipt Requested

cc - New Investigation of the City of New York
44 West 44th Street
New York City, N.Y.

Chief Judge John C. Shaw
United States Courthouse
 Foley Square
New York City, N.Y.

Edward F. Sweeney
United States Attorney for the
Southern District of New York
United States Courthouse
Foley Square
New York City, N.Y.

Federal Bureau of Investigation
New York Office
120 Broadway
New York City, N.Y.

EXHIBIT 111

May 12, 1953

Committee on Professional Ethics
Bar Association of the City of New York
42 West 44th Street
New York City, New York

Gentlemen:

I address this communication to you for a ruling as to the rights, duties and obligations of the firm of O. John Rogge, Esq. and myself, both members of the Bar of the State of New York and of the United States District Court for the Southern District of New York, under the following state of facts.

I represent Julius Rosenberg and Ethel Rosenberg, his wife, who, on March 29, 1951, were convicted before a Court and jury, in the United States District Court for the Southern District of New York, for conspiracy to commit espionage, and, on April 5, 1951, sentenced to death. They are presently incarcerated in the Death House at Sing Sing Prison, Ossining, New York. The judgments of conviction were affirmed [195 F.2d 583 (C.A. 2nd, 1952), rehearing den. 195 F. 2d 609, cert. den. 344 U.S. 838 (1952), rehearing den. 344 U.S. 889]. Thereafter, an application was made to vacate and set aside the judgments of conviction under 28 U.S.C. S 2255. The application was denied. [108 F. Supp. 798 (D.C.S.D. N.Y., 1952)]. The denial was affirmed. [200 F. 2d 666 (C.A. 2d, 1952)]. A petition for a writ of certiorari is now pending before the United States Supreme Court. [Docket No. 687, Oct. Term, 1952].

The firm of O. John Rogge represented David Greenglass and his wife Ruth, the main prosecution witnesses against the Rosenbergs (as well as four other witnesses who testified for the prosecution.) David Greenglass, was named as a co-defendant, pleaded guilty prior to the trial of the Rosenbergs, and was sentenced to 15 years imprisonment after the conviction and sentencing of the Rosenbergs. Ruth Greenglass was named as a co-conspirator, but was never arrested, indicted or convicted of any crime, although she admitted she had engaged in espionage activities along with her husband. Judge Jerome N. Frank, writing for the Court of Appeals (195 F. 2d. 583), acknowledged that without the testimony of the Greenglasses, the conviction of the Rosenbergs could not stand. A sharp issue of fact had been presented to the jury, turning on the credibility of the Greenglasses, as opposed to that of the Rosenbergs, who took the stand in their own defense.

Committee on Professional Ethics
Bar Association of the City of New York

May 12, 1953

Recently, on or about April 20, 1953, I received, by mail from a French attorney, two photostatic documents which appeared to be copies of: (1) a pre-trial handwritten statement of David Greenglass; and (2) an inter-office memorandum of the firm of O. John Rogge, concerning which a story had appeared in a French newspaper named "Combat". The first of these documents indicates substantial discrepancies between the trial testimony of Greenglass and this pre-trial statement. The second represents that Mrs. Greenglass characterized her husband, whom she knew since childhood, as an habitual liar.

Knowledge of the contents of these documents evidently came to the attention of other persons in this country. As appeared from the New York Times (and other metropolitan newspapers) of May 4, 1953, these contents were made public. It further appeared, from the New York Times of this date that O. John Rogge stated to the press that the original documents had been "filched" from his files and subsequently returned. Upon reading Rogge's statement to the press, I immediately requested a conference with him to ascertain the accuracy of his press statement and the genuineness of the photostatic documents, which I had been analyzing in terms of their value to my clients' cause. A conference was immediately held at which I disclosed that I had received and had in my possession photostatic documents as aforesaid and exhibited the same to Rogge. He stated that the photostats were accurate copies of documents in his files, and reaffirmed his belief that the originals had been stolen and then replaced in his files.

Three days after this conference of May 4th, I received a letter from Rogge's firm demanding the "return" to him of the photostatic documents which I had exhibited to him and demanding further that I neither use nor make disclosure of the contents thereof. On that same day I transmitted to Rogge by registered mail, the documents he requested.

There survive this transaction, however, several questions relating to its propriety, which I pose for a ruling:

- (1) Was Rogge's firm entitled to demand and receive the said photostatic documents from me?
- (2) Did I violate any obligation to my clients in acceding to Rogge's demand, considering that the contents of the documents might be of value in an application to set aside the conviction of my

Committee on Professional Ethics
Bar Association of the City of New York

May 12, 1953

clients, or, in the event of a new trial, as evidence to impeach the Greenglass testimony.

- (3) Am I precluded or under any disability from taking any legal steps on behalf of my clients based on the contents of these documents which are now, in fact, a matter of public knowledge.
- (4) Was Rogge's firm during the trial of the Rosenbergs under an obligation, as officers of the Court, to disclose to the authorities the contents of the documents in question, which tend to establish that the Greenglass' trial testimony was false. [See Canon 29 of the Canons of Professional Ethics.]
- (5) Has Rogge's firm, presently, the obligation to reveal or the right to suppress the contents of the documents in question.

I am enclosing herewith the following copies of communications which I referred to in the body of this letter:

- (1) Correspondence between Paul Villard, Esq. of Paris, France and myself.
- (2) Correspondence between the firm of O. John Rogge and myself.
- (3) Copy of N.Y. Times story, May 4, 1953.

I have no copy of the photostatic documents in question, since they have been remitted, as I stated, to Rogge's firm.

Respectfully yours,

RHB/yf

EMANUEL H. BLOCH

cc - O. John Rogge, Esq.
401 Broadway
New York City 13, N.Y.

Hon. John C. Knox
Chief Judge of the United States District Court
for the Southern District of New York
Federal Building
Foley Square
New York City, N.Y.

EXHIBIT 17

**The Association of the Bar
of the City of New York
42 West 44th Street
New York 18**

June 2, 1953

**Emanuel H. Bloch, Esq.
401 Broadway
New York 13, N.Y.**

Dear Mr. Bloch:

**We acknowledge receipt of your letter of May 1,
1953.**

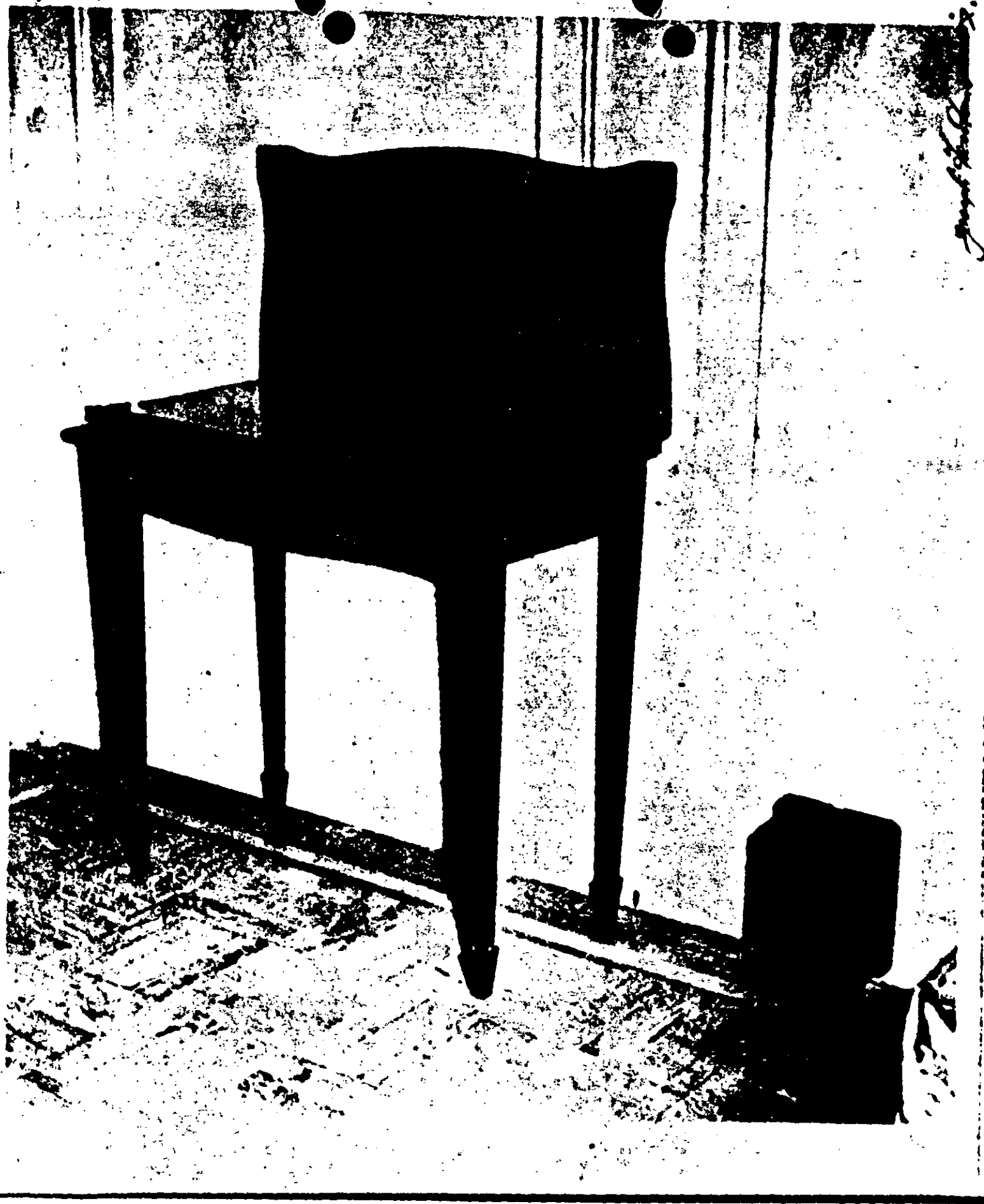
**Questions (1), (2) and (4) relate to events that
have already occurred. This Committee does not pass on the
propriety of action that has already been taken.**

**As to your question (3), obviously you are not
precluded or under any disability from taking any legal
steps on behalf of your clients based upon the contents of
documents which are a matter of public knowledge. (See
Canon 15 of the Canons of Professional Ethics.)**

**As to question (5), this Committee is of the
opinion that, as a matter of professional ethics alone,
there is no duty to reveal, either to you or to the Court,
the documents referred to. (See ABA Opinion 268,
construing Canons 29 and 37.) The Committee expresses no
opinion on the question whether, as a matter of law, there
is any duty to reveal the documents, since the Committee
does not pass on questions of law.**

