

INVITATION TO AN INQUEST ON 'A CRIME THAT NEVER OCCURRED'

An explosive book reopens the Rosenberg Case

INVITATION TO AN INQUEST, by Walter & Miriam Schneir. Doubleday, N.Y., 467 pp., \$5.95.

By Cedric Belfrage

AFTER INVESTIGATING for five years the trial that sent Ethel and Julius Rosenberg to the electric chair and Morton Sobell to 30 years' imprisonment, Reporter and Nation writer Walter Schneir and his wife Miriam have concluded that:

"Not only were the Rosenbergs and Sobell unjustly convicted, they were punished for a crime that never occurred."

This is a sensational book for the new data it discloses, written with impressively little sensationalism or straining at facts to make a point. It accurately reports the role of the NATIONAL GUARDIAN in suggesting two years before the execution, and documenting to the extent then possible, that this was "the Dreyfus Case of cold-war America." The GUARDIAN broke the case open in the terrified silence that had fallen over the land, and its article-series by William A. Reuben launched the worldwide protest campaign which became a "Communist" affair in cold-war mythology.

[It remains the GUARDIAN's belief that our initiation of this campaign motivated the Justice Dept.'s jailing and deportation of editor Cedric Belfrage in 1955.—Editor.]

THE AUTHORS THINK that spy-hysteria has subsided enough for America to examine the record soberly.

A decade hence, a similar book may logically reconstruct and explain the Kennedy assassination, weaving what is known now with what will by then have emerged. But in the Rosenberg as in the Kennedy case, the only alternative to the official story is a nightmare for any American to contemplate, implicating the highest in the land as accessories to murder. The Schneirs' reconstruction of the Rosenberg case is so documented as to make this alternative overwhelmingly probable.

The study properly begins with the history of atomic science and the now well-known fact that, already before World War II, it was about as advanced in the U.S.S.R. as in the U.S. There was no "secret" in how to make an A-bomb, though this was extremely complicated and more than one possible method presented itself. The really formidable problem was obtaining enough fissionable material: formidable in terms of time (available expert man-hours) and money. During the war the U.S. had both, the U.S.S.R. obviously not. The Soviets resumed their labors after the victory and produced a bomb by 1949. Since long before Hiroshima U.S. scientists had kept telling Washington that this must happen, and that secretiveness about their work could only add to, not reduce, world insecurity.

WASHINGTON WAS DEAF to them; its prompt reaction to the Soviet bomb was, "They stole our secrets." The scientists knew there was no secret; but they were eggheads—unfortunately, you had to be one to understand the atom. The

grand U.S. A-spy hunt went into top gear after physicist Klaus Fuchs, who had been posted at the Los Alamos atomic station during the war, told British authorities he had given information to Russians and had a U.S. confederate whose name he never knew but whom he could vaguely describe.

A self-styled schizophrenic, Fuchs was one of several odd characters—but the only brilliant and knowledgeable one—now to be trumpeted by FBI and press as members of an "A-spy ring"; the mixed bag in the "ring" included Harry Gold, David and Ruth Greenglass and their in-laws the Rosenbergs, and Sobell. Most of those so named never even possessed any atomic information, and whatever they had they understood too dimly to convey intelligently.

The spy-hunt was a carnival of guilt-by-association as one name led FBI sleuths to another; but only Gold and the intellectually sub-normal Greenglasses "confessed"—under circumstances which the Schneirs have now clarified. The Rosenbergs and Sobell flatly denied it, declined to get off the hook by informing on others, and were tried for "conspiracy to commit atomic espionage," the Greenglasses identifying Julius Rosenberg as the "master-spy" whose tools they were. A big show trial was needed to (a) provide a scapegoat for "loss of the atomic monopoly" (i.e., U.S. stupidity in appraising the Russians as louts); (b) show Russian perfidy to stoke the Cold War, (c) scare the daylight out of U.S. liberals and as much as

possible of the left.

THE "FANTASTIC HOAX" (Schneir) made liberals "ready to admit that the political right had proved its point regarding the dangers from the enemy within." Although abroad even the Pope appealed for "mercy," the American Civil Liberties Union found "no grounds for intervening" and famous Americans looked the other way; but the Nation and New Republic finally came out against the death sentence. (The world Communist parties and press had taken up the campaign at full force after the GUARDIAN clarified the issues.) As pro-U.S. French scientist Jacques Monod mildly put it, it was "a grave defeat for American scientists and intellectuals." The Schneirs show—will any of our "famous" listen and do something about Sobell?—that it was and remains a pitiful abdication of elementary responsibility.

