

## Notes from the “Exonerate Ethel” Campaign Call on April 26<sup>th</sup> at 8 pm ET

Hello, my name is Jenn Meeropol and I’m the Executive Director of the Rosenberg Fund for Children. Thank you for joining us this evening. I want to start by letting you know how much my entire family and the Rosenberg Fund for Children appreciates your support of the effort to exonerate my grandmother.

If there are journalists on this call, welcome! We're glad that you are here. We ask that you treat this call as off-the-record. If you'd like on the record comments, or more information about the campaign, please email [amber@rfc.org](mailto:amber@rfc.org).

To give you a quick overview of our plan for this call, I’m going to provide some updates on the campaign and share a little bit about the Rosenberg Fund for Children and our work supporting the children of targeted activists. Then I’m going to turn the phone over to my father, Robert, who will share the story of how the campaign to exonerate his mother evolved, it’s factual basis and why it matters today. Then we’ll end with questions from participants.

As of this morning, more than 6,000 people have signed the petition calling on President Obama and Atty. Gen. Lynch to exonerate Ethel Rosenberg. Hundreds of people have shared the petition with their networks via e-mail, Facebook and twitter. And more than 100 of you have joined us on this call today.

For some of you, this is your introduction to the Rosenberg Fund for Children, so I want to share a little more with you about work.

- The RFC is a public foundation but it was inspired by personal family history. My father was 3 years old when his father, Julius Rosenberg was arrested and charged with conspiracy to commit espionage. A few weeks later his mother Ethel was arrested on the same charges. They were convicted and, when my dad was 6 and his older brother was 10, their parents were executed.
- This was an incredibly difficult period of time for my dad and uncle; they bounced around for a few years, staying in a shelter, with family friends, with their grandmother, and then an orphanage before being adopted by Anne and Abel Meeropol. As bad as this was, it could have been worse. A community of people rallied to their defense, donated money so they could attend progressive schools and camps, receive therapy and participate in creative and artistic programs. And their parents’ attorney took the boys to visit their mom and dad in Sing Sing, to try to maintain those family bonds. This was a Rosenberg Children’s fund before there was a Rosenberg Fund for Children....
- That’s where the RFC’s mission springs from. We reach out to families who are living the nightmare my dad and uncle survived and help their kids in the same way so many people helped my dad and uncle. We make grants for these kids’ educational support and emotional well-being: for summer camp, art and drama classes, dance and sports programs. And, when necessary, to visit an incarcerated parent or grandparent.

- The RFC is a public non profit foundation—we get our funding from thousands of grassroots donors. We help kids in the U.S. whose parents have faced repression because they're progressive activists. We also support young people up to age 25 who have experienced repression directly because of their own organizing.
- Who receives funding from us? Children whose parents struggled for: civil rights and against police brutality, economic justice and labor rights, international human rights, free speech and free press issues, LGBTQ equality & reproductive rights, freedom for all political prisoners, PR Independence, and peace and anti-war efforts. We also support young activists who are grand jury resisters and organizers committed to gender equality, religious freedom, environmental justice, and immigrants rights.
- We made our first grants in 1990, awarding just over \$800 to send two children whose dad was a political prisoner to a summer camp. Fast forward 25 years & we've just completed our spring granting cycle, awarding more than \$190,000 for programs for children across the country. That brings our total granted to over \$6 million in our history.

The juxtaposition of newly released grand jury testimony for a key prosecution witness in my grandparents' case in the summer of 2015 and our experience working with families targeted today for their activism is what let the RFC to launch this exoneration campaign. We feel strongly that government abuse of power is not just of historical significance; it's happening today to families we work with. Acknowledging past miscarriages of justice is an important step towards making sure they don't happen again. As my father and uncle insist in their request for exoneration: It is never too late to admit an egregious injustice.

Now I'm happy to introduce my father, Robert Meeropol, to discuss recent developments in his parents' case.

