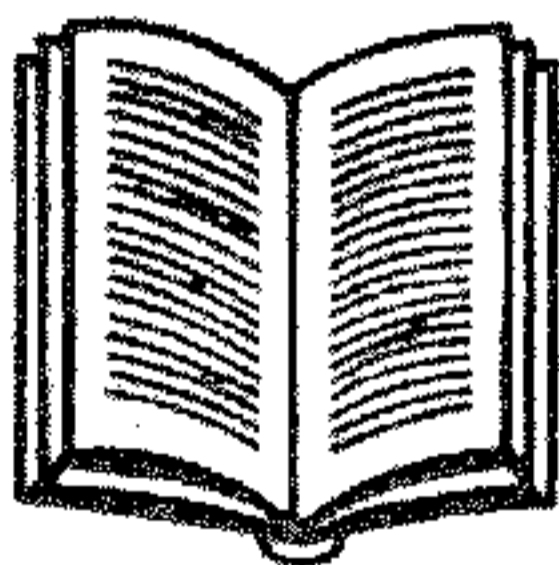


The

**SUPPRESSED
FACTS IN THE
ROSENBERG CASE**



PRICE 5 CENTS

BY

Irwin Edelman

Believe It or Not

It doesn't sound believable but it's true. With all the thousands upon thousands of reams of paper and gallons of ink consumed on the case of Ethel and Julius Rosenberg, a case which has attracted international attention, the entire press has somehow failed to report extremely important facts which the most casual reader of the trial proceedings would find hard to overlook.

The facts are dynamite. Their publication at the end of the trial might have blown the case wide open. Their publication today could go far to promote the clemency campaign and at the same time reduce dangerous anti-Semitic confusion. What many will find particularly startling about these facts is that the friends of the Rosenbergs have a large share of responsibility for their concealment.

The never-reported facts deal with extremely serious errors made by Emmanuel H. and Alexander Bloch, the lawyers for the defense in the Rosenberg trial. Judge Kaufman who publicized his synagogue attendance during the trial, and prosecutor Irving H. Saypol who was rebuked by the U. S. Circuit Court of Appeals for his practice of anti-Semitism, both of these gentlemen took murderous advantage of the defense errors for the purpose of influencing the jury and justifying before the public the death sentence handed down.

A "Secret" is Sealed

The Rosenbergs were charged — in 1951 — with having obtained from David Greenglass and given to the Russians the atom bomb secret—in 1945. That charge they have consistently denied, but if it indeed was true, then there existed no reason for keeping from Americans that which was no longer a secret to the Russians. When, therefore, the prosecutor introduced a diagram of what was alleged to be a cross section of the atom bomb—drawn from memory by Greenglass after he had been arrested—the Rosenberg attorneys should have turned a bright light upon that diagram. Since Greenglass was but a high school graduate with mediocre technical knowledge, scientists should have been called in to examine the value of the sketch and, if it did have value, to determine by questioning Greenglass, whether he possessed the mental equipment to construct, without F.B.I. or other coaching, a useful representation of something as complex as an atomic bomb.

Such investigation was particularly in order since top atomic scientists have been repeatedly stating that we had no secret, that the principles involved were known to the scientists of most countries, and

the construction details a matter of engineering which could be approached in various ways.

What did the defense do in this situation? The most preposterous thing imaginable. To the voiced surprise of the prosecutor, Emmanuel H. Bloch requested the Court "to impound this exhibit so that it remains secret to the Court, the jury and counsel." At defense request, Judge Kaufman performed the fraudulent ceremony of solemnly sealing a non-existent or given-away "secret," composed by a self-confessed spy who had the strongest incentive for lying, since he was unsentenced at the time he testified. That highly questionable diagram—the foundation for the death sentence—is to this very day sealed, legally unavailable to scientists who might expose it as a fraud.

By this move, the defense conceded what the prosecution had reason to think would be vigorously challenged—the existence of an atom bomb secret. As a result, the prosecution radically changed its plans. Where it had listed 118 witnesses, it closed its case with 20. Among those listed but not called, were Dr. Oppenheimer and Dr. Urey, top atomic scientists involved in the making of the bomb. The weight of the defense blunder can be gauged from the following two items:

1. In a letter addressed to the President, urging clemency, the above-mentioned Dr. Urey, the un-called prosecution witness, expressed himself as "outraged by the verdict" and stated that he had "found the testimony of the Rosenbergs more believable than that of the Greenglasses."

2. The U. S. Circuit Court of Appeals, noting that in the case of a jury trial the law did not permit that Court to go into the question of credibility of witnesses, stated that "Doubtless, if that [Greenglass] testimony were disregarded, the conviction could not stand."

