

F.O.I.A.

JULIUS ROSENBERG ET AL.

FILE DESCRIPTION

HEADQUARTERS **FILE**

SUBJECT JULIUS + ETHEL ROSENBERG

FILE NO. 65-58236

VOLUME NO. 34

SERIALS

2026

2048

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File No: 15-58236
100-24

Re: Julius and Ethel Rosenberg

Date: _____
(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	
2025	2/22/53	Paris let HQ inland.	1/11	0/0	b7D Referred to State
2027	7/24/53	WFO rept HQ	8	8	-
2028	1/31/53	HQ let Dof	1	1	-
2029	7/28/53	Paris let HQ and EBF	1/2	1/2	-
2030	8/6/53	Benjamin memo to Re. Inmt	1	1	b1
2030	8/16/53	HQ let PH	1	1	-
2031	8/7/53	NK let HQ	1	1	-
2031	8/21/53	HQ let NY	1	1	-
2032	7/10/53	State let and Encl.	7/-	-/-	Disposition - Handled by State in '75 (4/12)
2033	8/6/53	NY let HQ and EBF	1/89	1/89	-
2034	8/5/53	Slavin memo to HQ and Encl.	1/7	1/7	-
2035	8/11/53	HQ let Navy and Encl.	1/1	1/1	-

128 116 0 12 0 16
Rev Rel Deny Ref Presumed Partial
FBI/DOJ

File No: 65-58236

Re: Robert B. ...

Date: _____
(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	
2036	8/12/53	Ny let HQ	1	1	-
2037	8/10/53	Ny AT HQ	1	1	-
2038	8/12/53	MM TT HQ	1	1	-
2038	8/13/53	HQ TT MM	1	1	-
2039	8/13/53	Ny TT HQ	1	1	-
2040	7/31/53	HQ let 3rd ...	1	1	-
2041	6/5/53	HQ let Dof	15	14	b1
1 NR	6/15/53	Court document	15	15	-
2 NR	6/11/53	Nichols memo to Tolson	1	1	-
3 NR	6/15/53	Jones memo to Nichols and encl.	1/10	1/9	1. of NIVY b7c b7D
4 NR	6/19/53	Eames memo to Nichols	1	1	-
5 NR	6/19/53	State let	-	-	Deposition Handled by state in '75 (1)

49

49

-1-
Deny

1

0

1

FBI/DOJ

Rec

Rec

Deny

Ref

Presumed

PreProc

File No: 65-58236
Exhibit 34

Re: Rosenbergs

Date: _____
(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	
6 NR	6/17/53	Nichols memo to Leon	3	3	-
7 NR	6/19/53	3 rd party let HQ and encl.	1/4	1/4	-
8 NR	6/22/53	WFO let HQ	2	2	-
9 NR	6/23/53	Nichols memo to Leon	2	2	-
10 NR	6/23/53	WFO let HQ	1	1	-
11 NR	6/23/53	State let	-	-	Disposition Handled by State in '75 (1)
12 NR	6/23/53	State let	-	-	" " (1)
13 NR	6/24/53	3 rd party let HQ and encl.	1/4	1/4	b7C b7D
14 NR	6/24/53	DoJ let 3 rd party	1	1	-
15 NR	6/17/53	Brannigan memo to Belmont	2	2	b7C
16 NR	6/25/53	HQ let DE	1	1	-
17 NR	6/26/53	Nichols memo to Leon	1	1	-

23 23 0 0 0 2
Rev Rel Deny Ref Presume Preserve

File No: 65-55221

Re: Rosenberg

Date: _____
(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	
18	6/26/53	Wickham memo to Tolson	1	1	-
19	6/20/53	HQ let 3rd party	1	1	b7C b7D
20	6/29/53	PH TT HQ	1	0	b1
21	7/1/53	HQ TT PH	1	0	b1
22	7/1/53	Brannigan memo to Belmont	1	1	b1
23	7/2/53	HQ let DOJ	1	1	b7D
24	7/2/53	Ny let HQ	1	1	b7C b7D
25	7/2/53	Ny AT HQ	3	3	-
26	7/7/53	Hoover memo to Tolson	1	1	-
27	7/10/53	DE let HQ and incl.	1/3	1/3	b2 b7D
28	7/15/53	Hoover memo to Tolson	1	1	
29	7/15/53	WFO let HQ	2	8	-

24 22 2 0 0 0
Rev Rel Deny Ref Presumed PreProc

File No: 65-58236
12-2-84

Re: Rosenbergs

Date: _____
(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	
NR	6/18/53	Court document	12	12	-
NR	8/10/53	News release	3	3	-
NR	7/22/53	NY let HQ	2	2	b7C b7D
NR	7/23/53	HQ let DOJ	1	1	-
NR	8/1/53	Bulky exhibit inventory	1	1	-
NR	8/1/53	Bulky exhibit inventory	1	1	-
NR	8/1/53	Bulky exhibit inventory	1	1	-
NR	8/1/53	Bulky exhibit inventory	1	1	-
NR	8/10/53	NY rept HQ	81	81	b7D b7C
2042	8/28/53	NY let HQ	1	1	-
2043	8/27/53	NY rept HQ	21	21	b2 b7D
2044	8/31/53	NY rept HQ	10	10	b1

133 135 0 0 0 0

Rev Rel Deny Ref Presumed PreProc FR

File No:

65-15006
12-1-54

Re:

Rosenbergs

Date:

(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	
2044	8/31/53	NY ltr HQ	1	1	b2 b7D
2045	9/1/53	Hennrich memo to Belmont	1	1	—
2046	8/27/53	Nichols memo to Wilson	2	2	b7C b7D
2047	9/17/53	BA ltr HQ	1	0	Ref to Army b7
NR	9/1/53	3rd party ltr HQ	2	2	—
NR	9/17/53	HQ ltr 3rd party	1	1	—
2048	9/15/53	PH ltr HQ	2	2	—

10 9 0 1 0 0
Rev Rel Deny Ref Presumed Per Proc FBI/DOJ



~~SECRET~~

THE FOREIGN SERVICE

OF THE
UNITED STATES OF AMERICA

American Embassy
Paris 8, France

~~CONFIDENTIAL~~

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WHERE SHOWN OTHERWISE.

Date: July 23, 1953

To: Director, FBI (65-58236)

From: Legat, Paris (65-126)

Subject: JULIUS ROSENBERG, ETAL
ESPIONAGE - R

ReBulet 7/15/53.

Classified by 3042 PWT/1mm
Declassify on: OADR 10/23/86

Refer to
STATE

The Bureau will note that, according to the enclosure, the

It is noted that the foregoing may have some connection with
the invitation reported to have been extended to JOE BARR in Switzer-
land, as set forth in paragraph 2, page 2, of reBulet.

The Bureau will also note that instant attachment confirms
along general lines information set forth in reBulet to the effect
that the French Communist Party is planning to use the Rosenberg Case
as a focal point in its campaign to divide the U. S. from its European
allies.

Efforts are likewise being made to secure
for the Bureau a copy of "Death House Letters of Julius and Ethel
Rosenberg."

closure - 1

Classified by 355/wab/18
Exempt from GDS, Category 1
Date of Declassification Indefinite

HPW:CM

77 attachment
R/S
Bey

INDEXED-80

RECORDED-80

JUL 29 1953

~~SECRET~~ ~~CONFIDENTIAL~~

UNCLASSIFIED

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FEDERAL BUREAU OF INVESTIGATION FOIPA DELETED PAGE INFORMATION SHEET

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65-58236-2026

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 X FOR THIS PAGE X
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FEDERAL BUREAU OF INVESTIGATION

FORM NO. 1

THIS CASE ORIGINATED AT NEW YORK

~~CONFIDENTIAL~~ WAD 10/1/53

REPORT MADE AT WASHINGTON, D. C.	DATE WHEN MADE JUL 24 1953	PERIOD FOR WHICH MADE 6/8-25/53	REPORT MADE BY HOWARD FLETCHER, JR. jas
TITLE JULIUS ROSENBERG, et al			CHARACTER OF CASE ESPIONAGE - R

SYNOPSIS OF FACTS: Records of US Supreme Court, Washington, D.C., reflect petition for writ of certiorari filed on 3/30/53, in behalf of subjects based on: alleged perjured testimony, WILLIAM PERL's indictment, trial and pre-trial publicity, and atomic bomb "secret" classification. Motion to file amicus curiae brief filed by National Lawyers Guild on 4/10/53 and by JOSEPH BRAININ, et al, on 4/17/53. All of these actions denied by court on 5/25/53. Application for stay of execution filed 6/12/53. Re-hearing petition and stay both denied 6/15/53. Motion to file original writ of habeas corpus filed and denied 6/15/53. Two applications for stay of execution, one by the ROSENBERG's attorneys, the other by FYKE FARMER, made to Justice DOUGLAS on 6/16/53. Application for stay filed by FARMER granted by Justice Douglas on 6/17/53. Application to convene court and special term filed by Justice Department on 6/17/53, and court met in special term 6/18/53. Order of Justice DOUGLAS granting stay of execution vacated on 6/19/53.

100 RPB

RFB 6-53

- RUC -

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HEREIN IS UNCLASSIFIED

DATE 7/25/86 BY 3042 PDM/RWS

DETAILS: AT WASHINGTON, D. C.

The records of the U.S. Supreme Court, Washington, D.C., were examined and reflected that on March 30, 1953, a petition for a writ of certiorari was filed with this court by EMANUEL H. BLOCH and JOHN R. FINERTY as counsel for JULIUS and ETHEL ROSENBERG. This petition was based on the following:

APPROVED AND FORWARDED: [Signature]	SPECIAL AGENT IN CHARGE	DO NOT WRITE IN THESE SPACES	
COPIES DESTROYED		65-58236-2027	
486 COPIES OF THIS REPORT		JUL 27 1953	
6 - Bureau (65-58236)		RECORDED - 36	
1 - Los Angeles (INFO) (RM)		INDEXED - 36	
1 - San Francisco (INFO) (RM)		P. SEC.	
3 - New York (65-15348)			
2 - Washington Field (65-5521)			

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1. Perjured testimony

~~W.D.C. N.Y.~~
~~a. the atom bomb sketch prepared by DAVID GREENGLASS and his explanation of the same with his description of the component elements, their actions, and inner actions were false.~~

b. BEN SCHNEIDER, a photographer, when he testified on March 27, 1951, said that he had made a positive identification of the passport photographs of JULIUS and ETHEL ROSENBERG when he was first shown these photographs on the morning of March 26, 1953. He also testified that the last time he had seen JULIUS ROSENBERG was when he delivered the pictures to them, however, the records show that SCHNEIDER had visited the courtroom with FBI agents on the preceding day, March 26, 1953, to secure his uncertain identification of the ROSENBERGS made earlier that morning.

c. DAVID GREENGLASS's confession that he did not consciously withhold any facts from FBI agents on the night of his apprehension, June 15, 1950, and that he had not told his attorney, O. JOHN ROGGE, to fight the case.

2. The history of the WILLIAM PERL indictment record, a scandalous defilement of the administration of justice by officials entrusted with the grave responsibility of prosecution.

3. The unprecedented volume of pre-trial and trial publicity of the newspaper caused and stimulated by the prosecutive officials made it impossible to select jurors who had escaped the hostile influence by the press. This information furnished to the press: 1) affirm the guilt of the ROSENBERGS; 2) disclose evidence which they intended to use at the trial, as well as alleged evidence never produced at the trial; 3) asserted that they were Communists and that the ideological tie was the motivation for their crime; 4) connected them with FUCHS and other confessed spies and acknowledged Communists, whom, it was said, with them were solely responsible for the Soviet's development of the atom bomb.

4. The atom bomb "secret" was, in fact, not a secret but widely known and published throughout the world.

On April 10, 1953, the National Lawyers Guild filed a motion for leave to file a brief as amicus curiae at the Supreme Court in behalf of JULIUS and ETHEL ROSENBERG.

WFO 65-5521

The purpose in filing the brief was: "the question may be stated as follows: Is a new rule of law required to satisfy the Sixth Amendment requirement of due processes in the light of the development and impact of the means of mass communication, the press, the radio and television upon legal proceedings." This motion was submitted by EARL B. DICKERSON, 3501 South Parkway, Chicago, Illinois, and OSMOND K. FRAENKEL, 120 Broadway, New York, New York, as counsel.

On April 17, 1953, JOSEPH BRAININ *Wash. D.C.* and others filed a motion for leave to file a brief as amicus curiae. On May 25, 1953, the motion of the National Lawyers Guild and JOSEPH BRAININ, et al, to file a brief as amicus curiae was denied by the U.S. Supreme Court. The Court also vacated the U.S. Court of Appeals stay of execution which had been granted by that court on February 17, 1953. On this same day, May 25, 1953, the Court also denied the petition for writ of certiorari which had been filed by the attorneys for the ROSENBERGS on March 30, 1953.

On May 26, 1953, EMANUEL H. BLOCH in behalf of JULIUS and ETHEL ROSENBERG filed an application for an order: (1) staying the issuance of the order of the Supreme Court, dated May 25, 1953, denying the petition for a writ of certiorari; (2) and staying the order of the Supreme Court vacating the stay of execution of the ROSENBERGS granted by the Circuit Court of Appeals for the Second Circuit until, and including, the ninth day of June, 1953, the time limited for the filing of a petition for re-hearing of the order of the Court of May 25, 1953, and, upon the filing of such petition, until this new petition is acted upon by the Supreme Court. The application for this stay reflected that the grounds for the re-hearing of the writ of certiorari, just acted upon by the Supreme Court would be based on the following grounds: 1) a serious question affecting the fair administration of Federal justice has come to light by reason of circumstances occurring since the filing of the petition for writ of certiorari. The interviewing circumstance was revealed by the testimony elicited in the trial of the United States versus PERL, U.S. District Court, Southern District of New York, May 18-22, 1953; 2) the courts below misconceived and misconstrued the facts (and their importance) alleged by the petitioners in paragraph 21 and 22 of their application under 28 USC S2255. As a consequence the decision of the lower courts are, in effect, the interpretation of rule 52 of the Rules of Federal Criminal Procedure which are probably in conflict with the decisions of the Supreme Court. At least one of the judges of the Supreme

Court in reiterating the expression of his opinion on the petition for writ of certiorari seemingly relied on the fact that the Court of Appeals expressly stated that it had scrutinized the record with extreme care. This assumption failed to take cognizance of the fact that one of the principal points of the petition just denied is that the court below neither acknowledged, recognized, nor treated with the petitioners major allegation of perjury by DAVID GREENGLASS with respect to his incapability to have produced in 1945 or re-produced in 1951 cross sections of the Nagasaki atom bomb and a twelve-page explanation. (4) The sentences of death imposed on JULIUS and ETHEL ROSENBERG are illegal for the reason that the sentences were in excess of the maximum allowed by law which provided a maximum imprisonment of 20 years for the offense of which the ROSENBERGS were convicted.

This application for a stay was denied on this same day. At the time of denying this order which was done by Chief Justice FRED M. VINCENT, he pointed out that the period allowed to file a petition for re-hearing would expire before the time of the execution of the ROSENBERGS. On June 9, 1953, EMANUEL H. BLOCH and JOHN F. FINERTY filed a petition for re-hearing in behalf of JULIUS and ETHEL ROSENBERG. The petitioners claimed that data developed on trial of one WILLIAM PERL, District Court, Southern District of New York, which occurred after the filing of their petition of writ of certiorari showing that the officials of the United States purged themselves. The second point made by the petitioners was that DAVID GREENGLASS's testimony concerning the lens molds and the Nagasaki atom bomb was purgerous and that the Government knew it to be so.

On June 12, 1953, ROBERT L. STERN, Acting Solicitor General of the Department of Justice, filed a memorandum in opposition to Petition for Re-hearing. On this same day attorneys BLOCH and FINERTY filed an application of stay of execution for the ROSENBERGS based on their application for petition for re-hearing, which had been filed on June 9. This application for stay was filed and referred to the Court as a whole by Justice JACKSON. On June 15, 1953, the petition for re-hearing and the application for stay filed June 12, 1953, were denied by the Court.

After the application for a stay of execution and petition for re-hearing were denied by the Court, a motion for leave to file a petition for original writ of habeas corpus on behalf of JULIUS and ETHEL ROSENBERG was filed with the Supreme Court by their counsel. This original writ of habeas corpus alleged that conviction and sentence of death were without due processes of law and violation of the Fifth

Amendment. The petition reasoned that the conviction was obtained by presentation of perjured testimony that must have been and was known to the prosecuting attorney to be perjured at the time it was offered. The petition was particularly directed at the perjured testimony of DAVID GREENGLASS and especially to his testimony in connection with impounded Government exhibit #8 (cross section of the Nagasaki atom bomb) and his untranscribed testimony relating thereto. It was assumed that if his testimony in connection with this exhibit was perjured, that his entire testimony would be impeached. The petition reflected that the only evidence that the ROSENBERGS transmitted the secret of the atomic bomb was the perjured testimony of GREENGLASS. The petition also reflected that even if such testimony were true, there was no evidence that the ROSENBERGS ever transmitted it to the Soviets or any Soviet agent. The counsel for the defense claimed that the Government introduced GREENGLASS's testimony as to exhibit #8, it knew such testimony was untrue and suspected it was perjured.

The Supreme Court took the petition for writ of habeas corpus under consideration.

The Court met in special term at 3:15 P.M., June 15, 1953, pursuant to a call by the Chief Justice having the approval of all the justices, all of the nine justices being present. The court at this time ruled that the motion for leave to file petition for an original writ of habeas corpus was denied. Justice JACKSON dissented. Justice FRANKFURTER advised "the disposition of an application to this court for a writ of habeas corpus is so rarely to be made by this court directly that Congress has given the court authority to transfer such an application to an appropriate District court. I do not favor such a disposition of this application because the substance of the allegations now made has already been considered by the District Court, Southern District of New York, and, on review by the Court of Appeals for the Second Circuit. Neither can I join the court in denying this application without more. I would set the application down for hearing before the full court tomorrow forenoon. Oral arguments frequently has a force beyond what the written word conveys."

After the court adjourned on the afternoon of June 15, 1953, the defense counsel was granted a conference with Justice DOUGLAS. Mr. FYKE FARMER and Mr. DANIEL C. MARSHALL, attorneys for one EDELMAN, who described himself as "next friend" of the ROSENBERGS were also in the conference. They conferred with Justice DOUGLAS from 5:15 to 6:30 P.M. when it was adjourned until 10 A.M. the next day. Justice DOUGLAS on June 17 denied the application for a stay of execution filed by the ROSENBERG's attorney but granted an application of stay filed by FYKE FARMER.

Acting Solicitor General ROBERT L. STERN, on June 17, 1953, requested that the Chief Justice re-convene the U.S. Supreme Court in Special Term to consider the application of the Attorney General to (1) review the stay of execution of JULIUS and ETHEL ROSENBERG granted by Justice DOUGLAS on June 17, 1953, or (2) for reconsideration and reaffirmance of the Court's order of June 15, 1953, which denied the stay of execution of the ROSENBERGS.

On June 18, 1953, the Court re-convened in special term with the approval of all associate justices with the exception of Justice BLACK. On this day arguments on the motion of the Attorney General was commenced by Acting Solicitor General STERN in support of his motion; continued by DANIEL C. MARSHALL, pro hac vice, by special leave of the Court on motion of EMANUEL H. BLOCH in that behalf; by Mr. EMANUEL H. BLOCH; by JOHN F. FINERTY; by FYKE FARMER, in opposition thereto; and was concluded by Acting Solicitor General STERN.

On June 19, 1953, the Court ruled that the motion of the petitioners for a further stay of execution is denied. Ruling on the motion for stay pointed out that the ~~full grant~~ stated was that the sentence may be governed by the Atomic Energy Act of August 1, 1946, instead of 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 relied took place as early as January, 1945. The Constitution prohibits the passing 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. The last paragraph of the opinion which was written by Justice JACKSON read as follows:

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

In the presence of the writer, EMANUEL BLOCH requested the Solicitor General later that day on June 19, 1952, to request an appointment for him to see the Attorney General and requested that the Attorney General intercede in his behalf of the clemency for the ROSENBERGS. He based his reason for making such a request on the last paragraph of the opinion of the Court. The Attorney General denied

WFO 65-5521

the request of Mr. BLOCH.

At 2:25 P.M. on June 19, a copy of the order of the Court vacating the stay of execution granted by Justice DOUGLAS was delivered to Special Agents WILLIAM E. DALY and WILLIAM W. DUKES for transmittal to Sing Sing Prison. Copies of this order were delivered to SA RICHARD MANAHAN at Ossining, New York, at 4:08 P.M., June 19, 1953.

After Mr. BLOCH was refused an audience with the Attorney General, he proceeded to the White House and endeavored to personally see the President. According to Mr. E. E. ELLIS, U.S. Secret Service, White House, Mr. BLOCH was advised by the guard on duty at the west gate of the White House that he could not see the President unless he had an appointment. Mr. BLOCH stated that he did not have an appointment although he had requested one. The guard did not admit Mr. BLOCH to the executive offices of the President.

- RUC-

WFO 65-5521

ADMINISTRATIVE PAGE

Informational copies for Los Angeles and San Francisco are being forwarded per Bureau instructions.

REFERENCE: Report of SA HOWARD FLETCHER, JR., made at Washington, D. C., on May 28, 1953.

elmont

Assistant Attorney General
Warren Olney III

July 31, 1953

Director, FBI

52852

JULIUS ROSENBERG, ET AL
ESPIONAGE - R

There is attached a photograph of a pamphlet issued by the Michigan State Committee of the Communist Party, Detroit, Michigan, regarding the captioned case. I thought you would be interested in this inasmuch as it is issued by the Communist Party.

This is for your information.

Attachment
52852

JPL:61b RLL

SECURITY INFORMATION - *WAS 1/8 10/7/53*

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JUL 31 1953
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AUG 4 1953
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FBI
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THE FOREIGN SERVICE
OF THE
UNITED STATES OF AMERICA

American Embassy
Paris 8, France

52851

Date: July 28, 1953
To: Director, FBI (65-58236)
From: Legal Attache, Paris (85-126)
Subject: JULIUS ROSENBERG, ET AL
ESPIONAGE - R

ReBulet July 15, 1953, and Paris let in reply dated
July 23, 1953.

In accordance with the Bureau's request there is being
forwarded herewith one copy of the French version of the book "Death
House Letters of JULIUS and ETHEL ROSENBERG."

The Press in France has reported that proceeds from the
sale in the United States of the American version of this book are
being used for the support of the ROSENBERG children.

Mrs Julius

Ethel Rosenberg

Enclosure (1)

HPW:AM

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~~HEREIN IS UNCLASSIFIED~~

~~DATE 10/30/86 BY 3042 PWT/vmw~~

ENCLOSURE
ENCLO. BEHIND FILE

RECORDED - 26

INDEXED - 26

165-58236-2029

AUG 5 1953

ESP

5 AUG 17 1953

ROSENBERG

WATSON

MW

65-58236-2029



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XXXXXXXXXXXXXXXXXXXXX

Office Memorandum

UNITED STATES GOVERNMENT

TO : Director, FBI

DATE: 8/6/53

FROM : SAC, New York (65-15346)

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DEATH HOUSE LETTERS

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OF ETHEL AND JULIUS
ROSENBERG

DEATH HOUSE LETTERS

OF
ETHEL AND JULIUS ROSENBERG

1953
JERO PUBLISHING COMPANY, INC.
NEW YORK N. Y.

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Ethel and Julius Rosenberg and the publisher, on their behalf, express their gratitude to those persons who have given unstinted time and thought to the task of preparing and editing the material for this book and its production.

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1953

IF WE DIE

by ETHEL ROSENBERG

*You shall know, my sons, shall know
why we leave the song unsung,
the book unread, the work undone
to rest beneath the sod.*

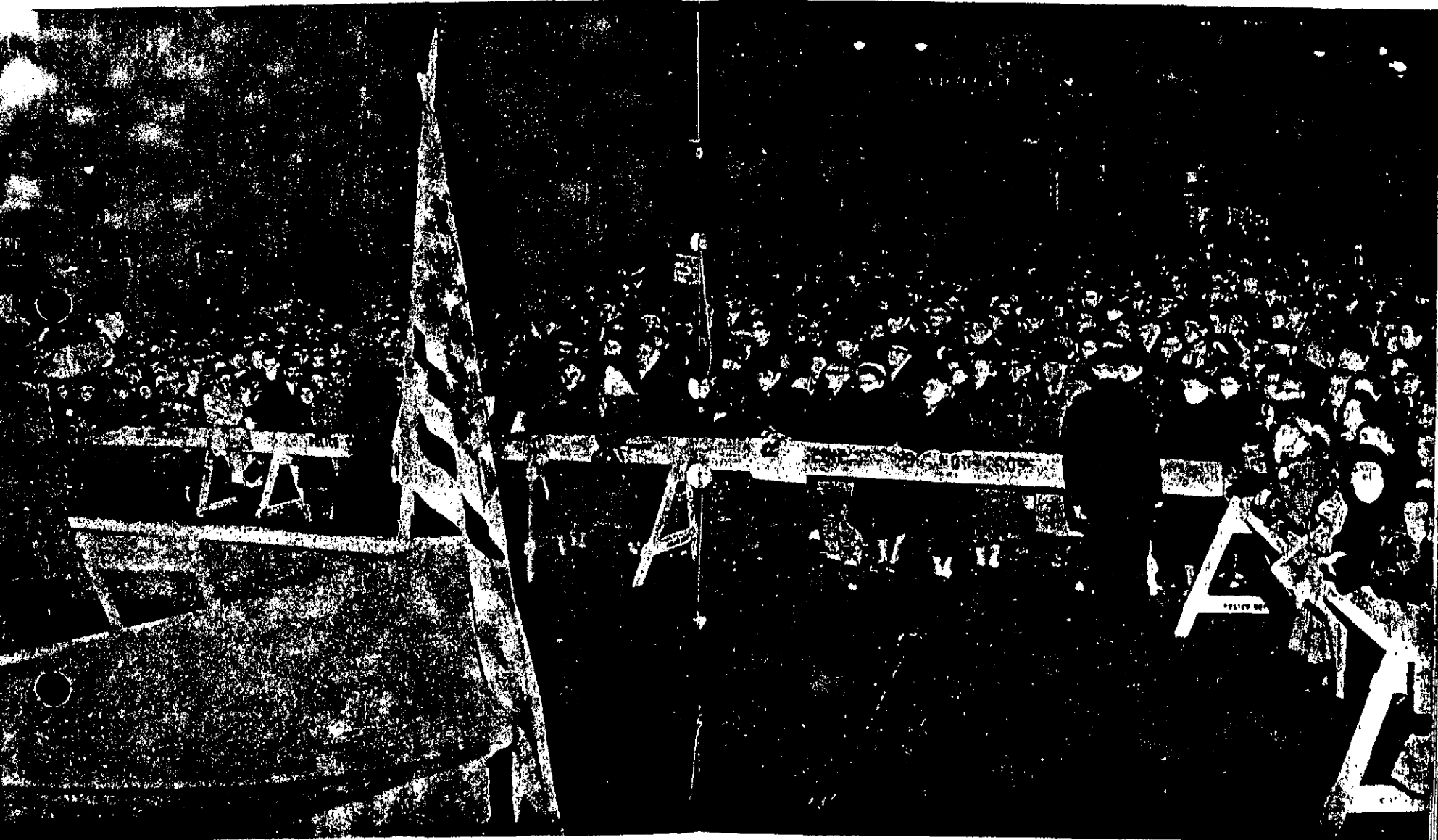
*Mourn no more, my sons, no more
why the lies and smears were framed,
the tears we shed, the hurt we bore
to all shall be proclaimed.*

*Earth shall smile, my sons, shall smile
and green above our resting place,
the killing end, the world rejoice
in brotherhood and peace.*

*Work and build, my sons, and build
a monument to love and joy,
to human worth, to faith we kept
for you, my sons, for you.*

OSSINING, N. Y.
JAN. 24, 1953





NEW YORK CITY

ROSENBERG RALLY



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THE ROSENBERGS

In the Death House

"I am sealed in the grey walls of this prison as if in a tomb. I am alone in an entire building except for the matron who guards me. I see no other human being from morning to night and from night to morning. I have no occupation other than to sit immured in the aching soundlessness of my narrow cell. I have no recreation other than to walk on a bare patch of ground surrounded by walls so high that my only view is a patch of sky. Sometimes I can see an airplane passing by; sometimes a few birds; sometimes I hear the noise of a train in the distance. Otherwise, there is always a deadly silence."

This is how Ethel Rosenberg described her life at Sing Sing in a petition for removal from the Death House pending an appeal. Julius Rosenberg is in the men's cell block which has a separate courtyard for the fifteen-minute exercise periods permitted each prisoner twice a day. Prison dress is the usual drab, formless garment, made without belts, buckles or laces. Even this was denied Ethel at first, since there were no women's clothes readily available in the Death House, and she despised the housecoat and slippers she had to wear all day.

A matron or a guard is in attendance 24 hours a day to hear every word spoken and every move made. Under no circumstances may prisoners touch each other or their visitors. When Julius sees Ethel, a fine mesh screen is wheeled in front of the bars of her cell and Julius sits on the other side of it. They are permitted to see their attorney and the children in the counsel room, where they sit at opposite ends of the table, attended by a matron and guard. Other visitors are seen in the

Visitors' room, where they sit in small cubicles opposite individual locked prisoners' cages.

There are no recreational facilities in the Death House except for a centrally-controlled radio loudspeaker. At religious services, Ethel sits apart from the male prisoners behind a heavy screen.

On the whole, the Rosenbergs are treated as humanely as the inhuman Death House regulations permit. The enforced solitude which is, at the same time, devoid of any privacy, is mandatory.

The Rosenbergs' cells are actually only 30 feet apart as a crow might fly if the iron bars, the concrete walls and the steel doors disappeared. For two years they have lived under the same ghastly roof, sustaining each other with love, courage and the firm conviction that they cannot lose the fight to prove their innocence. Written under conditions that appall even the least sensitive, the letters which follow faithfully mirror the agonies, the problems, the heartaches and the invincible strength of Ethel and Julius Rosenberg.

THE ROSENBERGS

A History of the Case

Millions of words, tons of newsprint, uncounted hours of radio and television time have been devoted to the case of Ethel and Julius Rosenberg. In every language, in every country, the ordinary citizen and the prominent one have privately and publicly debated the merits of the trial, the conviction, the death sentence.

It is the most widely-known case of our times, telescoping all the tensions of the day. While some believe the Rosenbergs guilty, as charged, many more are troubled by aspects of the trial which violate American standards of justice and jurisprudence. Many others believe the entire case is a frame-up of two innocent persons.

The Rosenbergs were normally destined to live and love and die within the small compass of family and friends in New York's lower East Side. They were an average couple grappling with the ordinary problems of a livelihood for themselves and their two children, distinguished only by their concern for others engaged in the battle to make ends meet. It is doubtful that the Rosenberg case would have been a case at all nine years ago. Dorothy Thompson has stated that: "The death sentence . . . depressed me . . . in 1944 we were not at war with the Soviet Union. . . . Indeed, it is unlikely that had they (the Rosenbergs) been tried in 1944 they would have received any such sentence."

But the Rosenbergs were tried and sentenced at a time when the cold war atmosphere had permeated every home and dominated every headline. The death sentence, pronounced in 1951

by Judge Irving R. Kaufman, with a statement blaming the Rosenbergs for the war in Korea, made them the symbol of the cold war struggle overnight.

For some, harsh treatment of the Rosenbergs is an essential weapon in the cold war, and neither the facts nor the human lives at stake are important; for some, the human lives and the facts outweigh any possible cold war advantage; for some, a tactical error in the cold war strategy is committed by compromising American justice and compassion; for some, the cold war is destroying civil liberties at home for the avowed purpose of guaranteeing civil liberties abroad; for some, the cold war itself is a menace to the peace and security of mankind.

For most, the death penalty is out of all proportion. Never in the history of the United States has any citizen been executed on the charge of "conspiracy to commit espionage," and even captured spies of enemy nations in wartime have had their sentences commuted. It is a fact that of the two major government witnesses against the Rosenbergs, Ethel's brother, David Greenglass, and his wife, David was sentenced to 15 years in prison with release possible in the next few years, and Ruth was neither arrested nor tried despite her admission of guilt on the witness stand and in sworn statements. David was not sentenced until after the Rosenberg trial, his exact punishment thus waiting upon his trial testimony and that of his wife.

As this book goes to press, the Supreme Court has before it an appeal for a new trial based on allegations of perjury by the government's major witnesses, committed with the knowledge of the government prosecution, and of fraud on the part of prosecuting officials for the purpose of procuring a conviction. The White House continues to receive pleas for a reconsideration of the executive clemency denied by President Dwight D. Eisenhower in February. It was not known, even to the White House, that Pope Pius XII had intervened for clemency in a message to the U.S. Department of Justice, until after the President's denial was made public. More than half a million Americans have signed clemency petitions and many have

expressed doubts of the Rosenbergs' guilt and the fairness of the trial itself in their pleas. Europeans have been equally concerned about the case and a daily flood of petitions, pleas from individuals and organizations, continues to reach the United States. A few of the many statements made about the Rosenberg case are printed in the Appendix.

Whatever the outcome of the appeals before the Court and the President of the United States, Michael Rosenberg, 10 years old, and Robert Rosenberg, 6 years old, have suffered grievously since the violent separation from their parents three years ago. Difficult times are still ahead for them and they must, at the least, be sheltered from physical want. The Rosenbergs' only assets today are their letters, whose editing, publication and sale they are permitting solely for the benefit of their children. All profits from sales of *Death House Letters* will go into a fund for the future care of Michael and Robert Rosenberg.

Julius Rosenberg's family has been tireless in behalf of defense and clemency appeals and has maintained a warm relationship with the children.

Ethel Rosenberg's family has not only failed to support her, but has actually been hostile in many instances. Her mother has visited her only a few times in the Death House. One of these rare visits, made just prior to President Eisenhower's denial of executive clemency, is described in a letter from Ethel to Emanuel H. Bloch on page 127.

As background for the Rosenberg letters, some of the indisputable facts of the case follow in chronological order. The complete text of the trial record and the Rosenbergs' clemency petition have been published and can be purchased from the National Committee to Secure Justice in the Rosenberg Case, 1050 Sixth Avenue, New York 18, N. Y.

Ethel Rosenberg was 34 years old and Julius Rosenberg was 32 at the time of their arrest. Both were raised on New York's lower East Side, the children of Jewish immigrants, and they met for the first time at a party about three years before they were married.

1939—Julius was graduated from the College of the City of New York. Among his classmates were Max Elitcher, a government witness against him later, and Morton Sobell, a co-defendant in the trial, who was sentenced to 30 years imprisonment. Ethel and Julius were married shortly after his graduation and lived briefly in Washington, D. C., where Ethel worked as a clerk-typist in a government office. When Julius obtained a job in New York with the U.S. Signal Corps, Ethel gave up her job. For a while, they lived with Ethel's mother in New York, and then in a series of furnished rooms.

1941—David Greenglass, six years younger than Ethel, was unable to obtain training as an engineer when he failed all eight of the courses he had undertaken at Brooklyn Polytechnical Institute within six months of enrolling.

1942—The Rosenbergs moved into their first real home, a three-room apartment in the Knickerbocker Village low-income housing project. They were still living there at the time of their arrests.

1943—David Greenglass, recently married, was inducted into the Army.

1945—Julius Rosenberg lost his Signal Corps job on charges of Communist Party affiliation, which he denied. He obtained work with another engineering company. David, by this time, was stationed at the atomic project in Los Alamos as a soldier machinist. His wife, Ruth, visited him there for several months, having paid him a similar visit the year before when he was stationed on the West Coast.

1946—Julius and Ethel's brother, Bernard, set up a small business dealing in surplus machines available as a result of the war's end. David was taken into the business following his discharge from the Army.

1947—The firm was reorganized as the Pitt Machine Products Co., Inc., to include a new partner who was able to make a \$15,000 investment in the business.

1949—Business was poor and both David and Bernie left the firm. Julius thought the company could make a go of it and decided to take over the firm's responsibilities alone.

January, 1950—Julius and David began negotiating about the purchase of David's stock in the firm. These negotiations continued up until May and a price of \$1000 was agreed upon although Julius was not able at the time to pay the sum. Intense antagonism between the families developed over these negotiations and, at one time, the Greenglasses instructed a lawyer to start a suit against Julius.

February, 1950—David Greenglass was visited by an FBI agent who queried him about persons he might have known while stationed at Los Alamos and about some uranium missing from the project. The Rosenbergs were not mentioned during this talk.

June 15, 1950—David was arrested at his home by four FBI agents who remained for about five hours, during which they thoroughly searched the apartment. A paper containing mathematical problems was found in a box of old papers and was identified as a college paper of Julius', thus bringing his name into the story for the first time. David was then taken to FBI headquarters in New York City for further questioning. By 2:00 a.m., he had given a statement declaring himself guilty of espionage.

June 16, 1950—FBI agents asked Julius Rosenberg to accompany them to headquarters to talk about David who, they said, had confessed to stealing atomic secrets for the Soviet Union and claimed Julius had told him to do it. Julius was not detained by the FBI. An attorney, O. John Rogge, was obtained to represent the Greenglasses.

Early July, 1950—David Greenglass was indicted in New Mexico on a four-count espionage charge, but his removal for trial was repeatedly postponed by agreement between his attorney and the U.S. Attorney, Irving Saypol.

Ruth Greenglass was in consultation for three days at FBI Headquarters with FBI agents, David Greenglass, Rogge and Saypol all in attendance. These conferences ended with a signed statement admitting her own guilt and implicating the Rosenbergs.

July 17, 1950—Julius Rosenberg was arrested on the charge

of having recruited David Greenglass into a Russian spy-ring in late 1944.

July 20, 1950—Max Elitcher, Julius' former classmate, was interrogated by FBI agents. Elitcher at this time was subject to prosecution on a perjury charge for having concealed Communist Party membership in an application for a government job, which he obtained. Within 12 hours of interrogation, he signed a statement asserting that on two visits to his home in Washington D. C., Julius had asked him to spy for the Soviet Union. Perjury charges against Elitcher have never been pressed.

August 11, 1950—Ethel Rosenberg was arrested leaving the grand jury room where she had twice been called to testify. Following her arrest, Michael and Robert, then 7 and 3 years old, stayed with Mrs. Greenglass for several days and were then sent to a City Welfare Shelter where they remained for nearly a year.

August 16, 1950—Ten men broke into Morton Sobell's summer apartment in Mexico City, seized him, and three days later drove him across the U.S. border where FBI agents arrested him on the charge of "Having had conversations with Julius Rosenberg over a two-and-a-half year period at six-month intervals."

August 17, 1950—First indictment was handed down accusing the Rosenbergs of having conspired to transmit atomic secrets to the Soviet Union and naming also Anatoli Yakovlev, departed Soviet consular official, as recipient of the secrets. Named as co-conspirators were David and Ruth Greenglass and Harry Gold, previously arrested in Philadelphia in May, 1950. Bail for the Rosenbergs was set at the unattainable figures of \$100,000 and \$50,000.

October 10, 1950—Second indictment was returned, adding Morton Sobell as defendant along with the others.

October 19, 1950—David Greenglass pleaded guilty to the N. Y. indictment.

January 31, 1951—Third indictment was returned, extending the conspiracy charge back to June 6, 1944, and for the

first time indicating incriminating allegations against Julius Rosenberg by Max Elitcher.

March 6, 1951—Trial of Ethel and Julius Rosenberg and Morton Sobell began before Judge Irving R. Kaufman, and a jury. Irving Saypol, U.S. Attorney, and Myles J. Lane, Chief Assistant U. S. Attorney, were in charge of the prosecution. Defense lawyers for the Rosenbergs were Emanuel H. Bloch and his father, Alexander Bloch. The case of David Greenglass was severed since he had already pleaded guilty in October. He had not yet been sentenced, however, nor had his wife, Ruth, been indicted or arrested, despite having been named as a co-conspirator in the first indictment and having declared herself guilty of the charge.

March 6-March 29, 1951—The trial lasted about three weeks, during which time both of the Greenglasses and both of the Rosenbergs took the witness stand. The prosecution, which had named 112 witnesses to be called, including such atomic experts as General Leslie Groves and Dr. Harold C. Urey,* actually put on the stand only 23 witnesses, not including any of the foremost atomic experts named.

The Rosenbergs and Morton Sobell pleaded "not guilty" to the charge and have continued steadfastly to maintain their innocence.

No documents linking the Rosenbergs with espionage were produced, despite a thorough search of their home by FBI agents, who placed in evidence only a collection can for the Spanish Refugee Appeal, licensed by the City of New York, found in their home. Other documents introduced in evidence by the government included a nominating petition for former New York City Councilman Peter V. Cacchione, a Communist, signed by Ethel Rosenberg along with 50,000 other New Yorkers; sketches drawn for trial purposes by David Greenglass which he stated were "replicas" of a lens mold and a sketch of the atom bomb which he had turned over to Julius Rosenberg with 12 pages of explanatory notes based on information pieced together from overheard conversation at Los Alamos; the torn side of a new Jello box, which Greenglass stated was

* See appendix for Dr. Urey's clemency plea on behalf of the Rosenbergs.

similar to the piece of a Jello box which his wife, Ruth, told him Julius had given her, and a matching torn side which Greenglass claimed was produced by Harry Gold to show that "Julius had sent him"; an advertisement by R. H. Macy of tables "something like" a table the Rosenbergs testified they had bought at Macy's for \$21, while Ruth Greenglass testified Ethel had told her the table was a present; a torn brown paper bag identified by David Greenglass as the bag in which he said \$4,000 in bills were wrapped and handed to him by Julius Rosenberg as a gift "from the Russians" to enable him to escape to Mexico. The actual \$4,000, it later developed, had been turned over to David's attorney as his fee for representing him.

The Rosenbergs were interrogated at length about their political beliefs and activities and were directly referred to as "communists" by the presiding Judge Kaufman, although no evidence was introduced to prove the charge. In his charge to the jury, Judge Kaufman stated "The two versions (of the witnesses) are not reconcilable. You must determine which you will believe."

March 29, 1951—After eight hours of deliberation, the Jury found the Rosenbergs and Morton Sobell guilty, as charged, of a conspiracy to commit espionage.

April 5, 1951—The Rosenbergs were sentenced by Judge Irving Kaufman to die; Morton Sobell was sentenced to 30 years in jail. Next day David Greenglass was sentenced to 15 years in jail, with the possibility of parole within a few years. Various defense motions for a new trial were denied.