### **Robert Meeropol**

Last September 28th was a triumphal day for my brother and me, and other Rosenberg/Meeropol family members. That day on the steps of New York City Hall, Manhattan's Borough President issued a proclamation that concluded: "[I] do hereby recognize the injustice suffered by Ethel Rosenberg and her family, and on the occasion of her 100th birthday on Monday, September 28th, 2015, proclaim Ethel Rosenberg Day of Justice in the Borough of Manhattan." Thirteen members of the New York Council in a matching proclamation declared Ethel Rosenberg's execution "wrongful." These remarkable proclamations got us moving toward what would become the Exonerate Ethel Campaign that the RFC launched in March.

But first, I need to step back to provide a little background.

In 1951, after the most sensational trial of the McCarthy era, my mother and father were convicted of Conspiracy to Commit Espionage and sentenced to death. Their trial took place at the Federal District Court House, a stone's throw away from where the crowd gathered on a

moment's notice to witness the reading of the documents I just quoted. Imagine, elected officials of our largest city honoring a communist executed by our government in 1953 for giving what the government called the secret of the atomic bomb to the Soviet Union.

I grew up believing that both my parents were guilty of nothing more than being communists who refused to lie by falsely admitting they stole the secret of the atomic bomb. Over the decades material made public through my brother's and my Freedom of Information Act lawsuit, releases from the KGB files and my parents' codefendant Morton Sobell's admission in 2008 that he and Julius were involved in non-atomic military-industrial espionage, convinced me that my father had aided the Soviet Union during World War II. However, this same material augmented a growing body of evidence that my mother was not a spy.

My parents' case has provoked generations of intense controversy, but another unusual event sparked this latest flare-up. On July 15th, 2015, after 65 years, the grand jury testimony of chief prosecution witness David Greenglass was finally released. The other witness statements, including those of David's deceased wife, Ruth, were revealed in 2008, but David objected so his testimony remained sealed until after his death. Startlingly, neither David's nor Ruth's grand jury testimony implicated my mother.

This was particularly important because the evidence against my mother at trial consisted solely of testimony by the Greenglasses. FBI files report the evidence against Ethel was weak, but prosecutors fought for a conviction and a "stiff sentence" so she could be used as a "lever" to pressure Julius to cooperate. It was only after this strategy was devised that first Ruth and then David developed the key trial testimony against her. In 2001, David Greenglass admitted on national television that this testimony was false. The fact that Ethel was not a spy is also demonstrated by National Security Agency files which showed that the Soviet Union never gave my mother a code name—indicating the KGB did not consider her their agent.

Last July's release provided absolute proof that David and Ruth Greenglass – the only witnesses who implicated my mother -- contradicted the sworn testimony they gave to the grand jury in testimony they gave under oath at trial. We can be certain of exactly what the Greenglasses said and when they said it. **There is no doubt that they lied under oath because the Greenglasses' perjuries are supported by the strongest evidence possible. This is the power of sworn testimony, contemporaneously recorded in court-sanctioned proceedings before empaneled jurors.**

To reiterate, the evidence against Ethel at trial consisted solely of oral testimony given by David and Ruth Greenglass. What was it? The Greenglasses testified:

1. that Ethel participated in a meeting they had at the Rosenberg apartment on September 25th, 1945. They said that at that meeting David gave a sketch to Julius of a cross-section of the atomic bomb. The prosecution claimed that sketch gave the Soviets the "one weapon that might well hold the key to the survival of this nation."
2. they also testified that at the meeting Ethel typed David's hand-written notes that explained the diagram. This testimony justified Ethel's death sentence.

The first claim is disproved by last July's release of the Grand Jury transcripts. Both Greenglasses failed to mention the September 25th meeting before the grand jury. Ruth testified neither she nor her husband transmitted any information to my parents in the fall of 1945. David, on the other hand, swore that he met my father and gave him material somewhere in Manhattan, sometime during the fall. So David and Ruth contradicted each other, something the grand jurors apparently didn't notice, but neither referred to the September meeting at the Rosenberg apartment, let alone Ethel's presence.

