# FILE DESCRIPTION NEW YORK FILE

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FILE NO.	80-680	) thru	80.68	<u> </u>
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### **NOTICE**

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AND ANDREES

BAC, NEW YORK (80- 680)

JUDGE IRVING SAYPOL INFORMATION CONCERNING

Judge IRVING SAYPOL is a Supreme Court Judge in the State of New York. He is a former SAC contact, a former United States Attorney and was the federal prosecutor in the ROSENHERG espionage trial. He has been a close friend and supporter of the Bureau for many years.

Judge SAYPOL is vacationing in Mexico and will arrive in Los Angeles on 12/27/66 to visit a married daughter. He will arrive at Los Angeles Airport via Western Airlines about 6:00 PM and will be met by his daughter.

It is requested that any normal courtesies be extended to Judge SAYPOL during his visit to your city.

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### Strict Judge in Police Pay Case

Irving Howard Saypol

State Supreme Court Justice rving H. Saypol, who will proside at the trial of the parity issue that is the core of the patrolmen's dispute with the city, has been involved both as lawyer and sjudge with an ample share of the cases that have stirred public interest in years. As United States Attorney for the Southern District, he erved as Federal prosecuhor in the 1851 sabotageconspiracy trial of Ethel and bulius Rosenberg. The same year he was elected to his first 14-year term on the State Supreme Court bench. His second term will expire at the end of 1975, the year in which the 65-yearold justice will reach the

### mandatory retirement age of 70.

It was Justice Saypol who held former Representative Adam Clayton Powell in criminal contempt of court in August, 1966, and, on learning that Mr. Powell was vacationing at Bimini while his lawyer was arguing on the contempt motion in New York, he described the Congressman's behavior as "the antice of a mischievous delinquent."

The sharp phrase is typical of Justice Saypol, as is his anger at any flouting of the court's power and prestige. He did not hesitate, for example, to describe the citys willingness to grant pay increases to its transit workers after their 1966 strike as

"craven servility."

His care for the decorum of the courtroom extends to the dress of lawyers who appear before him. In 1964 he fined a woman lawyer \$50 for contempt for wearing a hat that he described as "grosses" hing so



The New York Times

Demands respect for

his office.

self-respecting judge can tolerate."

And he once complained that published reports about a particular case used the word "subpoenas" rather than what he considered to be the proper plural — the traditional Latin "subpoenae."

Many tawyer who have appeared before him consider to the fustice strict and autocratic. He himself has conceded: "I maintain a dignified courtroom. I believe itsan office that has to be respected, and that's all there is to it."

In recent years, however, observers believe, Justice Saypoi has mellowed.

As a prosecutor, he was described as relentless and skillful. He was named Chief Assistant United States Attorney in 1945 and, four years later, was moved up into the top position.

In 1950 Mr. Sayrol chose

as his confidential assistant a young lawyer named Roy M. Cohn, who was later to become well-known as an aide to the late Senator Joseph R. McCarthy.

Javing Howard Saypot was born Sept. 3, 1905, in lower Manietten. One of four sons of a building contractor, he attended New York City public achools, St. Lawrence University and the Brooklys. College Law School.

It was white he was in night cleases at law school that he met Adele B. Kaptan, whom he merried in 1925. To make ends meet, the couple ran a court-reporting and messenger service for lawyers.

Mr. Seypol was admitted to the bar in 1928. He served in the office of the city's Corporation Counsel until 1934, when he formed his own law firm. He was appointed to the United States Attorney's office in 1945.

The justice, gray-haired, bespectacied and conservatively well-dressed, still arrives early and stays late in his sixth-floor chambers at 60 Centre Street, often taking work home with him at night and on weekends. He is, when he has time, an enthusiastic golfer.

