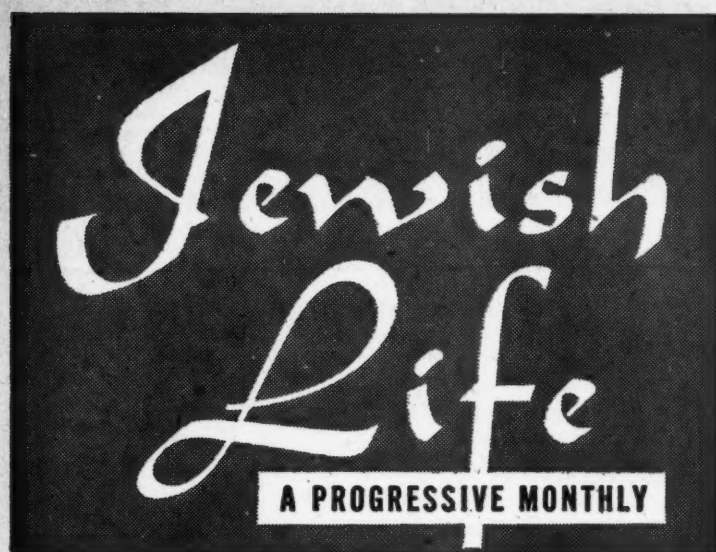


AUGUST 1953 • 25¢



# *Legacy of the Rosenbergs*

pages 15 - 29

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**VELDE COMMITTEE VS. THE JEWS** *by Louis Harap*

**ZIONISM AND ANTI-SEMITISM** *by Morris U. Schappes*

**WAR ON FREEDOM IN PITTSBURGH** *by Harry Levine*

**CHARLES WHITE, PEOPLE'S ARTIST** *by Hugo Gellert*

## From the Four Corners

Edited by Louis Harap

### AT HOME

**Highlights** of the annual convention of National Association for the Advancement of Colored People held in St. Louis in the last week of June: A program to break down Jimcrow by 1963, centenary of the Emancipation Proclamation, was adopted by the convention under the slogan, "We want to be free by '63"; the annual civil rights mobilization in Washington was reinstituted after a lapse of a few years; McCarthyism was attacked in a speech before the convention by Patrick E. Gorman, secretary-treasurer of the Amalgamated Meat Cutters Union, A. F. of L., and a resolution was passed attacking "the atmosphere of inquisition" in Congress; a resolution called upon the Eisenhower administration to end Jimcrow on federal projects; a resolution expressed disappointment that Eisenhower had not appointed more Negroes to responsible government posts; about 100 leading unionists were delegates or observers; a resolution called for economic sanctions against colonial powers for racist acts against Africans and Asians.

**Commendations** were sent to the Westchester County American Legion for giving its "Americanism" award to "Rabbi" Benjamin Schultz, professional red-baiting director of the American League Against Communism, by Vice President Richard Nixon, J. Edgar Hoover and Senator Karl E. Mundt.

**Notes on anti-Semitism . . .** Vandals set fire to religious books stored on a first floor fire escape of a Brooklyn Yeshiva on June 12. An exit was made by 670 students during the fire. . . . Hoodligans who attacked an orthodox Jew wearing a *yamelke* in a Brooklyn subway late in June got the surprise of their lives when the Jew turned out to be Raphael Halpern, Israeli wrestling champion, who held the hoodligans off the ground by the scruff of the neck until the train arrived at the station and then deposited them onto the station platform. . . . Swastikas were painted on four gravestones in a Hillside, N. J., Jewish cemetery on July 8.

**Most medical schools** in New York State "appear to treat Jewish applicants for admission less favorably than non-Jewish applicants" is the conclusion of a three-year survey by the American Jewish Congress made public late in June. Four of the nine schools studied accepted so low a proportion of winners of Depart-

(Continued on page 32)

# Jewish Life

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# VELDE COMMITTEE VS. THE JEWS

*An account of a challenge to the McCarthyite committee as a destroyer of democracy and a danger to the Jews*

*By Louis Harap*

**M**ONTH after month for some years I had been writing to alert the Jewish community to the dangers in the activities of the congressional witch-hunt committees and in the hysteria engendered by these committees and the various other agencies that are leading us toward a police state. And then it happened to me: I was subpoenaed to appear on June 29 before Rep. Harold H. Velde's House Un-American Committee. What then took place was not merely a personal story but part of the struggle to keep America free. That's why I am telling it here.

My duty was clear. It was to tell the committee to its face what I had been writing these past years, that the Velde Committee, like the McCarthy and Jenner Committees and the many governmental and private witch-hunting agencies constituted a great danger to the Jewish people because they were trying to destroy democracy itself. Nor is this an original thesis: it is being reiterated more and more by an increasing number of Americans in the rising tide against McCarthyism. Only a few weeks earlier, for instance, the Central Conference of American Rabbis at their convention had resolved that "We condemn the undemocratic methods used in the investigations conducted by McCarthy, Jenner and Velde."

At the opening of the hearing, with Rep. Donald L. Jackson of California as chairman and Rep. Kit Clardy of Michigan as the only other sitting member (Rep. Gordon H. Scherer of Ohio and Rep. Harold H. Velde of Illinois joined the hearing after a recess), I asked to read a statement. Rep. Jackson refused to permit this but agreed to insert it in the record.

## *The "New Angle"*

To a great many witch-hunting questions that followed I refused to answer under protection of the First and Fifth Amendments. In addition, I stated that "My refusal to answer is also based upon the fact that as a Jew I have an obligation not to cooperate with this committee because the committee is tending to bring this country into the same conditions as those under which 6,000,000 Jews were murdered." In other words, I was uttering the hardly unfamiliar view that the committee was a pro-fascist agency whose influence was exerted in the direction of creating an American form of nazism. Apparently, however, the draw-

ing of the explicit connection of the committee's activities with Jewish welfare seemed to strike a new note. When a recess was called, the television camera man rushed up to me and, with the excited exclamation that this was a "new angle" on the committee, asked me to elaborate on it for television, which I did.

Rep. Kit Clardy shifted the ground, as is customary with the witch-hunters, by asking, "Do you shrink with the same horror from what Soviet Russia is doing to the Jews?" To this I replied that it was a fact that Jews had achieved a higher degree of equality in the Soviet Union than anywhere else and that there was a total absence of discrimination against Jews in industry, the professions or any phase of life. The exposure of the frameup of the Moscow doctors and the punishment of the perpetrators, I said, showed that "anti-Semitism will not be tolerated in the Soviet Union."

One more phase of the hearing not reported in the press was my challenge to the committee to investigate really un-American activity of anti-Semitism in this country. Rep. Jackson finally replied lamely that the committee had investigated the German-American Bund. But I pointed out that this had happened before the war.

More than half of the hearing was taken up with the attempt to establish my guilt—of what?—by asking me to acknowledge authorship of many articles I had written or meetings at which I had spoken. In each case committee counsel Robert L. Kunzig would add the magic chant that the publication or organization or individual with which I had just been associated was on some "subversive list." The committee had no interest in the content of the writing or meeting mentioned—like the review of a book on English chamber music which was among the proofs of my "guilt." The committee was concerned with confirming my alleged membership in the Communist Party—a matter which they had no constitutional right to investigate—by heaping high my "guilty" associations. They also wanted to have me act the informer, if I had not refused to answer their illegitimate questions. And they constantly tried to trick me into answering questions that would have presented me with the alternatives of turning informer or being cited for contempt.

All this is, sadly, an old story in America today and would hardly merit a headline in the press. But what the



press did find of interest was my explicit connection of the witch-hunt with the Jewish people and my statements about Jews in the Soviet Union. Reports of the hearing were published in many parts of the country. If there was any doubt that the statements quoted in the press made an impact on the reading public, that doubt was quickly dispelled. The Jewish Labor Committee and the American Jewish Committee, which generally avoid mention of anything Jewish left wingers say or do for fear of being stricken by the evil eye, lost no time in making public denunciations of my reported testimony. The Jewish Labor Committee, as was to be expected from its specialty as Soviet-baiter extraordinary, paid no attention in its public statement to my accusation against the Velde Committee as a fascist threat with the special dangers to the Jews implied by this. Instead they referred to their many fabricated "reports," often exposed in these pages, on how badly off Jews are in the Soviet Union as a "refutation."

Neither was the danger to the Jews from the Un-American Committee of any interest to Max Lerner, who in the *New York Post* of July 1 also expressed his "recoil" from my testimony. He appeased his "liberal" soul by remarking that "No one had any business summoning him [Harap]." Then he condemned my "effort to defend Soviet persecution of the Jews and also to attack America by charging that we are preparing to follow Hitler's murder of millions of Jews." I shall not spend any words on Lerner's Big Lie of "Soviet persecution of the Jews." But it is obvious in any sane reading of my statement that I certainly was not "attacking America" but rather the Un-American Committee, which I certainly don't equate with America. On the contrary, I was appealing to America to rid itself of the incubus of this and other committees, which are today the shame of America. Does Mr. Lerner, whose editor has been given the McCarthy treatment, believe that "It can't happen here?" Is his anti-communist hysteria so paralyzing that he would contribute to lulling the American people and the Jews to sleep over the danger when the warning is issued by a left-winger?

### ***The A J Committee Collaborates***

The response of the American Jewish Committee, however, was nothing short of collaboration with the Velde Committee, with all the nasty implications that this word has acquired in the past few decades. Irving Engel, as chairman of the AJC executive committee, *sent a statement to the Un-American Committee* to express AJC "outrage" at "Harap's attempt to exploit your committee's platform to impugn American democracy and its treatment of diverse groups constituting our population" and "his false charge of anti-Semitism into your committee's investigation of Communists." The statement was read into the committee record by Velde on July 1 and constituted a whitewash of that committee by a group which solicits perhaps a million and a half dollars each year from the Jewish community for Jewish "defense."

I have said that there was no real novelty in my charge. The idea that the weakening of democracy by the McCarthyites also endangers the Jews is accepted quite universally. Essentially the same thought was expressed only a few weeks earlier by Mr. Engel's fellow AJC officer Herbert B. Ehrmann, a national vice president of the AJC. At the annual meeting of the Washington chapter of the AJC, Mr. Ehrmann, in a speech in which he also attacked the "Communist conspiracy," said as follows: There is good reason why "so many thoughtful and patriotic Americans should worry about the unfair treatment of the Communists and fellow-travelers. The answer is that we are not concerned with the accused individuals, although we know that loose and emotional procedures frequently work grave injustices. We are concerned with the preservation of the rights and liberties of all of us. *Once you tolerate a breakdown with respect to any group, however unpopular, you have started the destruction of the safeguards for every group*" (italics added). The only difference between the statements of Ehrmann and Harap was that the latter was made before the Un-American Committee and was more specific than the former. But both expressed essentially the same thought. By absolving the Velde Committee of responsibility, the AJC was quite precisely playing the role of the Judenrat.

But despite some leaders of the AJC and the Jewish Labor Committee and like appeasing forces, the people of our country, including the Jewish people, are awakening to the dangers of McCarthyism. This was shown to me in a most heartening way at my own hearing. About 25 persons, nearly all college students from various parts of the country, formed the small audience in the hearing room. After the hearing they clustered about me with that eagerness for truth and that open-minded vitality that are the precious qualities of the young mind. We talked for about 20 minutes about the issues involved in the activities of the McCarthyite committees. The students were obviously devoted to the best in the American tradition and were aware of the danger to it of McCarthyism. They weren't going to let McCarthyism take over the land.

The fact is, as more people are learning every day, that McCarthyism is a danger to the Jewish people, as it is to all phases of American life that are dependent on the preservation of democracy. McCarthy's book-burning expedition is hunting after books of various sorts which advance democracy. Among these, as was recently demonstrated by the hauling before the McCarthy Committee in past weeks of Morris U. Schappes, Philip Foner, Doxey Wilkerson, Gene Weltfish and Mrs. Eslanda Goode Robeson, is McCarthyism's attempt to ban honest books that concern the Negro and Jewish peoples written by these authors. Any honest attempt to meet these problems of American democracy squarely and honestly is to the McCarthyites "communistic." These specific McCarthyite attacks give documentary substantiation to my charge of the anti-democratic and anti-Semitic dangers of forces like the Velde Committee.



## JEWISH VOICES OF RESISTANCE

**T**HE voices of resistance to McCarthyism have grown louder, more insistent and more widespread in the past month in many sectors of American life. American Jews, too, are increasingly becoming aware of and vocal about the dangers of McCarthyism.

Frank Rosenblum, secretary-treasurer of the Amalgamated Clothing Workers and a vice president of the CIO at a testimonial dinner in his honor in New York on June 20, struck out at Senator Joseph McCarthy and the witch-hunting committees, which he charged with usurping the rights of American citizens. He urged labor and liberals to "stop McCarthyism dead in its tracks. . . . The pattern followed by McCarthy is pretty much the pattern followed by Hitler and Mussolini. . . . McCarthyism is only another and more dangerous extension of fascist thinking and planning against which all men of goodwill must take a stand."

Rabbi Joseph L. Fink, of Buffalo, N. Y., urged in his opening presidential address to the Central Conference of American Rabbis (Reform) at their 64th annual convention on June 23, that rabbis support Christian clergymen who were subjected to "unfair and unwarranted attacks" by Congressional investigating committees. "For any congressman," he said, "in furious self-rectitude to intimidate clergymen with the threat of public investigation of their sincerely held beliefs is an unprecedented violation of a congressman's trust." Rabbis Fink asked conference members to register "disapproval of those legislators who would seal the lips of those prophetic clergymen who chastise America when she breaks faith with herself."

The conference adopted a resolution condemning the "undemocratic methods used in the investigations conducted by McCarthy, Jenner and Velde."

Dr. Ira Eisenstein, president of the Rabbinical Assembly of America (Conservative), at the 53rd annual meeting of the body on June 22, attacked the "state of terror and intimidation" created among "the seekers of truth" as a result of the methods used in the investigations by McCarthy and Rep. Harold H. Velde's Un-American Committee. McCarthyism, said Dr. Eisenstein, is a "ruthless bid for power" which, "if it succeeds, will spell the death of all that has made America great." Both men, he said, "have turned these investigations into a pernicious tactic to ferret out dissenters. They have confused heresy with conspiracy." The "terror and intimidation spread by Senator McCarthy and their ilk" have resulted in an atmosphere in which "the seekers after truth tremble and the daring and exploring minds among us resort to innocuous truisms rather than risk slanderous misconstructions of their utterances."

An editorial in *The Jewish Ledger* (Rochester) on July 3, said: "The effect of our book burnings in Germany is being keenly felt overseas. Liberals and anti-nazis through-

out Europe, according to reports, are terrified that our book burnings are a sign that this country is going fascist. Was it so long ago that the very same thing we are doing happened in Germany under Hitler's regime?"

The statement of President Eisenhower on July 9, attacking the assault on Protestant clergymen by J. B. Matthews, late investigator for McCarthy's committee, was made in response to a telegram of protest signed by Msgr. John A. O'Brien, of Notre Dame University; Rabbi Maurice H. Eisendrath, president of the Union of American Hebrew congregations, and Rev. Dr. John S. Bonnell, of New York. The spiritual leaders had told President Eisenhower that "The sweeping attack on the loyalty of Protestant clergymen and the charge that they are the largest single group supporting the Communist apparatus is unjustifiable and deplorable."

