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The Lost Ones: The Cold War State, Child Welfare Systems, And The Battles Over The Rosenberg Children

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THE LOST ONES: THE COLD WAR STATE, CHILD WELFARE SYSTEMS, AND THE
BATTLES OVER THE ROSENBERG CHILDREN

by

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DEDICATION

To my grandparents John and Rilla Murphy, who taught me to love history, to never take education for granted, and that I should surround myself with those who encourage me to stand up and make myself be heard.

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ABSTRACT

The conspiracy case against Julius and Ethel Rosenberg was a formative event in the early stages of the Cold War, but it also set their two sons adrift in a domestic climate which emphasized domestic order but feared communists and those connected to communists within their midst. Michael and Robert Rosenberg's lives remained in various states of instability from their mother's arrest in August 1950 until they were adopted by Anne and Abel Meeropol in 1958. The placement of the Rosenberg children with the Meeropols came only after years of upheaval and family strife in which the notoriety of the Rosenberg case kept the boys in the public eye and prevented them from settling with a permanent guardian.

The height of the battle over the Rosenberg children came in 1954, when New York state authorities removed them from the Meeropol home on charges that communists were exploiting the boys to raise funds. The state Department of Welfare and private Jewish childcare agencies petitioned for legal custody of the boys and their trust fund. The court cases which followed exposed the state's commitment to controlling the futures of the Rosenberg children and led to conflict between anticommunist state forces, Rosenberg supporters, and professional child welfare workers. The case of Michael and Robert Rosenberg placed postwar American ideas on children and family in direct contention with Cold War anticommunism, and the eventual return of the boys to the

Meeropols demonstrates the limits of the Red Scare and expands the understanding of the legacy of the Rosenberg spy case.

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CHAPTER 1

INTRODUCTION

When New York City police officers knocked on the door of Abel and Anne Meeropol's Riverside Drive apartment in February 1954, the circumstances were uncannily similar to the day nearly four years before when FBI agents first upended the lives of Michael and Robert Rosenberg. But while agents in 1950 sought the arrest of their father Julius Rosenberg on charges of spying for the Soviet Union, now the object of their action was the boys themselves. Six-year old Robert was sleeping and Michael, four years his senior, preparing for bed when the officers and a representative of the Jewish Board of Guardians arrived with a court order to remove them from the Meeropol home. The officials operated under the authority of the Children's Division of the Domestic Relations court of New York, which issued the order on the request of the New York Society for the Prevention of Cruelty to Children (NYSPCC). The NYSPCC charged the Meeropols and later the boys' grandmother Sophie Rosenberg with child neglect.¹ The legal battle over the Rosenberg children became the final component of a years-long battle over the proper path for two of the most well-known children of the Red Scare, and their eventual adoption by Abel and Anne Meeropol demonstrated the limits of anti-communist fervor in the social and cultural landscape of the 1950s.

¹ Robert Meeropol and Michael Meeropol, *We Are Your Sons: The Legacy of Ethel and Julius Rosenberg* (Boston: Houghton, Mifflin, 1975), 247.

By February 1954, Michael and Robert Rosenberg had lived in over half a dozen different places: their maternal grandmother Tessie Greenglass's home, the Hebrew Children's Home in the Bronx, their paternal grandmother Sophie Rosenberg's home, the New Jersey farm of family friends, summer camps, the Meeropol home, and finally the Pleasantville Orphanage outside of New York City following their removal from the Meeropol home. They were orphaned, rejected by family, forced out of schools and made objects of ridicule and disdain in the eyes of the American public because their parents were condemned as Soviet spies. Perhaps no other children in the United States felt the repercussions of Cold War ideologies as keenly as these boys and the legal proceedings against their foster parents and grandmother made them once again objects of the public's attention.

American social and cultural ideas on the family and the state's role in securing safe homes for endangered children underwent a shift after World War II. The postwar search for order led to the nuclear family becoming enshrined in public rhetoric as the fundamental building block of American greatness and a central contrast to life under communism. The postwar era emphasized raising children as not just a key component of family life but a means of perpetuating American values. The growing importance of stable nuclear families increased "the equivalence between blood and belonging" which Ellen Herman argues is central to American attitudes towards family. Ethel Rosenberg herself felt one of the most egregious actions committed against her was the forcible separation of her "sacred family."² The postwar idea that the nuclear family was "sacred" lent itself not only to the argument that separating children from parents was an

² Meeropol and Meeropol, 73.

unthinkable intrusion on the family unit except in the most extreme cases but also that children belonging to Soviet sympathizers and accused traitors would be dangerous additions to an existing household.³

The court cases on the Rosenberg children illuminated not only how two young boys' futures became caught between postwar family ideals and Cold War fears but also the changing trends in child welfare. In many states including New York, the childcare system for fostered and orphaned children relied on private religious organizations to care for and match children with guardians. This system, instituted in the early twentieth century, began to move towards state-run systems of childcare by midcentury. Social work professionals also shifted their ideas on the goals of social work to emphasize democracy and autonomy of those they served rather than reinforcing a rigid set of outcomes. These trends created a child welfare system which sought to give children and families more agency in decisions on their future in a political climate which argued for the family as the ultimate demonstration of the strength of the American political and social system.⁴

The networks of family and private and state child care agencies typically in place to provide a stable environment for orphaned children failed Michael and Robert Rosenberg in the immediate aftermath of their parents' arrests. Their close connection to the most famous communists in the United States led many state and private actors to take action to protect Michael and Robert from the possibility that the ideology of the

³ Elaine Tyler May, *Homeward Bound: American Families in the Cold War Era*, Kindle edition (New York, NY: Basic Books, 2008), 99–188 of 6512; Ellen Herman, *Kinship by Design: A History of Adoption in the Modern United States* (Chicago: University of Chicago Press, 2008), 8.

⁴ Margaret E. Peacock, *Innocent Weapons: The Soviet and American Politics of Childhood in the Cold War* (Chapel Hill: The University of North Carolina Press, 2014); Marilyn Irvin Holt, *Cold War Kids: Politics and Childhood in Postwar America, 1945-1960* (Lawrence: University Press of Kansas, 2014); Frank J. Bruno, *Trends in Social Work: 1874-1956* (New York, N.Y.: Columbia University Press, 1957).

parents would continue in their children. These concerns led to charges in New York state courts that communist agents were exploiting the children to raise money and attention to the communist cause. While the state and much of the American public focused on making sure that communist influences could not direct the futures of the Rosenberg children, a network of Rosenberg supporters argued that the court overextended their role and abused its office under the influence of anticommunist forces.

This clash of child welfare and Cold War interests are best illustrated by two figures central to the case of the Rosenberg children: Children's Court judge Jacob Panken and Dean of the New York School of Social Work Kenneth D. Johnson. Panken and Johnson were both experienced and dedicated child care professionals and were both given authority to make decisions on the Rosenbergs in the course of their legal case. While Panken approached his duty as an opportunity to shield Michael and Robert from the legacy of their parents by removing them from the care of those sympathetic to their parents, Johnson resisted these efforts and instead reasserted the children's right to choose their guardians based on shared affection and similarities to their parents' background and ideologies. The political experiences of Panken and Johnson shaped the differences in their approach to the Rosenberg children's case as their ideas on child welfare. Panken came to the Children's Court from a career as a labor unionist and a socialist politician with a deep resentment of Soviet communism. Johnson helped create the federal loyalty security program in 1947 but became disenchanted with the culture of suspicion of the Red Scare as he observed its effects on American children. The approaches of Panken and Johnson illustrate the commitment of anticommunist forces to remove the Rosenberg children from the Meeropols, but also the ways in which child

welfare advocates pushed against these forces to reassert Michael and Robert's right to determine their own future.

At the center of these public discussions and competing forces were two children who suffered the trauma of losing their parents and lived without a stable home life for nearly four years. Michael and Robert Rosenberg's futures were placed in the hands of a legal system which proved ill-equipped to wrestle with the political, social, and ideological components of the case. The return of the boys to the Meeropols was due to professional social workers' refusal to allow the political currents of the Red Scare to influence their professional duties and who saw Michael and Robert Rosenberg as children in need of care instead of dangerous potential communists.

CHAPTER 2

THE CASE AGAINST THE ROSEBERGS

There could hardly have been a more hostile national climate towards communists than the one in which the Federal Bureau of Investigation arrested first Julius Rosenberg in July 1950 and then his wife Ethel a month later. The relationship between the United States and the Soviet Union, who operated as wary but essential allies during World War II, by 1950 transformed into intractable enemies. The anticommunist purges within American culture and government fueled the Hollywood blacklist and gave rise to new political figures who made their names by spreading fear of communist infiltration within the government-most notably Senator Joseph McCarthy of Wisconsin. Roy Cohn, one of the assistant prosecutors in the Rosenberg case, became chief counsel to Joseph McCarthy during his campaigns to seek out communist sympathizers in the State Department and the Army Corps of Engineers. By the late 1940s, the specter of the communist threat held such sway that a third of Americans believed that communists should be imprisoned or killed. While anticommunist sentiments built beginning in 1946, the event which solidified the cause and doomed the Rosenbergs was the successful Soviet atomic weapons test in 1949. Americans viewed the negation of America's monopoly of atomic power as impossible without the aid of Americans engaged in espionage for the Soviets. The arrests of the Rosenbergs and several of their associates confirmed many of anti-communists' worst fears: American citizens had willingly

betrayed their country and gave the secrets of the most powerful weapons technology in history to the enemy.⁵

While the arrests of the Rosenbergs came within the postwar anticommunist scare, the actions from which the charges stemmed occurred during the war more than five years previous and influenced by their radical political activism, which stretched back to the 1930s. Julius Rosenberg and Ethel Greenglass met at a union party in 1936 where Ethel, a talented singer, performed and Julius attended due to his work with the Young Communist League (YCL). Julius was a member of the YCL branch at the City College of New York, where Julius studied electrical engineering, and his political ideals drew him to Ethel who was an active participant in leftist causes and organizing since her teen years.⁶ Married in June 1939, the couple continued their support of left wing causes into the war years, when Julius found employment in the Army Corps of Engineers.⁷ Forced out of his government position when a background check in 1945 found he had lied about his ties to the Communist party, Rosenberg began an electrical repair shop and hired his brother-in-law David Greenglass, recently returned from his work in the Army, where he worked as a machinist at the Los Alamos, New Mexico site of the Manhattan Project. By 1950, the shop was in serious financial trouble and the Rosenbergs struggled to provide for their two sons in their one-bedroom Lower East Side apartment.⁸

⁵ Ellen Schrecker, *Many Are the Crimes: McCarthyism in America* (Boston: Little, Brown, 1998), 256; May, *Homeward Bound*, 280 of 6512.

⁶ Ronald Radosh and Joyce Milton, *The Rosenberg File* (New Haven: Yale Univ. Press, 1997), 51.

