

THE MARTYRDOM OF SAINT ETHEL

Patron Saint of the Santee, the Bloody Fourth, and Gitmo Bay

A stage play in one act

by

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Day. A courtroom. Two tables with chairs facing the judge's elevated bench. A jury box.

The Prosecution and Defense attorneys enter, the Prosecution giggling.

A Bailiff leads in the jury made up of male audience members. Judge Kaufman enters.

JUDGE KAUFMAN

Sit.

(all do)

United States Attorney - Irving Saypol, Esquire.

SAYPOL

Here.

JUDGE KAUFMAN

Assistant U.S. Attorney James Kilsheimer, Esquire.

KILSHEIMER

Here.

JUDGE KAUFMAN

Assistant James Branigan, Esquire.

BRANIGAN

Jr., Sir. James Branigan, Jr., your Honor. Here.

JUDGE KAUFMAN

Esquire?

BRANIGAN

Sir?

JUDGE KAUFMAN

Your title of respect. Do you have one? Want one.

BRANIGAN

Yes please.

JUDGE KAUFMAN

Assistant U.S. Attorney James Branigan Jr., Esquire.

BRANIGAN

Here. Thank you, your Honor. Here.

JUDGE KAUFMAN

Attorney for Ethel Rosenberg - Alexander Bloch, Esquire.

BLOCH

Here.

KILSHEIMER

I'm the third.

JUDGE KAUFMAN

What? What you say? Who are you?

KILSHEIMER

Kilsheimer, sir. James Kilsheimer, sir. I'm the third. That is, I'm a third. James Kilsheimer III, sir, Esquire. Not third in line or a third of, you know, a man or a lawyer or anything. I can kick Branigan's ass.

BRANIGAN

Bullshit.

KILSHEIMER

I'll do it right now if you want me to, your honor.

JUDGE KAUFMAN

Am I going to have any trouble out of you, Branigan?

BRANIGAN

Sire?

JUDGE KAUFMAN

Bet you got your ass kicked daily in elementary school. You got something to prove? Did you just call me "Sire", mother-fucker?

BRANIGAN

No, sir. Yes, Honor. I am sorry.

JUDGE KAUFMAN

I don't know what you people think. We're here to sentence Ethel Rosenberg! Convicted of espionage! This is not a game!

Kilsheimer hi-fives Saypol.

JUDGE KAUFMAN

Knock that shit off, all of you!!!

(to Jury)

Gentlemen, bear in mind it is your duty to serve as jurors. We are all inconvenienced being here, but we are part of the American system of jurisprudence ...

Saypol hi-fives Branigan.

BLOCH

YOUR HONOR! It's bad enough Ethel's been wrongly convicted ...

SAYPOL

May it please the court, we the prosecution wish to argue that defense attorney Bloch is being a whiney-bitch loser.

BLOCH

Interrupt me again, I'll see you in the parking lot.

KILSHEIMER

May I be excused from these proceedings?

JUDGE KAUFMAN

Silence. Bailiff, lead in the convicted.

All rise. The Bailiff leads in Ethel. She walks behind Little Crow, a Santee Sioux warrior, and Sergeant Vida Henry, a black World War I soldier. Behind Ethel walks Hassan Yasin, a Guantanamo Bay detainee - all dressed appropriately.

JUDGE KAUFMAN

For all gathered in this courtroom, our minds should be the same as a white sheet of paper with nothing on it, and we should consider only the testimony given during the trial for the process of pronouncing the sentence of Mrs. Ethel ...

ETHEL

(raises hand, steps forward)

Sir? May I speak?

JUDGE KAUFMAN

You're out of order, Rosenberg.

ETHEL

Apologies ... where's my husband? Why am I here without him?
Surrounded by these gentlemen?

JUDGE KAUFMAN

I'm sorry ... what?

ETHEL

My husband, your Honor, where is he?

JUDGE KAUFMAN

That is not the concern of this court.

ETHEL

Sir, am I being implicated with these men?

SERGEANT HENRY

(a warning)

... mmm, nuh-uh ... I wouldn't say that ... not out loud.

SAYPOL

Objection!

JUDGE KAUFMAN

Sustained. What men are you talking about, little lady?

