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**A NERO
WOLFE
MYSTERY**

REX STOUT

**REX STOUT, AUTHOR OF THE
MOST INGENIOUS, MOST
AUDACIOUS, MOST DEEPLY
SATISFYING MYSTERIES
BEING WRITTEN ANYWHERE
IN THE WORLD TODAY!!!!!!**

**The
Case
of the
Spies
Who
Weren't**



For three hours last evening I sat at my desk taking notes. Nero Wolfe, my employer, in his oversized chair at his desk, and Rex Stout, my literary agent, in the red leather chair, who had been a dinner guest, were talking about a book that had just been published by Doubleday—*Invitation To An Inquest*, by Walter and Miriam Schneir. Around midnight Wolfe asked how many pages of my notebook were filled and I told him 27.

EARLY IN THE EVENING of June 19, 1953, a few minutes before they were escorted from their cells at Sing Sing to the electric chair, Julius and Ethel Rosenberg wrote to their two young sons: "Always remember that we were innocent and could not wrong our conscience." And Ethel wrote to their lawyer: "I die with honor and with dignity, knowing my husband and I must be vindicated by history."

This book, by Walter and Miriam Schneir, who spent five years on it, is a worthy contribution to the history which Julius and Ethel Rosenberg counted on as they went to their deaths. The Schneirs have done well — indefatigable in research, persistent in investigation, shrewd and meticulous in analysis, and judicious in opinion and conclusion. They write so well that all the many pages, crammed with a thousand details, are extremely readable.

To form an independent opinion on the case and the trial, you, or you, would have to read the book. All I can do is report some of Wolfe's and Stout's conclusions, based not on any speculation or polemics by the authors, but on the corroborated and documented record submitted by them.



JULIUS AND ETHEL ROSENBERG

THEY WERE CONVICTED of a crime, not only of which they were innocent, but which had never been committed. The testimony against them came solely from *soi-disant* accomplices — Harry Gold, David and Ruth Greenglass, and Elizabeth Bentley — and all of them lied. The charge was conspiracy to commit espionage in time of war, and the only evidence either of espionage or of a conspiracy came from the mouths of perjurers. On June 2, 1953, Attorney General Brownell sent an emissary named Bennett to Sing Sing to repeat an offer that had been made several times previously: if the Rosenbergs would confess and co-

He frowned at me. "Much too much. It must be less than 3000 words or Mr. Keating will not publish it. Contract it. Cramp it?"

I frowned back. "You cramp it. Or Stout. Let him earn his ten per cent. Dictate it!"

They both said no. Nothing doing. I fought them for five minutes and lost. So this cramping job on their verdict on that book is mine — ARCHIE GOODWIN

operate they would be permitted to live. They declined the offer, saying, "How can we cooperate if we have nothing to confess?"



HARRY GOLD

TO BELIEVE THAT SUCH a man existed it is necessary to hear or see his own words. In a trial of one Benjamin Smilg for perjury in Dayton, Ohio, in June 1955, this exchange occurred between William F. Hopkins, defense counsel, and Harry Gold in the witness chair:

HOPKINS: *Never met him?*

GOLD: *Never met him.*

HOPKINS: *Before that grand jury you faced those ladies and gentlemen, under oath, the same as you are facing these folks, and you concocted imaginary telephone conversations, even giving it word for word of what he said to you and what you said to him; is that true?*

GOLD: *That is true.*

HOPKINS: *And you didn't even know the man?*

GOLD: *I didn't know the man.*

HOPKINS: *Never had a telephone call?*

GOLD: *Never had a telephone call.*

HOPKINS: *And you were under oath?*

GOLD: *And I was under oath, yes, sir.*

Another exchange:

HOPKINS: *Did you make this statement: "It is a wonder that steam didn't come out of my ears at times?"*

GOLD: *That really is . . . it really is remarkable that it didn't occur.*

HOPKINS: *Because of the lies you told?*

GOLD: *I had gotten involved into one of the doggonedest tangles . . .*

HOPKINS: *. . . You lied for a period of six years?*

GOLD: *I lied for a period of sixteen years, not alone six.*

Questioned by Hopkins about his imaginary family, Gold replied: "First I created this wife whom I did not

have. Then there had to be children to go along with the wife, and they had to grow old, so I had to keep building one on top of the other . . .”

That was two years after the Rosenbergs had been executed. In 1950 Gold had himself been indicted for conspiracy to commit wartime espionage, as an accomplice of Klaus Fuchs. His court-appointed counsel had been John D. M. Hamilton, former chairman of the Republican National Committee, and at a court hearing in December 1950, preparatory to the sentencing of Gold, who had been tried and convicted, Hamilton mentioned to the presiding judge that his interviews with his client had been recorded. More than a decade later the Schneirs got permission from Gold, then in Lewisburg penitentiary, to examine all material about him in his former counsel's possession. It consisted of 14 hours of recordings on disks, long handwritten statements by Gold, and hundreds of pages of correspondence. Comparison of that material with Gold's testimony at the Rosenberg trial in March 1951, revealed hundreds of discrepancies and contradictions. It is not credible that the FBI did not know that Gold was an inveterate and accomplished liar.