He and his wife live in a five-room apartment on Manhattan's East Side and have a summer home in New Jersey. They have three children: a daughter, Barbara, and Ronald and Roger, twin

Justice Saypol's gift for the crisp phrase is not always confined to stern expressions of judicial displeasure. In granting an annulment to a textile-fortune heir who testified that he was drunk for 10 months before he realized be had gotten married, the judge said:

"I must conclude this was not a marriage made in heaven, and it was certainly not a marriage on earth."

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FRVING H. BAYPOL

JUSTICES CHAMBERS MEW YORK COUNTY COURT MOUSE NEW YORK, M. V. 10007

March 13, 1975

Hon. Clarence M. Kelley Director Federal Bureau of Investigation Washington, D. C. 20535

Dear Mr. Kelley:

has sent me the enclosed photocopy of an article in the "Smith Alumnae Quarterly", February 1975 by Professor Alan Weinstein, entitled "Opening the FBI Files: An Interim Report". I direct your attention to the last page which she encircled with her comment "I thought you didn't ask for the death penalty. Is this error?"

I've enlightened her. Her question, as you can see, arises from Professor Weinstein's statement that FBI and Justice Department files have provided new insights \* \* \*; "that prosecutors in the Rosenberg case originally opposed asking for the death penalty but were overruled by Truman Administration officials in Washington." I don't know the basis for this statement nor do I know what records he speaks about. I do know the facts. The Professor is all wrong and he fabricates.

Preliminarily, when I had the honor of President Truman's appointment as United States Attorney, the prevailing sentencing practice in criminal cases in the United States—District Court for the Southern District of New York began with the prosecutor's recommendation for punishment. This was contrary to the practice in the State Courts where the judge took no recommendations. As Chief Assistant to my predecessor, the late John F. X. McGohey, one of my assigned responsibilities was sentence recommendation. Upon succeeding him in 1949, I raised the subject with the late Chief Judge John C. Knox. He requested that I continue the practice of

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recommending sentence. In my six years in the office I recommended many such, hundreds, and I can count on my fingers the cases where judges modified my recommendation.

Now, to the point of the Professor's claim. I was never overruled by anybody. No one in Justice or out ever directed me, let alone overruled me on the matter of recommendation of sentence.

I was the only prosecutor in the Rosenberg case. While some of my assistants assisted in preparation for trial and I let four of them examine some of the witnesses, I took the lead. All policy decisions were mine and mine alone. Advice I sought and took, but I repeat, final decision was always mine.

On the matter of the Rosenberg sentences, I had decided to make the recommendations which later were imposed. I made no recommendation at sentence at the direction of the sentencing judge, in these circumstances. The day before sentence he asked for my views. I gave them and he inquired regarding the views of the Department of Justice. I had not solicited any. He asked me to seek these. I flew to Washington, met with the late Deputy Attorney General Peyton Ford and the lake Assistant Attorney General in charge of the Criminal Division, James McInerney. They conveyed the views of your predecessor J. Edgar Hoover. There were differences all around among them, but capital punishment for one or both was in not out. I left to return to New York, asked to telephone to Peyton Ford that night for final word on possible reconciliation of their views. I did so but the Washington situation remained at variance. It was at a public function that night that I phoned Mr. Ford in the presence of the judge who was attending the same event. Upon narrating to him the Washington division I was then asked by the judge to refrain from making any recommendation for punishment the next day in the course of my closing statement at sentence.

There you have direct evidence of the facts in contradiction to Professor Weinstein's story.

You may use this in any way to keep the record straight.

