

ETHEL ROSENBERG
Chapter 13

PHANTOM SPIES, PHANTOM JUSTICE—

*Elizabeth T. Bentley, Harry Gold, Roy M. Cohn, Irving H. Saypol,
Judge Irving R. Kaufman, J. Edgar Hoover,
and the Rehearsal for the Rosenberg Trial*

or

How I Survived McCarthyism

By Miriam Moskowitz

In the summer of 1950 in New York City Ethel and Julius Rosenberg were arrested and charged with having conspired to commit espionage in behalf of the (then) Soviet Union. They were in their early thirties and the parents of two young sons; she was a homemaker and he was an engineer who ran his own small machine shop. Neither was able to make bail; the judge had imposed \$100,000 bail for each and for this family of modest means it was an impossible sum to raise. They were jailed to await their trial.

In that same summer in New York City the government had indicted Abraham Brothman and me for conspiring to obstruct justice in a case which had the same overtones of Soviet espionage. The two witnesses against us, Elizabeth Bentley and Harry Gold, would also testify later against the Rosenbergs. We were tried and convicted in November 1950 and remained in jail while we awaited a decision on our appeals.

Ethel and I were both incarcerated in the Women's House of Detention in New York City but were kept separated, she on the ninth floor and I on the fifth, and we had never known each other before. The police van became our unplanned social outpost; we traveled together in it when we went to court, I to attend my trial and she to meet with her lawyer and with Julius to plan their court defense.

The section of the van behind the driver was paneled off and a row of benches stretched along each side. A grate across the middle separated the men from the women, all of whom would be transported together. The men would be picked up first at the federal Detention Center on West Street. They were loaded into the front section and secured by the grate. Then the van rolled across town and picked up the women; they sat in the rear on the other side of the grate.

By the time I joined this trek to court it had become the prisoners' practice to let Julius have a seat abutting the grate on the inside; the seat on the other side of

the grate was left for Ethel. Except for the whispering of Julius and Ethel, conversation was desultory; this was a short trip to court and not a fun outing. Once when a prisoner lighted a cigarette, in the flickering of his match we witnessed Ethel and Julius maneuvering to kiss through the grate. No one hooted or made coarse remarks as they would have done with anyone else. The prisoners gave these two a sense of privacy; the Gothic dimensions of the drama engulfing them seemed to touch everyone, even the most callous.

Four months later, in March 1951, the Rosenbergs were tried and convicted, and it was said that theirs was the most sensational court event of the decade. The two witnesses against us also appeared against them (among others). They were prosecuted by the same prosecutors and tried by the same judge we had. In sentencing them to death Judge Irving R. Kaufman blamed them for the Korean War. He also excoriated them for having given secrets of the atom bomb to an arch enemy—an eccentricity of the law, for they were not convicted of having committed espionage but of having conspired to commit espionage. A fine distinction piloted this case; the rules of evidence covering conspiracy are known to be less stringent than in cases based on direct accusation. Prosecutors are aware that it is easier to get a conviction in a conspiracy case especially when hard evidence is missing. In this case the evidence was circumstantial.

The “arch enemy,” the (former) Soviet Union, had been a valued ally in World War II when the conspiracy was said to have occurred. The only substantive witness against the pair was Ethel’s brother, David Greenglass, whose testimony was nimbly parrotted by his wife, Ruth Greenglass. Ruth went even further; she testified that Ethel had typed some notes which David had sent for Julius about the Los Alamos bomb project (where he was then working)^p—but in the grand jury hearing several months earlier, Ruth had testified that she, herself, had written those notes and that she, herself, had turned them over to Julius. It was this

testimony, otherwise uncorroborated, around which the case pivoted. It was especially injurious to Ethel, who was otherwise not implicated.

David, an army sergeant during World War II, had been assigned to work at the Los Alamos laboratories where the A—bomb had been built. He was a machinist with only a high school education; he had had no hand in the design of the bomb. His testimony accused Julius of having induced him to turn over technical information on the bomb to Harry Gold, and that his sister had supported Julius' efforts. (Although Harry Gold—who testified he had carried the information from Greenglass—and Julius had never met, the conspiracy was said to have been facilitated by a third party.)

The day the jury brought in a guilty verdict Ethel was moved to my floor and assigned a cell in the front of a corridor which would permit the guards to keep her within sight at all times. Presumably someone in the Department of Justice wanted to be sure that Ethel Rosenberg would not do away with herself. (She commented to me that it was ironic that they could never understand that this would be the least likely thing she could ever do.)

Her corridor was diagonally opposite mine. I watched her settling in from behind the bars of my corridor and when the gates were opened at recreation time I walked over to say hello. She greeted me warmly and she, who faced such a monumentally more severe punishment than I did, she was concerned for me. Was I bearing up well?

She was the same with other inmates and quickly they warmed to her. She was never judgmental about whatever had brought them to this hellhole; she would share anecdotes with them about her children and listen sympathetically to their sorry stories. Her's was a gentle presence—there was a dignity about her and as

she became known to those women their cursing and descriptively angry language, routine at other times, became muted when she was near.

Many of the women were young and barely out of their teens. When melancholy seized them she became a surrogate big sister and comforted them. The outside world usually thinks of a jail population as the most outcast, most immoral and most destructive part of society; nevertheless, the women saw themselves as loyal and patriotic Americans and they separated their legal misdeeds from their love of country. One accused of treason or even espionage as Ethel was would have been regarded with contempt and overt hostility by those women—yet they did not believe the government’s accusations about her. They liked her, they accepted her and they gave her their endorsement.