ETHEL

These men standing next to me - this Indian man, this Negro man,
and this, umm - this man in the orange garment.

JUDGE KAUFMAN

I see only your attorney, Mr. Bloch, standing with you, Mrs.
Rosenberg. You're being sentenced for your actions. Are you
mocking my courtroom?

ETHEL

No, sir, not at all.

SERGEANT HENRY

They can't see us.

ETHEL

What?

SERGEANT HENRY

We're like angels.

ETHEL

(to Little Crow)

Do you speak English?

JUDGE KAUFMAN

What did you call me, Mrs. Rosenberg? Did you just imply that I am a Communist?

ETHEL

(loudly, to the court)

Does this one even understand me, sir? The Indian? Why is this man in the orange paint-pants following me?

SERGEANT HENRY

We're here to help.

BLOCH

No, your honor, no! We're sorry. No, Mrs. Rosenberg is not implying you are a Communist! She is under a lot of stress.

KILSHEIMER

... crazier than a shit-house rat.

BAILIFF

All quiet! This day, Thursday April 5, 1951, in this New York City courtroom, Ethel Rosenberg will receive sentence for being found guilty of conspiracy to commit espionage and delivering United States government atomic bomb secrets to the Soviet Union. The honorable Judge Irving Kaufman presiding. Sit.

(the courtroom sits)

U.S. Attorney Saypol will read the indictment.

SAYPOL

(stands)

Imagine a wheel reaching out like an octopus, each spoketesticle held together by a common bond: mutual devotion to Communism and membership in this conspiracy!

JUDGE KAUFMAN

Did he just say spoke-"testicle"? I think he means tentacle.

SAYPOL

The die has been cast! Absolute corroboration of testimony!
Forged links pointing indisputably to Mrs. Rosenberg's guilt!

JUDGE KAUFMAN

Oh, he's on a roll ... never mind, he's on a roll.

SAYPOL

The description of the atom bomb delivered to the Soviets was typed by Ethel. Afternoon after afternoon at 10 Monroe Street she sat at her typewriter and struck the keys, blow by blow, against her own country in the interest of the Soviets! I say, make that bitch-traitor ride-the-fucking-lightning right now!

*The Judge and the Assistant
Prosecutors stand and applaud.*

BLOCH

Your Honor! The prosecution is retrying the case!

JUDGE KAUFMAN

The jury will disregard defense attorney Bloch's emotional outburst. Sir, I will have your legal license.

BLOCH

WHAT!?! I'M NOT THE ONE ...

ETHEL

(to Bloch)

Alexander? Alexander, who are these men sitting with me?

BLOCH

Would you knock it off, you crazy bitch?! I'm fighting for you!

SERGEANT HENRY

Ethel, you're the only one who can see us.

ETHEL

I'm sorry ... who are you?

SERGEANT HENRY

I am Sergeant Vida ...

JUDGE KAUFMAN

Citizens who betray fellow-countrymen cannot hold delusions of benign Soviet power. Their terrorism is self-evident!

JUDGE KAUFMAN (CONT'D.)

Mrs. Rosenberg, your crime is worse than murder, for a murderer kills only his victim. You put the A-bomb into the hands of the Russians - Communist aggression in Korea has already resulted in 50,000 casualties. How many millions more will pay the price of your treason? You've altered the course of history to the disadvantage of our country.

(deep inhale, grandly)

We live in a constant state of tension. You set in motion and profited from openly hostile acts toward the United States ... the verdict of guilty is amply justified by the evidence. I must pass such sentence as will demonstrate that this nation's security must remain inviolate. Trafficking military secrets, whether by slavish devotion to a foreign ideology or desire for monetary gain, must cease!

(overcome, serious)

Julius Rosenberg was the prime mover in this conspiracy, but there's no mistaking your role, Ethel, as his wife. Instead of deterring him, you, a woman three years his senior, encouraged and assisted - placing devotion to your cause above personal safety and sacrificing your own children should your misdeeds be detected. None of which deterred you. Love for your cause was greater than love for your children. Ethel Rosenberg, please stand to receive your sentence.

Ethel stands with Bloch. Little Crow, Sergeant Henry, and Hassan Yasin stand with her.

