

THE NEWS OF THE WEEK IN REVIEW

New Questions
On Rosenberg Case

By SIDNEY E. ZION

"We know that these conspirators stole the most important scientific secrets ever known to mankind from this country and delivered them to the Soviet Union . . . Their guilt is established by the proof not beyond a reasonable doubt, but beyond any conceivable doubt."

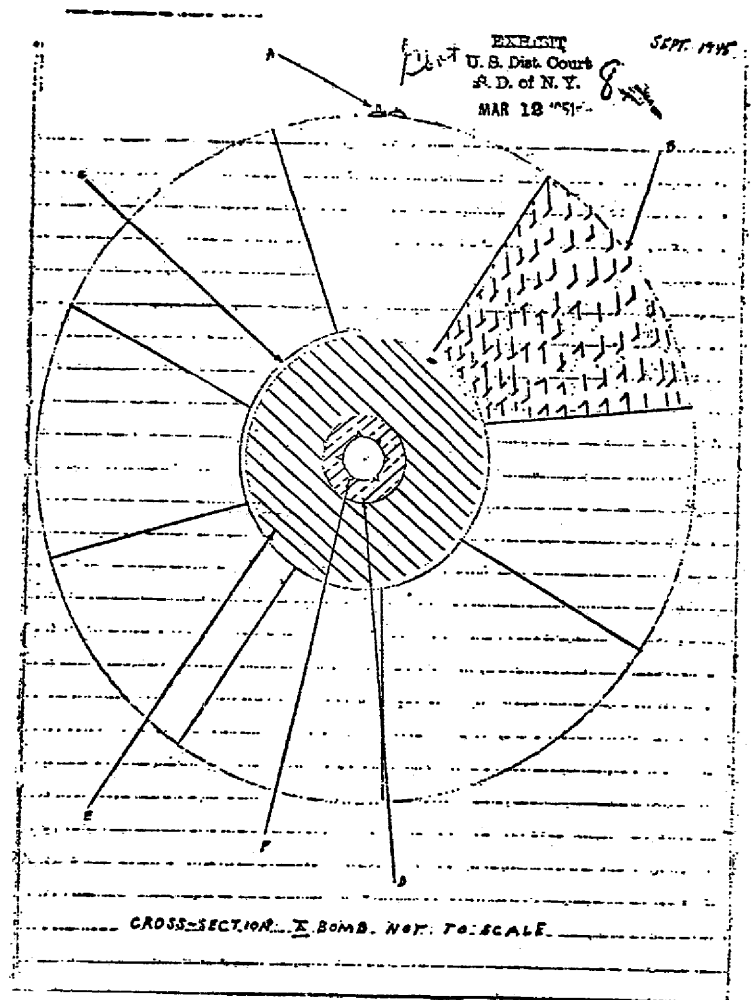
That was what United States Attorney Irving H. Saypol said in his summation to the jury in the case of the United States versus Julius and Ethel Rosenberg and Morton Sobell in March, 1951.

Last week, some 13 years after the Rosenbergs were executed for giving the secret of the atom bomb to Russia, and in the 17th year of Morton Sobell's imprisonment for his part in the conspiracy, two eminent scientists intimately connected with the making of the bomb swore in New York's Federal Court that the key scientific evidence in the case was worthless.

The evidence was a copy of a sketch of "the cross-section of the atom bomb itself," as Mr. Saypol (now a State Supreme Court Justice) put it to the jury, plus 12 pages of explanatory notes. It was drawn by David Greenglass,



EVIDENCE? New effort is under way to free convicted spy Morton Sobell (above). Two atomic scientists say that an atom bomb sketch (right), key evidence against him and against Julius and Ethel Rosenberg, who were executed, was worthless.



a machinist at the Los Alamos laboratories and brother of Ethel Rosenberg, who testified that he turned it over to Julius in September, 1945. The 12 pages of explanatory scientific material were allegedly typed by Ethel and handed over by Julius to Anatoli A. Yakovlev, the then Soviet Vice Consul in New York.

In sentencing the Rosenbergs to death, Federal District Judge Irvin R. Kaufman, now on the appellate bench, said:

"... I believe your conduct in putting into the hands of the Russians the A-bomb years before our best scientists predicted Russia would perfect the bomb has already caused, in my opinion, the Communist aggression in Korea, with the resultant casualties exceeding 50,000, and who knows but that millions more of innocent people may pay the price of your treason. Indeed, by your betrayal, you have undoubtedly altered the course of history to the disadvantage of your country."