To the non-hysterical everywhere, the trial already looked grimly farcical at the time. The government's announced witness list included such top experts as Manhattan Project chief Gen. Groves and "father of the bomb" Robert Oppenheimer, presumably to testify that the information Greenglass said he gave Gold for the Russians was in fact "the secret of the A-bomb". Since former Sgt. Greenglass had been merely one of a host of Los Alamos underlings doing odd jobs, none of whom was allowed to know what others were doing nor the purpose of the plant, the experts' failure to

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THE SECRET HAS BEEN STOLEN ...

A reconstruction of the case

This is a summary of the reconstruction of the Rosenberg-Sobell case by Walter and Miriam Schneir (quotes from book unless otherwise indicated).

SEPTEMBER, 1949—Washington exploded at discovery that Soviets exploded A-bomb. J. Edgar Hoover, in "shock and anger," ordered his men: "The secret has been stolen—find the thieves!" Agents swarmed into Los Alamos, N.M., where U.S. bomb was made; dug into personnel files, questioned hundreds of former employees—including ex-Sgt. David Greenglass who was eventually found to have (a) pilfered uranium, (b) signed perjurious loyalty oath as a former YCL member, (c) banked suspicious sums in Albuquerque.

FEBRUARY, 1950—Atomic physicist Fuchs, arrested in England for passing information during war, spoke of U.S. accomplice; never knew his name, gave vague description.

MAY, 1950—Philadelphia hospital chemist Harry Gold, not answering to Fuchs' description, arrested as the accomplice; impression given public (false) that "Fuchs' confession led to Gold." Gold had figured for three years in FBI files as a supplier before Lend-Lease was extended to U.S.S.R. as ally, of commercial (presumably not espionage) information to Soviet trade agency Amtorg. His name had turned up by chance in grand jury investigation of Elizabeth Bentley's 1945 "revelations" (over 80 named as spies, none indicted after more than a year of sessions), although Bentley and Gold had never heard of each other.

Why Gold was worth weight in U-235 to FBI; fact, discovered on first visit to his home, that he had been in New Mexico in September, 1945, when he could have met Fuchs, and his "runaway imagination" and yearning for fame at any price. Showing equal indifference to his own and others' fate, Gold was stimulated into establishing "the authenticity and enormity



MARCH 29, 1951: ON THE EVE OF THE VERDICT
Morton Sobell (left) and Julius and Ethel Rosenberg in prison car

of my crime" through summer: developing, changing, contradicting his story in grand total of 63 hours with FBI prior to Julius Rosenberg's arrest. FBI "accepted what Gold said whenever it was expedient and, when it was not, subtly encouraged him to revise and add." The jointly-developed narrative had Gold dealing in true espionage from late 1943, passing information to Fuchs, obtaining it once from "a GI" in Albuquerque and passing that to a Soviet vice-counsel.

JUNE, 1950—David Greenglass, after period of FBI surveillance, arrested; FBI sessions with him proceeded parallel with those with Gold, gradually dovetailing two stories. Gold "remembered," on being shown name, that Greenglass was "the GI" and where his wife Ruth lived and he spent weekends in Albuquerque; also—presumably after information from interrogators about the Greenglasses' \$400 bank deposit June 4—that he met

them June 3, 1945, in Albuquerque and paid them \$500 "from the Russians" for information supplied.

With David's uranium pilferage and perjury hanging over heads, Greenglasses went along but injected Julius Rosenberg, with whom they had been quarreling seriously, as spy chief. Later they tried to recant, finally deciding to "cooperate" in hope of immunity on crimes David really committed. Greenglasses built up Julius' role while Gold added jello-box and "I come from Julius" identification touches to his account of Albuquerque meeting. Gold changed earlier statement that Russians found Greenglass' information unimportant, having "learned" (Gold to his attorney) it was "highly valuable."