Rabbi Bernard Mandelbaum, dean of students at the Jewish Theological Seminary, said at the religious session of the University of Virginia Institute of Public Affairs on July 5, that "the McCarthys, Jenners, McCarrans and the like invoke the name of democracy but defy fundamental rights of diversity within the overall purpose of unity." At the same session the Rev. Dr. Albert P. Shirkey, of Washington, D.C., said: "The burning of books is an admission that we are afraid. Burning of books is not far from the burning of persons, persons who might have in their minds the ideas that are in the books."

Rabbi William Greenfield, of Indianapolis, gave a sermon in his temple in mid-June in which he sharply condemned McCarthyism. He urged his congregation not to be frightened but rather that they should resist the witch-hunters. He discussed Dr. Albert Einstein's recent letter urging refusal to cooperate with witch-hunting congressional committees and he praised Dr. Einstein's stand.

Rabbi William B. Silverman, of Nashville, Tennessee, was the spark plug of a campaign conducted in that city since January to resist McCarthyite book censorship and a witch-hunt against professors of local colleges. He enlisted the aid of reporter Creed Black of the *Nashville Tennessean* and he conducted a militant radio broadcasting campaign that has so far defeated the witch-hunters, who have also turned to anti-Semitism. The battle is still going on.

We may appropriately conclude this round-up with notice of an article entitled, "Goebbels' Descendants in America," in *Die Zeit* of Hamburg, Germany. The article accuses McCarthy of imitating the book burning of Goebbels of 20 years ago. "And today again," says the paper, "books are eliminated, smashed, burned, locked away. This time it happens in American libraries, established by the United States Information Service in various countries."

# WAR ON FREEDOM IN PITTSBURGH

*A series of assaults on civil liberties in this city of big industry affect the Jewish people and call for resistance to save democracy*

*By Harry Levine*

ON Thursday, June 18, the inquisition of Senator McCarthy, would-be Fuehrer of these United States, summoned a young Jewish American from Pittsburgh, Mr. Lou Bortz. At the hearing McCarthy encouraged a presentation in public of allegations that Bortz was part of a "Communist plot to murder Senator McCarthy," that he was the leader of a goon squad for this purpose and that he had taught classes in sabotage, target practice and the manufacture of bombs in the basement of the Jewish Cultural Center in Pittsburgh.

The man on whom the inquisitorial committee depended for these fabrications is one Joe Mazzei, a movie hall owner from Pittsburgh, who is a professional informer. Only two months earlier, in April, this Mazzei had testified in the Smith act trial of five Communist leaders now going on in Pittsburgh. But Mazzei, on the witness stand, under oath and under cross-examination, did not utter a peep about this cock and bull plot to "murder McCarthy." However, operating with the protection of McCarthy and not subject to cross-examination, he now splattered the tale across front pages throughout the country.

It would be well for the American people to wake up to the fact that this new and startling lie that Communists conspire to murder and assassinate is fraught with the most serious perils to the civil liberties of *all Americans*. It is of a pattern with past anti-labor frameups—the lie of "bomb thrower" against Tom Mooney, of "murderers" against Sacco and Vanzetti. It fits into the pattern of the enormous provocation that ushered in the rule of German fascism—the Reichstag fire. That a Jewish American is fingered as the would-be murderer and that a Jewish institution is charged with being the training ground, stamps this tale as a fascist maneuver.

## *The Trials in Pittsburgh*

Why was Pittsburgh picked as the locale of this fabrication? Because in Pittsburgh since 1948, a series of attacks on civil liberties have occurred in and out of the courts. These attacks have resulted in the savage sentence of 20 years imprisonment of a Communist leader, Steve Nelson. Since Nelson is already 51, this is really a death sentence and is a hysterical manifestation like that of the death sentence passed on the Rosenbergs and the 30-year sentence on Morton Sobell. And again in Pittsburgh recently

the Jewish Cultural Center was dragged into the courts and a suit is under way to lift its tax-free charter on the fascist-like charge that it is a "Communist front."

Following the barbaric 20-year sentence passed against Steve Nelson on a "sedition" charge, that is, for the thoughts in his head, Nelson and James Dolsen, also convicted in a "sedition" trial, were placed on trial under the Smith act in disregard of the constitutional prohibition against double jeopardy, along with three other defendants, Ben Careathers, William Albertson and Irving Weissman. From the very beginning it became apparent that to secure conviction, the prosecution depended on every backward force, on every prejudice, on bigotry, on anti-Semitism.

The Smith act trial was to have begun in November 1952. (The arrests were originally made August 17, 1951.) The defendants pointed out the impossibility of a fair trial when ideas were placed on trial. This situation was compounded by the high level of anti-communist hysteria in Pittsburgh, by the unique atmosphere of Pittsburgh as the scene of years of such trials one after the other, by the now exploded charges of "atomic spy" against Nelson, the glorification of the local stoolpigeon Matt Cvetic, the building of political careers on the part of ambitious fascist-minded judges like Musmanno and Montgomery on the platform of their persecution of Communists, the inability to get local counsel, the maltreatment and arrest of local counsel in the past, the placing in double jeopardy of Nelson and Dolsen.

One of the first questions put to each prospective juror was: "Would you take the word of a Jewish person on the witness stand as having the same credibility as the word of a non-Jewish person?" The same question was put with regard to Negro witnesses. After three weeks of such questioning, the judge had to sustain the defendants' objections to 16 out of 21 members of the jury panel who had been interrogated. The jury panel was then dismissed and the trial recessed, with the illness of the judge given as the reason. When the trial reopened in February of this year, the new judge, Rabe F. Marsh, permitted no more such questioning and saw to it that in less than a week a jury had been impaneled. The questions put to this panel by the court were along the lines of "Are you against sin?" The judge asked the prospective jurors if at the instruction of the court they could banish prejudices.

## ***Defendant Weissman***

Irving Weissman, one of the defendants, was the first defense witness. A glance at his career indicates the fascist nature of the case. He is in many respects typical of the native born Jewish American worker. He has worked as a welder and ship-fitter in steel shops and shipyards, in addition to having held other jobs, industrial and clerical. He knows from his own experience that, if so few Jewish workers are to be found in basic industry, it is because they are banned by the divisive force of anti-Semitism, which is invoked by the bosses to divert the indignation of the workers from themselves. And Weissman made this point in his testimony in such a fashion that the prosecution could only squirm in silence.

"Have you been known by any other name?" Weissman was asked.

"Yes. I have used the name of George Amery."

"Will you please state the circumstances?"

Irving then told of how he had gotten a job with the Cleveland Tractor Co., one of the biggest tractor plants in the country. He had been there a week when his foreman walked up to him and said, "Hey, Weissman, are you a Jew?" "Yes, I am," Weissman answered. "Well, you had me fooled," the foreman said, "I took you to be a Dutchman by your red hair. No Jew is going to work on this job while I'm foreman." Three days later, Weissman got his dismissal slip from the front office.

Then began the hunt for work all over again. He tramped from plant to plant, sent letters to the shops listed in the phone directory. One day he went to the YMCA and the industrial relations director said to him, "You know, you'll never get a job in a shop around here with the name of Irving Weissman."

Finally, he did get a job but it was under the name of George Amery.

Because he understood the nature of anti-Semitism and fascism and worked to eliminate them by the united action of all working people, Weissman volunteered to fight against fascism in the Spanish civil war and then again in World War II. And he fought in his own country, always an active union man and later as an organizer for the Communist Party in the coal fields of West Virginia.

## ***Career of William Albertson***

So also with William Albertson, the other Jewish defendant in this trial. Albertson was a brilliant student at the University of Pittsburgh. He received honor grades and intended to become a doctor—at least, until he was called in by the dean of Mellon's university and told bluntly that he would not be admitted to medical school because he was a Jew.

This incident, together with discussions which Albertson had with his stepfather William Baum, who was until his death the director of the Jewish Workers University, deepened his awareness of anti-Semitism and fascism.

Albertson then threw himself with all his energies into the labor movement. He was expelled from the University of Pittsburgh for having invited the noted educator, Harry Elmer Barnes, to speak to the student body on the Tom Mooney frameup. He was president of the Liberal Club on the campus. After his expulsion from the university, Albertson became a food worker. In those unorganized, pre-New Deal days he led a strike of dairy workers in Pittsburgh. Although a strike of only 200 workers, it was symptomatic of the type of struggle which contributed to paving the way for the great surge of workers into the CIO and for the expansion of the AFL.

He later went to New York and was elected executive secretary of Waiters Local 16 of the Hotel and Restaurant Workers International, AFL. He played a major role in breaking the grip of the Dutch Schultz gangster mob on the food industry of New York and in improving the conditions of the food workers. If Thomas E. Dewey was able to build a political reputation as "racket buster," it was because of the guts of men like William Albertson, Irving Potash of the furriers' union and others—the first named on trial under the Smith act and the second now in jail under that act.

Albertson later left his union post and devoted himself full time to organizing activities on behalf of the Communist Party. He returned to his home town of Pittsburgh, to the steel, electrical and aluminum workers and coal miners among whom he had spent the first 22 years of his life. Later on he organized auto workers in Michigan.

But all his activities were prompted in some degree by his determination to contribute to the eradication of anti-Semitism. Albertson knew that, if this is to be achieved, the workers must be united against it.

## ***Danger Ahead***

Standing trial with Weissman and Albertson is the Pittsburgh Negro leader Ben Careathers, whose crime seems to be that he helped organize the steel workers union and was a vigorous battler for the rights of his people. Careathers was among the first to campaign for an FEPC bill in Pittsburgh that was finally enacted into law. One can only describe as sadistic political persecution the refusal of the judge to sever Careathers from the case, since the Negro leader is suffering from an advanced tubercular condition. Anti-Negroism as well as anti-Semitism is involved in this case.

Great dangers confront the Jewish people in these Pittsburgh trials, which have already led to a direct attack on the Jewish community, as in the bringing to court of the Jewish Cultural Center. Vandalism was committed against the Center: it has been burglarized and defaced on the pretext of seeking evidence of "subversive activities." [See JEWISH LIFE, May, p. 9—*Ed.*] Inevitably, as in this case, attacks on the Constitution bring along with them a growth of anti-Semitism and embolden the forces of McCarthyism in every area of life.





**DAWN OF LIFE**

*By Charles White*

## CHARLES WHITE, PEOPLE'S ARTIST

*Drawings by an outstanding Negro artist bespeak love for his own people and for all men of good will. They can now adorn the homes of workers*

*By Hugo Gellert*

**P**UBLICATION of a portfolio of six remarkably beautiful drawings by Charles White marks the first serious venture into the field of art by the progressive press (*Masses and Mainstream*, 832 Broadway, New York 3, N. Y.). By making available this folio at the incredibly low price of \$3.00, the publishers are making it possible for important art to find its way into homes where works of high artistic value are ordinarily beyond reach. The artist Charles White is widely recognized in his field. In 1952, he was honored by the award of the coveted annual

HUGO GELLERT is an artist whose works in the graphic arts are widely known.

art prize of the American Academy of Arts and Sciences.

Charles White's drawings are contained in a folio of fine design and large format (13 by 18 inches), with an introduction by the noted artist Rockwell Kent. The prints are beautifully reproduced on separate loose sheets of good quality heavy paper and are suitable for framing.

The warm humanity of these drawings brings to my mind a conversation I once had with a well known critic whom I met by chance in an art gallery. Naturally enough, our talk turned towards current tendencies in art. I'm afraid I was none too subtle in expressing my views regarding those art trends that serve to obscure and even eliminate the human form. The preoccupation with "pure"

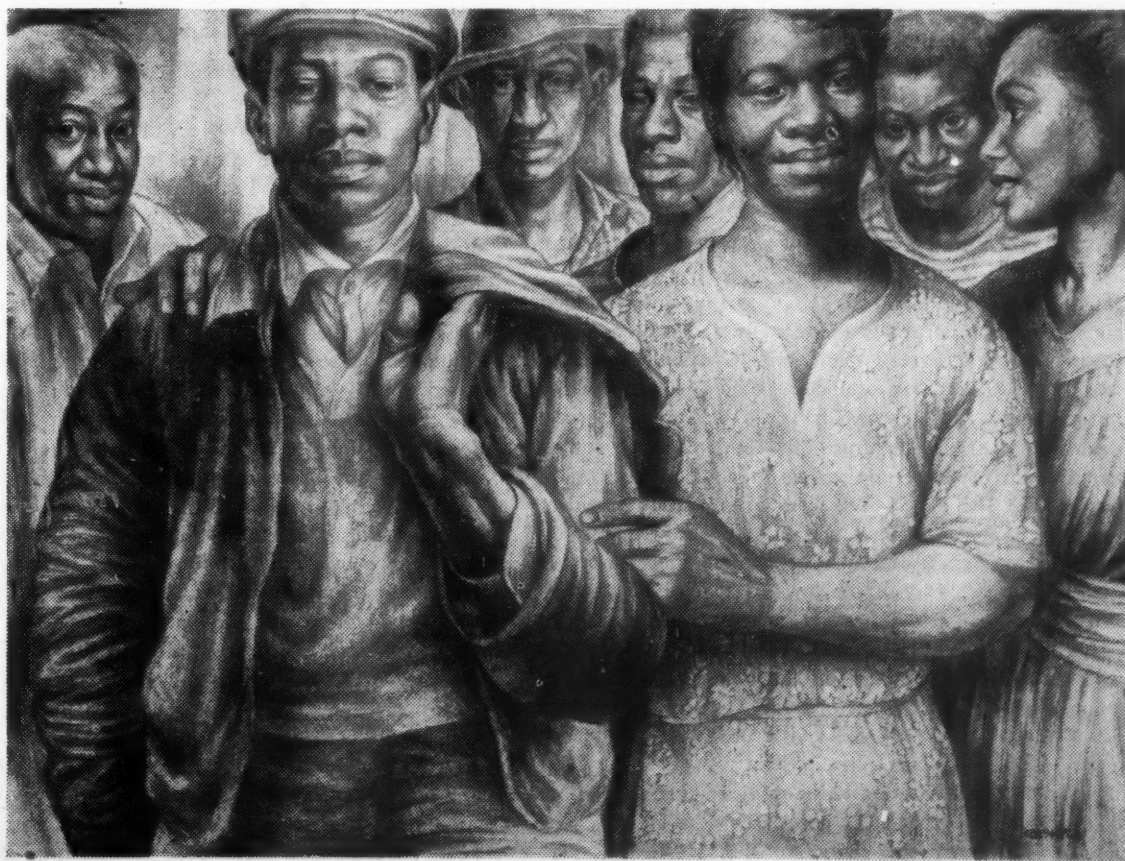
form, color, etc. is not even new. Most of these contemporary works have a strong flavor of the European experiments of the first couple of decades of the present century. At that time, however, exploration of the possibilities of the media gave those experiments some validity, either real or imagined. But to indulge in them today is to repeat what has been better said in the past.

