

CASE ADJUDGED
IN THE
SUPREME COURT OF THE UNITED STATES
AT
JUNE 15 SPECIAL TERM, 1953.

ROSENBERG ET AL. v. DENNO, WARDEN.

ON MOTION FOR LEAVE TO FILE PETITION FOR ORIGINAL
WRIT OF HABEAS CORPUS AND STAY OF EXECUTION.

No. 1, Misc., June 15 Special Term, 1953. Decided June 15, 1953.

The Rosenbergs had been sentenced to death for conspiracy to violate the Espionage Act of 1917, and the time of execution had been fixed for the week of June 15, 1953. As the Court was about to adjourn the October Term, 1952, on June 15, 1953, their counsel submitted a motion for leave to file a petition for an original writ of habeas corpus and stay of execution. Later that afternoon, the Court met in Special Term pursuant to a call by THE CHIEF JUSTICE having the approval of all the Associate Justices. All Members of the Court were present. *Held*: Leave to file petition for an original writ of habeas corpus denied.

John F. Finerty submitted the motion for petitioners. With him on the motion was *Emanuel H. Bloch*.

PER CURIAM.

The motion for leave to file petition for an original writ of habeas corpus is denied.

MR. JUSTICE BLACK dissents.

MR. JUSTICE FRANKFURTER.

The disposition of an application to this Court for habeas corpus is so rarely to be made by this Court

directly that Congress has given the Court authority to transfer such an application to an appropriate district court. 28 U. S. C. § 2241. I do not favor such a disposition of this application because the substance of the allegations now made has already been considered by the District Court for the Southern District of New York and on review by the Court of Appeals for the Second Circuit. Neither can I join the Court in denying the application without more. I would set the application down for hearing before the full Court tomorrow forenoon. Oral argument frequently has a force beyond what the written word conveys.