Very truly yours,

**JAMES H. HALPIN
Chairman
COMMITTEE ON PROFESSIONAL ETHICS
of the Association of the Bar of
the City of New York**







P.
1941-1942, 1943-1944





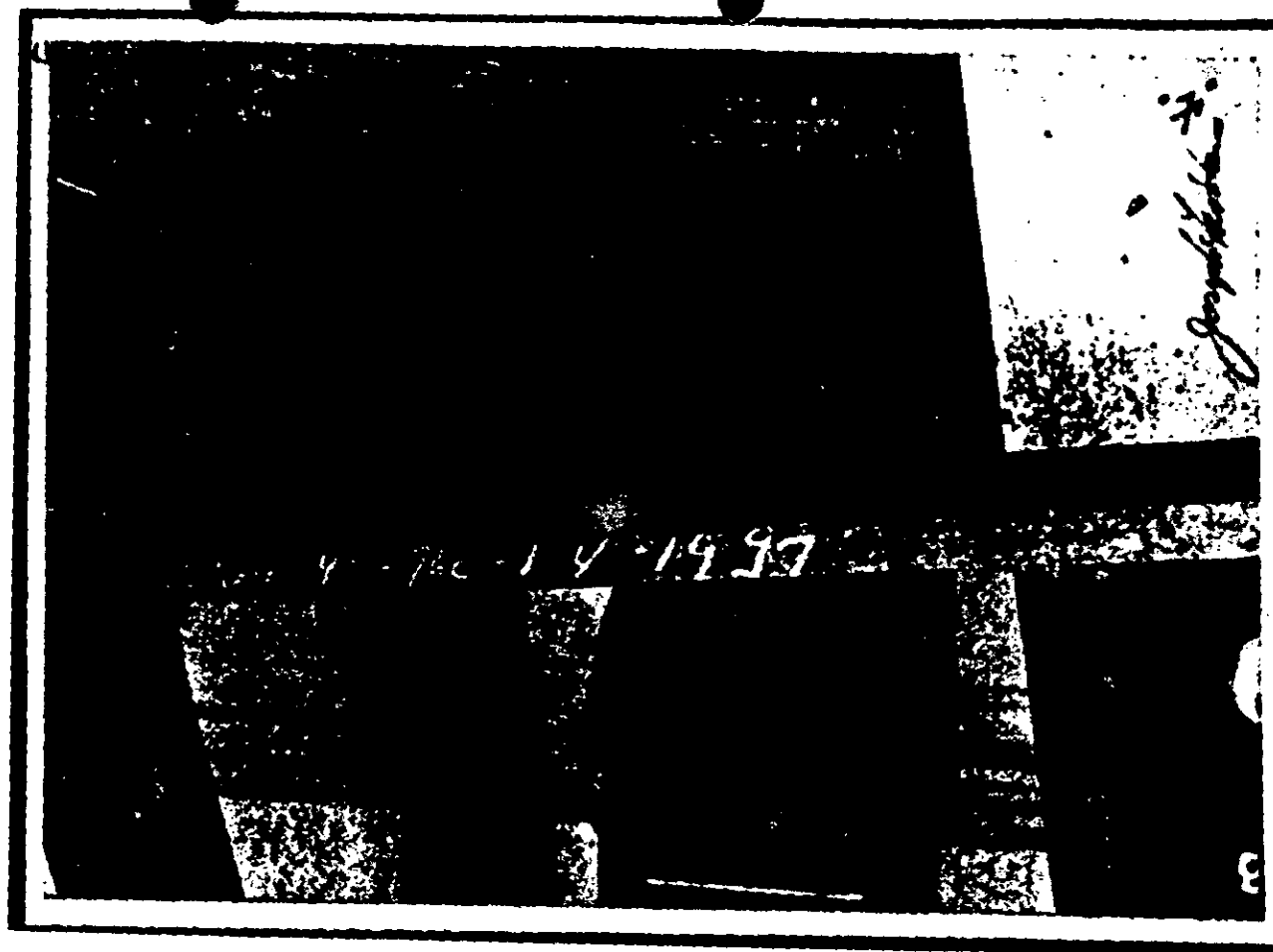


EXHIBIT G

MEMORANDUM

TO: FILE
FROM: HMG

June 19, 1950

Re: David Greenglass

OJR and I visited Mrs. Greenglass at her home, 285 Rivington Street, Brooklyn, New York, at 4:00 P.M. Sunday, June 18, 1950. She was in bed as she had just returned from the hospital.

We first discussed the question of arranging a meeting of various relatives at our office to discuss financial problems. The relatives proposed are as follows:

1. Abe. Feit
1039 Union St., Brooklyn, N.Y.
Tel. Sterling 3-6473
Business address:
810 Washington St. -Tel. ST 3-6073
2. Mr. Feit is father-in-law of Louis Cohen
80 Lefferts Ave.
Tel. Jacob Cohen & Son
BUckminster 2-7103
3. Norman Brown (Friend of the family)
7981 Louis St.
Tel. OR 4-3609
4. Barney Merkel (a cousin)
2124 West 26th St.
Tel. DE 2-0312
5. Sam Greenglass
1384 Carroll St. Telephone:
6. Rose Stein (Friend)
7. Stella Silverman (Friend)

There was subsequently present during the conference: Issy Feit, Sam Greenglass, Bernard Greenglass, and Louis Abel.

Mrs. Greenglass discussed her visit to New Mexico. She was there between March 1945 and March 1946. They had been married in 1942. She feels that New Mexico is a very bad place to try the case since the citizens did not like GI's because of the big boom and then the big slack, because of anti-semitism and because the local citizens all felt bitter about the wives of the GI's taking jobs there. She was employed in Albuquerque by the OPA and temporarily by the Soil Conservation Office.

As to her husband, she stated that he had a "tendency to hysteria". At other times he would become delirious and once when he had the grippe he ran made through the hallway, shrieking of "elephants", "Lead Pants".

She had known him since she was ten years old. She said that he would say things were so even if they were not. He talked of suicide as if he were a character in the movies but she didn't think he would do it. They had been under surveillance by the FBI for several weeks. In particular, they had noticed a car of the Acme Construction Company, 1400 First Avenue, in Manhattan. She ascertained there was no such Company. (There is an Acme Construction at 1402 Fulton Street in Brooklyn). She was interviewed at the hospital by two FBI men, Mr. Tully and Mr. Wood. One was tall, ruddy and dark. The other she described as toothy and short. They assured her that they had nothing against her. She described her stay in Albuquerque and stated that she could not remember all of her addresses. Since it was difficult for GI's to get rooms for a long period, they had lived in five or six places. She had only been to Los Alamos to a party for a few hours one time. She had remembered no visitors at her house. She had notice of the project and signed an affidavit for it. She knew her mail was censored. She would not have allowed her husband to bring anything home after Hiroshima had disclosed what the project was. She intended to raise a family and did not want that kind of material around. In the future she will refer everyone to her lawyer.

She pointed out Dave did not ask for the job; that he was going overseas; that they have been watched constantly and feels as if they are the object of persecution. Shortly before their accident the FBI asked if they had a specimen of uranium in the house, in the course of what they call a routine investigation. One of their friends had a similar experience.

People in the neighborhood want to raise a petition.

All newspapers are to be referred to her lawyer.

People keep flocking in the house to offer support and advice including that perhaps a right-wing lawyer should be selected. The Jewish Daily Forward, which is certainly not a leftist newspaper, is very excited about the anti-semitic issue and has offered a lawyer. Mrs. Greenglass urged OJA to try to get a court appointment for himself and he agreed to try. OJA pointed out that if Dave was innocent he should talk; that if not it would be advisable not to talk but to let the Government prove its case. The third course was that of cooperation. That was also discussed at length.

There was a long discuss on about JR.

EXHIBIT H

Saturday
June 1950

These are my approximate statements to the F.B.I.

1. I stated that I met Gold in H.M. at 29 Hick St., my place. They told me that I had told him to come back later because I didn't have it ready. I didn't remember this but I allowed it in the statement. When he came back again I told him that I gave him the envelope with the stuff not expecting payment and then he gave me an envelope. Later I found that it contained \$500.

2. I told them that on a visit to me in Nov. 1944 my wife asked me if I would give information. I made sure to tell the F.B.I. that she was transmitting this info from my brother-in-law Julius and was not her own idea. She was doing this because she felt I would be angry if she didn't ask me.

I then mentioned a meeting with a man who I didn't know, arranged by Julius. I established the approximate meeting-place but no exact date. The place was a car, an Olds owned by my father-in-law, at somewhere above 42nd St. on 1st Ave. in Manhattan. I talked to the man but I could recall very little about which we spoke. I thought it might be that he wanted me to think about finding out about H.E. lenses used in experiment tests to determine data on the A bomb.

I made a general statement on my age, etc.; you know, the usual thing.

I mentioned no other meeting with anyone.

One more thing, I identified Gold by a torn or cut piece of card, but I didn't tell them where or how I got it. Also, I definitely placed my wife out of the room at the time of Gold's visit.

Also, I didn't know who sent Gold to me.

I also made a pencil sketch of the H.E. mold set up for an experiment. But this I'll tell you, I can honestly say the information I gave Gold may be not at all what I said in the statement.

EXHIBIT I

M E M O

8/23/50

FROM RME
TO FILE

Re: Greenglass

Lane, the Assistant U.S. Attorney, called me at 1:00 o'clock and told me that something important had come up with respect to New Mexico and would I and/or Fabricant see him this afternoon. I told him that I could and HJP would come with me.

Lane wanted to know when OJR would return and I told him that we had expected him and in fact were trying to ascertain exactly when he would return. HJP and I went over to see Lane at 4:00 o'clock. He told us that Bloch had earlier in the day argued to the judge at the arraignment of his clients that they were absolutely innocent and that from the fact that Greenglass was not indicted but merely named as a co-conspirator in the New York indictment, it looked to Bloch as if the government had made a deal with you as Greenglass' attorney. Lane felt that we would now have to consider the question of whether it was OK that Greenglass be indicted here in a superseding indictment and not merely named as a co-conspirator. He would then be a defendant and be tried here in New York but would testify against the others. (See also the Newspaper clipping).

The New Mexico District Attorney, acting on instructions from the Attorney General's office, with whom Lane had been in touch, would agree to such a procedure. Lane pointed out that he thought it was obviously advantageous for both sides for the matter to be decided in New York. HJP told Lane that if there was no hurry he would not want to give a definite commitment but that it would seem that such an arrangement would probably be approved by OJR.

I thought at least that I should make a purely off the record inquiry as to whether Dave could testify as a co-conspirator in New York but not as a defendant and that the question of his plea be postponed. But Lane said that something should be done this before September 6th and reiterated again it was to our advantage not to take any chance of getting before a judge in New Mexico, clearly indicating that he felt that in a small state like New Mexico they might well prefer to give a good stiff sentence (of course he added he did not want to sell us on anything, and so forth).

There was no indication that Ruth is to be indicted and neither Herb nor I wanted to raise the point. I had the inference that they were not planning to indict her but I could be wrong and I didn't even want to ask the question, though you may desire to do so.

Lane also informed us that he believed they found nothing on the bag in the way of fingerprints.

There was some discussion between HJF and Lane on the question of Sobell but Lane did not know what Sobell planned to do.

I think it best not to discuss this with Ruth until you return as she might get somewhat excited about it and at any rate we don't have to do anything before September 6th.

- - - - -

(remainder in handwriting)

Friday

We learned today that Lane thinks Dave should agree to a plea in N. Y. on the New Mexico indictment; the New Mexico papers would all be sent here and then there would be the N.Y. indictment.

- - - - -

Also I had lunch with Ruth, Pilat and HJF. We looked at Pilat's articles. They look O.K. but HJF as a precaution, told Lane previously he would insist Pilat who already had two conferences with Saypol, showed the draft of the articles to Saypol or Lane.

EXHIBIT J

TO: FILE
FROM: HJF

11:45 A.M.
6/16/50

RE: DAVID OR ENGELASS

After conferring with OJR and the subject's brother-in-law Louis Abel, this morning at our office and pursuant to telephone call made by OJR, I visited the offices of the FBI on the 6th floor of the Federal Building where I spoke with Mr. Whelan, apparently the Agent in charge.

He told me that Greenglass was down the hall and that I could see him and that he had signed a statement indicating that he had met Harry Gold and that he had transferred information to Gold.

He further told me that the matter was being taken up with the Department of Justice and that the probability is that a complaint will be filed in Albuquerque, New Mexico charging conspiracy and advised me that I could see Greenglass if I wished. I told Whelan that we did not represent him as yet and I wanted to see him in connection with finding out what this was all about and whether we would represent him.

He permitted me to see Greenglass on the basis of OJR's phone call and OJR's statement that we had been requested to represent Greenglass.

I then was taken to a room down the hall where I was introduced to Agents Frutkin and B. who were in an office with Greenglass. After shutting the window I was told that I could see him alone if I wished but that they would prefer to have a man present. I asked Greenglass what he would prefer and he said he would rather see me alone whereupon the agents left the room but kept the door open. Greenglass confirmed that he had given a statement that he had met Gold for an hour, that he had given him some information concerning the names of people who would be sympathetic but he thought that Japan was the enemy and Russia was an ally and there was no reason why information could not be given. He had told the FBI that he received \$500 from Gold.

He told me that he had made a number of confusing statements purposely in order to confound the FBI and to draw attention from his wife who is in the hospital. His wife apparently originally told him that his brother-in-law, Julius Rosenberg, had suggested this (and so I fail to see how his mind operated in connection with keeping his wife out of the picture).

He told me further that Julius Rosenberg is apparently very close to this whole situation. Julius Rosenberg had once introduced him to a man in a bar somewhere in New York who apparently made this request. He does not know if the man was a Russian and told the FBI that he didn't know.

Sir:—

Please take notice that the within is a true copy
of a
this day duly entered herein in the office of the Clerk
of

Dated, N. Y.,

195

Yours, &c.,

Attorney for
Office and Post Office Address

Borough of New York City

, Esq.

Attorney for

Sir:—)

Please take notice that the within

will be presented for settlement and signature
herein to the Hon.
one of the judges of the within named Court, at

in the Borough of
City of New York, on the day of

, 195 , at M.

N. Y.,

195

Yours, &c.,

Attorney for
Office and Post Office Address

Borough of New York City

To , Esq.

Attorney for

Index No. 8-136-215 Year 195

**IN THE UNITED STATES DISTRICT
COURT : FOR THE SOUTHERN DIS-
TRICT OF NEW YORK**

UNITED STATES OF AMERICA

—Plaintiff—

**JULIUS ROSENBERG and
ETHEL ROSENBERG,**

Defendants.

**NOTICE OF MOTION
AND PETITION**

**EMANUEL H. BLOCH, JOHN P.
PIERCE and MALCOLM SEAMP**

Attorney for **De fendants**
Office and Post Office Address
401 Broadway

Borough of **Manhattan** New York City

To , Esq.

Attorney for

Due and timely service of a copy of the within
is hereby admitted.

