

# The Rosenberg Case

## A Bi-Centennial Frame-up

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This article is the fifth in a series of counter-Bicentennial pieces dealing with the more sordid and often less-acknowledged incidents in America's 200-year-old history.

AMERICA—(1950) Only five years removed from the holocaust of World War II, the country stood on the brink of a new reaction: the paranoia of the Cold War, engineered for the most part by the Western powers.

Faced with the reality of its own destructive power at Hiroshima and Nagasaki, the American government scrambled to safeguard the new-found supremacy it had attained. But the confessions of British physicist Klaus Fuchs, sentenced to 14 years in an English prison for giving atomic "secrets" to the Russians, brought the terror of the A-bomb home to apple-pie country.

The American media and government bureaucracy launched an all-out campaign to convince the nation that the red scare was more than a threat. Building on Russia's consolidation of Eastern European gains made during WWII, they convinced the country that communism was insidiously seeking to destroy the nation from within. America "must be made safe for democracy."

Then, in June, 1950, American newspapers reported that North Korean communist forces had invaded South Korea. Their version supplied justification for the propagation of paranoia.

It is against this background that the atomic-spy trial and executions of Julius and Ethel Rosenberg must be seen. They were victims of that paranoia which silenced political debate on college campuses for a decade, sent Alger Hiss to prison, spurred the activity of the House Committee on Un-American Activities, and gave the FBI a mandate to stay on top of "Communist conspiracies" which continues today.

One of the most ironic (but typical) facts of the entire frame-up is that the Rosenbergs and their codefendants were never charged with actual espionage. Prosecutor Irving Saypol had only to amass a mountain of evidence that they had conspired to commit spying, a considerably more nebulous charge.

Julius and Ethel Rosenberg were both children of Jewish immigrants who settled on New York's lower East Side. Julius might have sunk into the anonymity of rabbihood if he had not heard of the plight of Tom Mooney one night in 1933. Mooney was a labor leader then serving the 16<sup>th</sup> year of a sentence for the bombing-deaths of 10 people at a 1916 San Francisco parade. Julius abandoned the Torah for political tracts and agitation, although he never read more of Marx than enough to quote him.

Ethel Greenglass was the despair of her mother, who learned early that her daughter planned to make a name for herself on the stage instead of raising a good Jewish family. But when Ethel found herself the star of a union strike which shut down the National Shipping Co. in 1935, she opted for the stage of radical politics.

The two met at a New Year's Eve fund-raiser for the International Seamen's Union in 1936. Both became members of the Federation of Architects, Engineers, Chemists and Technicians, a Communist-backed organization and the Young Communist League. The two of them, armed with socialism of the Stalinist brand, were out to change the world.

The first indication that America was not so willing to be changed along those lines came in 1945 when Julius was fired from his job with the Army Signal Corps on the charge of being a Communist. Several trips to Washington proved fruitless, but he managed to find another job.

Then on June 16, 1950, David Greenglass, Ethel's younger brother, was arraigned by the FBI for violation of the 1917 Espionage Act. Greenglass had worked as a machinist for the Army at Los Alamos, New Mexico, where the first atomic bomb was developed. He was charged with delivering secrets of the Los Alamos project, including names, plant layout and designs for a special lens to Harry Gold, a Philadelphia chemist. Gold, who was responsible for the Greenglass indictment and who later served as one of the prosecution's key witnesses, also confessed to being the liaison between Klaus Fuchs and the Russians.

## **Arrest and Trial**

Neither the Greenglass indictment nor the newspapers made any mention of the Rosenbergs, but Julius was arrested at their home on July 18, 1950, and Ethel was nabbed on August 12 by two FBI agents on the steps of the courthouse where she had just finished testifying before her brother's grand jury investigation.

Bond for both of them was set at the ridiculous sum of \$100,000, the same as David's. Although the Rosenbergs' attorney argued that the bail was impossible to meet and therefore no bail at all, the assistant US attorney who opposed him said that they had the world-wide resources of the Communist movement behind them.

But the Communist movement never chose to claim its martyrs. The American CP neither denounced the political frame-up nor defended the Rosenbergs as victims of the capitalist state, but merely accused the government openly of "bad faith." Similarly, Soviet newspapers made no mention of the case until three days after the Rosenbergs' execution. Only then did Tass [the official news agency of the Soviet Union] print a report, thought to be written by the Committee to Secure Justice in the Rosenberg Case.

In 1951 the CP belatedly organized a front organization within the National Committee, but it did not attract much support until after the Supreme Court refused to review the case.

Indicted along with the Rosenbergs was Morton Sobell, an electrical engineer involved in rocket research and a communist party member from 1939 to 1943. The main witness against Sobell was a former college friend named Max Elitcher, who was coerced into testifying for the government by the FBI because he had signed a loyalty oath while working for the government when he was also a CP member.

Sobell was also brought to trial by illegal government maneuverings. On August 17, 1950, he and his wife were kidnapped from their Mexico City apartment by Mexican secret police, who drove them to the border and handed them into the custody of FBI agents waiting for them at Laredo, Texas.

To avoid charges of anti-Semitism, the government secured both a Jewish judge and prosecutor. But the jury selection was carefully monitored so that no Jew was even considered to serve on the jury. The final twelve members were all white collar workers, including one woman and one black.