April 17, 1951—Ethel Rosenberg was taken to the Sing Sing Death House, while Julius remained in a New York prison.

May 15, 1951—Julius was also transferred to Sing Sing.

August, 1951—The Rosenbergs prepared for the first visit with their children in a year and planned also to have the children removed from the Shelter and placed in custody of Julius' mother, Mrs. Sophie Rosenberg. *The National Guardian*, a weekly publication, began a series of articles on the case by William A. Reuben.

November, 1951—A national Committee to Secure Justice

in the Rosenberg Case had been organized and local committees were springing up in many communities. Julius Rosenberg's family was increasingly active in their behalf.

Winter, 1952—As activities in behalf of a new trial for the Rosenbergs increased in the United States, the case began to be widely discussed overseas. At the same time, the Committee was violently attacked. Despite difficulties in renting meeting halls, overflow meetings in Chicago, New York and on the West Coast were held. Nearly 40 committees were functioning in the larger cities, with 30 active groups in smaller communities.

The children, during this period, were growing increasingly disturbed. Their grandmother, Mrs. Sophie Rosenberg, was actually too ill to cope with two growing boys. Plans were initiated to relieve her of this burden and to place the children in a friendly home outside the city where they would have more play space and the special attention they so desperately needed.

Spring, 1952—Appeals to the Circuit Court of Appeals having been denied, an appeal to the Supreme Court was started. An *Amicus Curiae* petition for individual signatures was launched by the Committee to Secure Justice and more than 50,000 signatures were obtained in the United States, some prominent, and many just ordinary citizens who believed an injustice had been done. Meetings were held to discuss the case in this country and in Europe, where Rosenberg committees were being formed in many countries.

June 15, 1952—An edition of the entire official trial record published by the Committee at \$10 each, was quickly sold out and widely circulated abroad. Many of the professional leaders and organizations throughout the world asking for clemency were prompted to express their doubts about the trial and sentence by a reading of this full record.

October 13, 1952—The Supreme Court of the United States refused to review the Rosenberg case, without commenting on any aspect of the trial or sentence.

November-December, 1952—An appeal for executive

clemency was sent to the White House, supported by many prominent Americans, including scientist Albert Einstein, Dr. Harold C. Urey and more than 3,000 clergymen of 26 denominations. The Rosenbergs' own petition was translated into many languages and published in Europe. A vigil line of persons from all sections of the United States marched day and night in front of the White House to urge clemency. Newspaper editorials supporting executive clemency appeared in many daily papers and in the specialized press, including Jewish, Negro, labor and nationality. Leading newspapers overseas supported the appeal.

February 11, 1953—President Dwight D. Eisenhower denied clemency to the Rosenbergs and a new execution date was set. An international sensation was created by the news, two days later, that a message from Pope Pius XII had been delivered to the Department of Justice which did not transmit it to the then-President Harry S. Truman, or to President Eisenhower.

March, 1953—Execution was stayed, pending a new appeal to the Supreme Court, filed on March 30 by attorney Emanuel H. Bloch and John H. Finerty, former attorney for Tom Mooney and in the Sacco-Vanzetti case, who associated himself with Mr. Bloch in the appeal. Many meetings and huge rallies were held in major American cities and throughout the world to protest the Presidential denial of clemency.

May 25, 1953—The Supreme Court again refused to review the Rosenberg case, with Justices Black and Douglas dissenting. As this book went to press, Chief Justice Vinson had just refused a stay of execution.

In their last letters, as in their first, Ethel and Julius Rosenberg have continued to maintain their innocence and assert their determination to refuse any compromise, even at the cost of their lives. Bewildered and frightened at first, lonely and tormented by their separation from each other and their two small children, they never lost heart or courage. The love and understanding for all mankind expressed in these letters is the real heart of their strength.

ARREST AND TRIAL

Chapter 1

DEAREST JULIE,

July 25, 1950

This will have to be brief as it is now close to 1:00 a.m. and my eyes ache for lack of sleep.

Just got through hanging the clothes as Mike didn't get to sleep until 11:30. Have an awful lot scheduled before I see you again. The accountant is coming in Thursday. Received a number of bills, two of which are telephone bills. How long can I wait to pay bills?

Love you darling, miss you and can't wait until Sunday, when I'll be able to visit you—in prison. I can't believe it yet.

Best from your two boys, who never stop asking for you. It's all so strange without you, my dear one. Goodnight,

Ethel

DEAREST JULIE,

July 29, 1950

Finally got your letter this morning. First to take up the practical matters. *Dun and Bradstreet* came in. Letters already have been sent out to their subscribers cutting you off from any more credit. The accountant will be in next week. I'll be in the shop tomorrow early and will make calls to various accounts and try to get them to pay up.

I assured Charlie that if and when we decided to close the shop doors he'd receive enough notice not to be left jobless suddenly.

Gladdy (her brother, Bernie's, wife—ed.) has responded well to the new treatment. Oh, how wonderful it would be if a real cure could be effected. So far she hasn't found out about you, which is all to the good.

Poor Mike, he simply can't see why he shouldn't be permitted to see you or at least talk to you by phone. And he keeps repeating that I shouldn't neglect to tell you how much he misses you and loves you. Robby, too, asks for you constantly and I have all I can do not to break down continuously.

Please, darling, do take care of yourself and be assured of how much I am trying to justify your faith in me. I miss you terribly, though. How much I love you. See you Sunday,

Ethel

MY DEAREST JULIE,

August 12, 1950

By now you must know what has happened to me and why I am writing from the Women's Prison. Darling, I wish I could say that I am cool, calm and collected, but the fact is that—although, contrary to newspaper reports, I have not been hysterical at any time—I have shed many anxious tears. I won't be seeing you on Sunday. My heart cries aloud for you and for the children.

I never got around to discussing arrangements for them. I had been planning to this week, so that the kids should be subjected to as little strain as possible in the event I was detained. I must confess my mind does leap ahead to frightening possibilities for them. I guess I will feel lots better after I see Mr. Bloch (Emanuel H. Bloch, attorney retained by Ethel to defend Julius—ed.). By all means, sweetheart, if you have any ideas, please communicate with our lawyer and write me.

Oh, my dear husband, how precious were those last few hours I was permitted to spend with you.

It's now 8:00 p.m. and we are locked in for the night. The

window faces out on Greenwich Ave., I believe, and I can see the windows of a large apartment house across the street.

It seems that I'm only permitted to write you once a month, but today I spoke with Capt. Hubbard, who said she would consider my request for more frequent correspondence.

Sweetheart, I talk with you every night before I fall asleep and cry because you can't hear me. And then I tell myself that you too must be choking with the same frustration. Darling, we mustn't lose each other or the children; mustn't lose our identities.

I try to think of the good fine life we've led all these years, and I am agonized with my longing to go on leading it.

All my love and my most devoted thoughts to you, my dearest loved one. Please write me as soon as you can.

Ethel

DEAREST SWEETHEART,

August 20, 1950

It's 7:15 and I'm in the recreation room. I've showered and washed my things and hung them to dry. At 7:30 I'll be heading for my "house" (that's what the girls call their cells) and at 8:00 they'll lock us in for the night. Lights out by 9:00 and up the next morning at 6:30.

I received two letters from you. You must write telling me whether or not you received mine. Then I'll know the kind I wrote is acceptable. Although Capt. Hubbard has granted me permission to write you once a week, this is no guarantee that the letters will be allowed through.

Your second letter came when I was in the sorest need of it. In the main I would say that I'm taking the situation fairly well, but there are times when I'm terribly blue and depressed. Saturday was just such an unhappy day. Sunday was a little better because a great part of the morning we spent at Protestant and Christian Science services, and I had the opportunity to sing. Incidentally, it took them just a few days to realize I could sing, so almost every night now I receive various requests. One morning at breakfast I was surprised to hear a number of girls

in corridors other than my own, away across the hall, express their appreciation.

Last Friday I attended the Jewish services, which were all too short. The Rabbi intoned the prayers beautifully.

During the week there is more to take up one's time. There's visiting, commissary, an hour on the roof in the afternoon, and yesterday as I came down I was told to go to social service, and there Mrs. P. sat, bless her. (Mrs. P. was a social service worker from the Jewish Board of Guardians—ed.). She told me that a very good homemaker is now helping my mother and that Michael has been coming to see her—Mrs. P.—very willingly. Last week she took him home in a cab after getting him a sandwich.

Hope I get to talk to you in court today, darling. Love you,

Ethel

MY DARLING JULIE,

August 29, 1950

Even though we were able to spend some time together the day we went to court, it seemed to me later that there were so many other things I might have said. So let me say them now. Yet, I couldn't ever say enough—what pride and love and deep regard for you I feel. There comes to me such an abiding sense of faith and joy, such a sure knowledge of the rich meaning our lives hold, that I am suddenly seized with an overwhelming desire to see you and say it to you and kiss you with all my heart.

Sweetheart, we must go on pouring out all that we feel towards each other in our letters. How frustrating it is, though, to have only this means of communication. Last Wednesday already seems long ago and I can't wait for our next meeting.

I saw Mr. Bloch on Monday. On Tuesday, your sister Lena and your mother came to see me. Only Lena was permitted to visit me, but I waved to them both through a window while I was waiting for the elevator, and I know it reassured your mother to see that I looked my own healthy, cheerful self. In the main, darling, I am healthy and cheerful, so please try not to worry about me. Incidentally, the clinic doctor examined my

back last week and sent a report to the head doctor. It shouldn't take too much longer before I get to see her. (Ethel suffers from a spine curvature—ed.).

Let me congratulate you properly, my "lord and master," on your prowess as a chess player. But your wife is no slouch, either. Don't dare tell her, but I am knitting a lovely green sweater for Mrs. P. Now, how's that! Love you, sweetheart,

Ethel

DEAREST JULIE,

September 9, 1950

I have been informed that they are not holding up the mail on this end. If I were you I would check there; I don't see why there should be all this delay for one measly letter per week.

Did Mr. Bloch mention my suggestion concerning Michael's education? In a way it's a little too early to mention it. After all, we don't know where the children will be placed, and there might not be the kind of school we wish for Mike available.

Of course, I understand about foster-shelter and am in complete agreement with you. I, too, have been distressed—incensed—over the pressure the children are being subjected to, and can't wait for the situation to change. I have been making notes concerning the various needs of both children and the kind of handling they have been used to. I find it a very satisfying way to spend my time. Some of the desperate need to be with them and care for them is relieved as I write, and knowing our wishes are sought after is heartening.

Would that the visit with the children you speak of so easily could be as easily accomplished. Of course, do all that is in your power to make any arrangement possible.

Dearest, they'll be putting the lights out soon and then I'll be alone with you. So I pretend, anyway. Oh, how I miss you and long to be in your arms where I belong. Goodnight, darling.

Ethel

MY DEAREST JULIE,

September 12, 1950

I've received two more letters from you. Oh, sweetheart, to think our sweet, lovely Gladdy is gone! Even though I'd been expecting it, I was shocked when the lawyer told me. I don't think I even really believe it yet; it just hasn't quite registered, even though my eyes ache with weeping.

Thank you, dearest, for your beautiful words. Love you,

Eshel

MY DEAR SWEETHEART,

September 29, 1950

From the above date you will note that my birthday has come and gone. With all that you have to plague your mind and spirit, you still managed the card and telegram. I am rich in your steadfast, unfailing love. It helps me endure the heart-break of our separation and that of the children.

Each morning before rising I fight down a sense of desperation, an ineffably bitter longing to see them, an insane impulse to shriek aloud for them and for you. And then I remember, for instance, how you looked, how you sounded in court last Monday, and am conscious of a deep humility which serves not to lessen my pride in my own self but rather to feed and strengthen it.

Got a letter from the children yesterday and a card sent in their names by my dear Bernie. It was wonderful to see Michael's name in his own writing. But it hurt to know that my dear Gladdy would send no birthday greetings again. Lovingly,

Eshel

JULIE DARLING,

October 5, 1950

Since we saw each other yesterday, I've been walking around in a fog. It was difficult, even when I was back in my cell for the count and had changed into my usual duds, to realize that I was no longer with you. The all-too-short periods we occasionally spend together only sharpen my hunger for you. Do you know how very dear you are to me, sweetheart?

Miss B. (a social worker—ed.) visited me on Thursday. From all she said about the shelter, I feel encouraged about the children's future situation. She is seeing them today and will try to see you Monday.

Life takes on new hope, new meaning every time I see you. Painful as each goodbye is, there is for me a sense of taking hold, of coming to grips with hard circumstance, which stimulates and nourishes me. Your loving wife,

Eshel

MY DEAREST,

October 28, 1950

I feel so remiss over my emotional behavior today; please forgive me. This situation is playing havoc with me where the children are concerned. Think of it, it will be eleven weeks this Friday that I last saw our children. Unbelievable, unthinkable, heart-stopping. What have we done to deserve such unhappiness? All our years we lived decent, constructive lives. I awoke at 4:30 a.m. to hear a mouse squeaking almost in my ear, it was so close. A few hard bangs on the spring and he scampered out into the corridor, where he proceeded to protest loudly, but to no avail. No one else seemed anxious to invite him in. The damage was already done, however, because try as I would I could not get back to sleep.

Usually I am able to prevent thoughts of the children and our shattered home from taking full possession of me, but today I fought a losing battle. After lunch I buried myself in my newspaper while a drumming headache began to annoy me. On the roof I played one of my rare games of catch with a couple of girls in a desperate attempt to shake it. All in vain. For several hours I was on an uncontrollable crying jag, and my head felt as though it might burst. My best friend, for whom I had done the very same this morning, ministered to me with cold compresses and stern admonitions to stop crying—thus causing it to get worse instead of better. As you can see, it was just one of those delightful days in jail!

My buddy just finished giving me a shampoo and my scalp

is tingling. Altogether I feel a good deal refreshed and ready to dig in for some solid writing.

Do you know how dear you are to me? Oh, please, honey, be strong for me—I need you so to be strong for me. Lovingly,

Ethel

DEAREST,

November 14, 1950

I am way behind with my letter to you this week. Somehow, when our Friday visit is over and done with, the walls really take over, and I feel like the weekend has swallowed me.

Today I wishfully got dressed as for court and sat myself down to await word from the marshal. At 10:30 a.m. I was informed I wasn't due to go after all. So, off went the clothes back onto the hangers, down went the sheets on the bed, and off went your disgruntled wife across the corridor to another cell in a huff, feeling like an awful dope! After griping and chewing the fat a while, I decided to "enjoy" the rest of the day.

After lunch, the up and coming athletic star of this jail went up on the roof and hit three home runs. It is wonderful to punch a ball and run and enjoy wind and sun. I look at the animated faces and know a keen delight, and a sharp pang. How good, how sweet, the warm feeling of simple pleasures shared. How strange to share them in this building of walls and bars.

The one saving grace of this place, I must say over and over again, is the fact that there are such genuinely nice folks in here.

Honey, let's go home. I miss you and the kids so dreadfully—What shall I do? Hold me close to you tonight, I'm so lonely. Many, many kisses,

Ethel

ETHEL, MY DARLING,

April 10, 1951

You are truly a great, dignified and sweet woman. Tears fill

my eyes as I try to put my sentiments on paper. I can only say that life has been worthwhile because you have been beside me. I firmly believe that we are better people because we stood up with courage through a very grueling trial and a most brutal sentence, all because we are innocent.

It's very difficult for people who are uninformed, or else have no feelings, to understand our stamina. Our upbringing, the full meaning of our lives, based on a true amalgamation of our American and Jewish heritage, which to us means freedom, culture and human decency, has made us the people we are. All the filth, lies and slanders of this grotesque frame-up will not in any way deter us, but rather spur us on until we are completely vindicated.

We didn't ask for this; we only wanted to be left alone, but framed we were—and with every ounce of life in our bodies we will fight until we are free.

I think of you constantly, I hunger for you, I want to be with you. It is so painful, such a great hurt, that it can only mean that I love you with every fibre of my being. I can only repeat over and over again that the thought of you, all the happiness you brought me as a wife, more than compensates for this pain. Sweetheart, I can't let go of you; you are so dear to me. If you are able to take from me just part of the sustenance you engender in me, I am sure you will have the strength to withstand the hardships that face us.

I had a wonderful letter from Michael and it moved me very deeply. I promptly wrote, reassuring him of our love and answering his questions on a level he could comprehend. I told him we were found guilty and explained about the appeal to the higher courts and let him know everything will come out all right finally. I told him how very much we want to see him and how we are making every effort to get permission from the court to have a visit with them. On the whole I think Michael will be able to understand.

I did not tell him of our sentence. I said we will tell him all about our case when we see him. It all seems so unreal—to be

separated from our children—but the steel bars are very real. I eat, sleep, read and walk four paces back and forth in my cell. I do a lot of thinking about you and the children.

My family is 100 per cent behind us and it encourages me. I know as time goes on more and more people will come to our defense and help set us free from this nightmare. I caress you tenderly and send all my love. Your own,

Julie

DEATH HOUSE

Chapter 2

MY VERY OWN DEAREST HUSBAND, *April 17, 1951*

I don't know when I've had such a time bringing myself to write you. My brain seems to have slowed to all but a complete halt under the weight of the myriad impressions that have been stamping themselves upon it minute upon minute, hour upon hour, since my removal to the Death House here. I feel a sharp need to share all that burdens my mind and heart and so bring to naught, make invalid the bitter physical reality of our separation.

As you see, sweetheart, I have already embarked on the next lap of our history-making journey. Already there appear signs of my growing maturity. The bars of my large cell hold several books, the lovely, colorful cards (including your exquisite birthday greeting to me) that I accumulated at the House of Detention line the top ledge of my writing table to please the eye and brighten the spirit. The children's snapshots are taped onto a "picture frame" made of cardboard, and they smile sweetly upon me whenever I so desire. Within me somewhere, I shall find that "courage, confidence and perspective" I shall need to see me through the days and nights of bottomless horror, of tortured screams I may not utter, of frenzied longing I must deny! Julie, dearest, how I wait upon the journey's end and our triumphant return to our precious life! Darling, I love you.

Ethel

DEAREST ETHEL,

April 18, 1951

I received your wonderful letter this afternoon from Ossining. Frankly, I've been impatiently awaiting news from you. Whenever Manny (attorney E. H. Bloch—ed.) comes he tells me all he knows, describing how you live, and how Sing Sing affects one as sensitive as you.

Darling, your removal to Sing Sing is a cruel and vindictive action. But we agree that the Justice Department will not succeed in its campaign to pressure us physically and emotionally into letting ourselves be used as pawns for political purposes.

Your letter showed, despite emotional shock and your first sense of being almost overwhelmed by those surroundings, a marked clarity and steadfastness. It is certainly remarkable that at this early date you have begun to organize yourself. Your perfectionist passion for detail will stand you in good stead!

Now that you have made yourself as physically comfortable as possible, I suggest a very strict schedule of reading and writing, and a course of self-study, music, or otherwise. This is the only way to overcome these hardships and at the same time maintain one's own equilibrium.

If our lawyers do not succeed in bringing you back to the Women's Detention House at 10th St., I will move heaven and earth to be sent to Sing Sing to be nearer to you. I beg you not to try to sway me from this decision as this is what I must do.

This single letter of yours is indelible proof that you are a tremendous person and have the courage and perspective to come through this hell with flying colors. My wife, I stand humble beside you, proud and inspired.

It is impossible to keep the truth and facts of our case hidden from the public. Sooner or later the true picture will become known. Many people already have expressed to our lawyers and my family their desire to help us. Take heart and know we are not alone.

The monstrous sentence passed upon us, which at first stunned people, will result as time goes on in an avalanche of protest,

and this, coupled with our legal fight, will set us free.

Sweetheart, I am not trying to minimize all the difficulties you face—believe me; I am fully aware of the nightmares, the pain and the hurt you feel. I want to shield and protect you, to be with you and hold you in my arms. Yet I feel sure of you, and that sureness is the assurance that we will some day return to our precious life and wonderful family.

In a couple of days the Passover celebration of our people's search for freedom will be here. This cultural heritage has added meaning for us, who are imprisoned away from each other and our children by the modern Pharaohs.

Try not to worry too much about our sons; everything possible is being done for their welfare.

Ethel, you are just my girl, and nothing on earth can change that. Always your very own,

Julie

DEAREST ETHEL,

April 19, 1951

Good morning! It's 8:15 a.m. Friday, almost two hours past the deafening bugle taps roared over the loud speaker system. Shall I describe my prison cell?

It is three paces wide, four paces long, and seven feet high. A fine wire mesh forms the ceiling. An electric bulb struggles in vain to send its puny light through the accumulated dust that has settled on the thick pane that covers the mesh. The net result is a chill, dreary atmosphere. My eyes are incapable of more than one hour of steady reading.

Two sides are solid steel plates. The back has more wire mesh covering steel bars, and the front, steel bars four inches apart, intersecting at 10-inch intervals flat steel reinforcing bars. What do you know! I can put my hands through, clear past my elbows; I can also take in all that transpires in the receiving room. There are two beds, hanging from the right wall, one above the other. On the top one I keep my books, commissary and personal belongings. On the bottom one are

blankets, mattress, pillow and bed linens—my hard, uncomfortable bed. I somehow manage to get my share of sleeping, but not for long continuous stretches.

Directly in front of my cell is a clearing 30 feet long by 20 feet wide and in front of that passes the main traffic lane of the institution. It's the busiest spot in the place. So, you see, I am constantly under surveillance and caged in full view of all passing inmates.

Even though they are not permitted to come over to me, each and every inmate almost to a man, waves, shouts a greeting and smiles warmly as he passes the receiving room. Their support and encouragement is further revealed in their faces, and this gives me no end of satisfaction. In many ways, both open and surreptitious, their true feelings are made known to me. They respect us for the people we are, admire our courage and wish us luck.

I am sure you had similar experiences with the women inmates at 10th St. in New York City—and mind you, this is without their being aware of the facts in our case. How much more support will we get then, when the true facts of our complete innocence become evident and the nakedness of this political frame-up is revealed. When the public becomes convinced and transmits their feelings into concrete action, then, my dear, our ultimate victory is assured.

They have imprisoned us, but our hearts and minds can never, except in death, be shackled. We will continue to struggle here, as we have in the past, for peace, freedom and true justice.

To continue my day (like Eleanor Roosevelt's, only slightly different): at 7:45 a.m. an ambulatory food cart delivers my breakfast. At 10:00 a.m., *New York Times*. At 11:00 a.m., lunch. I eat sparingly, but enough to keep body and soul together. Incidentally, your husband has taken to cigarettes with a vengeance. Imagine, more than a pack a day. I have developed an uncanny knack for accurately flipping the finished butts into the toilet bowl. After lunch, a couple of hours are spent napping, an hour reading; then, more walking. It looks as if I'm

practicing for picketing. At 4:00 p.m. I have supper. Another hour of reading.

The warden has given a trusty, due to go home soon, permission to enter my cell, talk to me and play cards and chess with me. This recreation period is from 6:30 to 8:30 p.m. For about an hour beginning at about 9:00 p.m. I walk and sing songs, mostly folk music, workers' songs, people's songs, popular tunes and excerpts from operas and symphonies. I sing Peat Bog Soldiers, Kevin Barry, United Nations, Tennessee Waltz, Irene, Down in the Valley, Beethoven's Ninth Choral Symphony, and as many of the children's records as I can remember. In all frankness, I feel good and strong while I sing.

The balance of the evening I read until I get sleepy. I'm reading Nathan Ausubel's "A Treasury of Jewish Folklore." Oh, I must not omit my nightly diversion, game hunting. That's the time I massacre cockroaches.

Yesterday afternoon Manny read me the letter you sent him, as you instructed him to do. Darling, you're a wonderful girl and I love you. I too am concerned about the children and their visit, but I am sure that when it does occur we will each of us be able to handle the situation without any emotional harm to them.

Ethel, there's something that ties me very closely to Manny. He is truly a prince of a fellow, unassuming, intelligent, a deep thinker; our fellow Jewish expression summarizes my feelings for him. *Ich shep nachass und quell fun ihm*. (Literally, "he gives me pleasure and pride."—ed.) As for Alexander Bloch, I have adopted him as my father. (Alexander Bloch, Emanuel Bloch's father, was co-counsel during the trial—ed.)

Tonight, during the Passover Seder when I sing the traditional songs of celebration of freedom from bondage of our people, I will think of you, my love, and of our own redemption from death and imprisonment to a better life.

Be what you are, for I love you that way.

Julia

HELLO, HONEY,

April 24, 1951

Tonight Bob Hope is on the loud speaker system and it's hard for me to concentrate, but I'm a persistent fellow, so here goes. I've been hearing glowing reports about you. I read the two letters you sent Lena (Julius' sister—ed.), and Manny related all the details of his last visit. It all adds up to this: you are your old self again, full of spirit, spunk and in the groove.

Darling, I'm a little jealous. Everybody is being buoyed up by you. You're a fountain of encouragement to my family. I'd like to be able to lean on your shoulders and get a little special comfort from you, too. Just a little warmth and love. How I miss it.

But enough of that. As jailbirds, our lot is to be thoroughly mechanical, devoid of physiological needs. Present day penology is said to be rehabilitative and constructive. Sufficient for me to say I could write a book on its evils and another on recommendations.

Julie

DEAREST ETHEL,

April 25, 1951

As the popular prison expression for adjustment goes, "You've got it made." I shared your letter with my chess opponent. He remarked, "A terrific letter. She's in better shape than you."

Last Monday they finally let me have a half-hour of fresh air. Even though I was alone, except for a guard, I enjoyed every minute of it. I am trying to have this established as a regular thing.

I am reading *Science and Politics in the Ancient World*, by Benjamin Farrington. He gives documentary proof that the enemy of scientific growth was superstition imposed on the people by the nobles of the state and heads of the church for the purpose of maintaining the status quo and their preferred class position. Dissemination of scientific knowledge to the mass of the people was set up as the greatest crime, heresy. This is true today, as in our own case, when the government is trying to sell the people on the myth of atomic secrecy and prevent dissemi-

nation of scientific advances to the people.*

There is no substitute for our being together. The gruesome reality is that our case is being used as a camouflage to paralyze outspoken progressives and stifle criticism of the drive to atomic war. Our personal fight is linked to this general movement for peace. We see it, and somewhere, somehow, everyone must be made aware of it.

Michael scribbled a couple of words in a letter Ethel (Julius' sister—ed.) sent me. He is a peach. The kids are doing fine so don't be too concerned. How I long for our boys. It is hard to leave this, but I must go to bed now. Gosh, how sad without you. All my love,

Julie

DEAREST ETHEL,

May 2, 1951

There are three mainsprings of my life at West St.—your letters, first and foremost; consultations with Manny, and visits from my family. Your letters have become part of my being.

My family is impatiently awaiting the approval of the authorities for permission to see you. Again we have to fight in order to effectuate such a simple, decent and humane right. All my love, your own,

Julie

ETHEL,

May 9, 1951

I was terribly shocked to read that Willie McGee** was executed. My heart is sad, my eyes are filled with tears. It seems to me that the federal courts have adopted the medieval practice of the Southern Bourbons, legal lynching of Negroes, and are now attempting, as in our case, to apply this to political prisoners. They must be answered with reason and fact.

* Benjamin Farrington was one of the many thousands who later appealed to the President for clemency for the Rosenbergs. He wrote from his home in Swansea, England, that the death sentence sets an "undesirable precedent" and "lowers our conception of American justice."

** Willie McGee, Negro victim of a Mississippi rape charge, was executed on May 8, 1951 in spite of world-wide protest.

I am positive growing numbers of people will come to understand our fight and join with us to win so just a cause.

I miss you, Ethel, I love you.

Julie

MY OWN DEAR SWEETHEART,

May 19, 1951

How sad I was to leave you, and how reluctant my step as I approached my cell. It was there waiting for me, silent, inexorable, disdainful, seemingly unaware of its occupant's departure but smug in the knowledge of her eventual return.

It's only three days by the calendar since I saw the long-loved, oddly familiar, oddly strange being by whose side I had lain through how many nights—yet I am certain that eons have elapsed and that I dreamed our meeting, in any case. I see your pale drawn face, your pleading eyes, your slender, boyish body and your evident suffering. My dearest husband, what heaven and what hell to welcome you to monotonous days and joyless nights in Sing Sing—to endless desire and endless denial. And yet here, held fast by brick and concrete and steel, shall our love put forth gripping root and tender blossom; here shall we roar defiance, too, and give battle. . . .

Of course, you couldn't give free tongue to all the crowding thoughts and feelings, nor could I. Did you expect that it would be easy to open our hearts to each other under these circumstances? Yet I confess I had looked forward to some tremendous release. And when it wasn't forthcoming there remained a vague sense of loss and anti-climax, so that I was, like you, quite overwhelmed with frustration. Until your letter arrived, I couldn't even begin to express it on paper. Your lonely wife,

Ethel

DEAREST JULIE,

May 20, 1951

There has been a fine intermittent rain all afternoon and I have sat in my chair at the entrance of the yard, drinking in the fragrance of flowers growing somewhere out of my sight,

and watching the bedraggled sparrows picking dispassionately at the bread I scattered for them. Every so often the rain lets up and then I stalk disconsolately about inspecting the few green things pushing their way up through the concrete.

Growing between brick wall and stone walk are sprigs of crisply curling bright green parsley. Along another wall the leaves of a wild violet plant unfold, almost hiding two buds. Now I kneel down to a crevice in the concrete, filled with earth painstakingly accumulated from the underpart of moss, small, velvety clumps of which cling to the damp, cool parts of the yard where the sun's rays rarely penetrate. In this crevice an apple seed which I planted, and have watered patiently, is sprouting bravely. All my love, darling. Your own,

Ethel

DARLING ETHEL,

May 21, 1951

What you wrote eloquently expressed our profound frustrations, as well as our understanding and deep love for each other. The oppressive solitude that surrounds us must not succeed in removing our strong ties to the pulsating outside world. Caged here, we can only protest our innocence and stand up firmly. It is the job of the American people to stay the executioner's hand. The hardest thing for me to take is that you, my heart, are also in this *Gehenna*. Only your splendid steadfastness has made it possible for me to stand up.

Do not be concerned about my looks as I feel healthy and can take care of myself. Sunday afternoon I heard you telling the guard that you wanted to have some of your commissary cream cheese with your supper. I was thrilled to hear your voice. I was resting on the yard steps and I believe the door to your corridor was slightly ajar.

Honey, we have a license. We should be allowed to set up housekeeping here. In all earnestness, only our complete freedom will satisfy me. Until we meet, I send my kisses. Your own,

Julie

MY DEAREST SWEETHEART,

May 24, 1951

I'm slowly relaxing into a humdrum routine that's setting the pattern of my life here. I've been reviewing past events in our lives. Not that I want to live in the past, but I want to draw additional strength to sustain me through this zombie existence.

Born of orthodox parents and raised in the slum tenements of the lower East Side, my childhood memories are full of the struggles of my parents to feed and clothe five children. I remember when my father, a garment worker, was in a long strike against sweatshop conditions. Because he was a shop chairman and an active unionist, my father was blacklisted and had quite a pull to make ends meet.

The constant battle against rats and vermin still is vivid in my mind. At Hebrew school I made the class valedictory speech. I was a good student, but more, I absorbed quite naturally the culture of my people, their struggle for freedom from slavery in Egypt. I found the same great traditions in American history. As an American Jew with this background, it was natural that I should follow in the footsteps laid down by my heritage and seek to better the lot of the common man.

I found in you a profound understanding and a sweet person. You were for me. Together our perspective was clearer and life was fuller.

Until tomorrow I send you my love and heart.

Julie

MY PRECIOUS ETHEL,

May 25, 1951

It was oh, so good to see you this afternoon. Honey, I sat so reserved, looking at you through the screen, and all the time I wanted to take you in my arms, smother you with kisses and tell you in more than words of my consuming love for you. Darling, I hope we are allowed to visit on a regular basis. Even with the limitations, it lifted me out of the gloom.

How I want to tell you that this period shall pass quickly and we can once more take up our joyous happy family life. Let us continue to live up to our motto, "courage, confidence, and perspective—"

Yesterday my package of letters and pictures finally arrived from West St. I checked them through, reminisced a bit, and promptly obtained a piece of cardboard and mounted the six pictures of the children. One of the guards cut diagonal slots in each of the corners of a pencilled layout and by inserting the pictures they were neatly set up. Now their faces smile out at me over the books and toilet things on my table. Theirs is such a hard lot, bewildered as they are by events; no parents near to love and help guide them. We must be strong, darling, to take over once more our rightful place as mother and father.

Through the 100 feet of matter and space which separate us I send my all. Love from your very own,

Julie

DEAREST JULIE,

May 27, 1951

I loved your letter. Can we ever forget the turbulence and struggle, the joy and beauty of the early years of our relationship when you courted me. Together we hunted down the answers to all the seemingly insoluble riddles which a complex and callous society presented. Those answers have withstood the test of time and change, and still stand for all those who are not afraid to look and see and examine as we did in that far away time. It is because we didn't hesitate to blazon forth those answers that we sit within the walls of Sing Sing.

And yet for the sake of these answers, for the sake of American democracy, justice and brotherhood, for the sake of peace and bread and roses, and children's laughter, we shall continue to sit here in dignity and in pride—in the deep abiding knowledge of our innocence before God and man, until the truth becomes a clarion call to all decent humanity.

There was once a wise man, whose name I forget, who

marvelled at the "indestructibility of human character." Beloved, we shall prove him right; perhaps then other human beings will believe in their indestructibility too, and rally to our defense and their own. Your own,

Ethel

MY DEAREST,

May 29, 1951

When you write next, darling, will you remember to send me the lines of the verse that Michael composed for your birthday? I don't know when I have been so thrilled by anything.

What solace to hear your voice during the Jewish services. And your contribution to the general discussion after the sermon was certainly *à propos*. Did you agree with my comments, incidentally? I think the Rabbi a fine, intelligent, sincere young man. What was the reaction among the other men? I sensed a warmth and spirit of good will toward him, and toward me, for that matter. Today I felt this friendliness reaching out to you, too; I have an idea, my one and only, that you very definitely have arrived and are now a veritable pillar of "CC" (condemned cells—ed.) society.

I can't help but think of those newspaper articles and their insinuations that we don't want our folks to visit us and are not interested in requesting visits for ourselves. I have nothing but contempt for this kind of thing—

Dear one, it is torture without you! All my love,

Ethel

MY DEAREST WIFE,

May 31, 1951

Michael's birthday card to me showed a picture of a sailboat on a lake, and under the printed verse he added in his own hand:

"The Merry Wind is blowing

My lovely words are flowing—Michael."

This, my dearest, is our eight-year-old.

The books sent to me while I was at the Federal Detention House were denied me, but I've received, I believe from Manny,

The Rise of American Civilization, by Charles and Mary Beard. Between that and Thomas Wolfe's *You Can't Go Home Again*, I have enough reading material for the present.

The Jewish services were impressive. Naturally, light of my life, your contribution hit home. The men here have deep respect for you and hold you in high regard. You impress them as one who knows how to handle herself. This is not me speaking; I am just reporting.

Lena sent me a letter and told me how they repaired your old ironing board, washed my shirts and socks and put all our clothes in order. You see, they are all prepared for our eventual homecoming.

Shut away from the world, reading lies about ourselves in the papers, and finding myself and my wife condemned to an early doom, it takes every ounce of my strength and all my understanding to stand up. However, seeing you, hearing your voice and receiving such letters makes it seem easy to take all this in stride.

We are not afraid, as right is on our side. All the ingredients of victory are present in spite of a long and tedious road. I send all my love. Your own,

Julie

SWEETHEART,

June 6, 1951

I can't wait to see you Friday, for more than the usual reasons. You see, today I received two wonderful snapshots of the children in a letter from my brother Bernie that I want very badly to share with you. The sight of their amazingly mature features will hurt, though I realize that their growth is taking place without us— And the horrible idea, of which I am never completely rid, that we may never be with them again drives relentlessly through me. It is blood-chilling.

I'm afraid I'm not being exactly cheerful. If only there are no hitches in our plans for the children, perhaps I'll be able to develop a little peace of mind. Always loving you,

Ethel

HELLO SWEETHEART,

June 12, 1951

Heard your sweet voice and intelligent offering at services today and received a lovely message from you. We're all-right people, who practice what we believe, and that is, as the Rabbi put it, "Do unto others as you want them to do unto you." Many people can have different interpretations. To me, it is not a theoretical thing, but a living, practical philosophy which when put into effect signifies the real brotherhood of man.

It is amazing how intellectually stimulating Jewish services can be and how worthwhile, especially to us so incarcerated. Discussion and advocacy of ideas is the mainstay of American life and of modern democratic principles. This religious service set me thinking about the recent Supreme Court decisions (upholding the Smith Act—ed.). What a blow to constitutional, political and, yes, religious freedom this is.

The pictures of our two sons keep flashing through my mind. Denial of family and freedom is tantamount to a living death. To maintain our equilibrium in face of all this emotional pressure is our job right now.

Without a doubt, my sweet, when I go to bed you're in my arms and we lock out the bars and the nightmares. But the morning rays of sunshine rudely awaken me and announce my forced separation from the love of my life.

Take heart, the future will be wonderful. Love,

Julie

MY PRECIOUS ETHEL,

June 13, 1951

At times I feel like singing, doing something creative, as a warm glow overcomes me, enumerating your virtues. The harder the frustration and pain, the more glorious the final reunion.

Already a brief outline of our Circuit Court appeal gives me new courage— If one is able to withstand this terrible ordeal and on top of it use time constructively here, then that person has accomplished the maximum under the circumstances. When I look at our children's pictures I tell them that when they

understand they will be proud of their parents, that they'll hold their heads high.

Our spirit is good and our hopes for a successful appeal are based on solid ground. Given an even chance under the law, we must win. Adorable wife, we're pulling hard, but the reward is great. Keep it up— Your own,

Julie

DEAREST GIRL,

June 17, 1951

Friday! It was glorious. Seeing you and hearing you, your words of wisdom, and watching your eyes, enjoying your agile mind, always probing, deep in thought, precise in analysis and exacting in detail and never a hasty decision. Is it possible that all this can hide endless pain and torture?

How I hoped to be with you the moment my sister told you the splendid news about the children. I heard your joyful shout and it was music to my ears. We have passed another milestone, and I'm positive this will ease that ache in your heart. Over and over again my Mama wanted to see you and tell you all she will do to give our children all the love, comfort and understanding they need, and she is constantly hoping and praying for us to come home soon. She sends you a warm embrace.

Today is Father's Day. I'll bring along the cards I received to show you on Wednesday. And our 12th wedding anniversary! How vividly I remember that lovely Sunday in June. Even with this outrageous imprisonment and sentence, we can say that our life has been fruitful.

You, my dear, have held the key to our growth and advancement and continue to be our bulwark. To you, my wife, friend and fellow victim, on this day of ours I send my total love.

Julie

MY VERY DEAREST,

June 18, 1951

I sit here feeling like a perfect hog for wallowing in tears of self-pity instead of writing you this weekend; reading your

words and knowing there are none from me to make up for our separation this 12th anniversary of our marriage. Yet I never was so much in love with you as I am today—

It is incredible that after 12 years of the kind of principled, constructive, wholesome living together that we did, that I should sit in a cell in Sing Sing awaiting my own legal murder, greeting you in this anguish on what would have been a joyous celebration of two memorable days. Incredible, too, that you should receive felicitations as husband and father in another cell, in which you sit in anticipation of a similar doom!

I love you with all my being and want desperately to be worthy of you. Always and forever,

Ethel

DARLING ETHEL,

June 20, 1951

By the time you receive this, spring will be officially over. Not only a young man's fancy turns to love, with spring. So far as this old married man is concerned it served to add fuel to damned-up passion. How many wonderful summers we spent together. Spring Glen, 1939. Remember the photos from our honeymoon? In many ways you are prettier and lovelier now even than then. In spite of your temporary burial in this tomb it is impossible to hide your sparkle. Darling, since I saw you this morning I am inspired—How much you have given me, what understanding you have given in guiding our sons.

At times I feel power enough to blow the mask of this horror away from our lives. But I'm not under any illusions. I know we have to be strong as iron to withstand an existence empty of all the beauties and freedom of civilized living. Tilt windmills, shout in the wind—we don't have to do any of these things. Truth and justice are as powerful as nature's bolt of lightning. Sooner or later the truth has to be known, that we are totally innocent in this ghastly political frame-up. All my love,

Julie

DEAREST,

June 22, 1951

Good morning. It was sweet to see you Wednesday—Only it's miserable to sit there cozily talking and yet not to touch your hand or your face.

You will be overjoyed to hear, as I was, that your mother is moving ahead with dispatch and, at this very writing, already may be settled in the new apartment. The beds were expected yesterday and they are packing feverishly. I am beside myself—

I'm afraid your bulwark, as you so fondly call me, is leaning too heavily on you these days. Never mind, we will win through yet; our task is to find the strength to endure until the day when we can return to each other and our children. Your loving wife,

Ethel

SWEETHEART,

June 24, 1951

Somehow I get the feeling that all will work out well with my mother. I can't wait to hear how the kids have begun to take their own home. This will give us the opportunity to have a hand in their upbringing. I hope I'll be able to establish a running correspondence with Michael so that we'll be able, even though in a remote way, to live through some of their joys.

Just keep telling me with your pencil, with your eyes, your smile and your will, what you have told me in the past, and our team must win. Of course, I'm head over heels in love with you, but for the time being I can only convey my heart to you in this manner.

Julie

DEAREST LOVE OF MINE,

June 30, 1951

The intolerable loneliness of this place seems to have entered into my very bones today. The gloom and rain have contrived to drag out the already interminable hours— And yet, lest I appear discouraged, and my confidence shaking, let those who

would destroy me and mine know that I shall endure, head held high and spirit unimpaired.

There, now I feel better! *No Pasaran!**

Your son Michael sent me a precious letter, informing me that both he and Robby are expected to attend day camp beginning tomorrow, and describing a visit to the apartment by Ethel, and two friends. I am so thrilled by the apparent progress that is being made I could weep with thanksgiving. At the same time, I so long to see them I could scream— Love you, my very dearest. Ever yours,

Ethel

MY DEAREST ETHEL,

July 4, 1951

Fortified by Ossining Manor's delicious ice cream on this Independence Day, I'm making a celebration of this holiday for freedom. I clipped out a copy of the Declaration of Independence from the *New York Times*. It is interesting to read these words concerning free speech, freedom of the press and of religion in this setting. These rights our country's patriots died for can't be taken from the people even by Congress or the courts.

Certain politicians would use our case to frighten liberal and progressive people, but we are exposing this frame-up and we are not alone. It is a fight for our very lives, but also part of a fight for justice and free thought.