⁷The Rosenbergs' political causes included supporting the Republicans during the Spanish Civil War—a donation can for the Republicans found in the Rosenberg home would be used as confirmation by prosecutors of their connection to radical politics. Ivy Meeropol, *Heir to an Execution*, Documentary, 2004.

⁸ Radosh and Milton, *The Rosenberg File*, 71; Sam Roberts, *The Brother: The Untold Story of the Rosenberg Case* (Simon & Schuster, 2014), 160–64.

The government's case against the Rosenbergs began with the arrest of Klaus Fuchs, a German-born scientist who worked on the Manhattan Project, for providing information on the bomb to the Soviets. Fuchs provided information on a courier named Harry Gold, who after his arrest named amongst his contacts David Greenglass. Federal authorities arrested Greenglass and his wife Ruth in June 1950, and pressured with the threat of jailtime for both himself and his wife, David brokered a deal which kept his wife free to care for their children while he received a reduced sentence of ten years in federal prison. David named his brother-in-law Julius Rosenberg as the man who recruited him to gather information in Los Alamos on the bomb project and who arranged to send couriers to collect Greenglass's intelligence. By July, authorities believed they had enough evidence to arrest Julius, but Ethel's role was still in question. Federal authorities were reluctant to arrest her until she invoked the Fifth Amendment repeatedly during grand jury testimony in August, and she was arrested as she left the grand jury hearing. The Greenglasses told authorities more than six months following Ethel's arrest that she served as a record keeper in meetings between David and Julius, and that she convinced Ruth to take messages and instructions from Julius to David. The arrest of Ethel left Michael and Robert without a primary caregiver, and would be the beginning of nearly four years of legal and personal uncertainty over their futures.⁹

The trial of the Rosenbergs (along with Morton Sobell, a co-defendant in the case) drew national and international attention in the spring of 1951. David and Ruth Greenglass testified for the prosecution, with David providing recreations of his drawings

⁹ Radosh and Milton, *The Rosenberg File*, 98-99, 162-164. The question of whether Ethel typed these notes is a central point of contention for those who believe in her innocence, including her sons. At least one of the federal prosecutors in the case argued that if it were not for the Greenglasses testimony on the note typing, Ethel probably would have escaped the death penalty (Roberts, *The Brother*, 298).

of nuclear weapons components and a replica Jell-O box which he claimed Julius used as a signal to identify members within the spy ring. Officially, the charge against the Rosenbergs was conspiracy to commit espionage, which drew criticism from Rosenberg supporters as an insufficient charge to warrant the death penalty. The trial lasted about a month and on March 29, 1951 all three defendants were found guilty. Morton Sobell received a thirty year sentence, and the Rosenbergs sentenced to death by electric chair. In his statement at the sentencing, Judge Irving Kaufman laid the ongoing Korean War and the rising threat of total nuclear war with the Soviet Union at the feet of the Rosenbergs, calling their actions worse than murder for the millions of people who might potentially die in a war between the United States and the Soviet Union. The hysteria and anticommunist fervor of the Cold War meant that the Rosenbergs had little hope for a reprieve; despite national and international campaigning and a short-lived stay of execution granted by several justices in the Supreme Court, Julius and Ethel Rosenberg were executed on June 19, 1953—one day after their fourteenth wedding anniversary. The executions of the Rosenbergs not only marked the only executions of American citizens for spying for the Soviets during the Cold War, it left six-year old Robert and ten-year old Michael orphaned.¹⁰

¹⁰ Radosh and Milton, 185–88, 413–19; “SPIES: Worse Than Murder,” *Time*, April 16, 1951, <http://content.time.com/time/subscriber/article/0,33009,814669,00.html>.

CHAPTER 3

THE ROSENBERG CHILDREN'S SEARCH FOR STABILITY, 1950-1954

The arrest of their parents threw the fates of Michael and Robert Rosenberg into a state of disarray which remained unsettled until 1954. The boys were initially placed in the home of their maternal grandmother Tessie Greenglass, which proved to be less than ideal for several reasons. Greenglass lived in a small tenement unit on the Lower East Side of New York with her sister Regina and was ill-suited to the demands of two young boys. Tessie was known to complain that her grandsons were too undisciplined and that they were too much of an added expense. Tessie Greenglass had a tense relationship with her only daughter before her arrest, and the arrest of her favorite son David as well as her daughter and son-in-law put added strain on the entire Greenglass family. In addition, the upheaval of their family began to affect the boys: Michael, who had a history of obstinate behavior, developed a hostile and combative relationship with his grandmother while Robert sought out affection and attention from the adults in his life. A Greenglass relative wrote to Ethel about the situation at Tessie's home, saying that Tessie often "reviles and rants about you and the situation you and Julie brought on her family and how much trouble the kids are and how bad you are, and why don't you do what Ruthie did so you too could be with your kids."¹¹ Tessie Greenglass's insistence that Ethel "do what Ruthie did" and cooperate with federal authorities to gain leniency culminated in several visits to

¹¹ Meeropol and Meeropol, *We Are Your Sons*, 24.

Sing Sing prison where Tessie pleaded with her daughter to confess, the last of which ended in a screaming match between mother and daughter. These meetings were also part of a coordinated plan with the Federal Bureau of Investigation to get Ethel Rosenberg to turn on her husband and collect more information on the spy ring, which failed to persuade Ethel to turn from her insistence that she and Julius were innocent. Tessie Greenglass's outspoken resentment of her obligation to her grandchildren and her allegiance to David and Ruth Greenglass at the expense of her daughter made her guardianship of her grandsons untenable and soon Ethel began a search for an alternate living situation.¹²

Finding a new home for the boys within the Greenglass and Rosenberg families proved impossible under the pressures the spy case placed on the extended families. While both the Rosenberg and Greenglass families were large, with several aunts and uncles on both sides ostensibly capable of taking them from Tessie's home, no one was willing to take in Michael and Robert for fear of the media attention and notoriety which followed the case. The only member of the Greenglass or Rosenberg families who attended Ethel and Julius's funeral was Sophie Rosenberg, and at least one of Julius's brothers changed his last name to shield his family from their connection to the infamous spies. One of Julius's sisters expressed interest in taking her nephews in, but her husband refused due to fear that the media would find them and his business would suffer. In the harsh anticommunist climate of the time, taking in the children of reported Soviet spies, even one's own nephews, was too great a risk. With no one willing to take them in and Tessie Greenglass incapable of providing them with the care they needed, the Rosenbergs

¹² Ilene Philipson, *Ethel Rosenberg: Beyond the Myths* (New Brunswick, N.J.: Rutgers University Press, 1992), 344–45.

turned to the state and Jewish child care agencies to take charge of Michael and Robert in November 1950.¹³

New York state laws on the placement of children in the 1950s tied placement in foster homes and institutional care to the religious background of the child. This was not an unusual circumstance for family law in the early twentieth century: adoption and fostering policies placed emphasis on “matching” children with prospective parents who both looked like and shared similar religious and ethnic backgrounds since the Progressive Era.¹⁴ Judge Jacob Panken, the Domestic Relations court judge who issued the order to remove the Rosenberg boys from the Meeropol home, made the legal situation clear in an unrelated custody case in 1953, stating that “when a child is neglected...the religion of the child is to be established to make possible its placement either on remand or commitment to an agency or foster home” with those of the same religious faith.¹⁵ This law, championed by many ethnic and religious minorities as a means of preserving children’s communal identities within the legal system, placed determining the religion of children under the jurisdiction of the courts and gave a child’s religion tremendous weight in determining the facilities and foster families available to them.

Julius and Ethel Rosenberg’s Jewishness meant their fates would be tied to the network of Jewish child care agencies in New York, who held tremendous authority over Jewish children within the children’s court system. The Jewish Board of Guardians

¹³ Radosh and Milton, *The Rosenberg File*, 101–2; Meeropol and Meeropol, *We Are Your Sons*, 25; Meeropol, *Heir to an Execution*; Robert Meeropol, *An Execution in the Family: One Son’s Journey* (New York: St. Martin’s Press, 2003), 10.

¹⁴ Herman, *Kinship by Design*, 125.

¹⁵ Jacob Panken, “In the Matter of Dennis Glavis” (New York Domestic Relations Court, April 28, 1953), 2–3, Jacob Panken Papers, Wisconsin Historical Society.

(JBG), whose social workers first encountered the Rosenberg children when Ethel Rosenberg sought out their assistance with Michael's bouts of temper and obstinance in 1949, had social workers who periodically visited the boys from the time of their parents' arrest. These social workers kept in frequent touch with Ethel Rosenberg, who relied on the assessments and advice of social workers to monitor the progress of her sons. Ethel especially relied on Elizabeth Phillips, a JBG social worker Ethel worked with before her arrest and someone Ethel looked on as a friend and confidant, and who visited and reported on the boys' progress throughout the Rosenbergs' time in prison. The Hebrew Orphans Home run by the Jewish Child Care Association (JCCA) also became involved in the court case and the investigation into the Rosenberg children, often in association with state agencies such as New York's Department of Welfare.¹⁶

In November 1950 Tessie brought her grandsons to the Hebrew Children's Home in the Bronx after Julius and Ethel signed over their care to the Jewish Child Care Association. Michael and Robert spent the next six months in the children's home, an experience Michael so disliked that he compared it later to a concentration camp story. The poorly prepared food did not suit Michael's tastes, and the staff largely undertrained and overworked. Michael recalled the home was staffed primarily by African-American women who were "put upon by disturbed, unhappy, whiny (for the most part) white Jewish kids." The boys, who shared a bedroom both in their parents' home and at the home of their grandmother, were now separated into different dormitories and made to attend religious services and say prayers each day. Robert resented being forced to attend

¹⁶ Julius Rosenberg and Ethel Rosenberg, *The Rosenberg Letters: A Complete Edition of the Prison Correspondence of Julius and Ethel Rosenberg*, ed. Michael Meeropol (New York: Garland Publishing, Inc., 1994), 21–35.

religious services, having little experience with them and showing a disinclination towards religion which continued throughout his life, and Michael resorted to bullying and cajoling to get his younger brother to conform to the standards of the home. Rosenberg and Greenglass relatives visited regularly, sometimes taking them out of the home on weekends, but still no family member volunteered to take them out of the home permanently. It was during one of these family visits at the children's home that Michael and Robert learned of their parents' convictions and death sentences.¹⁷

In July 1951, Julius Rosenberg's mother Sophie, who had been in ill health following the arrests of her son and daughter-in-law, took her grandsons out of the children's home and into an apartment which Rosenberg defense lawyer Emanuel Bloch helped her secure. When Sophie Rosenberg came to claim them from the home she did not receive full legal custody but was made to give promises to the Department of Welfare on the nature of her guardianship of the boys. This agreement included that Sophie was "to assume and retain permanent custody of the children and provide them with normal and healthy lives" which included shielding them from public eyes and the influence of their parents' notoriety. While Sophie Rosenberg agreed to these terms, she would later be charged with failing to live up to them by the Department of Welfare.¹⁸

While this was a more comfortable place than Tessie Greenglass's home or the children's home, it was still far from ideal as a long-term solution for the Rosenberg children. Sophie's distress over the fate of her son frequently overwhelmed her, and just as Tessie made no secret of her disapproval of Ethel's behavior, Sophie Rosenberg often

¹⁷ Meeropol and Meeropol, *We Are Your Sons*, 25–32.