The second claim, that Ethel typed notes at the September 25th meeting is also contradicted by those same grand jury statements. Moreover, David Greenglass said on national television in 2001 that he lied about Ethel's typing at the trial. Of course it is hard to tell when either Greenglass is telling the truth, but this is further proof of their incessant lying.

### **But the key point is that Ethel was not a spy**

Our National Security Agency decrypted a secret KGB message about Ethel in the late 1940's. It said "in view of delicate health does not work." Meredith Gardner, who was the NSA's chief decryptor wrote a memo about this phrase. He wrote: "In the same way the work that Ethel cannot do in view of her delicate health may not be the earning of her bread, but conspiratorial work." Gardner's analysis is consistent with Ethel not having a KGB code name. There is also another KGB file that indicated that Ethel "did not work."

From this we know that the KGB did not consider Ethel their agent, that the evidence necessary to convict her was fabricated and that government prosecutors encouraged that false evidence. This is why my brother and I have called upon the Obama administration to exonerate her.

A number of right-wing opponents have said - not so fast, Ethel was involved and she was guilty. The proof they cite, however, is based upon unverifiable fifth or sixth hand information which is subject to multiple interpretations, while our proof is based upon sworn statements, contemporaneously recorded in front of empaneled jurors. But why should we care who wins this lopsided contest more than 60 years after my parent's execution?

It is obvious why my brother and I care passionately about our mother's mistreatment, but this is more than a personal matter. Our debate with the authors who claim Ethel was guilty has broad sociopolitical implications.

The right-wingers are saying, it doesn't matter that the Greenglasses lied. It is okay that federal prosecutors cooked up a strategy that encouraged the Greenglasses' perjuries so they could convict my mother. None of the prosecutions' and the Judge's shenanigans at the Rosenberg trial mattered because both my parents were guilty. Maybe the death sentence was an overreaction, but government agents did what they had to do to protect us. In other words the government's misconduct was justified.

This authoritarian mindset undermines our freedom. My parents' case is a potent human rights object lesson. Our government engineered a conviction and execution based upon false evidence.

This perversion of the judicial process poses a threat to anyone the government decides to prosecute. Today, the never-ending war on terror and its accompanying perpetual crises encourage law enforcement agencies to utilize our courts as vehicles of political repression. The government can play the “threat to national security” card to override all the protections of the constitution and its amendments. As we have seen since the 1950’s, once government misconduct is justified, even torture becomes acceptable. Terrorists may be in the crosshairs today, but so are dissenters, whistleblowers, the undocumented and racial minorities. This is a mortal threat to the fabric of civil society. It is why Manhattan’s Borough President and the 13 New York City Council Members are to be commended for their politically courageous action last September 28th. And it is also why we have mounted this campaign to have Attorney General Lynch and/or President Obama issue a proclamation declaring Ethel Rosenberg’s conviction and execution wrongful. This is why our effort to Exonerate Ethel is important to all of us today and for the future.

Over the next few months, officials in the Obama administration will be reviewing clemency and pardon requests. The decision to grant clemency or to pardon someone is usually announced after the November election and before the president leaves office in January.

Our request is unusual – we are asking for a proclamation declaring Ethel Rosenberg’s conviction and execution wrongful. But we think it’s possible. Presidents have taken surprising actions in the past just before they leave office --- this is the right time to try.

There isn’t a defined process for a request like this to be considered but we believe that using a petition to show the administration that this case is still relevant and still urgent today is our best chance at clearing my mother’s name.

JENN: We’re going to take questions now. I’ll start with a few questions submitted via email, then I’ll open it up to questions from participants. You can indicate that you have a question by pressing 1 on your phone when I ask for questions. Throughout the call you can also submit questions by emailing us at [exonerate@rfc.org](mailto:exonerate@rfc.org). Our first question was emailed to us by several different people.

