

Sobell Case Judge Seals Alleged A-Bomb Sketch

By SIDNEY E. ZION

A Federal judge sealed at a closed hearing yesterday a copy of an alleged sketch of the atomic bomb that Julius and Ethel Rosenberg purportedly turned over to the Soviet Union in 1945.

The move was made at the request of the Government, which demanded a closed hearing in the chambers of Judge Edmund L. Palmieri on the ground of national security.

The action was bitterly opposed by the attorney for Morton Sobell, who has charged that the sketch is "completely false" and does not contain secret material. Sobell was convicted in 1951 with the Rosenbergs of conspiracy to commit espionage. The Rosenbergs were executed for the crime two years later. Sobell received a 30-year sentence because he had actually not been involved in atomic espionage.

Positions Differ

In the current action, Sobell is moving to upset his conviction on numerous grounds, particularly that the sketch did not represent the atomic bomb dropped at Nagasaki, as the Government contended.

The Government's demand for secrecy was in direct contrast with its position at the trial when it offered the sketch in evidence. It also differed from the position taken from the outset by the Atomic Energy Commission, which had declassified the sketch.

At the trial, the late Emanuel Bloch, lawyer for the Rosenbergs, startled the prosecution by asking that the sketch be impounded. This maneuver, never explained by Mr. Bloch, has been criticized by legal experts over the years. They point

out that it gave defense approval to the Government's basic contention that there was a "secret" of producing the bomb that could be transmitted to the enemy through a sketch.

The sketch was impounded by the trial judge, Irving R. Kaufman, and remained sealed until April, when Sobell's lawyers were permitted to have it in order to attack its authenticity.

On Monday, Marshall Perlin, Sobell's counsel, said in court that two scientists "intimately connected with the making of the atomic bomb would testify that the sketch was 'completely false.'"

Affidavit Filed

If the court orders a hearing and Mr. Perlin produces the proof he has promised, the effects could be dramatic. The sketch was the key item of scientific evidence against the Rosenbergs, who were said by Judge Kaufman to have "caused . . . the Communist aggression in Korea [and] altered the course of history to the disadvantage of our country."

If the charges are substantiated it would seriously undermine the integrity of those who handled the prosecution of the Rosenberg case.

The Government said in an affidavit that it was basing its move to keep the sketch from the public on the ground

that "comparable information" concerning other atomic weapons was still classified by the A.E.C. It cited a letter to that effect by the Director of the Division of Classification of the A.E.C.

However, the director, C. L. Marshall, said by telephone from the commission's offices in Germantown, Maryland, that the commission's position had remained unchanged, that the sketch was "declassified" material.

"By declassified," he explained, "we mean that it may be published without undue risk to the national defense and security."

When told of this, Stephen E. Kaufman, Assistant United States Attorney and chief of the Criminal Division, said:

"It is the position of the Department of Justice that it would not be in the public interest to make the sketch public."

Jurisdiction Challenged

But Mr. Perlin, who will move Friday to unseal the sketch and the testimony surrounding it, said:

"The Justice Department has no jurisdiction to determine what is secret information. The A.E.C.'s position again makes it crystal clear that there is nothing secret about it."

"The Government wishes by this device to impede us from

proceeding and getting additional witnesses to establish clearly that every bit of material is either false or of public knowledge," Mr. Perlin charged. "They want to hide this fact and at the same time to give the imprimatur of secrecy on something that is in the public domain. By so doing they apparently hope to scare off other possible scientists from testifying for Sobell."

Walter Scheier, who co-authored last year "Invitation to an Inquest," the book that served as a basis for Sobell's new-trial motion, said:

"It is a scene out of Alice in Wonderland. It is obvious that the Justice Department is now attempting to suppress the sketch for political rather than national security reasons."