Truly yours,

Irving H. Savpol

## OPENING THE FRI FILES: AN INTERIM REPORT

ALLEN WEINSTEIN, associate professor of history and director, American Studies Program

ociologists than among historians. My own published writings until recently involved no such contacts, dealing instead with such unpublic subjects as nineteenth century monetary politics, antebellum slavery and reform psychology. Several years ago, however, I began work on a study of the Cold War's impact upon American society during the so-called "McCarthy era" or what I prefer to call "the second red care." My research involved a reassessment of major internal ecurity controversies of 1940s and 1950s including the Hiss and Rosenberg cases. After publishing several articles on hese and similar cases of alleged Cold War subversion, I concluded any clear understanding of them required close scrutiny of the relevant FBI and Justice Department files. I initiated wit against both agencies in November 1972 to secure the Hiss iles, assisted by the American Civil Liberties Union, and in September 1973, FBI Director Clarence M. Kelley granted me access to this material. I had requested access to the Rosenperg files the previous month, and Kelley agreed to provide these as well. The FBI Director acted unwillingly and only in esponse to a new policy initiated the previous month by hen-Attorney General Elliot Richardson which liberalized elease to scholars of both Justice Department and FBI ecords more than fifteen years old.

Encountering government agencies in the course of scholarly research is far more common among political scientists and

Within a matter of months, the Justice Department had released thousands of pages from its files on both cases without making any deletions, although at an inflated cost for "processing" and xeroxing of approximately \$2,500. To date, however, I have not received a single page of the FBI's 25,000 page Rosenberg dossier and only 275 heavily-censored pages of its 53,000 page file on the Alger Hiss case. At this rate, I calculated that it would take the Bureau over 400 years to deliver its remaining records on the two cases, which runs a bit

Mr. Weinstein has received an American Council of Learned Societies Fellowship and the Harry S. Truman Library Institute's yearly Tom E. Evans Award to assist him in his research while he will be on sabbatical during the second semester and on a leave of absence from the College during the first semester of the year 1975-76. Throughout the year Mr. Weinstein will commute between Smith and Cambridge, where he will be a Visiting Scholar at the Harvard Law School. He hopes to revise his general study of society and the Cold War, The Second Red Scare, and to complete his study of the Julius and Ethel Rosenberg and Alger Hiss cases.

beyond my publisher's deadline. Even the small amount of material released by the FBI thus far was so thoroughly butchered in the censoring process that much of it would be far more helpful to amateur cryptographers than to professional historians. The FBI's long delays in complying with both the Richardson order and Keliey's own promise to release the files, as well as the unnecessary deletions it makes, reflect the Bureau's traditional indifference to its nominal overseers at the Justice Department, which rarely tried to supervise the agency closely during J. Edgar Hoover's half-century as Director. Elliot Richardson's strenuous efforts to limit such virtual autonomy at the FBI ended abruptly with his resignation during the "Saturday Night Massacre," and the Bureau has managed to insulate itself again from effective Justice Department control under his successors as Attorney General.

My own case was not unusual. During the past year, despite pressures from the Justice Department, scholars studying subjects a half-century old have also been refused access to Bureau files: files on the Red Scare of 1919-1920, the government's raids on the IWW (the "Wobblies") during the First World War, Harding's Attorney General, Harry Daugherty, and similarly dangerous topics still remain closed to researchers. Because of the FBI's failure to comply with Justice Department regulations and its own promises in connection with my requests, I have renewed my lawsuit under the Freedom of Information Act. Congress strengthened that measure significantly with a series of amendments passed in November 1974 over President Ford's veto.

Hoover's ghost still haunts the Bureau's personnel and practices, and a vaguely-Orwellian quality has characterized my experiences over the past year with the FBI. When agents promised "cooperation" in releasing the files, they actually meant "non-cooperation." When they agreed after pressure from a federal judge to "expedite" the processing of this material in reality (as I later learned) they stopped processing entirely. The indifferent officials of a weakened Justice Dopartment offered no tangible help in ending the Bureau's evasiveness, and within a few weeks, both the new Attorney General and FBI Director Kelley will have to explain this behavior in federal court where, in recent months, "stonewalling" has not proved an effective substitute for prompt compliance with the law.

When the SMITH ALUMNAE QUARTERLY asked me for a brief article on my experiences, I thought that a glimpse at some entries from my journal might offer more insight into the problems than an elaborate recapitulation of this story's well-publicized facts.