The 12-point indictment consisted of circumstantial evidence, perjured testimony by Greenglass, and FBI forgeries. Only years later was this information to surface through the diligent investigation by independent researchers and the efforts of the Rosenberg's children to learn the truth about the frame-up of their parents.

Although Sobell was not specifically mentioned in the indictment, the complaint issued on his arrest charged him with having five conversations with Julius presumably trading atomic secrets at each one.

## **Motive for Espionage**

The basic line of testimony offered by David which sent his sister and brother-in-law to the electric chair was that the Rosenbergs had coerced him into delivering the information to preserve a balance of power between the U.S. and Russia. Despite repeated objections and motions for a mistrial by defense attorney Emmanuel Bloch, testimony that the Rosenbergs had communist sympathies was admitted. Although Judge Irving Kaufman advised

the jury that they were not to use communism as a basis for their verdict, he nevertheless upheld prosecutor Irving Saypol's contention that communist sympathies were grounds for establishing a motive for espionage.

(Saypol was later given the honor of being "the nation's number one legal hunter of top communists" by Time Magazine. Added to his list of credentials for the citation were the second successful prosecution of Alger Hiss and the conviction of eleven top C.P. leaders.

The choice of Bloch as defense attorney was another strike against the case. Bloch had never tried a criminal case. After a sketch of the implosion lens drawn by Greenglass was submitted as evidence, Bloch made a motion requesting that the sketch be impounded, thus lending credulity to what was actually a worthless sketch (both in terms of its inaccuracy and the fact that the information was already available.)

Saypol set the tone for the farcical trial in his opening remarks to the white-collar jury.

"The evidence will show that the loyalty and allegiance of the Rosenbergs and Sobell were not to our country, but that it was to communism, communism in this country and communism throughout the world.

"The evidence will reveal to you how the Rosenbergs persuaded David Greenglass, Mrs. Rosenberg's own brother, to play the treacherous role of a modern Benedict Arnold, while wearing the uniform of the United States Army.

"There came a day, however, that a vigilant Federal Bureau of Investigation broke through the darkness of this insidious business and collected the evidence that would bring these culprits before the bar of justice, before an American jury like you."

And on and on. The American press, in a patriotic fury of indignation, inflamed the public with slanted reports and self-righteous editorials, demanding justice in the form of death. And though the jurors were instructed not to read newspapers or listen to radio reports of the case, they were never sequestered to prevent them from doing so.

## **Rosenbergs "Responsible for Korea"**

On March 30, 1951, after sixteen days at trial, the jury returned a guilty verdict for the Rosenbergs and Sobell. On April 6, Judge Kaufman sentenced Morton Sobell to thirty years for his part in the conspiracy, and sentenced Julius and Ethel Rosenberg to death in the electric chair on May 21; Greenglass received only fifteen years for his cooperation. Kaufman's remarks at the sentencing summed up the national attitude:

"I believe that you have given the Russians the atomic bomb years before they could have otherwise perfected it. This has caused the communist aggression in Korea with the resultant casualties of exceeding 50,000, and who knows but that millions more innocent people may pay the price of your treason."

The fight to have the decision overturned or to obtain a Supreme Court ruling in the case continued by the defense counsel for two more years. Seven times the U.S. Circuit Court of Appeals upheld the ruling; six times the Supreme Court said it could find no reason to review the case. Both Presidents Truman and Eisenhower refused to grant clemency, despite the fact that Eisenhower was receiving about 50,000 letters a day in the last days of the Rosenbergs' lives.

On June 19, 1953, the executioner at Sing-Sing twice flipped the switch which sent 2,000 volts through Julius and Ethel Rosenberg. The American CP was given its first martyrs, of whom it took no notice. But, around the world, anti-American protests by the Rosenberg Committee and others gave voice to the unbelieving outrage. American embassies were bombed in London and Dublin; in Paris, riot police had difficulty containing the mobs who responded to a statement made by philosopher Jean-Paul Sartre:

"Whether America gives life or death to the Rosenbergs is the measure of whether America is preparing for peace or the Cold War."

A report by the Atomic Energy Commission well after the Rosenbergs' deaths stated that the information supposedly given to the Russians was available to anyone at the time. A physicist who testified at the trial and who had worked at Los Alamos had maintained that the information was "new, original, and of immense advantage" to any foreign power who obtained it.

The Rosenbergs were convicted for a crime that was never committed in the midst of a lynch atmosphere that rivaled the trials of blacks in the American South. It is a story that the American government would like the public to forget and it is therefore a story that constantly needs retelling.

## Sources

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The US Attorney General's office recently said the Federal prosecutor in the 1950's atomic-spy trial of Julius and Ethel Rosenberg, Irving H. Saypol, was indicted before a Federal grand jury last month on three counts of perjury and one count of bribery.

Saypol, now in his twenty-fifth year as a State Supreme Court Justice in New York, could be sentenced to up to seven years in prison on each count. His attorney, Edward Costikian, said he would not step down from the bench and predicted that his client would be vindicated.

The indictment accused Saypol of engineering a real-estate deal for his son, Roger, who allegedly realized a \$20,000 commission in the sale of unnamed estate property.



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