From these two authoritative statements it is clear that the case against the Rosenbergs was built of the flimsiest texture, that its strongest support came from the unexpected defense build-up of the Greenglass diagram as something which might shatter worlds if displayed. The record shows that the Atomic Energy Commission had declassified this "secret" before it was produced in court, and that the prosecutor and judge had both taken for granted that it would be exposed to public view. The monumental quality of this defense blunder emerges from the fact that what Greenglass orally testified to about the sealed diagram was treated with ridicule in LIFE, TIME, SCIENTIFIC AMERICAN and other periodicals.

The Danger of Concealment

There were other serious defense errors and they stand out conspicuously in the official transcript of the trial proceedings. Had they been publicized as soon as discovered, the Rosenbergs could have had different lawyers handling their appeal. New lawyers, with no stake in concealment, could have displayed the errors before the courts while the Rosenberg defense committee displayed them before the public. Less stress would have been laid on legalisms and more on making clear that, if the government had a decent case against the Rosenbergs, there would have been no need for the judge and prosecutor to employ the indecent methods they did.

Why were the errors covered up by the Rosenberg defense committee and the publicity channels working with the Committee? The intentions, for the most part, may have been good—the road to hell is paved with good intentions. It may have been the desire to spare the feelings or careers of well-meaning lawyers, coupled with the hope that eventually a new trial would be granted, or the fear that bad publicity for the lawyers might hurt the defendants. Any or all of these reasons may have prompted Wil-

liam A. Reuben to write his series of articles on the Rosenberg case for the NATIONAL GUARDIAN in the summer of 1951, without giving the slightest intimation of defense error.

The initial covering up may be classed as a forgivable mistake. Only, what starts out as an error will sometimes wind up as a crime. There is a serious possibility that continued concealment is ripening poisonous fruit. Professional anti-Semites, and sinister elements prepared to use Hitlerian methods in their drive for conformity and thought control, are capitalizing on judge Kaufman's statement that the Rosenbergs are responsible for the casualties in the Korean war and the wars to come. The fraudulence of that statement will stand out most clearly in the light of the defense errors upon which it rests. The reluctance to display the errors creates the danger that the fostered anti-Semitic confusion may erupt into large-scale hoodlum violence, irrespective of whether clemency is granted or denied. In this sinister context, every moment of continued concealment is fraught with peril and loaded with crime.

But, it may be protested, the Rosenberg defense committee and the associated publicity channels, all of them put together amount to a tiny feather-

weight in the scale of the forces shaping public opinion. Is it fair to load them with responsibility for crimes which may occur as a result of suppression of the facts in the case?

The answer to this question has indirectly been given by Carey McWilliams, who is the editorial director of the NATION magazine, the author of an excellent book on anti-Semitism, and an attorney. In response to my plea that the NATION open its columns to a discussion of the suppressed facts, Mr. McWilliams replied that "There are possible libelous implications in discussing the way an attorney conducted a trial."

The National Committee to Secure Justice in the Rosenberg Case, having no reason to fear "libelous implications," is in a strategic position to introduce a discussion which may clear millions of minds from vicious confusion. The Committee is small in mass and weight, but it has a great opportunity and heavy responsibility. If it fails to respond, it will be not because of the excuse currently given, "the need to concentrate on clemency," but because the people in leadership lack the vision to perceive that continued concealment is an invitation to disaster. The facts in the section which follows, seem to indicate that they are wedded to concealment "until death do us part."

The Fearful of the Light

In mid-November 1952, my pamphlet on the Rosenberg case was published, **FREEDOM'S ELECTROCUTION**, containing, among other things, a description of outstanding defense errors. Two nationally prominent newspapermen privately told me that the pamphlet contained startling facts about which the public should be immediately informed, but that their editors would not touch it. The Anglo-Jewish and Jewish press ignored it. The reputedly liberal **NEW REPUBLIC** refused to accept an ad. The liberal **NATION** not only accepted the ad but also published, in its issue of December 27, a letter of mine, discussing the defense errors and their concealment. The **SEARCHLIGHT**, published in San Francisco, and **THE LAST CALL**, published in Houston, Texas, gave the pamphlet honorable mention.

Before publishing, I conferred with the leadership of the Los Angeles chapter of the Rosenberg committee, of which I was a member. The reasons they gave for keeping silent on the errors, failed to impress me. With the result that a few days before **FREEDOM'S ELECTROCUTION** came off the press, I was mailed a notice of my expulsion.

THE NATIONAL GUARDIAN, a weekly publication which pioneered in the publicizing of the injustice against the Rosenbergs but failed to note the defense errors, refused to accept an ad for the pamphlet on the pretext that "to pick flaws in the conduct of the defense is now an academic matter." The "academic" quality of the "flaw-picking" is by now surely obvious to the reader. The size of the "flaws" was indicated by the GUARDIAN editor himself, in a letter to a subscriber who protested against the refusal to advertise. "I would not argue," wrote Cedric Belfrage, "with Edelman's point that lawyer Bloch made serious mistakes in the Rosenberg trial. Bloch does not deny it himself."