### **1. Do you really think the Obama administration will take the action you ask for?**

ROBERT: I admit that this will not be easy. But Presidents have taken surprising actions in the past just before they leave office, so it is not impossible and this is the right time to try. The best way to increase our chances is to get as many people as possible to add their names to the petition. We’d like to get 100,000 to join the campaign. 6000 is a long way from 100,000, but we’ve just gotten started and I expect that number to grow steadily until the fall. Then in the early fall we expect to get a major boost from a 60 Minutes broadcast that will, at least in part, be about why my brother and I have started the Exonerate Ethel Campaign. We don’t know it’s exact broadcast date yet, but with an audience of 15 to 20,000,00 we expect it to really benefit our effort.

JENN: Here’s a second question we received via emailed.

## **2. What about your father? Is there a plan to pursue exoneration for Julius?**

ROBERT: My father's situation is different from my mother's because, among other things, Morton Sobell, my parents' co-defendant, admitted in 2008 that he and Julius were involved in providing the Soviet Union with military industrial information (electronics, radar, aviation) during the 1940's. So we can't make a strong case that Julius did not commit espionage. Further, unlike Ethel, the KGB files and Venona transcriptions indicate that, unlike Ethel, and like David and Ruth Greenglass, Julius was given a code name by the KGB. True, Julius did not steal the secret of the atomic bomb. This justification for his execution was false, and so I would like to see his execution declared wrongful. But this more nuanced demand will be harder to achieve. That said, the centenary of Julius' birth will take place in 2017 after Obama leaves office. I would consider mounting such a campaign at that point but it would depend upon who our next President is.

JENN: Ok, now we'd like to take questions from anyone on the call. Press 1 to ask a question and wait for us to call on you.

## **3. You say right wingers' arguments that Ethel was guilty are based upon weak evidence. Could you address their evidence?**

ROBERT: Ronald Radosh is the best known of the right-wingers. He wrote a piece in the Wall Street Journal in which he concluded Ethel helped recruit Ruth Greenglass into the conspiracy based upon information a man named Vassiliev hand copied from the KGB files. That material was smuggled out of Russia and translated into English. These translations were based upon Russian-language decryptions of double-encrypted Russian translations of an English summary reportedly provided by Julius Rosenberg to KGB agents. The files only report, after going through the machinations above, that Julius wrote, that Ethel said, words supporting Ruth's involvement. Anyone who has played the child's game of telephone will grasp why such evidence would never be admitted at a trial. It is impossible to be certain who said what, or if they said or did anything. Thus, the KGB files only describe what might have happened. In fact, given the circuitous route any quote in these files followed it is virtually certain that none of them are exact.

Proponents of Ethel's guilt cite three more examples like this from the KGB files, but they all went through the same multi-step multi-person route. That's why I said before that this is fifth or sixth hand information.

## **4. Can you talk more about why you think the campaign is important today?**

ROBERT: First to reiterate what I said before: The fact that our government was able to engineer a conviction and execution based upon false evidence for political purposes is a threat to all dissenters. This perversion of the judicial process threatens anyone the government decides to prosecute. Today, the never-ending war on terror and its accompanying perpetual crises encourage law enforcement agencies to utilize our courts as vehicles of political repression. Exonerating my mother will help demonstrate that the government's claim that we must subordinate constitutional protections to our need for security will generate tragic miscarriages of

justice. Such subordination certainly will make us less free, but not more secure. Beyond that, our government has never admitted that it has executed anyone who was not guilty. Educating the public about what happened to my mother will give a powerful boost to the anti-capital punishment movement.

**5. There are campaigns to free political prisoners including Mumia, Leonard Peltier and Oscar Lopez Rivera. How do you balance pushing for these pardons with your call for exoneration for your mother?**

ROBERT: That's an important question, especially given the Rosenberg Fund for Children's strong connections to the families of many political prisoners. I don't view any of these efforts as competing with each other. They are complementary. A demonstration of government misconduct in one case increases awareness of the possibility of misconduct in others. Proof of government overreach in sentencing, whether it is the death penalty, life imprisonment or multi-decade sentences, raises questions about over sentencing in others. I support the release of all political prisoners, and I don't think I'm going out on a limb in claiming that political prisoners support the Exonerate Ethel Campaign.