Darling, the children are terribly disturbed. They have been brutally shocked and wronged and need us. But in a little time the loving care of my mother and the warm attention of our family and friends will go a long way to lessen their tensions. We've got to have the strength to do our best, more for their sake than our own. How I miss them and love them.

The news of the possibilities of peace is of tremendous im-

* "They will not pass!"—The watchword of Madrid citizens defending the city against Franco's troops during the Spanish Civil War.

port. (Peace talks had been initiated in Korea—ed.) We, together with the world's millions, have a great stake in the outcome. Ah, my darling, we must continue to strive, hope and fight for what is ours. Love,

Julie

MY SWEET JULIE,

July 5, 1951

I am greatly heartened by your letter on the children. It was the picture that Lena painted of them that so distressed and alarmed me— Oh, sweetheart, after our visit yesterday I lay on my bed weeping bitterly for them and filled with anger at those who would rob them of their childhood—

6:30 a.m., July 6— Good morning! Am up early so that I can get off this scribble to you. To go on with my July 4 celebration—the arrival of the state's ice cream jarred me loose a little from my sorrows. But I choked up occasionally, thinking of the ice cream orgies we used to enjoy with the kids. I recalled "Cherry-Oonilla," incidentally, when I wrote Robby. After a while, some of the pain gripping me eased. It needed only a radio program, and "Ballad for Americans," for the finishing touch. With Frank Sinatra's recording of "House I Live In," I had a tremendous upsurge of "courage, confidence and perspective!"

Julie dear, I have such utter respect and regard for you; how well you know the score, and what a good example you set me! Hold me close and impart to me some of your noble spirit! Always lovingly,

Ethel

SWEET ETHEL,

July 12, 1951

You recall I wrote the warden about the news item in Walter Winchell's column.* He replied that "I wish to advise that this office did not, nor to my knowledge have any guards, given this

* Walter Winchell's column in the N. Y. *Daily Mirror* carried the following item on July 4, 1951: "Julius Rosenberg, the atomic spy now in the death house, told guards: 'If I could last 2 or 3 years, I'd be rescued by Soviet airmen.'"

information to any newspapermen and I cannot find where you made any such statement."

Of course, this is all he could do within the limits of the institution's regulations.

My sister Ethel writes that she was over to see Mama on Tuesday. Robby's fine and Michael likes the day camp very much. Mama's window is overlooking the river and also the railroad track. It is a beautiful sight and naturally the view is just the right thing for Robby. He is constantly watching the boats and trains passing by.

I finished *Birth of Israel* by Don Grandos, lent me by the Rabbi, and recommend it highly.

We must continue to find strength in the kind of people we are and in our love for each other. Be with me always, courageous woman. Always yours,

Julia

MY DARLING,

July 15, 1951

Here it is Sunday evening, and cabaret night starts in the C-C's. We have the radio on, I've read the comics and newspapers, played ball and taken my daily shower and am writing to my wife and children.

I've been reading Ullman's *The White Tower*, and at present I'm reading Gene Fowler's *Good Night, Sweet Prince*, a biography of John Barrymore, and I'm positive you'll like this one. I'm really struggling to fill the endless hours. This week I managed a couple of chess games.

Somehow it seems long ago that I saw you and everything is strange and distant. An empty feeling grips me. By the time you read this letter it will be one year that I have to all intents and purposes stopped living—

Let me assure you that when I'm with you, when I read your letters and when I'm busy reading I am completely removed from this emotional barrenness—I believe I'm courting you all over again. It's exciting and fascinating, more so be-

cause I'm sure of the excellence of the product and positive that it is mine!

Ethel, my wife, there must be an end to this misery of ours and we must be vindicated—With all my heart, your own,

Julia

DEAREST,

July 19, 1951

It's 8:30 p.m. Spent the day reading Wolfe's *Look Homeward, Angel*. Beautiful prose. I played a game of handball before the deluge drenched the court. Did you ever notice the comfortable feeling one gets reading and listening to rain? I thought, what a wonderful world we live in, and how much man could do with full utilization of his creative ability.

I was shocked to read in the day's newspapers that our government was moving to make a deal with Spain. Fascist Franco is going to help defend "democracy"—It must be strange to many that all the time it seems necessary to ally ourselves with the most reactionary, feudal and fascistic elements to defend democracy. Something is very rotten in Denmark!

I sit here looking at the smiling faces of our two sons. This unearthly madness and brutality has no right to hit at defenseless kids. We must not let this make a permanent mark on our kids—

More than a year we've been apart. Because ours is an all-encompassing relationship I've been able to stand this separation and even the possibility of death. Yes, facts, truth and right are on our side and we must triumph in this appeal. I'm sure our lawyer will do all possible to prevent another political verdict and obtain one based on *judicial* merits. You remain my hope—Always proudly your husband,

Julia

CHILDREN'S VOICES

Chapter 3

DEAREST,

July 19, 1951

Yesterday there arrived another letter from our big son in which he proudly informs me he is a "B" swimmer and therefore a "high" swimmer! Obviously he is making progress.

More about the emotional problems of the children— Ethel told me that even with the woman's expressed willingness to stay with Robby at the day camp all day, the child turned the idea down with flat finality and even bitterness.

I want you, sweetheart! Many kisses, my love,

Ethel

MY DARLING JULIE,

July 25, 1951

This morning I was far too agitated to touch on some of the questions with which we may have to cope during the children's visit next week.

The most important thing is to take the attitude that we won't be able to answer every question with all-inclusive finality, and that this visit is simply the opening gun in a campaign that will have to continue. If we can manage to give them the impression that we are not unduly upset, we will be setting the stage for the proper reaction.

Here is what I have been dreaming up as a sample of the

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conversation that may take place. I'm putting it in the form of a monologue:

"Of course, it's not easy to know about the death penalty and not worry about it sometimes, but let's look at it this way. We know that a car could strike us and kill us, but that doesn't mean we spend every minute being fearful about cars.

"You see, we are the very same people we ever were, except that our physical selves are housed under a different roof from yours. We feel bad that we are separated from you, but we also know that we are not guilty and that an injustice has been done to us by people—people who solved their own problems by lying about us. It's all right to feel any way you like about those people, so long as your feelings don't give you pain and make you unhappy—"

Naturally the words are probably not quite what I shall use in speaking with them. But I just had to share my thoughts with you, even if imperfectly. Love you—

Ethel

MY DEAREST WIFE,

July 29, 1951

What you say and the words you use in expressing it are so excellent that I can say it best in the famous Jewish saying, "From your mouth to God's ear." Your suggestions on the meeting with the children are good.

Wednesday will be the fifth anniversary of my Father's death. The passing of this fine, intelligent, sensitive, loving father was a great loss to us, Ethel. I'll ask the Rabbi to burn a candle in his memory and I'll say Kaddish (A prayer for the dead—ed.) at Jewish services.

We've got to go over all the details about the school, social life and emotional needs of our boys. Many things have to be set in motion before their summer vacation is over.

The devotion and loyalty of my family continues to be comforting— They are behind us 100 per cent.

Keep your beautiful face glowing. Love,

Julie

HELLO MY PRETTY,

July 25, 1951

Finished winning my chess at 9:15 p.m. and it was a long battle right down to the finish, and I have to hustle to get this note off to you.

Time doesn't stand still. Right now I'm looking forward to seeing my own sons after more than a year. Even though it's an entire week off, the tension is mounting and I'm going to have to exercise a maximum of control to keep my anxiety down.

I am glad you are going to break the ice with the kids because I am certain you will come through beautifully and set the stage for my visit. You know, I just had a wonderful idea. The children will get a kick out of it. I'll make pages of pictures of trains, boats and buses and I'm positive Michael, and especially Robby, will like them. What do you say?

Honey, a man is asking for the pencil. Tonight, my love, you can sleep peacefully, as progress is being made. We are confident of a glorious future together with our children. All my heart to you,

Julie

HELLO DARLING,

July 29, 1951

I shall do all that is within my power to set the children at ease and prepare them for your coming. Do try to lay aside some of the anxiety meanwhile. Believe me, I am trying to convince myself, at the same time!

You can't make me jealous with your boats and trains; I have an envelope full of rare specimens collected with painstaking care by that intrepid hunter of wild insects, your wife!

Yours will be just the thing, though, particularly for Robby, who may be a little shy and strange with us.

Oh, yes, if Michael neglects to question me as to the form of the death penalty, this job will fall to you. In which case, answer briefly that it is painless electrocution, which we believe will never come to pass, of course.

Believe me, children are what their parents truly expect them to be.

If we can face the thought of our intended execution without terror, so then will they. Certainly, neither of us will seek to dwell on these matters. But let's not be afraid, and they won't be either. All my love, darling,

Esthel

DEAREST,

August 1, 1951

Just a brief resumé of today's occurrences. This morning found me restless, tense and very anxious. When the sound of your voices drifted down to the cell block my tension began to vanish. Robert's shrieking was music to my ears.

After lunch I went into the counsel room and the kids were hiding behind the door. When I hugged them they seemed small and far away. I was a bit dazed. I choked up and my eyes teared and Michael kept repeating, "Daddy, your voice has changed."

After a couple of minutes I was back on an even keel. A round of kissing and hugging and then Robby sat on my lap. His peaked thin face and big eyes looked up at me and he said, "Daddy, why you no come home?" I carefully explained. "Why did you not visit us Sundays at the Shelter?" Again I explained. Naturally the baby couldn't understand. He dashed around the room and played with the chairs.

I gave the boys a bag of hard candies and showed them the drawings of trains, buses and cars. Michael spent most of his time drawing trucks with a pencil— The big fellow was reserved and shy. He hardly looked at me. Using your suggestions I asked what you had discussed. He finally said a few things about Dave, your mother and Ruth.

The only time we really got warm was after explanations about your family. Then he popped out, "Was there an *amicus curiae* in your trial?" and "Who besides Mr. Bloch was a witness for you?" The fact is both children are disturbed.

One thing Michael said stands out, and that is that it would

be better if he himself were here and not I. Of course, I could not develop very many things in this first visit. Some songs and a talk on the playschool loosened the kids up.

You set a good tone for the visit and it went off better than I had expected. Do you know that your boys insisted that the guards frisk them? The children said that you look smaller. I pointed out to them that I am *sans* mustache and the little one asked, "Where did it go?"

It was evident to me from what they said that they don't play with their blocks, tracks, clay, erector set and other materials. It may be that the things are lost or just not available for their use.

We'll have to go into this in detail. Darling, the children need us and I hope it will not be much longer, our separation from them. Michael told me about our room being ready and about Grandma shifting to the living room, showing that he is all set. After I left them I felt I tore out a piece of heart. Love,

Julie

MY DEAREST LOVE,

August 1, 1951

My heart is leaden within me. I'm afraid I was anything but calm although Manny probably indicated to you that I was wonderful. And to judge by outward appearances, I guess that I was. But as I smiled and kissed the children, I was experiencing such a bewildering assortment of emotions that I don't think I was enough in control of myself to have accomplished anything very far-reaching. Actually, I doubt anyone else could have either; after all, a first visit after a year's separation can hardly be expected to do much more than break the ice.

Nevertheless, I am unable to set aside my sense of let-down and frustration; nor can I, needless to say, escape the terrible ache and longing that relentlessly pursues me now that I can no longer hear the sweet sound of them.

And yet I am also full of pride and joy. See you Friday—Love,

Esbel

MY OWN DEAREST,

August 2, 1951

Your very vivid description of the children's visit moved me deeply—I love them so much, how shall I ever go on enduring without them?

The picture of my bewildered, sad-faced baby with the haunted eyes and serious mien is a sight I cannot put out of my mind. And Michael, with his deceptively cheerful demeanor and flippant chatter, doesn't exactly allay my anxiety, either. They need help urgently, make no mistake about it; and there are a number of suggestions I am impatiently waiting to share with you. I have jotted down some and will add things right up to your scheduled arrival in No Man's Land!

I think I had better go to sleep. The tears have begun again. Darling, I need you, love you—oh, my God, where is there an end to this wretched, horrible torment! Goodnight, Julie dear,

Esbel

MY DEAREST,

August 5, 1951

Misery and grief we have in plenty, and I fully understand and share your anguish, but we are very well qualified to organize the proper program of rehabilitation for our children.

The visit with them showed me the cold reality of our situation. I suggest you make an outline step-by-step, and we will talk with Manny and members of my family and give them our recommendations in writing. The entire home, play and materials situation needs a radical change.

I think every effort should be made to get Mike into another school and to try to get the baby to attend nursery school. Mind you, I'm not alarmed, as I feel the necessary conditions exist to do a good job. In all future plans for the children I'm counting on your analytical mind and sense of detail to help carry the ball for us. Always your own,

Julie

DEAREST SWEETHEART,

August 7, 1951

I awoke Saturday with a dull throbbing head and sick feeling in the stomach, the understandable aftermath of a week of emotional stress and storm. I'm fit as a fiddle once more, however, so don't be unduly concerned—

I love you for your tenderness and devotion and courage. It hurts to know how you suffer for your wife and children. It's your continued appreciation of my problems and belief in my ability to solve them that sees me through each bitter day. Your always loving,

Ethel

MY OWN DARLING JULIE,

August 9, 1951

Did ever a woman have a husband such as you? No, no woman ever did! And what has brought on this affectionate outburst, do you think? Well, while rummaging around "among my souvenirs" today, I found your Mother's Day card with its touching tribute, and recalled how simply floored I was to receive it. I recall how Manny glowed to see my response when he delivered it, and his prideful flourish as he produced the *pièce de résistance*, Michael's class picture. How merry and bright his eyes are—and he is standing in the back row with such an air of belonging and mature cheerfulness that I am positively thrilled. I also experience such a stab of longing for my boy that I could howl like a she-animal who has had its young forcibly torn from her! How dared they, how dared they, the low, vile creatures, lay unclean hands upon our sacred family? And tell me, oh, my sister Americans, how long shall any of your own husbands and children be safe if by your silence you permit this deed to go unchallenged!

My last visit with you seems dim and distant. But I see you, nose pressed determinedly against that outrageous, yet ludicrous, wired barrier that separates us, eyes brimming over with mischievous devilment—I kiss you good night, with all my heart.

Ethel

MY DEAREST JULIE,

August 13, 1951

Already my mind is leaping ahead to Wednesday morning. It is when you cross the distance that separates us and call out your cheery greeting that I come alive once more and know that I am still my own self and not some fantastic being from another realm. Still, I think I have progressed to a point where I am more capable of accepting the prospect of many more dreary months here without undue agitation. I am kind of beginning to dig in and want desperately for this philosophical mood to remain with me!

Actually I have begun to feel I am merely waiting out the time before I am sent home to you and our boys; in all decency, in all justice, there can be no other end to this horror. So, say I, let's be gay about it; at least, I needs must draw such a conclusion, else why have I been singing these last two days?

The children's visit, I believe, is at the bottom of my rising optimism and they are indeed cause for singing in anybody's book. Manny's last visit, too, was most encouraging. Certainly, it grows clearer that a reversal is in proper legal order. I love you, darling—Ever, your,

Ethel

MY MOST PRECIOUS ETHEL,

August 16, 1951

How the pattern keeps unfolding. More political arrests, disregard for the rights of people and for the Constitution, and a greater hysteria through the country. Now is the time for the people to stand up and defend their rights.

Lena sent me a letter and among other news told me of Michael's sleeping problem, that he wants to sleep with Mama. She said she'll discuss this with us when she sees us Saturday. Just like his mother and father, he thinks all the time and finds it difficult to fall asleep. He wants us, his parents, to kiss him goodnight and put him to sleep. This kind of stuff tears my heart out.

So much strength is needed. Only our complete freedom and an early reunion with our family can serve to heal the

harm done to us. No matter what, I'll continue to fight for vindication. All my love,

Julie

MY VERY DEAREST,

August 16, 1951

I have the curious feeling of living in a world beyond whose walls no other world exists; in jail terminology, I've "made it." I've "arrived," because the "street" no longer forms the magnet, the painfully plaguing goal, it once did. The carefully drawn demarcations of the area in which I am permitted have dissolved, because there is no longer any other area.

This seems to be the frame of mind toward which I tend. I am conscious of a need to remain immersed in my own being that amounts to an actual resistance to showing my thoughts and feelings. Oh, I make plans about the children, and you, but—it's as though I don't really believe these events will transpire; they are dreams I have yet to dream. I withdraw into myself and a lethargy and lassitude envelop me. Yet this outside world which I apparently have renounced is more sharply with me than ever, by dint of the fact that the situation here holds so much less strangeness and terror for me than it did.

I know it's all very paradoxical and maybe my brain is so worn with poking and pulling that it can't function—I love you,

Ethel

MY DEAREST,

August 23, 1951

There is a sweet serenity about this blue and golden day. I drink in the bright sun and air and know myself intoxicatingly alive and strong!

Now to the point: darling, your mother's life and strength are being sapped so appallingly that I am heartsick at her appearance. I wrote Manny urgently requesting an audience with him early next week to work out a proper solution. Meanwhile, I went into some detail concerning materials that

need to be made available for the children's unsupervised use in the early morning before the adults are ready to get up. In this way their noisy romping could be avoided or at least mitigated. I suggested that he notify Lena to purchase plasticene and cookie cutters and magic slates and rubber cars. Love,

Ethel

MY DEAREST WIFE,

August 23, 1951

I was terribly shocked to see my mother's sickly appearance. I sent Manny a letter asking him to get my mother under a doctor's care at once, and also asking him to clear up the situation at home.

I hope you read the Circuit Court reversal* of the Remington conviction as it was a noteworthy one. I call your attention to the court's admonishment of Saypol (U.S. prosecuting attorney in the Rosenberg trial—ed.) for his practices, and its pointing out of the errors of the judge. If the court gives our case a fair review I feel confident it will reverse the conviction.

I got me a small brown butterfly and a nice white moth which I pressed between the pages of a book. Of course, I'm following your lead and am already looking forward to the next time the children come to visit us.

I look forward only to our triumphant return to our home. I imagine all the details of greeting the children and my mother and then being together with you. It cannot be otherwise. Always, your,

Julie

* Judge Swan stated in this opinion: "We wish . . . to admonish counsel for the prosecution that in case of a retrial there should be no repetition of the cross-examination attack upon defense witness Redmont's change of name. Redmont testified that he had changed his name for professional reasons and that he had done so pursuant to court order. On cross-examination the prosecutor continued his inquiry of this matter long after it became clear that the change of name had no relevancy to any issue at the trial, and could only serve to arouse possible racial prejudice on the part of the jury."

DEAREST ETHEL,

August 26, 1951

My chess games have stopped because the fellows I play with have received copies of the printed record of their cases and are busy at work. As long as I'm able to keep occupied I manage. To my collection of insects I've added a locust and a dragonfly.

Lena sent me a letter saying that Michael had made friends with one of the boys at the day camp who lives in the neighborhood. He already has been at the boy's home, eaten there and they've arranged to exchange visits at each other's homes. If we can get a trained person to supervise our boys I'm certain their tensions will be eased. I am most concerned about my mother's health and the situation at home—

As I sit smoking I think of the evenings we spent at home listening to records, the boys sleeping peacefully in their own room. All the little things we did take on new meaning and tell me I didn't know how lucky I was to have you and the children.

I have learned the true worth of all this and am a happier man for it. We didn't lose faith and now our position is going to be clarified and shown to greater and greater numbers of people and I am confident that this, with our expert legal defense, will free us and prove our innocence. I'll make up to you and the boys for this lost time and all the horrible torture—I love you, my wife.

Julie

SWEET VIBELLA,*

August 30, 1951

I can report that since seeing you and Manny I'm in very good spirits. It was a great satisfaction to learn many people, including strangers, are taking a personal interest in our case. Most important to us is that the facts in the trial record be made public to prove our complete innocence.

* A Jewish expression meaning "little wife."

I wrote Michael yesterday and decribed my insect collection, to which I added four more specimens today.

It makes me happy to know that Michael and Robert are going to go on outings and have a lot of fun with warmhearted people.

I have to give you full credit for trying to help others when you yourself are in such difficult circumstances. I know what a magnificent person you are and I can appreciate it, but it hurts to see how even at this time your family still tries to get at you. How cruel this is, and how good for you that you saw through it and didn't let it faze you.

Ethel, I miss you very much but it will hold, as I'm certain we will beat this frame-up and make up for all this lost time. So long for now.

Julie

MY DEAREST,

September 9, 1951

The children's visit was just perfect. They were in excellent spirits from the time I entered the room, and enjoyed it so much they were disappointed when it was over. Michael said he wants more. Because of the good effect you had on them the atmosphere was like a warm family get-together.

The boys were hiding under the desk and Robby's childlike giggles gave them away. They rushed to me and we embraced. "Oh, goody!" said Michael, as I gave him a pencil and pad, and he began to draw. I showed them my collection of insects and put a couple of bananas and two Hershey bars on the table. The big fellow said, "Daddy, please don't stuff us." Robby, however, proceeded to down both Hershey and a banana and romped around screeching and acting mischievous. I held him close, kissed and carried him around so I could talk to Michael.

Most of the hour was spent in discussion. It started with the death sentence, which Michael said he had read about. I told him we were not concerned about that; we were innocent, we had many avenues of appeal, and that it was not his job

to be concerned about it, but to grow up and be well.

He asked me how you died and I told him. He asked if there is an electric chair here and I said, "Yes." He kept on asking about the appeals, and what if finally we might lose, and death faced us? I kept on reassuring him but I could see he was terribly upset over it.

He asked many questions on what he had read about the action of the FBI and the jury. I explained as well as I could, and Manny helped, and told him on the ride back home he'd go into more detail.

The boy said, "Daddy, maybe I'll study to be a lawyer and help you in your case," and I said, "We won't wait that long as we want to be with you while you're growing up." He wants so to help us, to do something, and to be assured that all will be well with us.

Oh, darling, he is burdened with all these grown-up problems and he feels them deeply. I asked him how his Grandma Sophie was and he said not so good, because he gives her trouble. You understand, he makes noise and the neighbors complain and he has guilt feelings.

A little incident took place that revealed something of Robby's problem. In his exuberance he spun a tray with glasses and one of the glasses fell off and broke. Immediately he scooted around Manny to hide, and Mike said, "Look what you done." But I pooh-poohed it and reassured him.

The baby and Michael are both frightened and only our early return to them will heal all the harm done. When I see you I'll have lots more to tell you. I miss you terribly. All my love;

Julie

MY DEAREST ONE,

September 9, 1951

This afternoon I basked in the sun—mind and body blessedly at rest, face uplifted to its pleasant warmth. I closed my eyes and floated in happy forgetfulness. It was a forgetfulness I sought desperately, to escape my tormentingly vivid recollections of the children's visit on Friday.

At first, remembering each moment of it brought only delight. But last night Michael's mischievously smiling face became twisted with grief in my mind's eye and Robby's sweetly appealing little face grew sad and bewildered.

Make no mistake about it: this mother's heart is being methodically and mercilessly broken and the pain is simply not to be imagined. All my heart,

Ethel

MY DEAR SWEETHEART,

September 16, 1951

One incident of the children's last visit here I forgot to relate to you. While we were discussing the article in the *Guardian*, Mike suddenly looked at me in a quizzical way and said, a little wistfully, "Daddy, I never saw you and Mommy kiss." I guess he saw a newspaper picture of us kissing in the van.

The way he said it, the hunger I saw in his eyes, made him seem to be crying out, "I need my mother and father. Their love, security and comfort have been taken away from me."

Probably because he misses it so keenly now, especially the last year, he has forgotten how openly affectionate we've always been to each other. The great hurt to our children is the thing that plagues me most—

About three months ago one of the fellows here planted an orange pit in the dirt in a crack in the concrete. As all of us are interested in living things in this bleak place, we watered it, nursed it along and it took firm root in the soil and began to flourish. By now it has grown to eight inches, bloomed, flowered, and has small oranges on the branches. Can you imagine the contrast? Bars, concrete, walls—and an orange tree growing in a crack. Thriving freshness, beauty and life—in this tomb.

We, too, will continue to grow in this negative atmosphere. I think of the time when we'll enjoy our home again and our children's sweetness.

All my heart I send you,

Julie

MY DARLING JULIE,

September 24, 1951

There is no question about it, we have a legal expert to be reckoned with; what's just as important is that we have a friend in whom we may place complete confidence. It is when I watch him handling the children that my love for him grows even more boundless.

The children haunt me day and night. Quite frankly, I'm getting fed to the teeth with people who pride themselves on being regular "child psychologists." No kidding! Oh, and dieticians, too, let's not forget them!

Seeing the children has opened wide a floodgate; I am one vast vessel of pain. It feels as though every last inch of me beats with hurt. Always your own,

Ethel

DARLING,

September 26, 1951

More than a decade ago, at Christmas time, 1936, I met a young lady, fair, sweet, unassuming. This is the Ethel I married and it's the best thing that ever happened to me.

Twelve glorious years we've spent together. Always sharing, seeking together life's joy, and as honest citizens taking part in mankind's progressive efforts. As man and wife we courageously assaulted life's hurdles. We have lived, been happy, learned and continued to grow—

To me it's remarkable that we have stood up so well against physical discomfort, mental agony, emotional stress and complete isolation—and always in the shadow of death. In spite of this gloom and occasional despair we are holding our heads high and are completely confident of our final victory and its fruits—going home to our children. All that is happening we see clearly, and we will never bend a knee to this tyranny.

My love, I have tried to show you how complete you have made my life. I hope on this birthday of yours you can get some sustenance from my mind and heart set forth on paper. Always adoring you,

Julie

MY DEAREST HUSBAND,

September 26, 1951

Is it in your heart to forgive me for having been so foolishly unhappy this morning? Please write me a letter at once, assuring me you bear with me in my struggle to attain maturity; plaster it with declarations of love and don't spare the extravagant language. Myself, I love you so deeply I am bereft of words. I can only sit here and weep bitterly for you and the children and our devastated lives.

My dear, have faith in me; your faith alone builds my confidence, restores me to my rightful place in my own eyes and defends me against the cold barren emptiness of existence here.

I'd appreciate it if you would give the question of the Jewish holidays and their special significance for us, as part of a prison congregation, your serious consideration between now and our next talk.

And now, dearest, goodnight. Whatever tomorrow may bring, I lay aside the burdens of the day with the clear conscience that is given only to the pure in heart. I hold your dear face between my hands as I used to do so long ago and kiss you with all my heart. Lovingly,

Ethel

HELLO, MY GIRL,

September 27, 1951

I have been giving deep thought to our last Wednesday visit. After I thought it through I felt that I should have sided with you, because you are completely hemmed in, at the mercy of these outrageous emotional barbs, and under terrific mental tension. Because, too, your outburst, even though softly said and politely stated, is the result of many just grievances.

Darling, I'm glad you stood up and sounded off. But please don't spoil the good points by tearing yourself down and belittling. The only important thing is that you don't let this affect you so.

You are growing even now and rest assured I'm in your corner 100 per cent of the time. You are a good and really

great person, with compassion and warmth, but too soft-hearted.

I hope we may be able to spend my birthday and our anniversary together in our home. Perhaps I'm a bit optimistic, but our kind of people always are. Happy birthday, dearest.

Julie

MY DEAREST ETHEL,

September 30, 1951

I'm sitting at my desk looking at your sweet face which is pasted on the wall beside the children's pictures. On the occasion of the Jewish New Year I want to wish you a happier life, and that you continue being the person you are.

Lena's visit was a good one. She asked me to tell you that Manny's wife sent Mike two cowboy guns and a holster, and Robby, a ferris wheel that goes around and rings a bell.

Ever since I received the *Guardian* articles, I've been reading and re-reading them. The truth is being made known finally and good, decent people are beginning to come to our aid in increasing numbers. The letters to the editor are so heart-warming.

I spent most of the afternoon with my ear glued to the radio tensely listening to a splendid game which the Dodgers finally won. Jackie Robinson gave it a thrilling finish with a home run.

Oh, my darling, how beautiful you look.

Julie

MY DARLING,

September 30, 1951

So now I am thirty-six years old. My second birthday behind bars was marked by a variety of lovely cards, sent by my dear husband's family, his sons and his wonderful self.

I am thinking now of the darkened streets of the lower East Side; early morning throngs of people will be hurrying to the synagogues to pray. I earnestly hope their prayers are answered, yet life has taught me that theory without practice can be a pretty empty, meaningless gesture. Lip-service simply

does not bring about the peace and good-will and security all decent humanity so bitterly craves. We must not use prayer to an Omnipotent Being as a pretext for evading our responsibility to our fellow-beings in the daily struggle for the establishment of social justice. Jew and Gentile, black and white, all must stand together in their might!

Winter seems to have descended upon us without preliminary. Today's lowering sky was much more typical of January, and it ain't fair. Grimly I paced the concrete, lost in thought and scorning the wind's sharp sting. The Dodgers' victory over the Phillies, however, speedily restored me to my usual cheerfulness. And so the day that is always the dullest for me to muddle through is drawing to a close. I greet Monday with renewed vigor and determination; after all, if Monday comes, can Wednesday be far behind? How wonderful to have a week chock full of Wednesdays!

How wisely you counseled me last week; your rebel had subsided considerably but begs to inform you that the lesson had a telling effect! I love you, darling. Your old lady,

Ethel

MY DEAREST,

October 1, 1951

The weekend came and went with nary a word from you; of course, I consoled myself with your beautiful card; when lo and behold, this afternoon brought a regular windfall of greetings. I arise each morning with the thought of you warm and unspeakably sweet within me and each night give myself into your keeping once more; and all day my heart sings its refrain, "I am loved, I am loved!"

Honey, the *National Guardian* articles are excellent. I don't know when I've felt so confident of our eventual release.

As for the Dodgers, they've made me bite off every last confounded nail; 10-0, what a trouncing! It's that indomitable spirit that has endeared them to so many. But it is chiefly in their outstanding contribution to the eradication of racial prejudice that they have covered themselves with glory.

DEATH HOUSE LETTERS
And now, with the close of Rosh Hoshanah, (the Jewish New Year—ed.), may I wish for us and for our children, an

I was unutterably moved to hear the Shofar (Ram's horn, sounding through our stark surroundings during Jewish services today. Truly am I proud of the inheritance of an ancient people who made an eternal contribution to the civilization of mankind and with whom I shall ever be privileged to be identified!

My dear, good night; in your arms all my dreams will come true! Love,

Ethel

DARABST JULIE,

October 4, 1951

I had never dreamed I could experience such intense hunger and such bitter longing; I glow with aliveness the better to savor the ashes of death. No, what is true is that the threat of death only fans the flame in me more fiercely, creating a renewed striving to triumph and to live.

Oh, darling, what a wave of wanting washes over me for the children and for you; it grows more and more difficult to put off my natural maternal and human desires, to warn myself of the searing destruction of our hopes that yet may be ours.

Only love me, my dear husband, I am your wife. Your loving

Ethel

MY SWARTHBART,

October 7, 1951

The monotony grinds slowly on. I find it harder and harder to busy myself in reading or card-playing. Only as I write to you, look at your sweet face on the wall, say, "Hello, you beauty!" and throw you a big kiss can I feel relieved. I can close my eyes and remember your smiling face as it looked out at me from behind the bars of your cell. At least in a few days our one hour, Wednesday, will arrive.

Not having a visit from family or from Manny was a dis-

appointment. Another reason for my blue feeling is that I haven't written our two boys and I don't seem to know just what to write to them. Lord knows I love them with all my heart and I want to hear about Mike's school, the house and how things are progressing.

I read an item that the New York Bar Association will come out soon with a blast against the conduct of a certain bipartisan candidate for a New York judgeship because of his conduct in a recent famous trial. Of course, it is speaking about Saypol, and I believe is referring to our case.

It's no use, Ethel, I keep thinking about our former life together and I want it. But my thought is directed to the future, for there lies our salvation. Love you,

Julie

DARLING,

October 7, 1951

Left word that I be roused at 6:00 a.m.; it was done, but I never budged until 7:00. I guess I just didn't want to face another day here. But now I am talking to you and it is already bright outdoors; the birds are busying themselves with the bread I had scattered for them before coming in for the night and their merry sound makes me want to answer them in song. I managed to begin a letter to the children that will doubtless be mailed by tomorrow. The rain prompted me to quote some of Robert Louis Stevenson's lines on rain and I suggested to Michael he get Stevenson's poems from the library. Can't wait to see you. Love you, darling.

Ethel

MY WONDERFUL ETHEL,

October 11, 1951

Honey, yesterday was overwhelming for me. Naturally, when I see you I become very hepped up. Then, I was excited over the splendid brief read by our legal impresario—

It was wonderful to hear that many good people are rallying to our aid and that a committee on our behalf is mushrooming.

My most precious wife, take heart; time will pass quickly as constructive steps are taken for our freedom. I can't wait to see you and talk more about all these new developments. Always yours,

Julie

DEARBEST JULIE,

October 11, 1951

Since yesterday's exceptionally gratifying visit with you and

Many, I just can't seem to calm down. Disappointing as it was

to learn once and for all that acquittal cannot be ours except

by verdict of a jury, I already have re-oriented my thinking

along more realistic lines. Since I have not been able to accept

it emotionally, however, I am still not "with it," as the prison

term goes, and foolishly cling to my pipedreams.

My heart is simply bursting with desire to step over that

threshold arm-in-arm and hear the children shout for joy at

sight of us. By some extraordinary exertion of will I must tear

myself away from this tantalizing picture and face further in-

carceration until this political frame-up is ripped to shreds.

Thus far "the spirit is willing but the flesh is weak!"

"Patience and fortitude," as Butch LaGuardia used to say;

but oh, what misery surrounds us. All my love to you—Your

Rebel

October 14, 1951

MY DEARBEST,

Had a nice long visit with my sister Ethel. The heartening

news is that things at home have been straightened out and

there is much more harmony. Seeing that other people know

the whole story and are helping, it becomes contagious. My

mother is happier and feels better and people are coming around

and showing an interest.

I don't know if Ethel told you of the disagreeable incident

that happened to Michael. He had gone to the house of a boy

he met and told this kid's mother about us, and she chased him

out of the house and made him feel terrible. When he got home he cried, but they explained that some people are ignorant and prejudiced and reassured him. After a while he was himself again.

From all indications he's getting along nicely at school. He

likes his teacher and the work. Now that a committee is being

formed I'm confident it can be persuaded to look after our boys'

welfare. With enough friends taking an interest it would offset

the bad effect.

I can't wait to see this week's *Guardian* and read about the

proposed committee.

It's been one-half year for you in the "CC." The next half

will bring better times. Your own,

Julie

MY SWEETHEART,

October 14, 1951

I enjoyed seeing your sister Ethel immensely, but your letter

constituted the high spot of the day for me. For such an old

married couple, it ought to be an old story; yet each time you

write avowing your love, I experience a thrill of pride and the

most genuine kind of guileless pleasure.

I am sick at heart for Michael; he is so young, so young, to

know such savage cruelty. We can only be appalled at the

sort of inhumanity that brutally punishes an unprotected little

boy who never has harmed anyone. Small wonder, however,

when you consider the steadily mounting tide of callous dis-

regard for elemental human rights that is inundating this

Ethel

MY DARLING ETHEL,

October 18, 1951

I can't wait to hear what Michael will have to say about his

new-found friends at the coming visit. This time, although I

will go to see them empty-handed, I will have lots of things

to talk to them about. Since our lawyer will be present, it just

occurred to me we might ask the warden if you and I could see them together.

After the visit we'll be able to look forward to the next issue of the *Guardian*—and I hope more letters from readers.

What we both said before our trial, during it and after it, is coming to pass. It cannot be otherwise. After all, the real, final court and judge is the American people. They are the guardians of our rights, liberty, and yes, our lives.

If it's possible, I'm happy even now—we have not faltered, but have measured up to our own expectations. My love, we're made of solid stuff. Your own,

Julie

HELLO DEAREST,

October 18, 1951

Just two days ago I looked out through the bars and fed my eyes upon the sight of you. I felt such a stab of tenderness. And in recollection I caressed that memorable evening when the jury deliberated our fate and we refused to give up hope! What a long, tortuous road we have taken since then. Yet, somehow, for all the pain and torment, nothing shakes my conviction that only the proud and the noble are to be found in this particular thorny trail!

I have received no word from home as to whether the children are coming on Monday. I'm not as tense in anticipation as I used to be. It is as though there are periods of dull suspension smack between hilarity and depression. Actually it is a kind of resigned, weary despair that settles on me. Soon I head for a sharper, more anguished despondency when I ask for breath and struggle for equilibrium. Finally, I "make" it, and once more head for battle!

Darling, I have been re-reading the *Guardian* articles. I get so hopeful. I also get scared, and yet I just can't bring myself to think in terms other than victory and our eventual release. Love you,

Esbel

MY WONDERFUL WOMAN,

October 21, 1951

Thank goodness, we'll be seeing the children tomorrow. I suppose Lena filled you in on the messy details with the incident with Mike, which was even worse than I had feared. I hope to be able to speak to Manny about the situation with Mike and the social worker.

Did my sister tell you about how Robby enumerated all the people he loves and left us out? When he was asked about Mommy and Daddy, he replied, "But why don't they come home?" He asked Lena to bring us home with her. She said he was very happy when he was told he was to visit us. Apart from my own ache over what our boys suffer, I go through all kinds of hell thinking of how you're suffering.

Please, good people, do right by yourselves and us, and make an end to this brutal frame-up. I'm confident and know we'll be set free, but for the sake of the kids I hope it's fast. Your own lover,

Julie

MY DEAREST,

October 22, 1951

I have done all the crying tonight, I hope, that I am going to do. My end of the visit with the children was a complete fiasco! And I am in the most wretched unhappy state I have experienced yet.

I awaited the children's arrival in a kind of resigned stupor, and now, no matter how sensibly I try to reason with myself that Robby's truculence and Michael's anxiety were the necessarily logical outcome of a set of circumstances over which I had no control, I am rife with a sense of personal failure.

Darling, I shall have no peace until I have poured out my anguish and chagrin to you on Wednesday. Sweetheart, I love you! Your miserable wretch of a wife,

Esbel

DEAREST JULIE,

October 22, 1951

The more I think about it, the more I am incensed over the gross stupidity that has been displayed in the handling of the children. Oh, sweetheart, it's about time we made our feelings unmistakably plain. It's no use. I am so choked up with all that I know and they don't know that will have to be revealed to them if we want those boys of ours to grow strong and healthy in mind and spirit, that I simply can't tear it out of me and get it down in words. In the meantime, honey, bear with me; I miss you and need you so desperately. Oh, my God, I'm so unhappy. Love,

Ethel

MY DEAREST WIFE,

October 25, 1951

I'm on pins and needles until I hear from you. I know you are thinking of nothing but the cruel hardships and emotional hurts the kids are experiencing. The joint plans we've agreed upon must be put in execution at once. They must have the help of a professionally-trained social worker.

Perhaps by the time you get this letter we already will have received the legal brief from the Circuit Court of Appeals. I suggest you read it and prepare notes—we might come up with some suggestions that could be used in our oral argument or in the rebuttal brief.

Of course, it isn't easy for innocent people to sit in the shadow of death and not go to pieces, but sweetheart, we are here because we wouldn't knuckle under. We will continue to stand our ground with all progressives for decency, freedom, peace and real justice.

Remember our motto, my loved one—"Courage, confidence and perspective." Your loving husband,

Julio

HELLO, DARLING,

October 25, 1951

My sweet, I'm so sorry I was impatient during our last meeting, but I was fresh from several days of horrible mental anguish

and my brains felt like so many scrambled eggs. I'm afraid you must be getting rather fed up with all the moaning I am doing *via* the mail of late. Dearest, I entreat you to show me forbearance. I am half out of mind with anxiety, and with the determination to obtain for the children their day in court. (I shall end up as an advocate yet; this legal stuff is getting into my very bones!) All my love,

Ethel

HELLO, JULIE DEAREST,

November 1, 1951

Since Wednesday and all the good, sweet words that passed between us, I have been walking on air. My dear one, rest easy; I am ever-fortified in your love.

I am hoping to compose myself enough this weekend to drop a few lines to Michael and Robby. As for the many offers of assistance the *Guardian* has received from readers with regard to the children, I feel the closest bond with these "strangers." I am speechless with admiration for my new-found brothers and sisters! I love you,

Ethel

MY DARLING,

November 1, 1951

It was a pleasure to see you in such good spirits. When I see you I feel strong and elated and am able to plow through another week until our hour.

An eternity of time is crawling along and it seems we're in a bottomless pit with no connection to reality. Only contact with you, Manny and the children drags me back to life.

If we can hear concrete results on plans for helping our boys I'll be more than pleased. Then, too, if we can get some good news from the committee we'll feel a whole lot better. It is important that we become part of a living thing that is presenting the true facts about our case.

Another day, week, month—soon, soon—this can't go on forever. I have no doubt, regardless of how long it will take,

that we will be completely vindicated. I think of, I dream of, yes, I can clearly see myself taking you home and possessing you completely. There it is, honey, good, wholesome life. We'll see the day. All my love,

Julie

MY DEAREST ETHEL,

November 11, 1951

As I read this week's *Guardian*, the letters to the editor, the superlatives used made me feel humble. I think the thing that stands out is that we are just ordinary people similar in many ways to the writers of the letters, and other thousands of our fellow-citizens, and in our case they see part of themselves, and the thought strikes them that they, too, are threatened with similar catastrophe.

The 16-page pamphlet is the first real beginning; we can expect a mounting tide of support. It increases my determination to come through all this mess victorious.

Today is Armistice Day, when each human being should analyze the significance of the war dead, the better to learn the need of world peace. We two form a little diversion in the martial game of world chess.

By now it is Monday night—one day closer to seeing you. Adoring you more and more—some day we'll get married, yes! Your own,

Julie

GOOD MORNING SWEETHEART,

November 13, 1951

I just had a pleasant breakfast. It is only 7:30 a.m. but already our laughter is resounding through the women's wing. It is so wonderful to wake up and find a sweet little lady on hand (one of the prison matrons—ed.) with whom one is able to be entirely relaxed and natural and enjoy a humorous exchange. There is only one other such gal here and I am truly grateful for them both.

Thoroughly relished every word of your last letter. Love you,

Ethel

MY DEAREST LOVE,

November 15, 1951

After you waved goodbye at the door, I collapsed and cried, and spent an afternoon and evening alternating tense apprehension with a determination to stand my ground emotionally. My head ached and my stomach knotted, but I "made it." I awoke elated to think that again by sheer will and intelligence I had turned the tables. Now I'm as comfortable and relaxed as a student in good standing at the College of Civics (CC's to you) possibly can be. Love,

Ethel

MY DARLING JULIE,

November 18, 1951

A wintry sky and sharp wind sent me stamping briskly about the yard, as though by so doing I might stamp out the rising panic, the threatened assault upon my decent human courage. The unyielding loneliness which engages me in a grim and continuous battle took possession unopposed today; it sank its fangs so deep I wept helplessly. Oh, when shall I know again the sweetness of sharing the happiness that is within the grasp of a man and a woman!

