

Rosenbergs Not Tried For Treason But Under Espionage Law Of 1917

(This is the second in the three-part series on the espionage conspiracy case of Julius and Ethel Rosenberg, who are scheduled to be executed June 18)

By ARTHUR EVERETT
NEW YORK (AP)—If an atom bomb were aimed at them, it probably would explode not far from Foley Square.

A little oasis of greenery in a vast desert of concrete, it lies almost in the middle of Lower Manhattan Island. It is between the approaches to the Brooklyn and Manhattan Bridges that link Manhattan and Brooklyn. Not far away are the Holland Tunnel, the Williamsburg Bridge, the Wall Street financial district, the Battery.

Nearby are City Hall, the Supreme Court House, the Criminal Courts Building and the State Office Building.

Rising 30 stories above Foley Square is the United States Courthouse, where on March 6, 1951, Julius Rosenberg, his wife, Ethel, and their friend, Morton Sobell, went on trial as atom spies.

'BENEDICT ARNOLDS'
They were, in the eyes of the government, the Benedict Arnolds

in the interest of Moscow. They were depicted as persuading Ethel Rosenberg's brother, David Greenglass, to turn over atom secrets to Gold at Los Alamos, including sketches of the lens mold—the trigger apparatus of the A-bomb.

They were, in short, accused of conspiring to destroy American's monopoly on the A-bomb and to surrender it to Russian hands long before Moscow would otherwise have solved the nuclear riddle.

Julius Rosenberg also was said to have provided defense secrets to Russian agents on his own. His 100-pound, five foot tall wife was alleged to have handled the stenographic work involved in the betrayal.

DRAMATIC MOMENT
A dramatic moment in the trial came March 9, when David Greenglass took the witness stand to look his sister and brother-in-law in the eye and denounce them as betrayers of their native land.

Greenglass had already pleaded guilty to atomic espionage, claiming that the Rosenbergs prevailed on him to aid in the plot. He was four years younger than Julius Rosenberg and a hero worshipper of his brother-in-law. His only

with America's top secret, Greenglass said, that he was able to describe the A-bomb in detail seven months before the first one was dropped on Hiroshima Aug. 6, 1945.

After the first bomb, Greenglass swore he gave Rosenberg a 12-page description of the newer, deadlier A-bomb dropped on Nagasaki.

FANTASTIC BRAGGART
Greenglass also quoted his brother-in-law as boasting of obtaining information from an unidentified informant on a projected space platform—a fantastic satellite to hover above the earth as a sort of ethereal battleship.

Greenglass told the jury that he received detailed instructions from Rosenberg on how to flee to Russia via Mexico. If it became necessary, the government claimed the Rosenbergs were preparing such a flight when seized by the FBI.

There was one other point in Greenglass' testimony that seemed rather minor at the time. He told of a table in the Rosenberg apartment that allegedly was a gift from the Russians.

Rosenberg later denied this and said he bought the table for about \$21 at Macy's department store in New York City. Long after the trial, adherents of Rosenberg claimed that the table indeed came from Macy's where it retailed at about the price Rosenberg mentioned.

TABLE TURNED
This claimed proof of the table's humble, non-suspicious origin was used in legal appeals to attack the credibility of Greenglass' testimony.

It was also to be charged in the months to come that Greenglass was a perjurer, who told a far feebler story at his arrest and doctored it and enlarged on it with government prodding, so it would stand up at the trial. But Greenglass never backtracked an inch from the chilling story he told during those days in early March of 1951.

Whether he knew it or not, when Greenglass stepped down from the witness stand he had doomed his sister and her husband. His was the heart of the government's case. Mrs. Greenglass corroborated her husband's story, testifying she helped induce him to spy at the firing of the Rosenbergs.

SECRETS AWAY
Then Harry Gold was brought from prison to swear that the stolen atom secrets were "sent immediately to the Soviet Union."

On March 31, 1951, Julius Rosenberg took the witness stand. Point by point he denied the testimony of Greenglass and other government witnesses. He refused, however, to answer seven questions designed to determine if he ever was a Communist. The only clue to his feelings toward the Soviet Union came when he testified:

"It contributed a major share in the destruction of the Hitler beast who killed six million of my (Jewish) co-religionists. I felt emotional about it then and I do now."

WIFE DENIES PART
Mrs. Rosenberg, in turn, backed up her husband's story. She denied she ever typed any secret data intended eventually for Russian hands.

Sobell did not take the witness stand. The jury debated the issues for 19 hours and, on March 29, 1951, found all three defendants guilty.

Mrs. Tessie Greenglass, the gray, stooped 71-year-old mother of Ethel Rosenberg and David Greenglass, moaned at the verdict and cried:

"I blame the Russians for poisoning my children."
It was expected the Rosenbergs would get the maximum prison term of 30 years. Death for a civilian American spy was unheard of. Only military courts had ever doled a federal spy.

'DEATH' SURPRISE
But on April 5, 1951, the trial judge, Irving R. Kaufman, haggard from sleepless fretting over the decision that lay before him, ascended the bench to pronounce sentence of death for Julius Rosenberg and his wife.