¹⁸ "In the Matter of Michael A. Rosenberg and Robert A. Rosenberg" (New York Domestic Relations Court, February 17, 1954), Jacob Panken Papers, Wisconsin Historical Society.

railed against the betrayal of David and Ruth Greenglass. Robert later described her as a “mournful and disturbing presence.” Michael and Robert’s emotional trauma became increasingly evident. Robert became withdrawn and relied on Michael above everyone else, who he considered outsiders and untrustworthy. Michael’s discipline problems and stubborn streak caused problems with his grandmother and the women she hired to help care for the boys. After a visit in Sing Sing from her sister-in law Lena, Ethel Rosenberg wrote her husband that their boys needed “proper emotional reorientation.” While Sophie was a steady presence and connection to family, she was not in sufficient physical or emotional health to provide for the boys long term.¹⁹

Living with Sophie Rosenberg also allowed Michael and Robert to visit their parents in Sing Sing prison in Ossining, New York for the first time, which not only reconnected the boys with their parents but exposed them to media. The press reported their whereabouts, published photographs of them accompanied by their parents’ lawyer Emanuel Bloch on visits to Sing Sing, and a well-known photo of the boys reading a newspaper with the headline “Spies Get One More Day” circulated widely in the days leading up to and immediately following their parents’ executions. In these media appearances, the boys showed their affection for each other as well as their very different temperaments. Photos showed Michael frequently protecting his younger brother, often draping his arm over his younger brother or comforting him while under the scrutiny of the press. Michael often showed public defiance in the face of their parents’ plight, asserting that they had been framed and even asking the guards at Sing Sing to see the

¹⁹ Meeropol and Meeropol, *We Are Your Sons*, 75–81; Meeropol, *An Execution in the Family*, 16, 21.

electric chair during one of his visits, while Robert shied away from the attention surrounding them, preferring to cling to his brother or other family members.²⁰

Julius and Ethel Rosenberg, with the assistance of their lawyer Emanuel Bloch, determined that there needed to be yet another change for the boys and in July 1952 chose Rosenberg family friends Ben and Sonia Bach as their new guardians. The Bachs lived on a farm in Toms River, New Jersey with their two children and were, like the Rosenbergs, involved in radical Jewish political circles. The boys lived at the Bach farm until December 1953 and attended the local public schools where Michael's fifth grade class elected him class president. The Bach house proved a much more stable situation, with fresh air and space for Michael and Robert and few incidents with other children in the neighborhood. Michael and Robert attended summer camp, did well in school, and were largely left alone by those interested in their parents' case.

The relative peace Michael and Robert enjoyed with the Bachs ended in the summer of 1953. As their parents' execution date drew near, the boys participated in a rally calling for clemency for the Rosenbergs outside the White House in early June. The boys, with their grandmother Sophie Rosenberg, Emanuel Bloch, and the leaders of the NCSJRC went to Washington with petitions and a handwritten letter from Michael asking President Eisenhower for his parents to be returned to him. Michael did not compose this letter himself; a Rosenberg supporter gave him a draft to copy in his own hand. Michael delivered this letter to the White House gates (though Eisenhower was not in residence at the time) and Sophie and the boys, dressed in suits and matching Brooklyn Dodgers caps, posed for photographs in front of the White House. This, one of only two appearances of

²⁰ Meeropol, *Heir to an Execution*; Meeropol and Meeropol, *We Are Your Sons*, 81–83.

the Rosenberg children at a rally or demonstration for their parents and nearly a year before they met Abel and Anne Meeropol, became the strongest evidence behind the state's charge of exploitation against the Meeropols and Sophie Rosenberg.²¹

Media attention turned to discovering where the boys lived after their public appearance at the rally, and news reports published that the Rosenberg children were in Toms River and sometimes referred to the Bachs by name. On June 19, 1953 the day of their parents' executions reporters camped out at the property to report the children's reactions from the Bach farm. This new wave of publicity in the summer brought attention on the boys' presence in Toms River, and the Toms River School board refused Michael and Robert further enrollment in their district due to residency issues after the fall term of 1953. With no access to the public schools in Toms River, Michael and Robert's stay with the Bachs could not continue and Emanuel Bloch again sought a new situation for the boys while they returned to Sophie Rosenberg in Manhattan.²²

The period of upheaval for the Rosenberg children once again seemed to be coming to an end after Bloch chose the Meeropols as their new foster parents in December 1953. The Meeropols' qualifications for taking care of two boys suffering from trauma and grief were in fact stellar, and they were eminently capable for the task. Both Anne and Abel began their careers as New York city school teachers, with Anne

²¹ Meeropol and Meeropol, *We Are Your Sons*, 222–23; Associated Press, "Father Was Spy, Sons Conclude With Regret," *The New York Times*, September 17, 2008; "Throng at White House Pleads for Rosenbergs," *Los Angeles Times*, June 15, 1953, ProQuest Historical Newspapers; Meeropol, *Heir to an Execution*.

²² Meeropol and Meeropol, *We Are Your Sons*, 136–44; "Son Hears TV Foretell Doom of His Parents: Shields Brother from Tragic News," *Chicago Daily Tribune*, June 20, 1953, ProQuest Historical Newspapers. Toms River School Superintendent Clyde Slocum denied that the Rosenberg children were targeted, saying the refusal of non-resident children in the schools was a matter of policy, and that they had made a temporary exception for Michael and Robert which ran its course when their parents were no longer in prison "Clyde W. Slocum to Emma F. Baxter," March 5, 1954, National Committee to Secure Justice for Morton Sobell Records, Wisconsin Historical Society Archives.

specializing in children with emotional and developmental problems. It was through their work as teachers that they made connections to Alice Citron, another schoolteacher and friend of Emanuel Bloch, and their connection to Citron would bring them into the Rosenberg circle in 1953. The Meeropols left teaching in the 1940s so Abel could pursue his songwriting career, and Anne devoted her time to teaching music and acting. Their new careers gave them nearly unlimited flexibility to raise children, since they both worked primarily from home. Abel Meeropol became a moderately successful songwriter and lyricist under the name Lewis Allan whose most famous works were “Strange Fruit” and “The House I Live In.” Abel and Anne left New York after “The House I Live In” found success in an Academy-award winning short film starring Frank Sinatra and moved to Los Angeles in the late 1940s, only to return in 1951 as investigations into communists in California gained traction. The Meeropols lived comfortably but not lavishly in a two-bedroom apartment on Riverside Drive in Manhattan which was a step up in comfort from even Sophie Rosenberg’s new apartment. Their own struggles with having children made them both sympathetic to the struggles of two orphaned boys and receptive to the opportunity for a second chance for parenthood. The Meeropols also shared beliefs and background with Julius and Ethel Rosenberg, including the Jewish faith which was a central component in state placement laws for children. In nearly every estimation outside of their political ideology, Anne and Abel Meeropol were ideal foster parents to any child, but were particularly suited to the needs of Michael and Robert Rosenberg. Bloch decided that the Meeropols would be ideal caretakers and arranged for them to meet the boys at a Christmas party in the home of W.E.B. DuBois. Michael and Robert

moved into the Riverside Drive apartment of Anne and Abel in the beginning of January 1954.²³

The Rosenberg boys adjusted quickly to their new life with the Meeropols. Abel and Anne both worked from home, and had plenty of time to spend with the boys in contrast to many of the homes in which they spent time previously. Anne routinely walked Robert and Michael to and from school, and Michael again thrived in school following a difficult scholastic period following the deaths of his parents. Abel and Anne used their backgrounds in performing and music to engage the boys, recording radio skits and short plays with comic characters to entertain them and encouraged them to join in. They enrolled the boys in art and music classes, and Michael became a skilled guitarist while Robert took up the violin. Michael and Robert began using the Meeropol name soon after they moved in, as both a protection from unwanted attention in their new school and to build a sense of belonging in the Meeropol family. The Meeropol household was an ideal place for children who lacked for care and attention but this period of adjustment and growing affection between the Rosenbergs and the Meeropols outside of the public eye did not last long.²⁴

The transition of Michael and Robert Rosenberg into the Meeropol home had its first setback on January 30, when Emanuel Bloch was found dead after a heart attack in his home. Bloch was not only the lead defense lawyer for Julius and Ethel Rosenberg, they named him the guardian of their sons in their last letters before their executions and “Manny” served as one of the few steady presences for Michael and Robert in the years following their parents’ arrests. While the Rosenbergs named Bloch guardian before their

²³ Meeropol, *An Execution in the Family*, 31; Meeropol and Meeropol, *We Are Your Sons*, 243.

²⁴ Meeropol and Meeropol, *We Are Your Sons*, 244–45.

deaths, when he died he had not yet formally been named legal guardian by the Surrogate's Court of New York. In fact, there was no paperwork filed which transferred legal guardianship for Michael and Robert Rosenberg since the transfer of the boys to the Hebrew Children's Home in 1950. Bloch's death placed the Meeropols' custody of the boys in very tenuous legal grounds, and their removal meant that control over the Rosenberg children would for the first time be under the jurisdiction of the courts.

CHAPTER 4

JACOB PANKEN AND THE CHILDREN'S COURT CASE

When a tip alerted the NYSPCC to the Rosenberg children's case and they decided to pursue a court order to remove Michael and Robert from the Meeropols, their petition went to Judge Jacob Panken in the Children's division of the Domestic Relations Court of New York. Panken was a longstanding judge in the Children's Court, and made a name for himself in his decades-long tenure as someone who used original and cutting-edge methods in his courtroom, including the first use of blood type testing in a paternity case. Panken was also a deeply connected political figure in New York whose career extended back late nineteenth century. Panken's political and professional ethos made him one of the strongest opponents of the Meeropols' claim to guardianship and a figure who the Rosenberg children would condemn for the rest of their lives.