Dated, N. Y., 195

Attorney for

39

3612 Jefferson Street

W. Hyattsville, Maryland

16 June 1953

(b)(7)(C)

Gentlemen:

0
Superior Federal Bank

I received the attached "un-sealed" mail at my residence. This may or may not be subversive. It no doubt, may have been intended for a former resident of which I do not know. However, as a matter of record I do not wish to receive such literature since both my husband and myself hold federal positions.

Very truly yours,

Mrs. Lelia L. Taylor

Mrs. Lelia L. Taylor

406
(b)(7)(C)

Incl:

HO 2-8000
Ext - 266

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/25/86 BY 3042 pwt/plc

ack 7/3/53
LH

RECORDED-84

INDEXED-84

65-58236-1910

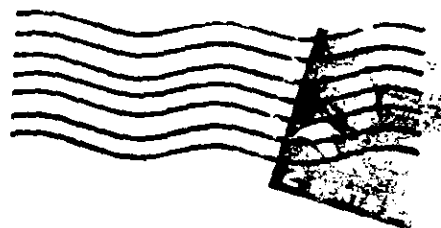
JUN 18 1953

EX-128

4/MAT/1/2

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ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/25/86 BY 3042 psl/wls



Mrs. W. Kenty
3612 Jefferson St.
Hyattsville, D.C.

Enclosure 65-98236-1910

President Dwight D. Eisenhower
White House
Washington, D. C.

Dear Mr. President:

Since new evidence has been disclosed in the case of Ethel and Julius Rosenberg, which raises doubts about the trial, I urge that you grant Executive Clemency to this couple.

The conscience of mankind demands mercy for this family. I humbly urge you to act on their behalf.

Respectfully yours,

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DATE 1/25/86 BY 3042 p/c/p

65-58236-1910

Baltimore Committee to Urge Clemency for the Rosenbergs
P.O. Box 2521, Arlington Station, Baltimore 15, Md.

June 11, 1953

Dear Friend:

Two sensational new documents show Ethel and Julius Rosenberg were sent to the Death House on the word of a liar... One document, written by David Greenglass, chief witness against the Rosenbergs, flatly contradicts his own testimony at the trial and admits he lied to the FBI. Verified by one of the nation's leading handwriting experts, it reveals these important inconsistencies:

In court, Greenglass swore that confessed spy Harry Gold was sent to him by Julius Rosenberg. In the document Greenglass admits he doesn't know who sent Gold to him! Greenglass told the FBI he gave Gold vital atomic secrets but in the document describing this statement he confesses:
"I CAN HONESTLY SAY THE INFORMATION I GAVE MAY NOT BE AT ALL WHAT I SAID IN THE (FBI) STATEMENT."

A second document, a lawyer's memorandum based on an interview with Ruth Greenglass, wife of David, reports her description of her husband as follows: "As to her husband, she stated that he had a tendency to hysteria." ...She has known him since he was ten years old. She said he would say things were so even if they were not. He talked of suicide as if he were a character in the movies, but she didn't think he would do it."

And now-- JUST A FEW DAYS BEFORE THE EXECUTION DATE... after consultation with a Rabbi, Bernard Greenglass, brother of David and Ethel, swore in an affidavit on May 31, 1953, that his brother, David, was a crook who had been stealing uranium from Los Alamos while he was there as an Army Sergeant. He further revealed that his sister-in-law, Ruth, knew all the time that this was what the FBI had on her husband who swore away the life of his sister rather than face the penalties for stealing uranium during the war. This new documentary evidence proves that two widely different stories - first to the FBI and then one 10 months later at the trial - were told by the Greenglasses.

This new evidence has never been reviewed by the Courts--Judge Irving Kaufman on June 8 refused to look at it--WHY? WHY THE HASTE TO CARRY OUT THIS UNPRECEDENTED SENTENCE IN LIGHT OF THESE NEW DOCUMENTS JUST RECENTLY UNCOVERED!

It is late--BUT NOT TOO LATE. The clock ticks away the lives of two people who are to die on the eve of their 14th wedding anniversary.

- | | |
|--|------------|
| * DR. HAROLD UREY, atomic scientist asks | "CLEMENCY" |
| * POPE PIUS XII recommends | "CLEMENCY" |
| * PROF. ALBERT EINSTEIN pleads for | "CLEMENCY" |
| * 2300 PROTESTANT MINISTERS urge | "CLEMENCY" |
| * MILLIONS THROUGHOUT THE WORLD CRY | "CLEMENCY" |

THE VOICES OF AMERICA CAN SAVE THE ROSENBERGS FROM AN INJUSTICE! ADD YOUR VOICE!
Sign and mail the enclosed post card. Write or wire President Eisenhower, White House, Washington, D.C., for clemency for Julius and Ethel Rosenberg who have sworn before God and man their innocence.

On Sunday, June 14th at 1 P.M., thousands and thousands of Americans will gather before the White House to tell President Eisenhower that the conscience of the world demands Clemency for the Rosenbergs. Join us at the White House--Help save the lives of these young parents.

Sincerely yours,

Pauline Boyer

Pauline Boyer

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HEREIN IS UNCLASSIFIED

DATE 7/25/86 BY 3042 PWT/PLC

July 3, 1953

Mrs. Lette L. Taylor
2018 Jefferson Street
West Hattsville, Maryland
RECORDED - 98
Dear Mrs. Taylor, 65-58236-1910

Your letter postmarked June 24, 1953, with
enclosures, has been received, and I want you to know
that I appreciate the interest which prompted you to
bring this material to my attention.

If additional data comes into your possession
which you feel would be of interest to this Bureau,
please feel free to communicate with me at my private
residence at 800 Court Square Building, Baltimore 2,
Maryland.

Sincerely yours,

John Edgar Hoover
Director

cc - Baltimore, with copy of incoming
ATTENTION SAC. Correspondent enclosed material
distributed by the Baltimore Committee to urge Clemency
for the Rosenbergs, including a petition form to the
President.

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HEREIN IS UNCLASSIFIED
DATE 7/18/84 BY SP-1/MLL/MLL

JUL 6 - 1953

COMM-FBI

28 JUL 13 1953

Office Memorandum • UNITED STATES GOVERNMENT

TO : A. H. BELMONT

DATE: June 19, 1953

FROM : C. E. HENNRICH *CH*SUBJECT: JULIUS ROSENBERG;
ETHEL ROSENBERG
ESPIONAGE - R

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Belmont _____
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 Sizoo _____
Miss Gandy _____

At 2:35 P.M., Special Agent Howard Fletcher, Jr. advised that defense counsel requested to see Justice Black, who advised he did not want to see them. They then requested to see Justice Frankfurter, who sent word out that he would see them, but that he will deny any motions.

ACTION:

For your information.

CEH:fk

7/25/86 3042 PWT/ALC

RECORDED-84

65-58236-1911

SEC

59 JUL 2 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

Tolson
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Miss Gandy

At 12:45 p.m. today (6/18), Supervisor McAndrews, NYO, called to advise that in his discussion with Warden Denno this morning, Denno stated he had never received a copy of the order of Justice Douglas staying the execution. Denno suggested that to keep the record clear that, in the event the Supreme Court vacates the stay of execution this afternoon, someone should bring a certified copy to Sing Sing so there can be no question that the execution is legal. Denno said that as far as he is concerned, he does not need such a certificate, as all he needs are instructions from the Marshal to go ahead; however, he was thinking of the matter from the record standpoint. McAndrews told Denno that this was a matter he should resolve with the U. S. Marshal. Denno advised McAndrews that he was calling the Marshal to advise him of this, but he just thought McAndrews would like to know of his thinking along these lines.

It is suggested that the Department be advised in order that the Marshal will be followed to take appropriate action on this.

AHB:LL

*advised Denno by
phone & then by
memo.*

*6/18/53
Memo to
Asst. AG Gen'l
CLH*

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

DATE 4/13/81 BY SP-1 GSK/mc
7/25/96 3042 PWT/NL

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INDEXED-84

EX-128

65-58236-1912

BP/SEC

UNRECORDED COPY FILED IN 94-33476

Assistant Attorney General
Warren Olney III

June 18, 1953

Director, FBI

CONFIDENTIAL

65-58236-1912

JULIUS ROSENBERG
ETHEL ROSENBERG
ESPIONAGE - R

RECORDED-84

Warden Denno of Sing Sing Prison informed our New York Office today (June 18) that he had not received a copy of Justice Douglas' order staying the execution of Julius and Ethel Rosenberg. Denno suggested that, to keep the record clear, in the event the Supreme Court vacates the stay of execution today, someone should bring a certified copy to Sing Sing so that there can be no question that the execution is legal. Denno stated that he would take this matter up with the United States Marshal, but that he thought the Bureau would like to know of his thinking along these lines.

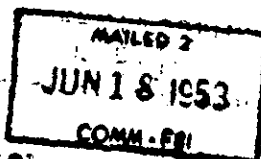
The above is being called to your attention, since it is thought you might desire to take some action in connection with this matter.

This confirms telephonic advice to Mr. Yeagley in your office this afternoon.

CEH:LL

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HEREIN IS UNCLASSIFIED

DATE 4/13/81 BY SP-1GSK/mh
7/25/86 3042pwt/NLC



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Ingram _____
Gandy _____

56 JUL 3 1953

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DIRECTOR

94-33476

Office Memorandum • UNITED STATES GOVERNMENT

TO : A. H. BELMONT

DATE: June 19, 1953

FROM : C. ~~W. HENRICH~~ *2*SUBJECT: JULIUS ROSENBERG;
ETHEL ROSENBERG
ESPIONAGE - R

At 3:05 P.M., SAC Hood advised that Justice Burton has agreed to see defense attorney Bloch and a man named Short (believed to be a professor from Chicago) upon Burton's return from lunch. He is now out to lunch. Virginia Gardner, reporter for the "Daily Worker," has called her paper. They are arranging to tell Julius Rosenberg's mother of the action of the Court and to try to pull her together and then try and have her see the President.

ACTION:

For your information.

CEH:fk

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/25/86 BY 5042 PWT/NLC

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65-58236-1913

JUN 22 1953

59 JUL 2 1953

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Tele. Room
Holloman
 Sizoo
Miss Gandy

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

JUN 14 1953

TELETYPE

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

FBI NYC 6-14-53 4-46 PM

DIRECTOR, FBI URGENT

JULIUS ROSENBERG, ET AL, ESP - R. RENTEL TO BUREAU
CONCERNING SUBJECT, DATED JUNE THIRTEEN LAST. SIDNEY HOOK CONTACTED
FOUR PM AND ARRANGEMENTS MADE FOR MEETING TOMORROW MORNING, JUNE
FIFTEEN, AT TEN AM.

BOARDMAN

END TWO MESGS

448PM OK FBI WASH DC CCW

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37 JUN 17 1953

OK R 2

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EX-82

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143

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. LADD

DATE: June 22, 1953

FROM : MR. BELMONT

SUBJECT: JUDGE IRVING KAUFMAN

Julius Rosenberg

I talked to Supervisor Tom McAndrews of the New York Office this morning relative to the confidential briefing of Judge Kaufman on certain information we had reflecting the guilt of the Rosenbergs which was not used at the trial.

Mr. McAndrews said that Judge Kaufman is at the Rosensteel Estate in Connecticut and will be there until next Monday, according to his present plans. This is in the vicinity of 50 miles from the New York Office.

Unless you deem it advisable for McAndrews to go up to the Estate to talk to Judge Kaufman now, he will wait until Judge Kaufman returns to New York City, at which time he will brief him in accordance with previous instructions.

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AHB:mer

ALL INFORMATION CONTAINED
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50 JUL 3 1953

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Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. D. M. LADD

DATE: June 23, 1953

FROM : MR. A. H. BELMONT

SUBJECT: JUDGE IRVING KAUFMAN

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Julius Rosenberg

At 1:15 p.m. today (6/23), Supervisor Tom McAndrews of New York advised that Judge Kaufman was returning to New York unexpectedly today and has asked McAndrews and Agent Harrington to see him. McAndrews said this would be an opportunity to brief Judge Kaufman concerning additional aspects of the Rosenberg case, in accordance with previous instructions. I told him to do this.

At 4:50 p.m. today, Mr. McAndrews called back to advise that the Judge had been briefed, on a confidential basis, by McAndrews and Harrington. They gave him information, in general terms, indicating that Julius Rosenberg was an important Russian agent and that we had information from unimpeachable sources to so indicate, which information did not come out at the trial; that the same sources reflected that Ethel Rosenberg knew of the extent of her husband's activities. Judge Kaufman said that all along he felt we had additional information, not brought out at the trial, and he was very appreciative of the fact the Director thought enough of him to brief him on this. Judge Kaufman was told that the nature of our information was not known to more than half a dozen people; consequently, it should be held confidential. He promised to do this.

