

~~CONFIDENTIAL~~

NY 100-107111

sometimes not so bad a life, and other times not so good because of the limitations and restrictions, from family and friends; that one has to sacrifice principles and honor in giving in to the pressures to mouth lies; that he has always held to the truth.

HELEN introduced JEFF KILLION, leading baritone with the American Opera Company. She said one of the great deprivations for MORTIE was the lovely music to be sung by JEFF KILLION and accompanist, Mrs. CLEMENS.

He sang eight numbers--opera arias, Jewish numbers, romantic and folk nursery songs.

[REDACTED] b1

At the conclusion of the musical, HELEN said it was with great pride that the pianist, Mrs. CLEMENS, was her daughter, assisted by her husband as the music page turner, and that her son, MARK, had been the technical program manager.

[REDACTED] b1

HELEN praised MIKE PERLIN for his contribution to his country and to himself for fighting so very long in the courts for MORTON'S freedom; that thanks to him another motion has been filed again.

MIKE merely rose and took a bow.

After the musical program ended at 9:10, HELEN announced that the drawing for the Picasso painting would take place. MARK went forward carrying it to the stage.

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Cover Sheet for Informant Report or Material

TO : SAC, LOS ANGELES
FROM : SAC, NEW YORK (100-107111)
SUBJECT: COMMITTEE TO FREE MORTON SOBELL
IS - C
(OO: NY)

Date prepared

Date received
6/20/68

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Date

Date of Report
6/19/68

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Date(s) of activity
6/19/68

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Authenticated by Informant _____

Brief description of activity or material
Committee to Free Morton Sobell memorial
meeting and concert at Carnegie Recital
Hall, NYC, 6/19/68.

File [redacted] b7d

* INDIVIDUALS DESIGNATED BY AN ASTERISK (*) ONLY ATTENDED A MEETING AND DID NOT ACTIVELY PARTICIPATE. VIOLENCE OR REVOLUTIONARY ACTIVITIES WERE NOT DISCUSSED.

The following names are being indexed to captioned file in the NYO:

[redacted] b7c,d

All necessary action taken.

- 1 - Los Angeles [redacted]
- 1 - Newark [redacted]
- 2 - San Francisco (100- [redacted]) (SOBELL COMMITTEE OF THE BAY AREA) (RM)
- (1 - [redacted])
- 1 - NY [redacted] b7d,e
- 1 - New York [redacted]

HEN:ljc
(20)

COPIES CONTINUED:

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Searched Indexed
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JULY 23, 1968

FBI - NEW YORK

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NY 100-107111

- 1 - NY (100-102842) (HELEN SOBELL) (42)
- 1 - NY [REDACTED]
- 1 - NY (100-37158) (MORTON SOBELL) (331)
- 1 - NY (100-146684) (WSP) (42)
- 1 - NY (65-15324) (HARRY GOLD) (331)
- 1 - NY [REDACTED]
- 1 - NY (100-12369) (ROSE SOBELL) (45)
- 1 - NY [REDACTED]
- 1 - NY [REDACTED]
- 1 - NY [REDACTED]
- 1 - NY (100-147040) (MARK SOBELL) (45)
- 1 - NY (100-89552) (MARSHALL PERLIN) (45)
- 1 - NY (100-114566) (SIDNEY SOBELL) (45)

b7c,d

NY 100-107111

June 19, 1968

Topic

Memorial Meeting and Concern - in Remembrance
of Ethel and Julius Rosenberg on the 15th
Anniversary of Their Execution

Place

Carnegie Recital Hall, 154 W. 57 St., NYC
Wednesday, June 19, 1968, 7 PM

Sponsor

Committee to Free Morton Sobell, 150 Fifth Ave.,
NYC.

Meeting opened by HELEN SOBELL (Mrs. MORTON
SOBELL) who stated purpose of meeting. She introduced a
surprise guest who returned from Washington DC "Resurrection
City."

PETER SEEGAR - he stated the only thing JULIUS
and ETHEL ROSENBERG were guilty of was wanting to see a free
and better world. They have tried to seek this freedom -
there are many who think as they did but they do not do
anything about it. He sang several folk songs.

HELEN SOBELL: MORTON has been in prison for
16 years and still holds high his banner of his beliefs.

LOYD BOYD ORS (a Nobel Peace prize winner) sends
his letter of endorsement of tonight's meeting.

Also Womens Strike for Peace - send endorsement.

Also World Conference for Peace endorse.

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Dr. EMILY ALMAN - Associate Professor of Sociology, Rutgers University. She told of her involvement in the ROSENBERGs and SOBELL from the beginning. She tried to reconstruct or give a report on the last fifteen years but feels it was impossible to give a clear report.

Going back to fifteen years ago the era was a corrupt one, with McCarthyism at its high point, with the Korean conflict, etc.

ETHEL and JULIUS ROSENBERG were legally murdered in this corrupt era with the corrupt use of the Courts System endorsed by church and school system which went along with this murder.