Panken immigrated to the United States in 1890 and began his political career at the turn of the century organizing the International Ladies' Garment Workers' Union (ILGWU) in 1899. He ranked high enough within the union's operational system that at one point he was considered for the union's president.²⁵ Panken's skills as an organizer and orator made him a valuable member of New York's socialist community during the first two decades of the twentieth century, a time when socialists were growing in number and influence in many American cities. Socialist labor organizers and politicians gained

²⁵ "Jacob Panken, Ex-Judge, Dies; A Socialist and Labor Pioneer," *New York Times*, February 5, 1968, ProQuest Historical Newspapers.

traction in industrial cities across the Midwest and the Northeast, especially amongst immigrant and industrial laborers. Socialists often held lectures and published material in the language of immigrant communities, and used their knowledge of the language and lifestyles of working immigrants to build a strong coalition of workers and organizers whose aim was to fundamentally reshape society to favor the workers over the capitalist power structures. In cities like Milwaukee, socialists used their base of support to make considerable gains in local politics during the first two decades of the twentieth century, including several mayors, dozens of city counselors, and the first socialist congressman: Victor Berger from Wisconsin's Fifth District. The Socialist Party of the early twentieth century was effective on the local level, but was less able to translate its victories into a large, centralized revolutionary movement.

In New York, socialists were especially effective at organizing the Jewish immigrant population of the Lower East Side. Socialists used a variety of means to spread their message, from forming unions such as the ILGWU and leading strikes, to creating a robust Yiddish language press, to organizing lectures and speeches at public events. The Yiddish language *Forverts*, or *Forward*, was the most widely read of New York Jewish socialist media in the early decades of the twentieth century. Its publisher Abraham Cahan used his newspaper to educate Jewish immigrants not only in the customs of American life, but also introduce them to the socialist critique of capital with a distinctly Jewish twist. Cahan's ability to write about socialism in an engaging and non-academic way created a thriving socialist base within New York in the 1910s and 1920s,

which created political opportunities for ambitious New York Jews such as Jacob Panken.²⁶

Panken shifted from union organizing to a career as a politician, and he ran as a candidate for the Socialist party multiple times, including unsuccessful runs for assemblyman, senator, district attorney, and governor of New York.²⁷ In 1917, Panken ran his only successful campaign, winning a ten-year term on the Municipal Court, making him the first socialist elected to the courts in the state of New York. Panken's term coincided with the first Red Scare, a period of increased fear and political repression against groups considered radical or subversive, especially leftist groups such as communists and anarchists. This effort was led by A. Mitchell Palmer, the Attorney General who initiated federal raids against left-wing groups following an attempted bombing of his home by anarchist radicals. By the end of Panken's term, the political landscape was much changed from that of 1917. Panken's reelection campaign in 1927 exposed the fractures in the radical left and the organized pushback from the major political parties. Panken ran for re-election as a socialist, refusing to switch parties as some socialists did and refused the nominations of the Republican and the Communist parties.²⁸ Panken's re-election bid failed and his supporters charged that the Democratic machine conspired to defeat him by tampering with voting machines.²⁹ The 1927 election marked the end of Panken's career as an elected official, though it was not the last time he pursued political office.

²⁶ Tony Michels, *A Fire in Their Hearts: Yiddish Socialists in New York* (Cambridge, Mass: Harvard University Press, 2005).

²⁷ "Jacob Panken, Ex-Judge, Dies."

²⁸ "Panken May Ignore Communist Support," *New York Times*, October 11, 1927, ProQuest Historical Newspapers.

²⁹ "Sees a Tammany Trick," *New York Times*, October 24, 1927, ProQuest Historical Newspapers.

In 1934, New York Mayor Fiorello La Guardia appointed Panken to what would become a long career as an appointed judge in the Children's division of the Domestic Relations Court of New York. Panken made a name for himself during his time as a Children's Court judge through his embrace of unorthodox and new methods in his courtroom. One of Panken's methods which brought him public attention was his use of reading lists to reform delinquent children. Panken often sentenced delinquent children in his court to read a list of books approved by the court and then write a report on them to Judge Panken. Panken's program was meant to keep the children away from reading material Panken deemed "trashy" and to create a closer relationship between the court and the children under its care. Panken wanted to establish a personal relationship with the children who came to his court, to give them a sense that court officials cared about them and their interests. Assigning books by Charles Dickens, Jack London, or Jane Austen gave children a connection to the world of learning and would "make them conscious of their social obligations."³⁰

While Panken's socialist politics made him closer in ideology to the Rosenbergs than the conservative judges in the Rosenberg criminal trial, Panken was also a veteran of the ideological battles between socialists and communists throughout the first half of the twentieth century. While most Americans outside of the far left tended to conflate socialists and communists, within leftist political circles the two groups held distinct visions of truly socialist societies and bitterly fought over the implementation of socialist philosophy. The writings of Marx and Engels provided a deep critique of the capitalist system and its impact on the lives of working people and society, but did not

³⁰ "Court Finds Books Reform Children," *New York Times*, December 26, 1935, ProQuest Historical Newspapers.

provide a clear outline for its removal beyond the overthrow of the capitalist system through the rise of the proletariat classes. Socialist theorists and scholars would build on these ideas, but deep divisions emerged over the methods and dimensions of the coming revolution. Socialists proposed a more gradual, evolutionary revolution which worked from within the existing state to build support for socialism through services and community projects which demonstrated socialist support for the working man and their commitment to improving the lives of the proletariat. Communists, on the other hand, refused the idea of gradual change and argued that capitalist society could only be overthrown through the complete removal of the old order in favor of a socialist one. They saw socialist gains as half-measures which would only act as a temporary bandage on the wounds of capital, and that capitalist power structures would find ways to reassert themselves if they were not completely severed.

Panken's antagonism towards Soviet communism can be seen in his personal writings. In an unpublished autobiography, he defined the history of the Soviet Union as a "triple double cross." Panken argued that Soviets consolidated power by turning their backs on their allies: first by pulling out of World War I, then by failing to honor their pact with Nazi Germany, and then by "putting their paw" on Eastern Europe in the aftermath of World War II. Panken believed this final double cross could result in the end of civilization and the destruction of cultural values. Panken's criticism of the Soviets did not begin in the aftermath of the Bolshevik Revolution, as he wrote that he initially wished to visit Russia in the wake of the revolution, but after he was denied a visa by the Politburo he was dissuaded from further attempts by colleagues critical of the Soviet regime. Panken's criticisms of the Soviet state spoke to the split within the American left

in the early twentieth century and laid the groundwork for Panken's opposition to the Meeropols and the Rosenbergs in the court case.³¹

Panken suspicions of communist involvement in the case led to frequent warnings against foreign intervention in the case and he made several statements on his disapproval and frustration with organized activities which he saw as foreign attempts to sway his ruling on the neglect charges. He gave an interview with several members of the press in which he charged that many of the letters and telegrams he received from European nations were the result of agitation from outside communist groups. Panken, consulting with members of the media on whether he should make these foreign letters and telegrams public, stated that he welcomed any communications which helped him determine a plan for the Rosenberg children but foreign interference was not welcome. He stated his concerns over foreign interest in the case again on the record as the case transferred to the Surrogate's Court, condemning foreign letters and interference as propaganda against the United States and all it stood for. Panken's public concern over foreign letters interested in the Rosenberg boys indicated that Panken's Progressive-era socialism, historically rooted in American democracy and working to improve the lives of the industrial and urban workforce, was as hostile to the Soviet-centric and homogenous communism of the Cold War era as Americans on the center and the right of the political spectrum.³²

³¹ Jacob Panken, "Draft Autobiography of Jacob Panken," n.d., Jacob Panken Papers, Wisconsin Historical Society.

³² Jacob Panken, "Transcript of Interview with Judge Jacob Panken on the Rosenberg Neglect Case" February 23, 1954, Jacob Panken Papers, Wisconsin Historical Society; Jacob Panken, "In the Matter of Michael and Robert Rosenberg" (New York Domestic Relations Court, April 12, 1954), Jacob Panken Papers, Wisconsin Historical Society.

A repeated refrain by Judge Panken in court hearings and in correspondence on the case was concern over the trauma Michael and Robert suffered in the events of the previous years and the courts needed to protect them from further harm. In letters responding to citizens who wrote him about the case, Panken referred to the boys as having been “punished, and punished because of no offense on their part” but because of their parent’s actions. He made little mention of the threat of communist influence directly, but stated that his interest in the case is to “protect, to help, and to instill in these children a sense of self-respect.” In his statements about the case, Panken seemed to have a genuine concern over the traumatic and unstable lives of the Rosenberg children.³³

Panken made it clear in public and private statements that his main concern while the case was ongoing was keeping the proceedings out of the public eye. In a letter to Philip Sokol, lawyer for the Department of Welfare, he stressed that details of cases involving children should not be made public. Panken stated that the policy of his court was not releasing the real names of children, and that the press generally agreed to shield information on children involved in cases from their articles. Panken firmly stated his view that these policies were in place to shield children in the courts, as “to expose children to contumely, to ridicule possibly, to scorn possibly, is an offense committed against the child.”³⁴ Panken stressed his policy against public statements in the case again at the initial court hearing on February 17, stating that any public statement on the case would come from himself or an authorized person of the court.

³³ Jacob Panken, “Jacob Panken Response to Max M. Manners,” March 3, 1954, Jacob Panken Papers, Wisconsin Historical Society; Jacob Panken, “Jacob Panken Response to Rachel G. Gordon,” March 3, 1954, Jacob Panken Papers, Wisconsin Historical Society; Jacob Panken, “Jacob Panken Response to Henry F Boehm, Jr.,” March 3, 1954, Jacob Panken Papers, Wisconsin Historical Society.

³⁴ Jacob Panken, “Memorandum from Judge Jacob Panken to Philip Sokol,” February 17, 1954, Jacob Panken Papers, Wisconsin Historical Society.