The critic seemed to agree but warned against my readiness to dispose of these art forms too lightly, reminding me that they represent the expenditure of many thousands of dollars by museums and art collectors. And it would be sheer folly to think that those who invested so heavily, would merely sit by and watch their investments becoming valueless. On the contrary, if it became necessary, more money would be poured into bolstering the value of the holdings.

But there is also an at least equally harmful and destructive side to these so-called abstract, non-objective, etc., etc., art forms. By their elimination of the human form and their negation of humanism, artists of this type help in their own way to condition the human mind to become reconciled to the possible annihilation of mankind. For there is a connection between destruction of the human form in the abstract and its actual atomic destruction.

In contrast let us look at the drawings of Charles White and listen to what Rockwell Kent has to say about the artist and his work: "He has created people—or, let us say, recreated them in the light of his own warm sympathy, of his kindly and most sensitive understanding. It is Lincoln whom you see here, Lincoln as believed in, honored, loved, by one of those who has most reason to so love and honor and believe in him. He is the Lincoln of the Negro people. And the people of these lithographs—the young men and women, the mother and her child, the older woman whose toil-worn hands have wiped the tears from her eyes so that the light of hope might shine from them again—these, in all their pathos and their dignity are the people of Abraham Lincoln. And the young girl into whose waiting hands, the dove descends, she, in her yearning for enduring peace on earth, is all of us. She is mankind."

Yes, Charles White embraces all mankind in the glowing warmth of his art. And while many artists find it difficult today to exercise integrity even in the interests of their calling, Charles White has equipped himself to assume responsibilities as a champion of his people, as a citizen and as an artist of this land. And he is fulfilling all these responsibilities.



**LET'S WALK TOGETHER**

*By Charles White*



# ZIONISM AND ANTI-SEMITISM

*The evidence that Zionism, which believes anti-Semitism cannot be eradicated, advocates a do-nothing policy by Jews about it*

By Morris U. Schappes

WHO was it that in 1896, writing about the Jewish question and the cause of anti-Semitism, said: "The unfortunate Jews are now carrying the seeds of anti-Semitism into England; they have already introduced it into America"?

Was it a British or American non-Jew, some anti-Semite who was adding insult to injury by blaming the Jews for themselves causing anti-Semitism by carrying the seeds with them wherever they go? No, it was neither a Briton nor an American nor a non-Jew, nor an ordinary anti-Semite, since the reader will have noticed that he speaks of the anti-Semitism-spreading Jews as "unfortunate." In fact, the book was written and published in German. Immediately before the sentence quoted, the author had said: "We naturally move to those places where we are not persecuted, and there our presence produces persecution." So the author was himself Jewish? Yes, indeed, and a famous Jew he was to become too!

It was Theodor Herzl, the founder of the political Zionist movement, writing in *Der Judenstaat* (*The Jewish State*), the bible of Zionism (p. 75 of the Fiftieth Anniversary Edition, published in New York in 1946 by the American Zionist Emergency Council; italics added).

Is this an ignored and forgotten theory, an aberration of Herzl's which is ritually reprinted in a classic on festive occasions but is otherwise abandoned? Not at all. In that same year 1946 it was restated as continual and living Zionist theory in testimony before the Anglo-American Committee of Enquiry, thus: "I believe the one fundamental cause of anti-Semitism—it may seem tautological—is that the Jew exists. We seem to carry anti-Semitism in our knapsacks wherever we go. The growth and intensity of anti-Semitism is proportional to the number of Jews, or to the density of the Jews in a given country."

Who gave such testimony? This was no Arab prince; it was none other than Chaim Weizmann, the Zionist leader so honored by all Zionists that he was soon to be chosen as the first President of Israel (Chaim Weizmann, *The Right to Survive*, published in 1946 by the Jewish Agency for Palestine, London, p. 4).

It should not, heaven forbid, be assumed that these Zionist leaders believe that it is necessarily Jewish vices that provoke non-Jews to persecution of Jews. No, it can be Jewish virtues that cause anti-Semitism, as was boldly stated in 1907 by the Federation of American Zionists when

they declared that "most of the trouble caused by Jews is traceable to Jewish virtues, as when for instance the Jew successfully competes with the people around him, outstrips them and thus evokes their passionate jealousy." (*Zionism: A Jewish Statement to the Christian World*, New York, p. 6, italics added.)

At any rate, whether it be Jewish vices or Jewish virtues, what stands out is the simple fact that Zionist theory of the cause of anti-Semitism is—"tautological," as Weizmann put it, that is, needlessly repetitive: Jews cause anti-Semitism!

## Whom Does the Theory Serve?

Shocking? Hair-raising? Incredible? Shocking and hair-raising, yes—but not incredible, because the theory that the Jews themselves cause anti-Semitism is perfectly consistent with the *bourgeois* nature of Zionist theory and leadership. In whose interest is it to declare that Jews cause anti-Semitism? In the interest of the Jewish workers and Jewish masses that bear the brunt of anti-Semitism and want to fight against anti-Semitism? How can Jews fight anti-Semitism if they are themselves the cause of it?

Such a theory serves primarily the interests of the ruling class that is itself using anti-Semitism to confuse the discontented masses as to the fact that the miseries that cause the discontent are produced by that ruling class. The ruling class is in fact quite happy to have bourgeois-nationalist Jews come along to tell the world that it is Jews who cause anti-Semitism. Why, can there be a better answer to the parties of the working class and the Marxists who have been proving that anti-Semitism is an instrument cunningly used by ruling capitalist classes to divert the attention of the masses away from them? Why does the ruling class have to answer the scientific idea that the ruling class is the cause of anti-Semitism? Let the Zionist Jews provide that crushing rejoinder, that it is not the ruling class but the Jews who provoke anti-Semitism.

If in earlier articles (see JEWISH LIFE, March-June) we have shown that the *bourgeois* character of Zionist theory and leadership can be perceived from an analysis of Zionist strategy of alliance with imperialism, and from the Zionist Israel government's chauvinistic treatment of Arabs and of dark-skinned Jews, the reader can now round out his thought by adding to it the Zionist *bourgeois* theory of the



cause of anti-Semitism.

Now this theory of anti-Semitism is fundamental to Zionist practice. Based upon it is the entire concept of the "ingathering of the exiles," which is a cardinal point in Zionist theory. The connection is simple. If Jews cause non-Jews to become anti-Semitic, then the only way to prevent anti-Semitism is to take Jews out of contact with non-Jews. Therefore we must separate the Jews from the non-Jews, we must organize the migration of all Jews from the lands in which they live in contact with—and therefore, according to Zionist theory, in conflict with—non-Jews. We must concentrate all the Jews in their own territory, where they will at last be safe from the anti-Semitism which they have been causing. That is the logic of this madness of a theory that it is the Jews who are responsible for anti-Semitism.

Opponents of the Zionist theory and leadership within the ranks of the working class have always pointed out that one aim and one result of the Zionist theory was to divert the Jewish workers and Jewish masses away from the struggle against anti-Semitism and the oppressive ruling classes in the countries in which they live. How does this follow, in theory and in practice? The little cartoon on this page is a recent example of the way Zionist theory and practice work in this respect.

### ***Walking Past Discrimination***

This is a cartoon from a promotion folder of six pages recently issued by the Education Department of the Zionist Organization of America in order to win members. The title of the folder is: "Well . . . what does *Zionism* mean to

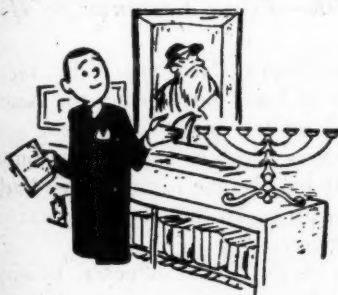
the American Jew *Now*?" The "now" refers to the period shortly after the establishment of the State of Israel.

Well, now that there is a State of Israel, what is the American Jew supposed to do under the influence of Zionism, when he confronts the situation shown in this cartoon: a hotel marked "restricted"? Is the Jew shown going into the hotel, up to the manager's office, pounding on the desk and saying, "Now, look here, you cannot do this to us Jews any more. We will not stand for it. In the first place, there are state laws against discrimination in public accommodations. I am proud I am a Jew, I am proud of the State of Israel. Therefore I will no longer tolerate such restrictions. I will have the law on you and force you to end this anti-Semitic practice. Etc., etc."

That would be a legitimate and constructive application of one's "pride in Israel" to the practice of anti-Semitism: to use it to fight anti-Semitism here and now. And every effort needs to be made by progressive people to help Zionist or Zionist-influenced Jews to draw such conclusions and to get into the fight against anti-Semitism. But to the extent that these Zionist-influenced persons do so, they will be contradicting the theory of Zionism. For on that cartoon, the Jew is shown, his chest high with pride, *walking past* the restricted hotel disdainfully, as if to say, "Who cares if I am restricted in residence, kept out of certain jobs, faced with the quota-system in professional schools, and all that! Who cares, now that there is the State of Israel, now that I am not 'ashamed of being Jewish'!" (This last phrase accompanied the preceding cartoon in this folder.)

Does not the reflection we have put into the mouth of this Zionist Jew walking past the restricted hotel describe

candles seem to transform our home. Shabbos has a meaning which is hard to explain.



me you come over I'll show you my books, and Bezalel Mezuzah and the etchings by a Palestinian. We're proud of the atmosphere in our home warm, Jewishly. Yet I remember that I began to beauty and richness only after I realized that means reconstruction of our own Jewish lives

went through that stage—but that's because they didn't realize how rich and profound our Jewish civilization is.



I won't say that Zionism solves all our problems, even anti-Semitism in this country, or that it ever will. Zionism probably won't convince the anti-Semites, but I certainly have learned a lot. It's hard to put it into words but I feel a good deal more secure and content since Zionism came into my life.

*Avoidance of the struggle against anti-Semitism and discrimination is taught in this cartoon in a folder issued by the Education Department of the Zionist Organization of America.*

his thought at least as well as the Zionist text accompanying the cartoon itself: "I won't say that Zionism solves all our problems, even anti-Semitism in this country, or that it ever will. . . . It's hard to put it into words but I feel a good deal more secure and content since Zionism came into my life." Apparently before Zionism came into his life, he was not so secure and content when he passed a restricted hotel or was excluded from medical school or failed to get a job for no "good" reason. But now he feels "a good deal more secure and content" with what—with restricted hotels and anti-Semitism?

It it should occur to you to ask why the Zionist folder did not show this Jew fighting anti-Semitism, we would remind you that it is Zionist theory that Jews *cause* anti-Semitism, so how can they fight it, except by separating themselves from contact with non-Jews by going to Israel? And if, like the majority of American Jews and even American Zionists, he has no desire or intention to go to Israel (except as a tourist perhaps), then the best thing to do about existing anti-Semitism is—to ignore it. But in whose interest is it to ignore and to turn away from fighting anti-Semitism?

### Herzl's "Favorite Argument"

The Zionist leadership actively discourages the fight for equality for Jews. Recently the Anti-Defamation League of B'nai B'rith reported that only 28 per cent of 809 hotels and real estate agencies in Florida accepted Jewish patrons. The Zionist reaction to this disclosure was expressed by Dr. S. Margoshes, one of the chiefs of the Public Relations Department of the Zionist Organization of America. In his English column of May 19, 1953 in the Zionist daily, *The Day-Jewish Morning Journal*, Dr. Margoshes praised the report but added: "If you ask me what should be done about it, I would say, that nothing, or practically nothing should be done about it. Most certainly we should not use the law to force ourselves upon the hostilities that do not want us as paying customers."

Thus Zionist theory and practice today—and thus yesterday. It was a conscious aim of Zionism to divert the Jewish masses from the struggle against reaction in alliance with non-Jewish masses oppressed by reaction. Herzl, as he went shopping from ruling class to ruling class begging for an alliance of the Zionist movement and some imperialist power, constantly argued that Zionism would prevent the Jews from fighting these reactionary regimes. Herzl's biographer, Alex Bein, describing Herzl's interview with the German Kaiser and his foreign minister, Count Bernhard von Bülow, on October 17, 1898, reports this: when "Bülow parried by speaking of the ingratitude of the Jews; the House of Hohenzollern had always been gracious toward them, and now they were joining the revolutionary party." Bein continues: "This gave Herzl his opening for his favorite argument, that Zionism would dissolve the revolutionary parties in the Jewish people." (*Theodor Herzl, A Biography*, Jewish Publication Society

of America, Philadelphia, 1943, pp. 294-295, italics added.)

Nor was Herzl alone in this respect. Candid historians of the Zionist movement speak openly of this diversionary role. A leading Polish Zionist, one recently a cabinet minister in Israel, Yitzhok Gruenbaum, puts it this way in his *History of Zionism*: "At first the Russian Government favored the growth and expansion of the Zionist movement, for it imbued Jewish youth and the Jewish masses with an ideal which could be achieved only outside Russia and which was even calculated to induce them to leave the country. By so doing, Zionism distracted the attention of the Jews from the struggle against the Czarist regime and from interest in Russia and Russian conditions. In order that the authorities might observe the changing trends in Zionism, permission was given to the Russian Zionists to hold a meeting representatives of their movement in Minsk. This was in line with a policy adopted by the Ministry of the Interior which aimed at persuading the workers and other popular movements not to engage in subversive activity and to induce them to acquiesce in the existing regime. As Zionism came under this category the Ministry of the Interior offered no objection to the convening of the meeting." (Part II, Jerusalem, 1943, pp. 66-67.)

Is it any wonder that those who wanted to fight against tsarism fought, and had to fight, against Zionist influence upon the Jewish people? Or that today, in our country, the followers of Zionist theory have to be won over for the active resistance to anti-Semitism here?

But this Zionist attitude to anti-Semitism did more than divert the Jews from the struggle against it. In the face of ever-growing anti-Semitism in the semi-feudal and capitalist countries of Eastern Europe, Zionism psychologically paralyzed the Jews it influenced and perverted their whole way of looking at problems in general and the Jewish problem in particular.

### Bialik—From Kishinev to Hitler

Consider a poet like Hayyim Nachman Bialik, the outstanding national poet of Israel today. After the Kishinev pogrom of 1903, Bialik wrote a magnificent poem, a militant poem, in the course of which he bewailed not only the victims of the butchery but also the fact that Jews had not taken to arms to fight back. To this day this poem is famous in Yiddish literature.

Then Bialik comes under Zionist influence, becomes a Zionist—and loses his bearings. So much so that, in an interview published in the Orthodox and Zionist Yiddish daily, the *Jewish Morning Journal*, on December 3, 1933, Bialik could pronounce the monstrous judgment: "Hitler's role will be evaluated in our history not only on its negative side. . . . Our history will have more than one good word for Hitler, who was sent by God to pull us out of our spiritual decadence and rescue us from the great danger of degradation which was to be our fate in an ugly way. . . . That is why Hitlerism is in the last analysis a



blessing for our people, while Bolshevism is a curse."