This society which was capable of murder and destroying we view today with horror. Today the same Court System condemns Dr. SPOCK, the students, those in the ghettos. Today as well as then the courts listen and believe pathological liars. These conditions in order to be perpetrated made necessary the murders of the KENNEDYS, Dr. KING, MALCOLM X.

At the death of the ROSENBERGs in this country, murder was endorsed as the instrument to insure the maintenance of the corrupt society. The framework for the conviction was set once and for all by the pathological liar HARRY GOLD.

However, the true villains were not GOLD but Judge KAUFMAN and the prosecutor SAYPOE both of whom knew that GOLD was a liar because both had been exposed to his testimony in another case which proved him a pathological liar. But KAUFMAN and SAYPOE never admitted to this fact and permitted the conviction.

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What kind of a game was being played?

The Court System continued coldly, cynically to carry on a legal murder because it was useful to do so at that time.

The use of the "Red Scare" developed to almost destroy the Welfare Departments, fired many good dedicated teachers of our school system.

We believe (HELEN SOBELL and Mrs. ALMAN) that there is another America different than the one that has a society that smells.

The ROSENBERGs were the starting point to protect and resist that corrupt society. Their beginnings can now be seen by others who have followed, the student uprisings, the poor people's march, etc.

EDITH SEGAL (Poetess) recited an original work "A Letter to Mort Sobell".

ROSE SOBELL - mother of MORTON has continued to work for this is what is needed: "Tears have never broken any Chains." There will come a time when all the world will know the truth of why ETHEL and JULIUS ROSENBERG died.

They may kill the dreamers but never the dreams.

WALTER and MIRIAM SCHNEIR - the authors of the book that exposed the injustice of the ROSENBERG - SOBELL decision the title "Invitation to an Inquest."

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Mr. SCHNEIR spoke. He had the honor of reading the message written by Rabbi BALFUR BRICKNER (Director of the Commission on Interfaith Activities of UAHC (United American Hebrew Committee)). He was unable to attend since he was detained in Washington, D. C., at Resurrection City.

The message stated that MORTON SOBELL is "a political prisoner."

HELEN SOBELL:
GARDNER MURPHY of Menninger Institute endorses tonights meeting.

Lord FENWAY BROCKWAY sends congratulations from London.

DALTON TRUMBO endorses.

WARREN BILLINGS endorses with message from "The Sobell Committee of the Bay area (Calif.)."

JEFF KILLION - leading baritone of the American Opera Company - sang.

The piano accompanist was introduced by Mrs. H. SOBELL as her daughter. The young man staging 'The Evening' was introduced as her son MARK. Mrs. HELEN SOBELL read a message from MORTON which described his feelings about prison.

"A prison term may be far less degrading than going along with the system."

Quote MORTON "Thousands of principelled people are going to prison rather than face Racism, unjust wars, etc."

Note: The capacity crowd (listed 299) with many standing. Collection taken up during the speech of Mrs. ROSE SOBELL). A drawing (raffle) was held for a PICASSO (print?) \$10.00 per chance.

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Mrs. H. SOBELL spoke of the fine work of their attorney and introduced him for a bow. MARSHALL PERLIN; Attorney.

(Mount Clipping in Space Below)

Sobell Appeals For His Release.

Morton Sobell, a principal figure in a celebrated spy case during the 1950s, who is serving a 30-year prison term, made an appeal for freedom here today.

His lawyer, Thomas I. Emerson, asked the U. S. Court of Appeals for the Third Circuit, to give him credit for time he was kept under detention in default of \$100,000 bail while awaiting trial.

Sobell was tried together with Ethel and Julius Rosenberg on charges of wartime spying for the Soviet Union. The Rosenbergs were executed.

Sobell was arrested on Aug. 18, 1950 and began serving his sentence on Nov. 19, 1952. It was imposed in the U. S. Court for the southern district of New York.

Emerson told Judges Abraham L. Freedman, Collins J. Seitz and Calch R. Layton 3d, today that the time Sobell was in prison in default of bail court ranges up to 18 months.

He said that failure to give Sobell credit for time spent under presentence custody could result in his serving more than the maximum sentence imposed.

The court took the plea under advisement.

(Indicate page, name of newspaper, city and state.)

p.26--"The Evening
Bulletin"
Philadelphia, Pa.

Date: 7/30/68

Edition: 4 star

Author:

Editor: Wm. H. Dickinson

Title:

Character:

or

Classification:

Submitting Office:

PH

Being Investigated

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D. J. [Signature]

FILE # 100-37158

SUBJECT MORTON SOBELL

SERIAL 2614 DATE 10-11-68

CONSISTING OF 2 PAGES

is exempt from disclosure, in its entirety, under (b)(1) as it has been classified pursuant to Executive Order 11652 as it contains information which would disclose an intelligence source. This serial bears the Classification Officers number 2040.

