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WAS JUSTICE DONE -- The Rosenberg-Sobell Case.

By Malcolm P. SHARP

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On 5 April 1952 Julius and Ethel ROSENBERG were sentenced to death on charges of espionage for Russia. David and Ruth GREENGLASS alone testified about the ROSENBERGs' activities in this connection. David GREENGLASS, a younger brother of Ethel ROSENBERG, was a technical sergeant stationed at the Los Alamos project in 1944 and 1945. He confessed his own participation in atomic espionage, acting on the ROSENBERGs' request. He also admitted giving Harry GOLD, a confessed spy courier for the Russians, atomic information.

David GREENGLASS was sentenced to fifteen years' imprisonment. GOLD, on the evidence of his own confession, was sentenced by another court to thirty years' imprisonment. Morton SOBELL, who was tried along with the ROSENBERGs and, like them, pleaded not guilty, was sentenced to thirty years. The ROSENBERGs alone were executed.

The author of the book under review, a Professor of Law, analyzes the various lines of evidence presented in the case and finds much that is vague, contradictory, and improbable. He states that no certain conspiracy between SOBELL and ROSENBERG was established and that no contact between the ROSENBERGs and the Soviet official, Anatoli A. YAKOVLEV, was established. The government's case rested on the testimony of Ruth and David GREENGLASS, who obviously hoped for clemency. Further, a family feud between the GREENGLASSES and the ROSENBERGs existed because of a business altercation. Personal considerations were involved, as is usually the case in "accomplice testimony".

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Yet, even if the verdict was correct, the author professes amazement at the unequal punishment for the same crime. Ruth GREENGLASS was never brought to trial, even though she admitted her guilt on the witness stand; David GREENGLASS got 15 years; Morton SOBELL and Harry GOLD got thirty years; and Ethel and Julius ROSENBERG got death. Only the last two took the witness stand and maintained their innocence. By some this action was regarded as an unrepentant attitude. But, says the author, if they were innocent, what could they be expected to do? Should they have admitted guilt and implicate others to get a lesser sentence?

The author contends that the ROSENBERG case presents challenging questions about possible defects in the law.

Analysts' Comment:

In 1956, the year this book was published, author Malcolm P. SHARP, then president of the National Lawyers Guild, was involved in a controversy with J. Edgar HOOVER. In a statement submitted to President Eisenhower by the Guild, it was charged that HOOVER's testimony before a House Appropriations Subcommittee constituted an attack on the legal profession. HOOVER wrote a letter to SHARP, in which he maintained that his testimony had not constituted "an attack upon the independence of the bar." He had merely said that the Communist Party planned a campaign involving legal maneuvers, acquiring eminent counsel to defend the Party and its leaders, etc. The upshot was that Herbert BROWNELL, Jr., the Attorney General, served notice on the Guild of his intention to list it as subversive. He called the group the "mouthpiece" of the Communist Party (see the New York Times, 11 April 1956).