Again there is a method in this madness, uttered some nine months after Hitler's seizure of power, when bearded Jews were already being made to scrub cobblestones to the boisterous laughter—and violence—of the stormtroopers. The method is this: Hitlerism, by its murderous persecution of the Jews, was driving them in all directions, many to—Palestine. The immigration figures into Palestine bear Bialik out:

1927: 2,713	1932: 9,553
1928: 2,178	1933: 30,327
1929: 5,249	1934: 42,359
1930: 4,944	1935: 61,854
1931: 4,075	

But in what psychological state must one be to speak of Hitlerism as a "blessing"? Of course, it is not a blessing to the superficial view. No, it is a blessing only "in the last analysis," to the deep thinker.

Are we exaggerating a perhaps casual and thoughtless remark of, after all, a poet? Would it were so; then the harm that has come to the Jewish masses from this Zionist theory would be so much less. For how could one fight Hitlerism or any anti-Semitism with such attitudes, bubbling over into such commentaries? Yet it is not so, for this is standard Zionist theory. Take a soberer, less declamatory example than Bialik's, an article by an Israeli writer, Eliahu Ben-Horin, published in *The New Palestine*, official organ of the Zionist Organization of America, on the occasion of the first anniversary of the State of Israel, May 12, 1949. The article is entitled "Israel: Remedy for Anti-Semitism," and is worth extensive quotation and commentary.

### "The Strange Partnership"

First, Eliahu Ben-Horin notes "a very strange partnership" between "the wish of the anti-Semites and the age-old dream of the Jews." He acknowledges that "it is difficult to conceive of an anti-Semite and a Jew striving towards the same goal, of those mortal enemies, anti-Semitism and Jewish nationalism, helping each other." But Ben-Horin is ready to face the fact of "the close interdependence between Jew-hatred in the world and the movement for Jewish national renaissance in Palestine."

Then Ben-Horin proceeds to list the mighty agents of this interdependence: "Purishkevitch and the 'Black Hundred' [pogrom gangs] in Russia, Cuza and the 'Iron Guard' in Rumania, Grabski and the Endeks [anti-Semitic National Democratic Party] in Poland, Hitler and the SS in Germany, Malan and the National Party in South Africa, Amin el Hussein and the Pan-Islamists in the Middle East, together with their counterparts in many lands—have all served to propel Jews towards the shores of Palestine and into the arms of Zionist ideology."

So, there is Bialik's "Hitlerism . . . is a blessing" in an elaborate and prosaic form! Here indeed is a pantheon of those fierce gods that drove Jews to Palestine! One

might also comment that Hitler's driven Jews may have gotten to Palestine—but that did not necessarily make them Zionists, as the growing number of anti-Zionist Jews in Israel testifies.

But Ben-Horin is undaunted. He persists that "the whip of anti-Semitism helped, without doubt, to speed up the process of the 'Zionification' of Jewry." And then, to bless this whole way of thinking, he wheels out the clinching biblical quotation: "Thus, in Samson's phrase, 'out of the strong came forth sweetness. . . .'"

With such an attitude to anti-Semitism, could the Zionist movement have fought Hitlerism or before that the pogrom organizers in tsarist Russia? How could Zionists resist the force that "strangely" propels Jews "into the arms of Zionist ideology?" Does not Ben-Horin seem to be smacking his lips in satisfaction at the idea that, if Zionists did not win Jews to Zionism, at least the Hitlers drove them to Zionism? "Out of the strong came forth sweetness. . . ."

Ben-Horin is aware that what he is saying is strong stuff. He expects his Zionist readers to agree to the general truth of his "analysis" but he also knows that "many Zionists, however, would probably deny that they themselves were prodded by anti-Semitism." And Ben-Horin turns to these finicky deviators and exceptionalists to *insist* that "even the most confirmed and enthusiastic Zionists, even those who have grown up in Zionist homes and considered themselves firm believers in a Jewish Palestine since early childhood, have been 'helped along' in their Zionism by anti-Semitism."

### "Remedy for Anti-Semitism"?

But Ben-Horin's article was entitled "Israel: Remedy for Anti-Semitism." What about that? Ben-Horin ends on this point. "Jewish minorities," he writes, "are no longer as defenseless as they were in the past. Whatever prestige and influence Israel will possess, would be available for the defense of Jewish rights. Anti-Semitic governments may be mindful of complications on the international scene if they allow Jew-hatred to blossom in their domains."

Well, let's see: is Malan "mindful of complications" that mighty Israel will cause him? Is Adenauer, in whose "domains" surely all agree that anti-Semitism is allowed "to blossom," is he "mindful of complications"—that is, any complications he cannot settle by his money-pact with Ben Gurion? If feudal and capitalist ruling classes need to use anti-Semitism or to encourage it to "blossom" in their countries in order to divert the discontented masses from their true enemies—are such ruling classes going to be deterred by the fear of that great world-power, the State of Israel? Is this not a touch of megalomania?

Ben-Horin goes on: "The very fact of Israel's existence on God's earth is bound not only to discourage anti-Semites but also to encourage the Jews greatly." It is now four years since this article was published; would anyone state that in these four years anti-Semitism has



declined, say in our own country? And if the Jews have been encouraged greatly by the establishment of Israel, what have they been encouraged to *do*? To fight anti-Semitism? Not if they followed Zionist theory.

"A Jew in Brooklyn or in Buenos Aires," Ben-Horin continues, "reading at breakfast a dispatch about the session of the Israel Parliament instead of a gruesome story about the latest anti-Semitic outbreak, will find it a refreshing change." True, although if that Israel Parliament were acting to tie Israel ever more closely to United States strategic war plans in the Middle East, the Jew in Brooklyn or Buenos Aires might well have something to worry about. Or suppose our Brooklyn Jew were that morning to read something heartening coming from the Israel Parliament *and also* news about an anti-Semitic attack, say, in Queens, or Miami, or Los Angeles or even Brooklyn—what would our Jew do after finishing his breakfast? Would he get busy organizing some activity to punish the anti-Semites and curb their attacks? Not if he knows his Zionist theory!

Then Ben-Horin turns to other exhilarating new relations, such as the historic breakfast that Truman arranged for Weizmann, at which, if you remember the newspaper reports, Truman revealed his mastery of the Jewish question by having the White House baker provide Weizmann with—bagels. What international complications might have followed if the President of Israel had not been a Polish born Jew to whom bagels are familiar but, possibly, a Yemenite Jew unaware of the belief that the bagel is the Jewish national breakfast food—it is difficult to contemplate. But, mounting to his climax, Ben-Horin writes: "Reports about President Truman entertaining President Weizmann, or about the flag of Israel flying over Blair House [the official guesthouse and temporary White House in Washington] or at Flushing Meadows [original United Nations site] are a new source of pride for Jews everywhere."

Pride again? Very well! But what will this pride lead to? One could be proud of the peace forces in Israel that signed, to the number of 402,000, the petition opposing the rearmament of Germany and calling for a five-power peace pact that would keep the Middle East and Europe and the world out of war. And pride in these anti-imperialist, progressive forces in Israel might lead American Jews to similar activity here. But what will this pride that Ben-Horin speaks of lead to? He tells us: "They [these reports] give the Jews the *feeling* of normalcy and equality" (*italics added*).

### ***Feeling Vs. Reality***

Not, observe, normalcy and equality, but the *feeling* of normalcy and equality. Normalcy and equality themselves can be won by the Jews in our country only by fighting for equality, by organizing the Jewish masses and allies from progressive elements in the working class and the Negro people and the immigrant groups for the struggle

against anti-Semitism and racism. A pride that would stimulate the fight against anti-Semitism would be welcome and useful and in the interests of the Jewish masses.

But it is not such a pride that the Zionist theoretician Ben-Horin is seeking to develop in his readers. His is the "pride" that gives Jews the *feeling* of equality—without equality. In the case of individuals, we should be properly alarmed if a person had feelings about something that was not there. What is a person whose *feelings* do not correspond to *reality*? And what will happen to the Jews of our country if Zionism succeeds in making them *feel* equal when in fact anti-Semitism prevents them from *being* equal? In this article of Ben Horin's, as in the case of the cartoon in the promotion folder and in a million other cases, the effect of Zionist propaganda is to lead Jews to ignore the anti-Semitism that faces them, to divert the Jews from the struggle against it. It is in the interest of the American monopoly capitalist ruling circles and the Jewish plutocracy to cause this diversion but the diversion is harmful to the Jewish people.

Zionist theory of anti-Semitism, like Zionist theory in other aspects already treated, is dangerous to the Jews because it is a *bourgeois*-nationalist theory. The idea that the Jews are the cause of anti-Semitism, that non-Jews in contact with Jews inevitably become anti-Semitic and that anti-Semitism is therefore eternal and unconquerable except by separating the Jews from non-Jews—this theory cannot help the Jewish people solve the Jewish question in our country or any other country.

Many Zionists, it is true, are unaware of this theory as a theory, although they know well that Zionist organizations do not participate in the fight against anti-Semitism. Yet among the membership and supporters of the Zionist movement there is deep concern about the growth of anti-Semitism here and great uneasiness. To help such Zionists become active in the struggle against anti-Semitism is to strengthen that fight. If it incidentally confronts the individual Zionist with the contradiction between his participation in the fight against anti-Semitism on the one hand, and the theory and will of the Zionist leadership on the other hand, then the Zionist will have to resolve *that* contradiction as best he can. With the aid of progressive Jews, he might even in time begin to re-examine his whole relationship to the body of Zionist theory, the general direction of the Zionist leadership and to the Zionist movement as a whole. Certainly it is no help to the people of the State of Israel to ignore anti-Semitism at home and to be diverted from the fight against American reaction.

### ***Resumption of USSR-Israel Relations***

AS THIS issue went to press, news was received on July 21 that diplomatic relations between the Soviet Union and Israel had been resumed. We welcome this development as a contribution to peace.

# *Legacy of the Rosenbergs*



*Ethel Rosenberg*



*Julius Rosenberg*

## **I: THE LAST LETTERS**

June 18, 1953.

**D**EAR Manny [Emanuel H. Bloch, Rosenberg attorney],

I have drawn up a last will and testament so that there can be no question about the fact that I want you to handle all our affairs and be responsible for the children, as in fact you have been doing. Ethel completely concurs in this request and is in her own hand attesting to it.

Our children are the apple of our eyes, our pride and most precious fortune. Love them with all your heart and

always protect them in order that they grow up to be normal healthy people. That you will do this I am sure but as their proud father I take the prerogative to ask it of you, my dearest friend, and devoted brother. I love my sons most profoundly.

I am not much at saying good-byes, because I believe that good accomplishments live on forever but this I can say—my love of life has never been so strong because I've seen how beautiful the future can be. Since I feel that we in some small measure have contributed our share in this

AUGUST, 1953

direction, I think my sons and millions of others will have benefited by it.

Words fail me when I attempt to tell of the nobility and grandeur of my life's companion, my sweet and devoted wife. Ours is a great love and a wonderful relationship—it has made my life full and rich.

My aged and ailing mother has been a source of great comfort and we always shared a mutual love and devotion. Indeed she has been selfless in her efforts on our behalf. My sister and my brother have supported us from the start and were behind us 100 per cent and worked on our behalf. We can truthfully say that my family gave us sustenance in the time of our great trials.

You, Manny are not only considered as one of my family but are our extra special friend. The bond of brotherhood and love between us was forged in the struggle for life and all that it means and it is a source of great strength to us. Be strong for us, beloved friend, and we wish you long life to continue your fruitful work in health and happiness for without doubt you are a fine man, dear friend and sincere advocate of the people. I salute you and caress you affectionately with all my heart.

*Never let them change the truth of our innocence.*

For peace, bread and roses, in simple dignity we face the executioner with courage, confidence and perspective, never losing faith.

As ever—JULIE

P.S.: All my personal effects are in 3 cartons and you can get them from the Warden.

All my love—JULIE



*The Rosenberg children: Michael, aged 10, Robert, aged 6.*

June 19th, Ethel wants it made known that we are the first victims of American Fascism.

ETHEL & JULIE

June 19, 1953

June 19, 1953.

## DEAREST MANNY:

The following letter is to be delivered to my children. Dearest Sweethearts, my most precious children:

Only this morning it looked like we might be together again after all. Now that this cannot be, I want so much for you to know all that I have come to know. Unfortunately, I may write only a few simple words! The rest of your own lives must teach you, even as mine taught me.

At first, of course, you will grieve bitterly for us, but you will not grieve alone. That is our consolation and it must eventually be yours.

Eventually, too, you must come to believe that life is worth the living. Be comforted, that even now, with the end of ours slowly approaching, that we know this with a conviction that defeats the executioner.

Your lives must teach you too that good cannot really flourish in the midst of evil; that freedom and all the things that go to make up a truly satisfying and worthwhile life must sometimes be purchased very dearly. Be comforted, then, that we were serene and understood with the deepest kind of understanding, that civilization had not as yet progressed to the point where life did not have to be lost for the sake of life; and that we were comforted in the sure knowledge that others would carry on after us.

We wish we might have had the tremendous joy and gratification of living our lives out with you. Your Daddy who is with me in the last momentous hours sends his heart and all the love that is in it for his dearest boys. Always remember that we were innocent and could not wrong our conscience.

We press you close and kiss you with all our strength.

Lovingly,

Daddy and Mommy

JULIE                      ETHEL

P.S.: to Manny: The Ten Commandments religious medal and chain—and my wedding ring—I wish to present to our children as a token of our undying love.

**"You can quote me. The judges of the future will look back at this case with great shame."**

—Michael Rosenberg, aged ten, to reporters on Friday, June 19.



# II: MEANING OF THE EXECUTION

*An evaluation of the significance of the murder of the Rosenbergs and perspectives in the continuing struggle*

## *An Editorial Article*

**A**T THE short distance of a month from the murder of Ethel and Julius Rosenberg the significance of that event for the American people takes shape. It has the broadest and deepest ramifications and affects the life of every American. Nor has the case ended with the death that the Rosenbergs met with a dignity and courage rare in the annals of mankind.

The ruthless actions of the government in the last weeks of the fight to save the Rosenbergs reveal much about the intentions and policy of the Eisenhower administration. Why did the government brush aside new evidence, evidence of perjury, of denial of credibility to Greenglass' testimony by atomic scientists like Dr. Harold Urey? Why the indecent haste into which the Supreme Court was pushed, a haste recorded in the remarkable dissents printed elsewhere in this issue? And why did President Eisenhower ignore the world demand, unprecedented since the Sacco-Vanzetti case, to grant clemency to the Rosenbergs, a demand attesting to the recognition by the peoples of the world of Washington's aggressive intentions?

The conclusion is inescapable that the government regarded the murder of the Rosenbergs to be necessary. By this hasty, cold-blooded murder, the Big Business government of Eisenhower served notice that it would let nothing stand in the way of striking fear into all opposition to the cold war, that the McCarthyite elements are trying to hasten the descent into fascism and that the government sought a diversion from the unpopularity of the Korean war. The flouting of millions of protesting voices at home and abroad signifies an advanced state of pro-fascist policy in the highest places and of a desperate stage of the "go it alone" policy in foreign affairs. For, as Alice Citron shows in her article in this issue, Europe was united against the execution and is more suspicious than ever of any "alliance" with Washington.