JUDGE KAUFMAN

My duty to this nation outweighs any inclination toward leniency. Your sentence must serve the maximum interests of our society. As a traitor to the government and to the people of this nation, you are sentenced to death by electrocution - to be carried out by the New York State Department of Corrections.

The gavel BANGS! Long silence. The Prosecution smiles. Bloch coughs. Ethel sways.

BLOCH

Your Honor, this case will have international repercussions. Great efforts are being made to bring the United States and Russia into an orbit of understanding. Your sentence will be radioed around the world in three minutes.

BLOCH (CONT'D.)

We are not at war with the Soviet Union! Who knows but that tomorrow we may reach an accord! Tokyo Rose and Axis Sally ...

SAYPOL

Your Honor!

JUDGE KAUFMAN

Enough, Mr. Bloch. Mrs. Rosenberg, do you wish to say anything?

ETHEL

These formalities ... you've already decided ... I grew up here ... I love my husband ... I was waiting for these proceedings to prove the truth ... My father, he owns a sewing machine business; I work for him, helped for as long as I can remember ... capitalism and greed nearly destroyed him and this nation just a few years ago ... the stock-market crash ... Communism isn't the evil ...

BLOCH

Ethel, stop. You can't ...

JUDGE KAUFMAN

Mr. Jury Foreman, this is the correct sentence as you decided?

(looks to jury; no response)

I take it by your silence that we all know the righteousness of this decision and its consequences? The stenographer will note from here on in that where there is no reply, the answer to my questions will be in favor of the greater truth.

ETHEL

NO! IS THIS BECAUSE OF THESE MEN? THESE PEOPLE BEHIND ME?

BLOCH

Ethel ...

KILSHEIMER

... a shit-house rat.

ETHEL

WHO ARE THEY!?! WHY ARE YOU PUTTING ME IN WITH THEM!?!

BRANIGAN

Your Honor, I've been quiet through most of this, but I have to ask how long we are supposed to tolerate this? This ploy for insanity. Are we now to retry this case for an incompetent?

JUDGE KAUFMAN

Mr. Bloch, advise your client if she continues she will serve the entirety of her appeal process in solitary confinement ...

BLOCH

Ethel, stop it! This isn't the end!

SERGEANT HENRY

Listen to them, Ethel.

ETHEL

I am not in with these men!

The Judge stares at Ethel. The Bailiff takes out his cuffs. The courtroom quiets.

JUDGE KAUFMAN

Who, Mrs. Rosenberg, are you referring to?

ETHEL

(near tears)

This Negro! This Indian! And this person in the orange jumpsuit. These colored men standing behind me who you led me into this courtroom with!

SAYPOL

Your Honor, she is ridiculing these proceedings!

JUDGE KAUFMAN

We are not friends, Mr. Saypol. Do not look out for my interests, thank you very much. I can do so myself.

(to Ethel)

Ethel Rosenberg, Mr. Bloch stands alone by your side. Only the courtroom audience is behind you. I see no men - no Indians, no Negroes, no men dressed in orange anywhere in this room. I haven't seen any colored people in this entire building today.

SERGEANT HENRY

Shame. Same old shit.

LITTLE CROW

(in Lakota)

She's fucked. Tell her to keep quiet.

HASSAN

(in Arabic)

I don't know why you two cuss all the time, sound ignorant.

SERGEANT HENRY

At least she can understand what I'm saying.

HASSAN

(in Arabic; taking out cell phone)

I'll text her - it translates automatically.

SERGEANT HENRY

It's 1951, ass, haven't invented cell phones yet. Doesn't matter if yours can translate to English automatically.

Little Crow laughs.

ETHEL

(to Judge)

You don't want me, sir. You want my husband, my brother, they worked on the Manhattan project, not me. David's wife, she's jealous of me. Julius will tell you when he gets here.

BLOCH

Ethel, save this for your appeal. We don't need to re-examine it now. We'll recall Julius and David, but you are embarrassing yourself. Accept your sentence for the moment.

ETHEL

No! No, you haven't defended me! David will say anything to save his life! You're defending nothing! Where are our witnesses?! You never brought in Ruth! Just me and Julius! We were our only witnesses!?! No, your Honor, no!

LITTLE CROW

(in Lakota)

She's a bit hysterical.

SERGEANT HENRY

Wouldn't you be?