I also found her cheering to be with. At Commissary time in the middle of the afternoon we would buy a cup of coffee and sit in the mess hall dawdling over it while we chatted. Our conversations were trusting, inconsequential chatter: the roots that identified us as second generation American Jews and as women, the pleasures of New York City life, our common interest in music and always, always her children. We floated free then for those few moments in a more benevolent world—until a guard would yell across to us as we finished the last of our coffee:

“Hey, you too! You’re not in the Waldorf, ya know! Time’s up for Commissary!”

We had, tacitly, set limits on our conversation so we never discussed our legal cases but sometimes Ethel would remark bitterly about her brother’s scabby behavior towards her. She remembered David as a child, cute and cuddly and his mother’s special joy who much indulged him. Ethel could not comprehend the freakish turn of his behavior but she recalled that he was always over-confident and reckless, and life had tripped him up many times. Now, she reasoned, he had

walked into the FBI's arena underestimating how they could forge steel traps out of airy spider-webs; at the same time he was sublimely, foolishly cocksure about his ability to combat their efforts. Ethel knew firsthand the awesome pressure they could exert and she visualized that when they threatened to arrest his wife and to anchor him to the death penalty he quickly collapsed and followed where they led him. She was sure that ultimately he would be unable to live with what he had done to her. They had shared lives in the same family, they were sister and brother and he would never be able to put that aside. (Years later David Greenglass admitted he had lied about his sister in a taped interview on CBS's 60 Minutes II. He lied, he said, to gain leniency for himself, to keep his wife out of prison, and because the FBI pressured him.)

One Saturday evening the jail had scheduled the movie "The Pearl," adapted from Steinbeck's novel. I planned to go but Ethel refused. She had read the book and knew that the story involved the death of a child. She could not bear to relive that scene; it reminded her too much of her separation from her children.

In our afternoon recreation hour we were allowed up on the roof and we walked around and around in the outdoor section, stretching our legs and trying to joke or otherwise pretend life was better than it was. Sometimes we would stand on the benches and crane our necks looking westward through the wire mesh and over the rooftops imagining we could see the men's prison on West Street which housed Julie.

Ethel had to summon a special inner strength when her mother came to the jail to visit her. Mrs. Greenglass would cry:

"What are you doing to Davey? Tell the FBI whatever you have to, to save him! You and your husband—you're killing him and you're killing me!"

She would return from one of those visits spent and stricken. And because she was hurting and desperate for comforting, after her shower that evening, as she patted scented talcum powder over her body, she would murmur wistfully:

“Maybe Julie will come to me tonight.”

She spoke of her two young sons incessantly and worried about the instability of their lives now. From behind bars she was exerting heroic efforts to get their social worker to make sure they were adequately cared for and even that they continued with their music lessons. They had been lodged with her mother when she was arrested but the social worker had removed them when she overheard the grandmother berate them after some misbehavior:

“You’re going to die in the electric chair just like your mother and father!”

The boys were then thrown into the chaos of the New York City foster care system and Ethel likened their suffering to hers. They would make friends with other children at the shelter but those friends would disappear when relatives or foster care people picked them up. Like her, the boys had no permanence, no continuity to their lives now. Ethel understood how emotionally devastating it was for them and she was tormented by their loneliness.

She was not surprised when Judge Kaufman imposed the death sentence. She said she knew that would happen; the guilty verdict demanded a punishment sufficiently sever to compare with what David’s sentence would be. (He was sentenced after her. She had expected he would get thirty years as did Harry Gold; instead he received fifteen.) But at least, she thought, she would continue to be lodged in the New York City jail until the appeals were heard. That would enable her to confer directly and often with the social worker about the children and thus have a more direct hand in their care.

About a week after sentencing Ethel was called to the visiting room. As she passed me in the corridor she said,

“I think Manny is here and I don’t understand why. He visited me yesterday.”

Manny was Emanuel Bloch, her attorney.

As Ethel entered the elevator to go down to the visiting room a guard got off the parallel elevator coming up. Together with one of the floor guards she entered Ethel’s cell, began to strip it and bundle Ethel’s personal belongings. Those of us who observed this immediately understood what was about to happen and we quickly spread the word. We became agitated and noisy. Alarmed, the guards locked us in our corridors but not in our cells since this was not lock-up time and they did not want any confrontation. We crowded into the cells facing the courtyard where prison vehicles waited when they came to transport inmates, jammed ourselves against the heavily barred, screened, jalousied windows and cranked them open. A mean April wind slice through us; we shivered in its icy blast as we waited. When Ethel emerged from the building she was surrounded by a phalanx of escorting marshals and assorted guards, police and plainclothesmen. As she entered the idling car in the courtyard we called to her from the different windows:

“ETHEL!”

“ETHEL!”

“ETHEL!”

There were at least a dozen women in the corridor overlooking that courtyard so she had to have heard us. Some of us wept; all of us were shaken. Ethel was being transferred to Sing Sing Prison in Ossining, New York where she would spend the remaining twenty-six months of her abridged life in virtual isolation from the rest of the world.

The newspapers the next day showed her smiling through the window of the car as it sped away and there was some criticism in the news accounts that Ethel seemed to be a pretty tough bird to be able to smile at such a moment. The braying fools were incapable of understanding the human spirit. We knew better.

Ethel had heard the anguish in our voices and wanted us to buck up.

Ethel was smiling—for us.