### ***Renewal of Mass Resistance Spirit***

While one main aim in murdering the Rosenbergs was to intensify McCarthyite fear among the people, that event in significant ways had exactly the opposite effect. The extraordinary courage of the Rosenbergs infused new spirit into thousands of Americans. The actions of the government in the last weeks of the struggle for clemency shocked many Americans into realization that desperate,

anti-democratic men indifferent to the people's welfare were at the helm and that only a last-ditch fight would save American democracy and the peace of the world. Many people stopped retreating and resolved to stand on the line and fight. The result is a revitalization of the struggle against McCarthyism in many sectors.

This renewal of the resistance spirit was inescapably present in the impressive mass actions in the last weeks of the campaign. It accounts for the greatest outpouring on any issue that Washington has seen for many decades, when 13,000 came on June 14 to demand clemency. That spirit pervaded the grim thousands who were closely pressed into 17th Street in New York as the minutes ticked by until the execution hour on the eve of the Sabbath on June 19. And it was evident in the tens of thousands who packed the streets surrounding the funeral home on June 21. Similar scenes were enacted in cities here and all over the world. In every heart was a determination to emulate the courage of the Rosenbergs in resisting the McCarthyite hysteria and war mania that they now knew to be responsible for the execution of the Rosenbergs.

### ***The Jewish Aspect***

Although the basic issues involved in this case were most emphatically the concern of the whole American people and of common people all over the world, the Jewish people of our country irresistibly felt that the case touched them quite particularly. That the case had a Jewish aspect was felt by the Jewish masses from the start and was indeed reflected in expressions to this effect in the entire Yiddish and some of the English-Jewish press from the outset. That press stated quite frankly that Judge Irving Kaufman had imposed the death sentence in order to appease the anti-Semites in a futile effort to gain immunity from anti-Semitism. Many Jews were impelled into the case by the justified feeling that the death sentence would never have been imposed, let alone carried out, if Jews had not been involved. This feeling was again reflected in the English-Jewish press after the execution, as reported in this issue.

The reactionary leadership of many major Jewish organizations played a shameful role in trying to hold back the tide of Jewish protest. Midway in the campaign the American Jewish Committee led in issuing blasts echoed

by the major Jewish organizations and in the press against any suggestions that anti-Semitism had operated in any way in the death sentence. Many Jews were intimidated into silence by this hush-hush tactic. But the mass sentiment among the Jews was too great to be suppressed. A number of columnists and editorial expressions appeared throughout the campaign in the English-Jewish press urging clemency, from Rabbi George E. Fox in the Chicago *Sentinel* to Samuel Gach, editor and publisher of the *California Jewish Voice*, to Rabbi Louis Gross of the Brooklyn *Jewish Examiner* and many others. Memberships of national organizations tried to break through the top leaders who were sitting on the lid of protest. Many rabbis throughout the land, including many eminent ones like Rabbi Abba Hillel Silver and Rabbi Joseph Fink, president of the Central Conference of American Rabbis, and rabbis in New York, Los Angeles, Boston and many other places came out for clemency. But above all, there was a great outpouring of Jewish rank and file sentiment for clemency, despite the official boycott.

### ***They Could Have Been Saved***

This pressure, both Jewish and non-Jewish, increased as the last weeks approached. A massive growth in strength of the clemency forces developed. The many thousands who crowded the unprecedented mass demonstrations that marked the last weeks were only a token of the shocked awareness that at last seized the people as to the grave implications of the case and the enormity of the injustice that impended. But even this proved too little and too late. The American people had not awakened to the danger in sufficient numbers to avert the execution. This would have been possible if our people at home had had as keen an awareness as, for instance, the French people. A measure of responsibility for this inadequacy rests with the labor and progressive movement. Even the most advanced elements, influenced by the "atom spy" hysteria, started too late and did too little.

JEWISH LIFE was among the first to recognize the true significance of the case and brought it to its readers in three articles beginning with November 1951. The effectiveness with which we raised the issue, including the Jewish aspect of the case, brought down upon us the unbridled denunciation of the Jewish oligarchy. Yet, JEWISH LIFE did not by any means do everything it could have done.

Most serious of all, however, was the pitifully small participation in the campaign of labor leaders and of the labor movement as a whole. Labor should have realized that the spy hysteria has as one of its main purposes the softening up of mass opinion in preparation for an attack on the labor movement. By its virtual silence the labor movement did injury to its own cause.

No estimate of the Rosenberg case up to now would be complete without recognition of the heroic battle put up by Emanuel H. Bloch, the Rosenbergs' attorney, or of the

tremendous, persistent and militant campaign conducted by the National Committee to Secure Justice in the Rosenberg Case. Great courage was demanded of both the attorney and the Committee to carry on under the prevailing hysterical atmosphere.

### ***The Case Is Not Ended***

It is obvious to everyone that the Rosenberg case is far from closed, as the government ruling oligarchy would like. The murder of the Rosenbergs did not resolve the many profound issues of which the case is a symptom. First, an unabating search after the truth in the case, leading to the eventual vindication of the Rosenbergs, is a debt which we owe to them as well as to ourselves. One of the immediately practical ways of doing this to ourselves is to concentrate on the case of Morton Sobell, whose case is an inextricable part of the Rosenberg affair. The attainment of the truth in this case will also be a strong blow against the cold war and a powerful reaffirmation of democracy. Not only the clearing of the name of the Rosenbergs but the clearing of our hate-poisoned, warlike atmosphere is an elementary obligation of all decent Americans.

The Rosenberg Committee has already undertaken its campaign to carry out the obligations left us by the Rosenbergs. The securing of the future of the Rosenberg children is among the first of the tasks to be accomplished and a Trust Fund is being established by the guardian of the children, attorney Emanuel H. Bloch (contributions for the children may be sent to Mr. Bloch, 401 Broadway, New York City). Of crucial importance is a campaign to obtain a new trial for Morton Sobell, co-defendant of the Rosenbergs who is now serving a 30-year sentence at Alcatraz (for the facts of the case, see this issue, pages 19-20) and against whom the evidence was even more flimsy than against the Rosenbergs. Support of the Rosenberg Committee or of any other group pursuing these objectives is mandatory on every American.

Most shocking to millions was the disclosure emerging from the last-minute legal efforts to save the Rosenbergs that the Supreme Court never read the record nor considered the merits of the case. This disgraceful situation certainly gives point to the proposal of the *St. Louis Post Dispatch* that legislation be passed making it mandatory upon the Supreme Court to review the record of all cases involving the death penalty. A campaign among the people to make this change in the rules of the highest court should be instituted.

The best payment of our debt to the Rosenbergs is to build upon the courage with which they inspired us, to resist McCarthyism and the menace of war until these mortal dangers to the American people are removed. The great gap in the fighting line that should be manned by the labor movement must be filled in without delay. And the greatest variety of forces of the most diverse political and social views must unite to achieve the common goal.

# III: THE CASE FOR MORTON SOBELL

*Scrutiny of the facts shows that justice demands a new trial for the co-defendant of the Rosenbergs and his transfer from Alcatraz*

*By Jacob Stein*

**A**FTER the execution of Ethel and Julius Rosenberg on June 19 Supreme Court Justice Felix Frankfurter stated that "the opportunity for adequate exercise of the judicial judgment was wanting" in the Rosenberg case.

The opportunity for judicial judgment, however, still exists for Morton Sobell, the third defendant in the Rosenberg case. Sobell is still alive, if you can call the living death of a 30-year sentence in Alcatraz being alive.

Sobell was tried along with the Rosenbergs on a charge not of espionage, but of "conspiracy to commit espionage." However, unlike the case of Ethel and Julius Rosenberg, trial Judge Irving Kaufman admitted that Morton Sobell was not involved in conspiring to steal atomic secrets but had some vague connection with "espionage." Sobell, who swears he is innocent, was convicted on the word of one man, Max Elitcher, who admitted at the trial that he had lied to the government and faced a five-year perjury indictment.

Judge Jerome B. Frank of the Circuit Court of Appeals believes that Sobell should have a new trial. In dissenting from his two colleagues' decision against granting an appeal to Sobell (see page 1666 of trial transcript) Judge Frank said: "The writer of this opinion disagrees. He thinks there was error, in this respect, which requires that Sobell be given a new trial."

The Philadelphia branch of the American Civil Liberties Union has called the conviction of Sobell an "unwarranted extension of the conspiracy concept."

## ***Facts of Sobell Case***

What are the facts in the case of Morton Sobell?

The urgent fight to save Ethel and Julius Rosenberg, with the ever-present deadlines to prevent the execution, necessarily did not afford time to devote to the Sobell case the attention it rightfully deserves. This is one of the reasons why the facts concerning Sobell's arrest and conviction are not widely known.

But this situation is due also to the vagueness of the case against Sobell itself. For the attempt to connect Sobell with the alleged espionage conspiracy is so oblique that it takes a tedious study of the trial transcript to try to find out what the prosecution was trying to prove against him. Sobell's name was not even linked to a single one of the overt acts charged in the alleged conspiracy.

Morton Sobell, who is 36 years old, is an engineer. He grew up in New York City, was graduated from the engineering school of the College of the City of New York, then worked in Washington from 1939 to 1941. He then studied for his Master's degree at the University of Michigan, then took a job in a defense plant. Sobell is married and has two children, a four-year-old son, Mark, and a 13-year-old daughter, Sydney.

The arrest came when Sobell and his family were on a vacation trip to Mexico. Sobell had asked his employer for a leave of absence. He had obtained visas for himself and his family from the Mexican consulate in New York City in the normal way. He bought round-trip tickets at American Airlines. He rented an apartment in Mexico City and received diaper services there charged to the "Sobell Baby" account. His possessions were listed with the United States Customs Office so that duty would not have to be paid upon return.

But the vacation suddenly turned into a nightmare. Sobell and his family were getting ready to come home. Records of health authorities show they had obtained the vaccination certificates needed to cross back to the United States. One night their apartment was invaded and Sobell was beaten and kidnaped by men who claimed they were Mexican police. The men refused to take him to the American Embassy. Instead, they rushed him to the border where F.B.I. agents were waiting to arrest him.

Prosecutor Irving Saypol admitted at the trial that the entire operation had been carried out by the F.B.I. The abduction was a flagrant violation of extradition laws. Sobell was deprived of a chance to return voluntarily and the F.B.I. had thereby created the false impression that Sobell was a fugitive.

Sobell was arrested on the basis of charges that he had five conversations with Julius Rosenberg. He was asked to "cooperate" by the F.B.I. When he did not "cooperate," he was indicted by having his name added to the conspiracy indictment of Ethel and Julius Rosenberg. *But this indictment did not take place until 53 days after he had been in prison under pressure to "cooperate."* There was no word in the indictment which revealed to Sobell or his attorneys the specific acts he was charged with committing. The eleven overt acts listed in the indictment contain *no mention of Sobell.*

The "Bill of Particulars" which was finally won from





Morton Sobell

the prosecutor only revealed the date upon which the conspiracy was alleged to have begun and the fact that the five conversations which were the basis for Sobell's arrest were to be proved at the trial. *They never were.*

The only witness who attempted to link Sobell to the conspiracy was Max Elitcher. Judge Kaufman said in his summation (see court record, page 1560): "If you do not believe the testimony of Max Elitcher as it pertains to Sobell, then you must acquit the defendant Sobell."

Dr. Harold Urey, atomic scientist who made a careful study of the trial transcript, has said that "Max Elitcher's testimony is of doubtful value."

Elitcher told a story about a night ride with Sobell and claimed that Sobell had a container of material which was never identified. Elitcher mentioned Elizabeth Bentley, confessed spy and professional witness. Bentley admitted she did not know Morton Sobell and never had any dealings with him.

*Elitcher admitted on the stand that Sobell had been in prison over four months before Elitcher ever told the F.B.I. this story about the ride.*

Elitcher also admitted on the stand that he had been guilty of perjury in another instance and that he was "scared to death." He was liable to prosecution and sentence to five years in prison. But Elitcher never has been arrested or brought to trial. On the contrary, the F.B.I. has gone out of its way to help him find employment.

How could Sobell have been convicted on the testimony of Max Elitcher?

According to the conspiracy law *all of the crimes alleged against the Rosenbergs became part of the case against Sobell.* Furthermore, the trial was conducted in an atmosphere of fear and hysteria and was filled with references to communism and the atom bomb "secrets."

It is important to note that the attempt of the prosecution to brand Sobell as an atom spy was refuted by Judge

Kaufman. The United States solicitor general also admitted to the Supreme Court that this accusation was false. Kaufman said in passing sentence: "The evidence in this case did not point to any activity on your [Sobell's] part in connection with the atomic bomb."

### ***An Excessive Sentence***

The 30-year sentence against Sobell was completely out of line with the sentences passed on others involved in similar cases prosecuted under the same law invoked in the Rosenberg-Sobell case. Take the following examples: John S. Farnsworth, 4-12 years; Mikhail N. Gorin, six years; Hans H. Gros, ten years; Frances Gros, one and a half years; Frank Grote, 15 years; Kurt Molzahn, ten years; Hafis Salich, four years; Frederick W. Thomas, 16 years.

Not only did Kaufman sentence Sobell to 30 years, but he also recommended *that there be no parole*, a recommendation that the judge does not usually make until he is asked by the parole board. Judge Kaufman himself realized that the step he was taking was unusual when he said that the recommendation "may be gratuitous on my part."

Why such a sentence against Sobell? Perhaps some indication of the reason can be found in the following statement by Judge Kaufman (see page 1613 of the trial transcript): "It is so difficult to make people realize that this country is engaged in a life and death struggle with a completely different system."

Here is a statement by the trial judge indicating that a political necessity, which had no relation to the trial itself, was playing a role in the passing of sentence.

While Sobell's appeals from the conviction and sentence were still pending, Sobell was moved 3,000 miles away from his wife Helen and two children, from his mother and ailing father, to Alcatraz, the prison for hardened criminals. What kind of prisoners are customarily sent to Alcatraz, known as "The Rock"? An article in the *Saturday Review of Literature* on September 10, 1949, reviewing a book on Alcatraz written by Warden James A. Johnston, said: "One or more of three criteria is used in the selection of prisoners for confinement in Alcatraz Island Prison—the number and violence of previous crimes, the number of escapes from prisons, and the extent to which the criminal is a trouble-maker."

None of these conditions applies to Morton Sobell. He has never before been convicted of any other crime, particularly one involving violence, he has no record of "escapes from prisons," and, far from being a "trouble-maker," he is a well-behaved prisoner.

### ***Get Sobell Out of Alcatraz!***

Children are not permitted to visit at Alcatraz, as they are at the federal prison in Atlanta, for example. A wife and husband may not embrace each other at Alcatraz, as

they are permitted to do at the beginning and end of each visiting period at other prisons. At Alcatraz they are not even permitted to sit in the same room but must look at each other through a small glass window and speak to each other through telephones.

People throughout the United States and throughout the world who were appalled at the injustice in the Rosenberg case must now fight to see that Morton Sobell gets the full measure of justice that the Rosenbergs never had. The doubts raised in the case by the dissenting opinions of Justices Hugo L. Black, William O. Douglas and Felix Frankfurter now make more urgent than ever the need for Morton Sobell to have his day in court.