Judge Kaufman raised the question of how long the Agents should continue to guard his family. He said he hesitates to make a decision; that he knows it must be a drain on the Bureau to provide these men, and he wants advice. McAndrews told him that as the boys are due to leave the Rosensteil Estate next Monday (June 29), it might be well to discuss it then.

McAndrews said that today is Judge Kaufman's wedding anniversary and that tomorrow is his birthday, and he and Mrs. Kaufman are going to celebrate at the Hampshire House tonight. The Agents will continue to accompany them. He is going back to the Rosensteil Estate tomorrow and will stay there. The boys are going to camp on Monday, June 29. After a week's vacation, the Judge and his wife are going up to Maine on vacation and

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JUN 26 1953

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DATE 7/25/06 BY 3042 PWT/PLC

will stay there until the last week in July. Thereafter, they possibly will take an extended automobile trip to California. He is due back on the bench on August 31, 1959.

Judge Kaufman asked if it would be wise for him to stay out of New York. McAndrews did not comment on this, but pointed out that the Judge's plans, as outlined, would seem to be very desirable.

McAndrews recommended that if between now and June 29 there are no incidents, we put the boys on the train for the camp and thereafter cease the guard duty. He feels that this is a logical point to draw off guard duty and he feels that the Judge will be in complete agreement. He pointed out that if any incidents arise, the Judge can get in touch with us promptly.

RECOMMENDATION:

1. I recommend that Supervisor McAndrews' suggestion be followed.

2. If you think it advisable, I can call McAndrews and have the Agents accompanying the Judge to convey the Director's felicitations on his wedding anniversary and birthday.

1:56

June 24, 1953

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

Mr. Fred Mullen, Director of Public Relations, Department of Justice, called concerning an article which is being prepared concerning the propaganda used in the Rosenberg Case. He stated that a Mr. Lehman, a free lance writer who is doing the article for the Saturday Evening Post, is trying to portray this from the Judge's point of view and he has already used the material the Judge had about the propaganda, which is very little. Mr. Mullen indicated that Mr. Brownell thought we should give Mr. Lehman anything we possibly could and he, Mr. Mullen, wondered if we could give him something on the approximate amount of money spent. I stated I imagined the only thing that could be used was the material which has been coming from the press, but that we had compiled no estimate on the cost of the propaganda. I stated, however, that there were such matters as the cost of the buses and trains and that funds had been collected in practically every city and also that I had heard in New York of a fund of about \$200,000.00. Mr. Mullen was also informed that it had been rumored that a Ben Sonnenberg of New York had been hired as their press relations man but I did not know what he had been paid as no inquiry had been made into it. I stated, however, that it was possible that Mr. Lehman might be able to make inquiries along this line. I also suggested that Mr. Lehman might wish to refer to the article in the American Legion Magazine which contains the most complete picture I have seen regarding their so-called operations in the propaganda field.

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DATE 7/25/86 BY 3042 PWT/ALC

Very truly yours,

John Edgar Hoover
Director

cc-Mr. Holloman

JEH:HMM:EH

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INDEXED - 93

65-58236-1915

JUN 26 1953

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Miss Gandy _____

50 JUL 1

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 4/13/81 BY SP-1 GSK/nk

7/25/86 30427207/nk

This morning I advised Supervisor Tom McAndrews at New York that the Supreme Court is scheduled to meet at noon today to consider the application by the Department to vacate the stay of execution granted by Justice Douglas to the Rosenbergs yesterday. I advised him that according to Mr. Erdahl of the Department there will be a quorum and possibly a full bench. This, of course, means that it is possible that the Supreme Court could complete action on the Department's application today and vacate the stay granted by Justice Douglas. In this event, it is possible that the execution of the Rosenbergs would go forward as scheduled tonight. In view of this possibility, I told Mr. McAndrews that we should be prepared to carry out our plans for possible interviews as previously set up.

McAndrews said that Special Agents Harrington and Minihan are going into the warden's garage at 11:00 A.M. this morning and will be stationed at that point where we have one of the leased lines direct to the New York Office. I told McAndrews that he and Agent Corcoran should stand by temporarily at the New York Office and dependent on developments I would be prepared to come to New York by plane leaving here about 3:00 or 3:30 P.M. In such event, McAndrews and Corcoran are to meet me at the airport and we will proceed directly by car to Sing Sing.

I asked McAndrews whether the warden is prepared to go through with this. He said that the warden has not cancelled any of his plans and after an informal discussion with McAndrews had decided that he would remain fully prepared to carry out the execution as scheduled, contingent, of course, on any specific orders to the contrary from the U. S. Marshal or James Bennett. McAndrews said that the warden is being careful that he will not get caught short in the event the Supreme Court acts today and the execution would stand as originally scheduled.

For your information

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165-58236-1916

JUN 23 1953

APR 11 1953

I will advise Belmont
re his departing for N. Y.
after the Staff Conference
today. H.

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Holloman
 Sizoo
Miss Gandy

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Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. A. H. BELMONT *CHB*DATE: June 19,
1953FROM : MR. C. E. HENRICH *CHB*SUBJECT: JULIUS ROSENBERG
ETHEL ROSENBERG
ESPIONAGE - R

At 3:53 p.m. today (6/19), Mr. Ellis of Secret Service informed that the mother of Julius Rosenberg was expected momentarily at the White House. The President will refuse to see her. She will be referred to Daniel Lyons, Pardon Attorney, and will be offered transportation to his office.

Mr. Lyons was informed of the above. He said that Mrs. Rosenberg had been in to see him this morning and that he expects she will decline the offer. He said, however, that if she comes to his office, he will see her.

ACTION:

For your information.

CEH
CEH:LLALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIEDDATE 7/25/86 BY 2042 PWT/MC

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65-58236-1917

JUN 23 1953

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78 JUN 23 1953
*1953*ESP *CHB*

Office Memorandum • UNITED STATES GOVERNMENT

TO : THE DIRECTOR

DATE:

June 18, 1953

FROM : D. M. Ladd

ALL INFORMATION CONTAINED

HEREIN IS UNCLASSIFIED

DATE 7/25/86 BY 3042 P/T/MC

SUBJECT: JULIUS & ETHEL ROSENBERG

I called Special Agent Harrington over a direct line to Sing Sing. He stated that the Warden had advised him he has alerted the State Police and, in fact, 170 State Police have been assigned near the institution, to supplement his regular guards; that, not having heard any word back from the Coast Guard, the State Police were being assigned to boats on the waterfront and would man them.

Agent Harrington stated he had talked with Warden Denno, who had stated he would accept a telephone call from Bennett or the Attorney General, giving instructions to proceed or hold up; that, however, the call should not be made to the Warden, in view of the fact that actually the U. S. Marshal is the one handling the execution, and the arrangements presumably have been made between Bennett and the U. S. Marshal for the phone call to come to the Marshal, who will then give the word to the Warden.

Harrington states Warden Denno says he has an order from Judge Kaufman to carry out the execution this week. He has never received any stay orders as a result of the action of Justice Douglas of the Supreme Court.

Agent Harrington stated that U. S. Marshal Carroll and his deputy, Tom Farley, are on their way up to Sing Sing at the present time; that he understands the Marshal is not going to accept the first call, but rather will call back at a prearranged number to Bennett to verify the legitimacy of the call.

I asked Harrington to find out about the phone numbers to be used, et cetera, by Bennett in calling the Marshal and the Warden. Harrington is presently holding a conference with the Warden with reference to this matter and will call back.

I telephonically contacted Jim Bennett, advised him that the Attorney General and his staff, after dinner, were going to all be in the Director's office. I told him of the information about the phone call, as I had received it from Harrington, and stated that it was necessary that the Bureau have this information. Mr. Bennett stated it would not be necessary for the Marshal or other person receiving the call to call back; that actually an assistant, Alexander, will be up at Sing Sing and he knows his voice; that he will call Alexander. The arrangements are for him to call at the Warden's private office, on the private phone, at Ossining, New York, #2-0204. The Warden's home phone number is Ossining 2-3231. The switchboard at the institution is Ossining 2-0108. The Warden

63 JUN 30 1953

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165-58236-1918

JUN 23 1953

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

62-47469
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INDEXED
JUN 23 1953

will be in his office up until the last minute, according to Bennett. There is no arrangement to call back to any particular number and verify this information. However, in view of the fact that Bennett indicated he would join the Attorney General's staff, I told him that any calls should, of course, come to the Bureau's switchboard and I furnished him the phone number, indicating that they would then be directed to the Attorney General or to Bennett, as the case might be, in the Director's office.

Bennett at first started to tell me that the Warden was insisting that papers from the Supreme Court be flown up so that he would have them available before he took any action. He stated the Warden wanted them flown to Laguardia airport and then driven by auto to the institution, if there was time. I told Bennett I had just talked with our agent at Sing Sing, who had advised me that the Warden had indicated he would act on an appropriate phone call from the Attorney General or Bennett, from Washington. Bennett then said yes, the Warden indicated he would go ahead on a phone call, but would prefer to have the papers.

I have advised Mr. Hood that he and a staff should be available in the Washington Field Office tonight. The officials and a staff in the Security Division will be available.

Mr. Hood was instructed to have two agents assigned to the 9th and Pennsylvania Avenue entrance of the building, and to have two agents assigned to the auto entrance of the building. He also was advised to instruct the two agents presently assigned to guard the Attorney General to the effect that the Attorney General was having dinner in his suite this evening, following which he would come to the Director's office, and the two agents assigned to this guard duty should then take up guard duties in the corridor of the Director's office.

ADDENDUM:

Agent Harrington called me back from Sing Sing. He has talked with the Warden, who states he will proceed upon telephonic instructions from either the Attorney General or Bennett to the Marshal or his representative at Sing Sing. The Warden does not plan to leave his office until 3 minutes before 11. He will then walk to the death cell, to arrive there at 11 on the dot. When he and the Marshal walk into the death cell the execution will immediately start taking place.

In an emergency there is an extension in the death cell which can be reached by calling the institution switchboard, Ossining 2-0108, and saying it is an emergency, and asking for extension 94.

Office Memorandum • UNITED STATES GOVERNMENT

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

FROM : MR. L. L. LAUGHLIN *LL*

SUBJECT: JULIUS AND ETHEL ROSENBERG
ESPIONAGE - R

DATE: 6-22-53

Tolson
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Glavin
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Tracy
Laughlin
Mohr
Winterrowd
Tele. Rm.
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Gandy

Special Agent Howard Fletcher, Jr., of the WFO called at 12:18 P.M. today and advised that Justice Frankfurter's decision in this case had just been handed down. Fletcher said it is a 10-page opinion which definitely is a dissent from the majority view of the Court. Fletcher is trying to obtain a copy and as soon as he secures one, he will furnish it to the Bureau.

ACTION: For information.

LLL:mer

CC: Mr. Ladd

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DATE 7/25/86 BY 3042 PWT/ale

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65-58236-1919

JUN 23 1953

78 JUN 23 1953

UNRECORDED COPY FILED IN 62-37356

Julius Rosenberg

C.I.R.-5

LeRoy E. Lundgren 154 Falconer Street Jamestown, N. Y.

June 20, 1953

Dear Sir:

I just wish to commend you for your part in the Rosenberg case and in all you do. I have great respect for your intentions and abilities.

Sincerely yours,

(Mrs. LeRoy E. Lundgren)

*mc
h. k. 7-5-53
mll*

ALL INFORMATION CONTAINED

HEREIN IS UNCLASSIFIED

DATE 7/25/86 BY 3042pwt/MLC

RECORDED - 1

INDEXED - 1

65-58236-1920

ELW

July 2, 1953

Mrs. LeRoy E. Lundgren
154 Falconer Street
Jamestown, New York

Dear Mrs. Lundgren:

Your postal card postmarked June 23, 1953, has been received, and I want you to know that your kind comments concerning our efforts are indeed appreciated.

Sincerely yours,

J. Edgar Hoover

John Edgar Hoover
Director

U. S. DEPT OF JUSTICE
JUL 3 9 23 AM '53

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HEREIN IS UNCLASSIFIED
DATE 7/25/86 BY 3042PWT/NLC

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65-58236-11900

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U. S. DEPT OF JUSTICE
RECEIVED READING ROOM
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FBI

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. BELMONT *AB*

DATE: June 19, 1953

FROM : MR. LAUGHLIN *J. L.*SUBJECT: JULIUS ROSENBERG
ETHEL ROSENBERG
ESPIONAGE - RNATIONAL COMMITTEE TO SECURE JUSTICE IN THE
ROSENBERG CASE
INTERNAL SECURITY - C

D.C.
SAC Hood of the WFO called at 3:25 P.M. today and advised that the defense counsel were going in to see Justice Burton now. Hood stated that Joe Branin, one of the local leaders of the National Committee to Secure Justice in the Rosenberg Case, just read the decision to the group of pickets. He said the opinions of Justices Black and Frankfurter showed doubts as to the guilt and the only thing which can be done now is to ask for prayers from the spiritual leaders of the Jewish, Protestant, and Catholic faiths, and also that the political leaders of France, Great Britain and Italy plead for clemency.