JULY & AUGUST, 1950—Julius arrested month after first FBI questioning, during which time he obstinately resisted pressure to name other names, preferably top CP leaders. FBI began

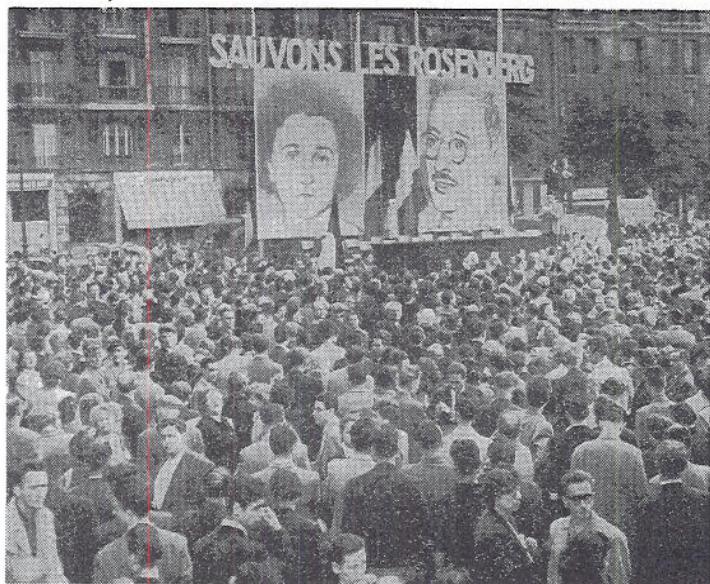
drafting trial scenario featuring both Rosenbergs (Ethel arrested in August, equally uncooperative) as master-spies. A-spy net reached out for everyone known to have known Rosenbergs; only one gave information usable against them in court—former Communist Max Elitcher, who had perjured himself in 1947 loyalty oath; his main usefulness was against Sobell. Kidnaped in August from Mexico whither he might be described as having "fled", Sobell flatly denied, refused to inform, and was added to trial cast as Rosenberg ring member. Meanwhile Gold—only key witness with "incontestably established credentials" as spy, having been convicted though on no evidence but his own—further changed his story making himself a perjurer at original grand jury hearing.

FALL, 1950—Gold and Greenglass both in New York Tombs "singing quarters": Gold in happy euphoria, Greenglass now realizing he was trapped by own lies and would be fellow inditee with, not mere witness against, his sister and brother-in-law.

MARCH, 1951—Curtain rose on "fantastic hoax" scripted by FBI-Greenglass-Gold; fell again in three weeks, anti-climatic for what was designed as show trial of "world Communist conspiracy." Gold identified and corroborated Greenglass without mentioning that originally he "completely forgot" entire Albuquerque incident. He made death penalty possible by drawing "atomic conspiracy's" termination date to 1950—well past period when Soviet were U.S. allies—contradicting earlier sworn statement that he stopped spying in 1946. When his attorney protested, he explained it was "direct result of various conversations I had with U.S. attorneys here in New York."

In 1953 Gold wrote to his attorney about how well and happy he was in jail. Earlier he had insisted, "I must be punished, and punished well," and as trial approached: "The manner in which all of the pieces of the giant jigsaw puzzle, of which I was a part, are falling ever so gloriously into place... has added a tremendous zest and sense of achievement to my life."

The little chemist had found both fame and Shangri-La.



PARIS, JUNE, 1953: A RALLY TO SAVE TWO LIVES

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appear was understandable. In fact Greenglass' "secret" concerned a principle which had been known throughout the world for 50 years and had been described, with illustrations, in *Popular Science* for February, 1945.

AS TECHNICAL WITNESS to its importance the government produced one John A. Derry who, recently contacted by the Schneirs, told them he was "not a scientist—a construction man, didn't know much about physics" and was "unaware of how he had been chosen to testify." An Atomic Energy Commission representative sat through the trial without a word; nine months after the Rosenbergs' death he told an industrialists' meeting that "it was time to stop 'kidding' ourselves about atomic 'secrets' . . . the A-bomb was 'not stolen from us by spies'" (New York Times).

Yet prosecutor (now judge) Irving H. Saypol told the court that Greenglass acting for master-spy Rosenberg had betrayed "the most important secrets ever known to mankind." Judge Irving R. Kaufman, passing sentence, held the Rosenbergs responsible for the 50,000 U.S. dead in the Korean War. And President Eisenhower, in rejecting their final plea for clemency, said they "may have condemned to death tens of millions of innocent people all over the world."