Justice demands that the man sentenced to the living death of 30 years in Alcatraz on the word of a perjurer receive the new trial that Judge Jerome Frank of the United States Court of Appeals is convinced he should have. The new trial must be one dealing with facts and not a trial marked by hysteria. Meanwhile, as all the facts in the case are being uncovered, Sobell should be moved from the inhumane conditions at Alcatraz so that his two children may visit him.

People everywhere can help by writing to Attorney General Herbert Brownell asking him not to oppose a new trial for Morton Sobell and asking that he have Sobell removed from Alcatraz pending outcome of the case.

## IV: "WE'D RATHER DIE THAN LIE!"

*A hitherto unpublished letter from Ethel Rosenberg describes the visit of James V. Bennett offering to spare their lives in return for "talking"*

June 8, 1953

**D**EAR Manny [Emanuel H. Bloch, Rosenbergs' attorney]:

The lame attempts of the Justice Department to "brainwash" the public on an issue that had been the main burden of a sickening refrain for over two long years, brings to mind Iago's cynical assertion that "Bravery's plain face is never seen till used!"

As you may recall, on Tuesday of June 2nd (always hereafter to be remembered as "Deal Day"), Mr. James V. Bennett, Federal Director of Prisons, paid us a "routine" visit at Sing Sing and we wired you at once concerning same. To fully comprehend the true significance of this incident it is necessary to examine a number of salient factors.

Ever since the imposition upon us of a manifestly savage and vengeful sentence we have been periodically advised via newspaper, radio and television, that the opportunity to save ourselves rested upon our willingness to "cooperate" with the government and "confess" our "guilt." Often, these unofficial "invitations" to "talk" had risen in pitch and intensity to such an extraordinarily well-timed and collective clamor, as would have indicated a definite purpose on the part of the government. Indeed, hot upon the heels of the Supreme Court's latest refusal to review, it was deliberately and falsely reported that an offer had been made us; and when you, as our counsel, roundly and publicly denounced this "news item" as an unethical fabrication, the government was forced to show its hand.

Subsequent events bear me out, to wit: After Judge Kaufman had, with his usual indelicate haste, fixed the

week of June 16 for our joint execution, two U.S. marshals, in the presence of the warden, personally served me with official notification papers, setting aside June 18 (our 14th wedding anniversary, incidentally) for the grand event. That was Monday, June 1st. The very next day, just as I was sitting down to lunch, Mr. Bennett entered the Women's wing of the Death House and announced himself. Contrary to all established practice, he was alone with me, the principal keeper and the matron having discreetly stationed themselves at the outer barred gate to the corridor and the warden, who invariably escorts official visitors through the prison, conspicuously absent.

HE CAME RIGHT TO THE POINT. ATTORNEY GENERAL HERBERT Brownell, Jr. had directed him to inform me that he could make available to me any official to whom I might care to divulge espionage information I had hitherto withheld. If I cooperated in this fashion, the government stood ready to invalidate the death penalty. He had been visiting with Julie for an hour—since my husband's personal visit with me had ended at 11:00 A.M., as a matter of fact—and now he was anxious to get my viewpoint.

I made it short and sweet. I was innocent, my husband was innocent, and neither of us knew anything about espionage. And if the attorney general were to send a highly placed authority to see me, I should simply reiterate what I had just stated and urge that clemency be recommended to remedy a shocking situation.

Gently Mr. Bennett prodded me to "cooperate." "Surely you must know something," he coaxed. I picked him up quickly. "Well, now, how could I when I did not participate in any way. In order to cooperate as you desire, I should have to deliberately concoct a pack of lies and bear



false witness against unoffending individuals. Is that what the authorities want me to do—to lie?" He was properly horrified. "Oh, dear, no, of course we don't want you to lie. But now take a family, for example. One member might not be actively engaged in certain activities, but still have knowledge concerning another member's activities." I was exceedingly polite but firm. "The fact still remains that I don't know any more than I knew during the trial. I told the full and complete truth then and I don't intend to start lying now." He tried another tack. "I am a perfectly honest individual myself, yet my experience in these matters has shown me that for one reason or another, a person will sometimes plead innocent, knowing full well that he is guilty. Wouldn't you agree with that?" "I will be just as frank," I replied evenly, "and grant you that there have been such instances. Nevertheless, I couldn't possibly concern myself as to the motives involved in such cases. I do, however, know my own mind and heart, and I tell you in all conscience that I continue to maintain my innocence for the sole reason that I am simply not guilty of the charge."

"Well, the government claims to have in its possession documents and statements that would dispute that, so if only you were willing to cooperate, there might be a basis for commutation."

I remained entirely unimpressed. "To begin with, I couldn't possibly know nor do I care what they have or don't have. Whatever it might be, it has nothing to do with me. Besides, if what they have is so damaging, why do they need me to confirm it at this late stage? If you are persuading me to confess to activities concerning which I have solemnly sworn I have no knowledge, on the basis of evidence with which I was never confronted in court, then obviously the validity of this evidence must be strongly questioned, if it in fact exists at all. I will tell you this very bluntly. The most powerful government on earth has sent its representative to approach two insignificant little people with a disgraceful proposition, because it is fully aware that the convictions were illegally procured, the sentences vindictive. And rather than risk exposing their participation in a rotten frame-up, and with a double execution they are anxious not to carry out only days away, they have the effrontery to try to forcibly wring from us a false confession, by dangling our lives before us like bait before hapless fish! Pay the price we demand, or forfeit your lives, is that the idea?"

AT THIS JUNCTURE MR. BENNETT HASTENED TO STEM THE RISING tide of my indignation. "Come, come, I have not said anything of the sort, you are misinterpreting me." "On the contrary," I retorted, not without asperity, "I have understood you far too well. Of course, you are not quite so cold-blooded, but I have interpreted to you, and correctly, the government's intent. So here is our answer. We will not be intimidated by the threat of electrocution into saving their horrible faces, nor will we encourage the growing use of undemocratic police state methods by accepting a shabby,

contemptible little deal in lieu of the justice that is due us as citizens. That is for Hitler Germany, not for the land of liberty. A truly great, truly honorable nation has the obligation to redress grievances, not to demand tribute of those who have been wronged, for grudgingly sparing their lives—lives that should never have been placed in jeopardy at all!"

"But we are trying to help you by seeking your cooperation," he pleaded, beginning to flounder in earnest now. Somehow, he was not managing things as he had doubtless intended and the mask of nonchalant authority was beginning to slip, revealing his very real discomfiture.

"Say what you will," I declared unmoved, "camouflage it, glamorize it, whitewash it in any way you choose, but this is coercion, this is pressure, this is torture." Here I pointed to the clock that was cheerfully ticking away my life. "Let me say to you in all sobriety, you will come to me at ten minutes of 11:00 P.M. on Thursday, June 18, and the fact of my innocence will not have changed in the slightest."

Mr. Bennett gazed at me with a look in which utter disbelief and sheepish admiration vied equally. It said so plainly, "She must be crazy to reject life when it is there for the taking—ar-r—humph—for a price, of course. Nevertheless, one has to respect her stand."

I felt sorry for him; just another cog in a wheel, doing a lousy, thankless job. Wanting so desperately to convince me that he was impartial and finding it increasingly difficult to maintain an untenable position against an incredibly virile and dedicated honesty!

Throwing up his hands in despair, finally, he requested that Julie be brought in. For another half-hour he fairly entreated us to "cooperate," even promising to enlist the aid of his good friend, Gordon Dean, chairman of the Atomic Energy Commission. My husband was wonderfully poised and forthright. "How can America stoop to such tactics," he demanded, "and hope to command the continued respect and affection and support of our friends. It is simply unthinkable! Frankly, as one human being to another, can you offer me one reason that might possibly justify the unheard of barbarity of the sentence? And don't you feel at all called upon to recommend clemency to the attorney general as a matter of plain, ordinary decency and common sense? How can this nation afford to let such villainy go unchallenged, and be indelibly recorded to the everlasting shame of incoming generations! Wouldn't it be the better part of valor to grant Mr. Bloch the opportunity to prove our contention that the entire conduct of the case was marked by passion, prejudice and perjury? Just imagine! Even if it were true, and it is not, my wife is awaiting a horrible end for having typed a few notes! A heinous crime, 'worse than murder,' no doubt, and deserving of the supreme penalty, while the most atrocious and wanton killers known to civilization, the nazi war criminals, are being freed daily."

Mr. Bennett began to look a little distraught. "What you're saying is not germane. Please, if you would only



agree to cooperate, something could be worked out. There just won't be any other way"—(sic.) "Of course," I interjected, "a hearing based on new evidence is not germane; after all, we might actually be able to prove our claims. But it is germane for the government of a great nation to victimize two helpless people just because a world controversy has developed as to their guilt, and to tell them in effect, 'to knuckle under or die!'" . . .

"Oh, oh, there's been so much politics made of this case—too much—and it isn't germane. You say you have never hurt your country, you say you love your country, do you?"

As we vigorously assented, he said, "Well, then, cooper-

ate and give us the information we need, to enable us to recommend a commutation!" We stared at him, appalled; then Julie said slowly: "You see, Mr. Bennett, we love her so much, we will not permit her good name to be dishonored by entering into an immoral arrangement!"

He shrugged his shoulders wearily, explained to the warden that he was to expedite any messages we might care to send him and bade us good-bye. As he turned to go, I made a final plea. "Grant us our day in court, Mr. Bennett. Let us live that we may prove our innocence. That's the decent way, the American way!" . . .

More letters to follow—may your inspired efforts on our behalf, win a truly deserved victory—All my love—ETHEL.

## V: JEWISH PRESS COMMENTS

**D**ESPITE the attempt of the top Jewish leadership to keep the Jewish people quiet on the Rosenberg case, many Jews did speak out. The execution of the Rosenbergs produced a widespread revulsion in the Jewish community. Here are some reflections of this protest in the English-Jewish press.

Samuel B. Gach, editor and publisher of the *California Jewish Voice*, wrote on June 19: "Courage alone can sweep back the blackness enveloping this grand democracy. We knew that and had the intestinal fortitude to back up our convictions when we said, February 29, 1952, that cowardice motivated a little Jewish judge in the State of New York, named Irving R. Kaufman. . . . I hope Judge Kaufman still feels justice has been done. God help him, for he has done greater damage to his country and his people than the good he imagined would result from the unprecedented order to kill. . . ."

In the *Chicago Sentinel* (July 2), Dr. G. George Fox in his column "The Watch Tower," wrote: "A misdirection of justice, as grave as the one I believe was carried out in the case of the Rosenbergs, brings to mind serious thoughts. . . . I don't say that espionage should not be greatly penalized—I only plead that hysteria should not so far endanger our liberties that our sense of justice be crippled by fear and mercilessness."

In the Brooklyn *Jewish Examiner* (June 26), Albert Friedman in his article "Was a Major Issue Obscured in the Rosenberg Campaign?" wrote: "History may also have to render judgment on those who frivolously neglected to deal with the actual issues presented by this tragic case. Most Jewish organizations were too occupied deploring the leftist propaganda that surrounded it to study the record. . . ."

From the *American Hebrew* (New York, June 26): "In the perspective of history it will be seen that the handling of this case was not in accord with the lofty biblical ideals of humanitarianism, nor in keeping with the spirit of

Christian mercy, and it will be difficult to shed the conviction that the cause of democracy has not been served well."

In the *American Jewish World* (Minneapolis, June 25), an editorial further emphasized the uneasiness caused by the disgraceful haste of the Supreme Court by stating, "Neither does the hasty action of the United States Supreme Court in rejecting the new legal point . . . reflect credit on that august body." The doubts on the legality of the conviction shine through as well in a column by Leo Mindlin in the *Jewish Floridian* (Miami, June 26), who wrote: "It is reasonable to suspect that a subtle sort of psychological intimidation with the choice of a Jewish judge early added to the probability of a conviction apart from the testimony brought to bear on the Rosenbergs' guilt. But it remained for the Douglas opinion to bring to light concrete questions regarding the manner in which the couple was finally brought to justice. . . . Fear, alone, has sent us from the course of obeying the fullest measures of our judicial process in the Rosenberg case. . . ."

In the *New York Post*, read by hundreds of thousands of Jews in the metropolis, the reverberations caused by the murder of the Rosenbergs in the hearts of these thousands could not help but be expressed in the column by Max Lerner on June 28: "On the Question of the Damage They Did: While I consider their guilt proved, I am not convinced that they enabled the Russians to get the whole atomic secret, or even a very crucial part of it. . . . Looking at the record alone, there is no proof that the Rosenbergs and Greenglass played the part that Klaus Fuchs played. . . . That is why I have never been convinced that the death sentence was either necessary or wise. . . . I respect the President's reasons for twice refusing clemency, but I think he would have been wiser to grant it."

Fear that the McCarthyite red baiting technique which led to the murder of the Rosenbergs will engulf the judiciary was expressed in an article, "Danger Signals to



*Thousands of militant and grief-stricken New Yorkers packed 17th Street between Broadway and Fifth Avenue as they demonstrated while the last living moments of the Rosenbergs*

*ticked away on June 19. A large section of them marched several miles through the East Side after the police cut off the loud speaker at eight P.M., the hour of the execution.*

Liberal American Tradition," published in the *Jewish Herald-Voice* (Houston, Texas, June 25), which discussed among other things the fact that when Justice Douglas granted the stay, the front pages of the dailies carried "the dramatic headlines that the Justice had asked for and

secured a visa to visit Russia. . . . Four days later, buried beneath a mass of boilerplate was a one-inch news item that Justice Douglas had permitted his passport to expire and had not asked for a visa to Russia. . . ."

## VI: THE INTERNATIONAL REACTION

*By Alice Citron*

**I**N every corner of the world the reaction to the execution of Ethel and Julius Rosenberg was powerful and deep. Here are some of these international manifestations.

In Paris Jean-Paul Sartre addressed the American people on June 20th: "Do you believe we are going to die for McCarthy? Bleed from every artery to give him a European army? Do you believe we are going to defend the culture of McCarthy? That we shall let Europe be turned into a battlefield so that this blood-stained imbecile can burn books? Please understand this right now: never shall we hand the leadership of the western world to the murderers of the Rosenbergs. . . ."

Sartre spoke for the French nation. For no single issue of this century has so united the French people, from the extreme right to the Communists, as the outcry of the French people for life for Ethel and Julius Rosenberg. On the night of the execution (it was 1 A.M. in Paris) no one slept. Thousands of people put floral pieces before monu-

ments, before buildings: "Aux Hommage d' Ethel et Julius Rosenberg." Monique Salomon, the foreign editor of Gallimard (largest publishing house in France), wrote to Attorney Emanuel H. Bloch: "We were taken to jail the night they were killed because we wanted to stand in front of the United States Embassy. We couldn't do less." That was the character of the French campaign for the Rosenbergs. From the outset there was tribute and recognition of the Rosenbergs' nobility and courage. This was the source of the inspiration for the powerful defense of Ethel and Julius.