October 15, 1973. Paid my first visit to the FBI today. Met with Agents Farrington, McCreight and Dennis, who handle such requests for the files. Only Farrington is old enough to have lived through the Hiss and Rosenberg cases as an agent. All three promised to begin processing the files "immediately" for delivery "in the near future." I was interviewed in Farrington's office for almost an hour by an agent named "Jim Lee," who dwelt at length on my views of the Rosenberg case. (Author's note: I discovered later from Justice Department secret files that a "James P. Lee" had been a leading agent on that case. Lee never mentioned this fact during our entire talk.)

OCTOBER 26. Phoned McCreight and Dennis repeatedly in the past few days. Both becoming extremely vague on release dates. McCreight informs me that the Bureau will not release its critical interviews with principles in the Rosenberg case such as Klaus Fuchs, Harry Gold, David and Ruth Greenglass, or the Rosenbergs themselves until the Justice Department decides whether this would "invade their privacy." These interviews are crucial in determining the later credibility of witnesses, as even McCreight acknowledged. I pointed out

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Three pages of FBI files as released to the author

hat Gold and the Greenglasses later testified to the contents If these interviews not only in open court but (after conviction) s witnesses before the McCarthy committee. Also, the FBI as previously given out its files on the Rosenberg and Hiss ases to friendly writers such as Don Whitehead (The FBI) itory) and Frederick Collins (The FBI in Peace and Wor) as vell as to public officials such as Nixon and McCarthy. loover was a veritable Johnny Appleseed with allegedly secret iles, scattering them around Washington whenever it suited is purposes. McCreight was polite but adamant: no proessing would take place until the Bureau received "privacy" uidelines from Justice. (Author's note: These "guidelines" were never formulated.) McCreight also said that the Greenlass interviews particularly would never be released, since the ouple (now living under an assumed name since his release rom prison) have objected strenuously.

NOVEMBER 24. The past weeks have produced intense publicity on the story since the New York Times reported arlier this month: "FBI TO OPEN SECRET FILES, WITH SOME DELETIONS, ON HISS, CHAMBERS, AND THE ROSENBERGS." Because of Watergate, most newspaper reporters and radio-TV interviewers are looking for an inti-Nixon slant in connection with my research on the Hiss ase. Most-often asked questions: "Was Hiss framed and did Nixon have a hand in it?" "Were the Rosenbergs framed by the FBI?" Newspeople seem to think that the "answers" o these questions will be self-evident from a cursory examinaion of the FBI files; I remain skeptical. Although friendly owards me, the press wants at least an ounce of flesh at this wint. Phone call yesterday from a producer of a nationallyproadcast interview show asking me to appear next Sunday I had something incriminating to say about Nixon. Amazing!

DECEMBER 3. The nut mail has begun arriving. Several thone calls last week from "conspiracy theorists," who view my electes as an opening wedge toward vindicating Oswald, Sirhan, Arthur Bremmer, James Earl Ray and probably even Guiteau (Author's note: Garfield's assassin). Also, I deceived some far rightwing cards and fetters, postmarked ocally and unsigned. Several simply have stickers reading "COMMUNISM IS JEWISH," "HITLER WAS RIGHT," Thy favorite begins: "You do not need FBI files on Hiss to rite a book on cold war for every war including cold war the Life fought was promoted to further the British Israelite plot for world control under the British Empire which is controlled by Pharisee Jews and the House of Rothschild."