I have been reading again *Gentlemen's Agreement*, and it made me realize how starved I was for intellectual exchange, for warm bond with other human beings.

It is Monday morning, and the tedium of Sunday is lifted. I am in a constant fever to be ever-hastening elsewhere—all of the tremendous distance that lies between one day and the next! Please, sweetheart, where's that magic formula that will insure our own happy ending?

Love you and kiss you with all my soul!

Ethel

APPEALS— LOWER COURTS

Chapter 4

MY SWEET,

November 22, 1951

What do you think, now that the consultation with Manny is over? There is nothing else we could ask for, short of going home. Added to the encouraging activity on our behalf is the news that things are under control at home. Looking at you, I was sure you felt as I, completely removed from these surroundings and once again part of worthwhile living. And aside from the fact that we are innocent, an impartial reading of the brief can give no answer but complete vindication for us.

A chicken dinner reminds me that it is Thanksgiving. We can be thankful that we still are able to participate in fighting for justice, peace and a better life for all.

Ethel dearest, we need strength to continue to withstand all this heavy pressure. Precious woman, my will and love for you are stronger than these bars. You're always mine and only death can change that. Your own,

Julie

MY DEAREST ETHEL,

November 29, 1951

The latest book, *Cheaper by the Dozen*, helps the time pass, but the most refreshing pastime is a good session of chess. I

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believe that even though it might be construed as escapist—my chess—that anything which makes it easier for us is very important.

Yesterday Cal played me to a three-hour draw. It was a fascinating game right down to the last move. Somehow tonight I managed to beat him two quick ones. On the whole, we're evenly matched and I enjoy playing him very much, but soon he'll be getting more legal papers and I'll lose a partner.

I hope we'll soon be seeing the booklet printed on our case. So much is at stake for us and for all justice in our land, and tremendous effort is needed to carry the message to the people.

Are you aware that many times during the day I sit at my table and look at your picture on the wall and talk to you? Yes, my dear, I worry, too, and do have some doubts, but only for moments, because it cannot be otherwise than that we shall have a victorious homecoming. Our innocence is our strongest weapon. With all my being I love you.

Julie

MY VERY OWN DEAR LOVE,

November 29, 1951

After you were gone the loneliness closed around me. The question beat dully within me: how much could the human heart endure without bursting, how much cruel blocking could the natural instincts stand without release, and where was the release to be obtained? Thought of you and the children was a live torture. But tonight the storm is spent and I am at peace—

Dear, I want to reassure you that all is well with me physically. Armed with "snuggies," wool socks and rubbers, I am all set to withstand the rigors of the Ossining winter. The longer I remain here the more firmly I am convinced that not only does it require a difficult course of study to become a successful inmate, but it demands a hefty purse. As for "keeping up with the Jones's," one can't avoid this noble concept even in the Sing Sing death house!

How happy I am when I talk with you, only why do I need

this miserable pencil and paper when you're just across the hall!
Love you dearly,

Ethel

MY DEAREST,

December 2, 1951

I'm enthusiastic over your idea of rings for the boys' presents. You will present them, and I'll see them wearing our tokens of love. How thoughtful you are for our boys, my mother, other people—I'll save up my gift to you until the day we go home together and we can live again. I am very optimistic. Always your own,

Julie

MY DARLING,

December 9, 1951

When the members of my family praise us for our steadfast courage I can't help feeling shy and at the same time humble, but believe me, I'm proud of us.

Lena said that neighborhood people have begun to show their friendship and my mother begins to feel the support of decent people. Many plans already have been made for a nice holiday for our boys. New people have come forward and are taking the kids to their homes and on outings. Michael has begun to take his piano lessons again and this will give him a chance to make new friends among kids his own age.

The *pièce de résistance* is the splendid news of the Committee's progress.

To the approaching promising day! Your own,

Julie

SWEET VIBELLA,

December 13, 1951

We'll have lots to share at our big hour Friday. If it should turn out that Robby demands most of the attention, give it to him, as he no doubt needs it, and I'll make up for it with Mike. I'll be able to get the gist of the picture from Manny at the outset. Remember, Ethel, it is a very short time, and don't

set your sights too high. What I'm trying to say is, don't allow yourself to be set up for a great disappointment.

We must stress that this terrible situation is only temporary and we will be coming home when this is over. Can you suggest to Mike the idea of making pictures, drawings, and crayon sketches at home and sending us some of his accomplishments? See if you can get him to write us as he did in the past. I love you,

Julie

SWEETHEART,

December 14, 1951

This will have to be a rather perfunctory few lines but I want you to know what I've accomplished since our talk. I sent Manny a letter reminding him we expected him to bring the kids the 19th, and suggesting how to minimize wear and tear in making early train connections. He's to go to the house in a cab, which is to take everybody to the train, and he's to give the kids bread and butter and fruit en route rather than rushing them through a full breakfast at home. I reminded him to buy their milk in Ossining before arriving here.

I mentioned the liquidation of the shop and asked that some of the toy money go toward such materials—records, books, and so on—as will dramatize Chanukah for the children. Love,

Ethel

MY LOVE,

December 16, 1951

During the week it seemed my feelings had congealed like the ice out in the yard; your warmly-expressed thoughts had a thawing effect. I now realize what a hard crust had formed across my heart.

It was fortunate this lonely, visitless weekend was bright with sun after the snowstorm. All toggled out in my "CC" finery, and looking like a small roly-poly cop in my visor hat and military coat, I trudged determinedly through the snow. By now there's very little left that doesn't bear my footprints.

I am so delighted when your thoughts coincide with mine. How did you know I had been planning to let Robby more or less set the pace and give him as much attention as he needs, and as I possibly can, without depriving Michael altogether, and that in the event Robby demanded a lot, you could make it up to Michael?

You are absolutely right; if I could learn to set less store by what does or does not get accomplished in the short time given us, I should gain tremendously, and certainly the children wouldn't suffer any more because of it. It is easier said than done, however, and tension is bound to build up in me until I actually lay eyes on them. Love you,

Ethel

MOST PRECIOUS ETHEL,

December 20, 1951

The Chanukah services last Tuesday brought back memories. Just two years ago we celebrated the Festival of Lights in our own home with our boys, playing the same records. I remember your careful selection of toys and gifts, and your many preparations. This holiday, signifying the victory of our forefathers in a struggle for freedom from oppression and tyranny, is a firm part of our heritage and buttresses our will to win our own freedom.

I am optimistic as to 1952—. Love of my life, this has to end sometime. Hurry, hurry, let it happen soon. Your own,

Julia

MY DEAREST ONE,

December 27, 1951

I know how our thoughts hurled across the space that separated us as the Chanukah candles burned and the music played! The dramatic intensity and beauty of the songs, so expressive of the tremendous creative powers of the people of Israel and their capacity to struggle for their freedom, filled me with pride and gladness.

And although the tears spilled over, once I was back in my

cell and saw the greeting cards from Lena, Ethel and their respective families, I felt myself inspired beyond measure. Yours always,

Ethel

MY ADORABLE WIFE,

December 30, 1951

By the time you get this a very dark year for us will have become history. Progress has been made in organizing a campaign to obtain justice for us, but it still is too little and too slow. Being a realist, I am fully aware of the great effort that is needed to overcome the paralyzing inertia that the Justice Dept. has instilled in the American people. With courage, added confidence and perspective, a happy New Year to you, my love.

It was heart-warming to hear from my sister how completely the boys' holiday has been filled with interesting visits, the company of warm people, thoughtful gifts and love. Many friends are coming forward and volunteering aid.

Sweetheart, we'll make up to our boys for all they've been denied. I repeat again that I look to you in the coming year to be my rock, my inspiration and all that is beautiful in life to me. All my heart,

1952 — BEST WISHES — LOVE — HAPPINESS —
FREEDOM — PEACE!

Julia

MY DARLING ETHEL,

January 6, 1952

How happy I am to have two such wonderful sisters, completely devoted to us and constantly working in our behalf. Lena was brimming over with news: that you are fine and feeling good, and that the Committee has accentuated its work, and that the office is a beehive of activity in our behalf.

Support is pouring in from all over the world. And in the newspaper advertisement we can see the results of the campaign to win public opinion to the truth. The Sunday *Daily News* said the D. A. filed his 82-page brief in court. My guess is that oral argument will take place within two weeks. As far as

this particular court is concerned, this is it. Because we have many telling points and sound legal reasoning in our brief, I am optimistic, but anything is possible because of the nature of our case.

Lena gave me a good account of Michael and Robby. There is noticeable improvement in their emotional security during the last month. Love you as always,

Julie

MY LOVELY ETHEL,

January 10, 1952

An item from Thursday's *Law Journal* indicates our case will be the third one to be heard by the Circuit Court of Appeals. Probably by next week the rebuttal brief will be submitted, and this will be the end of the first round. Dearest, we've got to grit our teeth and bear up under the new strains while the three judges deliberate on the appeal. All we need now is a fair shake.

Above all, we must be prepared for a negative decision, because there is no guarantee in a case like ours that law, facts, and fair play will be the deciding factors. In spite of this, I am confident we will get a reversal.

There is a pleasant aroma in my cell and it is due to four Jewish salamis hanging from the juncture of my fly-leaf table. A one-inch remnant of the first proud delicacy that I devoured is beckoning me to complete my gluttonous feasting. I must confess I've put aside my diet. But I assure you I eat no more than half of one a day. Say, wouldn't it be swell if we could get some pastrami? Better still, I'd like to eat at Katz's—one day I'll take you there. All my love,

Julie

MY SWEETEST WIFE,

January 17, 1952

I feel quite disturbed because we didn't have enough time at our legal consultation and I believe I left you with a wrong impression of my brusque conduct. I was terribly keyed-up

until our counselor arrived, and then was so set on hearing all about the legal argument and briefs that I was a bit hasty and impatient. Please, sweetheart, understand me; I know you must feel that I didn't give you enough consideration and to an extent you are right. Drop me a note and tell me all is forgiven. I love you very much and I don't want to infringe on your rights, or cause you any unnecessary pain.

I am elated at the news that many people are flocking to our support. All who read the pamphlet immediately see the nature of our case and want to do something about it. This is the real guarantee that we are not alone and that our chances of obtaining justice are much better.

On the whole I feel in high spirits. I love you with all my heart,

Julie

MY SWEETEST,

January 18, 1952

I have been in an emotional dither since Manny left, especially since there were many things my heart longed to say to you, darling, as we parted. Julie dearest, of course I'm not angry! Yes, I am, at that; I'm angry to a point of boiling fury at our helplessness in the face of our enforced separation. The injustice of our having to endure all this fills me with righteous indignation.

Sweetheart, expect me to pull a couple of boners now and then. Not that your temporarily sharp reaction exactly cramped my style outwardly, or even caused me to lose any sleep; still, it does make me feel I haven't your genuine acceptance of my right to make, yes, an ass of myself, if you will.

Whatever might be involved, I love you, dear one, as I love my very own life. All my love, your

Ethel

MY DEAREST,

January 27, 1952

I had a most gratifying visit with my sister. Isn't it remarkable how people can grow and rise to the occasion? I am sure

my sisters amaze even themselves by the effectiveness of their activities. The reason is obvious; they are good, decent women, and our cause is just and is tied to home by flesh and blood. Yes, my dearest, the action of these two more than compensates for the shameful behavior of your own family. My sisters are certainly better people for their participation in the campaign, in spite of the emotional pain they are suffering.

Darling Ethel, I am so terribly lonely— When? How soon? How much more can body and mind take? The only consolation is that we are coming closer to our final homecoming. I need your strength, my woman.

Love you more than life itself.

Julie

MY DEAREST WIFE,

February 10, 1952

I just came in from my afternoon yard period. The air has a crisp freshness to it—salty, with a fishy odor of the open sea, that gives one a glorious feeling of the vigor, magnitude and ever-moving strength of the river.

It brings with it a certainty of life and a promise of new and greater things. The warming rays of sunshine tell me that spring is close and there is an expectancy in the air, and for us, the dawn of a new day approaching.

As I walk briskly around the yard, eyes focused on the droning airplane in the distance, gliding seagulls and gyrating sparrows, my mind outlines a picture of you walking with me arm-in-arm. Now I am filled with exultant happiness because I have you. Sweetheart, you are mine. Always your,

Julie

MY WONDERFUL DARLING,

February 14, 1952

This day and every day you are always my sweet valentine. Your strength sustains me. Good news from home and the Committee encourages me. It also helps when I mark off the days on the calendar and know that we are coming closer to the time when we will obtain justice under the law.

Sweetheart, your poetry had the desired effect, and it is our suggestion that you devote more of your leisure time to amusing us with your satirical lyrics. You have captured the crux of the "CC" atmosphere, and as a reward, you have become the poet laureate of "Sing Sing Manor."

Even though I'm going through the Lamont book (*The Independent Mind*, by Corliss Lamont—ed.) at a very slow pace, I am enjoying every page of it and find it a very stimulating, thought-provoking work. You, too, will find this book worthwhile reading.

There is a big backlog of books on my list but it takes quite a bit of doing to overcome my mental inertia and drive away my worries enough to apply myself. I kiss you tenderly,

Julie

SWEETHEART,

7:30 a.m., February 26, 1952

My dear one, last night at 10 o'clock I heard the shocking news. (The U.S. Circuit Court of Appeals had rejected their appeal—ed.)

At the present moment, with little or no detail to go by, it is difficult to make any comment, beyond an expression of horror at the haste with which the government appears to be pressing for our death. Certainly it proves that all our analyses regarding the political nature of our case have been amazingly correct.

My heart aches for the children; unfortunately they are old enough to have heard for themselves, and no matter what amount of control I am able to exercise, my brain reels, picturing their terror. It is for them I am most concerned and it is of their reaction I am anxiously awaiting some word.

Sweetheart, if only I could truly comfort you. I love you so very dearly.

Mail call—courage, darling, there's much to be done. Your devoted wife,

Ethel

MY DEAREST ETHEL,

February 28, 1952

I'm still terribly shocked by the horrible affirmation of our conviction in such apparent haste. I hope the clerk of the court sends me a copy of Judge Frank's opinion.

I can't help but see the deceit and sophistry used by a so-called "liberal" and honorable man to continue this political frame-up. He brings into play all sorts of rhetoric to camouflage the fact that our lives are being sacrificed in the interest of keeping non-conformists in line.

Now more than ever it is necessary for us to exert all our efforts in the only manner we have left to us—to expose this star-chamber proceeding.

Because we are coming close to our final decision and at the present rate we are also close to our death, I see more clearly than ever that you mean more to me than anything else in life, including my own flesh and blood. Ethel, because of you I've lived a full life and nothing can destroy it. Always yours,

Julio

DARLING,

February 29, 1952

Although I don't imagine anyone will feel exactly in the mood for a birthday celebration, it is important that the children's lives be as little affected by the decision as possible.

Certainly I myself should not desire a large gathering where everyone strains for a gaiety that is non-existent, but Mike should have the happy privilege of inviting a couple of kids in to share a birthday cake and some fun, and he and Robby should be taken out for a special treat. I plan to talk to Lena on this, stressing the need to maintain a genuine cheerfulness about the house, as nothing is so destructive to a child as an atmosphere of continual despair.

I am lashed by the most tremendous kind of longing, dearest, if we could only be together. I love you so much. Your devoted,

Ethel

APPEALS— THE PUBLIC

Chapter 5

DEAREST WIFE,

March 2, 1952

Yes, any illusions we may have had that judges of the higher courts are above hysteria and politics are completely destroyed.

We must soberly realize that our only hope rests with people. The stark terror of the impending death sentence does not change that. Only they can stop this legal lynching.

Since the interpretation of the law as set forth by Judge Frank puts in grave danger all progressives and non-conformists—and others as well—I am positive that our fellow-citizens will rally to nullify this action.

I expect that at this late hour the campaign to bring our case before the public will gather momentum and after the meeting* we'll begin to make headway.

I am sure we'll do our part and that is why I'm looking forward to getting a copy of the opinion and going to work on it. I'm going to suggest to Manny, too, that when the records are printed for certiorari each of us gets a copy.

* First large public meeting held on March 12, 1952 at Pythian Temple, in New York City, by the Committee to Secure Justice in the Rosenberg Case.

Your plans for combining the children's visit with a consultation are excellent; it will depend on our counselor's ability to spare us the time now when so much legal work must be done. Until Wednesday—love,

Julie

P.S.—Keep singing and punching, my wonderful girl; the future holds many good possibilities. You know—"courage, confidence and perspective."

MY SWEETEST WIFE,

March 6, 1952

Wednesday afternoon I got Michael's picture. Darling, it's beautiful, just like our boy. There is something about this picture with its slight smile that reminds me of you. On the birthday card I am sending out tonight I wrote how happy it makes me to have this gift of his. The letter to Robby also went out and I am sure the kids will get a kick out of my efforts. Do you think, Mommy, your boy is getting to look handsome? Like his father!!

Ethel, last Wednesday's visit was a pretty good one and I believe we will be able to continue work on the important matters. Believe me, it is only in this sense that I am interested in having the Appeals Court decision and the trial record. We may be able to help our lawyer in pointing out the discrepancies in the testimony of those witnesses who helped frame us. And it is important to our morale to participate actively in this fight for our lives that at the same time has such significance for the American people.

We never were wallflowers and we intend to make our weight felt. I hope you can get as much strength from my love for you as your love has given me. Keep trying, sweetheart. Your devoted,

Julie

MY WONDERFUL WOMAN,

March 16, 1952

The splendid news my sisters brought of the Pythian Temple

Appeals—The Public

meeting and other activities surpassed my estimate of the fight-back to date. Let us hope that non-partisan liberal and conservative elements will take a part in the case. At stake here are the rights, security and very lives of all brave people of all shades of opinions.

No small factor is the need to combat anti-Semitism that surrounds the case. I have reference to the fact that since we are innocent they seize on the conviction, although it is illegal, and say, "Look, it is the Jews who are responsible." I am still very confident, but without any illusions as to the difficulties we face. Our family, incidentally, is right on the ball.

Ethel, we've just begun to fight. Keep your sights on the future. Always your devoted,

Julie

MY SWEETHEART,

March 31, 1952

I wonder if you know how extraordinarily precious you are? It's an altogether astonishing idea to me that seeing you and hearing you for such an insignificant length of time should do me so much good!

Into the bargain, Wednesday afternoon brought me a letter from your sister Ethel, with a few lines from Michael, to wit: "Dear Mommy, I had a birthday party on March 9, 1952. I had a wonderful time, Aunt Ethel and her family, Aunt Lena and her family and A—— came. Ethel brought the birthday cake and candy—we played musical chairs, and I played the piano. Thanks for the cards. Love from Michael and Robert." Of course, you will have to wait until next week to see the kid's beautiful handwriting and precious mis-spelling.

Ethel wrote chiefly of the party; she and Lena went to town with cake, candy, candles, napkins, chocolates, party hats and ice cream! They bought him long-sleeved undershirts, sport shirts and slacks. Mike's friend gave him some kind of stencil and lacquer set and Robby a weaving set, which he enjoyed with the help of the boy's mother.

Darling, just go on loving me; I need your support and approval so badly. The loneliness is ghastly. All my love,

Ethel

MY DEAR ONE,

April 2, 1952

How happy I am when I am with you; the very air changes and the heaviness lifts, and the will to live and work and fight is mine again!

Darling, this morning a letter is going out to the children explaining the delay in the visit and reassuring them of our love. I received a lovely Easter card from them.

There was also a letter from Ethel. One thing she wrote was: "Thank goodness, the children are fine now, but whenever Michael goes to the toilet at night he arouses Mama to tell her. A small light is on in the foyer between the bedroom and the bathroom, and it burns all night. Perhaps you can tell Michael that once he arouses Grandma, it is hard for her to fall asleep again."

Please, dearest, be as calm and as clear and as firm as you know how to be when you see Ethel or Davy this weekend. I am at my wit's end as to how to place the most effective emphasis on that! Love,

Ethel

MY WONDERFUL ETHEL,

April 10, 1952

It seems to me that in the latest opinion handed down by the Circuit Court of Appeals* there are grounds for believing we positively will get certiorari. Besides Judge Frank's concession that there are debatable points of law involved, there is his answer on our two points. Instead of destroying them it actually makes them stronger. This looks to me like our first break in the courts.

* Concerning the contention that the death sentence constituted "cruel and unusual punishment," Judge Frank referred to the Quirin case where this was at issue, and stated: "As, however, the Supreme Court did not specifically discuss it, that Court may well think it desirable to review that aspect of our decision in this case."

Our lawyer will be in court Monday on delaying the court's mandate until the Supreme Court gets our case. I gather he will have to file his brief for certiorari within 30 days. Manny has a great deal of work cut out for him but I hope we don't have to wait too long to see him.

At times I just feel sick to the stomach with all this barren, senseless and cruel terror of waiting for execution.

It is good to know that even without the facts having been publicized to any extent, the entire Jewish press was aghast at the brutal sentence.

Now that the facts are being spread, ever wider groups of people will come to our support. It's tough, hard, and oh, so long—but it's the only road to complete vindication, and nothing less will do. Always devoted, your,

Julie

DARLING WOMAN,

April 13, 1952

You know, it's wonderful to see you feeling good. I watched your face as you were busy sopping up all the good news Manny was telling us, and it was beautiful. I, too, soared to new heights at the splendid work being done by our lawyer, the Committee and the many decent human beings supporting our fight for justice.

Keep your chin up, Ethel. If we must suffer through this nightmare, then the very manner in which we conduct ourselves will contribute to the general welfare of the people. For we are serving notice that we don't scare easy. The working men and women in our country don't either, when they know the facts.

We've left a big chunk of suffering behind us these last two years and we are coming closer to our emancipation. All my heart I send you—

Julie

MY SWEETHEART,

April 17, 1952

It is now 6:30 p.m. and dusk is settling rapidly into night, and a couple of late birds, chirping sparrows, are still flitting noisily back and forth in front of the window facing my cell. Yes, my love, summer is on its way, and the half hour of sunshine I had today gave me new desire to be free.

A tremendous amount of work is necessary to offset opposition from the leaders of the so-called "liberal" organizations. Even on the question of peace many of these "leaders" have refused to speak up. Many others doubtless would speak up in our behalf but are frightened of being labeled "unorthodox."

I do hope the children will come this Sunday. Now take it easy and don't worry. Your devoted husband,

Julie

MY SWEET,

April 19, 1952

From the newspapers and from all that my dear sister Lena told me it is evident that responses are pouring in to the Committee. The public is beginning to discuss the issues in our case. The attendance at rallies, the contributions and the petitions coming into the Committee office are bearing out our faith in the American people.

Because of these results, the professional propagandists of hate are howling "red" to frighten these decent people. I expect to see their campaign of vilification grow in volume. All my love, your own,

Julie

MY VERY DEAREST JULIE,

May 6, 1952

Yesterday I looked at my photo of Mike with his hair falling down over his forehead and his tie awry, and thought I should burst with longing. How I should love to have a similar photo of my Robby instead of merely a snap. I must remind Ethel of my request for same.

On May 14, my sweet, as the State of Israel celebrates its

fourth birthday, our Robby will be celebrating his fifth. More power to both!

Lover, goodbye for now; many kisses until I'm looking across at you from out of my cage again! Love you ever so much.

Ethel

SWEETHEART,

May 29, 1952

The hopes of mankind this Memorial Day will be for peace in the world. Daily I scan the newspapers for signs that peace is nearer and I feel sure most people are doing exactly this.

Our own stamina is possible not only because of our innocence, but our understanding of the issues at stake. We have been clear, forthright and outspoken as always, because we have nothing to hide. It is our accusers and prosecutors who are in mortal fear of the truth. This can be the only explanation for the lies and smears they have had printed against us—an organized campaign to discredit us and prevent people from examining the facts in the case, for they know they presented no evidence.

Remember, my wife, I love you.

Julie

MY ADORABLE ETHEL,

June 2, 1952

Keep your hat on, my sweet, in ten days our counselor will be here with the petition and brief to the Supreme Court. We've got a long stretch ahead of us, my love, so renew your lease and plan for a couple of seasons of Ossining housekeeping. I'm looking forward to a pleasant summer replete with good news on our behalf.

I just looked up at the picture of our little Robby standing in front of his Grandma. Ethel, what I saw moved me so. There was my beloved mother, full of compassion, aged with experience, pain and hardship, and yet a symbol of courage and strength. It is so important to our loved ones and all Americans that we win a decisive victory. It is gratifying to see how enthusiastic my brother and sisters become as they realize

the great extent of help the public is giving us. We must take new courage from our new-found friends. They are making the issues clear. All my love, your,

Julie

MY DEAREST JULIE,

June 16, 1952

All day I have been hankering to talk to you! Try to convince this silly heart, just try, that conversation with you takes place on Wednesdays only. It pays me exactly no attention and goes on longing for you. I am fully and painfully aware, of course, that your own heart is every bit as captious as mine.

Darling, your birthday came and went with nary a kiss from your wife or hug from your children. It came and it went much the same as every day comes and goes in here.

Love you so very dearly, and miss you more all the time. Kiss me goodnight, the way you used to, my dear husband. Your wife and children adore their wonderful Daddy. Your loving,

Ethel

MY DEAREST HUSBAND,

June 18, 1952

How could I forget our biggest day? Ashamed as I am to admit it, I must own up to this reprehensible omission. I have only this to say on my behalf: I live with such a nagging, blinding misery, that I grow dully indifferent to the passage of time, even to missing up on a date with as much significance as June 18!

What can I do, your wife is a worry wart! She is, however, trying desperately to become a fairly presentable woman; to date, unfortunately, all my efforts have availed me nothing but three shapeless, formless garments.

Have you been kissing me goodnight of late? Because I never fail to kiss you! Oh, darling, what a ghastly farce we are compelled to endure! So impossibly lonely—

Ethel

MY LOVELY ETHEL,

June 19, 1952

Ever since reading about the events leading up to the cancellation of the meeting (scheduled for Brooklyn Academy of Music, June 18—ed.) I've been searching in vain through all newspapers and nary an inkling of what happened. Of course no one but the *Compass* protested this undemocratic act, but how come they didn't follow it up and report on the meeting?

Honey, I'm sorry I monopolized so much of our short visit. Rest assured that next time I'll make it up to you. I recall how wonderful it used to be at home, each of us working and sharing our work, problems, fun and love.

Ethel, you must understand it is not easy for me to put things in writing. I would prefer to tell you directly. Always devoted,

Julie

HELLO SWEETHEART,

June 26, 1952

Today was moving day again for five of us and now I'm closer to you, residing in Cell No. 1 in the west wing. I spent a couple of hours washing bars, sink, bowl and floor. I was bathed in sweat but feel pretty good now as the cell is very clean and was recently painted. Also there is a new mattress. I'll miss the pleasant company of men I've lived with for more than a year, however.

I can tell by the loud braying Howard Rushmore is doing in the *Journal-American*, trying his darnedest to prevent public rallies on our case, that the Committee is having a great deal of effect.

I am beginning to get a little anxious over the coming visit of the boys, but each visit with them is better than the last. I hope they'll be leaving for the country soon, for this weather is oppressive, and I'm sure they'll thrive with good company, good play, and good fun. I must talk to my family about my mother's visit. I'm worried about her traveling alone.

Try to keep cool and collected, my love. I'm still carrying

the torch for you, remember, in spite of the heat wave. Always love,

Julie

HELLO, DARLING,

June 29, 1952

I am so completely enamored of our petition that I have high hopes we will be granted certiorari, if it gets the attention it should receive. It is a stupendous legal document, displaying a beautiful integration of concise and poignant language and devastating legal argument. I would like to see copies of the petition and the appendix circulated as widely as possible.

My sister and I had a wonderful visit. She was able to stay until the end of the visiting period because one of the persons visiting another prisoner was to give her a ride into the city. I was elated over the news she brought of the rallies, and I was pleased to hear that Howard Rushmore lied when he reported that Rabbi Sharff (Rabbi Meyer Sharff of Brooklyn—ed.) would not appear any more at our rallies because it was charged that they were "communist-controlled."

Say, darling, I'm only 30 feet from you! But the steel doors are equivalent to endless distance. We are getting closer to our final decision and I'm optimistic we'll win our freedom.

Love you with all my heart.

Julie

MY SWEET VIBELLA,

July 2, 1952

Taking up most of the wall above my desk is a full page of last year's July 4 issue of the *New York Times* reprinting the Declaration of Independence. By now, it's turning yellow with age and in one corner, alongside the other signature, appears my name. Since I take second place to no other American in my loyalty to my country, I am going to let it remain here fittingly decorating my cell. By our conduct in this case, when our lives are at stake, we are illustrating the fundamental tenets of our democracy. No amount of distortion and deliberate rewriting of American history can hide its progressive drive.

I prepare for July 4 by reading the Beards' *History of America* and studying the meaning of what is happening today. The new tyrants are emasculating our constitutional safeguards and threatening the people's liberties and lives. We're right and we must win. Your devoted husband,

Julie

MY PRECIOUS ETHEL,

July 13, 1952

Dave brought very good news about our children and the work of the Committee. We also must talk about getting a specialist for my mother before her eyes get any worse; I was terribly upset to hear about her continued trouble with them.

I read something in the *Herald Tribune* that corroborated what my brother told me about Committees to Secure Justice being organized all over the country.

This makes it two years that we have been torn from each other's arms and away from the warmth of our love. But all we have suffered has not changed us nor our relationship. The beautiful part of it is that we will win in more ways than one, and I am talking about ourselves as human beings.

Peace has a most important effect on our situation. For if cold-war-politics-as-usual dominates the highest court we'll not get a reversal.

Accept all the love of my heart. Your devoted,

Julie

DEAREST,

July 17, 1952

You looked so beautiful in your new dress, and the clarity of your understanding, particularly of our case, gave me a secure feeling—that we're in the groove.

This summer will be a fruitful one for the boys. Our stubborn efforts to see that they were placed in a new environment where they can make new friends seem to have brought success.

I'm greatly relieved over reports of my mother's eyes, but I'll continue on the alert to see that her health is not neglected.

I've been day-dreaming, darling, imagining myself with you

and the boys on a vacation, and it sure is a wonderful feeling to be with one's family again. All my love,

Julie

MY SWEETEST JULIE,

July 22, 1952

I simply must take time out from my reading to share with you a most wonderful piece of news. Along with your letter this afternoon came one from the children, evidently in answer to one you sent them last week. Of course I shall read it to you Wednesday, but I couldn't contain myself until then.

You can't possibly know how eagerly I look forward to seeing you each Wednesday; your tender words so faithfully communicated week in, week out, do comfort me.

This horrible heat has dampened my ardor for handball, writing letters or anything even remotely connected with effort.

Love, I grow impatient; I want you so desperately, and all I may do is improvise with a confounded pencil on a confounded piece of paper! How much dearer to me you are than you have ever been! Your lonely one,

Ethel

MY MOST CHARMING WIFE,

July 24, 1952

Would you believe that I've been walking on a cloud since our last visit? You look lovely in your new clothes. They lend an air of freshness and a promise of happier surroundings for you, my dearest.

Our boys are enjoying every minute of the day camp and their stay with their new friends. They are to call my mother every week and reverse the charges so she will have the pleasure of talking to them. Mike's letter was splendid, and by all indications many of the questions about our case which perplexed him will receive adequate answers from warm and friendly people there.

Oh, honey, the days are long and time just crawls, and all this time I should be near you. However, in spite of it all, we know the score. All my heart's love,

Julie

DARLING,

August 3, 1952

I'm simply carried away, enthralled, enraptured! You can't guess. Well, I've been listening to "Old Man Tose" conducting the NBC summer symphony. What a magnificence of sound that guy can call forth; it's positively incredible. All right, sweetheart, I'll cut it out and pay some attention to my own guy. I want to state here and now (details on Wednesday) that I had such a pleasant visit with my brother Bernie that it served to counteract some of the desolate feeling that usually sets in over weekends.

Julie dear, another of your earnest epistles just made its appearance. You're so serious-minded, so sincere, I could eat you in sheer extremity of feeling! Love you, sweetest,

Ethel

SWEETHEART,

August 3, 1952

Another day, another week and still another month. Time marches on—without us—and we are left to suffer through monotonous, endless loneliness, stripped of all we hold dear but our self-respect. How else could one maintain his strength but to reassert the cardinal principles of his life and call on all his past experience to give him the necessary incentive to stand firm?

Constantly striving to overcome time by reading, writing and blotting out any thoughts of difficulties. But always cognizant of the realities of the situation—

That's us, dear. Perhaps because we have so much to live for and we so love life, we find our separation this hard. Yet the contradiction is that we are able to maintain our stamina precisely because we know all this.

Do you recall our summer vacations with the boys? Can you picture all of us together in the country or at the beach? The fact that people are filling in for us and doing everything for our boys eases the terrible hurt and anxiety. But I feel cheated. Two years, years especially important for our kids, were taken away from us. My only hope is that it will not take

too much more time for us to be with our children again. Enough's enough. Oh, tyrants, you've got more than your pound of flesh and blood from two innocent people and their innocent family.

But we hope by exposing this frame-up to be compensated for our own heartaches. At least, other innocent people will not be so easily hurt as we have been. All my love,

Julie

MY DEAR ONE,

August 7, 1952

I am so utterly alone today I must speak to you. Yesterday I was quite aware of myself as the dispenser of glad tidings, and played the role for all it was worth. Unfortunately, no amount of joy experienced at our meetings compensates for the endless hours of our separation.

Ethel

DARLING,

August 11, 1952

Finally this morning I scribbled off a fairly decent letter to the children. Yes, dear, I put in your request for carbon copies, and urged them also to send snapshots. Will give you the details on "Wondrous Wednesday." Ah, me, it is still only "Miserable Monday" (just a slight edge over "Sorrowful Sunday") and "Tantalizing Tuesday" is not yet in sight!

Gee whiz, I want you. All my love,

Ethel

P. S. My sweet, you sing my praise so extravagantly; of course, I don't like it—not much I don't!

HONEY,

August 14, 1952

No matter how many times I re-read a letter of yours it always exudes freshness— The very nature of our case and the type of incarceration here, with the ever-present threat of death staring us in the face, gives rise to violent and extreme emotional feelings, plaguing us with innumerable frustrations, but as we have experienced, always causing us to fight back to a stable foundation.

We can be thankful that we have attained the level of understanding to ascertain truthfully our position and keep a

correct perspective—our campaign for complete vindication.

Yes, to us, my wife, our lives and freedom are most important, but our case goes to the heart of the political issues that are confronting the country. Take heart, my love, we are not alone, but part of an ever-increasing army for justice and peace. Your fellow,

Julie

HELLO DARLING,

August 17, 1952

Within a few weeks some of our friends will be back from vacation and rekindle our waning spirits. I enjoyed my sister's visit very much because of the report she gave me concerning the Chicago conference* and what she told me of the Committee's office.

Every visit from members of my family is more and more fruitful, and I'm sure I do not exaggerate when I say that each visit does the visitor even more good. Members of my family always say that whenever they leave us their morale is way up, and they are able to transmit this good feeling to all the persons with whom they discuss our case.

By the way, the P.K. (principal keeper—ed.) happened by and we had a nice talk. He really is a peach of a person.

In her letter, Ethel said B—— called her in New York last week and said the children are very happy and he loves them dearly. Robby does not hide in corners, the shyness has left him, and Michael has put on weight.

Dearest, let's take firm hold of ourselves and be ready to meet the terrible storm that's brewing. We should resolve to keep our feet firmly planted in reality and not let ourselves be carried away with extraneous matters and hysterical scares. I'm confident we'll do O.K. but let's be prepared anyway. This time I'll save all the song that's in my heart until Wednesday—I'm sure it will have more meaning to your ears than the words I put on paper with such difficulty. All my love. Your,

Julie

* Rosenberg committee delegates from many parts of the country met in Chicago.

JULIE DARLING,

August 19, 1952

The concerned tears rose at once as I read your letter. I know your pain, for it is mine. I am constantly tossed upon a sea of righteous wrath for all the pettiness and indignity that hems us in. Sweetheart, I draw you close into loving arms and warm you with my warmth. I feel so inadequate in the sight of your need, yet I long to believe I have had some small something to do with the extraordinary stability you have been exhibiting. Ever your wife,

Ethel

HELLO, SWEETHEART,

August 24, 1952

I miss you very much and feel lonely. Our lot is bad enough and when there are added unnecessary aggravations it makes one sick. But we must examine each incident in relation to our entire situation.

You can understand that I'm actually writing for my own benefit. Sort of speaking to myself. When I see you I'll tell you of a disagreeable experience.

Michael appears to squint badly in the last set of photos. Since you already made a note of an audiometer test for Robby, add one that Mike should have his eyes examined.

I explained in detail our plans for the children to my sister. We had a good visit and I did my share to cheer her up. Yes, my wife, we, because of our understanding, have to give comfort to our loved ones and friends, and in so doing take just satisfaction. All my heart is for you, my love—

Julie

MY ADORABLE WOMAN,

September 1, 1952

The first words out of my mother's mouth were, "Your Ethel looks so pretty and sends you her love." We had a most excellent visit. Her seeing the children and knowing they are in competent hands has reassured her. The next personal hurdle is how the boys take to the school and we'll know about it at their next visit.

Well, darling the summer is over and it's been a good one, and now the time for decision is upon us. From here on in, the crucial period of our case is at hand.

Oh, happy day, Wednesday's almost here. All my love,

Julie

ETHEL, MY SUNSHINE,

September 7, 1952

Now that I've begun this letter I feel much better but I must say it has been one of those blue days worrying about the children, missing you, and with this hayfever knocking the stuff out of me. Well, enough of despair—Wednesday is almost here.

It looks as if many people see the political nature of our case, understand its deeper implications and are working to secure justice for us as an important step in defending civil liberties and fighting for peace.

It's a tough fight, but we're up to it, and the needs of the hour and justice of our cause impel us to fight for complete victory.

Slowly but surely we are coming to the date of our next major hurdle, the writ of certiorari. I'm optimistic, but no one can predict the idiosyncrasies of the courts.

I need you more than anything else. Your devoted husband,

Julie

MY SWEET ETHEL,

September 11, 1952

Just after we got through talking about how we hadn't received any news direct from our boys in a while, a swell newsy letter is delivered to us. Of course, you can be sure that I'm itching to see those photos. I promptly sent an answering letter to them and suggest you do the same. Perhaps we should ask them if there is a day camp; maybe it would be better for Robby to be there. The tone of their letter indicates they are getting the kind of security, care and love that will help them to withstand the torments brought about by our case.

I plan to send out the New Year's cards this weekend. Every

time a Jewish holiday comes around my mind flashes back to my family and all that it signifies to them. This holiday will take a lot out of them. Especially is this true of my mother. Soon all of us will be tensely awaiting the Supreme Court decision. All my love,

Julia

SWEETEST JULIE,

September 15, 1952

More and more I tend to withdraw into myself, emerging fully only when you are with me. Day by day our separation grows more intolerable; day by day the assault upon mind and spirit grows the more viciously insistent.

That no degree of pressure ever will cause us to repudiate our principles does not in any way lessen the heartbreak we suffer.

Sweetheart, I love you with a strength that defies my pain. Still, hold me close, my heart is so heavy with wanting you—Always your own wife,

Ethel

APPEALS— HIGHEST COURT

Chapter 6

HELLO, HONEY,

September 23, 1952

It is certainly a tedious job going through the small print of the record. My suggestion to you is to concentrate on Dave's and Ruth's testimony. This is the important part.

I received New Year's cards from a number of unknown friends. It really is good to be remembered by these strangers when we're locked away.

No matter how foul the deeds of those who are trying legally to murder us, you will rise above all this, because you are made of pure goodness. May this New Year see us back in our home with our boys. Yours always,

Julia

DEAREST ETHEL,

September 25, 1952

How much happiness you can get on this third birthday of yours spent imprisoned contrary to all that is right and decent, I don't really know.

Nevertheless we will do honor to this special day of yours by rededicating ourselves to fight with all our strength for what is best for our children and family—and all families.

Happy birthday, my sweet wife, and I have high hopes of

DEATH HOUSE LETTERS

spending your next birthday with you and our children in our home. Take heart, we have come a long way.

I finally managed to complete reading the entire trial record. My candid opinion is that our rights were well protected by our counsel and we did not get a fair and impartial trial because of the conduct of the judge and the D. A. Particularly vicious is the Circuit Court of Appeals decision, going counter to legal precedents and constitutional guarantees of civil rights, and simply not answering the questions we raised.

Many more returns of the day in happier surroundings. All my heart,

Julie

SWEETHEART,

September 29, 1952

After you left me on Wednesday I descended earthward with a crash; what you had told me of your problems had a naturally depressing effect. Man's inhumanity to man always has made me sick at heart; the hurt, fortunately in this case, is of a temporary nature, and I bound back with renewed strength and determination. Especially when there is a dear husband to send me such moving birthday greetings!

Darling, my darling, how truly I love you. And how much I long to possess the remarkable qualities you attribute to me, and to be worthy of all that you are yourself!

Again, dearest, all my thanks for your beautiful card. And all my heart to you—Your loving wife,

Ethel

HELLO DEAREST,

October 2, 1952

It was most refreshing to see you looking so well, and very pretty indeed. I mean it sincerely when I say that immediately when I see you I experience a buoyancy and joyfulness; I feel strong in our unity and confident of our victory.

Let us not be dismayed by the proximity of the Supreme Court decision, but instead, let us continue to do all we can to help ourselves. We must not allow ourselves to be stampeded

Appeals—Highest Court

into hopelessness. We've put up an excellent fight and we're not quitters.

As for myself, I'm on schedule with the trial record, making copious notes of details we should talk over with our counselor, at the rate of one book a day. I managed to get into the sixth book before I was sidetracked by the world series game. This promises to be a very interesting contest. I'm sure we're both rooting for the Dodgers.

Naturally I had hoped to begin to hear of some favorable comment, in the liberal press at least, on our position. However, we must be realists. The political climate has not cleared up and a great fear is paralyzing many former liberals and progressives into silence. I'm still optimistic but I'm prepared for any eventualities.

