

# U.S. Withheld Evidence In 1951 Rosenberg Case

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David Greenglass, the star witness in the historic Rosenberg atomic spy case, says he gave Julius Rosenberg data that the Government considered so secret that it could not be mentioned in the trial, according to newly released prosecution documents.

In a memorandum about a Feb. 8, 1951, pretrial conference in Washington with the then Atomic Energy Commission, Myles J. Lane, then chief assistant United States Attorney here, wrote that "the commission and the scientists felt that this was a very dangerous bit of information and, if possible, that it should not be used at the trial."

The memorandum said this involved "a description together with sketches of experiment for the reduction of the amount of the uranium and plutonium used to detonate the bomb."

In a Feb. 14, 1951, pretrial memorandum, Irving H. Saypol, then United States Attorney, reported that Mr. Greenglass had asserted he disclosed such experiments to Mr. Rosenberg in September 1945. Mr. Greenglass at that time was an Army machinist foreman at the Los Alamos, N. M., atomic bomb project.

The Atomic Energy Commissioners, led by Gordon Dean, its chairman, did permit use at the trial of evidence by Mr. Greenglass describing a 1945 atomic bomb, sketches of a lens mold involving the principle of implosion and a description of the project with names of scientists who worked there in 1945 and of "employees who might be potential Russian espionage agents."

At a March 9, 1951, pretrial conference, however, the commissioners were said to have described the plutonium-reduction experiment as "the most sensitive technology disclosed by Greenglass," but "willing to

even let that go in if Mr. Saypol feels it is necessary." It eventually appears to have been kept out.

The Federal Court trial resulted in conviction on March 29, 1951, of Mr. Rosenberg and his wife, Ethel, and a co-defendant, Morton Sobell, on charges of conspiracy to violate the Espionage Act by communicating defense information to the Soviet Union.

While all three maintained their innocence, Mr. and Mrs. Rosenberg received death sentences and were electrocuted on June 19, 1953. Mr. Sobell was sentenced to 30 years in prison, of which he served nearly 18. Mr. Greenglass, who is Ethel Rosenberg's brother, served more than nine years of a 15-year sentence.

Some 20,000 pages of documents in the United States Attorney's office here have been released as a result of a suit in District of Columbia Federal Court by the Rosenbergs' sons, Robert and Michael Meeropol, who hope to demonstrate their parents' innocence. Files of other agencies in Washington and Albuquerque, N.M., have also been made available.

The New York files include a Sept. 11, 1950, letter by Mr. Saypol to J. Howard McGrath, then United States Attorney General, saying that "the evidence in the proposed case against Martin [first name given erroneously] Sobell, standing by itself, is not very strong."

"There is, of course," Mr. Saypol wrote, "evidence from which it is to be inferred that Sobell assisted Rosenberg in attempting to enlist another person in his espionage scheme."

"However, this evidence consists solely of the testimony of one Max Elicher [misspelled from Elitcher] and the fact that Sobell apparently fled the country after Rosenberg's arrest."