A feature of the struggle that has not received the attention it deserves was the mass participation of workers in France, England, Italy, Australia and elsewhere. Their own experiences in struggles were brought to fullest expression in the campaign. For the workers of France from the outset accepted the statement of the Rosenbergs, "We are innocent." The National Federation of Miners, CGT,



wrote flatly: "It is clear to us that the Rosenbergs were innocent, that their assassins knew of their innocence. . . ." The Railroad Workers of France praised Americans in favor of the "two innocents" in spite of the risks involved in defending the Rosenbergs. They brought in their devotion to Ethel and Julius the depth of their experience with the nazis. "The French railroad workers who lived under nazi oppression were among the first to join the anti-fascist fight. Two thousand of our members were killed by the nazis, thousands of others imprisoned, tortured, deported. . . . Our secretary-general, the immortal Pierre Semard, was shot March 7, 1942 . . . but thousands of new fighters took his place. Therefore, we are convinced that the Rosenbergs have not died in vain and their names will be honored by everyone in all countries in action for peace. . . ."

In Sydney, Australia, the wharfies (stevedores) stood in silence Monday morning, June 23, in memory of Julius and Ethel. In Rome the transport workers stopped all vehicles for five minutes. In Naples the workers marched behind portraits of the immortal two. In Algeria, 2700 dock workers stopped loading cargo when word of the execution came through. The Combined Union Committee of Railway Workshops, Victoria, Australia, wrote to the White House: "We view with horror the refusal of President Eisenhower to meet the wishes of millions of people throughout the world. . . . We congratulate those members of the Supreme Court and their defense attorney who courageously took a stand on the side of democracy and justice and against open terror condoned by the President."

Every American should give recognition to the fight of the workers of the world for what they all called Democracy and Justice. This fight of Julius and Ethel, their at-

torney, the National Committee to Secure Justice in the Rosenberg Case and thousands of other Americans, revived in the people of the world the faith that there were Americans who would save America from becoming the major instrument of oppression and war. A leader of the campaign in Australia wrote: "I have heard nothing but admiration expressed here in Melbourne for the heroic and devoted efforts of the many Americans who labored so tirelessly to prevent the barbaric murder."

The Hayes Branch (London) of the Electrical Trades Union wrote: "It is pleasing to know that there are people in your country who are not blinded by war hysteria and witch-hunts. We know that it is people like yourself and not the Eisenhowers, Senator McCarthys and Judge Kaufmans who represent the real America."

The people of the world are determined that the names of Julius and Ethel will remain forever bright. The French Rosenberg Committee has changed its name to The French Committee for the Vindication of the Rosenbergs. They have issued a 13-point program which includes: a. Asking the greatest writers, artists and journalists of France to prepare a history of the case; b. Solidarity with Attorney Emanuel H. Bloch; c. Posters of Ethel's poem, "If We Die"; d. Keep informed of the needs of the children, Michael and Robert; e. Appeal to all municipal councils to name streets for Ethel and Julius.

A number of Municipal Councils have already acted and streets and parks have been so named. The French Committee's program is in full swing of activity. Famous writers have agreed to work on a history of the case. Committees are being formed in every university, town, factory. The people of the world are looking with new respect at the Americans who fought for truth and justice.



*A gigantic mass rally held in Paris as the death of Rosenbergs approached.*



## VII: THE DISSENTING OPINIONS

*When Attorney General Herbert Brownell forced the Supreme Court to convene in special session on June 18 in order to vacate the stay of execution of the Rosenbergs ordered by Justice William O. Douglas, the court returned the decision on June 19 that killed the Rosenbergs. But three justices stated in no uncertain terms that they considered the procedure invalid and issued strong dissenting opinions to that effect. Below is the opinion of Justice Douglas in full and those of Justices Black and Frankfurter in part.—Eds.*

**By Justice William O. Douglas**

**W**HEN the motion for a stay was before me, I was deeply troubled by the legal question tendered. After 12 hours of research and study, I concluded, as my opinion indicated, that the question was a substantial question never presented to this court and never decided by any court. So I issued the stay.

Now I have had the benefit of an additional argument and additional study and reflection. Now I know that I am right on the law.

The Solicitor General says in oral argument that the government would have been laughed out of court if the indictment in this case had been laid under the Atomic Energy Act of 1946. I agree. For part of the crime alleged and proved antedates that act. And, obviously, no criminal statute can have retroactive application. But the Solicitor General misses the legal point on which my stay was ordered. It was this—whether or not the death penalty can be imposed without a recommendation of the jury for a crime involving the disclosure of atomic secrets where a part of that crime takes place after the effective date of the Atomic Energy Act.

The crime of the Rosenbergs was a conspiracy that started prior to the Atomic Energy Act and continued almost four years after the effective date of that act. The overt acts alleged were acts which took place prior to the effective date of the new act. But this is irrelevant for two reasons. First, acts in pursuance of the conspiracy were proved which took place after the new act became the law. Second, under *Singer v. United States*, 323 U. S. 338, no overt acts were necessary; the crime was complete when the conspiracy was proved. And that conspiracy, as defined in the indictment itself, endured almost four years after the Atomic Energy Act became effective.

The crime, therefore, took place in substantial part after the new act became effective, after Congress had written new penalties for conspiracies to disclose atomic secrets. One of the new requirements is that the death

penalty for that kind of espionage can be imposed only if the jury recommends it. And here there was no such recommendation. To be sure, this espionage included more than atomic secrets. But there can be no doubt that the death penalty was imposed because of the Rosenbergs' disclosure of atomic secrets. The trial judge, in sentencing the Rosenbergs to death, emphasized that the heinous character of their crime was trafficking in atomic secrets. He said:

"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, in my opinion, the Communist aggression in Korea, with the resultant casualties exceeding 50,000 and who knows but that millions more of innocent people may pay the price of your treason. Indeed, by your betrayal you undoubtedly have altered the course of history to the disadvantage of our country."

But the Congress in 1946 adopted new criminal sanctions for such crimes. Whether Congress was wise or unwise in doing so is no question for us. The cold truth is that the death sentence may not be imposed for what the Rosenbergs did unless the jury so recommends.

Some say, however, that since a part of the Rosenbergs' crime was committed under the old law, the penalties of the old law apply. But it is law too elemental for citation of authority that where two penal statutes may apply—one carrying death, the other imprisonment—the court has no choice but to impose the less harsh sentence.

A suggestion is made that the question comes too late, that since the Rosenbergs did not raise this question on appeal, they are barred from raising it now. But the question of an unlawful sentence is never barred. No man or woman should go to death under an unlawful sentence merely because his lawyers failed to raise the point. It is that function among others that the Great Writ serves. I adhere to the views stated by Chief Justice Hughes for a unanimous court in *Bowen v. Johnston*, 306 U. S. 19, 26-27:

"It must never be forgotten that the writ of habeas corpus is the precious safeguard of personal liberty and there is no higher duty than to maintain it unimpaired. *Ex parte Lang supra*. The rule requiring resort to the appellate procedure when the trial court has determined its own jurisdiction of an offense is not a rule denying the power to issue a writ of habeas corpus when it appears that nevertheless the trial court was without jurisdiction.

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**By Justice Hugo Black**

**I**T IS argued that the court is not asked to "act with unseemly haste to avoid postponement of a scheduled execution."

I do not agree. I do not believe that government counsel or this court has had time or an adequate opportunity to investigate and decide the very serious question raised in asking this court to vacate the stay granted by Mr. Justice Douglas.

The oral arguments have been wholly unsatisfactory due entirely to the lack of time for preparation by counsel for the government and counsel for the defendants.

Certainly the time has been too short for me to give this question the study it deserves.

The following are some of the reasons why I think the court should not at this time upset the considered rulings of Mr. Justice Douglas.

First, the government argues that this court has power to set aside the stay granted by Mr. Justice Douglas. I think this is doubtful. I have found no statute or rule of court which permits the full court to set aside a mere temporary stay entered by a justice in obedience to his statutory obligations. Moreover, it is a commonplace for judges to grant stays in vacation. This is a healthy and necessary court custom. There may have been prior instances where vacation stays of individual justices have been set aside by the full court before the next regular term, but no such cases have been pointed out in the Solicitor General's argument and I have been able to find none. So far as I can tell, the court's action here is unprecedented.

But if the court could find statutory or constitutional power to vacate this stay, there are many reasons why I believe that power should not be exercised. Concededly, an individual justice has power to grant stays where substantial questions are raised. He not merely has power to do so, there is a serious obligation upon him to grant a stay where new substantial questions are presented. Where the life or death of citizens is involved, that obligation is all the heavier. Surely the court is not here establishing a precedent which will require it to call extra sessions during vacation every time a Federal or state official asks

The rule is not one defining power but one which relates to the appropriate exercise of power."

Here the trial court was without jurisdiction to impose a death penalty, since the jury had not recommended it.

Before the present argument, I knew only that the question was serious and substantial. Now I am sure of the answer. I know deep in my heart that I am right on the law. Knowing that, my duty is clear.

it to hasten the electrocution of defendants without affording this court adequate time or opportunity for exploration and study of serious legal questions. . . .

Second, the stay of Mr. Justice Douglas in this case was based on his studied conclusion that there were substantial grounds to believe the death sentences of these two people were imposed by the district judge in violation of law. I agree with Mr. Justice Douglas. . . .

I am not unaware of the government's argument that this court can and should give full effect to both these statutes, one of which deprives the District Court of unconditional power to impose the death sentence and one which grants such unconditional power. This would be a strange argument in any case, but it is still stranger in a case which involves matters of life and death. The stay of Mr. Justice Douglas is based entirely on his desire to have this matter passed upon in due course and after proper deliberation in a habeas corpus proceeding brought in District Court and followed through to this court. That is as it should be. Judicial haste is peculiarly out of place where the death penalty has been imposed for conduct part of which took place at a time when the Congress appears to have barred the imposition of that death penalty by district judges acting without a jury's recommendation. And it seems manifest to me that this court has not had time or opportunity for sufficient study to give an informed decision on this important question.

Third, I am aware also of the argument that Mr. Douglas should not have considered and that we should not now consider the point here involved because the Rosenberg's lawyer had not originally raised it on appeal. I cannot believe, however, that if the sentence of a citizen to death is plainly illegal, this court would not allow that citizen to be executed on the ground that his lawyers had "waived" plain error. An illegal execution is no less illegal because a technical ground of "waiver" is assigned to justify it. . . .

Fourth, the inadequate oral arguments before this court have left me with the firm conviction that the applicability of the penal provisions of the Atomic Energy Act of 1946 to this case presents a substantial and serious question. This I think is fully demonstrated by the opinion written by Mr. Justice Douglas when he granted the stay order, a

copy of which is attached by him as an appendix to his opinion, with which opinion I agree. It is my view based on the limited arguments we have heard that after passage of the Atomic Energy Act of 1946 it was unlawful for a judge to impose the death penalty for unlawful transmittal of atomic secrets unless such a penalty was recommended by the jury trying the case. I think this question should be decided only after time has been afforded counsel for the government and for the defendants to make more informed arguments than we have yet heard and after this court has had an opportunity to give more deliberation than it has given up to this date. This I think would be more in harmony with the best judicial traditions.

I may add that I voted to grant certiorari originally in this case. That petition for certiorari challenged the fairness of the trial. It also challenged the right of the government to try these defendants except under the limited rules prescribed by the Constitution defining the offense of treason. These I then believed to be important questions.

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### ***By Justice Felix Frankfurter***

**T**HUS the only issue in the case was whether the question on the basis of which Mr. Justice Douglas acted was patently frivolous or was sufficiently serious to require the judicial process to run its course with the deliberation necessary for confident judgment. That is the sole issue to which this opinion is addressed. All else is irrelevant. Once the Court conceded, as it did that the substantiality of the question raised before Mr. Justice Douglas was the sole issue, it became wholly immaterial how many other questions were raised and considered on their merits in the District Court and in the Court of Appeals, or how many times review was sought on these questions and refused by this Court. It was equally immaterial how long a time intervened between the original trial of this case and the present proceeding, and immaterial that this was a last-minute effort almost on the eve of the executions. To allow such irrelevancies to enter the mind not unnaturally tends to bend the judicial judgment in a false direction. . . .

Painful as it is, I am bound to say that circumstances precluded what to me are indispensable conditions for solid judicial judgment. They precluded me, and now preclude me, from saying that the legal issue that was raised before Mr. Justice Douglas was without substance. Let me set forth some of the difficulties that immediately arise upon consideration of that issue.

The basis on which the jury convicts is authoritatively to be taken from what the judge tells the jury. In this case, the jury's attention was especially directed to the fact that

In motion for rehearing the arguments as to the unfairness of the trial were expanded and I again voted for review. I have long thought that the practice of many of the states to require an automatic review by the highest court of the state in cases which involve the death penalty, was a good practice.

I should add my regret that the rush and pressure of this case has deprived me of any opportunity to do more than hastily sketch my view of these important questions raised. I have not been allowed to give the time and study to this opinion that is generally devoted to decision and opinions in important cases.

It is not amiss to point out that this court has never reviewed this record and has never affirmed the fairness of the trial below. Without an affirmance of the trial by the highest court of the land there may always be questions as to whether these executions were legally and rightfully carried out. I would still grant certiorari and let this court approve or disapprove the fairness of these trials.

the charge was a conspiracy to obtain and transmit classified materials pertaining in part to the atomic bomb. . . .

It thus appears—although, of course, I would feel more secure in my conviction had I had the opportunity to make a thorough study of the lengthy record in this case—that the conspiracy with which the Rosenbergs were charged is one falling in part within the terms of the Atomic Energy Act, passed by Congress in 1946 and specifically dealing with classified information pertaining to the recent developments in atomic energy. There remains the question whether the sentence for such a conspiracy could be imposed under the Espionage Act. . . .

Surely it needs only statement that with such a drastic difference in the authority to take life between the Espionage Act and the Atomic Energy Act, it cannot be left within the discretion of a prosecutor whether the judge may impose the death sentence wholly on his own authority or whether he may do so only upon recommendation of the jury. Nothing can rest on the prosecutor's caprice in placing on the indictment the label of the 1917 Act or of the 1946 Act. To seek demonstration of such an absurdity, in defiance of our whole conception of impersonality in the criminal law, would be an exercise in self-stultification. The indorsement of an indictment, the theory under which the prosecutor is operating, his belief or error as to the statute which supports an indictment or under which sentences may be imposed, are wholly immaterial. . . .

Neither counsel nor the Court, in the time available, were able to go below the surface of the question raised by the application for a stay which Mr. Justice Douglas granted. More time was needed than was had for ade-



quate consideration. Arguments by counsel are an indispensable adjunct of the judicial process, and responsible arguments require adequate opportunity for preparation. They must be pressed with the force of partisanship. And because arguments are partisan, judgment further presupposes ample time and an unhurried mind for independent study and reflection by judges as a basis for discussion in conference. Without adequate study there cannot be adequate reflection; without adequate reflection there cannot be adequate discussion; without adequate discussion there cannot be the searching and fruitful interchange of informed minds which is indispensable to wise decision and which alone can produce compelling opinions. We have not had in this case carefully prepared argument. We have not had what cannot exist without that essential preliminary. We have not had the basis for reaching conclusions and for supporting them in opinions. Can it be said that there was time to go through the process by which cases are customarily decided here?