While Judge Panken's attempts to protect the Rosenberg children from the public were commendable, a case related to one of the most notorious news stories of the postwar era did not stay out of the public eye for long. The media reported on the removal of the boys from the Meeropol house beginning on February 20 in newspapers across the country. Photos of the Meeropols and Sophie Rosenberg, and of Michael and Robert with Sophie, appeared in papers and presented the boys as overjoyed to be with their grandmother. The boys also appeared on television with Sophie and Anne Meeropol shortly following their return from Pleasantville, which drew harsh criticism from Panken in court hearings. He condemned the television appearance of the boys as harsh and anti-social, and reiterated his belief that children should not be put into the eye of the media.³⁵

The social worker assigned by the Children's Court to the case, Evelyn A. Williams, further complicated the notion that Panken was an objective agent in the neglect case. Williams was one of the first black social workers for the Domestic Relations court, and the court chose her to serve in the case because her racial and religious background gave her the ability to provide an unbiased assessment of the case and its key players. Williams alleged years later that Judge Panken called her into his chambers and threatened to have her fired if she did not recommend that Michael and Robert be named wards of the state. Despite these threats, Williams' investigation concluded that both Sophie Rosenberg and the Meeropols were well suited to raise the boys, and found them both in good emotional and physical condition. The charges by Williams present a case that Judge Panken was far from an unbiased and fair guardian of

³⁵ "In New Home," *Chicago Tribune*, February 21, 1954, ProQuest Historical Newspapers: Chicago Tribune; "Confer on Rosenberg Children," *The Daily Courier*, February 25, 1954, Wisconsin Historical Society Digital Newspapers.

the law, and that he actively attempted to ensure permanent legal custody of Michael and Robert went to the state before the investigation into the neglect charges could be completed.³⁶

Michael and Robert Meeropol's later descriptions of Judge Panken were harsh and unforgiving, influenced by their resentment of the role government officials played in their parent's case and in their early lives. Robert Meeropol rarely referred to Panken by name, calling him the "bad judge" who took him and his brother from the Meeropols. Michael was less politic than his brother; he condemned Panken's actions and called the initial hearing a "masquerade" and a "farce." Michael later denounced Panken as well as the Department of Welfare and others as "bastards" for trying to keep them from the Meeropols. Michael believed that Panken did not have any logical legal reason to question their placement with the Meeropols, that custody should have transferred to Sophie Rosenberg upon Emanuel Bloch's death, and that the court case was an elaborate ruse orchestrated by anti-Rosenberg elements within the community to remove them from a good but politically undesirable home. He went so far as charging that these officials attempted to "murder Julius and Ethel again by transforming their children's love into hate." While Panken was clearly unsympathetic to Rosenberg supporters, there remained a clear legal question of who could claim legal custody of the boys (even if Michael was correct and Sophie was their guardian, there was still no formal legal agreement with the Meeropols over their guardianship in 1954).³⁷

³⁶ Evelyn Williams, *Inadmissible Evidence: The Story of the African-American Trial Lawyer Who Defended the Black Liberation Army* (Lincoln, NE: IUniverse.com, 2000), 33.

³⁷ Meeropol, *An Execution in the Family*, 17–18; Meeropol and Meeropol, *We Are Your Sons*, 246–48, 255.

The Children's Court records of the case against the Meeropols indicate the state's strategy focused on the tangled and chain of legal custody of the Rosenberg boys to try to assert claim to the boys. While they were alive, Ethel and Julius filed paperwork giving permission to have the boys taken in by the Hebrew Children's Home, ostensibly giving up their custody to the home and the Jewish Child Care Association, a private Jewish child care agency with legal ties to New York's Department of Welfare. The Department of Welfare argued that this gave the state legal rights to the boys and that they should be considered wards of the state rather than honoring the placement provisions Emanuel Bloch made before his death. Whether legal custody fully transferred from the state to Sophie Rosenberg when she collected her grandsons in 1951 was unclear, and this combined with Emanuel Bloch's failure to file for legal guardianship of the boys opened the door for the state to claim they were the legal caretakers of the Rosenberg children. The department also claimed that the boys' time in New Jersey invalidated the agreement Sophie Rosenberg made in 1952, in which she agreed not to take her grandsons out of the state. The state's claim of custody suffered a setback when another New York court stepped into the case.

One day after Michael and Robert were taken from the Meeropols, the lawyer for the Meeropols and Sophie Rosenberg Alexander Bloch (father of Emanuel) appealed to New York Supreme Court Justice James B. M. McNally for temporary custody on behalf of Mrs. Rosenberg, which McNally granted. Justice McNally's order indicated that Panken's and the Department of Welfare's argument that Sophie Rosenberg was an unfit and neglectful guardian were not universally held within the court system, or at least that it was not persuasive enough to prevent the grant of temporary custody. McNally

appeared to view Sophie Rosenberg as a morally and religiously fit guardian for her grandsons, as he described her as a God-fearing woman and counseled her on her responsibilities to her grandsons:

Teach them, as you believe, the tenets and principles of your ancient and honorable religion...teach them out of the Old Testament. Never let anybody talk to these children in derogation of this country or its principles. You teach these children to love this country; it is their country.³⁸

The connection McNally drew between religious instruction and patriotism was another reflection of the Cold War mindset which permeated the question of the custody case, which set “godless” communists in opposition to the faithful Judeo-Christian ethos of the United States. McNally’s grant of temporary custody to Sophie Rosenberg would later be described by Michael and Robert as their family’s first legal victory in four years.³⁹

³⁸ Meeropol and Meeropol, *We Are Your Sons*, 252.

³⁹ Meeropol, *Heir to an Execution*. For more discussion of the changing attitudes towards religion and religious pluralism in the mid-twentieth century, see Will Herberg, *Protestant--Catholic--Jew: An Essay in American Religious Sociology* (Chicago: University Of Chicago Press, 1983); Kevin M Schultz, *Tri-Faith America: How Catholics and Jews Held Postwar America to Its Protestant Promise* (New York: Oxford University Press, 2011).

CHAPTER 5

THE QUESTION OF THE MEEROPOLS

The Department of Welfare and the JCCA's legal actions not only questioned the Meeropols' guardianship over the Rosenberg children, they questioned their ability to serve as caretakers for Rosenberg children under any circumstance. No paperwork was filed in the courts before the boys moved into the Meeropol house, and the only person consulted on the decision to send them the Meeropols custody was the deceased Bloch, who held an unofficial and incomplete legal claim over Michael and Robert's care. Furthermore, the Meeropols had no family or personal connections to the Rosenbergs or the Greenglasses- their only connection to the Rosenbergs was their sympathy with their story and their acquaintance with a friend of Emanuel Bloch. Judge Panken denied the Meeropols temporary custody of the Rosenberg children on these grounds on February 18, stating that until the Surrogate's Court of New York provided a definitive ruling on the legal guardianship of the boys and an investigation could be made on the Meeropols as possible guardians he could not place them in the Meeropol house.⁴⁰

The neglect case against the Rosenberg guardians was about more than the custodial actions of Emanuel Bloch and Sophie Rosenberg and the unclear legal standing of the Meeropols as guardians: it was also about the past and present associations of Anne and Abel Meeropol. The neglect charges against the Meeropols made little sense if

⁴⁰ Jacob Panken, "In the Matter of Abel Meeropol and Anne Meeropol, Custodians of Children Under Sixteen Years of Age Alleged to Be Neglected" (New York Domestic Relations Court, February 18, 1954), Jacob Panken Papers, Wisconsin Historical Society.

they originated from their time as custodians of Robert and Michael since the boys lived with them less than two months before the charges and the supposedly exploitative actions of the NCSJRC took place months before the Meeropols met the boys. However, the political affiliations and pro-Rosenberg sympathies of Anne and Abel Meeropol made them unfit in the eyes of the government. The government maintained an interest in the activities of the Meeropols since the 1930s, which increased after Abel testified at a hearing on communists within the New York teachers' union in 1941 brought questions on whether the Communist party funded or used his most famous song "Strange Fruit" as a recruitment tool. The song, perhaps the most famous anti-lynching song of the twentieth century, began as a poem published in the *New York Teacher*, a union publication, and became popular in leftist circles before Billie Holliday made it famous. The Meeropols' willingness to take in the Rosenberg children indicated a desire to connect themselves to the most famous communists in the United States, which under the climate of the Red Scare many Americans viewed as confirmation of their communist sympathies. The Meeropols, whose background as teachers seemed to make them ideally suitable as foster parents, instead were viewed with suspicion by the Department of Welfare and by many in the public.⁴¹

Concerns over the political affiliations of the Meeropols do not show up in the court records, but correspondence between the courts and the government demonstrated that anticommunism drove efforts to keep the Meeropols from gaining custody of the Rosenbergs. Assistant Attorney General William Olney III, responding to a request from Evelyn Williams for information pertinent to the custody case (a seemingly unnecessary

⁴¹ David Margolick, *Strange Fruit: The Biography of a Song* (New York: Ecco Press, 2001), 18–21, 51.

action in a legal custody/neglect dispute) refused to disclose any government intelligence but provided more than four pages of information based on publicly available information on the leftist political activities of Abel and Anne Meeropol. In this letter, Olney cited several examples of the Meeropols' political activities including both Anne and Abel's voting records as members of the American Labor Party beginning in 1937; poems, songs, and plays written by Abel under the name Lewis Allan reported on in publications such as the *Daily Worker*; Abel's membership in the American Committee of Jewish Writers, Artists and Scientists, described as "among the Communist front organizations for racial agitation"; and speaking engagements by Anne Meeropol (under the name "Anne Allen") at several Jewish and left wing events. Olney focused on the Meeropols' political activities from 1937-1952, and presented no information on the private lives or the relationship of the Meeropols which would indicate their fitness as parents. While not giving any private information on the Meeropols or issuing any direct advice in the case, Olney's letter makes it clear that the government had a wealth of information on the Meeropols and their assessment was that they were at the very least ideologically sympathetic to the Rosenbergs and at worst were potential communist threats to the nation.⁴²

While the state used the hazy chain of custody of the boys to challenge the legal claims of the Meeropols, the central charge in the case was neglect by exploitation: that caretakers and other political groups used Michael and Robert for political gain in the years following their parents' arrests. The lawyers for the Department of Welfare laid out the charges in a bill of particulars submitted to the court by the Department of Welfare's

⁴² Warren Olney III, "Warren Olney III to Evelyn A. Williams," April 12, 1954, Jacob Panken Papers, Wisconsin Historical Society.

lawyer Philip Sokol. Sokol charged that the National Committee to Secure Justice in the Rosenberg Case had in its meetings and fundraisers in both North America and Europe used the names of Michael and Robert to generate money and sympathy for their efforts to exonerate the Rosenbergs. The key objection against these efforts was that their efforts to support the Rosenbergs were anti-American and pro-communist: Sokol charged that “While funds have been raised at these meetings for the ostensible benefit of the Rosenberg children, the names of the said children and their plight has been used as a vehicle for the vilification of the government of the United States and for the dissemination of anti-American propaganda.”⁴³ Sokol did not allege that Michael and Robert attended these events or were even made aware of them; the charges centered on the use of their names and images by Emanuel Bloch and others in service to these activities.