Mr. Hood said that the Committee sent a telegram to President Eisenhower asking for clemency but it was refused.

Branin also said that the sentence in this case contrasts with the sentences in the Axis Sally, Tokyo Rose, and John Prouvo cases and cannot be explained.

Helen Sobell made a plea before the group. Mr. Hood said the pickets now number about 400.
ACTION: None. For information.

CC: Mr. Ladd

LLL:mer

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/25/86 BY 3042 PWT/ACC

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INDEXED-86

65-58236-1921

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UNRECORDED COPY FILED IN 100-287835

Post Office Department
OFFICE OF THE SOLICITOR
Washington 25, D. C.

Hon. J. Edgar Hoover, Director,
Federal Bureau of Investigation,
Department of Justice,
Washington 25, D. C.

June 25 1953

Dear Sir: *Sub. Re. ...*

There is herewith for the consideration you deem it merits,
a postal card mailed by "The Campaigner", 315-317 Belair Market,
Baltimore 2, Maryland, bearing a printed message concerning the
Rosenberg case. INFORMATION CONTAINED

7/25/86 3042p w/mc per release
Sincerely yours,

G.I.R.-5

Gon Ringley
Solicitor.

RECORDED - 93

INDEXED - 93

65-58236-1921

Enc.

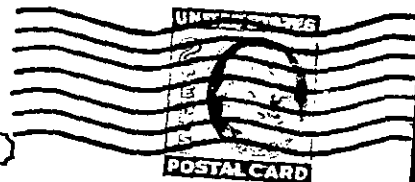
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7/25/86 3042p w/mc per release

6 JUL 2 - 1954

Enclosure

CHIEF CLERK AND
DIRECTOR OF PERSONNEL

JUN 17 1953



RECEIVED SIDE OF CARD IS FOR ADDRESS
POST OFFICE DEPT.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/25/86 BY 3042 PWT/NLS

Post Master Dept

Wash.

D.C.

THE CAMPAIGNER

RETAIL MEATS

315-317 BELAIR MARKET

BALTIMORE 2, MD.

Retail Meats

Mulberry 8182

H. G. BOLANDER, Prop. and Editor

It is my belief, not only are the Rosenbergs innocent, but that they are being deliberately and knowingly sent to their death, to be an example to people like me, who dare to think and express ourselves, to wear us into silence, by a bunch of Fascists, who are the tools of big business and big church which crew will stop at nothing, not even the shedding of blood to serve their master Satan and the devil. Not a single scientist or F.B.I. testified. No, not one. They did not have due process of law and there are dozens of reasonable doubts.

Personally, I am so wrought up over my country being so guilty of this dastardly rape of justice, that I, with my own hands could pull the lever to electrocute each and every one who either planned, prosecuted or allowed it—if the Rosenbergs are executed.

But, being fully conscious, I do not have that right or power I hereby inveigh, invoke and beseech Almighty God, who has, to put to death within 30 days all those who had anything to do with, or allowed this terrible thing to happen. The least the President could do, would be to use his power to get those of the Supreme Court, who are cowardly hedging, to review the case. How can those in high places expect us, the people to honor and respect them, when they so flagrantly shirk their duty? I've always been taught to be proud of my country, but how can I, when my President and some of the last court in the land refuse to do what they can. Even radio, TV and the newspapers have failed to tell the American people the Pope appealed the THIRD time to Eisenhower to extend clemency. Do they call that Free Press? I hold no brief for the Pope; but he is BIG and surely that was Big News. Do I include those who own and make news policy? Yes, to be sure, when they black out news which aids Satan and Fascism.

In conclusion I am reminded "Vengeance Is Mine", saith the Lord, "I will repay" so dear Lord, you take over from here. You have the knowledge, the wisdom and the power.

Is It Right? Is It Proper? Is It Just? Will It Please God? Then Campaign For It Letting The Chips Fall Where They Will and Abide By The Results! Stand Firm, Be Loyal To Truth, Justice, and Equity.

Office Memorandum • UNITED STATES GOVERNMENT

TO : The Director

DATE: June 19, 1953

FROM : D. M. Ladd *DML*SUBJECT: JULIUS ROSENBERG, ET AL
ESPIONAGE - R

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Lee Boardman called to advise that he had just received a telephone call from Commissioner Monaghan of the New York Police Department who stated he had been reading all the material in the press about the Rosenbergs and was worried about the safety of Judge Kaufman and his family. Therefore, he was anxious to know whether the family was in or out of the city.

Mr. Boardman advised Commissioner Monaghan that the family was out of the city, but that the Judge was in the city and that the entire family was under 24-hour guard by the Bureau.

Commissioner Monaghan stated, in view of that, of course, he would not take any further action himself but that he would appreciate being advised of any unusual circumstances that might come up which would justify any action or assistance on his part.

DML:WKJ

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/2/84 BY 3042 pwt/hlc

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65-58236-1922

JUN 23 1953

5 JUL 3 1953

Office Memorandum • UNITED STATES GOVERNMENT

TO : THE DIRECTOR

FROM : D. M. Ladd *DL*

SUBJECT: JULIUS & ETHEL ROSENBERG

DATE:
June 18, 1953

I called Bill Rogers of the Department and he indicated he would have the 10th and Constitution Avenue entrance to the building closed around 6 p.m. tonight, even though the Attorney General stays in the building.

He then mentioned to me that Bennett had informed him that the Warden felt he should have copies of the papers from the Supreme Court in his hands, if possible, before the execution took place. I told Mr. Rogers I had just talked with the agents at Sing Sing, who had talked with the Warden, and the Warden had indicated he would prefer to have the papers from the Supreme Court, but was willing to proceed on the basis of a phone call from either the Attorney General or Jim Bennett to the U. S. Marshal in his, the Warden's, office. Rogers then remarked "It looks like Jim Bennett does not have his heart in this thing."

That is an understatement. H.

Rogers then advised that he thought if the action from the Supreme Court was early enough, it probably would be better to have the papers flown up from Washington. He stated if the court decision came out early enough he would obtain a copy of the orders from the court and would contact the Bureau, requesting that an agent fly the papers to New York, have a car meet him and drive him out to Sing Sing, in order that the papers could be available at Sing Sing.

DML:CSH

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/25/86 BY 3042 pur/llc

RECORDED - 3

65-58256-1923
5:20 p.m.
I called both [unclear]
SAC. Hand & Assoc. [unclear]
JUN 23 1953
5- [unclear]

56 JUL 3 1953

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UNRECORDED COPY FILED IN 62-47469

Office Memorandum • UNITED STATES GOVERNMENT

TO : D. M. LADD

DATE: June 19, 1953

FROM : C. E. HENNRICH

SUBJECT: JULIUS ROSENBERG;
ETHEL ROSENBERG
ESPIONAGE - RTolson
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SAC Hood advised at 1:50 P.M. that at 1:45 P.M. the Supreme Court adjourned the Special Session. Bloch's petition for a stay pending Executive Clemency was denied on the basis that it was not a judicial matter, and was up to the President.

Fyke Farmer's motion for the Court to reconsider was denied.

ACTION:

For your information.

CEH:fk

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/25/86 BY 3042pwt/alc

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65-58236-1924

56 JUL 3 1953

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Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. A. H. BELMONT

FROM : MR. C. E. HENNAICH

SUBJECT: JULIUS ROSENBERG
ETHEL ROSENBERG
ESPIONAGE - R

DATE: June 19,
1953

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SA Howard Fletcher, Jr., WFO, called at 1:00 p.m., June 19, and advised that in addition to the application for a stay pending executive clemency, filed by attorney Emanuel Bloch, attorney Tyke Farmer had filed a motion asking the court to reconsider its decision.

ACTION:

For your information.

CEH:LL

ALL INFORMATION CONTAINED

HEREIN IS UNCLASSIFIED

DATE 7/25/86 BY 3042 PWT/ALC RECORDED - 58

65-58236-1925
JUN 28 1953

59 JUL 2 1953

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Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. D. M. LADD

FROM : MR. C. E. HENRICH

SUBJECT: JULIUS ROSENBERG
ETHEL ROSENBERG
ESPIONAGE - R

DATE: June 19,
1953

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Mr. Belmont called at 1:20 p.m. today (6/19) and informed that Warden Denno had advised that James Bennett had called from Washington and wanted to know if the execution could be carried out before sundown today. The Warden said he pointed out that the inmates at the penitentiary are out until 7:00 or 7:10 p.m. and that an execution before then would not be wise from the standpoint of the institution. Denno further advised that the executioner is due to leave Cairo, near Catskill, about 6 o'clock tonight and will arrive at the prison about 8:30 p.m. Denno has been in touch with the executioner's wife, who says she does not know where he is. Denno says the executioner can probably be located and brought down earlier by having the State Police locate him and bring him down. Denno said that if the execution is scheduled before sundown today, there is a probability the Government would be charged with rushing the execution to avoid additional motions by the defense.

As to any problems raised by an execution on the Jewish Sabbath, Warden Denno was of the opinion that execution on the Jewish Sabbath would raise a question. However, he pointed out that the execution was postponed for 24 hours from last night, which would bring it up to 11 o'clock tonight and this is a normal course of events. Denno pointed out that the delay carrying the time over to 11 o'clock tonight was caused by the defense, and that the Government did not originally set the time for the Jewish Sabbath. Denno does not know whether there has been a precedent set for executions on the Sabbath. Denno said that if the execution is set for Saturday night (6/20), it is running close to the end of the week.

Bennett raised the question as to whether there would be a rabbi available tonight, and Denno said that a rabbi will be available.

CEH:LL

7/25/86 3042 PWT/luc

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65-58236-1926

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From the discussion with Warden Denno, Belmont gathered that he feels there will be attempts to criticise the Government regardless of when the execution is scheduled and it appears that, weighing all factors, he feels that 11 o'clock tonight is the most practical time. Belmont made no comment concerning this and stated it is being passed along to the Bureau merely to reflect the Warden's thinking.

The Warden also advised that the rabbi called him and will be up at the prison this afternoon. The rabbi said he had heard the Supreme Court decision and was proceeding to the prison. The Warden said that the rabbi made no mention of the Jewish Sabbath at the time of his call.

ACTION:

For your information.

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. W. A. BRANIGAN *WAB*

DATE: June 18, 1953

FROM : MR. C. E. HENNRICH

SUBJECT: JULIUS ROSENBERG
ETHEL ROSENBERG
ESPIONAGE - R

As a matter of record, on the evening of June 17, 1953, I delivered to Mr. Robert Stern, in the Solicitor General's Office, the receipts obtained from attorneys Bloch, Finerty, and Sharpe, acknowledging receipt of application to convene the Supreme Court.

At 9:20 a.m., June 18, I delivered to Mr. Stern a similar receipt from attorneys Fyke Farmer and Daniel Marshall, which was signed in New York at 1:02 a.m., June 18, 1953.