HASSAN

(in Arabic)

Hell no, I sit on death row every day - cool as a cucumber.

SERGEANT HENRY

"Cool as a cucumber", you? That's funny.

BLOCH

Ethel, they will lock you in a prison cell by yourself.

ETHEL

Shut them up then! I can't hear a damn word anybody is saying over this Negro!!!

LITTLE CROW

(in Lakota)

They can't hear us.

SERGEANT HENRY

Did you not hear me tell her that already?

LITTLE CROW

(in Lakota)

I heard you tell her they can't see us.

SERGEANT HENRY

They can't hear us or see us ... one implies the other.

LITTLE CROW

(in Lakota)

She doesn't know that. She still doesn't even believe in you.

KILSHEIMER

(to Saypol; a blatant threat)

You want me to report this Judge Kaufman to the bar association?

SAYPOL

Not yet.

JUDGE KAUFMAN

Mr. Bloch, you get control of Mrs. Rosenberg or you will both be held in contempt. I will isolate her in the basement of our prison if I have to for her own protection, and you will draft her appeal from our jail-house library.

ETHEL

Is that who these men are? Convicts you'll throw me in prison with so I'll confess!?! This is all a threat!? I had nothing to do with those Atomic Bomb secrets!

SERGEANT HENRY

(giggling)

Ethel, you're not understanding.

LITTLE CROW

(in Lakota)

You want me to slap her?

SERGEANT HENRY

No, I don't want you to slap her.

HASSAN

(in Arabic)

Cut off her nose?

SERGEANT HENRY

No! We can't cut off her nose! This isn't the Dark Ages!

Ethel jumps back, silent.

HASSAN

(in Arabic)

It was a joke. Look, you scared her. Tell her it was a joke.

(broken English, to Ethel)

A joke. I'm a pacifist ... metro-sexual.

(texts into cell; speaks in Arabic)

I'll explain it to you later.

ETHEL

(exasperated, to Sergeant Henry)

Who are you talking to? Who are they talking to?

SERGEANT HENRY

You.

LITTLE CROW

(in Lakota; moving toward Ethel)

These white men won't listen to a woman! Woman, not to you!

ETHEL

(hops up and down, yanks on cuffs)

YOUR HONOR, I AM NOT WITH THEM! TRUST ME! I believe in this system. I do. Just please listen, you'll see. I'm no enemy.

HASSAN
(in Arabic)

There she goes.

SERGEANT HENRY
Shhh ... it's normal. Let her go.

ETHEL
I'm not like them. I've done nothing wrong.

*Silence. The prosecution
giggles.*

SERGEANT HENRY
You're okay, Ethel. You'll be fine. None of this is real.

ETHEL
Please stop talking. Your Honor, please make him stop.

JUDGE KAUFMAN
Mr. Bloch, I am recommending your client see a mental health
doctor as soon as these proceedings conclude ...

SAYPOL
It's a trick, sir. A desperate scheme.

BLOCH
No, thank you, your Honor, that won't be necessary. My client
is overwhelmed by today's decision. She'll be fine. She's
suffering from exhaustion, the intensity of the trial. We ask
respectfully, as is our right, to move forward with the
proceedings so we can consider our options for appeal once Mrs.
Rosenberg's faculties return.

ETHEL
All I wanted was people's merit to count for something. For our
government to help citizens being exploited - the people who
died in the ShirtWaist fire, people who trusted Wall Street ...

BRANIGAN
Grandstanding, your Honor. Her sentence has been pronounced -
what good can come ...

JUDGE KAUFMAN
Saypol, do not have me conversing with your entire legal team!

SAYPOL

Branigan, shut your mouth!

BRANIGAN

... shit house rat.

Branigan attempts to hi-five Kilsheimer, but accidentally slaps Kilsheimer hard across the face and knocks him out, unconscious, to the floor.

Silence. Pause. Hassan laughs inappropriately loud.

BLOCH

... huh ... bragged he could kick Branigan's ass. Glass jaw.

JUDGE KAUFMAN

Mrs. Rosenberg, you're clearly detached from reality.

ETHEL

I'm fine, your Honor. It's just ... you can't do this.