In one of his pretrial statements to the FBI Gold wrote, “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 — to reveal the whole picture — has added a tremendous zest and sense of achievement to my life.”

His achievement was helping to send Julius and Ethel Rosenberg to the electric chair by false testimony as one of the two key witnesses.



DAVID AND RUTH GREENGLASS

DAVID GREENGLASS, brother of Ethel Rosenberg, was the other key witness. The testimony of Ruth, his wife, merely corroborated his. As the Schneirs show, Ruth alone supported his assertion that he had given atomic bomb data to Julius Rosenberg. And David alone, no corroboration, described a Rosenberg spy ring which had gathered material on a space platform and atomic airplane; he alone claimed that Rosenberg had stolen a proximity fuse. Thus, not only the guilt of the Rosenbergs, but also the very reality of the crimes for which they were tried, depends largely on the memory and veracity of David Greenglass.

His veracity. It is on record that Ruth herself, before she had been coached for the trial by the FBI, told David's attorneys that she had known David since his tenth year and “he would say things were so even if they were not.” (All quotations used by the Schneirs are authenticated in 29 pages of references to sources at the back of the book. The foregoing one was taken from an inter office memo which was entered as an exhibit to the Section 2255 petition of June 1953.) In a letter to his attorneys about his first signed statement to the FBI, David wrote, “I didn't remember this but I allowed it in the statement,” and also, “the information I gave Gold may be not at all what I said in the statement.”

One of the many instances David gave of his contacts with Soviet spies was his account of his meeting in 1948 with “one of Rosenberg's agents who was working [for Russia] on the Aswan Dam project in Egypt, and he was then preparing to fly back to Egypt.” There was no Aswan Dam project in 1948.

Among the hundreds of people interviewed by the Schneirs was Benjamin Pollack, a lawyer on the staff of the Department of Justice, who had talked with David Greenglass at length while preparing a report on the Rosenberg case for Attorney General Brownell. Surprisingly candid with the Schneirs, Pollack told them that David was “a man with no conscience at all” and that, “If I were a judge I wouldn't take his testimony too seriously.”

But for an informed opinion of David's veracity on the witness stand it is necessary to read the book with its documented recital of his scores of contradictions. As for David the man, for what moved him to supply the false testimony that sent his sister to her death, even the book doesn't help. The late Robert Ruark wrote in his newspaper column in January 1961, “There is no excuse for a David Greenglass, no explanation.”



ELIZABETH BENTLEY

SHE WAS USED AT THE TRIAL by Irving H. Saypol, the prosecuting attorney, mainly in his attempt to connect Julius Rosenberg with the Communist Party. She had never met either of the Rosenbergs; her one relevant contribution was her statement that when she was spying for Russia she had received

phone calls from a man who said he was "Julius." Her status as an incorrigible liar was completely established in a lengthy brief supplied in 1955 by William Henry Taylor to the International Organizations Employees Loyalty Board. Taylor was cleared by the loyalty board and permitted to continue in his job.



IRVING H. SAYPOL

AS THE UNITED STATES attorney prosecuting the case, he fought not for justice, but for blood. The United States Court of Appeals stated that his tactic of timing an indictment against one William Perl, and issuing a statement to the press about it, "cannot be too severely condemned . . . if defendants (the Rosenbergs) had moved for a new trial, it should have been granted."

Saypol, in court, called Ann Sodorovich a "woman espionage courier" and a "Soviet agent." She was never so charged and the FBI gave up on her, having gotten no evidence, after two years of harassment. Also in court, Saypol named friends and former classmates of Julius Rosenberg as connected with the alleged espionage conspiracy — Joel Barr, William Perl, Vivian Glassman, Alfred Sarant — but not one of them was ever indicted, charged as a co-conspirator, or even called as a witness.

Regarding prosecution Exhibit Six, the "atom-bomb sketch," Saypol stated in court that he and his staff had been in "constant consultation" with "representatives of the Atomic Energy Commission," including, presumably, Dr. James Beckerley, Director of the Atomic Energy Commission Classification Office. In 1954, in a speech to a meeting of industrialists in New York, Beckerley said, "it is time to stop kidding ourselves about 'atomic secrets' . . . the atom bomb and the hydrogen bomb were not stolen from us by spies . . . atom bombs and hydrogen bombs are not matters that can be stolen and transmitted in the form of information." Eminent nuclear scientists had said the same thing. An article in Scientific American said, "The relative unimportance of Greenglass' disclosure was confirmed after the trial by the Joint Congressional Committee on Atomic Energy in a report on Soviet atomic espionage."

But in his summation to the jury Saypol stated: "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." He had made the same statement several times during the trial in various forms. Manifestly, it was a lie, and he knew it, since he had been in constant consultation with representatives of the Atomic Energy Commission.