JANUARY 3, 1974. Still no files, despite several frustrating months of doubletalk from the FBI. The Justice Department began releasing its materials last month including a previously-classified one-hundred page report on the Rosenberg case which quotes secret FBI files. Decided to try and present my problems to the incoming Attorney General, who agreed to see me in his Senate office today. This was Saxbe's last day in the Senate and, as I arrived, his staff feverishly packed files and office furnishings for transfer to the Justice Depart-

ment. Saxbe - smiling, friendly, almost cherubic - ushered me into a private office overflowing with packing crates covering the floor and all the chairs. One file open on his desk - with my name on it. We paced back and forth autoss the room as we talked, mainly for lack of a place to sit. I described the previous months' difficulties in securing FBI compliance, contrasted this with Justice's cooperation, and he appeared sympathetic. He spoke bluntly about the difficulties confronted by Kelley with holdover Hoover agents - "some of those types think they're still living in the nineteenth century," he noted, and "have to be dragged kicking and screaming into the 1970s." Interrupted by a call from former A. G. Richard Kleindienst. Saxbe talked about selecting a chauffeur and a Deputy A. G., most of the conversation being about the chauffeur. Before I left, Saxbe told me that someone at the FBI told him that I was trying to locate the Greenglasses in order to harass them. He seemed surprised at my assurance that this was a lie but apparently agreed with me that anything the Greenglasses told the Bureau 24 years ago could now be safely revealed to historians. He made no promises but assured me of his personal interest.

JANUARY 20, 1974. Fourth trip to Washington this month. I'm becoming a fixture at FBI headquarters. Perhaps soon I'll be included in the tour. The agents complain of growing pressure from Saxbe and from the U.S. Attorney in the District of Columbia (who is taking heat from a federal judge anxious to settle my case) to turn over some files. One major difficulty, an agent insisted, was that "some KGB man in this country might request our records." I agreed that this might prove embarrassing but suggested that the FBI might be skillful enough to distinguish between garden variety American historians and KGB operatives. Another time, at Farrington's request (Farrington is the agent in charge), I provided a detailed list of specific reports that I wanted immediately, a list drawn from reports mentioned in Justice Department files. (In April 1974, I was informed by Agent McCreight that various Rosenberg files that I had requested were either "missing or lost," although they might even "be out to some 👵 🦐 supervisor or agent.") On another visit this month, McCreight assured me that I "would be getting a good cross-section of FBI documents - more than enough for (my) research." I thanked him but pointed out that my research would require the complete file on both cases. Shades of Attorney St. Clair and his client!

JANUARY 25. Today, Dennis handed over the first FBI file, heavily-blue pencilled seventeen page report. I asked about charges - originally the FBI had requested a 25% deposit on estimated total costs of approximately \$18,000 for both the Hiss and Rosenberg files. Much as Knopf (my publisher) wants to help, that figure would be ridiculously steep. Now, Farrington and Dennis asked me for \$50 for the seventeen page file. (This seemed generous until I calculated in the hotel later that at this rate [\$50 for each 17 pages], I would eventually pay \$155,000 for the Hiss file and \$74,100 for the Rosenberg records. Justice Department costs have been steep but still far less prohibitive.) When I began describing





the more reasonable payment procedures at Justice, Farrington exploded: "Don't tell me about the Justice Department. I don't care how they handle things. They do things their way, and we do things our way. They don't tell us how to handle our affairs, and we don't tell them. And another thing, when you have any questions about our work, don't call the Justice Department! Call us! We handle our own policy, not them. They don't tell us what to do!" Farrington, of course, is depressingly correct....

Although the preceding excerpts suggest the quality of my own encounters with the FBI over the past sixteen months, they distort or neglect several equally-important factors in the overall story. First, the FBI has not succeeded in impeding my research. Quite the contrary. For one thing Justice Department records have yielded extremely important source material on the FBI investigations that accompanied preparations for the Hiss and Rosenberg trials. For another, the publicity that has accompanied my efforts to secure the Bureau's files has alerted a number of individuals with important information on both cases to my presence. These private sources have shed new light on the cases through interviews and documents, information that in many instances is almost certainly not in the FBI files. The interviewing process continues along with a careful scanning of materials in such archives as the Truman Library and the Library of Congress. These sources, along with the printed primary records and previous studies, form the inevitable basis of my own work. Only genuinely gullible individuals or partisans truly believe that some "smoking gun" will emerge from the FBI files, some single piece of evidence that will "prove" their specific theory of either case. There are no shortcuts to the writing of serious history - even with FBI files - that exempt a scholar from doing his homework.