CEH:LL

7/25/86

3042 pnt/pe

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AB

WASH
DIRECTOR

FROM NEW YORK
URGENT

12

12-10 PM

Classified by 3042 fwt DRC
Declassify on: OADR

10/22/86

[Handwritten signature]

JULIUS ROSENBERG, ETAL, ESP - R. WARDEN WILFRED DENNO, SING SING PRISON, NY, ADVISED HE DESIRED TO COOPERATE TO THE FULLEST EXTENT WITH THE BUREAU. A SURVEY OF THE PRISON REFLECTS THE MAIN GATE AND ADMINISTRATIVE BUILDING AND THE ONLY PUBLIC ENTRANCE IS LOCATED AT NORTH END OF THE PRISON PROPERTY. FURTHER, THAT HIS PRIVATE RESIDENCE IS ON A FIVE ACRE PLOT LOCATED SOUTHEAST OF THE PRISON WALLS BUT ON NYS PROPERTY. THERE IS A FIVE CAR GARAGE WITH THREE ROOMS UPSTAIRS IN THE REAR OF HIS HOUSE WHICH THE WARDEN MADE AVAILABLE TO AGENTS AND BUREAU STENOS. THIS GARAGE CONTAINS A TELEPHONE OPERATED THROUGH THE PRISON SWITCHBOARD. THE GARAGE IS LOCATED APPROX. ONE HUNDRED YARDS FROM THE REAR PRISON GATE KNOWN AS POST EIGHTEEN AND TWO HUNDRED YARDS FROM THE DEATH HOUSE. SPACE IS AVAILABLE IN THE GARAGE FOR BUREAU CARS. A TEST OF BUREAU AUTO RADIO IN THE EVENT OF AN EMERGENCY REVEALS ADEQUATE TRANSMISSION AND RECEPTION. THE WARDEN WILL HAVE AVAILABLE A TRUSTWORTHY PRISON GUARD TO TRANSFER BUREAU PERSONNEL IN PRISON STATIONWAGON FROM GARAGE THROUGH GATE TO THE DEATH HOUSE WITHOUT IDENTIFICATION OR DELAY. BUREAU PERSONNEL

50 JUL 8 1954
END OF PAGE ONE

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65-58236-1928

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WAB/DRC
225

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WA 29

PAGE TWO

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WILL HAVE FULL SECURITY AT THE GARAGE AND THEIR PRESENCE WOULD BE UNKNOWN TO ANYONE EXCEPT THE WARDEN AS ALL OTHER PERSONNEL WILL BE REMOVED FROM THE VICINITY WEDNESDAY NIGHT. NYO HAS ARRANGED TO INSTALL A DIRECT LEASED TELEPHONE LINE MONDAY NEXT FROM THE GARAGE TO NYO SWITCHBOARD. IN THE EVENT EITHER OF THE ROSENBERGS DESIRE TO TALK TO AGENTS BEFORE EIGHT PM THE WARDEN WILL IMMEDIATELY NOTIFY THE AGENTS IN THE GARAGE, PERSONALLY, OR THROUGH HIS INTER-OFFICE PHONE DEPENDING ON THE URGENCY OF THE MESSAGE. THERE WILL BE FULL SECURITY ON THIS TELEPHONE CALL AS THE WARDEN WILL MAKE THE CALL PERSONALLY IN CODE THROUGH HIS OFFICE SWITCHBOARD. IN THE EVENT, ETHEL ROSENBERG WILL BE INTERVIEWED IN THE WOMAN-S WING, THE MATRON ON DUTY WILL REMAIN OUT OF HEARING OUTSIDE THE ROOM BUT WILL HAVE FULL OBSERVATION OF ETHEL THROUGH A GLASS WINDOW IN THE DOOR. PRINCIPAL KEEPER KELLEY WILL BE PRESENT AT THIS INTERVIEW. JULIUS ROSENBERG WILL BE FIRST INTERVIEWED IN HIS PRE-EXECUTION CELL AND IF OSTENSIBLY COOPERATIVE WILL BE IMMEDIATELY REMOVED TO A CELL ON THE SECOND FLOOR WHICH IS IN AN

END OF PAGE TWO

~~TOP SECRET~~

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WA 29

PAGE THREE

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UNOCCUPIED WING. THE GUARD WILL BE REMOVED IN THE SAME MANNER AS
ETHEL-S MATRON AND WARDEN DENNO WILL BE PRESENT AT THIS INTERVIEW.
DENNO SUGGESTS AGENTS MOVE TO DEATH HOUSE AFTER EIGHT PM. HE POINTED
OUT THAT PRIOR TO THAT TIME THE PRESENCE OF STRANGERS IN THE DEATH
HOUSE MIGHT BECOME KNOWN TO OTHER INMATES WHO ULTIMATELY WILL BE
CONVERSING WITH ATTORNEYS AND RELATIVES AND WOULD DISCLOSE
THE PRESENCE OF UNUSUAL ACTIVITIES AND PEOPLE. THIS WAY, IN THE EVENT
THE ROSENBERGS DO NOT DESIRE TO TALK, NO ONE WOULD SUSPECT THE BUREAU-
PRESENCE. NYO RECOMMENDS WE FOLLOW DENNO-S SUGGESTION. IT IS PLANNED
THAT IN THE EVENT THE ROSENBERGS DO NOT REQUEST TO BE INTERVIEWED
PRIOR TO APPROX. EIGHT PM THE ABOVE BUREAU PERSONNEL WILL PROCEED
IN THE PRISON STATION WAGON ACCOMPANIED BY THE AFOREMENTIONED
GUARD TO THE DEATH HOUSE TO PRE-ARRANGED QUARTERS ON THE SECOND
FLOOR WHERE THEY WILL BE UNAVAILABLE TO ANYONE EXCEPT THE WARDEN.

END OF PAGE THREE

~~TOP SECRET~~ X SECRET

WA 29

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PAGE FOUR

X

A LEASED TELEPHONED LINE TO NYO SWITCHBOARD WILL BE INSTALLED MONDAY NEXT IN THESE QUARTERS. THE BUREAU PERSONNEL WILL REMAIN UNTIL SUCH TIME AS THE WARDEN ADVISES THAT THE ROSENBERGS HAVE REQUESTED TO SPEAK OR UNTIL THE EXECUTION HAS BEEN LEGALLY PERFORMED AND ALL WITNESSES AND OFFICIALS HAVE DEPARTED. BUREAU PERSONNEL WILL REMAIN IN EITHER DEATH HOUSE OR GARAGE UNTIL ALL PRESS AND GOVT. OFFICIALS HAVE DEPARTED FROM THE PRISON AND IMMEDIATE PRISON AREA. BEFORE AGENTS LEAVE THE GARAGE TO GO TO THE DEATHHOUSE BUREAU WILL BE TELEPHONICALLY INFORMED OF THEIR DEPARTURE. WHEN AGENTS ARRIVE AT DEATH HOUSE THE BUREAU WILL BE INFORMED OF THEIR ARRIVAL. BUREAU WILL BE ADVISED LATER AS TO TIME BUREAU PERSONNEL WILL PROCEED FROM NYO TO SING SING PRISON TO EFFECT ABOVE PLAN. BUREAU WILL ALSO BE TELEPHONICALLY ADVISED AT TIME OF ARRIVAL AT SING SING. IN THE EVENT OF AN INTERVIEW WITH THE ROSENBERGS IN EITHER OF THE ABOVE SITUATIONS, BUREAU INSTRUCTIONS AS GIVEN TO SAS THOMAS MC ANDREWS AND JOHN A. HARRINGTON WILL BE STRICTLY ADHERED TO. WHILE IN CONFERENCE WITH DENNO TODAY, HE ADVISED THAT DIRECTOR BENNETT, US BUREAU OF PRISONS, TELEPHONICALLY CONTACTED HIM TO ADVISE THAT

END OF PAGE FOUR

~~TOP SECRET~~

~~TOP SECRET~~

WA 29

PAGE FIVE

~~SECRET~~

X

HE BENNETT WAS MAKING FINAL ARRANGEMENTS FOR THE EIGHTEENTH NEXT. BENNETT ADVISED DENNO THAT AGENT HARRINGTON WOULD BE PRESENT AT SING SING ON THE EIGHTEENTH. HE DID NOT ADVISE DENNO THE SOURCE OF HIS INFO. HE TOLD DENNO THAT HE WAS LOOKING UP THE LAW TO DETERMINE WHAT ACTION HE SHOULD TAKE IN THE EVENT THE ROSENBERGS DESIRED TO TALK AFTER ENTRANCE IN THE EXECUTION CHAMBER AND EVEN AFTER THEY WERE STRAPPED IN THE CHAIR. DENNO RECOMMENDED TO BENNETT AGAINST ANY INTERRUPTION OF THE EXECUTION AFTER THE ROSENBERGS ENTER THE EXECUTION CHAMBER. BUREAU WILL NOTE THAT DENNO STATES ONE MINUTE, TEN SECONDS ELAPSES BETWEEN ENTRANCE OF PRISONER AND REMOVAL OF CORPSE. NY STATE PROCEDURE IS TO PERMIT PRISONER TO TALK TO THE WARDEN UP TO ENTRANCE ONTO EXECUTION CHAMBER BUT NOT TO LISTEN TO THEM FOLLOWING ENTRANCE INTO EXECUTION CHAMBER. THEY ARE NOT ASKED AT ANY TIME IF THEY HAVE ANY LAST WORDS TO SAY. ONCE THEY ENTER EXECUTION CHAMBER THE EXECUTION CANNOT BE STOPPED EXCEPT BY TELEPHONE CALL TO DENNO FROM PROPER AUTHORITIES. DENNO SAYS THIS IS HUMANE AND PRACTICAL METHOD OF HANDLING EXECUTIONS IN THAT THEY ARE ACCOMPLISHED WITH SUCH SPEED AS TO CAUSE LEAST HARSHIP ON PRISONERS. TO ACT OTHERWISE,

END OF PAGE FIVE

~~SECRET~~

~~SECRET~~

WA29

PAGE SIX

~~SECRET~~

AS INDICATED BY BENNETT, WOULD CAUSE CONFUSION AMONG EXECUTION PERSONNEL AND COULD RESULT IN EMBARRASSMENT TO ALL CONCERNED, IN VIEW OF THE FACT THAT PRESS WILL BE PRESENT AND OBVIOUSLY WILL REPORT SUCH CONFUSION. NYO RECOMMENDS THAT DENNO-S VIEWS AND USUAL PRACTICES AS OUTLINED ABOVE BE REFERRED TO THE DEPT. FOR DEFINITE DECISION. BUREAU SUTEL DEPT-S DECISION REGARDING THIS. DENNO STATED FURTHER THAT HE INTENDS TO PROCEED SO THAT JULIUS WILL BE EXECUTED FIRST. JULIUS WILL BE IN PRE-EXECUTION CHAMBER AND ETHEL WILL REMAIN IN WOMEN-S WING. TO EXECUTE ETHEL FIRST WOULD REQUIRE ETHEL TO WALK PAST JULIUS THUS PROBABLY CREATING EMOTIONAL CRISIS AND MAKE TASK OF EXECUTION MORE DIFFICULT. TO PUT ETHEL IN PRE-EXECUTION CHAMBER AND JULIUS ELSEWHERE WOULD REVEAL CONSIDERABLE IN ADVANCE, THAT ETHEL WAS TO GO FIRST, WHICH IS AGAINST PRISON PRACTICE AND IS CONSIDERED TO BE UNNECESSARILY CRUEL. DENNO IS WILLING TO ABIDE BY ANY INSTRUCTIONS AS TO WHO SHOULD BE EXECUTED FIRST, BUT PREFERS TO FOLLOW THE USUAL PRACTICES. IN THE EVENT ROSENBERGS TALK, ARRANGEMENTS COULD BE MADE FOR AGENTS TO REMAIN IN THE DEATH HOUSE BUILDING AS LONG AS THEY DESIRED, EXTENDING INTO MONTHS, IF NECESSARY- THAT SLEEPING QUARTERS AND MEALS COULD BE AVAILABLE TO BUREAU PERSONNEL AND THAT ELECTRICAL OUTLETS ARE

END OF PAGE SIX

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WA 29

PAGE SEVEN

~~SECRET~~ ~~SECRET~~

AVAILABLE FOR RECORDING MACHINES. HE WILL ALSO MAKE TYPEWRITERS AVAILABLE AND NECESSARY CLERICAL SUPPLIES AS NEEDED. WARDEN DENNO POINTED OUT THAT ALL PRESS AND TV MOTION PICTURE AND RADIO ACTIVITIES WOULD BE CONFINED TO THE MAIN PRISON GATE LOCATED IN THE OPPOSITE SIDE OF THE PRISON AND THE AGENTS ENTRANCE AND DEPARTURE WOULD BE UNOBSERVED. IT IS PROPOSED THAT THE FOLLOWING FOUR QUESTIONS WILL BE ASKED OF ROSENBERG AT THE OUTSET OF AN INTERVIEW WITH HIM. ONE- NAME THE INDIVIDUALS WITH WHOM YOU DID MICROFILM WORK FOR THE RUSSIANS. TWO- NAME THE INDIVIDUALS WHO FURNISHED YOU INFO TO GIVE TO THE RUSSIANS. THREE- NAME THE CITIES OUTSIDE OF NYC IN WHICH YOU HAD ESPIONAGE CONTACTS. FOUR- WHO WERE YOUR ESPIONAGE CONTACTS IN CLEVELAND. IT IS BELIEVED THAT DEPENDENT UPON THE ANSWERS TO THESE QUESTIONS IT CAN BE DETERMINED READILY WHETHER ROSENBERG INTENDS TO COOPERATE BECAUSE THE ANSWERS TO THESE QUESTIONS IN PART CAN ^u FOUND IN THE [REDACTED] AND CAN BE READILY DEVELOPED. (b)(1) DETAILED FILE REVIEW BEING CONDUCTED TO INSURE INTERVIEWING AGENTS IN POSSESSION OF PERTINENT INFO WITH WHICH TO QUESTION THE ROSENBERGS.

BOARDMAN

EORP THISS MESS WILL BE NO 1 ON 6-13-53

END AND ACK

1233 AM OK FBI WA ELR

TU DISC

~~SECRET~~

Office Memorandum • UNITED STATES GOVERNMENT

TO : DIRECTOR, FBI

DATE: June 17, 1953

FROM

Rosenberg

(62-0)

SUBJECT: JAMES E. DAVIS, Congressman
from Georgia
INFORMATION CONCERNING D.C.