SAYPOL

Mrs. Rosenberg, I hold no spirit of malice or hatred or revenge. The law makes no distinction between friend or enemy. The struggle of our free society is for survival against the forces of Communist totalitarianism. You are an agent of those forces. Any society which does not defend itself is not worthy of survival. How can any life engaged in such treasonable activities be weighed against the life of a single American soldier fighting in a distant land?

SERGEANT HENRY

Ethel, in a few years, the United States will go to war with Cuba, an island just south of Florida, over the bombs you and your husband helped spread worldwide. It's not your fault. We're beyond finger pointing.

ETHEL

We are you berating me!?! I am the victim here!

SERGEANT HENRY

No, Ethel. You are the example.

SAYPOL

I almost sympathize with you.

SERGEANT HENRY

The blindness of these men, of this system ...

ETHEL

There's no evidence!

BRANIGAN

I'm through threatening. I have to report this shit.

BLOCH

You have to shut the fuck up!

JUDGE KAUFMAN

Watch it. He just knocked out his own friend.

BLOCH

It was a lucky shot!

BRANIGAN

Luck, my ass! I'll knock your face into next week!

Bloch smiles. He straightens his shirt and tie, and then suddenly rushes Branigan.

Bloch punches Branigan in the face with an awkward diving punch that has no power. Branigan catches Bloch, clumsily lifts him up, and tosses him to the floor. Bloch doesn't move.

Kilsheimer wakes and violently clotheslines Branigan. Branigan goes down. Kilsheimer slaps Saypol hard across the face.

Saypol staggers backward.

SAYPOL

Ow! Why!?!

KILSHEIMER

Pfft, just stand there!

*Saypol angrily charges
Kilsheimer, but trips and falls.
He knocks himself out on the
tile floor.*

*The Bailiff rushes over and
cold-cocks Kilsheimer across the
chin. Kilsheimer goes down
again.*

JUDGE KAUFMAN

Good job, officer.

BAILIFF

Thank you, your Honor. Boxing lessons at the Central Park YMCA.

JUDGE KAUFMAN

Okay, now ... Mrs. Rosenberg, there are no men standing behind you. No Indians, no Negroes, no men in orange costumes, no lawyers. I can understand your anxiety but, at this point, it is the duty of this court to adjudicate the punitive measures required after hearing the decision found by this jury.

ETHEL

Yes, but ...

JUDGE KAUFMAN

No "Yes, but ..."!!! These proceedings are done. Now do you want to sit in solitary confinement while your legal counsel works on your appeals?

ETHEL

No.

JUDGE KAUFMAN

That is a wonderful answer. This court is convened. Bailiff, please get some help - pick up the defense and prosecution. Everyone please exit politely, we have cake in the cafeteria.

*All exit. Ethel stands staring
numbly straight ahead at the
Judge's bench.*

*Sergeant Henry, Yellow Crow, and
Hassan sit quietly.*

ETHEL

I thought you were here to help.

SERGEANT HENRY

Like fairy-god mothers?

ETHEL

Wave your wand and make this all go away.

SERGEANT HENRY

Maybe.

ETHEL

... you're not really here.

SERGEANT HENRY

Neither are you. Right now, you're walking back to your cell,
led by two jail guards.

ETHEL

Shut up! Shut the hell up!

LITTLE CROW

(in Lakota)

Do not raise your voice to him, you unthankful brat!

SERGEANT HENRY

She's scared.

HASSAN

(in Arabic)

Little Crow is right! It doesn't matter! Tell her!

SERGEANT HENRY

She won't listen yet!

LITTLE CROW

(in Lakota)

SHE NEVER WILL! BUT SHE CAN'T SCREAM AT US!

ETHEL

What are they saying? Why are you yelling?

SERGEANT HENRY

It's okay.

LITTLE CROW
(in Lakota)

NO, IT'S NOT!

ETHEL

NO, IT'S NOT!

HASSAN
(in Arabic)

NO, IT'S NOT!

SERGEANT HENRY

They're saying what you're saying.

ETHEL

Really? Well ... it's not like I don't like them.

SERGEANT HENRY

Their cultures cut off women's noses and genitalia.

ETHEL

... it's not like I do.

SERGEANT HENRY

I guess I'm the spokesperson unless you speak Lakota or Arabic.