IRVING R. KAUFMAN

AS THE PRESIDING JUDGE, in sentencing the Rosenbergs to die, he said to them, "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 the Communist aggression in Korea with the resulting casualties." Surely he knew that he too was lying. But he too was out for blood. No American had ever been put to death for espionage by judgment of a civil court, but that was what Kaufman decreed for Julius and Ethel Rosenberg, and during the two years before their executions he was adamant to all motions and pleas for commutation — from thousands of Americans and millions in a dozen foreign countries.

He has been promoted. He now dispenses justice as a member of the United States Court of Appeals.

THE FEDERAL BUREAU OF INVESTIGATION

IN THIS EXTRAORDINARY pageant of mendacity and perversion, the palm must be awarded to the FBI. So many instances of their ingenuity and versatility are documented in the book that exposition here would take too much space. I must restrict this to a few of Wolfe's and Stout's conclusions and refer you to the book for their support. Items:

The FBI practically invented Harry Gold. In the period between the arrest of Gold and the Rosenberg trial, FBI agents conferred with Gold for a total of nearly 1000 hours. Much of Gold's testimony at the trial, and all of it pertaining to the Rosenbergs and David Greenglass, was untrue and was manufactured by the FBI. The jello-box

top was a fake. Prosecution Exhibit 16, the Hotel Hilton June 3 registration card of Harry Gold, was forged by the FBI. If you find that hard to believe, read the book.

FBI agents arranged to have Morton Sobell kidnapped in Mexico City, and taken to the border and across it, and they lied when they said he had been deported.

Having learned that David Greenglass had stolen a piece of uranium at Los Alamos, where he had worked as a "plain, ordinary mechanic," the FBI coerced him into giving false testimony against his sister and her husband. Probably it didn't take much coercion; as Robert Ruark said, there is no explanation for a David Greenglass.

An FBI agent sneaked Schneider, the photographer, into the courtroom the day before he was to testify, in violation of the order of Judge Kaufman, so he could see the Rosenbergs in advance and identify them from the witness stand. FBI agents told William Perl that they had evidence that Joel Barr and Alfred Sarant were members of the Communist Party, but they had no such evidence and never got any. There had never been any contact or connection between Harry Gold and David Greenglass before the FBI cooked one up.

Many other items could be cited if there were space for them.



J. EDGAR HOOVER

THE DIRECTOR OF THE FBI IS, of course, implicated in all the above references to his Bureau, but he merits a few additional comments:

Before, during, and after the trial Hoover issued many press releases, some of them accusing various persons of complicity who were never charged. The obvious purpose was to inflame the public mind, and he succeeded.

On November 7, 1945, Elizabeth Bentley was questioned by FBI agents for the first time. The next day Hoover rushed a letter to the White House, marked "Top Secret," which stated that he had no doubt that the 14 persons Miss Bentley had named were "actually the source from which information passing through a Soviet espionage system was being obtained." That, before any of the persons named had been investigated. Though this item has no direct relevance to the Rosenberg case, it is worth including as an indication of Hoover's competence

as the head of a bureau of investigation. Actually, after a year's deliberation by a Federal Grand Jury, not one of the more than 80 persons named by Elizabeth Bentley was ever indicted. But late in 1953, a few months after the Rosenbergs were executed, Hoover declared to the Senate Internal Security subcommittee: "All information furnished by Miss Bentley, which was susceptible to check, has proven to be correct. She has been subjected to the most searching of cross-examinations; her testimony has been evaluated by juries and reviewed by the courts and has been found to be accurate."

Even Harry Gold never told a bigger lie than that.

Nearly eight years later, in the June 1961 issue of the FBI Law Enforcement Bulletin, Hoover wrote: "Who, in all good conscience, can say that Julius and Ethel Rosenberg, the spies who delivered the secret of the atomic bomb into the hands of the Soviets, should have been spared when their treachery caused the shadow of annihilation to fall upon all of the world's peoples?"

Good conscience?



EMANUEL BLOCH

AS COUNSEL FOR THE ROSENBERGS, handling the defense, Bloch did his best, but it wasn't enough. His most egregious blunder was his failure to cross-examine Harry Gold. There were other errors, notably his waiving the right to examine the *original* Hotel Hilton registration card (locked in the FBI files and not presented in court) and to question a hotel employee or other witness about the card's authenticity and the circumstances of its preparation and discovery.

But probably it wouldn't have changed the outcome. In the era of McCarthyism not only Judge Kaufman and Counselor Saypol and the jury, but also a large majority of the American people, were out for blood. Ethel Rosenberg was aware of that when she wrote to Bloch shortly before she was taken to the death chamber, "I die with honor and with dignity, knowing my husband and I must be vindicated by history."

This book is a good and true start at the job.

Rex Stout's latest book is The Doorbell Rang, published by Viking Press.