The crux of all I am suggesting is that none of the obvious considerations for bringing the all too leaden-footed proceedings in this case to an end should have barred the full employment of the deliberative process necessary for reaching a firm conclusion on the issue on which the Court has now spoken, however unfortunate it may be that that issue did not emerge earlier than it did. Since

I find myself under the disability of having had insufficient time to explore the issue as I believe it should have been explored, nothing I am saying may be taken to intimate that I would now sustain the last claim made in behalf of the Rosenbergs. But I am clear that the claim had substance and that the opportunity for adequate exercise of the judicial judgment was wanting.

To be writing an opinion in a case affecting two lives after the curtain has been rung down upon them has the appearance of pathetic futility. But history also has its claims. This case is an incident in the long and unending effort to develop and enforce justice according to law. The progress in that struggle surely depends on searching analysis of the past, though the past cannot be recalled, as illumination for the future. Only by sturdy self-examination and self-criticism can the necessary habits for detached and wise judgment be established and fortified so as to become effective when the judicial process is again subjected to stress and strain.

American criminal procedure has its defects, though its essentials have behind them the vindication of long history. But all systems of law, however wise, are administered through men and therefore may occasionally disclose the frailties of men. Perfection may not be demanded of law, but the capacity to counteract inevitable, though rare, frailties is the mark of a civilized legal mechanism.

## VIII: FUNERAL SPEECH OF EMANUEL H. BLOCH

**A**MERICA should know, as the rest of the world knows, that America today is living under the heels of a military dictatorship dressed in civilian garb. These people have no hearts. They have stones for hearts. They have hard hearts and they have hard eyes.



*The heroic and resourceful attorney for the Rosenbergs, Emanuel H. Bloch*

They have the souls of murderers and this was an act of cold-blooded murder. When I requested in Washington that these executions be put off so that they would not occur on the Jewish Sabbath, the request was granted by a barbarian who pushed them up so there would be no conflict.

Let the pen prostitutes and the Voice of America know that the Rosenbergs were not executed according to law. A Supreme Court Justice said the court had not read the record in this case: was that "due process of law"?

The last paragraph of Justice Jackson's opinion suggested to the President that it was neither advisable nor wise to kill these people. The three dissenting Justices were outraged. The entire court was stating to the President: "Do not commit this barbaric act."

I place the murder of the Rosenbergs at the door of President Eisenhower, Mr. Brownell and J. Edgar Hoover. They did not pull the switch, true, but they directed the one who did pull the switch. This was not the American tradition, not American justice and not American fair play. This was nazism that killed the Rosenbergs, and if we forget that lesson we will cringe, we'll live on our knees and we will be afraid. Insanity, irrationality, barbarism and murder seems to be part of the feeling of those who rule us.

# YIDDISH CULTURAL ACTIVITIES

By Paul Novick

*English-speaking Jews are hardly aware of the extensive and varied cultural activity of the Yiddish speaking sector of our Jewish community. Some of these facts were given by Paul Novick, editor of the Morning Freiheit, in the course of an article on Emerson and his relation to current Jewish progressive culture, published in that newspaper on May 29. In the belief that these facts will prove illuminating to our readers, we present excerpts from the article in English translation by Max Rosenfeld.—Eds.*

Leave it to the professional mourners to weep over the "decline of Jewish culture." As Moissaye Olgin, for many years editor of the *Morning Freiheit*, said a long time ago, progressives do not mourn, they build. And they build for posterity, because their culture is filled with progressive content. One can see what this means by a view of the many cultural events, chiefly Yiddish, that took place in the last few weeks alone of the past season.

These choral concerts were held in those weeks in May: in New York, the Jewish People's Chorus, Maurice Rauch, director, at Carnegie Hall; the Philharmonic Folk Chorus, I. Malik, guest director, at Town Hall; in Chicago, the Chicago Folk Chorus, Bernard Brindel, director; in Detroit, the Detroit Jewish Folk Chorus, Henry Goldberg, director.

Other Jewish people's choruses throughout the country have held or are planning to hold concerts: Los Angeles, Arthur Atkins, director; Cleveland, I. Korenman, director; Farmers' Chorus of New Jersey, Maurice Rauch, director; Philadelphia-Paterson, the late Mendy Shain, director;

Boston, A. Abramovitch, director; Miami, Ben Yomen, director; San Francisco, G. Zonshein, director; Petaluma (Calif.), Z. Gottfried, director; Toronto, Emil Gartner, director.

These choruses have sung in recent weeks to audiences numbering tens of thousands!

In addition, there are several Jewish youth choruses: the chorus of over 200 voices in the Jewish Youth Chorus of New York, Robert De Cormier, director, sang to an overflow audience at the Brooklyn Academy of Music. In Los Angeles there are two youth choruses, one led by L. Wintner and the other ("The Songsters") by Sonny Vale.

This choral activity has the proportions of a mass movement. Yet the choruses are only one part of the cultural front of the Jewish people.

Recently, also, there was an anniversary celebration at Manhattan Center by the advanced classes of the School of Higher Jewish Education in New York, attended by 2500 people. The *Mittl-Shule* (secondary schools) of Bronx-Brooklyn-Manhattan also recently conducted events attended by many hundreds. The Ykuf (Yiddisher Kultur Farband) began its season last fall with a mass celebration at Carnegie Hall and ended it with a commemoration of the late noted scholar Chaim Zhitlowsky.

The Yiddish Theater Ensemble, which presents plays in Yiddish, recently completed one of its most successful seasons with its presentation of Lion Feuchtwanger's *The Devil in Boston*. The People's Theater in Los Angeles is active. The theater troupe of the International Work-

ers Order has just concluded its annual tour of the United States. And there is an extensive movement around the Jewish Progressive Schools, which in fact comprise the largest secular Jewish school system in the country.

What is the source of all this activity? From where do these forces come, forces which refuse to stop functioning despite "subversive lists"? Why this devotion and sacrifice—is it just to sing a song, to deliver a lecture, to give a recitation?

No, we are here dealing with something which touches the soul of the people—its spirit, its progressive tradition. We are here dealing with culture in the name of the people, culture with a progressive content.

A glance at the programs of these mass events shows that the singers, the actors, the speakers, the teachers all had something to communicate to the people in the spirit of our classical Yiddish writers, in the spirit of the Maccabees, of fighters for justice and peace. One can therefore understand why the progressive forces—despite all attacks upon them—possess the broadest cultural front. For this is a culture connected with life, moved by a perspective for the future of the people and enriched by all that is honest and beautiful in its past, by its progressive substance.

## MASSES

&

## MAINSTREAM

AUGUST, 1953

Book Burning: Yesterday and The Book Burners Today	Herbert Apteker
A Trap for Intellectuals	Angus Cameron
The Freedom to Read Banned, Branded, Burned King Bradley and the Sons of Daniel Boone	Joseph North
The Rosenbergs: Three Poems In Memoriam	Martha Miller
Epitaph	R. Brandroth
Elegy for Two Who Were Murdered	A. B. Magil
Charles White: Beauty and Strength	Philip Evergood
In Praise of History (poem)	Charles Humboldt
The Living Lorca	George Leeson
Right Face	
Books in Review	
Letters to Americans: 1848, by Karl Marx and Frederick Engels	Dorey Wilkerson
Death House Letters, by Julius and Ethel Rosenberg	Shirley Graham
The Cotton Kingdom, by Frederick Law Olmsted	Elizabeth Lawson

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# OBSERVATION POST

By Sam Pevzner

## Anti-McCarthy Boom

Last month's issue of JEWISH LIFE with the documented exposé of Joe McCarthy's hobnobbing with anti-Semites sold out fast. From all quarters came compliments to Charles R. Allen, Jr. and Arthur J. Dlugoff for tearing the mask off the Wisconsin bully-boy and warning the Jewish people what is in store for them if the book-burner and the powerful interests he represents are not given the boot by the American people.

The story of McCarthy and anti-Semitism should be spread into every corner of American Jewish life. Religious, community and organization leaders should read the Allen-Dlugoff article—and it is the job of JEWISH LIFE readers to get it into their hands. Early in the autumn we plan to publish the article in a pamphlet to make it available to thousands who have not received the magazine.

## Lapse Story

In preparation for the circulation of the July issue, a letter was mailed to 1000 people who permitted their subscriptions to lapse in 1951 and 1952. We told them about the McCarthy article and suggested that they renew their subs. Well, we are pleased to report that up to this writing 102 lapsers have un-lapsed so far and more are sure to come. Many of the renewals were accompanied by notes apologizing for permitting the subs to lapse, commenting enthusiastically about the mag, etc.

Lesson for JEWISH LIFE committees everywhere: there are hundreds of lapsers who missed the boat only because of neglect. You can get them aboard ship again by renewing their subs when they lapse. Let's build the magazine by being Johnny-on-the-spot at lapse time.

## Let's Repeat

This issue, featuring the evaluation and story of the murder of the Rosenbergs, requires the widest circulation. Despite the silence of altogether too many leaders in Jewish life during the fight to save the lives of the courageous Rosenbergs, it is manifest that the broad masses among the Jewish people were jarred and shocked by the fascistic act of the administration, its judicial arm and the callous brutality of Judenratler Judge Irving R. Kaufman. All in all, the murder of the Rosenbergs stirred a terrible disquiet in the hearts of

most Jews. These people are the ones who must be reached with the full story of the Rosenberg-Sobell cases. The present issue of JEWISH LIFE helps tell that story. Get it into the hands of as many people as possible. The fight for the vindication of the Rosenbergs and the freedom of Morton Sobell is just beginning. And remember, this two-pronged struggle is basically a fight against the onrush of fascism, which means a fight for the life of the Jewish people and American democracy.

## Mag Notes

California is currently running its financial and circulation campaign for JEWISH LIFE. By the time this issue reaches you, Lester Blickstein, business manager, will be in Los Angeles for a three-week stay on the West Coast to help in the last stages of the campaign. Not only will he help the L.A. committee in achieving its quota, but he will discuss every aspect of the magazine with the West-Coasters, who have much to contribute both in the way of healthy criticism and suggestions. We do hope, however, that Lester will succeed in convincing the L.A. committee that it is absolutely necessary to send articles and material on West Coast developments

regularly. While some improvement has been made in this respect in recent years, the situation is not satisfactory. Los Angeles has become one of the most important Jewish communities in the United States, with a vital and effective progressive sector. JEWISH LIFE can never really reflect Jewish life in this country unless the L.A.'ers do their job in respect to content as well as circulation and funds.

## Subs Ho!

In September JEWISH LIFE will launch a vigorous subscription campaign. Details will be sent to all J.L. committees. Giving you this preview so that you can jump the gun and begin to gather subs right away pronto! In connection with this drive the editors of the mag and others are open to invitations to speak. Begin to plan and get your requests in during the summer.

## Ah Youth!

Young people who know a good thing when they see one will take advantage of the exciting Youth Camp Festival which will be held at Camp Lakeland on Sylvan Lake from September 7th to the 13th. The Camp Festival, sponsored by the Jewish Young Fraternalists, offers a six-day vacation, or a four-day weekend including Rosh Hashonah, or a two-day week end at the startlingly low rates of \$31.00, \$25.00 and \$15.00, respectively. Write or call the Youth Camp Festival of Lakeland, 1 Union Square, N.Y.C. ALgonquin 5-6283.

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# FROM THE FOUR CORNERS

(Continued from page 2)

ment of Education scholarships that a strong presumption of discrimination exists. Answers showed that Jewish students had made an average of 8.2 applications for admission to medical schools inside and outside the state while the non-Jewish made an average of 4.9 applications.

**Jimerow front . . .** The Supreme Court on June 15 in a 6-1 decision in effect reaffirmed its 1948 decision that a restricted covenant cannot be enforced in law courts when it ruled that a home owner could not sue for damages for failure to live up to a racial restricted covenant clause in a real estate contract. Chief Justice Vinson entered a sole and vigorous dissent. . . . Segregation of Negroes in Phoenix, Arizona, high school was abolished on July 8, thus ending all segregation in Arizona high schools. . . . Mississippi is trying to enforce segregated Negro college education by moving to "equalize" facilities for Negro college education in the state in order to conform to a Supreme Court decision that Negro education may be separate only if facilities are "equal."

A "revolt" against the bureaucracy of David Dubinsky's International Ladies Garment Workers Union was staged by 4,000 union women in July when Dubinsky ordered Josephine Spica, elected business agent for 13 years of the Philadelphia local, to stop servicing a number of shops and replaced her with his appointed agents. The women walked off their jobs under the slogan of "Democracy and Freedom." They returned to work on Dubinsky's promise to negotiate the matter.

## EUROPE

**Professor M. S. Vovsi**, one of the falsely accused Moscow doctors, was appointed early in July to the high post of membership on the Soviet Health Council, advisory body to the Ministry of Health.

**Dimitrov Awards** were given by the Bulgarian government in June to film script writers Angel Wagenstein and Chaim Oliver.

**Alfred Mendelsohn's** *Reconstruction Symphony No. 3*, reflecting the struggle of the new man in the building of socialism, was recently completed in Rumania.

**When East German** Justice Minister Max Fechner was dismissed on July 15, he was replaced by Frau Hilde Benjamin, a Jewish woman.

A former high ranking nazi official who is now Bavarian State Secretary for Refugees, Prof. Theodor Oberlaender, is trying to oust from the last Jewish DP camp in Germany, Fochrenwald, those Jews who have returned from Israel to go to the United States or Canada. He is trying also to replace Jewish with German camp policemen and to turn over the best building to non-Jewish DP's.

**Mass meetings** of former high officers of Hitler's Waffen-SS late in June expressed support of NATO and demanded the right to serve in a rearmed West Germany. Former ex-nazi generals were among the speakers.

**Big mass rallies** of former nazis near Frankfurt demanded that the Bonn regime pay them for the time they spent in Allied internment camps after World War II, they said, like the grants made to Jewish victims of the Hitler regime. They also demanded payment for nazis who went into hiding to escape arrest.

## ISRAEL

A **Jerusalem court** in mid-June ruled that the Israel government had not proved its case against Zvi Breitshtein, editor of *Kol Haam*, Communist daily, and acquit-

ted him. The editor had been arrested on the basis of an old Mandate regulation just before the arrival of Secretary of State John Foster Dulles on his visit to Israel because his paper had published an article highly critical of Dulles.

**Attorney General Haim Cohen** charged Israeli terrorists on trial in Israel early in July with the bombing of the Soviet legation in Tel Aviv on February 8.

**The 17 Israeli** basket ball players who returned late in June from the European basketball games in Moscow held a press conference in Tel Aviv in which they expressed their warm feelings concerning the treatment they received from the authorities and the people of Moscow.

**Dr. Daniel F. Malan**, Prime Minister of the Union of South Africa who is sparking the racist policies of that country, made a two-day visit to Israel in June. He was entertained at tea by Prime Minister Ben Gurion and for dinner by Foreign Minister Moshe Sharett.

**The 1,400-member** Ein Harod Kibbutz was partitioned into two sections separate from each other as a final outcome of the differences between the 55 per cent who adhered to the Mapai Party and the 45 per cent who belonged to Mapam. The kibbutz was 30 years old. Ideological differences, particularly over education of the children, failed to be resolved and the partition was decided upon.

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