Mr. Tolson _____
Mr. E. A. Tamm _____
Mr. Clegg _____
Mr. Glavin _____
Mr. Harbo _____
Mr. Rosen _____
Mr. Tracy _____
Mr. Gearty _____
Mr. Mohr _____
Mr. Winterrowd _____
Tele. Room _____
Mr. H. P. Man _____
Mr. Sizoo _____
Miss Gandy _____

On this date, Congressman DAVIS telephonically contacted the WFO, stating he had determined the FBI had probably taken pictures of the ROSENBERG pickets in front of the White House on June 14, 1953. He requested he be furnished, if possible, copies of these photographs in that he is interested in showing to his constituents in Georgia some of the things that go on in Washington pertaining to what he called the "Communist Party". He pointed out that in the past, from time to time, he has taken movies of such demonstrations and exhibited them to his constituents. He said he had determined the Metropolitan Police Department had not taken any photographs and was making such a request of the Bureau.

The WFO did not make any photographs on the occasion in question and Congressman DAVIS was informed the FBI has no photographs available. It was suggested that he may desire to contact the Secret Service or the U. S. Park Police.

The above is submitted for the information of the Bureau.

EX-126

TJJ:VIM

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

DATE 7/25/86 BY 3042 PWT/ALC

RECORDED

EX-126

65-58236-1929

53 JUL 2-1953

7/18 10 27 64 J2

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. A. H. BELMONT

FROM : MR. C. E. HENRICH

SUBJECT: JULIUS ROSENBERG
ETHEL ROSENBERG
ESPIONAGE - R

DATE: June 19,
1953

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Nease ☒
Gandy ☒

SA Howard Fletcher, Jr., WFO, advised at 5:30 p.m. today (6/19) that attorney Bloch was trying to see Justice Frankfurter on a writ of mandamus to compel the Circuit Court to grant a stay of execution under Rule 38 of the Rules of Criminal Procedure. (Rule 38 provides for a stay of execution, pending appeal.)

ACTION:

For your information.

GIR-5

CEH:LL

65-58236-1930

RECORDED-92

JUN 20 1953

50 JUN 20 1953

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/25/86 BY 3042 pwt/me

ALL INFORMATION CONTAINED
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DATE 7/25/86 BY 3042 PWT/ka

June 24, 1953

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

0
JULIUS ROSENBERG

On Friday evening, June 19, 1953, Mr. Belmont called from Sing Sing and read to Mr. Rogers and myself the following telegram addressed to Warden Denno:

"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.

Emanuel H. Bloch.

Mr. Rogers immediately checked on the law and inquired on the various statements which had been made by Emanuel Bloch during the course of the day of Friday, June 19.

It had been noted that in a press ticker received at 6:21 p. on June 19, it was stated that:

"At 6:05 p.m., Attorney Bloch abandoned further efforts to get the Supreme Court or its justices to postpone the execution. Bloch sent word to newsmen that he 'hopes' to make a last minute appeal to Attorney General Brownell. Bloch's last Supreme Court effort was an attempt to get Supreme Court Justice Frankfurter to act in behalf of the Rosenbergs. Frankfurter sent word that he would see the Rosenberg attorney but that the conference would be 'no use,' Court aides said. Bloch then said he would not see Frankfurter under those circumstances and sent word to newsmen that he was abandoning 'any further attempt at the Court.' Bloch's last legal move was described as an attempt to get Frankfurter to issue an order which would, in effect, compel the U. S. Court of Appeals in New York to grant a stay.

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Miss Gandy _____

RECORDED 44

65-58236-1931

JUL 2 1953

UNRECORDED COPY FILED IN 101-6691

"Bloch told reporters on the steps of the Supreme Court Building that he had reached 'the end of the road in the courts.' 'I am about to go to the White House now and endeavor to secure a personal appointment with President Eisenhower for the purpose of appealing for last-minute executive clemency,' he said. He said he was taking with him a letter from Ethel Rosenberg which she gave him on June 16, with instructions that it not be delivered to President Eisenhower 'unless and until all other avenues through the courts have been exhausted.' The letter was written by Mrs. Rosenberg in the Death Cell at Sing Sing on behalf of herself and her husband, Bloch said."

Mr. Rogers also had a check made with U. S. Attorney Lombard's office in New York City to make certain there were no pending legal matters in any of the Federal Courts in the Southern Judicial District of New York pertaining to the Rosenberg Case.

It appeared that efforts had been made to have the Circuit Court of Appeals for the Southern Judicial District of New York effect a stay of execution for Julius and Ethel Rosenberg, such action having been taken by defense lawyer Arthur Kinoy. However, Judges Frank and Swan rejected the motion for a stay of execution.

It was further ascertained that, as a matter of fact, Emanuel Bloch had not been in New York City, from which place the telegram had been sent to Warden Denno on the 19th, he having been in Washington that entire day.

At 7:24 p.m. Mr. Rogers, in talking with the Attorney General by phone, advised the Attorney General of the above developments and of his intention to immediately call Mr. Belmont at Sing Sing and advise him of the results of his, Mr. Rogers, inquiry.

Mr. Rogers then called Mr. Belmont over the direct line at Sing Sing at 7:27 p.m. on June 19, and advised Mr. Belmont that he had checked on the telegram from Emanuel Bloch and could not find any record of any appeal in any court; that a check had been made with the New York Office of the United States Attorney and so far as they knew, there was no appeal filed. Mr. Rogers stated he had checked on Bloch and he was in Washington so he could not have signed the telegram and a news ticker had indicated Bloch stated he was abandoning any further attempts in the Court. Mr. Rogers informed Mr. Belmont that he thought the Warden should be advised he would be perfectly right in putting no faith in the telegram.

Mr. Rogers stated that there had been an appearance made before Judge Kaufman on a motion but that this was not an appeal and therefore there was no reason for the Warden not to proceed unless he got instructions from the Court.

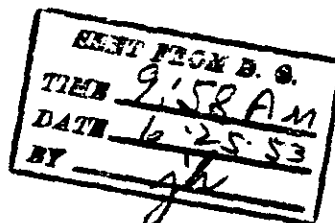
Mr. Belmont stated he would call the Warden and tell him the telegram had been checked out and so far as his position was concerned, it did not appear to be binding on him and he could proceed with the execution as previously arranged. Mr. Rogers asked Mr. Belmont to also tell the Warden that we have checked and found no evidence of any appeal appearing in any court. Mr. Rogers informed Mr. Belmont that Judges Swan and Frank had, at 6:00 p.m., denied a stay and that this disposed of any pending matters before the court.

Very truly yours,

J. Edgar Hoover

John Edgar Hoover
Director

JEH:mpd



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June 24, 1953

MEMORANDUM FOR THE DEPUTY ATTORNEY GENERAL

I am attaching hereto a copy of a memorandum which I prepared concerning the matter about which Mr. Belmont phoned to us on last Friday evening while at Sing Sing. If there are any changes you would suggest be made in this memorandum, please let me know so that I can do so and then make it a part of our files.

Very truly yours,

J. Edgar Hoover
John Edgar Hoover
Director

Attachment

JEH:mpd

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/25/86 BY 3042pwt/pw

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| SENT FROM D. C. | |
| TIME | 4:26 |
| DATE | 6-25-53 |
| BY | JEH |

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65-58236-1932
JUN 25 1953

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Miss Gandy _____

59 JUL 2 1953

Office Memorandum • UNITED STATES GOVERNMENT

TO : Director, FBI

DATE: 6/19/53

SAC, New York (65-15348)

ATTENTION: ASSISTANT TO THE
DIRECTOR D. M. LADDSUBJECT: JULIUS ROSENBERG, et al;
ESPIONAGE - R

Confirming telephone conversation with Assistant to the Director D. M. LADD, 6/19/53, Commissioner GEORGE MONAGHAN, NYC telephoned me, 6/19/53, and stated that in reading the stories in the newspapers concerning the ROSENBERG case, he had been concerned about the safety of Judge IRVING KAUFMAN and the members of his family. He commented that in the event anything happened to Judge KAUFMAN or any member of his family he was wondering whether or not it would be sufficient for him merely to say that the FBI was handling the protection of Judge KAUFMAN and the members of his family. He stated that of course if anything happened to Judge KAUFMAN in the City of New York, he, as Commissioner of Police, was responsible for the safety of the people in the City of New York, even though Judge KAUFMAN was a Federal Judge. He continued that for that reason he was anxious to know whether or not Judge KAUFMAN and the members of his family were in the city.

I informed Commissioner MONAGHAN that the members of Judge KAUFMAN'S family were out of the city at the present time but that Judge KAUFMAN was in the city. I then pointed out to Commissioner MONAGHAN that Judge KAUFMAN and the members of his family were under guard by the FBI continuously on a twenty-four hour basis. I reminded Commissioner MONAGHAN that I had told him at the inception in the event any unusual incident arises wherein I felt it should be brought to the attention of the New York City Police Department that I would immediately contact Commissioner MONAGHAN or one of his officials. I indicated to Commissioner MONAGHAN that was the reason why I had notified the New York City Police Department the moment we received an anonymous telephone call in this office to the effect that the apartment building at 1185 Park Avenue was going to be blown up. (The Bureau previously has been advised of the details of this telephone call.)

I told Commissioner MONAGHAN I would continue to keep him advised of any unusual situations. Commissioner MONAGHAN then commented that inasmuch as the FBI does have the members of the family and Judge KAUFMAN himself under twenty-four hour guard, he doesn't feel it would be necessary for him to take any further action inasmuch as he would not want to be "under foot". I told Commissioner MONAGHAN

LVB:SLM

RECORDED-54
7/25/53 BY 3042 PWT/MLC

59 JUL 2 1953

RECORDED-54

65-58236-1933

Mr. Tolson
Mr. Ladd
Mr. Nichols
Mr. Belmont
Mr. Clegg
Mr. Glavin
Mr. Harbo
Mr. Rosen
Mr. Tracy
Mr. Egan
Mr. Gurnea
Mr. Holloman
Mr. Sizoo
Miss Gandy

EXPEDITE PROCEDURE

NY 65-15348.

that should he change his mind in any manner or should he be desirous of discussing any problems with me, to immediately contact me so I could have the benefit of his views. He stated he would do so and that as a consequence of his conversation with me, he did not contemplate any further action in the matter.

Commissioner Monaghan also indicated that of course as soon as the Police Department had received word of the possible bombing of the apartment building in which Judge Kaufman was located, they had immediately sent an appropriate number of the police department out to make the appropriate check.

DEPARTMENT OF THE ARMY

COMMITTEE

Enid Angell

RECORDED - 537

1934
 1934
 1934

31211-1351

RECEIVED

14 JUL 68

RECEIVED

14 JUL 68

TO: Name and Address

1. Amell

Satyagopal

216 H-16 Road

Delhi

India

BY AIR MAIL



SERVICE UNIT
SEARCH SLIP

4-22a

Supervisor Mc Cashin Room 1537

Subj: Ernie Ansell ~~(S)~~ ~~(C)~~

☐ Exact Spelling
☐ All References
☒ Subversive Ref.
☐ Main File

Searchers

Initial

Date 6-16

☐ Restricted to Locality of _____

FILE NUMBER

SERIALS

nr
E. Ansell
nr

7/25/66 3042 PWT/ke
Initialed

June 18, 1953

~~SECRET~~

(S)

ENID ANSELL

Classified by 3042 Jut-Ofc
Declassify on OADR
10/22/86

RECORDED - 53
INDEXED - 53

We received a letter postmarked June 8, 1953, from Cambridge, England. It bore the signature of Enid Ansell and the return address "Satyagraha," 218 Hills Road, Cambridge, England. The letter follows:

"Dear friend,

"I write as an Englishwoman. Many of my countrymen, like myself, wonder why the U.S.A. is now, and has been for some time in such a panic over cooperating with YOUR, and our, friends and fellow travellers COMMUNIST Russia and China of six short years ago? YOUR country could not only cooperate with them to fight (kill) but supplied them with arms and material for war purposes.

"Therefore why is YOUR country making scapegoats of JULIUS and ETHEL ROSENBERG now?

"YOUR COUNTRY is always demanding PROOF of sincerity from other people. What PROOF of sincerity are YOU GIVING? It is U.N. men who are killing in Korea all this time - not Russian, Why is YOUR country having these purges and with - hunts of so-called Communists now? It seems so irrational doesn't it? Communism is no better, or worse, now than it was during, and before, the war.

"If YOU 'liquidate' the Rosenbergs, or any other so-called Communists in what way are YOU better than the Nazis, Fascists, or Communists? ALL these as we know, and knew, 'liquidated' those with whom they did not agree. We believe in the integrity of the individual and in freedom of speech. It was what OUR men died to preserve. To 'liquidate' the Rosenbergs would be a terrible blot in the history of the U.S.A. and a betrayal of those who look to your country to give leadership in justice to the world.