Even at this point, however, the FBI and Justice Department files have provided new insights into the two cases. Documents in my possession show, for example, that the FBI (despite denials at the time) were inspecting actual Woodstock typewriters as early as December 1948 prior to the time Hiss's defense staff found another Woodstock on which Hiss allegedly typed stolen government documents (this does not prove, of course, that the FBI forget the Hiss Woodstock as the latter's defenders have claimed); that prosecutors in the Rosenberg case originally opposed asking for the death penalty but were overruled by Truman Administration officials in Washington; that the House Committee on Un-American Activities withheld the microhlmed "pumpkin papers" from Justice Department prosecutors until shortly before Hiss's first trial; and that David Greenglass - the Rosenbergs' chief accuser - confessed to FBI agents in March 1953, months before the couple were executed, that he had stolen a piece of uranium from Los Alamos, a charge leveled by the Rosenberg defense lawyers during the trial. (Neither the FBI nor the Justice Department, which was informed of Greenglass's confession by the Bureau, reported this critical admission at the time, despite the fact that it might have proved decisive in the Rosenbergs' last-ditch appeal for a stay of execution.)

Finally, I must confess to a certain anxiety about the merits

of releasing some raw data contained in FBI files to any researcher, myself included. The current professed concern for privacy is not genuine, however, and stems primarily from its inability to use "national security" any longer as an argument against releasing files a quarter century old. The FBI thought nothing of cooperating not only with law enforcement agencies but with employers, credit bureaus and friendly journalists in the past whenever it wished to violute someone's privacy through distributing files. Still, the issue remains a serious one; secrecy's wrongs should not obviate privacy's rights. Far more thought should be devoted to establishing a fair and impartial mechanism for mediating between a healthy respect for individual privacy and an equally sober concern for releasing historically-important material contained in previous era's FBI files.

On my first visit to the Bureau's headquarters in October 1973. I pointed out to the agents in Farrington's office that the FBI had been placed in a unique position after Hoover's death. As long as he continued to run the agency, the Bureau never really possessed a historical "past," since even scholarly scrutiny of events as distant as the World War I radical raids or the 1919-1920 Red Scare involved episodes in which Hoover himself had participated. In that sense, they remained "current" events in the mind of the Director, who used every available means to identify his own place in history with that of the Bureau. But the FBI can regain public respect in the future, respect tarnished by some of its activities under Hoover and L. Patrick Gray, only if it begins confronting candidly the complete history of its first half-century. mistakes as well as triumphs. Director Kelley began this process by acknowledging that the Bureau can make mistakes. something Hoover was loath to admit.

Now that many of the FBI's agents have retired and begun thinking about their own place in history, moreover, it becomes more difficult to suppress successfully any activity in which the Bureau took part during the Hoover era (witness the involvement of a half dozen former agents on public tolevision's recent documentary on the Rosenberg case, all of them talking freely about their experiences). Any effort to cover up the Bureau's previous mistakes can only injure its chances for future credibility. Perhaps the time has come for a joint committee of FBI officials, historians, and archivists to assume responsibility for the administration of the Bureau's records removing files more than fifteen years old under appropriate safeguards to the National Archives, if only to preclude such material being "lost," burned (as L. Patrick Gray had done) or otherwise misplaced. Only closer supervision by the Justice Department and by Congress will achieve this result, of course, but perhaps the moment for such scrutiny has arrived. My own experiences confirm, in a small way, the need for such changes. I think often these days about the remark made last year by a Washington reporter who expressed skepticism that I would ever receive the Hiss and Rosenberg files. "Even if those people haven't a thing to hide," he observed, "they will imagine that they do. Then, rather than 'embarrass the Bureau,' they will violate Justice Department rules and hang on desperately to the documents." For the moment, they have done just that,

March 25, 2975 UPT

Honorable Irving H. Saypol Justice Supreme Court of the State of New York County Court House

New York, New York 16007

Dear Judge Saypol:

This is to acknowledge receipt of your letter of March 13th enclosing a copy of an article by Associate Professor Allen Weinstein which appeared in the February, 1975, issue of the "Smith Alumnae Quarterly."