The supporters of Julius and Ethel Rosenberg did use the plight of the Rosenberg children as a component of their political activities, and this can be seen in many of the pamphlets and other publications of the NCSJRC, which changed its name to the National Committee to Secure Justice for Morton Sobell in 1954. The NCSJRC used photos and drawings of Michael and Robert often in their pamphlets, especially in 1953 as the execution dates for their parents drew near and often included pictures and photos of the boys. The NCSJRC reprinted the hand-written letter Michael delivered to President Eisenhower at the White House in May 1953, as well as the last letter Julius and Ethel wrote their sons before their death. One NCSJRC branch held a “birthday party” in honor of Michael Rosenberg in 1953 as a fundraiser for the committee. A sample postcard from

⁴³ Philip Sokol, “Bill of Particulars in the Matter of the Application of Guardianship of the Person and Property of Michael Allen Rosenberg” 1954, 2, Wisconsin Historical Society Archives.

a letter writing campaign aimed at securing clemency from the president shows the silhouette of two young boys next to a letter calling for the president to “let the lives of their parents be a merciful gift to the children of Ethel and Julius Rosenberg.” Michael and Robert were a key component of political organizing on behalf of the Rosenbergs until 1953, but references to the boys dropped considerably after the executions as the committee shifted focus away from attempting to stop the Rosenberg executions to ensuring the release of their co-defendant Morton Sobell, who remained in federal prison until 1969. By 1954, the Rosenberg children were no longer used routinely in the activities of the NCSJRC as their parents’ case was no longer of primary importance.⁴⁴

The neglect and exploitation charges in the case also targeted the trust fund set up by Emanuel Bloch in 1953 for the care and education of the Rosenberg boys. After the executions of their parents, Bloch undertook a fundraising tour across North America to raise funds for the trust. The media reported this trust as an effort to ensure Bloch’s hope that the Rosenberg children would be raised in “moderate circumstances and to give them a college education,” hardly goals which normally raised concerns over exploitation. Bloch raised over forty thousand dollars on this tour, and set up The Rosenberg Children’s Trust Fund in August 1953. The trustees of this fund were Bloch (later replaced by his colleague and fiancée Gloria Agrin); Shirley Graham DuBois, wife of W.E.B. DuBois; Yuri Suhl, a writer of Jewish folklore; James Aronson, editor of the *National Guardian*; and Malcolm Sharp, law professor at the University of Chicago and instrumental figure in efforts to secure a stay of execution from the Supreme Court.

⁴⁴ National Committee to Secure Justice in the Rosenberg Case, “Unsigned Postcard” n.d., National Committee to Secure Justice for Morton Sobell Records, Wisconsin Historical Society; National Committee to Secure Justice in the Rosenberg Case, “Rosenberg Case-Circulars and Newsletters” n.d., National Committee to Secure Justice for Morton Sobell Records, Wisconsin Historical Society.

Though Bloch estimated that the fund required seventy-five thousand dollars to comfortably ensure the care and upkeep of the boys through college, by January 1954 it was worth \$46,325.43.⁴⁵

The trust became both evidence and an object in the custody battle, as the state argued that the trust was the property of Michael and Robert Rosenberg and as such should be in the hands of the legal guardians of the boys. The charges against the Meeropols listed the “property and estate” of the Rosenberg children including the trust fund accounts, the proceeds from *Death House Letters of Julius and Ethel Rosenberg*, an edited collection of letters published by Emanuel Bloch and whose proceeds went to the Rosenberg Children’s Trust Fund, the proceeds of the sale of the machine shop which Julius Rosenberg owned before his arrest, and any other funds which might be raised in the name of the boys. The list of organizations charged with exploiting the boys for fundraising purposes included the trust fund, but lawyers for Sophie Rosenberg and the Meeropols described its board as responsible caretakers of the funds who had “scrupulously and devotedly carried out their obligations to their trustees” and that they no one had accused the board of any unscrupulous behavior. Ultimately, Panken refused to rule on control of the funds because his court lacked jurisdiction, but the attempt at removing the board members (all known Rosenberg allies or left-wing activists) from their control over the trust. the state attempted to further isolate the Rosenberg children from the network of radicals and undesirables who maintained interest in their care.⁴⁶

⁴⁵ “Answer and Objections: In the Matter of the Application for Letters of Guardianship of the Person and Property of Michael Allen Rosenberg” March 17, 1954, 9–10, National Committee to Secure Justice for Morton Sobell Records, Wisconsin Historical Society; “Trust Fund Set Up for Two Rosenberg Children,” *Los Angeles Times*, September 23, 1953.

⁴⁶ Sokol, “Bill of Particulars in the Matter of the Application of Guardianship of the Person and Property of Michael Allen Rosenberg”; “Answer and Objections: In the Matter of the Application for Letters of Guardianship of the Person and Property of Michael Allen Rosenberg.”

Ultimately the question of the exploitation of the Rosenberg children receded in the more immediate question over legal guardianship over the boys and their trust. By April 1954, the custody question of the Rosenberg children involved three state courts: the Domestic Relations Court, which brought the initial charges against the Meeropols; the New York Supreme Court, which granted Sophie Rosenberg temporary custody over the boys; and the Surrogate's Court, which held jurisdiction over the question of legal guardianship over minor children. In April 1954, the judges in these three courts decided that the Surrogate's Court would take over the case in total, and Surrogate William T. Collins gave temporary custody of Michael and Robert jointly to Sophie Rosenberg and Kenneth D. Johnson, the Dean of Columbia University's New York School of Social Work. Johnson's role in the Rosenberg children's case proved to be a crucial one, both in determining the guardianship of Michael and Robert but also in demonstrating the limits of Cold War anticommunism.⁴⁷

⁴⁷ "Fate of Spies' Sons Put to Surrogate," *Unnamed Publication*, 1954, Jacob Panken Papers, Wisconsin Historical Society.

CHAPTER 6

KENNETH JOHNSON AND THE FUTURE OF THE ROSENBERG CHILDREN

Dean Johnson entered the boys' case with many Rosenberg supporters already expecting him to take an oppositional role, and the process which led to his appointment did little to assuage their suspicions that he was not an impartial assessor in the matter. Johnson's co-guardianship came based on the recommendation of the Jewish Board of Guardians, one of the complainants in the custody dispute and the group which would have control of the boys in the event the boys were named wards of the state. The strong support of Johnson's appointment by the JBG fueled Meeropol lawyer and Rosenberg Children's Trust Fund chair Gloria Agrin's opposition to his appointment, and as information on his background became known to her, it made her positively certain that he would not be receptive to the Meeropols as potential guardians.

Johnson accepted his role as co-guardian of Michael and Robert in a letter to Surrogate Collins in April 1954. He made it clear in his acceptance that he was not willing to take physical custody of the boys, and was not to have any role in the trust fund, but would carry out his responsibilities with the aid of the court and other child care agencies. Johnson's resolve and the seriousness with which he took this responsibility can be seen in his acceptance letter, in which Johnson vowed that "It will be my determination to do everything within my power to fulfill the trust you have isposed [sic] in me, sharing with you the hope and desire that these children shall be given every

opportunity to become loyal, upright, God-loving Americans.”⁴⁸ This statement, demonstrating Johnson’s commitment to his guardianship duties, also outlined the political framework through which Johnson undertook them. Johnson’s desire that the Rosenberg children become “loyal, upright, God-loving Americans” spoke to the fears of anti-communist forces that the boys were in danger of being corrupted by their parents’ supporters. Indeed, the very language of incorporating religiosity and patriotism with proper child development would have been understood by all parties as appealing to post-war notions of what constituted “proper” American identity. This also demonstrated that Johnson knew how to address these fears within the context of his profession, tying Cold War objectives into his larger mission as a social worker and educator.

If Johnson’s language in accepting the position as guardian heightened Rosenberg supporters’ concerns, his professional background did little to alleviate them, for he had extensive and influential connections to high offices in government before reaching his position as dean of the New York School of Social Work in 1949. A graduate of Brown University, Johnson trained as a lawyer and spent years as a District Court judge and a Children’s Court judge in Massachusetts. A veteran of World War I, Johnson rejoined the Army during World War II and served in the legal department of the Signal Corps, the division of the Army which fired Julius Rosenberg in 1945 for his connections to radical left-wing politics. Johnson later served in Europe under Dwight D. Eisenhower in the Supreme Headquarters Allied Expeditionary Force (SHAEF) and the Office of Military Government, United States (OMGUS). He knew Eisenhower quite well, and Gloria Agrin described him as a personal friend of Ike in her letters. After his formal release from the

⁴⁸ Kenneth D. Johnson, “Kenneth D. Johnson to the Hon. William T. Collins,” April 21, 1954, Jacob Panken Papers, Wisconsin Historical Society.

military, Johnson continued as a civilian consultant and assistant to Secretary of War Robert P. Patterson. Johnson's professional background showed his deep connections to the upper reaches of the War Department and the Truman administration, and these connections extended to one of the framework policies of the Second Red Scare.⁴⁹

On his resignation from active duty, Johnson became the general counsel for the National Security Resources Board (NSRB) under President Truman. He also served as a civilian member for the Army Department on the President's Temporary Commission on Employee Loyalty, commissioned in 1946 by President Truman with planning and implementing the loyalty-security program. The commission included representatives from the Department of Justice, the War Department, the State Department, and the Civil Service Commission and chaired by A. Devitt Vanech, the special assistant to the Attorney General. The commission created standards for determining the loyalties of current and prospective federal employees and procedures for "removal or disqualification from employment of any disloyal or subversive person" currently employed in the executive branch.⁵⁰ Johnson was a member of a sub-committee tasked with drafting memoranda and recommendations for the commission and where he was well-regarded, one member of the commission remembering him as "a fine man and an able man."⁵¹ The commission's report, provided to President Truman in November 1946, resulted in the creation of the federal loyalty-security program by Executive Order 9835 in 1947, the first major anti-communist effort within the federal government after World

⁴⁹ "Big Man in a Big Job," *Brown Alumni Monthly*, February 1948, 8.

⁵⁰ "Report of the President's Temporary Committee on Employee Loyalty," November 26, 1946, 1, https://www.trumanlibrary.org/whistlestop/study_collections/loyaltyprogram/documents/index.php?documentdate=1946-11-26&documentid=4-1&pagenumber=1.

⁵¹ Jerry N. Hess, "Stephen J. Spingarn Oral History Interview," Harry S. Truman Presidential Library, March 24, 1967, <https://www.trumanlibrary.org/oralhist/sping5.htm>.

War II. The executive order required each federal department to create a loyalty board, charged with investigating the qualifications, affiliations, and connections of all employees in their department and passing along any questionable employee for further investigation by the Civil Service Commission. These employees were entitled to a hearing before the loyalty board if they contested the charges of subversive activity. The loyalty security program created a framework for the House Committee on Un-American Activities and other government agencies and was used as evidence of the wide-spread danger of subversive agents within the federal government. The loyalty-security program also became the template for anti-communist purges in private organizations and employers across the United States during the Red Scare. Johnson's participation in this commission lent credence to many Rosenberg supporters' fears that Johnson's appointment ensured that a hardline cold warrior held control over the futures of Michael and Robert.

Just as Johnson's ties to the Truman administration stoked the suspicions of Rosenberg sympathizers, his post-government career as an administrator demonstrated his deep ties to the federal government and a president who denied clemency to Ethel and Julius Rosenberg. Dwight Eisenhower, former head of Allied Forces in Europe in World War II and Johnson's former military superior, embarked on a short tenure as president of Columbia University following his retirement from the military. Eisenhower named Johnson the dean of the New York School of Social Work during this period, giving an introductory speech for Johnson in December 1949 at the school's new location at the

former home of Andrew Carnegie.⁵² Johnson's personal and professional ties to now-president Eisenhower, who publicly refused to grant clemency to Julius and Ethel Rosenberg during the summer of 1953, further convinced Agrin and others that Johnson would not be impartial in his assessment of the boys or the Meeropols' suitability as guardians.