**6. Why isn't this petition on We The People, the White House petition site?**

JENN: That's a good question. For those of you who aren't familiar with We The People, it is a petition platform created by the Obama administration to allow people to use online petitions to ask for a response to an issue that matters to them.

The We The People platform has very strict requirements. If a petition reaches 100,000 signatures within 30 days the Obama administration has pledged to respond to that petition. They don't have to concede the demands – just respond.

100,000 signatures in just 30 days is a very high hurdle to cross and we don't believe that it's possible – especially because of the way the website works. We'd have to drive many hundreds of thousands of people to the White House site to get that many signatures.

Instead, we have a petition on our website at [rfc.org/ethel](http://rfc.org/ethel) and are also creating complementary petitions on the Change.org and MoveOn platforms. We believe that both Change.org and MoveOn may email their members encouraging them to sign the petition and it'll help us meet our 100,000 signature goal.

We may ask you to sign and share those petitions when they are created as a way of priming the pump and helping to raise the profile of those petitions to the staff at MoveOn and Change.org. If they see the petition getting a lot of signatures they will be more likely to email it to their members. It's ok if you sign more than one of the petitions. This isn't a legal document – it's a symbolic goal that shows public support for the issue.

**7. You've mentioned pardons and exoneration, what's the difference? And are there precedents for this type of request?**

ROBERT: I first thought of exoneration for my parents in August, 2006, when Massachusetts Governor Michael Dukakis gave me a copy of his 1976 proclamation declaring Sacco and Vanzetti's conviction and execution wrongful. I thought wouldn't it be great if we could get something similar in my parents' case. While the Dukakis Proclamation was a state, not federal, action, and I knew it would be harder (even impossible depending upon who was President) to get a Federal Proclamation, the thrust of the Dukakis Proclamation had the advantage of simply proclaiming that Sacco and Vanzetti's trial had been unfair and, therefore, their conviction wrongful, rather than claiming they were innocent. That more closely matched my parents' situation, once Morton Sobell admitted involvement with my father. Then I knew a proclamation that they were innocent would be impossible, but one that declared their trial and conviction unjust might not be. Of course, once the grand jury material showed the Greenglasses' perjury concerning Ethel, I focused on my mother's case.

It's true that most Presidential actions of this nature are pardons. We are not asking for a pardon because a pardon implies guilt. Instead we are asking for a proclamation along Governor Dukakis' lines. While this is unusual, the President himself, or acting through his Attorney General, has the power to issue such a proclamation. While I can't predict the exact wording of the Proclamation, if we succeed in getting one, I doubt it will flatly state that "Ethel Rosenberg is hereby exonerated." Instead, like the Dukakis Proclamation, it will declare her trial unfair and therefore her conviction and sentence unjust. Since defendants are presumed innocent until convicted in a fair trial, a statement that Ethel's trial was unfair and her conviction unjust will reinstate the presumption of innocence for my mother. I consider this an exoneration.

**8. Did defense counsel have access to the Greenglass grand jury testimony? If they did have such access did they use it to impeach the Greenglass's at trial? If they didn't have such access, wasn't this a violation of the government's obligation to turn over exculpatory evidence or wasn't that constitutional obligation established at the time of trial?**

ROBERT: That's actually a fairly complicated legal question, and I hope that, with my law degree, I get this right, not be a criminal defense attorney. I can tell you that in the 1950's, when this trial took place, there was no obligation on the part of the prosecution to turn over to the defense contradictory statements given to the grand jury. I believe that rule was not established until the 1970's. That said, there was a more general obligation of the prosecution to turn over exculpatory evidence. But I don't think it really applied to grand jury testimony at that point. But to go further, it was certainly improper and illegal for the prosecution to develop a strategy of inventing evidence so that one defendant could be used as a lever to force another to cooperate. Kind of like hostage-taking. So while the specific nature of the revelation of contradictory statements given at grand juries was not required, certainly what the prosecution did, was not considered legal. But they got away with it.