At the moment I'm very lonely and I miss you very much. Oh, if I could only hold you in my arms! All my devotion,

Julie

MY DARLING HUSBAND,

October 3, 1952

I have been getting a great deal of satisfaction from writing a letter to the children in honor of my own birthday. What's more, I have a pleasant surprise for you—a new dress, which gave my morale an unexpected boost. I shall tear myself apart until you have the chance to see it, of that you may be sure, for it really looks lovely on me!

And last but not least, our visit, though incomplete as usual, was of such a quality as to renew my spirits remarkably. My sweet, you are so capable and so hard-working and so sweet, I simply adore you! Again, my deepest love and thanks—Yours ever,

Ethel

HELLO DEAR,

October 5, 1952

Thanks for the lovely letter. Certainly, I will be anxiously awaiting our get-together.

I gather from the newspapers that Oct. 13 will be the earliest

date that the Supreme Court could decide our petition. I intend to condense the more-than-26 pages of notes I made on the record, to pinpoint certain items for discussion with you on Wednesday. The job of carefully scrutinizing the trial record is complete and I need at least a six-hour conference with you and Manny to deal with all these points.

Since I last saw you I've missed you dreadfully and I need your comforting words, the depth of your wisdom and warmth of your love. I feel such a great hunger, but in my mind and in my heart I know we will be one again. Devotedly,

Julie

DEAREST ETHEL,

October 9, 1952

I am positive that the latest letter from your boys warmed the cockles of your heart. Truly they are developing under the loving care of swell people. The fact that they succeeded in getting Robby to kindergarten shows how quick they are to put our suggestions into effect. Perhaps you should write suggesting piano lessons for Michael.

I intend to wait until after the decision on the writ of certiorari, this coming Monday, before I answer their letter. If, on the other hand, you find that you can write them, please do the honors.

Perhaps I will see you before next Monday. If not, this letter will have to do. Station WFAS, at 12:45 p.m. Monday, carries the news which will probably have the Supreme Court decisions.

Remember, honey, no matter what the decision, it does not change our innocence nor our determination to fight with all our vigor in the same principled manner for complete vindication.

One thing is certain, the political climate in this country is one of fear, with a rising hysteria against all those who don't conform. Counterbalanced against this are the increasing activities of the Committee. Because of the way we have conducted ourselves, our conscience is clear and our self-respect preserved.

Darling, we can justly be proud of ourselves.

I am sure the future will justify our faith in our country's democratic principles and its wonderful decent people. I wish I were able to surround you with my love in this period, but know that you are uppermost in my heart and mind. Devotedly,

Julie

SWEET VIBELLA,

You were the belle of our consultation and it was a good omen to see you in a new and very becoming dress. Your spirits seemed to be in tune with your appearance, and I am elated over the splendid confab and most gratified with the results of the Committee to date.

Since we know exactly all the alternative legal steps that are open to us, we can make our plans accordingly. Our own participation in the consultation was very productive. As for you, I adore you and love you with all my being. Because of you and the visit I'm in excellent shape, and await with renewed confidence the Supreme Court ruling.

I spent most of yesterday making a resume of my notes on the trial record. Darling, I believe we are entering a new lap in our fight, and no matter what the difficulties, we are coming closer to our final victory. All my love,

Julie

HELLO SWEETHEART,

October 13, 1952

Just a word of encouragement until I see you again. As for me, nothing is changed. My courage, demeanor and understanding is the same; but it seems to me that the Supreme Court has shown callous disregard for justice in our case.

Although I knew from hearing the news on the 12:45 radio broadcast, I didn't let on to Mama because I wanted her to be home and have people near her when she hears the bad tidings. We will have to spare her as much suffering as possible because she is all emotions and completely heartbroken. I tried

as much as possible to ease her feelings, but it was too difficult a task for the kind of visit we have.

The action of the court in our case speaks more eloquently of the true nature of our government than all the propaganda that emanates from Washington. They are trying to make haste in putting us to death before the court of public opinion gives its answer, protesting this political frame-up. I believe this latest action by the highest court in our land will galvanize many people into positive action on our behalf. The fight is not over, because the people still have to be heard from.

Of course, I realize our path becomes more difficult where each succeeding avenue of legal action is denied us, but we are realists and we know other factors play a most important part in political cases such as ours.

I realize I should write our children a letter but somehow at this moment I can't take myself to this usually pleasant task. Perhaps after I speak to you I'll be able to write them.

Honey, we'll have to pack a great deal into our visits from now on because things are going to be popping fast and furious. It would be a good idea if we reviewed our personal plans at our next get-together at our favorite screen.

I want to repeat to you again, my sweet, wonderful wife, that I face the future with "courage, confidence and perspective" because of what you and the children mean to me. It is our faith in the principles of democracy and the dignity of the human being that convinces me that we will succeed in the end. Devotedly,

Julie

DEAR MANNY,

October 18, 1952

Fortunately you had prepared us so well at our last consultation that we took this latest hammer-blow with admirable dignity and self-control. I think we have every right so to characterize our behavior, for while it is no easy matter to contemplate one's own imminent death, it is far more horrifying to watch the cauldron boiling and the plot thickening right

out in broad daylight, while the people flee headlong down the path to their own destruction, and the liberals flounder about pathetically atop their synthetic fences!

On Monday, Oct. 13, the Supreme Court, with the praiseworthy exception of Justice Black, used its proud office to write "justice" off the statute books. By its refusal to review a case that involves two decent young parents and questions of law vital to the democratic well-being of the entire citizenry, they clearly sanctioned the scrapping of due process and the incidental scrapping of human life.

They also demonstrated all too effectively a creaking make-shift of a case and a hollow mockery of a trial, thereby revealing a lack of that independence of thought and action we had come to associate with such a venerable body as the United States Supreme Court!

Ethel

WAITING

Chapter 7

DEAR MANNY,

November 28, 1952

I see by the papers that the holiday is in full swing, and since "justice" enjoins me from doing my "shopping early," late, or otherwise, it will have to be undertaken for me. I have fairly pounced upon each *Guardian*, in the hope of finding some guide to the perplexing problem of choosing books for the children. Of course, I want them to have *Be My Friend*, *Tony and the Wonderful Door*, and *The Races of Mankind*, among others, but these are but a small fraction of the titles listed elsewhere and I don't want anything overlooked that might conceivably further their all-round development. The same holds true of phonograph records.

You may be wondering why I have as yet made no mention of toys, nor of clothes for that matter; let me assure you that I have been positively wallowing in advertisements of late, penciling here, clipping there, now accepting, now rejecting!

You see, I am determined to go on living and planning as though naught awaited me save a husband's fond kiss, a son's noisy welcome.

Ebbs

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DEAR MANNY,

December 22, 1952

Today my mind went back to 1933, when we lived in the midst of the great depression. I was a senior at Seward Park High School. The family was in a tough financial spot and although only fifteen years old I was fully aware of conditions around me— To earn a little money I used to peddle penny candy on Sundays. The profit went from a low of 40 up to 80 cents for a good day.

One day I stopped to listen to a speaker at a street corner meeting on Delancey St. in the lower East Side. His topic was the campaign to win freedom for Tom Mooney, labor leader who was imprisoned on a frame-up. That night I was reading a pamphlet I bought from the speaker giving the facts of the case and the next day I went and contributed 50 cents. Then I began to distribute the pamphlets and collect signatures on a Mooney petition from school friends and neighbors.

There is another incident still fresh in my mind. It happened during my first year at City College in 1934. The Student Council was responsible for programs during freshman chapel, and it was compulsory for all freshmen to attend.

The president of the college, Frederick Robinson, took over the responsibility for the program on one occasion, and invited a delegation of foreign students from fascist Italy to be guests and help make good will for that regime among us students.

When the prexy got up to speak he was greeted by a chorus of boos. He was forced to sit down without being able to speak, though he managed to state that our "conduct was befitting guttersnipes." To re-establish order they allowed Eddie Alexander, president of the council, to take the rostrum. The hall was perfectly quiet when he began: "I was given permission to speak if I don't say anything derogatory against fascism, but I want to convey a message to our enslaved and tricked brothers under Italian fascism."

The truth cut too deep and the fascisti students dragged him away from the microphone and a free-for-all began. Three thousands voices thundered in the Great Hall: "Abbasso il

fascismo!" ("Down with fascism"—ed.)

At this point the prexy called in New York City's finest and the college student body was treated to a lesson in night-stick civics. Within a week almost the entire student body was wearing buttons that read: "I am a guttersnipe. I hate fascism." Subsequent events such as Il Duce's bringing "civilization" to Ethiopia *via* bombs, flames and death, proved we were correct. But 21 students were expelled.

At school I took a very active part in the campaign to free the Scottsboro boys. My extracurricular time was devoted to constant work for these good causes. Together with thousands of other young people I studied, read, participated and learned.

I took a part-time job as a clerk in a drug store on Lenox Ave., near 125th St., in order to make ends meet. Daily I walked through the Negro neighborhood from school to work. I saw what discrimination meant. Overcrowding in slums, 25 to 50 per cent higher prices than charged in other neighborhoods for the same items, and higher rents. The store employees in the neighborhood were all white. There were many incidents where the police were charged with brutality.

One night while I was working in the store there was an accident on Lenox Ave. A speeding bus ran over a middle-aged Negro man and he was brought into the store bleeding profusely. His leg was almost completely severed. It took the ambulance more than three-quarters of an hour to answer the emergency call while the man bled to death. I had to mop up this man's life blood and I'll never forget this crime that permits such a thing to happen to a human being.

What I'm getting at in reciting some of my experiences is that there are things you don't learn at school or from reading, but you must see—

This is part of my background and goes to make up the person that I really am—a progressive individual. Is this the reason they have given us only three more weeks to live? They tell me in many devious ways, you can save your wife and yourself. Make a deal. Do what the Government wants.

Can I now deny all these truths I know? Can I deny the principles that are so much part of me? This I can never do. I cannot live a lie nor can I be like the Greenglasses and the Bentleys. My entire life and philosophy negates this and it is obvious that I could never commit the crime I stand convicted of. The plain fact is that we are completely innocent.

It is Christmas Eve now, and 16 years ago this week the most important thing in my life happened to me. I met my wife. You know my Ethel. I cannot sing her praises too highly. We can be so happy together. We want to be reunited with each other and our two sons. Our will to live is strong and that is the reason we fight so hard.

We have faith that the people will see to it that this will not be our last Christmas Eve. As ever,

Julie

DEAR MANNY,

December 25, 1952

It is Christmas Day in the death house. As usual, I had a cup of coffee for breakfast. Then I stood in the center of my cubicle of concrete and within arm's length to the left, to the right, behind me, under my feet and over my head, were the solid walls of concrete—except for the heavy steel that barred the entrance. Nature's air and light entered through the spaces between the bars.

I stood a moment longer and reflected. It is solidly built, efficient, but very cold. The only brightness is on the left wall on which pictures of Ethel and the boys are held up by strips of adhesive tape. A pile of Christmas cards on my desk give additional color. Even the July 4th, 1951 page of the *New York Times* carrying a copy of the Declaration of Independence, which I taped up, was brown with age and seemed to be molded into the wall, a weathered piece of paper. Yet in this tomb there was warmth; it was inside of me.

I thought of other Christmas days and immediately my mind focused on my adorable wife and precious children. How were they spending the time? What were they doing? And

I began to think of my fellowmen and of the world. It is true that I miss being with them, but on the whole I don't feel so bad, because I see in the confidence they honor us with that what we believe to be right and good, is really so and that we have always lived truth.

Time is getting short but I am still optimistic that we will win our freedom. A lot can be done and must be done in the three weeks we have left to live. As ever,

Julie

P. S. The holiday cards and messages of good cheer continue to pour in and I believe the authorities are allowing only a small portion of those sent to reach us. These expressions of support do us a great deal of good and we extend our warmest greetings to our well-wishers.

MY SWEETHEART,

December 26, 1952

Light of my life, rose of my heart, you my beloved being kept apart from me, are the thing I hold most dear. When I see your beautiful expressive face I know we are as one. I for one marvel at the growth of our relationship here in these surroundings.

I am convinced that mere physical separation shall not deny us our love and our complete union—though we'll have to wait a while, darling, each in his own little horror chamber.

Just keep on being my Ethel. I want you the way you are. Your devoted husband,

Julie

DEAR MANNY,

December 27, 1952

It was cold in the yard this morning. Winter was asserting itself. Gusts of icy wind blew across the yard, stinging my ears and carrying to my nose the pungent, fishy odor of the Hudson River. A soaring seagull was sailing upward in wide circles lifted by the strong wind and gracefully, without effort, covered

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the expanse of the wide open sky that my eyes could see. Suddenly, with a roar, man's invention, the jet plane, intruded, but the white puffs, bunched like an endless chain into clouds, hid it from my sight.

Then as I took another turn around the yard my eyes glanced at the white streaks of calcium that seemed to make odd shapes as they ran in broken lines from brick to brick along the wall of the death house. I began to think of the chemistry of the building materials. Through my mind flashed a picture of coal and iron ore dug from the bowels of the earth, trucks bringing it into the mills, iron and steel pouring from the furnaces, fabricated parts making their way to Sing Sing, skilled mechanics using all the science of modern industry to make a strong structure known as a death house. Just then, the exercise guard reminded me my fifteen-minute yard period was finished. I breathed once more deeply of the fresh, free air and then I went to my cell.

Day and night, pacing back and forth, lying on my bed and endless thoughts crowding through my mind—So little time left. So much to say and live in a couple of weeks. What should be put down first? To whom? How?

Please. Listen, look, see, hear, feel. Learn the truth and get at the facts. Each for his own defense must defend right and life.

Over and over again I began to write to my sons. I wrote a few lines and tore up the paper. Then I put it off again and sent Ethel a letter and again I couldn't make it. It is futile to tell a mother not to grieve for her children.

We, their parents, see the terrible hurt visited on our boys and know the mark that has been made on their lives. And when I look through the screen at my wife in her cell and see the tears streaming down her face and her body straining with all its might to contain the sobs of pain, I try to quiet her, while inside of me I'm crying all over. It's the damnable injustice and horror of it all. We must do right by our children and for others like them. As ever,

Julie

DARLING WIFE,

December 28, 1952

I've been thinking my dearest, how terribly inadequate I feel because I can't give you much comfort in this time of our great agony. It is futile to tell a mother not to grieve for her children. Well do we realize the terror and emotional hardships our two boys are going through. All the reason and the right in the world cannot change that. But yet you and I must together steel ourselves, although our hearts are breaking and our tortured minds cry out for relief. We must do what's right for them, and for other children like them.

I know how you feel, dearest. I miss you terribly. It is just impossible to conceive that this grotesque web of horror has been spun around us. Ethel, my love for you is so overwhelming that it gives me great strength to withstand the mounting pressure. One thing I am sure of—that your devotion to truth and right will conquer the terror being visited on us.

Let me send you all my love and everything I cherish and hold fine and dear. You have shown me how wonderful it is to be a really good human being.

Julia

DEAR MANNY,

December 28, 1952

In everything I've written and all that I've said I try to explain to my sons the meaning of our situation. One thing I feel sure of—that when they are older, they will know that all the way through, we, their parents, were right, and they will be proud.

We are still optimistic, but we are alarmed that the madmen in their haste to conceal this rotten frame-up will snuff out our lives.

I just happened to think: no matter what the outcome of this case is, will Judge Kaufman ever be able to explain his action to his own children, who someday will read the facts???

The type of evidence used to convict us, if considered dispassionately, would not be sufficient to convict a pickpocket. Legally, judicially, morally and in simple truth we are com-

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pletely innocent. If I only had the means to talk to every man and woman personally I am sure I could alert them to the danger and prove our contentions. There must be no let-up in activity. Justice demands that we live to have our day in court to win complete vindication. The human conscience and our national honor demand this.

My deepest affection and love to all our friends and supporters. As ever,

Julia

HELLO DEAREST,

January 1, 1953

Happy New Year to you, Ethel darling. May this year see events take place that are more to our benefit than what happened in the old year. The Circuit Court of Appeals ushered out the year with another piece of hair-splitting. However, from the fragments of the opinion which I read in the newspapers, they do recognize the prejudice caused to us by the publicity, as handled.

Both courts are of the opinion that despite the prejudicial atmosphere, the defendants' "failure" to take timely procedural steps now forecloses the courts from giving us relief, as prayed for. To all this I say, *bunk!*

I believe that true justice is concerned with substance, not forms or modes of procedure. If, to begin with, it was an unfair situation, how could it later become "cured" by the passage of time?

I am more determined than ever to fight with my last breath to expose this terrible miscarriage of justice. I am confident and hopeful that our lives will be saved.

Honey, I missed you terribly New Year's Eve, and all day today. My beloved, I send you my heart and my very soul. Always your own,

Julia

DEAR MANNY,

January 3, 1953

Today our precious boys came and our own family lived once again for two hours. I could see the trust in little Robbie's eyes,

and the warm and tender feelings of love that passed between us in all that he said and in our play together. We looked through the barred window at the seagulls and the tugboat pulling a string of barges on the Hudson. The pictures he drew and the drawings I made for him were interrupted while he kissed my cheeks and circled my neck with his little arms. My son was happy with his daddy. Our baby got our true feelings.

Michael was troubled and disturbed and the burdens on him were obvious to us, his parents. My wife did so well by him. She explained patiently, carefully, firmly, but all the time with a complete acceptance of him and showed such wonderful understanding. I promised to play Michael chess. I hope to someday.

Then they had to go and as I helped Michael with his coat he suddenly clutched me with his hands and stammered as he lowered his head, "You must come home. Every day there is a lump in my stomach, even when I go to bed." I kissed him in a hurry for I was unable to say anything but "everything will be all right."

When I was in the solitude of my cell once more and the door clanged shut behind me, I broke down and cried like a baby because of the children's deep hurt. With my back to the bars, I stood facing the concrete walls that boxed me in on all sides, and I let the pains that tore at my insides flood out in tears.

Julie

DEAR MANNY,

January 3, 1953

Before God and man I must blazon forth these truths:

1. We are completely innocent. Nothing can change this.
2. A monstrous frame-up for political purposes has taken place in the Rosenberg case.

The judge and the district attorney from the very beginning injected the false issue of communism and political beliefs to obscure the issue and inflame the passions of the jury against us.

The judge strained every effort to bend the jury to a verdict of guilty with his constant interjections against our interests at every stage that was to our advantage. He allowed our rights to be violated and prevented our lawyer from adequately defending us and did not allow the jury to judge the crime, as charged in the indictment, on a fair and impartial basis.

As for us, we are confident of the righteousness of our cause and we will not allow ourselves to be used as tools against the fight for peace, freedom and decency.

Don't be too hasty, gentlemen, in pulling the switch. Remember, it is a two-way affair. The world is watching our government's action in this case and the conscience of men of goodwill is outraged by the brutal sentence and the miscarriage of justice in the Rosenberg case.

Time is short. There are but ten more days left to live. I will do my best to crowd in as much work as possible. As ever,

Julie

DEAR MANNY,

January 9, 1953

It strikes me that Judge Irving R. Kaufman's immortality is at last assured; future generations will cite his decision denying us clemency as the epitome of artful double-talk and intellectual dishonesty.

Full of the most extraordinary inaccuracies and omissions and the kind of specious reasoning that lends credibility to distortion, it strains so hard to be profound—and fails to be anything but puerile.

Enamored of quotations as the good judge seems, however, I would hazard the guess that a study of the following excerpts from Shaw's *Saint Joan* would not have inclined him to use them against the Rosenbergs! As you will recall, John de Stogumber, the English chaplain, who had been one of the most blood-thirsty advocates of Joan's proposed burning, comes rushing in from this spectacle, overcome with remorse and sobbing like one demented:

"You don't know; you haven't seen; it is so easy to talk when

you don't know. You madden yourself with words: you damn yourself because it feels grand to throw oil on the flaming hell of your own temper. But when it is brought home to you; when you see the thing you have done; when it's blinding your eyes, stifling your nostrils, tearing your heart, then—then, Oh, God, take away this sight from me! Oh, Christ! deliver me from this fire that is consuming me—She cried to Thee in the midst of it: Jesus! Jesus! Jesus! She is in Thy bosom and I am in hell for evermore!"

And there shall you be, Judge Kaufman, for a crime "worse than murder!"

Estel

DEAR MANNY,

January 12, 1953

The stupendous propaganda campaign against us is reaching unprecedented heights. Why, the sheer weight of newsprint staggers the imagination, but it sets one thinking. They are doing a selling job. The authorities are adamant on going through with this madness—or is it because they are having a difficult time convincing the public?

Obviously, the situation is fraught with grave danger. Not only are our two lives in jeopardy, but the safety and security of our fellow countrymen is endangered. If there is no reason or sanity left in Washington then in desperation they may allow the executioner to pull the switch and murder us.

I'll have to stop now. They are collecting my pen for the night. Tell all our friends to keep up the good work. They're doing fine. We can win this fight. As ever,

Julie

DEAR MANNY,

January 16, 1953

It is now obvious that Kaufman's opinion, which could be entitled "Alleged Communists or pro-Communists Are Better Off Dead," was deliberately conceived for use as a text for political propaganda: 1) by the State Dept. in an attempt to offset mounting foreign indignation against this monstrous frame-up and brutal sentence that shocks the conscience of

mankind; 2) at the instigation of the Justice Dept. at home, for a high pressure press and radio campaign to oppose and stop the growing protest movement, and above all to prevent the entire people from catching on to the fact that there is a gross miscarriage of justice in the Rosenberg case.

How terribly afraid of the truth they are! We two little people, even when facing death, are strong in our innocence and confident of the justness of our cause. Even eloquent syllogisms, beautifully pyramided, when based on the big lie are completely demolished by right and facts.

We have faith that the people will not let American justice be indelibly stained with the blood of the Rosenbergs. As ever,

Julie

DEAR MANNY,

January 19, 1953

Much water has flowed under the bridge since I last wrote. The Rosenbergs' calm prediction that the people would refuse to acquiesce in legal murder has been borne out a thousand times over.

Here and there a date stands out. My personal calendar records that on Wednesday, Dec. 17, 1952, certain duly accredited gentlemen, escorted by the Warden, paid me a visit in order to inquire concerning my health and to determine what my needs might be, short of staying the hand of the executioner (sic!) posed to pull the switch during the week of Jan. 12. And on Sunday, Dec. 21, 1952, I sat quietly in my cell, "listening" to the songs that close to 1,000 people were singing in a heavy rain at Ossining Station* (although I couldn't actually hear them) and feeling a calm and a safety and a spiritual bond that no deprivation, no loneliness, no danger, could shatter!

* The nearly 1000 people who went to Ossining, N. Y., where Sing Sing prison is located, came bringing season's greetings to the Rosenbergs from thousands more Americans who wanted to see them live. The police did not allow the delegation to approach the prison walls. Instead, they remained near the railroad station where they sang moving songs of solidarity with the Rosenbergs.

January 14 came and went, as did those hectic days just prior to it when officials of one kind or another were giving us the familiar run-around and the scribes were nobly assisting with a campaign of slander.

There are, however, memories not listed in any calendar, memories of emotions that flashed by meteorlike, in bewildering succession, and that now in retrospect are so many burned-out stars, identically pale and colorless and forgotten. Again, casting a glance backward over the shoulder of the swiftly-speeding present, I remember vividly that each day then seemed to me to be stretching out long and endless and golden with promise. I wrote my husband, "The battle rages, but I am serene." And to my children I sent a charming light-hearted little poem clipped from the *Sunday Times* by way of a Chanukah Greeting.

All, all past, and decision close at hand; for us, sitting here and fighting for breath in an ever-narrowing circle of tightening time, it looms large and unknown, color-blurred and shapeless upon the gigantic canvas of a furious age. And yes, essentially, it is a simple decision, predicated upon a few simple propositions.

First, whatever the merits of the case, millions of people throughout the world today, numbering among them some of the most outstanding figures of our times, view the refusal of the courts to grant the Rosenbergs relief as an affirmation of our insistence after nearly two years in the death house—that we are political victims of the cold war. Accordingly, these millions have registered the most vigorous kind of opposition to the execution of the sentence.

Second, the enormity of this protest—indeed, its very existence—so clearly expresses the political nature of the case, that it has forced a desperate attempt in certain quarters either to minimize it by exaggerating the importance of our detractors, or to write the whole thing off as a "Communist plot!"

Third, while the entire world storms, thunders, exhorts and pleads, we are witnessing the astounding spectacle of the most

powerful nation on earth, bound helpless, powerless to reverse itself because it is always so much easier to commit new errors than to right old ones!

Fourth, boiling this down to simpler—even ludicrous—terms I ask in all seriousness: "Is it worth forfeiting two warm, young lives, about whose guilt the world says there is reasonable doubt, to save the face of the United States?"

It is a simple decision. For to "lose face" by granting clemency to the Rosenbergs is to demonstrate in the most palpable manner possible that Justice is something more than a ruthless treadmill, which once set upon a certain course must, like some horrible Frankenstein monster, grow stronger than the controlling hand upon its throttle and run blindly amuck!

We wait in the dimness of gathering doom. We wait and we hope and we do not lose faith that the sun still shines in this land of our birth—this "sweet land of Liberty"—this America!

Ethel

DEAR MANNY,

January 21, 1953

This is to let you know that my mother was here on Monday. The following transpired, which will interest you. I am still in a state of stupefaction over its bold-faced immorality.

I pointed out to her that whatever unfounded fear of reprisal Davy might be harboring, it was my life that was in peril, not his—and further, if I, while awaiting electrocution was not afraid to continue to assert my innocence and give the lie to his story, why couldn't he, in a far more advantageous position, be man enough to own up at long last to this lie and help to save my life, instead of letting it be forfeited to save his face!

Our conversation follows, and I quote almost verbatim:

Said she: "So what would have been so terrible if you had backed up his story?" I guess my mouth kind of fell open. "What," I replied, "and take the blame for a crime I never committed, and allow my name, and my husband's, and children's to be slandered to protect him? What, and go along with a story that I knew to be untrue, where it involved my

husband and me? Wait a minute, maybe I'm not getting you straight. Just what are you driving at?"

Believe it or not, she answered, "Yes, you get me straight; I mean even if it was a lie, you should have said it was true anyway! You think that way you would have been sent here? No, if you had agreed that what Davy said was so, even if it wasn't, you wouldn't have got this!"

I protested, shocked as I could be, "But, Ma, would you have had me willingly commit perjury?"

She shrugged her shoulders indifferently and maintained doggedly, "You wouldn't be here!"

Is it possible for you to make arrangements to bring the children up here Saturday morning, the 31st? Julie and I are both agreed we must see them, even if clemency is denied us, so bend every effort you can. Only don't tell them until a day or so in advance—Mike will get all tensed up otherwise. Love,

Ethel

DEAR MANNY,

January 30, 1953

This very morning I saw Julie; just as I figured he'd rather you came as soon as possible and make more definite plans for the kids when you arrive. Tuesday is particularly good, since I see Julie until 10:00 a.m. and am already dressed and ready for another visit (even if I don't know in advance that you're due), but Wednesday or Friday will do as well, if it must.

Your letter came just in time to pick me up out of the dismal dreariness that is an inescapable by-product of solitary confinement. Not that you are mistaken about my good spirits; it so happens that I actually am maintaining a fairly consistent degree of confidence and strength. That, however, presents no serious obstacle to the poor, foolish palpitant heart that will not listen to reason and that hungers and thirsts for the true gratification of creative human exchange; nor does it alter the grim fact of an endless gray monotony of existence.

May I thank you for all the affection and understanding and generosity. It touched me down deep inside and brought

the tears in a spontaneous rush of sheer, sweet happiness. After a childhood of warping bitter cold, you see, such warm praise causes a rather intense emotional reaction and moves me to the most profound feelings of humility and gratitude.

I am the more exercised, therefore, about attacks upon your integrity and good faith—until we see you and can properly discuss this matter, suffice it to say that my husband and I shall die innocent before we lower ourselves to live guilty! And nobody, not even you, whom we continue to love as our own true brother, can dictate terms to the Rosenbergs, who follow only the dictates of heart and soul, truth and conscience, and the God-blessed love we bear our fellows!

Ethel

MY LOVELY NIGHTINGALE,

February 1, 1953

Oh, joy of joy! I caught a couple of bars of your rendition of Gounod's *Ave Maria* and the *Alleluiah*. Imagine, if only your door were open, what a lovely concert we would have. I reminisced a bit of the many times you would sing my favorite arias and folk tunes—

My sister stayed on until 3:30 p.m. because she was given a lift to New York by another visitor and we had a very fruitful visit. I'll fill in some of the news items she didn't have time to tell you about at our next get-together. I'm very much relieved that Lena is coming along nicely.

Believe me, sweetheart, I have to fight not to think about our precious children too often, for the longing breaks me up and hurts so badly. Oh, darling, how wonderful it would be to be together once again with our family. I just thought about the good times we used to have. You carrying Robby on your back and Michael on my back, and the big race was on. Do you remember the procession when it came time for the little one to be put to bed? You led the way holding his feet, I held his shoulders and Michael marched in the middle with his brother's back resting on his head. It was loads of fun—Such

poor innocent babes suffering cruelly without any cause. This, none of us will ever forget. Let us keep hoping we will someday win this case and help restore the boys' happiness.

I've got a secret to tell you, my wife, that I'm very deeply in love with you. Your devoted,

Julie

DARLING ETHEL,

February 8, 1953

The weekend seemed very long, since we didn't receive the usual family visit. From the time I left your presence this last Friday, I've been thinking about you.

I understand the deep hurt you suffer, especially the terrible frustrations magnified manifold because we sit awaiting our doom. If the flowing tears and irrepressible sobs you uttered because you could not contain yourself any more represent the surface expression of your pain, then know that the reason for my speechlessness at that time was due to my agony reflecting your own. It is impossible to soothe you or protect you from the torture that is ever-present here, but we've been able to stay strong in spite of it, and our unity has been made unbreakable because of it.

The greatest writers of all times have decribed love and explained the beauty and virtue of the complete acceptance of each other by husband and wife, but none of it can come near the painful and extreme satisfaction of what our relationship holds, even on the very threshold of death.

I believe that because we have turned the great personal force of our love into working for the best interests of our children and humanity, we have given expression to the greatest single aspiration of mankind. All my heart is for you, dearest. Your devoted husband,

Julie

DEAR MANNY,

February 9, 1953

In recent weeks an ugly development has been gaining ground. It is being casually bruited about that I am to be

spared by commutation of the death sentence out of a humanitarian consideration for me as woman and mother, while my husband is to be electrocuted. Futher, it is hopefully confided, in such an event my "spy secrets" would not die with me, and the possibility would still exist for my eventual recantation. Lastly, the responsibility for the decision concerning my husband's life would be shifted squarely onto my shoulders and his blood would be on my hands if I willfully refused to make him "come across!"

So now my life is to be bargained off against my husband's! I need only grasp the line chivalrously held out to me and leave him to drown without a backward glance! How diabolical! A cold fury possesses me and I could retch with horror and revulsion, for these saviours are actually proposing to erect a sepulchre in which I shall live without living, and die without dying. By day there will be no hope, and by night, there will be no peace. Over and over again I shall see the beloved face and fancy I hear the beloved voice. Over and over again, I shall sob out the last heart broken, wracking goodbyes and reel under the impact of irrevocable murder!

And what of our children? What manner of mercy is it that would slay their adored father and deliver up their devoted mother to everlasting emptiness? I should far rather embrace my husband in death than live on ingloriously upon such bounty.

I shall not dishonor my marital vows and the felicity and integrity of the relationship we shared to play the role of harlot to political procurers. My husband is innocent, as I am myself, and no power on earth shall divide us in life or in death.

Ethel

CLEMENCY DENIED

Chapter 8

DEAR MANNY,

February 11, 1953, 6:00 p.m.

President Eisenhower reveals some more of his great "crusade" and reminds me of the famous Biblical story—only there is a significant shift in the roles. "The voice is the voice of Jacob, but the hands are the hands of Esau." What a mockery; benevolent words hypocritically cloaking a barbaric act. This harsh and cruel decision was sired in madness.

By his action today, the executive arm of our government has become a party to murder. For the whole truth is that we are innocent.

It is imperative that the true facts be known to all. Sadly, the information in the press and other mass media is not the truth, but instead is a distorted, truncated, myopic aberration of our case. Only the complete transcript of the trial record and the court proceedings on our motion for a new trial, on the grounds that our conviction was illegally procured, can serve as the basis for a fair and impartial determination of the truth and justice in this case.

It is clear that the primary use being made of our case is to coerce political dissidents, and to secure conformity. Such a situation will only lead to a police state at home and war abroad.

Clemency Denied

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We hope that our adherence to principle will at least help insure that many others after us are not visited with the kind of terror we've been facing.

We ask only the continuance of the struggle for justice. Learn the facts and defend the truth.

We continue to fight with courage and confidence for life and love. As ever,

Julia

DEAR MANNY,

February 12, 1953

We had been correctly, I am sure, informed that sometime by the end of this week, Mr. Lyons, the Pardon Attorney, would send the only complete records of the case to the Attorney General. The newspapers all reported that at 4:30 p.m., "Mr. Herbert Brownell, Jr. brought the records of the case to the White House." At 5:07 p.m. a prepared statement is given out. This proves to the world that President Eisenhower never read the record nor did he see our clemency petition. However, the solicitous press hastens to add that he had been considering independently and "had reasoned that the crime was enormous with frightful implications in the atomic age and had concluded that he could not justifiably set aside the verdict."

No need for any pretense—the farce is exposed. Again it completely bears out our contention that the decision is based on a one-sided prejudicial evaluation obviously obtained from a source other than the record and is not founded on the facts in the case nor on its merits.

Aside from the time-worn platitudes, a reading of the text of the President's statement will show it contains serious inaccuracies:

1. The President could not have given "earnest consideration to the records in the case" for the Attorney General brought him the records at 4:30 p.m. and one-half hour later a prepared statement was issued.
2. The courts did not provide every opportunity for the

submission of evidence. On our motion for a hearing to present evidence that our conviction was illegal, Judge Ryan denied us the opportunity to subpoena documents and witnesses in order to submit proof of our contention.

3. The jury was inflamed and prejudiced by a hostile atmosphere in the press, by the reprehensible conduct of the prosecution and by the passion-rousing, extraneous issue of alleged communism.

4. The Supreme Court did not uphold the conviction nor did it judicially review the case. It was so stated in Associate Justice Frankfurter's opinion.

Millions throughout the world, including scientists, prominent lawyers, distinguished representatives of the clergy, men of letters and arts, honored leaders of all shades of political opinion, who are best qualified to judge the issues, have expressed grave suspicions that in fact the verdict is corrupt.

The love we bear our two sons and each other demands that we hold fast to these truths, even to the death which may destroy our little family.

We are not the first victims of tyranny. Six million of our co-religionists and millions of other innocent victims of fascism went to the death chambers. The war criminals who had a part in committing these crimes are daily being freed by representatives of our government. Here, now, on behalf of the sovereign people of the United States, the Administration wants to stain the good name of our country with the blood of the Rosenbergs. We are confident that the people will raise a mighty cry against this new great danger which threatens to engulf millions by dooming two innocent Americans first.

Now it's exposed for all to see. The Justice Department withheld the Pope's appeal for clemency from the President and the public. It has withheld the true facts in the record and the real sentiments of millions of people from the President and the public. From its very inception this pattern has been followed by the Justice Department in its plot against us. They hurriedly got the President to sign a statement to white-

wash completely this monstrous miscarriage of justice against two innocent Americans. As ever,

Julia

MY DARLING,

February 12, 1953

Of course, Eisenhower could not have read the record or seen our petition. To cover up this apparent discrepancy, they say that on his own he's been brushing up on the case. Such hypocrisy! He doesn't even make sure that he's accurate in his haste to use shop-worn platitudes—even stating the obvious fallacy that the Supreme Court reviewed our case. He may be successful in that we will be put to death, but he has shocked the conscience of the world.

I worked today, Ethel, but not for any length of time. It is hard to find the proper formulation to express the way I feel. You can be certain that all my thoughts are of you. I never dreamed I could love anyone as much as I do you.

Like you, my beloved, I find it most difficult to think about what this new development will do to our precious sons. The heartache is just too much, for it is impossible to do anything to shield them from the horrible consequences of our execution nor can we assuage the deep hurt that they will have to bear. I will have to find the strength to suffer through the torment and begin to write them a long letter. This we must do, and we'll talk about whether it would be best to send it to Manny to hold until such time as he feels it is appropriate to read to our children. At this time we'll have to make serious preparations so that everything necessary is done and is not left to the very last minute. I think we'll have to take this up with our lawyer at our next consultation.

Know, my darling, I am happy that you have made my life so meaningful. Always devoted to you, your,

Julia

DEAR MANNY,

February 15, 1953

Just a few thoughts on what I can gather from the newspaper

and radio reports of the rapid developments in our case. For only a short moment the shock let the truth through to the public. Then quickly the lie curtain dropped again.

This Sunday's *Times* is the best example. You will note that in the use of a deceptive caption they have tried to nullify in the minds of readers the "true meaning of the Pope's message." With a journalistic juggling of news items; a deceptive headline; a "story" by McGranery, and a back-slanted quote from Hagerty (James Hagerty, President Eisenhower's press secretary—ed.), they have attempted to mislead the mind through the eye.

Most readers are not "analysts," and the eye controls their minds, as the "shell game" proves—now you see it, now you don't. They say that a message from the Pope does not represent his sentiments. What deliberate distortion!

It seems to me that this incident strikes at the heart of civilization, for it destroys truth. Yet since truth is a matter of time, they are desperate to bury us quickly before the entire lid is blown off this stinking plot. Let them panic in fright; we must be firm and resolute in our determination to expose the truth.

Go to it, beloved friend, every fibre of our being is behind you. As ever,

Julie

DEAREST ETHEL,

February 15, 1953

With the turmoil and excitement of the children's visit and the rushing developments in our case, I didn't have time to tell you that you looked lovely and that I love you very much. Considering the circumstances, we managed beautifully and accomplished a great deal.

It was wonderful, despite the anxious atmosphere, to be together again as one happy family and this is worth any sacrifice. The boys are making progress. Michael is doing much better, but I am convinced our little baby needs a great deal of help. Also they are both physically run-down, and I get the

feeling there is too much of a burden on their minds. Can people really understand that our whole hearts go into what we are saying and doing?— To those who see the truth, it is good and right; to those who hate the truth, it is "defiant and arrogant."

It's a very rough fight, but I still feel confident. I'll just never give up to lies and indecency. As long as we do the right thing by our children and the good people of the world, nothing else matters. We will have to call on the great strength of the solid union of our hearts and souls to find the stamina to face what is in store for us.

My love for you is undying. The mere thought of you is solace for my aching heart. Your,

Julie

HELLO SWEETHEART,

February 19, 1953

Kind of miss you. Since we've got a little more time I think now we should go ahead with your plans for the children, but at once. You understand the decision was expected momentarily and everyone was concentrating on the most pressing immediate objective, the question of life or death. But as you say, we must go on planning, and living and I'll help you in urging that this matter be given prompt and serious attention.

The problem of the children and their future must receive closer scrutiny and result in concrete plans concerning health, schooling, environment, etc. I am sure if we have some positive plans in motion, we'll feel a lot more secure and relieved of a great amount of anxiety. Especially when decision time comes around.

The problem of our visits takes on a great deal of importance from now on. We realize that in the immediate future a normal life for our children will continue to be a problem and also we are beset with the big question of our legal fight and our personal needs.

Since other co-defendants are always next to each other and can discuss their cases regularly, they can help themselves.

DEATH HOUSE LETTERS

Because you are my wife and a woman, we can only see each other for two hours per week. Every other person here is entitled to two regular visits a week from 10-12 and 1:30 to 3:30. Yes, I understand the technical difficulties involved, but the need is so great, in all seriousness they ought to put me into the women's wing altogether!

You know, honey, the fact we are here still seems unreal to me after all these months. Somewhere in the long ago I had a normal life with a sweet wife and two fine children and now all is gone and we're facing death. Yet the yearning for a wife's sweet kiss and a son's warm hug hold the promise of a return to the beautiful life, I know, and then we will be so much happier when we're reunited. It is this human force and the support of good people everywhere that makes me fight so hard for this kind of victory. Your husband,

Julius

DEAR MANNY,

February 22, 1953

On this, the birthday of the Father of our great country, the idea of truth is stressed because it is the cardinal point of all stories about this first President of the United States.

I think it is fitting to take up a distasteful matter concerning an item that appeared in Leonard Lyons' column in the *New York Post*, February 20, 1953.* This vicious lying must be stopped. There are a number of previous incidents I brought to your attention. Here again we have this complete fabrication with intent to poison the public against us and help the murder plot against our lives.

In the first place, the U.S. Marshal, William Carroll, did not come to Sing Sing, or if he did come, he did not see us. We never made any such statements to the U.S. Marshal nor to anyone else concerning any Rabbi. Perhaps it is not amiss to note that Lyons is fast friends with Judge Kaufman, the

* "Julius and Ethel Rosenberg, the doomed Atom-Bomb spies, told U.S. Marshal William Carroll—when he went to the death house for the final arrangements—that they wanted no rabbi present, because rabbis are tools of the capitalist state. . . ."—Leonard Lyons, in the *N. Y. Post*.

Clemency Denied

U.S. prosecutor, and members of the FBI. Even if you are too busy with other matters perhaps you can delegate this item to one of your associates.

I was glad to read this Sunday's *Times* and find that the news of how the people of Europe feel about our case is beginning to get through to the public. Please have your secretary send us printed material that the Committee publishes.

We're counting on you, dear friend, and know you'll do a job we'll be most proud of. As ever,

Julius

P.S.—Walter Winchell continued in the same slanderous vein as Lyons. The N. Y. Board of Rabbis may well want to comment on this case. There is not one iota of truth to any of these remarks.

DEAR MANNY,

February 23, 1953

At first I thought the Lyons item was an isolated case. Now I'm sure that it is the latest twist in the campaign against us. However, it still retains the singular feature of fraud that has characterized the entire legal and public case against us.

First Lyons, then Winchell in his Sunday night broadcast and in his Monday newspaper column, reported this new lie. It is obvious to me that this is another desperate move sponsored by our enemies to stem the tide that is exposing this miscarriage of justice and demanding that we be saved. Naturally, it fits in nicely with the present hate-monger campaign to link up Communists and anti-Semitism and now, too, they add the Rosenbergs.

We are hurting them, Manny, that is the reason for these insane acts. It is a product of mental anguish. I await news of positive accomplishments.