Thus Judge Kaufman spoke the prevalent theme in the United States in 1951: that there was a secret, a key formula to the atomic bomb. And that this secret was transmitted by native spies to the Soviet Union, which otherwise, being a peasant nation, could not have developed a bomb in a mere four years after its devastation by the Nazis.

That the scientific community considered this thesis nonsensical was lost in the hysteria caused by the announcement in 1949 by President Truman that Russia had exploded an atomic device.

Now, in affidavits attached to a motion to reopen the Sobell case, Dr. Philip Morrison, a probable co-holder of the patent on the Nagasaki bomb, and Dr. Henry Linschitz, who helped put it together at Los Alamos, have directly challenged this theory,

and thus attacked the crux of the Government's case.

No Foundation

Referring to Judge Kaufman's sentencing statement, Dr. Linschitz, now professor of physical chemistry at Brandeis, said: "[it] has no foundation in fact."

"It is," he added, "astonishing . . . that despite so many authoritative statements to the contrary by scientists over the past two decades, the layman still clings to the misconception that there is a 'secret' or key 'formula' for the construction of an atomic bomb. This notion was even more obsessively held at the time of the Rosenberg-Sobell trial, even by the defense and the record shows important statements by the prosecution and presiding judge which only served to reinforce this dangerously false impression."

Rather than a single secret, construction of the atomic bomb involved, according to Dr. Linschitz, "a highly complex set of technical tricks, devices and processes, combined of course with an immense and versatile industrial capability."

As to the Greenglass sketch, Dr. Morrison called it a "caricature" of the bomb and Dr. Linschitz said it was "too incomplete, ambiguous and even incorrect to be of any service or value to the Russians in shortening the time required to develop their nuclear bombs."

Still, the viewpoint expressed the other day by one U. S. newspaper is probably a common one.

"The fact," the paper said, "that the document is a dud proves that the Rosenberg organization was incompetent. They did their best to hurt the United States and for that reason the Rosenbergs were executed and Morton Sobell went to jail."

While this rationale may be comforting, it is unlikely to help the Government, which has another week to answer the charges. In the first place, if documentary evidence is of no value to a foreign power there is doubt that an espionage prosecution could stand.

But more important in the context of the Rosenberg-Sobell case is the fact that the prosecution pitched the case as the crime of the century. It is thus rather late, legally speaking, to say that even if the Rosenbergs gave trash to Russia they intended to give the atomic bomb.

The major reason for this is that one simply cannot divine how much influence the sketch had on the jury, particularly since the Government produced an expert to authenticate it as a rendition of the bomb dropped on Nagasaki.

This expert, John A. Derry, an electrical engineer who worked for Brig. Gen. Groves at Los Alamos, was attacked by Drs. Morrison and Linschitz both for the testimony he gave and his credentials as an atomic expert.

That the Government did not call a major atomic scientist, such as Dr. J. Robert Oppenheimer, at the time of the trial has always puzzled people. Both Dr. Oppenheimer and Dr. Harold C. Urey were on the Government's witness list which was read to the jury by Judge Kaufman. The defense now contends that the Government purposefully used their names to intimidate the lawyers and give the jury and the judge the impression that they had "verified and vouched for" the scientific evidence tendered by the prosecution.

Dark Cloud

And so, after all these years, a

dark cloud hangs over this case that has always been suspect in some quarters but never seriously challenged by most American.

Was it a frame-up? Or a terrible mistake nurtured by the hysteria of the era?

Sobell's lawyers charge nothing less than a classic frame-up in a long complaint that included many more allegations than that the sketch was bogus.

The complaint was based largely on a book, "Invitation to an Inquest," by Walter and Miriam Schneir, published last year. The book concludes that the Rosenbergs and Sobell were innocent.

Probably the most spectacular charge made in the book, and picked up by the complaint, is that the Government used a forged registration card to place one of its principal witnesses, Harry Gold, in Albuquerque at a critical time. The implication was clear in the book that the Schneirs believe the F.B.I. committed the forgery.

Inconsistencies

As to Harry Gold, the Schneirs, with Gold's permission, listened to a tape recording he made of conversations with his lawyer before Greenglass and the Rosenbergs and Sobell were arrested. They say that the tapes show important inconsistencies with Gold's testimony at the trial. One example: At the trial, Gold said he went to Greenglass's home in Albuquerque, handed him a half of a Jello-box and said "I come from Julius." Greenglass, having the other half of the box, then allegedly gave him secret information — not the "cross section" but other sketches.

On the tapes, according to the Schneirs, Gold did not mention Greenglass' name, said he used the password "Bob, or Benny or John sent me," and said nothing about a Jello box.