Agrin and her colleague Malcolm Sharp made it clear in their personal correspondence that they were wary of Johnson, and continued to explore legal options to remove him as guardian. They were adamant in their belief that the Meeropols would be the best possible guardian for the boys and aimed their efforts to secure that end, or at the very least ensure they remained with Sophie Rosenberg. Agrin and Sharp maintained their position that any guardian appointed by the court outside of the Rosenberg and Meeropol families was illegitimate and portended continued efforts to wrest the children away from their family and their supporters. Johnson's appointment, with his long history with the legal system and his deep ties to the Truman and Eisenhower administrations, did nothing to lessen these assumptions. Agrin and Sharp believed that they could not count on Johnson as a neutral actor, and would have to be convinced otherwise.

Even as Agrin pursued legal arguments against Johnson's guardianship, Johnson took his first steps in his new role. Johnson made his first visit to the boys and Sophie in late April, which Agrin believed would be a "tragi-comedy" but instead went smoothly.⁵³ He interviewed the Meeropols sometime before May 3, which Agrin reported as quite

⁵² "Johnson Selected New Dean of N.Y. Social Work School," *Columbia Daily Spectator*, March 21, 1949; Dave Charkes, "Johnson Installed as New Grad Dean," *Columbia Daily Spectator*, November 7, 1949, <http://spectatorarchive.library.columbia.edu/cgi-bin/columbia?a=d&d=cs19491107-01.2.9>.

⁵³ Gloria Agrin, "Letter to Malcolm Sharp," April 26, 1954, Julius and Ethel Rosenberg Collection, Howard Gotlieb Archival Research Library.

productive, with good reports on the Meeropols and their continued contact with Michael and Robert while they were living with their grandmother. Johnson also approved the Meeropols' plan for Michael and Robert to attend a Jewish summer camp in Pennsylvania and their use of the Meeropol name while there. Agrin started to weigh her legal options more carefully regarding Johnson after this meeting, and questioned whether to pursue their appeals of Johnson's guardianship. Malcom Sharp counseled Agrin to file the appeal, but even as she did so she took pains to assure Johnson that her actions were not out of personal animus but part of her desire to get the swiftest possible decision on behalf of the Meeropols. That Agrin took this step to reassure Johnson about her legal maneuvers demonstrated her respect for his position and that she held some degree of personal or professional respect for him.⁵⁴

While Agrin's personal contact with Johnson cooled her objections to his role, there were also signs that the Meeropols came to see him as a potential ally in their bid for custody of the boys. Concern from Agrin and the Meeropols about Michael's mental and emotional health led Anne Meeropol to meet with Dean Johnson in mid-May 1954. The Meeropols and Agrin took Michael to Dr. Stella Chess, a child psychologist, to alleviate some of Michael's behavioral issues and took their concerns over the trauma and strain the boys were under to Johnson to get Johnson to intervene with the court on their behalf. Agrin reported that Johnson phoned Surrogate Collins in Anne's presence about the matter, but Collins would not alter the custody arrangement until the court completed its investigation over the summer. Anne also told Agrin that Johnson did not

⁵⁴ Gloria Agrin, "Letter to Malcom Sharp," May 10, 1954, Julius and Ethel Rosenberg Collection, Howard Gotlieb Archival Research Library; Gloria Agrin, "Letter to Malcolm Sharp," May 3, 1954, Julius and Ethel Rosenberg Collection, Howard Gotlieb Archival Research Library.

approve of the process by which the Meeropols became the caretakers of Michael and Robert, but he respected the affection the Meeropols and the Rosenbergs had for each other. Johnson kept open communication with the Meeropols, gave them summaries of his reports to Collins and indicated he viewed the Meeropols as not only capable guardians, but that removing Michael and Robert from their home resulted in detrimental effects on the boys. The willingness of the Meeropols and Agrin to go to Johnson as an intermediary between themselves and Judge Collins was a strong sign that they did not see him as purely an adversary in the court case.⁵⁵

While Agrin and the Meeropols used their personal dealings to reevaluate Dean Johnson's role in the court proceedings, public speeches and press reports on Johnson strengthened their growing confidence in him. These reports gave many Rosenberg supporters, including trustees of the Rosenberg Children's Trust Fund, reason to believe that his anti-communist and anti-leftist credentials more not as strong as they suspected. Johnson frequently used his interests in the education and development of children to make critical statements against the prevailing political climate of the Cold War. A clipping from the *Utica Daily Press* sent to Sharp and forwarded to Agrin served as persuasive evidence that Johnson held concerns over the effects of the climate of fear stoked by anticommunists. The clipping detailed a speech given by Johnson at a general session of the Frederick A. Moran Memorial Institute on Delinquency and Crime. Johnson used his personal experience applying for a temporary civilian position in the government after he was asked to give a speech the Surgeon General of the Army as an example of the intensity of scrutiny government employment investigations entailed.

⁵⁵ Agrin, "Letter to Malcolm Sharp," May 3, 1954; Gloria Agrin, "Letter to Malcom Sharp," July 6, 1954, Julius and Ethel Rosenberg Collection, Howard Gotlieb Archival Research Library.

Johnson cancelled his appearance after he was asked to sign a loyalty report and submit his fingerprints, stating that “human dignity, self-respect, and just plain common sense tell me to stay away.” Johnson made a strong statement of the indignity involved in having one’s loyalty questioned by the government, but he did not acknowledge his role in creating this climate in his speech. Johnson, more than most with experience with the government’s loyalty program, had deep knowledge of its creation and the ideology which drove the culture of suspicion. His personal experience with the loyalty-security program made him question the efficacy of looking on public servants with suspicion.⁵⁶

Johnson went even further in his critiques of the political climate of the 1950s in his keynote address at the 12th annual Institute of the Welfare Federation in Cleveland in March 1954. In the speech, Johnson took a critical stance on the culture of fear inside the government and the deleterious effect this culture had on the nation’s children. Johnson called out the excessive focus and inflated numbers on potential “security risks” within the government as an example of the “moral darkness” of the nation’s leadership. Johnson argued that this failure of leadership was a “blight and a blow to health, constructive, and clean conditions” for the community and especially for children. He further warned that this climate of “misrepresentation, demagoguery, and deception” could lead to “a whirlwind of tragic and bitter – yes, even fatal – proportions.” These statements showed Agrin and her colleagues that Johnson was not the rigid ideologue that they had initially feared, but that he had deep concerns about the effect of the political

⁵⁶ “What IS It We Fear? Dean Asks,” *Utica Daily Press*, August 16, Julius and Ethel Rosenberg Collection, Howard Gotlieb Archival Research Library.

hysteria in the United States on the social and moral health of the country, especially the nation's children.⁵⁷

Johnson extended his critique of the prevailing political climate to the systems of segregated schooling in the United States. In a speech in Biloxi, Mississippi in March 1954, Johnson spoke of the pending decision in the *Brown v. Board of Education* Supreme Court case and the wide-ranging effects the decision potentially carried for the nation and its children. He also denounced what he called the “double talk” of the nation's leadership when it came to citizen's rights. Johnson declared that the decision could affect nearly half the country's population, and a decision against segregated schooling would demonstrate to the world that “we mean what we say when we talk about human dignity.” One of the trends singled out in the speech against double talk was the heightened scrutiny of federal employees, with Johnson arguing that despite nearly 2,200 government workers being branded security risks there were only about 100 who had clear and demonstrable connections to disloyal activity. Johnson made a strong case that the rhetoric of the Cold War and the contradictions between anti-communist language and the realities of life in the United States was creating a “moral and ethical darkness” within American families and their communities. Johnson's speech in Mississippi was perhaps his strongest, most expansive critique of the political and social system in Cold War America.⁵⁸

In all these speeches, Johnson called on both civic leaders and social workers to take firm stances to preserve and protect their communities from the pernicious

⁵⁷ “Dean Johnson Condemns National Climate of Fear” (New York School of Social Work, April 1954), Julius and Ethel Rosenberg Collection, Howard Gottlieb Archival Research Center.

⁵⁸ “Social Work Dean Blasts Segregation,” *Columbia Daily Spectator*, March 15, 1954, Julius and Ethel Rosenberg Collection, Howard Gottlieb Archival Research Library.

influences of “double-talk” and hysteria. Johnson’s seeming shift away from the ideology which drew him to work on the loyalty-security program paralleled a broader cooling of the Second Red Scare within American society. 1954 was a key turning point for the Cold War climate, where the consequences of the paranoia and fear of communists which drove the Red Scare became clear to many Americans. The death of Chief Justice Vinson in September 1953 led to an ideological shift in the Supreme Court with the confirmation of Earl Warren as the new chief justice the following month. The Warren Court took a decidedly different position on individual rights and the federal government’s role in civil rights than its predecessor, which became evident in their decision in the *Brown v. Board of Education* case in 1954 which struck down segregated schooling in the United States. The Warren Court’s decision began a ten-year period in which the Supreme Court took decisive steps to protect individual rights and limited the government’s ability to infringe on those rights, including their right to political activism. The court’s shift under Justice Warren signaled that there were lines the government could not cross in their efforts to root out and punish American citizens suspected of communist activity, which also set boundaries for society in their fervor to punish communists and their families.

There were other signs that the climate of the Red Scare cooled in significant ways by 1954, as officials and the public questioned the consequences of anti-communist purges. The most dramatic example of this was the swift downfall of the most prominent cold warrior of the early 1950s, Senator Joseph McCarthy. McCarthy’s career as an anticommunist crusader, beginning with the Wheeling, West Virginia speech in 1950 in which he accused the State Department of harboring communist agents, gave him a national platform and made him one of the most powerful lawmakers of the post-war era.

McCarthy used the public's fear and suspicion of communists, which increased significantly following the arrests of the Rosenbergs, to increase his public profile and to lead campaigns against suspected communist agents inside the federal government. McCarthy's crusade began unravelling in 1954, both in the eyes of the public and amongst his colleagues. The televised hearings of McCarthy's subcommittee, in which McCarthy was seen bullying witnesses or was conspicuously absent, led many Americans to question the motives and the effectiveness of the committee. The Army-McCarthy hearings, which charged McCarthy and his chief counsel Roy Cohn with unethically pressuring the Army to favor Cohn's associate, further turned public favor away from McCarthy and led to his censure by the Senate at the end of 1954. The fall of McCarthy cooled the Red Scare period considerably, and led many public and private officials to reconsider their efforts to investigate and punish suspected communists. Anti-communism remained one of the key social and political ideologies within the United States throughout the Cold War era, but the wave of hysteria which McCarthy and the Rosenberg case helped foster could not maintain itself within civil society. This shift in fervor occurred too late to save Julius and Ethel Rosenberg from the electric chair, but it did open up a window in which Johnson and others could argue for the Meeropols' claim for guardianship despite their radical political ties.