We got a very lovely letter from our children and I was especially moved to learn that one town in Italy with almost total unemployment sent the boys a package of delicacies and a little music box. The thought behind this gift shows you the real heart of mankind, and the many encouraging letters and

heart-warming statements from all over the world exemplify the true brotherhood of man. We have what it takes to win this fight. The final answer is always with the people. As ever,

Julie

DEAR MANNY,

February 24, 1953

I'd like Robby carefully looked over with a view to a possible tonsillectomy in the near future. Personally, I'd like to avoid what might be a punishing experience, in view of all the punishment that has already been meted out, but when a report card notes so many days out from kindergarten, his physical condition has to be more carefully investigated. If he is strong enough emotionally to undergo such medical treatment as might be required, and should the family there agree it is in order (only where both factors are present, you understand, will we give our consent), necessary arrangements should then be made. We were distressed to note the difficulty under which the child labors when he attempts to say more than a few words at a time, and while I have no doubt he is inarticulate for other reasons, certainly a horribly stuffed-up nose and throat don't exactly help matters. Nevertheless, we want to be very sure that the cure is in order before we say okay.

Miss everyone I love dreadfully. The loneliness is impossible.

Ethel

DEAR MANNY,

February 25, 1953

A cardinal principle in our philosophy of life is the firm belief in equality and in freedom of religion. That is why we've been so terribly incensed over the monstrous lies that Lyons and Winchell have circulated.

At Sing Sing, Ethel and I have attended all services conducted by the Jewish Chaplain and I've had talks with the Rabbi every time he comes to the condemned cell block. We discussed this matter. He, too, is horrified by the viciousness of such irresponsible newspapermen. In the time I've been here

the Rev. Thomas J. Donovan, the Catholic Chaplain, has come to know me well and he has been shocked by these news reports and told me that never was there any indication of such an attitude on my part. Both of these religious leaders and the authorities here will be able to attest to the fact that my relations with all men here have been honorable, and particularly that I demonstrated in what I said and did that I am not anti-religious or bigoted in any way against anyone for their race, color, or creed.

Dear friend, because I stand condemned to death although I am innocent, I am being crucified this way.

In a February 25th article in the *New York Times*, it was reported that Mr. Lane (Myles J. Lane, Asst. U.S. prosecuting attorney in the trial—ed.) spoke at a luncheon of the Lions Club of New York at the Belmont Plaza Hotel and devoted most of his talk to the prosecution of the Rosenberg "spy" case.

The final sentence of his speech is revealing: "If the Reds are out to get our lives, let's get theirs first." And also he said that he hoped Americans would not become complacent about the threat of Communist infiltration and that this case would prevent it. So that is the reason he helped frame two innocent people—to use the case as a political weapon against dissenters, who are alleged by his ilk to be Communists!

By the way, I just put in a three-months subscription for the *Times*.

I hope you take good care of yourself. I sincerely believe that the best thing that has happened to us since this case is that we met you and became fast friends. As ever,

Julie

APPEALS RENEWED

Chapter 9

DEAREST ETHEL,

February 26, 1953

There are times when I'm going great guns, working hard, enthusiastic that we're fighting against tyranny and feeling good. A visit with you, Manny, the kids or the family or a letter and some good news primes my spirit and keeps my morale high. However, it is not enough, because I can't go home to you and the children. Then, there is emptiness, heartaches and great suffering.

Books are wonderful things. I get so completely absorbed in them. They take me out of this place and are very gratifying, emotionally uplifting, and are good food for the intellect. At present I'm reading a book by Forbes—a history of technology and invention and its effect on civilization. It's a very edifying work and makes interesting reading. Then when I put the book down the narrowing walls and steel bars hem me in so closely. They point out the sharp contrast of the rapid advances technically but still there is an archaic, barbaric, spiritual and moral content of life all around us. He who cannot see, feel or understand the meaning behind words, forms and society cannot begin to get anything out of life, for the real beauty of the good life is participating in the forward movement of humanity.

The heritage of our Hebrew culture has served our people

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throughout the ages and we have learned its lessons well. It is part of us, in our blood, and we strive for a free, richer and better life. What we are, and all that we have, no one can take away from us even though they keep us apart and threaten us with death. It seems to me that perhaps it would be easier on us if we did not feel so deeply and were not so well aware of our case and its implications. Nevertheless, I am positive we would not want it any other way. We have in the past, and we will in the future, continue to contribute to progress in spite of the difficulties we face. That is the reason our enemies use the lowest type of tactics against us—because they can't beat us down. All the love of my heart—your devoted husband,

Julia

DEAR MANNY,

March 5, 1953

March 10th is Michael's birthday. He'll be ten years old and it's always been our practice to celebrate these occasions with gifts for both boys and all that goes with making this a happy day for them. Particularly at this time we feel a special effort should be made to reassure our children with love, understanding and new hope for their welfare and future. Remind my family, in case they've forgotten, about the nature of this day, for I know they'll want to do something for Mike and Robby. If it is possible, give them something extra on our behalf. Ethel suggests an enlarged photo of us might be a suitable present.

I want to express my appreciation for the moving fraternal message from Paul Villard, a true son of the liberty-loving French people. It is a source of inspiration and courage to receive the comradeship and heartfelt feelings of millions of people of France. As long as the conscience of the world is reflected by sincerity and brotherhood in this way, then peace and freedom on earth are assured and the Rosenbergs will be saved!

The world is on the threshold of many important decisions and incidentally, two insignificant lives are linked up with these great events. The important thing is that we fight on the side

of the people, for the little and big things that make for a better, fuller, peaceful life. As ever,

Julie

March 8, 1953

HAPPY BIRTHDAY MOTHER, MY ADORABLE ETHEL,

March 10th will be ten years that you gave birth to our first-born. I am proud of our family, Ethel dear, and in spite of all difficulties our children are growing up properly. Again, my darling, I want you to know that I love you with every fibre of my being. I am not happy about our dire predicament but I am pleased with the principled way we have conducted ourselves and with the steadfast fight we've waged to prove our innocence. My feeling for you is profound and overwhelming and our separation is my sacrifice. I'll just think about our relationship, our love, our life together and our single heartedness of purpose, the great promise of the future, and I can remain strong and confident.

On this occasion it's good to note that our boys are progressing nicely and that our friends are doing all they can to help them develop normally. Also that the people who we believe in are supporting us and are even taking us into their hearts. This signifies the efficacy of our principles and proves the real meaning of brotherhood among men. Life practiced in this manner is really worthwhile. After all, what is important is that we continue to strive for decency, for human dignity, for understanding, for democracy and peace. Even in this horrible place we can contribute our share for progress. Regardless of the difficulties and the situation, truth and morality will be effective in helping us and will work for the common good.

The critical times we're in require that we maintain our faith in ourselves and the people and think clearly about the whole picture and then we will see our way clearly. You will note how the enemy is linking our case with every major political problem he faces and we must expose this to public attention. If I were to try to keep up with every new twist in the campaign against us I'd have to write reams of letters daily. I have dis-

cussed each of the developments with you and whenever I don't get to write Manny, I make notes for our next consultation.

I sent our children a birthday letter and I hope they like it. It is hard to write them since I feel so strongly. However, I stopped a few moments to think about us in our own home. The kids are on the floor playing with their toys and we're sitting on the couch enjoying the warmth of our family circle and snatching a couple of kisses every now and then. Honey, we'll make it. Right is on our side and our will is very strong and besides this is the only course that will bring justice and happiness.

You know, my wife, I'm just crazy about you and the boys. I can't wait to see you again. Every waking moment is occupied with thoughts of you and the children. Good night, sweet woman—As ever always devoted to you,

Julie

March 12, 1953

DEAREST ETHEL,

From both Michael's and my sister's letters I hear a note of greater confidence and it is indeed remarkable how people working for a good cause, which is based on their convictions, can be fired with spirit, enthusiasm and courage. Actually, the most fruitful results are obtained from actions motivated by a thorough understanding of the situation and a knowledge of the purpose of what one wishes to accomplish. First, I must say we are honored by the solicitude shown our children and my family by the good people the world over. Most important is that great numbers of people are aware that peace and freedom are the primary goals and they are alert to all issues, such as our case, that are an integral part of the major problem facing the world. We cannot ask any more than that we continue to work for this just cause as we fight to save ourselves.

Although I've refrained from writing much these last weeks while I've been digesting all I read, I can't help but comment on what I believe to be a developing dangerous situation. Practically the entire press has embarked on a jingoistic campaign.

Open bellicose statements, editorials, columns intensified among a welter of utterly confusing and contradictory news reports must be having a deleterious effect on the public. For it must be exceedingly difficult for the people to obtain any fair degree of facts which are essential for them to know in order to get any idea of what is taking place and what they are facing. It seems to me that the task facing the outspoken progressives, leaders and honest men and women is not only more difficult, but also most urgent.

Oh, darling, I feel so frustrated. I would like to stop the ordinary man on the street and talk to him, for I feel sure it would be easy for both of us to agree on our joint interest.

One thing is certain, I've been reading and listening to so many beautiful words and lovely high sounding principles in lengthy dissertations. All empty words, for they are bred on false premises and are leading to reaction, decay and war—always in the guise of peace and the "free" world. It is only necessary to keep in mind the individual actions and the apparent contradictions to see the true face of the "prophets of doom." I am very confident that people will succeed in defending peace and I sincerely believe they will help save us.

Of course, you know I miss you very much and I love you with all my heart. Always devoted to you—Your husband,

Julie

MY DARLING,

March 15, 1953

You can imagine how anxious I was while you went through the ordeal (A visit from her mother—ed.) but from all that I gathered you did very well. It is we who have a conscience and decent feelings that are forced to suffer the tortures of the damned, in order to uphold our principles. At the moment, we are in the forefront of a very important struggle and I feel confident we will continue to find the courage to stand firm in spite of the terrific personal pressures assailing us. It is hard for good people to believe that barbaric mental and emotional terror is being used against us. The civilized mind is revolted by such tactics. The political lesson must be clear to all who

are not blind that only organized opposition to the hate-mongers can save the peace and freedom.

Oh Honey, I love you very much and I want so to be with you. Can you imagine they didn't have the nerve to face me! Your family didn't even make an attempt to see me. They are probably waiting for further instructions from the F.B.I. or district attorney before they venture to offer me their rotten deals. Although I don't know the details I still want to pat you on the back for the way you conducted yourself.

You know, sweetheart, with all the increasing tension and the confusing world situation I still feel calm because I am secure in the knowledge we are right and we are doing our part in this fight. What is really difficult for me is the constant concern over you and the children and I guess that is only natural. We didn't make any plans for another visit with our boys but I think we ought to have them up here after Manny puts in our petition. Think about it and make some arrangements so that we'll get in another visit, before we hear from the Supreme Court. I adore you Ethel, my precious wife. I hold you always close to my heart—As ever devoted to you,

Julie

SWEETHEART DARLING,

March 19, 1953

Here it is still two more days before a young man's fancy turns to love. Everything seems to be in time. The season of the years is approaching with the bright sunny days that quicken the pulse, freshen the spirit and a glorious feeling of youthfulness encourages newer accomplishments. For in essence, advancement always displays the vigor of youth. The world has come to recognize the true nature of our case and the people, the most effective force on earth, are behind us and are demonstrating a thorough awareness that they know how to fight for peace and freedom. Not only has this miscarriage of justice inspired, but it has exposed our Government by the barbaric sentence of death against two innocent people for their progressive views. The public is beginning to understand the full meaning of our case. Therefore, my morale is at a very high

point and my profound love is in harmony with it, but cries out for proper expression. There is no doubt that we've received great satisfaction from our firm maintenance of high moral and ethical standards and from working for a good cause but still the flesh and blood will not be assuaged until we are together again with our children at home.

I've been thinking, darling, it is almost three years since we've lived with our children. How we treasured every moment with them and how wonderful it was to share each and every accomplishment of theirs. A new painting, a nice block building, a particularly meaningful action of our boys, signs of growth, indications of abilities for music, art and the general problems of joy, worry and pain that go with the beauty of family life. And so Robbie will be six and Mike is ten and they and we have been denied our birthrights. If we write with conviction and are strong it's because the truth is indelibly made part of us by the deep marks of pain. When I see the spark of understanding in Michael's deep blue eyes and the warm smile of feeling in Robbie's face, then I know the reason we can stand this great suffering. Inside of me I guess I'm a softie, for when I think of our sons and you I get such tender feelings and, although I don't show it, my heart is crying.

You know I've been reading a great deal lately, books on nature, the physical laws, economic problems, political and scientific works, and because I know man can work with nature and better the world I realize how important it is to work to make this a reality. This is the only way to truly love my children. Dearest, when I sit across from you separated by the power of tyranny, my eyes, my voice and my demeanor convey to you my wholehearted devotion and admiration for you and assure you that I will forever be true. So for the coming day, a breath of spring, the perspective that will make all year the seasons of youth for the full bloom of life, I love you and I'm confident. Your young man,

Julius

APPENDIX

Excerpts from the Rosenbergs' own petition for Executive Clemency to the White House and from a few of the statements made in their behalf by outstanding individuals and organizations in all parts of the world.

PETITION of Ethel Rosenberg for Executive Clemency to the President of the United States (identical petition filed by Julius Rosenberg). *Excerpts:*

Petitioner respectfully prays that she be granted a pardon or commutation of sentence for the following reasons:

FIRST: The primary reason I assert, and my husband with me, is that we are innocent.

We stand convicted of the conspiracy with which we were charged. We are conscious that were we to accept this verdict, express guilt, penitence and remorse, we might more readily obtain a mitigation of our sentences.

But this course is not open to us.

We are innocent, as we have proclaimed and maintained from the time of our arrest. This is the whole truth. To forsake this truth is to pay too high a price even for the priceless gift of life—for life thus purchased we could not live out in dignity and self-respect.

It should not be difficult for Americans to understand this simple concept to be the force that gives us strength—even in the face of imminent death, knowing well that the abandonment of principle might, alone, save our lives—to adhere to the continued assertion and profession of our innocence. Our citi-

zenry has a fine heritage of the right of the individual to protect his good name. Our country has a proud history of struggle to defend right and justice. Many of its finest sons, throughout the years, have defended this birthright with their lives, and been honored for their courage. It is difficult, rather, to come to believe that this country would shed this cherished tradition, and accept the word of those who betray themselves to *curry favors*.

Yet, we have been told again and again, until we have become sick at heart, that our proud defense of our innocence is arrogant, not proud, and motivated not by a desire to maintain our integrity, but to achieve the questionable "glory" of some undefined "martyrdom."

This is not so.

We are not martyrs or heroes, nor do we wish to be. We do not want to die. We are young, too young, for death. We long to see our two young sons, Michael and Robert, grown to full manhood. We desire with every fibre to be restored sometime to our children and to resume the harmonious family life we enjoyed before the nightmare of our arrests and convictions. We desire some day to be restored to society where we can contribute our energies toward building a world where all shall have peace, bread and roses.

Yes, we wish to live, but in the simple dignity that clothes only those who have been honest with themselves and their fellow men. Therefore, in honesty, we can only say that we are innocent of this crime.

SECOND: We understand, however, that the President, like the courts, considers himself bound by the verdict of guilt, although, on the evidence, a contrary conclusion may be admissible.

You may even harbor a personal conviction of our culpability. But many times before there has been too unhesitating reliance on the verdict of the moment and regret for the death that closed the door to remedy when the truth, as it will, has risen. . . .

We say to you, Mr. President, that the character of evidence

on which we were convicted, and the force of the impact of certain circumstances in our case upon the mind of the jury, cannot assure the reasonable mind that this verdict was not corrupt. . . .

When we were arrested as spies for the Soviet Union, labeled as "Communists," charged, in the main, with theft of atomic-bomb information from the Los Alamos Project, the mere accusation was enough to arouse deep passions, violent antipathies, and fears, as profound as the instinct of self-preservation. Our "guilt" of the accusation, and our alleged association as confederates, once removed, of Fuchs, was broadcast and confirmed to the public—before trial and out of court—by the F.B.I. and prosecuting officers of the Government, buttressed by the weight of the tremendous prestige which they publicly enjoy. . . .

From this community, the jurors who tried us were chosen. . . .

THIRD: The Government's case against us stands or falls on the testimony of David Greenglass and Ruth, his wife, and even the Court of Appeals, in affirming this judgment, has explicitly so declared. How firm is a verdict predicated upon the testimony of "accomplices"? Even the rigorous canons of the law recognize that the overriding motive for falsehood requires that the accusations of a trapped criminal, testifying to mitigate or avoid his own punishment, be taken with care and caution, and brand a prosecution founded on such evidence as "weak" and suspect. . . .

We have always said that David, our brother, knowing well the consequences of his acts, bargained our lives away for his life and his wife's. Ruth goes free, as all the world now knows; David's freedom, too, is not so far off that he will not have many years to live a life—if we should die—that, perhaps, only a David Greenglass could suffer to live. . . .

When David in his trial testimony sponsored sketches of mechanisms—including the cross-section of an atom bomb—drawn as accurate replicas, from the memory without outside aid, of those he asserts were transmitted to us and others, five years before, this was to us a mark of the fabricated nature of

his tale. We knew David to be, even as a simple machinist, an incompetent, and otherwise, a scientific illiterate. Now we are buttressed by the attestation of a disinterested scientist of note, who, understanding the nature of David's capacity, indicates that David's word that he made the replicas introduced at the trial, from memory, unaided, could be no closer to the truth than if he had testified that he, as a mortal, was able to and did, run at supersonic speed. . . .

Yet, in one instance, where the possibility existed for full independent proof of the perjury, the Government was constrained to concede it. Ben Schneider, a photographer, the Government's "surprise" witness on the sensitive question of flight, was permitted to testify falsely that he had not seen us, from the time he said he took passport photos of us, until the moment he took the stand to testify. The Government admitted, after we had brought this to light, that the day prior to his testimony an F.B.I. agent, at the direction of Prosecuting Attorney Saypol and in violation of the order of the trial court excluding all witnesses, brought Schneider into the courtroom, behind the rail, to identify us privately. . . .

The Government, ill-becoming its responsibility in the face of death, cavalierly dismissed its conduct and the Schneider perjury as a "quibble." The Court of Appeals refused us relief on the legal ground that it believed that Schneider had not meant to lie, and that, as to Greenglass, we have not, as yet, produced enough evidence to nail his lies.

In the face of death, however, can minds close themselves to the consideration that these facts may represent the first tears in the tangled web in which we have been caught up? Do they not hold the promise that, in the inexorable operation of time and conscience, all may be unraveled to set us free? . . .

FOURTH: Only one tribunal, the sentencing court, has asserted the correctness of our sentence to death, and only one court has affirmed it: the sentencing court. . . .

The maximum penalty was imposed in the belief that our crime was of "the highest degree." The opinion had no basis

in fact and is premised on unfounded assumptions. . . .

Within a week after the imposition of the death sentence upon us, the Senate-House Joint Committee on Atomic Energy published a study based upon all the secret and public evidence available to it, including the testimony given at our trial. *Report on Soviet Atomic Espionage*, Joint Committee on Atomic Espionage, 82 Cong., 1st Sess. (U.S. Gov't. Printing Office, April, 1951). This Committee rated Fuchs, May and Greenglass (along with the British Bruno Pontecorvo) as the only important atomic espionage agents, and subordinated us to a minor place. . . .

Only prison sentences were meted out to those, according to the United States Government, more culpable or more capable of doing greater harm: Dr. Klaus Fuchs, in England, 14 years; Allan Nunn May, in England, 10 years, released recently after serving less than 7 years of his term; David Greenglass, 15 years; Harry Gold, 30 years. Ruth Greenglass, David's wife, a co-conspirator, though not a defendant, was never indicted for her crime and is presently a free woman.

The sentencing judge refused to consider these lesser sentences as bearing on a proper exercise of his discretion here. . . .

No one, other than the trial judge, has even pretended that the atom-bomb material allegedly transmitted in the course of the instant conspiracy, was of any substantial value to the Soviet Union.

As a general proposition, Dr. Harold C. Urey, one of the directors of the atomic bomb project, has affirmed that:

"Any spies capable of picking up this information will get information more rapidly by staying at home and working in their own laboratories." (*N. Y. Times*, March 3, 1946, p. 12.)

Specifically in relation to this case, the Government itself, after the trial, conceded that: "Greenglass' diagrams have a theatrical quality," and because he was not a scientist, "must have counted for little." *Report on Soviet Atomic Espionage*, Joint Committee on Atomic Espionage, 82nd Con., 1st Sess. . . .

It is perfectly clear that such valueless information could have had little effectiveness "in putting into the hands of the Russians the A-bomb," even had they not possessed the "secret." . . .

The United States Atomic Energy Commission itself has supported this view, as quoted in an International News Service release datelined Washington, D. C., December, 1949:

"The Atomic Energy Commission Friday bared secret documentary proof that Russia has known the scientific secrets of atom-bomb manufacture since 1940, the year the United States began attempts to develop the missile."

Scientific judgment undermines the validity of the trial judge's claim that our alleged conduct, did or could have, put "into the hands of the Russians the A-bomb years before our best scientists predicted Russia would perfect the bomb." . . .

FIFTH: All of the factors in our case militate against death sentences.

No sentences so irrevocable should in justice be here executed. Our asserted innocence is buttressed by the doubt of the fairness of our verdicts, a misgiving generated by external influences upon, and the internal weakness of the case. . . .

The facts of our case have touched the conscience of civilization. The compassion of men sees us as victims caught in the terrible interplay of clashing ideologies and feverish international enmities. Adjudged war criminals, guilty of mass murders and the most ghastly crimes, are daily being delivered to freedom, while we are being delivered to death. . . .

We have never known the ease of riches or even comfort. At times we have felt the pangs of want. We come from a humble background and we are humble people. Were it not for the criminal accusations against us, we would have lived out our lives simply, like most people, unknown to the world, except for those few whose lives crossed ours.

We seek relief from sentences that would produce the unutterable tragedy of the destruction of our small family and

set a precedent for the abandonment, in America, of the civilized appreciation of the worth of human life.

We appeal to your mind and conscience, Mr. President, to take counsel with the reasons of others and with the deepest human feelings that treasure life and shun its taking. To let us live will serve all and the common good. If we are innocent, as we proclaim, we shall have the opportunity to vindicate ourselves. If we have erred, as others say, then it is in the interest of the United States not to depart from its heritage of open-heartedness and its ideals of equality before the law by stooping to a vengeful and savage deed. . . .

DR. HAROLD C. UREY, *nuclear scientist*, Nobel Prize winner, in a letter to the *New York Times*:

"After reading the testimony of the Rosenberg case I find that I cannot put to rest my doubts about the verdict and wish to cite the following points:

"(1) Max Elitcher's testimony is of doubtful value. He says that he and Julius talked about espionage but never transferred any information for some five years. This doesn't seem probable to me.

"(2) No certain conspiracy between Sobell and Rosenberg is established.

"(3) The connections to others than Ruth and David Greenglass are not established. Miss Bentley was unable to identify the telephone voice that said, 'This is Julius' with the voice of Julius Rosenberg. If 'Julius' did not refer to him in this case, it probably did not when Harry Gold said, 'I come from Julius' when he met Greenglass in New Mexico. From Gold's testimony it seems that he knew nothing of Rosenberg at all. It seems unbelievable to me that the name of an arch conspirator would be used in such identification phrases.

"(4) No contact between the Rosenbergs and Anatoli A. Yakovlev is established.

"(5) The Government's case rests on the testimony of Ruth and David Greenglass. He had pleaded guilty, but had not been

sentenced and hoped for clemency. She has never been charged and tried, obviously it seems as a reward for her testimony. A family feud between the Greenglasses and Rosenbergs existed because of a business altercation. The Rosenbergs' testimony flatly contradicted that of the Greenglasses.

"I found the Rosenbergs' testimony more believable than that of the Greenglasses, although I realize that I have not had the jurors' advantage of hearing and seeing the witnesses. Is it customary for spies to be paid in wrist watches and console tables? Greenglass and Fuchs were paid in cash. The Rosenbergs appear to have been as poor as churchmice and the statement that Julius was spending \$50 or \$75 a night in night clubs seems to me a very doubtful one. Had he done this, he would have been obviously and unaccountably rich to all his associates.

"However, even if the verdict is correct, I am amazed at the unequal punishment for the same crime. For the very same conspiracy Ruth Greenglass was never brought to trial, though she admitted her guilt on the witness stand; David Greenglass got fifteen years; Morton Sobell and Harry Gold got thirty years, and Ethel and Julius Rosenberg got death. Only the last two took the witness stand and maintained their innocence. If capital punishment is to be given in the future for espionage I should like to have it introduced in a case for which the evidence rests on the testimony of witnesses who did not stand to profit from their testimony. I do not regard self-confessed criminals as reliable witnesses.

"We are engaged in a cold war with the tyrannical Government of the U.S.S.R. We wish to win the approval and loyalty of the good people of the world. Would it not be embarrassing if, after the execution of the Rosenbergs, it could be shown that the United States had executed two innocent people and let a guilty one go completely free? And, remember, somewhere there is a representative of the U.S.S.R. who knows what the facts are.

"I strongly urge a careful reconsideration of this sentence."

Appendix

PROFESSOR ALBERT EINSTEIN, Princeton, N. J.:

"My conscience compels me to urge you to commute the death sentence of Julius and Ethel Rosenberg. This appeal to you is prompted by the same reasons which were set forth so convincingly by my distinguished colleague, Harold C. Urey, in his letter of January 5, 1953, to the *New York Times*."

THE ASSOCIATION DES RABBINS FRANCAIS, Paris:

"The Rabbinate of France, profoundly moved by the death sentence pronounced on Ethel and Julius Rosenberg, but wishing to avoid any exploitation of this plea for political purposes, respectfully appeals directly to you to implore you to use your prerogative of clemency in their behalf.

"Troubled in conscience by certain indications, and convinced together with an important section of public opinion, of the extreme severity of the sentence handed down by Judge Irving Kaufman, the French Rabbinate adds its voice to all those others in Europe—sincere friends of American democracy—in asking this measure of clemency in the very name of our common ideal of justice and generosity which we derive from the Bible.

"With confidence in the spirit of equity and humanity to which your whole life bears testimony, the French Rabbinate hopes, Mr. President, that you will not allow this sentence without precedent in the West, to be carried out, which, in addition to the persons of the Rosenberg couple, will affect two young children."

VINCENZINA VANZETTI, sister of Bartolomeo Vanzetti, Italy:

"From what I have read and heard about the Rosenberg case, I have been able to draw many analogies with the Sacco-Vanzetti case, which so moved world public opinion at the time of the trial and of the execution of my brother, Bartolomeo Vanzetti, and his comrade, Nicola Sacco.

"Convinced of the innocence of my brother and his comrade, and of the injustice of which they were victims, moved by the similar movement which is springing up throughout the world

to prevent a family from being destroyed by a similar judicial error, I associate myself with this movement in the hope that the Rosenbergs be granted a stay of execution, the reopening of the case, and a revision of the death sentence.

"I hope thus to honor and render justice to the memory of my brother, Bartolomeo Vanzetti, who, before dying, said: 'I hope to be the last victim of such a great injustice.'

"Mr. President, if the fact of being the sister of Bartolomeo Vanzetti, and because of that having suffered the anguish of a family struck by the pain of seeing a loved one the victim of a judicial error, gives weight to my plea, I implore you to use the power which the Constitution of the United States gives you to stop the execution of the Rosenbergs, to whom two children look for guidance and sustenance in life."

PAUL VILLARD, *attorney*, Paris:

"... I have read the complete transcript of record of the Rosenberg case, which was lent to me for two days; all I knew about the case before was the news published in my daily newspaper, the European Edition of the *New York Herald Tribune*. ... As a general rule, I do not like the idea to make a personal interference with the justice of another country, especially a friendly country as the United States of America. But after reading the official report of the case, I could not refuse to give my name and my help to the Comité Français pour la Défense des Rosenberg. In our country, according to a well-established jurisprudence of our Supreme Court, a conviction cannot be based on the accusations of a co-defendant ... it is in the interest of a defendant to do his best to shift all or part of his own responsibility and guilt on the shoulders of the other defendants.

"The testimony of David Greenglass appears to me a very typical and dramatic example of this transfer of responsibility and guilt. I have been several times to the United States and I love and admire this great nation. ... I had the honor to fight with the American Army ... and I keep the Bronze Star Medal, with Oak Leaf Cluster, which was awarded to me for combat

duty, as a precious symbol of this everlasting brotherhood in arms. It is in this spirit that I pray the Lord and hope the cruel sentence passed upon the Rosenbergs will not be executed and that finally their innocence will be recognized."

SIDNEY SILVERMAN, *Member of the House of Commons*, London:

"... I have no hesitation at all in saying that I contemplate with horror the possibility that the death sentence would really be carried out in such a case by any civilized country: least of all by the United States of America, upon whom history has placed in our time so heavy a responsibility for the wise leadership of so many nations in the onward march of civilization. ... To exact the supreme penalty from these two unfortunates in these circumstances is to make the Rosenbergs personally responsible for all the errors of all the statesmen of the world which, since the end of the war, have so tragically lost the peace for which we all hoped. ..."

CENTRAL COMMITTEE OF THE LEAGUE OF THE RIGHTS OF MAN, Dr. Sicard de Plauzoles, President (similar pleas have been made by the affiliated Leagues of countries in Europe, Central and South America):

"The Central Committee of the League of the Rights of Man, in whose name I send you this appeal, is unanimous in asking of you clemency for Ethel and Julius Rosenberg.

"We ask you not to see in this request an indiscreet interference with the administration of American affairs, or a political move, but an expression of humane sentiment, in conformity with the traditions of our League.

"The League of the Rights of Man was founded in 1898 in the course of the Dreyfus case, at the darkest hour of that case, just after Zola's trial, and following Zola's example, to defend truth and justice.

"It was born out of the great principles of liberty, stemming from both the American and French Revolutions. For more

than fifty years, it has never stopped affirming these principles, and asking that they should be applied to all men.

"From the very first, it pledged to defend all victims of injustice, without regard to origin, sex, religion, or beliefs, and, for fifty years it has kept its promise. It has given its assistance to tens of thousands who have been improperly sentenced and it has had the good fortune to save many thousands.

"From the very first, it has pledged to remain independent. It has never sought or accepted the patronage of any trade union group, political party or government. This absolute independence, scrupulously observed, has brought to it general respect. . . .

"Its committee is today comprised of men whom you know, Mr. President, to be of the highest character: we may cite, President Paul-Boncour, former head of the French Government for many years, the outstanding French representative in the League of Nations and one of the founders of the United Nations; President René Cassin, vice-president of the highest French administrative jurisdiction, and with Mrs. Roosevelt, one of the most eminent members of the U.N. Commission on Human Rights; M. Georges Boris, state counselor, and permanent delegate from France to the Social and Economic Council of the U.N.; M. André Boissarie, former Attorney General of France; M. Francis Perrin, professor at the College of France and director of French atomic research. These names alone are a guarantee of the high purpose, the generosity of heart and scruples of conscience which motivate the action of the League.

". . . The League does not know whether or not the Rosenberg couple hold the opinions attributed to them. But, whatever those opinions, the League, faithful to the American and French declarations on the Rights of Man and to the Universal Declaration proclaimed in 1948 by the U.N.O., does not believe in indictment for beliefs. At the same session at which the Central Committee authorized me to ask for clemency for the Rosenberg couple, it voiced a protest against the Prague trials

which had a profound effect upon Europe. . . .

"All human judgment, even the most scrupulous, is susceptible to error. What the League knows of the Rosenbergs' trial, leaves it doubtful as to the validity of the charge.

"It seems unbelievable to the League that a petty, ignorant employee like Greenglass, whose testimony was considered decisive, could have secured the secret of the atomic weapon despite strict security regulations and utmost secrecy between departments. It cannot understand that this Greenglass, who, from his own confession was the one who stole the secret, was given only a few years in prison, while the Rosenbergs have been condemned to death for obtaining the secret from him. Finally, it considers, that there is no proof of the transmission of the secret to a foreign power, other than the suspicious and sole testimony of the Greenglass couple. The League does not say positively that an error was committed—it says only; as it believes, as many Europeans bound to the United States by long friendship, that an error could have been made, and that the execution of the condemned would make it irreparable. . . ."

JAMES H. WOLFE, *Chief Justice*, Supreme Court of the State of Utah:

". . . From the standpoint of justice, I think the conviction rests on too shaky a foundation. No need for me to detail the risk of accepting in a conspiracy charge evidence of confessed conspirators who stand to profit from turning State's evidence. This conviction was obtained during a period of mounting hysteria by evidence of witnesses whom the law considers unreliable because of the very hope of reward or mitigation. . . . I think the likelihood that the sketches made by Greenglass (who had no more than a high school education, which included no course in physics) said by him to have illustrated material picked up from overheard conversations at Los Alamos while he worked as a mechanic could hardly have done the great damage feared by Judge Kaufman. Atomic scientists tell

us that it would take pages of fine print material and accurate information to intelligently expound the structure of the atomic bomb.

"On the side of mercy, never before has the death sentence been imposed on those guilty of espionage in times of peace, especially where it seems probable that, in spite of Judge Kaufman's expressed concern at the effect of the information supposed to have been passed on, it did not do the slightest good for the U.S.S.R. Of course, if the Rosenbergs were guilty, that would be legally irrelevant, but it certainly would not be irrelevant in the matter of fixing the penalty of death. . . .

"... It seems utterly disproportionate to the offense for this couple with two young children to be put to death. There seems to be doubt as to their guilt. In view of that doubt, there should not be carried out a sentence which will work an irretrievable result if future developments show the pair were innocent. . . ."

RABBI MEYER C. SHARFF, New York:

"... I, an Orthodox Rabbi, am firmly convinced that Ethel and Julius Rosenberg and Morton Sobell, charged with espionage, are entitled to a hearing in the Supreme Court of the United States.

"As a devout Jew, I revere our country's laws, which carry out the humane principles enunciated in the Torah, and I am reminded that the Declaration of Independence is of one piece with our leader Moses' exhortation: 'Proclaim freedom throughout the land.' Therefore, it is inconceivable to me that in our country a death sentence should be so lightly given, as was the case in the Rosenberg Trial.

"I have studied and pondered long over the facts in the Rosenberg Case, which concern not only one human being, but four living souls, a father, a mother, and two small sons. The saving of one soul, as the saying goes, is the saving of the souls of future generations. . . .

"I consider it my profound duty to address myself to friends

and foes, to all, be they Jews or non-Jews, irrespective of institutional affiliation, or political persuasion, to participate in the work of securing justice for the Rosenbergs and Sobell."

W. C. HUESTON, *Grand Secretary*, Improved Benevolent and Protective Order of Elks of the World, Washington, D. C.:

"I am not going into the guilt or innocence of Ethel and Julius Rosenberg, but I am joining in with the petition to commute this sentence to life in prison or a lesser term. It seems to me that the United States of America could lessen the harshness of their sentence in keeping with the punishment dealt out by other countries for similar crimes."

DR. BERNARD M. LOOMER, *Dean* of the University of Chicago Divinity School, presenting a petition for clemency to the White House signed by 2,300 Protestant clergymen of 26 denominations:

"I urge you to reconsider your refusal to commute the death sentence of Julius and Ethel Rosenberg. Together with nearly 2300 other clergymen, I signed a letter asking for executive clemency. . . . Our unaffiliated group represents an important segment of the Christian clergy of this country. . . . All of us, as pastors, are in intimate touch with our people; it is fair to conclude that our opposition to the death sentence is shared by a much larger number of conservative and thoughtful citizens."

LOUIS ARAGON, *author, poet*, Paris:

"Will you . . . express in my name the deep revulsion which I feel at this miscarriage of justice, the tragic comedy of this empty trial, which casts two innocents into the electric chair, two whose only crime, pure and simple, is their opinions, a crime which I, like they, have committed; and the last thought of my dear, and our great Paul Eluard (late French poet—ed.), turned toward the Rosenbergs, shows us our duty, and should clarify those who may still doubt what 'justice' is in unhappy America. . . .

"When death menaces a man and wife, who deny the crime of which they are accused, and which all the evidence does not show they did, when this pure couple face the fate that was McGee's, in spite of the voices raised in the world, it is necessary that French protest . . . make itself louder, more urgent, more indignant than ever, because it speaks, not only to this President . . . but to Lincoln's people, who if they let flow this innocent blood, will have stained their starred flag with a stain that they will, one day, have to wash out with their sweat and tears, like the German people the crematoria of their vanquished masters."

THE VERY REV. C. W. CHANDLER, *Dean of Waikato*, Hamilton, New Zealand:

"... I am of the opinion that the evidence upon which these two persons were condemned is of a very slender character. . . . I cannot believe that in this instance the President of your Republic will allow this sentence to stand. It would be cruel, inhuman and barbaric in the extreme and would raise a storm of protest throughout the world. . . ."

WOMEN'S INTERNATIONAL LEAGUE FOR PEACE AND FREEDOM, Washington, D. C.:

"A great many communications have come to the Policy Committee from branches, individual members, friends and from other sections, asking 'What is the WILPF going to do about the Rosenberg case?' Even slight reading of the foreign press indicates how much interest this case has aroused and we must admit, how much propaganda value it has. . . ."

"The case is so well known that there is little need to outline it for our members here. Briefly, Julius and Ethel Rosenberg are now being held in Sing Sing Prison awaiting execution. They were tried and found guilty of violating the Espionage Act by

supplying secret information to Russia. Our purpose in this statement is not to try to outline the case now to establish the extent of innocence or guilt. It is not, however, to be construed that this is to minimize the serious nature of this case and the real challenge it presents to us.

"There appears to be substantial evidence of guilt. At the same time, able lawyers have pointed out that the trial was unfair and that there were certain improprieties in the proceedings. We cannot absolve ourselves of responsibility simply by saying we have no way of knowing to what degree the Rosenbergs are guilty. . . ."

"A great deal has been made of the fact that the Rosenbergs are Jews. Unfortunately, there is just enough bigotry, prejudice, and discrimination practiced to give credence to this charge. This is to our shame. But we believe that those who wish to create dissension and suspicion have taken advantage of our weakness and our prejudice and exploited this aspect of the case.

"It is very important that our influence should not be lost or ground out between the two millstones of unconcern or evasion of the issue on the one hand, or of exploitation on the other hand so often made today of people's sincere longing for real freedom and fair play.

"This trial of the Rosenbergs indicates how difficult justice and a fair trial become when conducted in a climate of fear and suspicion which breeds reckless and irresponsible action. This climate affects both courts (including prosecutors, juries and even judges) and public opinion alike. . . ."

"We can reaffirm that we are unalterably and irrevocably opposed to capital punishment, no matter what the crime or degree of guilt.

"We can point out that we believe this sentence, unprecedented in our history, is excessive and should be commuted and

reconsidered. (Klaus Fuchs was given 14 years; the sentences in the Canadian spy trials were relatively light; Ruth Greenglass, named co-conspirator, was not even indicted and David Greenglass was given a light sentence.)

"We must work to create a climate of opinion free of fear in which we insist on equal justice under the law and protest against the kind of prejudicial treatment which gives the death sentence to some and a lighter sentence to those who, though indicted as co-conspirators, turned informers for the State.

"Urge President Truman to grant clemency to the Rosenbergs. This is the least we can do. This much we must do.

"And above all, let us not be paralyzed by the fear that our intentions will be misunderstood. Isn't it a sad commentary that the communications from groups whose motives we have sometimes had cause to question have offered a guarantee that such a plea for clemency will be held in strictest confidence.

"May the day never come when the WILPF refuses or fails to state openly, and for all to hear, its fundamental support of freedom and civil liberties."

TWENTY RABBIS OF THE STATE OF ISRAEL:

"We the undersigned Rabbis and religious leaders of the Holy Land take the liberty of addressing your excellency, pleading with you to exert the power of clemency given you in the tragic case of Julius and Ethel Rosenberg. . . .

"We know of no precedent in which any person was condemned to death in a democratic country on a similar accusation in peacetime. Whatever the particulars, we appeal to you, Mr. President, in the name of God and the quality of mercy to save the lives of the couple who are parents of two little children.

"Even if we assume that they had sinned against the laws of the United States, they shall no longer be able to do so if kept under surveillance; but some day they would be able to prove their innocence. In such case, your conscience and the conscience of the United States would be clean.

"Let your excellency call to mind the millions of guiltless Jews who lost their lives at the hands of the Nazis during the Second World War and the clemency that was extended to the perpetrators of those murderous and cruel acts of monstrosity. We honestly believe that an act of clemency in this case is exceedingly vital and your name as Chief Executive of an honorable portion of mankind, your deep religious feeling and your awareness of the spirit of good within you leads us to lay before you this, our humble petition, in full hope that you will grant it."

(Signed) Gershon Lapidoth; Ruben Mengia; Elija Mordecai; Walkovsky Jacob; Klimas Isser; Zalman Melzer; Zalman Sorotzkin; Yehiel Shlager; Ephraim Blum; Israel Walz; Shlomo Zalman Zevin; David Sparber; Joseph Adler; Akiba Sopfer; Rabbi Weidenfeld; Abraham Karelitz; Jehoshua Weinrech; Israel Welz; Haim Joel Duh; Jacob Tavitzky; Michael Tikutzinsky.

JEAN-PAUL SARTRE, *author, playwright*, Paris:

"It is necessary to save the Rosenbergs because they have never stopped protesting their innocence and because the judges who condemned them have never proved that they were guilty.

"It is necessary to have them for themselves and for ourselves: in defending them we are defending ourselves against the witch hunts; if we don't show that we are resolute in our struggle for democratic liberties, the government of M. Pinay or its successors will find among us Rosenbergs by the dozens.

". . . In protesting this unique sentence it is for American democracy that we are fighting, as well as for French democracy. It is also for peace: they want to make the Rosenbergs the first deaths of a war that they are preparing; and we, we

want neither these deaths nor that war; and this is what we want to show. I join with all who seek clemency for the Rosenbergs because their cause is the cause of liberty and peace."

CHARLES E. RAVEN, *Professor Emeritus*, Cambridge University, England; *Chaplain* to Her Majesty, the Queen:

"As one who has spent much time during the past twenty-five years in the United States and has a deep concern for Anglo-American friendship I cannot but deplore the death sentence upon the Rosenbergs both in itself and from its inevitable effect upon British and world opinion.

"... this savage verdict underlines the conviction that America, instead of leading the world to a more righteous and liberal way of life, is becoming so hysterical in its dread of Communism as to betray the very principles upon which its Constitution was founded and which its past history has always respected.

"The sentence of death, whatever the merits of the case, is a tragic event for all lovers of the Republic."

65-58236-2033

[illegible]

ROBERT AND MICHAEL ROSENBERG

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. TOLSON

DATE: August 5, 1953

FROM : W. E. GLAVIN

SUBJECT:

There is attached hereto United States Supreme Court Decision June 18 Special Term, 1953, entitled Julius Rosenberg and Ethel Rosenberg, v. United States of America, Motion to Vacate a Stay.