ETHEL

... sorry.

SERGEANT HENRY

It's okay.

ETHEL

You're all women haters? All animals?

SERGEANT HENRY

Yep. All animals.

ETHEL

I'm not like you.

All three men laugh.

SERGEANT HENRY

Yes, you are. You're exactly like us.

ETHEL

I am a wife and a mother. None of you are those.

SERGEANT HENRY

(to Little Crow)

He has six wives and twenty-two children. Quite the charmer. Magic pecker. Don't sit too close, you might make wife number seven and spontaneously squirt out kid number twenty-three.

(to Hassan)

He has one wife, one child - a daughter.

(smiles)

I am a son, Ethel.

ETHEL

I want to go home.

SERGEANT HENRY

Ethel, you did great. They can't see us because they never believed in us.

(looking at Little Crow)

Little Crow's family was starving; told to eat their own shit. He and some Santee warriors took food from a St. Paul warehouse. And as punishment, President Lincoln ordered thirty-eight Sioux Indians executed - largest public hanging in U.S. history. Little Crow's men weren't guilty of a crime.

(stands; moves to Ethel)

It's like you weren't even in the room. The men who did this to you aren't teachable.

(indicates Hassan)

Hassan Atwa Yasin, he'll be called a terrorist. But he says he was exploited like you. He sits in a place called Guantanamo Bay ... no one knows what's happening to him - beaten, tortured - courts, President, Congress, none of us ...

(laughs; storms around courtroom)

It's okay to be angry, Ethel! To want to burn this place down! I'll help! But we won't make a dent. You're not unique, I'm not unique ... not in this.

(solemn)

1917, Camp Logan, Houston, Texas; white police arrest a black soldier for interfering with the arrest of a black woman. Military inquiries lead to a riot - four soldiers, four police, twelve civilians killed. One-hundred and fifty-six black soldiers are tried - nineteen executed by hanging.

SERGEANT HENRY (CONT'D.)

President Wilson calls the proceedings thorough: jury of three generals, seven colonels, and eight West Point graduates ... Military Army Sergeant Vida Henry attempted to stop the riot by collecting soldiers' rifles, but a mob of white citizens rushed the camp. So the Sergeant led his men in armed resistance. Thirty-five souls were lost. That night the Sergeant snuck his men back into camp and then, alone, he shot and killed himself.

(puts finger to head; "shoots" himself)

You thought you could change things ... but you believed in a system that betrayed you like a parent who promises her child the world is safe.

(cold; official)

Ethel Rosenberg - sentenced to death for providing secrets of the atomic bomb to the Soviet Union. The New York Times notes: "The Rosenberg's case haunts American history, reminds us of the injustice that can be done when a nation gets caught up in hysteria." On Friday June 19, 1953, Ethel will follow her husband's execution. Her's will require three rounds of electrocution to stop her heart. Eyewitnesses will report smoke rising from her head.

(softly)

For some, Ethel, maybe ... but not for us. Others can exist - trust the system - you can't believe you are not the enemy.

ETHEL

This can't be.

SERGEANT HENRY

There are others. Some might listen. Might learn. We're here for them ... it's okay to be scared, Ethel.

ETHEL

Where's my husband? They want him! Not me! I hate you. Why are you here!?! You tell me this ... I am not racist, I love you people! Not you, none of you! I am not prejudice, I am better than you. You're the small-minded, not me. I believe in God!

SERGEANT HENRY

It's going to be okay, Ethel. You're not racist, but you're not better. There's something more. Please listen. We are not here for you.

Long silence.

ETHEL
(trembling, crying)

... I'm going to die?

SERGEANT HENRY

Yes.

ETHEL

... will it hurt?

SERGEANT HENRY

Everything will be fine.

ETHEL
(pause; then softly)

Can you stay with me?

SERGEANT HENRY

... we all will.

ETHEL
(long silence; then to Little Crow)
I'm sorry ... I would like to apologize to your family, sir.

Little Crow smiles. Ethel turns to Hassan.

ETHEL (CONT'D.)

I like your outfit.

They laugh. Ethel looks at Sergeant Henry.

ETHEL (CONT'D.)

It's okay.

SERGEANT HENRY

We should go now.

Ethel nods. They all exit.

THE END.