I greatly appreciate your taking the time to set the record straight regarding Professor Weinstein's reference to the death penalty in the Rosenberg case. My associates share my gratitude for your thoughtful letter.

Sincerely yours,

Clarence M. Kelley Director

(1)- New York - Enclosures (2)

80-680-157A

J. S.



Mr. J. Wallace La Prade Assistant Director Federal Bureau of Investigation 201 East 69th Street New York, New York

Supreme Court of the Sinte of Rew Hork



MEW YORK, N.Y. 10007

CHAMBERS OF IRVING M. SAYPOL JUSTICE

February 6, 1976

Dear Wally,

Here it is!

Thanks for the hospitality, especially the ride home.

Sincerely,

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## Nation' in Defense of Kaufman

The National Lawyers Guild has assailed the American Bar Association for forming a "partisan" panel to defend the conduct of Chief Judge Irving R. Kaufman, of the Second U.S. Circuit Court of Appeals, when he presided at the trial of Julius and Ethel Rosenberg. They were executed in 1953 for conspiracy to commit espionage.

The guild, in a letter to the ABA signed by its president. Doron "Weinberg, and made public yesterday, said the bar's role should be to assure a "full and immediate investigation" of the "serious charges being raised about the Rosenberg-Sobell case."

The guild, which has provided

counsel to the Rosenbergs' sons in a suit to release documents about the case, said that instead of the investigation, the ABA panel "has unilaterally made its decision on the merits of the charges and is acting as a partisan in the controversy to rebut the charges."

#### ABA Committee

Three weeks ago the ABA announced the formation of a four-member panel headed by Simon H. Rifkind, of Paul, Weiss, Rifkind, Wharton & Garrison, to "make certain that public respect... for the judicial process is not subverted by unfounded charges" and to "counteract

Continued on page 3, column 2

### L-wyers Guild

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unwarranted criticism directed at Chief Judge Irving R. Kaufman." (N.Y.L.J. Jan. 8, page 1).

Taking note of the recent release of documents, the guild said the "small disclosures show very serious revidence of governmental misconduct and violation of the attorney-client relationship by illegal wiretaps and the presence of informers in the idefense committee.

But instead of urging full dissciosure and investigation to asceritain other illegal actions, Mr. Rifkind has unilaterally decided that much actions did not deny the Rosenbergs a fair trial or violate the fattorney-client privilege or conscitute governmental misconduct.

#### Committee Attacked

"The NLG deplores the fact that an ABA committee has established intelf simultaneously as both the final arbiter and censorhaip panel of information about a case which the Deputy Attorney General of the U.S. has recently termed unique in terms of both current public interest and historical significance.

"There has not even been an attempt to make the committee unbiased or nonpartisan."

The organization of the panel, according to the guild, was "a patent attempt to divert the attention of the bar and the general public from the mounting body of evidence of prosecutorial and governmental wrongdoing. It is a serious disservice to lawyers and non-lawyers alike and a grave threat to the absolute right of the public to know whether such illegal actions occurired.

"Judge Kaufman is, of course, entitled to retain an attorney to defend
him and to seek legal redress if he
believes be is under unfair attack.
But unlike the ABA committee, the
National Lawyers Guild believes in
an alert and informed public, not the
smindless, reflexive respect for the
supremacy of the law that committee
seeks to ensure by monitoring the
ktruth in the Rosenberg-Sobell case."

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