Eisenhower also said that the Rosenbergs had full justice since their case had been reviewed by the Supreme Court. In fact it never was; and far from confirming the death sentence, the Supreme Court ruled it had no power to revise this and indicated it disapproved.

GREENGLASS, whose testimony convicted the Rosenbergs along with Gold's, was described (out of court) by his own wife and alleged co-conspirator as subject to delirious spells when he "ran nude through the hallway shrieking."

Gold described himself as a lifelong "daydreamer" and as having "lied for 15 years—it is a wonder that steam didn't come out of my ears." The records of various witch-hunt trials and hearings are littered with his perjuries and fabrications which finally even embarrassed the government. His motives for joining in the Rosenberg frame-up are obscure to a layman—unlike Greenglass, the FBI seems to have had nothing "on" him when they first called—but identifiable by a psychiatrist.

IN TOTAL CONTRAST was everything known about the character of the two Rosenbergs, leaving aside their "communism" which was asserted but never proved. Their prison letters, movingly excerpted by the Schneirs, show their true patriotism, faith in the American people, disposition to love rather than hate, and sense of social responsibility in the testamental explanation of why they went silent to the chair. Sobell's record likewise seemed exemplary. They were intelligent but simple people who at no time behaved in the slightest degree like

international spies.

But a curtain of artificially fomented hysteria obscured the reality of them, and their attorneys failed to establish the reality of the accusers.

WITH OUR WARM memories of the Rosenbergs' defense attorney, whose visit to our office after the trial sparked the *GUARDIAN* investigation and the campaign for justice, we are grateful for the Schneirs' "inquest" on Manny Bloch. They set forth Bloch's grievous errors in the trial, soberly distinguishing them from failures which were no fault of his own, and fail to discover any evidence to impugn his motives.

Bloch, himself ignorant of nuclear physics, could not establish at the trial that there was no "secret" to steal, for the simple reason that he could find no authoritative scientist willing to stand up and say so. The failure to produce until too late the "Russian gift" console table (\$19.97 at Macy's), fantastically alleged to be "hollowed out for micro-filming" at the Rosenberg apartment, was due to circumstances beyond Bloch's control and here explained by the Schneirs. The failure to challenge Gold's story that he got the "secret" from Greenglass was based on a well-meaning—but now seen to be fatal—strategy that it didn't matter so long as the Rosenberg's connection with it was unproved.

BLOCH'S DEMAND that the court be cleared for such technical A-bomb evidence as was given, and the evidence impounded on grounds of "national security," was a ghastly error playing straight into the hands of the devisers of the hoax. Other errors are revealed by the Schneirs' new information. But Bloch had no experience of such trials; he took it on because he believed his clients were innocent and there was no one else. All lawyers and experts who would have known how to handle it were either too scared, or too busy with other witch-hunt trials, even to lend advice. He did his best in a heartbreaking loneliness to which we of the *GUARDIAN* can attest.

The officials who planned and executed the trial having been replaced by others at Foley Square Federal Courthouse, the Schneirs were allowed to examine (and reproduce) trial exhibits that have remained locked up there. These, together with interviews with everyone involved in the A-spy circus whom they could reach, led to startling discoveries. For example:

• The popular belief maintained by propagandists, that the FBI has "unrevealed facts" confirming the reality of a "Rosenberg spy ring," is finally blasted by Justice Dept. attorney Benjamin Pollack's statement to the authors. After long search of the Department files, Pollack admitted they contain no further information beyond the already known and discredited "facts." (Pollack, incidentally, visited David Greenglass in jail three years after the executions



NEW YORK, JUNE 19, 1953: THE DAY TWO PEOPLE DIED

for the nonexistent "crime of the century", and blandly commented: "If I were a judge I wouldn't take his testimony too seriously.")