The size of the "flaws" was more emphatically indicated by John M. Coe, an attorney and the state chairman of the Progressive Party of Florida. "You have undoubtedly exposed a fearful error on the part of the defense in the Rosenberg case," wrote Mr. Coe in a letter of comment on the pamphlet, "and I think the reasons which you give for its occurrence are correct." Further on he says that "the error is a subtle one, and could be appreciated only by persons of considerably more than average intelligence," and he concludes that "if the evil is beyond

recall, and exposure can only sow distrust and bitterness against basically sincere and right-minded men, it is justifiable to keep silent."

Mr. Coe's comment merits special attention because, in his concern about the prestige of "basically sincere and right-minded" blunderers and in his lack of confidence in "average intelligence," he not only reflects the thinking of most of the advocates of silence on the defense blunders, but also points to an ailment responsible for the shrunken size and weight of a number of left of center groups in the United States. The prominent symptoms of that ailment are—leadership contempt for "average intelligence" and the evil habit of covering up blunders, instead of frankly and boldly revealing, discussing and correcting them.



A Lawyer Throws a Sidelight

Excerpts from two letters by Fyke Farmer (Nashville, Tennessee), attorney in the Stanley Dale Sydow case, will round out the picture by throwing a useful sidelight.

Under date of December 7, 1952, Mr. Farmer wrote me from New York about his keen interest in what he characterized as "indeed a case for America's conscience." At the time, he was "studying the legal aspects of the case." Ten days later he had the following to say:

" . . . A funny thing about all these people that have been connected with the case is that they seem not to want any outside comment or help. I went to the office of the Rosenberg committee when I first came here. Mrs. Sobell met me—gave me literature and loaned me a copy of the record. But when I began to make suggestions in the form of questions, I sensed that she was not much interested.

"Bloch received me when he was busy preparing for the hearing on his motion for habeas corpus. But, I was under the impression that he felt that he knew all about the case and that nobody else could possibly know anything.

"I am convinced that a terrible injustice has been done the Rosenbergs . . . I am still thinking about what can be done. If anything is possible, it will have to be done outside of and independent of the Rosenberg committee, Bloch and the NATIONAL GUARDIAN."

Social Significance of Rosenberg Case

In attempting to electrocute the Rosenbergs—who possess the twin characteristics of being Jewish and socially conscious—the engineers of the case have three main objectives:

1. To frighten into silence Jewish progressives who, along with other Americans, might wish to speak out and organize against inflation, racial discrimination, the slaughter in Korea, and other evils which are profitable to Big Business but costly to the people.

2. By placing the Jewish socially-minded under a cloud of suspicion, the door is opened to the discrediting of all who strive for social change by charging them with being Jewish or “Jewish-inspired.” That was Hitler’s method.

3. By means of the confusion stemming from the Rosenberg case, they hope to use the American Jews in the manner Hitler used the German Jews—as scapegoat, if the need arises.

What Is to Be Done?

The Rosenberg case is an American version of the French Dreyfus Case. Revision of the sentence and a new trial for Dreyfus came when the French people were aroused to the injustice and social significance of the case.

The American people can and must be aroused so that not one million but tens of millions demand commutation of the sentence. For achieving this, they must be given the suppressed facts.

What must be done?

1. Write to the President, informing him that you would consider it not justice but murder to electrocute the Rosenbergs because their lawyers had bungled their case.

2. Give the suppressed facts in the Rosenberg case to trade union leaders, clergymen, editors, lawyers, etc. and the people at large. The intelligence of the people is more than sufficient for perceiving the errors, and their sense of justice is sufficiently keen to react.

3. Write to the Blochs, urging them to enter a motion for a new trial, giving their own errors as ground, and showing, of course, the scandalous manner in which the judge took advantage of their errors. They owe this as a minimum to their hard-pressed clients. Such a move, apart from its legal value, would dramatically open this "closed case" in the court of public opinion. The press would find it hard to ignore.

4. Write to the Rosenberg defense committee and publications friendly to the Rosenbergs, urging them to take the initiative in lifting the curtain of silence on the suppressed facts. This will enable periodicals like the NATION and lawyers throughout the country to discuss them freely, without fear of "libelous implications."

Read and spread the suppressed facts in

Freedom's Electrocution

Single copy, 15c

8 copies, \$1.00; 25 copies \$2.50

(Includes Postage)

THE SUPPRESSED FACTS IN THE ROSENBERG CASE

Single copy 5c; 25 copies 75c; 100 copies \$2.00
(Includes Postage)

Copies of either or both pamphlets will be mailed to names furnished by the reader. The blank below is for your convenience:

Enclosed please find \$_____ for _____ copies of the following:

_____FREEDOM'S ELECTROCUTION.

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ROSENBERG CASE.

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ADDRESS COMMUNICATIONS OR ORDERS TO:

Irwin Edelman

P. O. BOX 2505

LOS ANGELES 53, CALIFORNIA