While the waning Red Scare relieved some of the political pressure from Dean Johnson, his focus remained on using his professional and intellectual resources as a social worker to make a fair, reasoned judgement on the best solution for Michael and Robert Rosenberg, and his assessment of the boys relied heavily on his position as the dean of a school of social work. His guardianship appointment stemmed from his position

as a well-respected professional with experience not only as an academic, but as a lawyer and a judge who in the Children's court system of Massachusetts. Johnson's philosophy on the role of social work in social development and the changing dynamics of social work in the post-war era illuminate his approach to his duties as guardian and the framework within which he assessed the boys and the Meeropols as potential guardians. His ultimate recommendation that the Michael and Robert not only return to the Meeropols but be legally adopted by them can be understood through his understanding of social work and the rights of children to participate in their own progress.

Johnson argued that instilling and protecting the values of society were key components of social work. Johnson repeatedly cited the need to "put values in order" as one of the key missions of social work, one which he argued gave social work professionals tremendous weight within their communities. The duty of the social worker to make and create order based on values meant that the values that social workers pursued were tremendously important to the societies they shaped. Johnson explained his idea of the basic concepts of social work in a speech at the University of Connecticut in 1956. Citing one of his school's students, he argued that every successful life was based on three basic foundations: that every human being had worth, the "motivating and healing power of self-determination," and the necessity to know oneself. Preserving these foundations was the basis for social work, and the challenge for those working in the field was finding ways to adapt to political, social, and economic changes while ensuring these tenets remained central to a social worker's mission.⁵⁹

⁵⁹ Kenneth D. Johnson, *New Dimensions in Social Work*, n.d., 2–3.

Johnson was aware that the demands of social work evolved in the postwar era, and accepted that his role as an educator needed to shift to address these changes. One of the key changes happening to the field was the expansion of degree programs within schools of social work, the creation of masters and doctorate programs to further the academic study of social work and the introduction of more flexible programs to encourage furthering the education of professional social workers. Johnson argued that the demand for experienced and knowledgeable social workers increased rapidly in the postwar era, and social work schools and educators needed to expand their outreach and programs to meet these demands. But he remained committed to academia as the central place for social work research and education, and called it an “ideal setting for learning and knowing how, when and why to put our values in order.”⁶⁰

It was apparent that Johnson did not believe that politics could be divorced from the work of social workers and social work scholarship. Johnson frequently pointed to national and global events in his speeches and the field of social work’s obligation to meet the challenges these trends had on American society. Johnson believed that social work was integral not only to the social structure of the nation, but also an essential component to achieving its political aims. The democratic values of the United States were inextricably linked to the social structures which social work preserved in Johnson’s estimation, and “the insecurities resulting from a structureless, and oftentimes contradictory climate add to the mental health problems of the nation.”⁶¹ His critical statements on the culture of fear and the hypocrisy of American policy towards segregation reflected his concerns over this relationship between politics and society. Johnson’s ideas about social

⁶⁰ Johnson, 4.

⁶¹ Johnson, 9–10.

work's place in the political sphere also linked to the United States' expanding role within the postwar global order, and Johnson argued that social workers needed to be a component of the nation's expansionist international aims. Johnson's philosophy integrating political and social problems gave Rosenberg supporters reasons to both hope and fear his assessment: his willingness to see the entire context to a social work problem might lead him to take a sympathetic view of the effect of anticommunist panic on Michael and Robert's well-being, but he also could favor anti-communist's arguments that it was the communist sympathies of the Rosenbergs and their supporter who had caused the emotional damage to the boys and take a harder stance against the Meeropols as a result.

Kenneth Johnson's relationship with the Rosenberg children showed that he took his belief in self-determination seriously and he allowed the boy's affection for the Meeropols to guide his approach as guardian. Robert and Michael made several visits to Johnson's office after April 1954 while still living with their grandmother and were being visited often by the Meeropols, and he remained a figure for whom they had tremendous respect for until Johnson's death. Michael described him as a wonderful man, and Robert later recalled the respect the Meeropols and Sophie Rosenberg had for him and his support of their role in the lives of the boys. After several months of meetings and assessment of Anne and Abel Meeropol, Sophie Rosenberg, and Michael and Robert, Johnson recommended the boys be returned to the Meeropols on a permanent basis. By the beginning of the school year in the fall of 1954, Michael and Robert were back in Riverside Drive and using the last name Meeropol.⁶²

⁶² Meeropol, *An Execution in the Family*, 19–20; Meeropol and Meeropol, *We Are Your Sons*, 254.

Over the next three years, Dean Johnson remained the boys' legal guardian and developed a friendly and productive relationship with the both boys and the Meeropols. Johnson wrote Anne, Abel, Michael and Robert routinely, letters full of praise for the boys' schoolwork and the Meeropols loving care of his charges. In a letter to Anne dated June 6, 1955 Johnson praised "the progress you are making with the boys. I find them to be as well mannered, as intelligent, and as well behaved as any two boys it has been my experience to know."⁶³ His visits to the Meeropol home and the boys summer camps were similarly met with compliments and praise for Anne and Abel.

Johnson's pride in his charges was also evident in letters to Surrogate Collins on their progress. One such letter, written during the summer of 1955, began with Johnson expressing pride that "our boys" finished another school year with distinction. He then gave a detailed account of Michael's grades for his seventh-grade year, five awards he won for his achievements, and news that he would be skipping the eighth grade entirely and entering the ninth-grade class in the fall. He quoted praise for Robby from his second-grade teacher, then assured Collings that he visited the Meeropols and everything was going well there. He ended his letter with the hope that "your treatment of these unfortunate boys--so wise and humane—will produce the results you and I and countless others want and pray for." Johnson was clearly deeply involved and committed to his role as guardian, and felt a shared sense of accomplishment with Surrogate Collins the boys thrived with the Meeropols.⁶⁴

⁶³ Kenneth D. Johnson, "Letter to Anne Meeropol," June 6, 1955, Abel Meeropol Collection, Howard Gotlieb Archival Research Library.

⁶⁴ Kenneth D. Johnson, "Letter to Judge William T. Collins," June 28, 1955, Abel Meeropol Collection, Howard Gotlieb Archival Research Library.

This warm relationship was not a one-sided one: Michael and Robert recalled their guardian in friendly and affectionate terms. Michael described Johnson as “a wonderful man...He was tall, ruddy-faced, and spoke with a funny (Boston) accent. He and Grandma became good friends and he also established an immediate rapport with the Meeropols. He was obviously concerned with our personal well-being. We took to him immediately.” Robert recalled later that Johnson attended and was moved to tears by Michael’s bar mitzvah in February 1956.⁶⁵

In late 1957, Johnson began the process of formal adoption proceedings for the Meeropols. He enlisted his friend Shad Polier to serve as the Meeropols’ adoption attorney free of charge. Polier was a well-known lawyer who built a career as an advocate for civil rights and equal protection, and had a history with the children’s courts of New York. Johnson wished to complete the adoption in the fall of 1957, but his co-guardian Sophie Rosenberg was reluctant to agree to formal adoption proceedings at that time. Johnson and Rosenberg agreed to move forward with the adoption in February 1958, and the adoption was finalized on February 26, 1958. While Michael and Robert had used the name Meeropol since 1954, this name change was also formalized at that time.⁶⁶

Rosenberg supporters viewed the legal adoption of Michael and Robert by the Meeropols as a victory, as the children were now out of reach of the state and the Jewish child care agencies. Into their adulthoods Michael and Robert viewed their adoption not only as a personal victory for their family, but as a political victory over forces they

⁶⁵ Meeropol and Meeropol, *We Are Your Sons*, 254, 262.

⁶⁶ Shad Polier, “Letter to Gloria Agrin,” July 31, 1957, Abel Meeropol Collection, Howard Gotlieb Archival Research Library; Kenneth D. Johnson, “Letter to Anne Meeropol,” November 11, 1957, Abel Meeropol Collection, Howard Gotlieb Archival Research Library; Kenneth D. Johnson, “Letter to Anne and Abel Meeropol,” February 26, 1958, Abel Meeropol Collection, Howard Gotlieb Archival Research Library.

viewed as their enemies. Michael looked back on his adoption as a sign that “the plans ...abetted by the Welfare Department, the Jewish Board of Guardians, and Judge Panken had been scuttled. This victory is an immensely significant one for us. Robby and I still shudder to think what would have happened if those bastards had succeeded.”⁶⁷

The adoption of Michael and Robert by the Meeropols marked the end of the formal relationship between Johnson and the Meeropols, but their informal communication continued. Johnson moved back to Massachusetts sometime in 1958, after suffering health problems since August 1957 and sought to recover there. Kenneth Johnson retired from his position as dean of the New York School of Social Work in February 1958. Johnson died in November 1958, leaving his former charges comfortably ensconced in a new family and secure that their financial and emotional needs would be provided.⁶⁸

Kenneth D. Johnson served as an example of the difference commitment to professionalism and compassion made in the face of public and state pressure advocated for the continued punishment of two boys whose only crime was being the children of the Rosenbergs. The children’s groups and court officials who put Kenneth Johnson in place as Michael and Robert Rosenberg’s guardians believed he would support their plan to remove the boys from the Meeropols and name them and their trust monies wards of the state, and deferred to his expertise confident he would ensure their preferred outcome. The Rosenbergs, the Meeropols, and their lawyers operated under the same assumption and pressed for legal decisions removing him from his position as guardian. Johnson, to

⁶⁷ Meeropol and Meeropol, *We Are Your Sons*, 255.

⁶⁸ “In Memoriam: Kenneth D. Johnson, 1898-1958,” *Social Service Review* 33, no. 1 (March 1, 1959): 77–77, <https://doi.org/10.1086/640631>.

the surprise of nearly all the actors involved in the case, ignored the pressures surrounding his appointment and instead focused his attention on Michael and Robert: their trauma, their needs, and the bonds of feeling between them and the Meeropols. In doing so, he adhered to the foundations of his field and allowed the boys to recognize their needs and their clear preference for the Meeropols. Johnson did not ignore the political climate which surrounded the Rosenbergs, he was acutely concerned with how the climate of fear and suspicion developed and the effect it had on adults and children alike. In the face of a nation which pushed to control two boys and deny them the opportunity to mourn and memorialize their parents, Johnson's support for the Meeropols allowed Michael and Robert to grow up in a home which not only shielded them during the rest of their childhoods, but allowed them hold onto the respect they held for their parents and encouraged them to admire Julius and Ethel Rosenberg for their commitment to their political beliefs instead of condemning them as traitors.

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