• The Schneirs have confirmed that David and Ruth Greenglass paid lawyer O. John Rogge some \$6,000 to represent them, and had at least two Albuquerque bank accounts in addition to the one they opened with \$400 on June 4, 1945, (alleged to be all but \$100 of what the Russians paid them via Gold for the "secret"). The records of these accounts show that the Greenglasses prospered in New Mexico, regularly banking sums which cannot represent their pay at the time (possible theory of its origin: Greenglass, known to have filched uranium from Los Alamos, was stealing and selling it regularly); that the June 4 account was not Ruth's but a joint one; and that a document showing this was in the FBI's possession, but was concealed because it also showed that the Greenglasses planned to open the account days before they allegedly met Gold.

• The big sensation: The card showing Gold's registration at the Albuquerque Hilton after he "got the secret" from Greenglass is almost certainly a forgery, made not very expertly from a genuine card for September, 1945.

(Credit for raising first suspicions about these two cards belongs to John Wexley—(see his Judgment of Julius and Ethel Rosenberg, 1955.)

Gold was actually there in September—probably as a tourist, conceivably after meeting Fuchs. But there is no known evidence of a Gold-Fuchs meeting at anytime; and little doubt now remains that Gold never met Greenglass till they were ensconced together in the New York Tombs prison's "singing quarters." The former had been suspected from the start on the simple ground that even a Gold would not register under his own name, when performing the supreme spy coup of all-time.

THE MOST EXTRAORDINARY feature of the June registration card—on which the Schneirs employed a document expert—is on its back. If Bloch had just turned it over in court, the Rosenbergs might well be alive. The date on the front, purportedly filled in by the desk clerk, is June 3; on the back, where the hotel always imprints a time-and-date-stamp immediately after the card is filled in, it is "12.36 p.m., June 4".

No one at the Hilton could offer any other explanation to the Schneirs than that the clerk must have erred on the front: the stamp on the back "must be right." But if Gold registered after noon on the 4th, the whole FBI timetable of the "crime" falls apart. The Schneirs offer a guess as to how the forgers may have come to commit this appalling bungle.

In any case the September card is initialed by the FBI agents who secured it, as is their regular routine with exhibits, while the June card is not so initialed. Thus, if the trial defense had

noticed the forgery, it could not have been pinned on the FBI. In that, the boys were on the ball.

THE SCHNEIRS LEARNED at the Hilton that old registration cards are kept in an attic, alphabetized and numbered; and are fetched by an employe in a matter of minutes whenever requested by the FBI. Employees recalled that when agents came on the Gold mission in 1950, they went to the attic themselves and spent "days" there. In view of the inherent evidence that the card is forged, the Schneirs logically deduce that this was to make sure of such details as the style of card and serial numbers in use in 1945, what clerk might have been on duty and what room vacant at the registration time to be faked.

• The "passport photos" of the Greenglasses, put in evidence to show they were preparing to flee at Rosenberg's instructions, are NOT passport photos either in size, shape or style. The owner of the studio where they were taken told the Schneirs that if the Greenglasses had asked for passport photos, they would have got them. The poses do not correspond with those Greenglass said Rosenberg had requested, and the FBI notation dates on the backs are seven months apart. The Schneirs, again quite logically, conclude that after the birth of their baby the Greenglasses decided to take a stroll and dropped in to have family portraits made.

ON SOBELL, the book digs up nothing new (it might be said that there was nothing to begin with). But after interviews with Sobell's wife and his classmate Danziger—a minor government witness at the trial, who however believes Sobell innocent—the Schneirs theorize plausibly about Sobell's odd behavior in Mexico which weighed so heavily against him. The Sobell-Danziger circle were people whom the FBI "kept in a constant state of jitters" at the time (Danziger), and who consequently behaved with "a good deal of irrationality." This hardly needs elaborating for any progressive of the A-spy generation.

Learning that Gold's sessions with his attorney had been recorded from the outset on 14 hours of tape, the Schneirs listened to these—with Gold's personal blessing from jail!—to make further comparisons between his trial testimony and his original statements. (Many total contradictions were already known.) The tapes made it a near-certainty that Gold had never seen or heard of any Greenglasses—nor any "brother-in-law Julius"—until after the FBI got to work on David and Ruth. Nor, even after the FBI "re-minded" him about the Greenglasses (whose names they supplied) did Gold mention any June stay at the Albuquerque Hilton.

These were among the many touches "developed" during weeks of concurrent FBI questioning of Greenglass and Gold. "One can fairly conclude," write the Schneirs, "that the June 3 episode did not take place."