Mr. Chief Justice Vinson delivered the opinion of the Court.

Special Term of Court convened upon Attorney General's application to review stay of execution in case, issued by Mr. Justice Douglas. Court's action should be considered in context of full history of proceedings which marked case. August 18, 1950 defendants indicted for conspiring to commit espionage in wartime, violation of Espionage Act, 1917. Found guilty, April 5, 1951, sentenced to death. Petition for rehearing filed and pending last week 1952 Term of Court, adjournment announced for June 15, 1953. Execution of sentence set for week June 15 by District Judge. June 12, 1953, application for stay of execution filed with Clerk of this Court. Mr. Justice Jackson referred application to full Court, with recommendation oral argument be heard. Court declined to hear oral argument and denied stay.

Before adjournment 1952 Term, petition for original writ of habeas corpus, including request for stay, presented to Court. Court met in Special Term afternoon of that day, denied application, June 15, 1953. Counsel for defendants applied to Mr. Justice Douglas for stay. Morning June 17, 1953 Mr. Justice Douglas denied stay. Claim raised that Atomic Energy Act, 1946 superceded Espionage Act and rendered District Court without power to impose death sentence. Mr. Justice Douglas of opinion this contention posed substantial question, granted stay until applicability Atomic Energy Act be determined. Attorney General applied to Court of Appeals asking we convene Special Term of Court and vacate stay. Court convened Special Term June 18, 1953, announced its decision in per curiam opinion. Vacated stay.

Counsel for Rosenbergs asked Court grant them period in which they might seek executive clemency. Moved Court reconsider question its power to vacate stay. Court denied both motions. Special Term adjourned. Executive clemency denied. Sentence of death carried out. Mr. Justice Douglas had power to issue stay, exercise of that power vital to proper functioning of our jurisdiction. Mr. Justice Douglas wrote: "I have serious doubts whether this death sentence may be imposed for this offense except and unless a jury recommends it". We did not entertain serious doubts Mr. Justice Douglas had. Power we exercised in case derives from Court's role as final forum to render ultimate answer to question preserved by stay. Our decision summarized in per curiam opinion. We held Atomic Energy Act of 1946 did not displace Espionage Act. Accordingly, we vacated stay.

Attachment

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SUPREME COURT OF THE UNITED STATES

No. —, JUNE 18 SPECIAL TERM, 1953.

Julius Rosenberg and Ethel
Rosenberg,

Motion to Vacate a Stay.

United States of America.

[July 16, 1953.]

MR. CHIEF JUSTICE VINSON delivered the opinion of the Court.

A Special Term of the Court was convened upon the Attorney General's application to review a stay of execution in this case, issued by MR. JUSTICE DOUGLAS.

Our action was unusual. So were the circumstances which led to it. The Court's action should be considered in the context of the full history of the proceedings which have marked this case.

On August 17, 1950, the defendants were indicted for conspiring to commit espionage in wartime, in violation of the Espionage Act of 1917, 50 U. S. C. §§ 32 (a), 34. After a lengthy jury trial they were found guilty, and on April 5, 1951, they were sentenced to death. Upon appeal the Court of Appeals affirmed.¹ A petition for rehearing was denied.

A petition for certiorari was filed here. It was denied on October 13, 1952.² A petition for rehearing was filed October 28, 1952. It was denied on November 17, 1952.³

¹ 195 F. 2d 583.

² 344 U. S. 838. The order noted that MR. JUSTICE BLACK was of the opinion that certiorari should be granted.

³ 344 U. S. 889-890. The full text of the order reads:

"Motion for leave to file brief of Dr. W. E. B. Dubois and others, *amici curiae*, denied. Petitions for rehearing denied. Memorandum

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One week thereafter, a motion was filed in the District Court under § 2255 of the Judicial Code (28 U. S. C. § 2255) to vacate the judgment and sentence. That motion (hereafter called the first § 2255 motion) did not

filed by Mr. JUSTICE FRANKFURTER in No. 111. Mr. JUSTICE BLACK adheres to his view that the petitions for certiorari should be granted.

"Mr. JUSTICE FRANKFURTER.

"Petitioners are under death sentence, and it is not unreasonable to feel that before life is taken review should be open in the highest court of the society which has condemned them. Such right of review was the law of the land for twenty years. By § 6 of the Act of February 6, 1889, 25 Stat. 655, 656, convictions in capital cases arising under federal statutes were appealable here. But in 1911 Congress abolished the appeal as of right, and since then death sentences have come here only under the same conditions that apply to any criminal conviction in a federal court. (§§ 128, 238, 240 and 241 of the Judicial Code, 36 Stat. 1087, 1183, 1187.)

"The Courts of Appeals are charged by Congress with the duty of reviewing all criminal convictions. These are courts of great authority and corresponding responsibility. The Court of Appeals for the Second Circuit was deeply conscious of its responsibility in this case. Speaking through Judge Frank, it said: 'Since two of the defendants must be put to death if the judgments stand, it goes without saying that we have scrutinized the record with extraordinary care to see whether it contains any of the errors asserted on this appeal.' 195 F. 2d 583, 590.

"After further consideration, the Court has adhered to its denial of this petition for certiorari. Misconception regarding this meaning of such a denial persists despite repeated attempts at explanation. It means, and all that it means is, that there were not four members of the Court to whom the grounds on which the decision of the Court of Appeals was challenged seemed sufficiently important when judged by the standards governing the issue of the discretionary writ of certiorari. It also deserves to be repeated that the effective administration of justice precludes this Court from giving reasons, however briefly, for its denial of a petition for certiorari. I have heretofore explained the reasons that for me also militate against noting individual votes when a petition for certiorari is denied. See *Chemical Bank & Trust Co. v. Group of Institutional Investors*, 343 U. S. 982.

"Numerous grounds were urged in support of this petition for

challenge the power of the District Court to impose the death sentence. It was denied.* The Court of Appeals affirmed.† A petition for rehearing was denied.‡ Certiorari was again sought here, and denied on May 25, 1953. The stay entered by the Court of Appeals was vacated by this Court on the same date. On the same day, a petition for a stay, pending the consideration of a petition for rehearing, to be filed by June 9, 1953, was denied by THE CHIEF JUSTICE. A petition for rehearing was filed and was pending during the last week of the 1952 Term of the Court, the adjournment of the Term having been announced for June 15, 1953.

In the meantime execution of the sentence was set for the week of June 15th by the District Judge, and two further motions under § 2255 to vacate judgment and sentence were denied in District Court, one on June 1, 1953 and another on June 8, 1953. Those denials were

certiorari; the petition for rehearing raised five additional questions. So far as these questions come within the power of this Court to adjudicate, I do not, of course, imply any opinion upon them. One of the questions, however, first raised in the petition for rehearing, is beyond the scope of the authority of this Court, and I deem it appropriate to say so. A sentence imposed by a United States district court, even though it be a death sentence, is not within the power of this Court to revise.

* 108 F. Supp. 798.

† 200 F. 2d 666.

‡ 345 U. S. —. The full text of the order reads:

"Motions for leave to file briefs of National Lawyers Guild and Joseph Brainin et al., as amici curiae denied. Petition for writ of certiorari to the United States Court of Appeals for the Second Circuit denied. The order of the United States Court of Appeals of February 17, 1953, granting a stay of execution is vacated. Mr. JUSTICE BLACK and Mr. JUSTICE FRANKFURTER referring to the positions they took when these cases were here last November, adhere to them. 344 U. S. 889. Mr. JUSTICE DOUGLAS is of the opinion the petition for certiorari should be granted."

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affirmed by the Court of Appeals on June 5 and June 11, 1953, respectively.

In addition to those two motions under § 2255, a petition was also presented to the Court of Appeals asking that a writ of mandamus be issued, directing the sentencing judge to resentence the defendants. On June 2, 1953, the Court of Appeals denied relief by way of mandamus. Thus, as of June 12, 1953, three decisions had been entered by the Court of Appeals in collateral attacks upon the sentence, all three attacks having been instituted by the defendants after our denial of certiorari on May 25, 1953, as to the first motion under § 2255.

On June 12, 1953, an application for a stay of execution was filed with the Clerk of this Court and presented to Mr. Justice JACKSON, the appropriate Circuit Justice. This stay was requested to enable the Rosenbergs to seek review of the three most recent decisions of the Court of Appeals "within the time ordered by the applicable statute." Mr. Justice JACKSON referred this application to the full Court, with a recommendation that oral argument be heard on it. On June 15, 1953, the last session of the 1952 Term, the Court declined to hear oral argument on this application and denied the stay. The pending petition for rehearing as to the May 25, 1953,

345 U. S. — The full text of the order reads:

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

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

"Mr. Justice FRANKFURTER and Mr. Justice BURTON, agreeing with Mr. Justice JACKSON's recommendation, believe that the application should be set for hearing on Monday, June 15, 1953.

Thereupon, the Court gave consideration to the application for

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denial of certiorari, was also denied." Thus the Court had in effect, disposed of all collateral attacks upon the sentence then pending in the courts—as to the first § 2255 motion by adhering to its original denial of certiorari and as to the three subsequent decisions of the Court of Appeals in the further collateral proceedings by denying a stay, a decision which showed that the Court saw no substantial question in those proceedings to be preserved for its further consideration.

the stay, and denies it, Mr. Justice BURTON joining in such denial. "Mr. Justice FRANKFURTER and Mr. Justice JACKSON, believing that the application for a stay should not be acted upon without a hearing before the full Court, do not agree that the stay should be denied.

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

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

345 U. S. — The full text of the order reads:

"Petition for rehearing denied. Mr. Justice FRANKFURTER deems it appropriate to state once more that the reasons that preclude publication by the Court, as a general practice, of votes on petition for certiorari guide him in all cases, so that it has been his 'unbroken practice not to note dissent from the Court's disposition of petitions for certiorari.' *Chemical Bank Co. v. Investors*, 343 U. S. 982; *Maryland v. Baltimore Radio Show*, 338 U. S. 912; *Darr v. Burford*, 339 U. S. 203, 227; *Agoston v. Pennsylvania*, 340 U. S. 844; *Bondholders, Inc. v. Powell*, 342 U. S. 921; *Rosenberg v. United States*, 344 U. S. 899, 345 U. S. 965. Partial disclosure of votes on successive stages of a certiorari proceeding does not present an accurate picture of what took place.

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

Just a moment before adjournment of the 1952 Term, a petition for an original writ of habeas corpus, including a request for a stay, was presented to the Court. On account of the imminence of the execution, counsel urged immediate action. They were advised that prompt consideration would be given to the application. The Court met in Special Term on the afternoon of that day and denied the application. The Special Term was then adjourned.

Late on June 15, 1953, counsel for the defendants applied to Mr. Justice Douglas for a stay. On June 16, 1953, counsel representing one Edelman, who described himself as "next friend" to the Rosenbergs, presented to Mr. Justice Douglas a petition for habeas corpus. That petition included a prayer for a stay. More than two months before their appearance before Mr. Justice Douglas, Edelman's attorneys had asked counsel for the Rosenbergs to raise the very question which they urged upon Mr. Justice Douglas. The argument was not adopted at that time by counsel for the defendants. In

* 845 U. S. The full text of the order reads:
"The motion for leave to file petition for an original writ of habeas corpus is denied. Mr. Justice Black, dissenting."

Mr. Justice FRANKFURTER:
"The disposition of an application to this Court for habeas corpus is so rarely to be made by this Court directly that Congress has given the Court authority to transfer such an application to an appropriate district court. 28 U. S. C. § 2241. I do not favor such a disposition of this application because the substance of the allegations now made has already been considered by the District Court for the Southern District of New York and on review by the Court of Appeals for the Second Circuit. Neither can I join the Court in denying the application without more. I would set the application down for hearing before the full Court tomorrow forenoon. Oral argument frequently has a force beyond what the written word conveys."

* Counsel for the Rosenbergs was aware of the existence of the Atomic Energy Act long before receiving the suggestion from counsel for Edelman. One argument, later also, advanced in the original

this recitation of facts, we do not hold in this case that a waiver of this claim precluded its consideration.

On the morning of June 17, 1953, Mr. Justice Douglas denied the stay requested by counsel for the defendants, since it raised questions already passed upon by the Court.

Edelman's counsel raised the claim that the Atomic Energy Act of 1946, 42 U. S. C. § 1810 (b) (2) and (3), superseded the Espionage Act and rendered the District Court without power to impose the death sentence. Mr. Justice Douglas was of the opinion that this contention posed a substantial question; he denied the application for habeas corpus, but granted a stay, effective until the applicability of the Atomic Energy Act could be determined in the District Court and the Court of Appeals.

The Attorney General then applied to the Court, asking that we convene a Special Term of Court and vacate the stay. The Court was convened in Special Term on June 18, 1953, Mr. Justice Black objecting.

Thus we were brought to this particular proceeding. The case was argued for several hours on June 18. The Court then recessed and deliberated in conference for several hours. During the next morning the Court held another conference, and then met at noon and announced its decision in a per curiam opinion. We vacated the stay.

A certiorari petition, which was filed June 7, 1952, was that the sentence of death constituted cruel and unusual punishment in violation of the Eighth Amendment of the Constitution. The requirements of the Atomic Energy Act of an intent to injure the United States as a prerequisite to the death penalty (42 U. S. C. § 1810 (b) (2) and (3) and § 1816), was cited in the petition in support of the cruel and unusual punishment argument. In the petition for certiorari, as well as the petition for rehearing, filed October 28, 1952, in regard to other contentions, counsel for the defendants cited Newman, Control of Information Relating to Atomic Energy, 56 Yale L. J. 769. That article deals extensively with the relationship of sentences under the Atomic Energy Act and under the Espionage Act.

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Immediately following the announcement of this decision, counsel for the Rosenbergs moved for a further stay asking that the Court grant them an additional period in which they might seek executive clemency. Counsel for Edelman moved that the Court reconsider the question of its power to vacate the stay. After a recess and deliberation, the Court denied both motions, with Mr. Justice Black noting dissents, and Mr. Justice Frankfurter appending a separate memorandum to each order.

345 U. S. — The order denying a further stay read:

"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 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 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.

The order denying a rehearing on the question of our power to vacate the stay read:

"The motion for reconsideration of the question of the Court's

ROSENBERG v. UNITED STATES

The Special Term was adjourned. Thereafter executive clemency was denied. The sentences of death were carried out.

We have recited the history of this unusual case at length because we think a full recitation is necessary to a proper understanding of the decision rendered. We proceed to discuss two questions of power: the power of Mr. Justice Douglas to issue the stay; and the power of this Court to decide, in this proceeding, the question preserved by the stay and the vacation of the stay.

Mr. Justice Douglas had power to issue the stay. No one has disputed this, and we think the proposition is indisputable.

Stays are part of the "traditional equipment of the administration of justice." *Scripps-Howard Radio, Inc. v. Federal Communications Commission*, 316 U. S. 4, 9-10, (1942). The individual Justices of this Court have regularly issued them, and the exercise of that power is vital to the proper functioning of our jurisdiction.

Confronted with the question of the applicability of the Atomic Energy Act, Mr. Justice Douglas wrote:

"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.

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 Pers*, 318 U. S. 578, 590, in connection with *Lambert v. Barrett*, 157 U. S. 697 and *Corper v. Fitzgerald*, 121 U. S. 87."

"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."

After hearing argument on this question we did not entertain the serious doubts which Mr. Justice Douglas had.

We turn next to a consideration of our power to decide, in this proceeding, the question preserved by the stay. It is true that the full Court has made no practice of vacating stays issued by single Justices, although it has entertained motions for such relief.¹² But reference to this practice does not prove the nonexistence of the power; it only demonstrates that the circumstances must be unusual before the Court, in its discretion, will exercise its power.

The power which we exercised in this case derives from this Court's role as the final forum to render the ultimate answer to the question which was preserved by the stay.

Thus Mr. Justice Douglas, in issuing the stay, did not act to grant some form of amnesty or last-minute reprieve to the defendants; he simply acted to protect jurisdiction over the case, to maintain the status quo until a conclusive answer could be given to the question which had been urged in the defendants' behalf. In the exercise of our jurisdiction to decide the question which was preserved for decision, it lay within our power to bring the new claim before us and examine its merits without further delay. In considering this question the Court carried out the

¹² See, e. g., *Land v. Dollar*, 341 U. S. 787 (1951); *Johnson v. Stegerson*, 335 U. S. 901 (1948).

limited purpose for which Mr. Justice Douglas issued the stay.

The existence of our power was clear, and so plain we think, was the necessity for its exercise. Yet it was urged at argument that the Court, as a matter of discretion if not of power, should refrain from immediately deciding the merits of the issue which had been preserved by the stay. Indeed, the reasons for refusing, as a matter of practice, to vacate stays issued by single Justices are obvious enough. Ordinarily the stays of individual Justices should stand until the grounds upon which they have issued can be reviewed through regular appellate processes.

In this case, however, we deemed it proper and necessary to convene the Court to consider the Attorney General's urgent application. Mr. Justice Douglas denied the petition for habeas corpus. His grant of a stay called for initiation of a new proceeding in the District Court. It followed hard on the heels of our orders denying a rehearing, denying a further stay and denying a motion for leave to file a petition for habeas corpus in which a stay was requested. The stay issued by Mr. Justice Douglas was based, of course, on a new claim—a question which had not been considered in any prior proceeding.

This Court has the responsibility to supervise the administration of criminal justice by the federal judiciary. This includes the duty to see that the laws are not only enforced by fair proceedings, but also that the punishments prescribed by the laws are enforced with a reasonable degree of promptness and certainty. The stay which had been issued promised many more months of litigation in a case which had otherwise run its full course.

The question preserved for adjudication by the stay was entirely legal; there was no need to resort to the fact finding processes of the District Court; it was a question of statutory construction which this Court was equipped

12 ROSENBERG v. UNITED STATES

to answer. We decided that a proper administration of the laws required the Court to consider that question forthwith.

This brought us to the merits. Our decision was summarized in our per curiam opinion. We held that the Atomic Energy Act of 1946 did not displace the Espionage Act. We held that this issue raised no doubts of such magnitude to require further proceedings before execution of the District Court's original mandate—a mandate which had been affirmed on appeal and sustained thereafter despite continuous collateral attack.

More complete statements of the reasons for our decision are set forth in the opinions of Mr. Justice Jackson and Mr. Justice Clark. We need not reiterate here, what has been said in those opinions. It is enough to add, that in our view, the ultimate decision was clear. Accordingly, we vacated the stay.

65-58236

VIA LIAISON

Date: August 11, 1953

To: Director of Naval Intelligence
Department of the Navy
The Pentagon
Washington 25, D. C.

Attention: Mr. William Abbott

From: John Edgar Hoover, Director
Federal Bureau of Investigation

Subject: JULIUS ROSENBERG, ET AL
ESPIONAGE - R

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/25/86 BY 3042 M/ST

Reference is made to your attached memorandum dated July 29, 1953, requesting information relative to Rosenberg's having compromised the U.S. VT fuses.

A review of our files reflects information furnished by David Greenglass that Julius Rosenberg told him that while he was working for the Emerson Radio and Phonograph Corporation, New York City, he removed a proximity fuse (U.S. VT fuse) from the plant and turned it over to his Russian superior. Rosenberg was a Resident Inspector, Signal Corps, United States Army, stationed at the Emerson Radio and Phonograph Corporation from January, 1943, until March 26, 1945. On the latter date he was dismissed from the Signal Corps because there was an indication he was a Communist Party member. After his dismissal, he was hired by the Emerson Radio and Phonograph Corporation and worked there until December, 1945.

Investigation reflected that Emerson was engaged in making these fuses during this period. However, due to the lack of available records, it has been impossible to verify the actual theft.

RECORDED - 61 65-58236-2035

AUG 12 1953

Attachment

JPL:blb

NOTE:

ONI requested via liaison check info in our files re theft of the U.S. VT fuse by Rosenberg. Info furnished ONI via liaison. A copy of Navy memorandum is attached for our files.

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

6 AUG 20 1953

11/15 TO ABOTT ONI TIT

APR 1954
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C O P Y

**DEPARTMENT OF THE NAVY
OFFICE OF THE CHIEF OF NAVAL OPERATIONS
WASHINGTON 25, D.C.**

**Op-322F2/JAS/srs
48-2/3
29 July 1958**

**RESTRICTED
SECURITY INFORMATION**

MEMORANDUM

**From: Op-322F2
To : Op-322H2
Via : Op-322F**

Subj: U.S. VT Fuse information; compromise of

1. A recent newspaper account of Julius and Ethel Rosenberg's activities indicates that they transmitted information concerning U.S. VT fuses to the USSR in addition to atomic energy data.

2. It is requested that all details available concerning compromise of U.S. VT fuses be obtained from the Federal Bureau of Investigation and forwarded to this office (Op-322F2).

G. L. GILBERT

H2 Control No. _____

F2 Request No. 1130

**RESTRICTED
SECURITY INFORMATION**

C O P Y

65-58236-2035

ENCLOSURE

Office Memorandum • UNITED

GOVERNMENT

TO : Director, FBI (65-58236)
 FROM : SAC, New York (65-15348)
 SUBJECT: JULIUS ROSENBERG; ET AL
 ESPIONAGE - R

DATE: 8/13/53

Re report of SA JOSHUA D. ENSOR, 7/8/53, NY.

Enclosed for the information of the Philadelphia Office is one copy of referenced report and a photograph of HARRY PAUL GOLDBERG taken in 1944, which was obtained from the US Coast Guard. *Ta*

c. 2048 The Philadelphia Office is requested to exhibit this photograph to HARRY GOLD and DAVID GREENGLASS to determine if they knew GOLDBERG to be a member of the ROSENBERG espionage ring.

RM

2 - Philadelphia (Enc. 2)

ALL INFORMATION CONTAINED
 HEREIN IS UNCLASSIFIED
 DATE 7/25/86 BY 3042 RWT/RWS

655
 23 AUG 24 1953

RECORDED - 75
 INDEXED - 75

165-58236-2036
 25 AUG 14 1953

JDE:IMP

ESP/SEC
[Signature]

AIR-TEL
FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE

NEW YORK

8/18/53

Transmit the following Teletype message to: BUREAU

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

JULIUS ROSENBERG, ET AL, ESPIONAGE - R. REBULET TO NY, 7/22/53.
MISS HELEN CAVANAUGH, SECRETARY TO JOSEPH CURRAN, ADVISED CURRAN
RELEASED FROM HOSPITAL, 8/3/53, BUT HAS SERIOUS HEART CONDITION
AND UNDER DOCTORS ORDERS NOT TO RETURN TO BUSINESS OR RECEIVE
VISITORS IN THAT CONNECTION FOR AT LEAST ONE MONTH. EFFORTS
BEING MADE TO LOCATE AND INTERVIEW RICHARD M. PACK, IN
ACCORDANCE WITH BUREAU INSTRUCTIONS.

BOARDMAN

B - Bureau (65-58236) (REGULAR)

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/25/86 BY 3042 PMP/ews

RECORDED-48

S-AM

65-58236-2037

JJF:GMW (#6)
65-15348

Approved: _____

Special Agent in Charge

Sent _____ M

Per _____

56 AUG 24 1953

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

AUG 12 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	

FBI, MIAMI

8-12-53

8-49 PM

SAC NEW YORK AND DIRECTOR, FBI

URGENT

JULIUS ROSENBERG, ESP R. RE NY TELETYPE FEBRUARY TWENTY, FIFTY ONE, STATING NATIONWIDE STOPS HAD BEEN PLACED AGAINST CERTAIN PERSONS, INCLUDING RAYMOND ANTHONY LOPEZ. INS, MIAMI, ADVISED LOPEZ ARRIVED MIAMI INTERNATIONAL AIRPORT SIX FIFTY PM THIS EVENING, FROM VENEZUELA, VIA LEBCA CHARTER FLIGHT. WILL BE AT FIVE FIVE SEVEN ZERO SW FOURTH STREET, MIAMI FOR NEXT TWO DAYS. WILL THEN PROCEED TAMPA WHERE WILL RESIDE AT ONE FIVE ZERO SIX FIFTEENTH AVENUE UNTIL AUGUST SIXTEENTH. WILL THEN RETURN MIAMI AND DEPART IMMEDIATELY FOR CARACAS. SUTEL ANY INSTRUCTIONS.

P O W E R S

END AND ACK IN ORDER P

W³ 9-52 PM OK FBI WA MLT

NY OK FBI NYC TM

TU DI *shetty to SAC, Miami*
cc - NY
APL: mjh 8/13/53

RECORDED-97

165-58236-2038

AUG 17 1953

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/25/86 BY 3042 RCT/KWS

URGENT

August 13, 1953

RECORDED-97

SAC, MIAMI

NEW YORK (BY MAIL)

65-58236-2038
JULIUS ROSENBERG, ESPIONAGE - R. RE MIAMI TEL AUGUST TWELVE
LAST. RAYMOND ANTHONY LOPEZ INTERVIEWED NEW YORK CITY BY
BUREAU AGENTS JULY TWENTY-SEVEN, NINETEEN FIFTY-ONE. NATION
WIDE STOPS PLACED AGAINST LOPEZ, CENTRAL OFFICE, INS,
CANCELLED BY WFOLET AUGUST EIGHT, NINETEEN FIFTY-ONE.
NO FURTHER ACTION NECESSARY.

HOOVER

cc - R - New York (65-15348)

(BY MAIL)

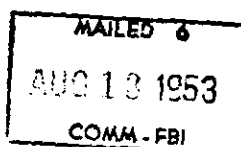
65-58236

AFL:mjh

mjh
NOTE: Rosenberg investigation reflected Lopez in contact
with Rosenberg in 1946 re possibility of acting as
South American export representative for Rosenberg's
company which did not materialize. Lopez went to
South America in 1947. In July, 1951, Lopez returned to
United States and interviewed. Nothing pertinent to
Rosenberg case developed. Thereafter, Lopez returned to
South America. No further action necessary.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/25/86 BY 3042 POF/RWS

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



62 AUG 24 1953

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FBI
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1953

July 31, 1953

Mr. Frank H. Gordon
Committee on Grievances
The Association of the Bar
of the City of New York
43 West 43rd Street
New York 36, New York

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/25/86 BY 3042 RWT/RWS

Dear Mr. Gordon:

Your letter dated July 27, 1953, has been received and I fully appreciate the interest which prompted your communication and your courtesy in calling this matter to my attention.

Under the terms stated in your communication regarding the secret nature of proceedings of the Grievance Committee, I trust the following information will be of assistance to you.

I have not personally observed any newspaper article reporting a possible "bet" between the Attorney General and myself concerning the outcome of the Rosenberg case nor have I been informed of the existence of such an article.

The allegation that I was a party to a wager with the Attorney General or any other individual in connection with this matter is utterly preposterous and constitutes a malicious and vicious falsehood. I must protest vigorously the implication that I would engage in conduct which would be considered reprehensible by any decent American.

If I can be of further service in this matter, please do not hesitate to contact me or, if more convenient, the Special Agent in Charge of our New York Office.

With best wishes.

RECORDED - 65-58236-2040
INDEXED - 87

AUG 7 1953

MAILED
Sincerely yours,

AUG 1 1953
E. J. Hoover

COMM-FBI

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

2 cc New York (with copies of incoming)

NWK:mac

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

AUG 13 1953

TELETYPE

Mr. Tolson	
Mr. E. A. Tamm	
Mr. Clegg	
Mr. Glavin	
Mr. Ladd	
Mr. Nichols	
Mr. Rosen	
Mr. Tracy	
Mr. Harbo	
Mr. Mohr	
Mr. Winterrowd	
Tele. Room	
Mr. Holloman	
Miss Gandy	

WASH 16

FROM NEW YORK

13

8-13 PM

DIRECTOR

URGENT

JULIUS ROSENBERG, ESP - R. RE MIAMI TEL AUG. EIGHT LAST INDICATING ARRIVAL OF RAYMOND ANTHONY LOPEZ AT MIAMI. LOPEZ WAS INTERVIEWED BY NY AGENTS JULY TWENTYSEVEN FIFTYONE AND NO PERTINENT INFO DEVELOPED. STOP AGAINST NAME OF LOPEZ CANCELLED BY LETTER DATED AUG. ONE FIFTYONE IN CASE QUOTE RUSSELL ALTON MC NUTT, ESP - R, UNQUOTE, TO WFO AND BORDER OFFICES, INCLUDING MIAMI. NO ACTION NECESSARY.

BOARDMA

MIAMI ADVISED

END

NY R 16 WA JG

DISC

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/25/86 BY 3042 RUT/ruv

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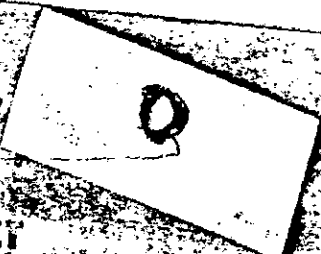
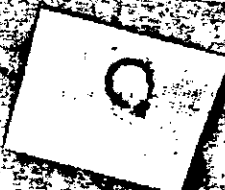
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AUG 18 1953

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EX-104

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The Attorney General

TOP SECRET

**JULIUS ROSENBERG, et al
ESPIONAGE - R**

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
EXCEPT WHERE SHOWN
OTHERWISE

APPROPRIATE AGENCIES
AND FIELD OFFICES
ADVISED BY ROUTING
SLIP

June 5, 1953

Classified by 3042 PWT/1W
Declassify on: OADR

DATE 4/29/78

Your attention is directed to the memorandum to the former Attorney General dated January 9, 1953, which outlined the scope of the information available to show the espionage activities of Julius and Ethel Rosenberg and persons associated with them. In view of the widespread attempts by persons sympathizing with the Rosenbergs to proclaim the innocence of the Rosenbergs and to discredit the testimony of David and Ruth Greenglass, I wanted hereinafter to show specifically evidence at the trial which corroborated the testimony of the Greenglasses. There was also produced independent evidence showing the Rosenbergs' espionage involvement. There was also certain other information and evidence which was not used at the trial but which substantiates these persons' involvement over a period of years in espionage in behalf of the Soviet Union.

TESTIMONY OF DAVID GREENGLASS

Classified by ~~3042~~
Declassify on: OADR

A brief summary of the testimony of Greenglass at the Rosenberg trial is as follows:

In November, 1944, Ruth Greenglass traveled to Albuquerque, New Mexico, to visit her husband, David, who was then residing there in connection with his employment at Los Alamos. Ruth told David that Julius and Ethel Rosenberg had requested her to ask David if he would make scientific information available to the Russians. David at first refused and then agreed to furnish available data. Prior to Ruth's return to New York City, David furnished her, for delivery to Julius Rosenberg, the names of some of the personnel at Los Alamos whom he believed were ideologically suited for recruitment as sources by the Soviets. He also

*3/1-8 exempt from GDS, Category 2+3
per source and to be released to the
public in 1993
can be declassified if per 1976 rules are clarified*

- Tolson
- Ladd
- Nichols
- Belmont
- Glavin
- Harbo
- Tracy
- Gearty
- Mohr
- Winterrowd
- Tele. Room
- Holloman
- Sizoo
- Misner

APL:rwf

SECURITY INFORMATION - **TOP SECRET**

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explained to Ruth the physical setup at Los Alamos for transmittal to Rosenberg.

In January, 1945, David arrived in New York City on furlough. Julius Rosenberg then came to his apartment and requested David to write up in detail all experiments and work known to David at Los Alamos on the atom bomb and requested sketches of the lens molds. Rosenberg described to David the Hiroshima atom bomb. Rosenberg said he would be back the following morning to pick up the material which he did. Ruth Greenglass commented to Rosenberg on David's poor handwriting and Rosenberg answered that his wife, Ethel, would type up the report. A day or two later the Greenglasses went to the Rosenberg apartment for dinner. Present in the apartment was Anne Sidorovich. After Anne left the apartment, Julius mentioned that Anne or someone else would come out to see the Greenglasses in either Albuquerque or Denver to receive the information from them. Julius then cut out the side of a jello box and cut it in two parts. He handed one part to Ruth Greenglass and said that the other part would be given to the other person who would contact the Greenglasses. During the evening Ruth Greenglass mentioned to Ethel that Ethel looked tired, and Ethel replied that between typing up material Julius received "in this work," and the care of her child, she did get tired.

A few nights later Julius Rosenberg arranged for David Greenglass to meet an unidentified Russian in a car in midtown New York. The Russian questioned Greenglass about a high explosive lens which was being experimented upon at Los Alamos.

In June, 1945, Harry Gold made contact with the Greenglasses in Albuquerque, New Mexico, and used the side of a jello box as a recognition signal. David Greenglass gave Gold various sketches and descriptive material concerning experimentation going on at Los Alamos on the lens mold. He also gave Gold a list of names of individuals employed at Los Alamos whom he believed were good recruits for espionage. Gold gave Greenglass \$500 for the information.

- 2 -

SECURITY INFORMATION - TOP SECRET

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In September, 1945, David Greenglass returned to New York City on furlough. Julius Rosenberg came to his house for information, and David informed him he had a pretty good description of the atom bomb. At Julius' request, David prepared material, including sketches of the atom bomb consisting of approximately twelve pages and took it to the Rosenberg apartment. Julius gave the material to his wife, Ethel, who prepared the report in the presence of the Greenglasses and Julius. While Ethel was typing the report, Julius mentioned to David that he (Julius) had stolen a proximity fuse while working at the Emerson Radio Corporation and turned it over to the Russians. After the report was typed, the handwritten notes, exclusive of the sketches, were then destroyed. Julius gave David \$200.

After World War II was ended, Julius requested David to try to continue his employment at Los Alamos in a civilian capacity. David declined. Julius also attempted to persuade David to become a student in nuclear physics at the Massachusetts Institute of Technology or the University of Chicago at Russian expense in order to make contacts in this field and obtain information for the Russians.

From 1946 to 1949, David was associated with Julius in business. During this period Julius told David he had people going to school; that he had people in upstate New York, and in Ohio giving him information for the Russians; and mentioned he had another contact at General Electric in Schenectady, New York.

Late in 1947, Julius told David about a sky platform project and Julius said he had received this information from "one of the boys." Julius also said he had a way of communicating with the Russians by putting material on messages in the alcove of a theater. Julius had also mentioned he had received from one of his contacts the mathematics concerned with atomic energy for airplanes.

- 3 -

SECURITY INFORMATION - TOP SECRET

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In February, 1950, when Klaus Fuchs was arrested in England, Julius told David that David would have to leave the country because Fuchs' arrest would lead to the arrest of Fuchs' contact. When Harry Gold was arrested in May, 1950, Julius gave David \$1,000 and a few days later an additional \$4,000 with instructions on how David should travel to Mexico and from there to Czechoslovakia. Julius stated that David would have to get a tourist card to go to Mexico. Julius also mentioned that he went to see a doctor who told him that a doctor's letter stating he was inoculated for smallpox would also be needed. Julius also stated that he had to leave the country himself because he was a friend of Jacob Golos, and that probably Bentley knew him.

TESTIMONY OF RUTH GREENGLASS

Ruth Greenglass, wife of David Greenglass, also testified at the trial, and, in addition to corroborating the testimony of her husband, stated that prior to her departure for New Mexico in November, 1944, she had a conversation with Julius and Ethel Rosenberg at the Rosenberg apartment in New York City. Julius informed her that after two years he had succeeded in reaching the Russians and was now doing the work he wanted to do. He informed her that David was working on the atomic bomb and requested her to enlist David's help in furnishing information to him for the Russians about Los Alamos. Ruth declined at first but was urged by Ethel to approach David. Julius then gave her instructions for David as to the particular type of information he wanted. Julius, a few days later, gave her \$150 to defray the expenses of her trip to New Mexico.

On her return to New York in December of 1944, after visiting David, she was visited at her apartment by Julius, at which time she informed him of David's decision to cooperate and furnish to Julius the information given to her by David. She furnished this information orally and also wrote it down for Julius. She informed him of David's impending furlough. Prior to her departure for

Albuquerque in February of 1945, Julius visited her at her apartment where she was living with her sister, Dorothy Prinz. Julius requested Dorothy Prinz to leave the room and after she did so, he furnished Ruth instructions concerning a meeting with an espionage contact in Albuquerque.

The balance of her testimony substantially corroborated the testimony of David set forth above.

EVIDENCE USED AT THE TRIAL CORROBORATING
THE TESTIMONY OF DAVID GREENGLASS

Harry Gold

As noted hereinbefore, David and Ruth Greenglass testified that Rosenberg, in January, 1945, cut a side of a jello box into two parts. He handed one part to Ruth and said the person who contacted the Greenglasses in Albuquerque would have the other part. Harry Gold testified that in May, 1945, he received from Anatoli Yakovlev, his espionage superior, a part of a jello box side and was instructed to contact David Greenglass and his wife in Albuquerque, New Mexico. Gold was to use the jello box side as a means of identification and to say "I come from Julius." Gold testified he followed these instructions and contacted the Greenglasses at which time he obtained some information relating to the atomic energy research being done at Los Alamos.

Evidence of Rosenbergs' Plan for Flight

As has been set forth hereinbefore, David Greenglass testified as to the intention of Julius Rosenberg to flee from the United States in the Spring of 1950. He also testified concerning the instructions from Rosenberg for the flight of himself and his family.

Dr. George Bernhardt testified that he was the physician who had treated the Rosenberg family, including Julius. He said in May, 1950, he had a telephone conversation with Julius Rosenberg, at which time Julius asked what injections were needed to go to Mexico. Dr. Bernhardt told him that he would need injections for typhoid and smallpox.

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Rosenberg claimed he was making the inquiry for a friend. The doctor asked him for sufficient notice so that he could get the serum and Julius said he would notify the doctor if the shots were necessary.

Ben Schneider, a photographer, 99 Park Row, New York City, testified that on a Saturday in May or June, 1950, he was visited by the Rosenbergs and their two children. He took photographs of the entire family which Julius said he wanted of passport size. Julius Rosenberg told him he and his family intended to go to France.

Evidence Concerning Console Table

David Greenglass testified that Julius Rosenberg had a console table which had been given him by the Russians and which was used by him for his photography work.

Evelyn Cox, a Negro maid who worked part time for the Rosenbergs, testified to seeing a new table in the living room in the Rosenberg apartment some time in 1945. She described this table as a solid mahogany console table and as the most beautiful piece of furniture in the Rosenberg apartment. She asked Ethel Rosenberg where she had secured this table and Ethel replied that it had been given to her husband by a friend as a gift. A short time after first seeing this table, Mrs. Cox recalled she next observed it in a closet in the Rosenberg apartment. She asked Ethel why the table was in the closet and if she should place it back in the living room. Ethel told her to leave the table in the closet since it was too large for the living room.

Dorothy Prints

With respect to the testimony of Ruth Greenglass that prior to her going to Albuquerque in February of 1945, she was contacted by Julius Rosenberg at her apartment and Dorothy Prints, her sister, was requested to leave the room, this testimony was corroborated by Dorothy Prints. Dorothy Prints (Abel) testified that early in 1945 she resided with Ruth Greenglass in an apartment at 266 Stanton

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Street, New York City. She stated that she recalled in January or February of 1945, Julius Rosenberg came to the apartment and asked her to take a book and leave the room. Rosenberg stated he wished to speak to Ruth Greenglass privately.

EVIDENCE INDEPENDENT OF TESTIMONY OF GREENGLASS

Max Elitcher

Max Elitcher, a classmate of Julius Rosenberg at the College of the City of New York, who was later employed as an electrical engineer, Bureau of Ordnance, Department of the Navy, Washington, D. C., from 1938 to 1948, testified that Julius Rosenberg visited him at Washington, D. C., in the Summer of 1944 and requested him to obtain reports and blueprints concerning his work at the Bureau of Ordnance and give them to Rosenberg for transmittal to Russia. Elitcher stated that Rosenberg contacted him at least nine times during the following three years in an attempt to persuade Elitcher to obtain information for him. In 1948, Elitcher told Rosenberg he definitely would not cooperate with him. Elitcher also stated that Rosenberg told him Morton Sobell was working with him or was "in this with me." Elitcher also stated that in July, 1946, while visiting at the home of Sobell in Flushing, New York, Sobell told him that he had some "good material" for Rosenberg. Elitcher observed Sobell put a 35 millimeter film can in his coat pocket. They drove to the lower east side and Sobell left the car for about 15 minutes. When he returned he said he had seen Rosenberg. Sobell also said that Rosenberg had just told him he once spoke with Elizabeth Bentley on the telephone, but that she did not know who he was and, therefore, there was nothing to worry about.

Elizabeth Bentley

Elizabeth Bentley testified that during her association with Jacob Golos, her former espionage superior, she became aware of the fact that Golos knew an engineer named "Julius" and that he obtained information from "Julius."

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In the Fall or in December of 1942, an individual named "Julius" who was the leader of a Communist cell of engineers was turned over to Jacob Golos to be developed in Soviet espionage. "Julius" was to be the contact between Golos and the group. Bentley believed this cell of engineers was capable of development. The first two meetings that Golos had with "Julius" were held in the early evening on the lower east side of New York City. Bentley accompanied Golos to the scene of the meetings but remained in his automobile. She saw Golos conferring with "Julius" on the street but at some distance. Golos told Bentley that "Julius" lived in Knickerbocker Village in New York City. Bentley described "Julius" as being about five feet, ten or eleven inches in height, slim and wearing glasses. Investigation disclosed that from 1942 on, Julius Rosenberg resided at 10 Monroe Street, in what is known as Knickerbocker Village. Julius Rosenberg is five feet ten inches tall, slim and wears glasses. Bentley was unable to make a positive identification of "Julius."

OTHER INFORMATION AND EVIDENCE NOT
UTILIZED AT THE TRIAL

[REDACTED] b1 (TS)

[REDACTED] b1

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SECURITY INFORMATION - TOP SECRET

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SECURITY INFORMATION - TOP SECRET

Jerome Eugene Tartakow ~~CONFIDENTIAL~~

Jerome Eugene Tartakow, confidential informant whose identity has not been disclosed, was a fellow inmate of Julius Rosenberg at the Federal House of Detention, New York City, during the time Rosenberg was an inmate there. Tartakow voluntarily furnished information concerning conversations he had with Rosenberg during this period. The information furnished by Tartakow which relates to other persons involved with Julius Rosenberg is set out under their individual captions. Certain of the information furnished by Tartakow has been corroborated but the great bulk of his information cannot be corroborated due to the lack of cooperation on the part of the Rosenbergs.

Rosenberg stated that he had plenty of money but only he or his wife had access to it. Rosenberg said he did not flee the United States as he had to "take care of" some friends but if he had had another week he could have escaped. In speaking of the death penalty, Rosenberg stated "he had played the game and lost and would have to take the results."