"JULIUS and ETHEL ROSENBERG, as American citizens, and a noble example to the rest of the world, have made a magnificent statement in defense of their innocence, and upholding the freedom and integrity of the individual which will be remembered through the centuries by all who live and work for the advancement of the recognition of Human Rights and Civil Liberties.

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CC - 2 - Legal Attache
London, England
Foreign Service Desk

MAILED FROM SECRET
SECRET AIR COURIER
JUN 19 1953
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Date of 10/7/75
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54 JUN 7 1953

~~SECRET~~

"I therefore write to ask you not only to reconsider your present apparent idea of 'liquidating' them, with the knowledge that many of my countrymen, like myself, are deeply concerned, and expect something better in the way of justice from the U.S.A. but feel truth and justice require that the ROSENBERGS should be given complete freedom and hope you will find you can grant this.

"Yours sincerely,

"R.N.N., R.M.P.A., S.R.N., S.C.M., R.C.N.

"Enid Ansell

"(The qualifications above are nursing qualifications and I am a Member of the Royal College of Nursing, London, England.)"

We have no additional information relative to Enid Ansell. We furnish you this as a matter of information. We are not otherwise acknowledging receipt of this letter.

~~SECRET~~

U. S. DEPARTMENT OF JUSTICE
COMMUNICATIONS SECTION

JUN 9 1953

TELETYPE

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

DATE 7/25/86 BY 3042 PRT/PC

WASHINGTON FROM NEW YORK 13 9 8-35P

DIRECTOR

....U R G E N T....

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

JULIUS ROSENBERG, ET AL, ESPIONAGE DASH R. EMANUEL BLOCH APPEARED
BEFORE US CIRCUIT COURT TWO PM TODAY IN APPLICATION FOR STAY OF
EXECUTION PENDING AN APPEAL FROM ORDER OF JUDGE KAUFMAN-S DENIAL OF
APPLICATION, JUNE EIGHT LAST. JUSTICES THOMAS SWAN, JEROME FRANK
AND AUGUSTUS HAND COMPRISED THE BENCH. JUDGE SWAN ASKED BLOCH WHY
THE ACTUAL APPEAL COULD NOT BE HEARD AT THIS TIME. BLOCH STATED
HE WAS NOT QUALIFIED TO PRESENT THE LAW AT THIS TIME AND DESIRED TO
ARGUE FOR A STAY. HE STATED HE COULD NOT COMPLETE HIS RESEARCH
BEFORE THE EXECUTION DATE. JUDGE SWAN ADVISED HIM THAT IF HE
THOUGHT THE USCC WOULD GRANT A STAY WHILE HE WAS DOING RESEARCH
HE WAS GOING TO BE DISAPPOINTED. BLOCH THEN AGREED TO ARGUE HIS
APPEAL TODAYUKL BLOCH STARTED THE ARGUMENT ON APPEAL AND WAS FOLLOWED
BY PROFESSOR MALCOLM SHARP, U. OF CHICAGO. THEIR ARGUMENTS FOLLOWED
THE SAME APTTERN AS THAT ADVANCED IN THE DISTRICT COURT AND AS REPORTED
IN NY TELS OF THE EIGHTH AND NINTH INSTANT. USA LUMBARD ARGUED AGAINST
THE APPEAL AND AT THE CONCLUSION THE COURT RESERVED DECISION.

BOARDMAN

END

WHAT IS LAST WORD THIRD FROM LAST LINE PLS

REPORTED

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THERES ANOTHER ONE PILED UP

NY JUN 30 1953

EX-104

65-58236-1934X

File
17/17

Office Memorandum • UNITED STATES GOVERNMENT

TO : The Director

DATE: June 19, 1953

FROM : D..M. Ladd *pl*SUBJECT: JULIUS ROSENBERG, ET AL
ESPIONAGE - RALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

DATE 7/25/86 BY 3042 PWT/MLC

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Mr. David Luce in the Criminal Division called me at the request of Mr. Olney and stated that two Agents were at that time with Mr. Erdahl at the Supreme Court and as soon as the certified copies of the papers were delivered to Erdahl he would turn them over to the Agents to take to New York. I asked Mr. Luce to whom they should be delivered upon arrival at New York. He stated that he would check and call me back. He later called back and advised that the papers should be delivered immediately to Sing Sing and delivered either to United States Marshal Carroll or to Warden Denno.

I then contacted SAC Hood. He stated that Agent William Duke was leaving for New York at 2:45 P.M. on the American Airlines flight 338 and would arrive in New York at 3:55 at LaGuardia Airport; that Erdahl of the Criminal Division had instructed the Agent to call United States Attorney Lombard upon his arrival.

I checked with Mr. David Luce and he stated that we should have the Agent, rather than calling Lombard, proceed immediately to Sing Sing and deliver the papers to either Carroll or Denno as previously instructed.

done?
I telephonically contacted ASAC Whelan in New York and advised him of the arrival time of Agent Duke, instructed that he have an Agent proceed to LaGuardia Airport to pick up Agent Duke, and to advise Duke that the papers should be taken immediately to Sing Sing and delivered to Carroll or Duke. Mr. Whelan stated that he would have Agents at the airport and would immediately drive Agent Duke to Sing Sing. I instructed Mr. Whelan to have the Agent upon arrival and delivery of the papers, immediately telephonically advise Mr. Whelan as to the exact time and that Whelan should telephonically contact me and inform me as to the exact time that the papers had been delivered to the Marshal and/or Denno.

RECORDED - 82

65-58236-1936

JUN 24 1953

DML:WMJ

See me tomorrow

6/19/53

done

done
TH

TRANSLATION FROM FRENCH

ROGER RAYMOND RAQUIN
12 Passage Champ Marie
Paris XVIII, France

Postmarked:
Paris, 6-16-53

JOHN EDGAR HOOVER
Director of F. B. I.

Dear Director,

Hereby, I permit myself to ask you to kindly intervene at the Supreme Court of the U. S. for a review of the JULIUS and ETHEL ROSENBERG trial and who are to be executed June 18.

I throw myself upon your kindness as well as your goodness, hoping that you will be able to obtain a stay of execution as well as a review of the trial.

I have been agitated and I would like to ask you to plead, if you can, in their favor for a new sentence which might be in their favor, if they are innocent and intransigent if they are really guilty and the ones primarily responsible.

Hoping that you are able to do something and expressing my gratitude and my esteem I remain,

Respectfully, your devoted,

S/

RAQUIN.

TRANSLATED BY:
OLIVIA L. McMAHON:jen
June 19, 1953

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/25/86 BY 3042 PWT/MLC

INDEXED-21

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165-58236 - 1937

JUN 18 1953

6/24/53
in my hand
JUL 9 1953

EXPEDITE PROCESSING
JUN 18 1953

M^r RAQUIN, Roger, Raymond
14, Passage Champ-Maie, 14
Paris (16^e) (FRANCE)

10/17/10

à M^r John Edgar Hoover, Directeur
Federal Bureau of Investigation.

Je me permets, par ma présente lettre, Monsieur le Directeur,
de vous demander, de bien vouloir intervenir auprès des Cours Suprêmes de Justice
des Etats-Unis, en faveur d'une révision du procès des Epoux ROSENBERG (Julius et Ethel)
qui doivent périr le 18 Juin.

Je m'en remets à votre Haute Sagesse ainsi qu'à votre bonté
en espérant que vous pourrez accorder un sursis d'exécution ainsi qu'une révision
du procès.

J'ai été ému, aussi j'en demande si cela vous ^{est} possible de plaider en leur faveur
au le jugement nouveau, puisse être en leur faveur s'ils sont innocents et interrogés
s'ils sont véritablement coupables, et les principaux responsables.

Espérant que vous pourrez, faire quelque chose,

Ainsi qu'avec mes remerciements, et toute ma considération

Travaillez, Monsieur le Directeur, ainsi en mes sentiments les plus respectueux

Votre tout dévoué,

Rayquin

10/17/10

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/25/86 BY 3042 PWT/plc

June 22, 1953

Mr. Wilfred E. Denno
Warden
Sing Sing Prison
Ossining, New York

Dear Mr. Denno:

yes

The adept and sensible manner in which you met the various problems which arose in connection with the case involving Julius and Ethel Rosenberg prompts me to write to you at this time. It was most refreshing to observe that you met these problems sensibly and logically, without fanfare, in carrying out the responsibilities charged to you as Warden of Sing Sing Prison.

I am particularly mindful of the discretion and courtesy displayed by you in connection with your dealings with our representatives in this entire matter. Your hospitality, coupled with the common sense and discretion displayed throughout by you in carrying out justice, made our task much easier.

With expressions of appreciation and warm regards,

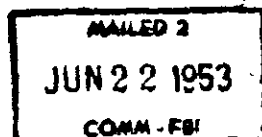
Sincerely,

J. Edgar Hoover

ALL INFORMATION CONTAINED
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JUN 23 1953

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

JUN 18 1953

TELETYPE

DATE 6/22/86 BY 3042

| | |
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| Mr. Tolson | |
| Mr. Ladd | |
| Mr. Nichols | |
| Mr. Belmont | |
| Mr. Clegg | |
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| Mr. Rosen | |
| Mr. Tracy | |
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| Mr. Gurnea | |
| Mr. Hendon | |
| Mr. Pennington | |
| Mr. Quinn | |
| Mr. Nease | |
| Mr. Holloman | |
| Mr. Gandy | |

WASH 9

FROM NEW YORK

18

8-00 PM

DIRECTOR

URGENT

G.I.R.-6

JULIUS ROSENBERG, ETAL, ESP - R. RENVTEL JUNE EIGHTEEN RE NOTICE OF MOTION FILED BY ATTY ARTHUR KINOY OF LAW FIRM DONNER, KINOY & PERLIN, ONE ZERO FOUR EAST FORTY ST., NYC, ON USA, SDNY OFFICE THIS DATE. NY INDICES REFLECT THAT DONNER & KINOY OF ONE ZERO ONE EAST FORTY ST. PREVIOUSLY LOCATED AT FIVE FIVE WEST FOUR TWO ST., NY, UNTIL LATTER PART OF FIFTYONE. FURTHER REFLECT THAT KINOY WAS AND POSSIBLY IS AT PRESENT TIME ASSOCIATE GENERAL COUNSEL OF UERMWA-CIO AND HAS WRITTEN A NUMBER OF ARTICLES FOR "UE" NEWS.

[REDACTED] ON OCT. ELEVEN, FIFTY [REDACTED] ADVISED THAT CIVIL RIGHTS CONGRESS PERSONNEL ENDEAVORED TO REACH ARTHUR KINOY AND FRANK DONNER TO INVITE THEM TO A MEETING ON THE MC CARRAN ACT TO BE HELD FOLLOWING SATURDAY AT CRC HEADQUARTERS. IN NOV. FIFTY, DONNER AND KINOY AND MILTON SCHILBOEH REPRESENTED THE INTERNATIONAL WORKERS ORDER AT A HEARING BEFORE THE NY STATE INSURANCE DEPT. THE OCT. FOURTEEN, FIFTYTWO ISSUE OF "DAILY COMPASS" A NY NEWSPAPER, CARRIED AN ARTICLE RELATING TO MC CARRAN COMMITTEE INVESTIGATION OF US CITIZENS EMPLOYED BY UN. THIS ARTICLE STATED THAT TWO

65-58236-1939

WA 9

PAGE TWO

UN EMPLOYEES, ALFRED VAN TASSEL AND JOEL GORDON, BOTH CALLED TO TESTIFY BEFORE COMMITTEE, WERE REPRESENTED BY KINOY. EXAMINATION OF NATL LABOR RELATIONS BOARD PERSONNEL FILE ON FRANK DONNER IN JUNE FORTYNINE REFLECTED HE EOD IN MARCH FORTY AS ASST. ATTORNEY IN THE LITIGATION ENFORCEMENT DIVISION AND RESIGNED FROM THE NLRB ON JAN. TWENTY, FORTYFIVE AT WHICH TIME HE WAS THE PRINCIPAL LITIGATION ATTORNEY. HE LATER ACCEPTED EMPLOYMENT AS ASST. GENERAL COUNSEL OF THE CONGRESS OF INDUSTRIAL ORGANIZATIONS IN WASH, DC AND SO EMPLOYED UNTIL JUNE FORTYNINE WHEN HE IS ALLEGED TO HAVE ENTERED PRIVATE LAW PRACTICE. IN FORTYEIGHT ACCORDING TO CONFIDENTIAL INFORMANT, DONNER WAS A MEMBER OF THE EXECUTIVE BOARD OF THE NATIONAL LAWYERS GUILD. ANOTHER INFORMANT ADVISED DONNER WAS ACTIVE IN BEHALF OF THE DEFENSE OF THE CP FROM FORTYNINE TO FIFTYONE.

BOARDMAN

END

NY R 9 WA MLT

DISC