**9. Is there any indication of President Obama's opinion on the Rosenberg Case?**

ROBERT: We don't know. He was a professor of Constitutional Law, so it would be shocking if he were unfamiliar with the Rosenberg Case. But we have no way of knowing his opinion about it. But what's new, is that over the years it's always been Julius and Ethel as a unit. And now that



the focus is just on Ethel, whatever his opinion is on the case in general, his opinion of Ethel's case would be more important.

**10. Can you talk about the idea that - once there is such proof - as there is now - about prosecutorial illegal actions, such as suborning perjury and ex parte communication with the judge, that "black letter law" means the entire case should be thrown out - and started over but of course in this case it can't be "started over" ....**

ROBERT: If the defendants were alive, and all of this material came up, you could immediately file an action in court to "start over." That's one of the problems with the death penalty. You end the defendants' lives, and who is it that's going to file an action? My brother and I could have done this if we'd had this information. But so much time has passed. And we've explored this possibility with lawyers and there are just too many technicalities that would get in the way. It might be worthwhile to file such an action just to have it thrown out on a technicality, to show that the government is unwilling to reach the merits. But what you run up against is our court system, which is dominated by conservative judges.

**11. Even though David and Ruth Greenglass really did have code names, how did they avoid execution? Weren't the powers-that-be aware that the Greenglasses were benefitting from their accusations about Ethel, and therefore bring doubt on their testimony?**

ROBERT: We don't know how much the government knew about the Greenglasses' lying. We know that the government basically urged them to make up testimony against Ethel. But, the reason they wanted David and Ruth to talk, and to point the finger at my father, is that in looking through all the evidence, my father was not an atomic scientist. He had an engineering degree, but he didn't even go to graduate school. But he was involved with a group of young people, all in their 20's, during WWII, who wanted to take on the world, who wanted to make a difference. Who saw the Nazis marching through Europe and heading towards Moscow, and wanted to prevent a Nazi victory. And he organized people with technical information, to provide the Soviet Union with military and industrial information, to help them defeat the Nazis. And Julius was the person who knew everybody else. So the reason they wanted to get Julius to confess, was because then, he would name all these other people. And as one of the prosecutors said, "We'd have the biggest spy case in the history of the world."

So, they weren't atomic spies. But the government prosecution of all of these young, radical people would make a political point, and it would be very valuable to the government. That's why they did this. There are other reasons, but that's one of them.

JENN: I wanted to close the call with an update on next steps for the campaign and how you can help.

We plan to spend the summer continuing to spread the word about the exoneration campaign. We'll be at the Left Forum conference in May in New York City and at the National Lawyers Guild in August. If there are other events happening in your community that you think we should attend, please let us know by sending an e-mail to [exonerate@rfc.org](mailto:exonerate@rfc.org).

And, if you plan to be at any events this summer or fall where you think people would be inclined to sign the petition please reach out to us. We can send you campaign postcards, buttons, stickers and/or hard copies of the petition for people to sign and return to us. Again, let us know by e-mailing us at [exonerate@RFC.org](mailto:exonerate@RFC.org).

We are thinking about asking campaign supporters to ask their friends and family to sign the petition on Mother's Day (Sunday May 8<sup>th</sup>). In fact, we might use you as a focus group. Press one to raise your hand if you think that's a good idea and you'd be willing to participate in that type of campaign this Mother's Day. Thank you, that was very helpful. We'll be in touch with additional details.

As my dad mentioned, we hope to collect 100,000 signatures. The most important thing you can do right now to help us reach this goal is to share the petition with your networks via email and encourage them to sign and share it with their friends and colleague. If you have connections to organizations which might be willing to share the petition with their email list, please let us know. We'd also be grateful if you'd share the petition with any email lists you have access to; we can provide content, just email us at [exonerate@rfc.org](mailto:exonerate@rfc.org).

We'll be in touch with additional ways that you can help and updates about the campaign. We'll also send you information on how to access the audio recording of this call and notes from our discussion.

Thanks again for your support and for taking the time to participate on this call. We really appreciate it.

ROBERT: My thanks as well.

JENN: Good night everyone.