"Only the Lord can find mercy for what you have done," said the 42-year-old jurist, a Jewish lawyer with a Roman Catholic college education.

He looked down on the diminutive woman before him and called her "a full-fledged partner in this crime."

And he added of both the Rosenbergs:
"Love for their cause dominated their lives. It was even greater

than their love for their children."

Judge Kaufman estimated their crime in these words:

"Plain deliberate murder is dwarfed in magnitude by comparison with the crime you have committed . . . 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 already has caused the Communist aggression in Korea with the resultant casualties exceeding 50,000 (at that time) Americans . . ."

"Millions more of innocent people may pay the price for your treason."
"Indeed by your betrayal, you undoubtedly have altered the course of history to the disadvantage of your country."

Outside the courtroom on Foley Square that spring day two years ago, church bells tolled the hour of noon and their faint peals echoed between Kaufman's grave and measured sentences.

SOBELL: 30 YEARS
Sobell escaped with 30 years in prison. In Kaufman's view, his was a lesser role in the conspiracy. He eventually wound up in Alcatraz.

Rosenberg and his wife managed a thin smile for each other. They sang popular songs and ballads together in their detention cell immediately after the sentencing.

Their older boy, Michael, then eight, said of their punishment which he so vaguely comprehended:
"They couldn't do anything wrong. They taught us never to do anything wrong."

The next day Greenglass was rewarded for his cooperation in the case. His wife was cleared of the threat of prosecution. He got the relatively light sentence of 15 years, Kaufman told him:

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JULIUS ROSENBERG and his wife, Ethel, both of whom are scheduled to die June 18 in Sing Sing's electric chair, were a solemn looking couple during their espionage trial in New York's federal courthouse in March, 1951. Their arrest was one of the main steps in the cracking of an international atomic spy conspiracy.

of a new, enormously deadly atomic era. They were the first of their kind ever to stand trial. Other plotters of that ilk had pleaded guilty without a trial.

In its opening remarks to a jury of 11 men and one woman, the government referred to the trio as "traitorous Americans."

Actually, they were not tried for treason, which the Constitution defines as warring on the United States or adhering to its enemies in time of war. They were tried under a general espionage law of 1917.

They were accused of conspiring during World War I to disclose to Soviet Russia information to Soviet Russia, which was then a wartime ally but turned cold war enemy in the years that followed.

GOVERNMENT'S CASE
The government proposed to prove that Harry Gold, the mousetrap little Philadelphia chemist, was the chief American contact for Dr. Klaus Fuchs, when the British scientist worked at Los Alamos, N. M., on history's first atomic bomb. Gold and Fuchs were confessed Soviet agents, both serving prison terms at the time of the Rosenberg trial.

The Rosenbergs and Sobell allegedly also worked through Gold

other stated reason for his crime was \$500 paid him by a Russian diplomatic official.

Greenglass, knowing he was facing a possible death penalty for his crime and that his wife, Ruth, 29, was mixed up in the plot, turned government witness. She could have been a defendant. Instead, in anticipation of her cooperation as a witness for the government, she was made merely a co-conspirator, as was Gold.

Mrs. Rosenberg paled slightly as she watched her brother take the stand.

GREENGLASS HELPS
Greenglass backed up the government's version of the spy plot to the hilt.

He described Rosenberg as a man who voluntarily dedicated his life to the cause of communism. Greenglass quoted Ethel as telling his wife in 1944:

"Julius finally got to the point where he was doing what he always wanted to do—giving information to the Soviet Union."

Greenglass testified Rosenberg specifically besought him to provide information on the A-bomb from his sensitive post as a sergeant at the Los Alamos wartime cradle of atomic fury.

So conversant was Rosenberg

Bricker Claims Taft Backing In Treaty-Limiting Amendment

By JACK BELL
WASHINGTON (AP)—Sen. Bricker (R-Ohio) said today he has a pledge of support from Sen. Taft (R-Ohio) for efforts to get early Senate action on a proposed constitutional amendment to limit treaty-making powers.

Proponents say the amendment would prevent treaties from operating as legislation in the U. S., overriding domestic law, except with the approval of Congress. It also would provide congressional regulation of all executive agreements—those concluded by the President or his representatives without being submitted to the Senate as treaties.

Sen. Wiley (R-Wis.), who joined with three Democrats yesterday in a minority report of the Senate Judiciary Committee criticizing the Bricker proposal, said he is ready for a vigorous fight against the amendment.

"This amendment is the most dangerous legislation that ever came before Congress," Wiley declared. "No other amendment has ever attempted to shift power from

the executive to the legislative branch. This is an attempt to create a congressional oligarchy."

President Eisenhower has said the proposal would restrict in certain ways the authority the President must have if he is to conduct the foreign affairs of the nation effectively.

Their report added that "the conclusion of an armistice agreement in Korea would be virtually impossible in the absence of special congressional authority," arguing that each step in negotiations would have to be approved by the lawmakers in advance.

A majority report from the Senate Judiciary Committee denied that the amendment would interfere with treaty powers, contending that agreements could be made just as they are now with the exception that they would not supersede domestic law unless Congress approved.

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