Rosenberg stated that there were two units operating in the New York area and that he had headed one unit and two men headed the other unit. He said one was in Europe at the time of his, Rosenberg's arrest, and the other fled one week after his arrest.

Rosenberg stated he had no direct connection with the American Communist Party but that he did "extra-legal work." Rosenberg indicated it had taken a long time to get into underground activities and that the breaking up of the

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SECURITY INFORMATION - TOP SECRET

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Canadian spy ring had caused him to lose contact for almost two years. Rosenberg, as an illustration of the time needed to build an organization, told of a young couple in a mid-West city to whom he gave money to operate a business as a front and said during his recent operations this man operated as a go-between for the transmission of microfilm to Rosenberg for further transmission.

Rosenberg also explained how he had meetings with his Russian contacts and the prearranged signals such as marks on store windows, standing in front of theaters, stuffing tobacco in his pipe and how he had discovered a hole in the floor of a theater which was thereafter used by him as a depository for the transmitting of information. Rosenberg named his Russian contacts as Alex, Henry and Dennis but did not further identify these persons. Rosenberg also related how he had contacted a Russian superior in a railroad station in an unnamed city and had passed information to him by switching brief cases. He also described a meeting with a superior while driving in a car with Morton Sobell on Long Island. Rosenberg said he had had contact with a Russian several times a month.

Rosenberg stated that if his wife, Ethel, were released she could make contacts as "she is a very capable person, one thoroughly checked by my friends, as all the wives of agents are and one who has assisted me on many of my projects." Rosenberg indicated he had \$7,000 in cash and a Leica camera in his apartment at the time he was first questioned by Federal Bureau of Investigation Agents (June 16, 1950) but he refused to consent to a search. The following morning Ethel removed the money and the camera in a shopping bag and took it to the apartment of a Communist Party member in Knickerbocker Village.

Rosenberg said during the week end of July 4, 1949, he had spent 17 hours in company with William Perl and two other men photographing material in the Rosenberg apartment which material had been taken from Columbia University by William Perl, who will be referred to hereinafter.

Apartment at 65 Morton Street, New York City

David Greenglass has stated he learned from Rosenberg that Rosenberg had two apartments which were used for photographing material given to Soviet Intelligence. Greenglass also learned from Rosenberg that Joel Barr worked with Rosenberg in Soviet espionage activities. An apartment at 65 Morton Street, New York City, was located which had been rented by Alfred Sarant and in which Sarant, Joel Barr, and William Perl all lived at various times. The superintendent of this apartment house observed photographic-type equipment in this apartment. Perl has admitted residing in this apartment through arrangements made by him with Barr and Sarant. Max Elitcher stated he attended social gatherings at this apartment, attended by Rosenberg, Barr, Perl, Sarant, and Morton Sobell.

William Perl

As has been set forth hereinbefore, William Perl was reported by the informant of [REDACTED]

David Greenglass has stated he believes Julius Rosenberg told him in September or October, 1948, that he had received from "one of the boys" the mathematics involved in the construction of an atomic energy airplane motor. Jerome Tartakow states Rosenberg told him Perl gave him the plans on "nuclear fission to propel airplanes," that Perl was a brilliant man in the field of aerodynamics, and that some of the material furnished to Rosenberg by Perl was "terrific."

Perl, on July 27, 1950, advised that on July 23, 1950, Vivian Glassman, whom he had known as the girl friend of Joel Barr, contacted him at his apartment in Cleveland. She wrote him a note in which she said she had been instructed by a stranger to speak to an aeronautical engineer in Cleveland and to give him money and instructions on how to leave the country for Mexico. She wrote that she had money for him. Perl claims following her departure he flushed the note down the lavatory bowl.

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Vivian Glassman

Vivian Glassman confirmed the data relative to her visit to Perl on July 23, 1950, and claimed she did so at the request of a man who was unknown to her but who came to her home on July 21, 1950. This man introduced himself as an acquaintance of Joel Barr, her former fiancé. This man asked her to go to Cleveland to visit her friend, an aeronautical engineer who was interested in her sister. She understood he was referring to William Perl, a friend of her sister's and the only aeronautical engineer she knew in Cleveland. He asked her to tell Perl to go to Mexico and gave her a roll of money which he said amounted to \$2,000. She returned to New York City after contacting Perl and retained the money until the evening of July 27, 1950, when she stated the unidentified man again visited her apartment and she returned the money to the stranger and he departed.

Vivian Glassman admitted that she was very friendly with Julius Rosenberg and his wife, met them in 1945, and frequently visited the Rosenbergs socially thereafter. She also admitted that she had been acquainted with Alfred Sarant and had sent money to him in payment for rent on the apartment at 65 Morton Street, New York City.

Joel Barr

David Greenglass stated that while Rosenberg was attempting to persuade Greenglass to leave the country and go to Mexico, Rosenberg told him that more important persons than Greenglass had already left the country. He said Joel Barr had left the United States before Fuchs was arrested and was now working for the Russians in Europe. It was determined that Joel Barr left the United States on January 21, 1949, for Paris, France. He disappeared from his residence in Paris, on June 16, 1950, and his present location is not known.

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SECURITY INFORMATION - TOP SECRET

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Alfred Sarant

Alfred Sarant, mentioned hereinbefore, admitted membership in the Communist Party in 1943-1944 in New York City, admitted being an acquaintance of William Perl, and admitted close association with Joel Barr since 1941. He said he probably met Rosenberg through Barr. He said he met with both Rosenberg and Barr at his apartment at 65 Norton Street, New York City, and said that Barr had a key to this apartment. Sarant also admitted that he himself had considerable interest and proficiency in photography and admitted having film-development equipment and flood-lamps in the Norton Street apartment. He also said that Joel Barr had a Leica camera when Barr was residing with him in the apartment.

Sarant admitted that on one occasion Julius Rosenberg had propositioned him but Sarant stated he "didn't bite." Sarant then refused to furnish any further details concerning this "proposition" and denied participating in any espionage activities with Rosenberg. Sarant fled from the United States in August, 1950. He was last known to have been in Mexico on August 13, 1950, and his present location is unknown.

Michael and Anne Sidorovich

Michael and Anne Sidorovich presently reside in Cleveland, Ohio. David and Ruth Greenglass identified Anne Sidorovich as having been in the Rosenberg apartment in New York City in January, 1945, where the Greenglasses were introduced to her. Subsequent to her departure from the apartment Rosenberg told the Greenglasses that Anne Sidorovich or someone else would have the matching piece of the jello box side which was to be used as a means of identification. Actually it was Harry Gold who ultimately contacted the Greenglasses in Albuquerque. Michael Sidorovich has admitted that he knew Julius and Ethel Rosenberg in Young Communist League activities in New York City prior to 1937, at which time

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Sidorovich went to Spain to fight for the Loyalists.

X Jerone Tartakow, mentioned hereinbefore, said Rosenberg told him he advanced money to a young couple to open a business in the West. Rosenberg said the man had gone to school with him and had been in the Abraham Lincoln Brigade. According to Rosenberg this man had acted as a "go-between" and had been used to send micro-film from others to the Rosenbergs.

The above is being furnished to you so that you may have a concise summary of the evidence adduced at the trial in this case, as well as other evidence in our files concerning the espionage activities of the Rosenbergs.

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IN THE SUPREME COURT OF THE UNITED STATES

JULIUS ROSENBERG AND ETHEL ROSENBERG

delivered
2001 file

v.

UNITED STATES OF AMERICA

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

ALL INFORMATION CONTAINED
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IN THE SUPREME COURT OF THE UNITED STATES

JULIUS ROSENBERG AND ETHEL ROSENBERG

v.

UNITED STATES OF AMERICA

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CONCLUSION

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

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

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

HERBERT BROWNELL, JR.
Attorney General

ROBERT L. STERN,
Acting Solicitor General

JUNE 1953.

Mr. Tolson

June 11, 1953

L. B. Nichols

Handwritten: Julius Rosenberg

At 11:10 A.M. this morning, Congressman Byrd of West Virginia telephonically advised Mr. McGuire that a person identifying himself as Robert H. Silk, an attorney from New York and Michigan, had just been in his office and had been attempting to pressure Byrd into taking some action in order to secure freedom for the Rosenbergs.

Byrd stated that he picked up the pictures of his two daughters which he keeps on his desk and asked Silk if he thought the Rosenbergs had any thought for these two young ladies at the time they engaged in the activities for which they were convicted and that, to his mind, it was asking to him to have Silk plead for the Rosenbergs' children when parents themselves had no regard for their own children or the children anyone in the United States during the time they were spying against our government. Byrd stated he told Silk that his mind was made up and that any such trash as Silk was trying to leave with him, which Byrd said was propaganda material to secure justice for the Rosenbergs, was promptly going in his waste basket.

Congressman Byrd thought we would like to have Silk's name for whatever purposes it may serve the FBI. The Congressman said he felt attempts to influence members of Congress was part of a master scheme of the Communist Party and, while he did not know or had no reason to believe that Silk was himself a Communist, it could well be that he is part of the entire operation and not just an innocent dupe.

The Congressman was thanked for furnishing this information.

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DATE 7/25/82 BY 3042

cc - Mr. Ladd

cc - Mr. Belmont

JJM:jah

165-58236-✓

ORIGINAL FILED IN 100 - 342467 - 5

Mr. Nichols

June 15, 1953

M. A. Jones

MALCOLM PITHAN SHARP

SYNOPSIS:

Per your instructions, attached memorandum briefly summarizes pertinent unfavorable information concerning Sharp, Law Professor, University of Chicago who reportedly appeared in court with the attorney for Rosenbergs on June 8, 1953. Sharp born 1897 in Madison, Wisconsin; holds degrees from Amherst College, University of Wisconsin and Harvard University. On faculty of University of Chicago since 1933 with exception of 1942-44. Sharp is Security Index subject of Chicago Office, tabbed for "Detcom" and "Comsab." Identified by Louis Budenz as person whom he had heard referred to repeatedly in Chicago as a Communist. Sharp has been affiliated with the following Communist-inspired, influenced, or infiltrated organizations: "Communist Club of the University of Chicago"; "American Youth for Democracy"; "Labor Youth League"; "National Committee to Defeat Mundt Bill"; "International Labor Defense"; "Committee to Defeat Browder Bills"; "National Lawyers Guild"; "Committee to Free Earl Browder"; "National Council of American-Soviet Friendship"; "Chicago Civil Liberties Committee"; "Mid-West Committee for Protection of Foreign Born"; "American League Against War and Fascism"; "North American Committee to Aid Spanish Democracy"; "Kutcher Civil Rights Congress"; "Marxist Club and Marxist Forum"; "Coordinating Committee to Lift the Embargo"; "Lawyers Committee on American Relations with Spain"; "Mid-Century Conference for Peace"; "Committee for Peaceful Alternatives" and "International Juridical Association." Sharp testified before Subversive Activities Commission of Illinois May 19, 1949.

RECOMMENDATION:

None. For information.

Attachment

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Clegg _____
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Rosen _____
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Mr. Nichols

W. A. Jones

June 15, 1953

MALCOLM PITMAN SHARP

PURPOSE:

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WHERE SHOWN OTHERWISE.

CONFIDENTIAL
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10/28/88 BY 3042PWT/mw

Per your instructions, this memorandum briefly summarizes pertinent unfavorable information in Bureau files concerning Malcolm Pitman Sharp, Professor of Law, University of Chicago.

DETAILS:

You will recall that a wire service news release dated June 8, 1953, concerning the Rosenbergs' recent attempts to obtain a stay of execution, contained the following information:

"With Block (Attorney for the Rosenbergs) in court was Malcolm Sharp, identified as a University of Chicago Law Professor. He (Sharp) was urged frequently by (Judge) Kaufman to stop explaining why he had entered the case and to get to the point in arguing on defense resolutions."

INFORMATION IN BUREAU FILES:

Classified by 3042PWT/mw

Declassify on: OADR 10/23/94

Sharp is a Security Index subject of the Chicago Office who has been tabbed for "Detcon" and "Consab." (100-380421-5)

The Chicago Office has reported the following background information concerning Sharp:

Sharp born November 20, 1897 in Madison, Wisconsin. Received B.A. degree at Amherst College, 1918; M.A. degree at University of Wisconsin, 1920; LL.B. degree at Harvard University, 1923; S.J.D. degree at Harvard University, 1927. Sharp served in U.S. Naval Reserve Flying Corps, 1918-22. He was a Naval Lieutenant from September, 1942 to October, 1943, when his resignation from the Naval Reserve was accepted. With the exception of 1942-44 he has been a professor at the University of Chicago since 1933. In 1923-25 he was in law practice, being associated with (Max) Lowenthal, Swold and Perkins and with Root, Clark, Buckner, and Ballentine, both in New York. In 1925-26 he was an associate professor at the Iowa Law School and in 1927-29 he was on the staff of the University of Wisconsin. In January, 1953, Sharp was residing at 5636 South Kenwood, Chicago, Illinois. He is married and has one son and one daughter. (100-380421-6)

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WJC:ms/pa

65-58236-1

ENCLOSURE

CONFIDENTIAL

quits

Memorandum to Mr. Nichols
Re: Malcolm Pitman Sharp

June 15, 1953

~~CONFIDENTIAL~~

NAVY
[REDACTED]
Committee for Harry Bridges" cited by the Attorney General)
(100-38421-X)

In connection with the above, it should be noted also that the "Daily Worker" of March 30, 1948, (page 4) contains the following statement by Sharp in connection with the Earl Browder case:

"I am glad to record again my opinion about the Earl Browder case. The severity of his sentence seems explicable only as punishment for an unpopular political opinion. The portion of the sentence already served is more than adequate as a penalty for his violation of passport laws. I hope that President Roosevelt will pardon him, as a matter of justice and statesmanship." (It should be noted that a committee, named "Citizens' Committee to Free Earl Browder" has been cited by the Attorney General)(40-3798-A)

The Bureau's Security Matter - C investigation of Sharp was opened in June, 1951, following receipt of information concerning Sharp from Louis F. Budenz. Budenz stated that he had heard Sharp referred to repeatedly in Chicago as a Communist. Budenz reportedly said that the references were made in the State Bureau meetings which he attended frequently at the headquarters of the Communist Party in downtown Chicago. The references came chiefly from Morris Childs and Jack Martin who were officials of the Communist Party in Illinois and had to do with Dr. Sharp's cooperation with the Party in various front activities and in Chicago political affairs. Budenz further stated that he had heard "infrequently of Dr. Sharp as cooperating with the Communist cause, notably from Jack Stachel in official reports to me at the 'Daily Worker' and from Morris Childs." He concluded, "Sharp has been active in several Communist Fronts." (100-380421-1)

Investigation has revealed that Sharp has been affiliated with the following Communist-inspired, influenced or infiltrated organizations:

Communist Club of the University of Chicago

Sharp was reported to have been Faculty Advisor of the Communist Club of the University of Chicago during periods in

Memorandum to Mr. Nichols
Re: Malcolm Pittman Sharp

June 15, 1953

~~CONFIDENTIAL~~

1946, 1947, 1948 and 1949. "The Chicago Tribune" of May 25, 1949, contained an article captioned, "Prof. Sharp Tells Why He Sponsors Communist Club." The article stated Sharp said he accepted the Faculty Advisorship of the Club because he believes democracy can thrive only where there is a full and open examination of all significant ideas." In a letter to the University of Chicago, Sharp reportedly advised he was lending his name to the Communist Club since he feels any organization should be permitted existence on the campus and since the University requires that each organization have a Faculty Advisor. He reportedly said that this in no way should be interpreted to mean that he adheres to or supports the ideals and doctrines of Communism.

Sharp testified before the Seditious Activities Investigation Commission of Illinois on May 19, 1949. While under oath he said he was Faculty Advisor for the Communist Club for the University of Chicago. He testified he had written a letter to the president of the Communist Club in which he stated he was not a Communist or a Communist sympathizer. He further made reference to an understanding he had with the members of the Communist Club that they would understand and obey the State and National laws governing radical political activities, and he said that in his letter to the president of the Communist Club he stated he would like to think of himself as "a thoughtful critic of Communist theory and practice." (100-380481-6)

b7D
American Youth For Democracy

(The "American Youth For Democracy" has been cited by the Attorney General.)
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Miss Gandy _____

~~CONFIDENTIAL~~

Memorandum to Mr. Nichols
RE: Malcolm Pitman Sharp

June 15, 1953

Civil Rights Congress

[REDACTED]

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[REDACTED]

b7D

Sharp, in his appearance before the Seditious Activities Investigation Commission of Illinois on May 19, 1949, was questioned concerning an article in the "Daily Worker" of April 16, 1946, captioned "Notables Defend Communist" which article was released by the Civil Rights Congress. The text of the article was "The Communist Party is a legal, American political party. We see nothing in its program, record or activities, either in war or peace, to justify the enactment of the repressive legislation now being urged by the Congress in an atmosphere of organized hysteria." Sharp was asked whether he was one of the signers of this article. Under oath, he replied, "I think it is very likely I signed the document." (100-380521-6) (Civil Rights Congress cited by Attorney General)

Labor Youth League

[REDACTED]

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Memorandum to Mr. Nichols
Re: Malcolm Pitman Sharp

June 15, 1953

[REDACTED]

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[REDACTED]

(Labor Youth League cited by Attorney General.)

National Lawyers Guild

b7C b7D

On April 1, 1940, Sharp furnished a signed statement to Agents of the Chicago Office, which contained a statement to the effect that he had been an active member and first president of the Chicago Chapter of the National Lawyers Guild.

[REDACTED] The "Chicago Maroon," University of Chicago campus publication, of December 1, 1950, contains an article showing that Sharp was sponsor of the National Lawyers Guild Chapter on the campus. (100-380421-6) (National Lawyers Guild cited by Congressional Committee on Un-American Activities.)

b7D

National Committee to Defeat the Mundt Bill

[REDACTED] (100-380421-6) (National Committee to Defeat the Mundt Bill cited by Congressional Committee on Un-American Activities.)

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Memorandum to Mr. Nichols
Re: Malcolm Pitman Sharp

June 15, 1953

International Labor Defense

CONFIDENTIAL

380421-6) (International Labor Defense cited by Attorney General.)

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Committee to Defeat the Broyles Bills

Reportedly, Sharp spoke at a meeting sponsored by the Committee to Defeat the Broyles Bills at a University of Chicago campus rally on March 4, 1949. The Broyles Bills of the Illinois State Legislature were designed to curtail the activities of the Communist Party in Illinois. At the rally, Sharp allegedly declared that the Broyles Bills were unconstitutional. He is quoted as saying, "The Bills are aimed at outlawing the Communist Party...(They) suppress our freedom to think as embodied in the first and second articles of the Constitution...I would welcome a Broyles investigating committee at the University of Chicago." (100-380421-6)

Citizens Committee to Free Earl Browder

Sharp's name was carried in the "Daily Worker" February 17, 1942, as an endorser of the Free Browder Campaign in the Hyde Park section of Chicago. It has previously been noted that Sharp was quoted in the "Daily Worker" of March 30, 1942, as expressing hope that President Roosevelt would pardon Browder. In April, 1942, it was reported that Sharp had appeared as a guest speaker at a Free Browder Rally held in Chicago on April 17, 1942. A pamphlet published by the Citizens Committee to Free Earl Browder, in New York City, which was circulated in April, 1942, showed Sharp's name as one of "1,500 prominent Americans" who appealed to President Roosevelt on behalf of Browder.

In his testimony before the Seditious Activities Investigation Commission of Illinois on May 19, 1949, Sharp stated, "I signed a petition urging that Earl Browder be freed." (100-380421-6) (Citizens Committee to Free Earl Browder cited by Attorney General.)

Memorandum to Mr. Nichols
Re: Malcolm Pitman Sharp

June 15, 1953

National Council of American-Soviet Friendship

[REDACTED]
(100-380421-6) (National Council of American-Soviet Friendship cited by Attorney General.) b7D

Chicago Civil Liberties Committee

[REDACTED]
(100-380421-6) b7D

The Midwest Committee for Protection of Foreign Born

The "Daily Worker" of April 9, 1950, listed Sharp's name as sponsor of a testimonial dinner which was under the sponsorship of the Midwest Committee for Protection of Foreign Born. (100-380421-6) (Midwest Committee for Protection of Foreign Born is Midwest organization of American Committee for Protection of Foreign Born, which has been cited by Attorney General.)

American League Against War and Fascism

In testimony before the Seditious Activities Investigation Commission of Illinois on May 19, 1949, Sharp was questioned concerning his typed signature which appeared at the bottom of a letter issued by the American League Against War and Fascism in 1937, which letter issued a call for a People's Congress for Democracy and Peace in Pittsburgh, Pennsylvania, on November 26 and 27, 1937. While under oath, Sharp testified that it was "very likely" that he signed this letter. He said that his signature on the letter was not a solicitation of support for the American League Against War and Fascism, but a solicitation of the People's Congress. (100-380421-6) (American League Against War and Fascism cited by Attorney General.)

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Memorandum to Mr. Nichols
Re: Malcolm Pitman Sharp

June 15, 1953

North American Committee to Aid Spanish Democracy

It was confidentially reported during the latter part of 1941, that Malcolm P. Sharp, 5329 South Greenwood, was one of the Chicago sponsors of the Lawyers Committee of the Spanish Aid Committee. Reportedly, the Spanish Aid Committee was a committee within the North American Committee to Aid Spanish Democracy. (North American Committee to Aid Spanish Democracy cited by Attorney General.) (100-380421-6)

Kutcher Civil Rights Committee

[REDACTED] b7D (X)

[REDACTED] b7D (X)

It should be noted that the Chicago Chapter of the Civil Rights Committee reportedly was organized by the Socialist Workers Party in Chicago to assist James Kutcher, a Socialist Workers Party member from New Jersey who was fighting to regain his position with the Veterans Administration in New Jersey after having been "fired" from his position because of his membership in the Socialist Workers Party. (Socialist Workers Party cited by Attorney General.) (100-380421-6)

Memorandum to Mr. Nichols
Re: Malcolm Pitman Sharp

June 15, 1953

Farist Club and Marxist Forum

(100-380421-6)

b7D

Coordinating Committee to Lift the Embargo

In testimony before the "Seditious Activities Investigating Commission of Illinois," one Howard Rushmore testified that Sharp's name was listed on an official booklet of the "Coordinating Committee to Lift the Embargo" as a representative individual of that organization. In response to this allegation, Sharp filed an affidavit dated April 28, 1949, with the Illinois Commission, stating that the "Coordinating Committee to Lift the Embargo, along with the "Lawyers Committee on American Relations with Spain," were organizations asking the Government to lift the embargo on the shipment of arms to the Loyalists in Spain fighting against the forces of Hitler and Mussolini. Sharp said that these two committees became inactive prior to World War II and the position taken by the committees was the one which subsequently was taken by the U.S. Government. Sharp said that he did not question the accuracy of the testimony of Mr. Rushmore. ("Coordinating Committee to Lift the Embargo" cited by Special Committee on Un-American Activities) (100-380421-6)

Lawyers Committee on American Relations With Spain

Howard Rushmore, in his testimony before the "Seditious Activities Investigating Commission of Illinois" further stated that Sharp's name was contained in a letter dated May 5, 1938, issued by the "Lawyers Committee on American Relations with Spain" as Honorary Chairman of that Committee. In response to this allegation, Sharp filed an affidavit with the Illinois Commission dated April 28, 1949, stating that he did not question the accuracy of Mr. Rushmore's testimony. (The provisions of this affidavit are set out in the immediately preceding section of this memorandum.) ("Lawyers Committee on American Relations with Spain" cited by Special Committee on Un-American Activities) (100-380421-6)

Mid-Century Conference for Peace

b7D

Memorandum to Mr. Nichols
Re: Malcolm Pitman Sharp

June 15, 1953

[REDACTED] (The
Mid-Century Conference for Peace" has been cited by the House
Committee on Un-American Activities.) (100-380421-6) b7D

National Committee for Peaceful Alternatives

In October, 1950, the Chicago Office was furnished a pamphlet entitled, "Report of the Nominating Committee for the Illinois Committee for Peaceful Alternatives." This pamphlet listed Sharp as a sponsor of this Committee. In addition, a press release, issued by the "Illinois Committee for Peaceful Alternatives" advertised a "Workshop for Peace Rally," to be held in Chicago on May 30, 1951, listed Professor Malcolm P. Sharp as a sponsor of the Rally. ("Illinois Committee for Peaceful Alternatives" is an affiliate of the "National Committee for Peaceful Alternatives." "Committee for Peaceful Alternatives to the Atlantic Pact," possibly identical with the previously-mentioned organization, has been cited by the House Committee on Un-American Activities.) (100-380421-6)

Miscellaneous

The "Daily Worker" of March 5, 1941, carried an article captioned, "List of Signers of Statement Defending the Communist Party." This article contains a list of "450 prominent Americans" who allegedly signed a statement that the President and Congress should defend the rights of the Communist Party. Sharp's name was included among these signers. (100-389421-6)

The Boston Office reported [REDACTED]

[REDACTED]
("International Juridical Association cited by Special Committee on Un-American Activities and the House Committee on Un-American Activities.) (100-380421-7) b7D

[REDACTED]
(100-380421-6)
RECOMMENDATION:

None. For information.

MR. NICHOLS

June 19, 1953

W. G. EAMES

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

Julius Rosenberg

The Director has inquired as to why an air-tel from WFO which was directed to the Bureau and to the New York Division took from 11 a.m. to 3:56 p.m. to reach the Communications Section today. I telephonically contacted SAC Hood who advised that the air-tel had been returned for correction and had received final approval by 12:30 p.m. today. After final approval the mail is taken on a WFO messenger run to a point where it is picked up by the Bureau Courier Service and delivered to the Bureau. Mr. Hood was unable to say which run might have picked up this particular piece of correspondence but felt that it should have been delivered in time to be placed on either the one o'clock or two o'clock runs to the Bureau.

A check with the employees assigned to the Courier Service reflects that this run was taken each hour during the entire day. A review of the Messenger Unit's log indicates that from 1:40 p.m. on messengers picked up mail in room 1511, where mail is received from WFO and delivered to the Communications Section each half hour. The log also reflects that messengers took mail from the Communication Section to the Director's office each ten minutes during the pertinent period. On the basis of these schedules, mail from WFO should never take more than a maximum of an hour and a half to reach the Bureau Communications Section. There is no indication that this air-tel could have been delayed in the Records Section since the runs were handled on schedule and it was not necessary for it to go through any assorting process.

WGE:dph

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

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Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Tolson

DATE: June 19, 1953

FROM : L. B. Nichols

SUBJECT: NATIONAL COMMITTEE TO SECURE
JUSTICE IN THE ROSENBERG CASE
INTERNAL SECURITY - CTolson
Belmont
Clegg
Glavin
Harbo
Rosen
Tracy
Gandy
Mohr
Tele. Room
Holloman
Sizoo
Miss Gandy

JULIUS ROSENBERG

With reference to the explanation requested regarding the delay in handling airtel daylet from the Washington Field Office in the Rosenberg Case which was dated June 19, 1953, 11:00 a.m., stamped into the Communications Section at 3:56 and stamped into the Director's Office at 4:53 p.m., June 19, the following is submitted:

DELAY IN ARRIVAL IN THE COMMUNICATIONS SECTION

The airtel, dated 11:00 a.m., June 19, 1953, is stamped into the Communications Section at 3:56. Inquiry was made of Mr. Hood and he stated that he had some recollection that that particular airtel had gone back for correction and he thought he recalled that it probably went out from the Field Office at about 12:30 p.m. There were no unusual incidents in the messenger run between the Field Office and the Courier Room which receives mail at the Headquarters from the Field Office. This mail is picked up by the Messenger Unit every half hour. It is picked up in the Field Office and brought to the Courier Room on the hour. On the assumption that the airtel left the Field Office on the 1:00 o'clock run (which actually left the Field Office at 1:10 p.m.), it would have been received in the Courier Room at approximately 1:30, picked up probably on the 1:30 run and delivered to the Teletype Room much prior to 2:00 p.m.

on the 7:00 p.m. run 6/19.

In an effort to establish the course of mail from the Field Office to the Bureau on the regular courier run, the following was observed in mail picked up from the messenger run between the Field Office and the courier room. Among teletypes and airtels selected at random, one airtel dated 8:00 p.m., June 18, ~~one~~ one airtel with the time 1:30 p.m., June 19, 1953 (deferred classification) one with the time 3:00 p.m., another with the time 4:30 p.m., another with the time 4:00 p.m., all with the classification "deferred" were observed. It would thus appear that there is no rigid observance in the Field Office of dispatching mail with precise reference to the time which appears on the teletype. This condition has been brought to Mr. Hood's attention. He is making an immediate and thorough inquiry into it and will submit an appropriate explanation.

cc: Mr. Holloman

EAC:arm

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Memorandum to Mr. Tolson from L. B. Nichols

Several messengers who might have handled the mail from the Field Office to the Courier Room were contacted and none of them had any recollection of having handled any specific piece of mail. In this connection, messengers, of course, do not read mail and have specific instructions that they should not.

THE DELAY FROM 3:56 TO 4:53 IN THE TIME STAMPS BETWEEN COMMUNICATIONS SECTION AND THE DIRECTOR'S OFFICE

Miss Charlotte Walker advised that she recalls specifically seeing instant wire. She returned from her rest period at 4:00 p.m. She believes she saw the wire at that time. She stated that she was handling the routing and the news ticker which was very heavy at that particular time in the afternoon, but she feels quite sure that she did not delay placing the original of instant airtel in the outgoing box to the Director's Office more than twenty minutes. She feels quite sure that the mail was thrown into the outgoing box by 4:20 p.m.

The messengers on the Director's run between 3:50 and 4:50 p.m. were Sylvia Smith, Marilyn Graham and Margaret Collins. These three employees alternated the run between 3:50 and 4:50 p.m. The starting and terminating times of these runs are as follows:

<u>Begin</u>	<u>Messenger</u>	<u>Termination Time</u>
3:50	Sylvia Smith	4:06
4:00	Marilyn Graham	4:15
4:10	Margaret Collins	4:30
4:20	Sylvia Smith	4:30
4:30	Marilyn Graham	4:45
4:40	Margaret Collins	5:00
4:50	Sylvia Smith	5:07

All of these employees had departed for the day at the time of this inquiry and have not been asked if they have any recollection of the particular piece of mail. The regular routine of the run calls for the departure of a messenger from the Messenger Room, 7728, at the scheduled time (in this instance 3:50). The regular stops are made and the normal time, according to messengers consulted, between the teletype room and the Director's Office is about two to three minutes.

On the assumption that the mail was stamped in the Director's Office immediately upon receipt, it most probably was picked up on the

Memorandum to Mr. Tolson from L. B. Nichols

4:40 run made by Margaret Collins. There is an unexplained delay of twenty minutes on this assumption.

It is possible that in view of the very heavy volume of news tickers and the mail at this period in the afternoon that the employee who was handling the routing and the news ticker at the same time does not recall exactly the time at which she placed the instant airtel in the outgoing box. The delay of one or two minutes in the time of putting the mail in the outgoing box could account for as much as ten minutes difference in arrival in the Director's Office. due to the 10 minute interval between messenger runs

This delay is sincerely regretted and will not recur.

The explanation for the difference between the time typed on an airtel and the time that mail is stamped into the Communications Section is being submitted by SAC Hood in the Field Office.

This whole project must be looked into. more important is that Nichols Office apparently took no preparatory steps to expedite mail re Rosenberg case on the most important day of that case. Such lack of interest & alertness is deplorable.

L

True Copy

305-Clements Ave.
Somerset Ky.
June - 19 - 1953.

Hon. J. Edgar Hoover.

Chief, F.B.I

Washington D. C.

Dear Sir.

Please find enclosed a News paper Clipping regarding Julius
and Ethel Rosenberg. I believe from this News Paper report
that the two Lawyer Fyke Farmer and Daniel Marshall are
Communist or employed by the Communist to aid them, these
two Lawyers Should be investigated by the F.B.I and I think
they the two Lawyers Should be tried in a Federal Court for
treason.

If we get destroyed with A Bombs by Russia then
the Rosenberg's and Such People as these two Lawyers will
be responsible for it.

Yours truly.

/s/ W. H. Van Hook.

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Judge Ha Rosenbergs Execution

Supreme Court Will Review Douglas' Order

By The Associated Press
Washington, June 17.—Supreme Court Justice William O. Douglas granted an indefinite stay of execution today to Julius and Ethel Rosenberg, condemned atom spies. But 3 hours later Chief Justice Vinson called a special session of the high tribunal to review the order.

Vinson, acting on the request of Attorney General Brownell, announced that a special term of the court will be convened at noon tomorrow. This is 11 hours

Representative Chaff of Kentucky has called Justice Douglas a "self-appointed, one-man Supreme Court" who made a "hasty, ill-considered, emotional decision," according to a story on Page 1. Another story on that page says French protests against the Rosenbergs' execution are "humanitarian as well as political."

before the Rosenbergs were scheduled to die in the electric chair at New York's Sing Sing Prison.

The court has been in summer recess since Monday, but Vinson has authority to convene it if he can muster a quorum of six of the nine justices. Some of the justices, including Douglas, are out of town, but six are here or



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REPRESENTATIVE WHEELER

Calls for Impeachment

near enough to get to Washington on time.

In the explosion of reaction to Douglas' decision, Representative Wheeler (D., Ga.) moved in the House to have Douglas impeached for "high crimes and misdemeanors in office."

The Rosenbergs, center of a world-wide storm of controversy, are in the death house in Sing Sing. They were convicted under the Espionage Act of 1917 of helping betray some of America's vital atomic secrets to Russia.

Douglas said he had serious doubts whether the judges who sentenced the Rosenbergs had the right to impose the death sentence, violating the Atomic Energy Act of 1946. He said the

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Court To Consider Today Douglas' Stay for A-Spies

'Outside' Lawyers Raise Key Point On Rosenbergs

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question should be resolved by the lower courts.

Should the court overrule Douglas before the hour set for the Rosenbergs' execution, a question arises whether the executions could proceed.

Prevailing legal opinion here, necessarily unofficial, was that they could.

The reasoning was that if Douglas' stay is vacated by the full court, it would be as if no stay had ever been issued. Even if a reversal came after the execution deadline, these authorities reasoned, the couple could be executed at any time up to midnight Saturday.

This is because United States District Judge Irving R. Kaufman of New York set the executions "for the week of June 15," leaving the exact time to Sing Sing's warden.

May Mean New Maneuvers

But if the Rosenbergs were still alive at midnight Saturday, then it was considered that Judge Kaufman would have to resentence them.

If Douglas should be sustained by the court, the life-or-death question would be decided in a new series of court maneuvers.

Less than 6 hours after Douglas had given the Rosenbergs their fourth reprieve, the Justice Department had its appeal on file with the Supreme Court. The Attorney General called Douglas' action unprecedented. Only Monday the Supreme Court refused by a 5-to-4 vote to delay the execution. The same day, it recessed until October.

Cheers Impeachment Plan

Brownell asked that the court be recalled to review Douglas' order or to reconsider and reaffirm its 5-to-4 vote of Monday. Vinson agreed to follow this procedure, giving attorneys for both sides an opportunity to argue in open court.

Members of the House cheered and applauded when Representative Wheeler, a Georgia farmer and former schoolteacher, announced he was bringing impeachment proceedings.

In addition to his impeachment resolution, Wheeler introduced a second resolution that would authorize the House Judiciary Committee to investigate "the official conduct" of Douglas to determine whether impeachment proceedings were warranted.

Promises Quick Action

requirements was met in the Rosenbergs' case.

The new legal point was raised by two lawyers who were not even retained by the Rosenbergs and who were called "intruders and interlopers" by Judge Kaufman.

These lawyers, Pyke Farmer, Nashville, and Daniel G. Marshall, Los Angeles, spent nearly an hour arguing before Douglas yesterday.

Douglas' ruling said:

"Curiously, this point of whether the espionage or the Atomic Energy Act applies) 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.

Provision To Aid Scientists

"One purpose of the Atomic Energy Act was to ameliorate the penalties imposed for disclosing atomic secrets. As S. Rep. No. 1211, 79th Cong., 3d Sess., P. 23, stated, the problem in drafting Sec. 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.

All Entitled To Protection

"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 provided 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.

In Sing Sing at Ossining, N. Y., the Rosenbergs heard the first news of their reprieve over the



Associated Press Wirephoto
JUSTICE W. O. DOUGLAS
Grants stay of execution



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Wheeler said the second measure would give the high judge "his day in court if he wants it."

The chairman of the Judiciary Committee, Representative Reed (R., Ill.), promised speedy action on both resolutions.

Representative Hillings (R., Cal.) suggested in the House that the Rosenbergs be subpoenaed before an appropriate House committee and compelled to tell what they know about "Soviet espionage in the United States."

If they testified, Hillings said, the information would be of great value to the nation. If they refused by pleading possible self-incrimination, he added, "They will convict themselves in the court of public opinion."

Doesn't Want Unseemly Haste

In its latest petition the Justice Department asked for action "as expeditiously as possible," but said it was not requesting the court to act "with unseemly haste to avoid postponement of the scheduled execution."

The petition, signed by Brownell and acting Solicitor General Robert Stern, also said Mr. and Mrs. Rosenberg had already received "the fullest measure of justice" and that it would not be in the interests of orderly processes of justice to have the case sent way back to the U. S. District Court.

Stay Needed

Unless reversed by a majority of the justices present tomorrow, Douglas' stay will remain in effect until lower courts have decided whether Section 10 of the Atomic Energy Act applied to the Rosenbergs' case.

This law, passed in 1946 after the specific offenses charged against the Rosenbergs were committed, provides that a death sentence can be imposed only on the specific recommendation of the trial jury and when it has been found that the offense was committed in an attempt to injure the United States.

Douglas said neither of

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Associated Press Wirephoto

FYKE FARMER

Pleads for Rosenbergs

prison radio while they were saying their "last good-bys" to relatives. It was the fourth time since their conviction in 1951 that the couple escaped a date with death.

Prison officials reported that Rosenberg, a 33-year-old engineer, took a deep breath and seemed to relax. His 37-year-old wife closed her eyes and smiled.

"They seemed very happy," Warden Wilfred L. Denno said.

The Rosenbergs have never ceased to claim their innocence, and so far have turned down unofficial promises that their death sentences might be commuted if they told everything they know about Red spying in the United States.

Many Make Appeals

Appeals for clemency have come from individuals and organizations all over the world. Although President Eisenhower declared February 11 that he could find no reason for sparing their lives. The White House was picketed by Rosenberg sympathizers again today—up to the hour that the stay was announced. They disbanded after they had heard the news.

Although Douglas granted a stay of execution, he denied a petition for a writ of habeas corpus.

In a 3,000-word statement released with his decision, Douglas made several points to clarify the complicated legal position of the

had the power to act independently of the whole Supreme Court, but could do so responsibly only because new legal points had been raised by the defense attorneys.

"If the Atomic Energy Act of 1946 is applicable to the prosecution of the Rosenbergs, the District Court unlawfully imposed the death sentence," he said.

"It is important that the country be protected against the nefarious plans of spies who would destroy us," he went on.

"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."

Leaves Washington

Immediately after his decision, Douglas left Washington, presumably for Oregon, where he usually spends some of the summer.

Six justices constitute a quorum for a session of the Supreme Court, and Chief Justice Vinson and Justices Jackson, Clark, Burton, Black, and Reed were available.

Justices Douglas, Black, Frankfurter, and Jackson were in the minority when the court refused, 5 to 4, Monday to refuse a stay of execution or to review the 1951 trial.

In proposing the impeachment of Douglas, Representative Wheeler told the House he saw no point in providing funds to develop atomic energy "and then have one justice of the Supreme Court take upon himself the authority to grant amnesty to two proven spies who have been convicted of having stolen the secrets about which we are now legislating."

... After this case has been

... After this case has been heard, I can understand where in an emergency one justice could grant amnesty in good conscience," Wheeler said. But, he added, when the case has been heard two or three times by the full court, and then one justice appears to be "yielding to the vociferous minority pressure groups . . . I cannot sit idly by in this legislative body without seeking to do something about it."

Other legislators expressed surprise or disappointment at the Douglas order. Among them was Chairman Velde (R., Ill.) of the House Un-American Activities Committee. He urged a swift review of the order by the full court.

Calls It A Mistake

"I think it was a mistake," Representative Hillings (R., Cal.) commented.

Douglas, 54, is a former chairman of the Securities and Exchange Commission who was appointed to the Supreme Court by President Roosevelt in 1939. He received considerable support as a possible Democratic presidential nominee in 1948 and got some backing in 1952.

Only once in American history has a Supreme Court justice been tried on impeachment charges. Justice Samuel Chase was accused of malfeasance in office in 1805, but was acquitted.

In New York, Judge Kaufman had no comment on Douglas' action. It was recalled that when Kaufman passed sentence he remarked, "It is time for Congress to re-examine the penal provisions of the espionage statutes."

Gives 'Interlopers' Credit

Emanuel H. Bloch, chief counsel for the Rosenbergs, met reporters here and gave full credit to the "interloper" lawyers, Farmer and Marshall, for raising the points that resulted in the stay.

"Farmer won it," Marshall said. He added that Farmer, who has not been in active law practice for some years, persisted in raising the point that Judge Kaufman lacked authority to impose death sentences.

Farmer told reporters he became interested in the case last Christmas after he had read a pamphlet written by Irwin Edelman, Los Angeles, who pointed out what he called "errors" in the case.

Cited by Committee

Farmer, 51, said he had quit law practice in 1946 to devote himself to establishing world government, but was spurred into legal action when he read of the Rosenberg case.

Marshall, also 51, said "15 good Unitarians" passed the hat, collected \$39, and told him to meet Farmer in New York "to see what you can do for the Rosenbergs."

Marshall told newsmen he has been cited by the California Un-American Activities Committee on the ground that he associated with left-wing movements.

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Don't Decide on Act

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

The Justice Department contends that the Espionage Act of 1917, under which the couple was tried and convicted, is applicable to the indictment because all of the "overt acts" alleged took place before the Atomic Energy Act was passed in 1946.

While agreeing that the alleged acts were committed in 1944 and 1945, when the United States was still at war, Douglas ruled that the Government's case "showed acts of the Rosenbergs in pursuance of the conspiracy long after the new (Atomic Energy) Act became effective." (The pair was actually convicted of conspiring to transmit atomic data to Russia.)

Douglas emphasized that he



Associated Press Wirephoto
DANIEL MARSHALL
Brings up key question

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