FILE # 100-37158

SUBJECT MORTON SOBELL

SERIAL 2615 DATE 9-13-68

CONSISTING OF 2 PAGES of WHICH
PS 2

is exempt from disclosure, in its entirety,
under (b)(1) as it has been classified pursuant
to Executive Order 11652 as it contains
information which would disclose an intelligence
source. This serial bears the Classification
Officers number 2040.

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9/13/68

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Date of Report

[REDACTED]

Date(s) of activity

[REDACTED]

b1

Brief description of activity or material

Information about Committee to Free MORTON SOBELL, 150 Fifth Avenue, New York City, and the current court appeal of MORTON SOBELL.

File where original is located if not attached

[REDACTED]

* INDIVIDUALS DESIGNATED BY AN ASTERISK (*) ONLY ATTENDED A MEETING AND DID NOT ACTIVELY PARTICIPATE. VIOLENCE OR REVOLUTIONARY ACTIVITIES WERE NOT DISCUSSED.

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Exempt from GDS, Category 2
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331 SEP 13 1968

~~CONFIDENTIAL~~

In The
SUPREME COURT OF THE UNITED STATES
October Term, 1968

No.

Morton Sobell, Petitioner

v.

Attorney General of the United States

and

Director, United States Bureau of Prisons

PETITION FOR A WRIT OF CERTIORARI TO THE
UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

Petitioner prays for a writ of certiorari to review a judgment of the United States Court of Appeals for the Third Circuit affirming a judgment of the United States District Court for the Middle District of Pennsylvania.

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OTHERWISE.~~

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JURISDICTION

The judgment of the Court of Appeals was entered on August 16, 1968. The jurisdiction of this Court is invoked pursuant to the provisions of 28 U.S. Code, Section 1254(1).

QUESTIONS PRESENTED

1. Whether a federal prisoner may, by a declaratory judgment or habeas corpus action, obtain judicial review of a determination by the Attorney General and the Bureau of Prisons that he should not be given credit towards service of his maximum-term sentence for a period of pre-sentence imprisonment.

2. Whether a federal prisoner sentenced to a maximum term must be given credit toward service of sentence for a period of pre-sentence imprisonment incurred by reason of his inability to make bail:

(a) Because denial of such credit violates due process and equal protection by imposing additional imprisonment because of the prisoner's financial inability to make bail; or

(b) By virtue of a proper construction of 18 U.S. Code § 368; or

(c) Because the oral sentence required that such credit be given.

3. Whether the prisoner is entitled to credit for the period of his imprisonment during the pendency of the appeal of his criminal conviction, despite the fact that he signed an election not to begin service of sentence in order to be transferred to a place of confinement where he could readily consult his attorney:

(a) Because denial of the credit violates due process and equal protection by imposing additional punishment because of the prisoner's financial inability to make bail; or

(b) Because denial of the credit imposes a penalty on the prisoner's exercise of his Sixth Amendment right to counsel; or

(c) Because denial of the credit imposes imprisonment in violation of the maximum statutory sentence and due process of law; or

(d) Because the July 1, 1966 amendment to rule 38(a)(2) of the Federal Rules of Criminal Procedure, eliminating elections not to begin service of sentence, should be applied retro-spectively in the circumstances of this case; or

(e) Because the prisoner was not adequately informed of the consequences of the election.

STATUTES INVOLVED

(1) The Administrative Procedure Act, 80 Stat. 392, 5 U.S. Code § 701 ff. provides in part as follows:

Section 702:

A person suffering legal wrong because of agency action, or adversely affected or aggrieved by agency action within the meaning of a relevant statute, is entitled to judicial review thereof.

Section 703:

The form of proceeding for judicial review is the special statutory proceeding relevant to the subject matter in a court specified by statute or, in the absence or inadequacy thereof, any applicable form of legal action, including actions for declaratory judgments or writs of prohibitory or mandatory injunction or habeas corpus, in a court of competent jurisdiction

Section 704:

Agency action made reviewable by statute and final agency action for which there is no other adequate remedy in a court are subject to judicial review

Section 706:

To the extent necessary to decision and when presented, the reviewing court shall decide all relevant

questions of law, interpret constitutional and statutory provisions, and determine the meaning or applicability of the terms of an agency action. The reviewing court shall--

- (1) compel agency action unlawfully withheld or unreasonably delayed; and
- (2) hold unlawful and set aside agency actions, findings, and conclusions found to be--
 - (A) arbitrary, capricious, an abuse of discretion or otherwise not in accordance with law;
 - (B) contrary to constitutional right, power, privilege, or immunity;
 - (C) in excess of statutory jurisdiction; authority, or limitations, or short of statutory right;

* * *

- (2) 18 U.S. Code § 3568 read as follows in 1950 (62 Stat.838):

The sentence of imprisonment of any person convicted of an offense in a court of the United States shall commence to run from the date on which such person is received at the penitentiary, reformatory, or jail for service of said sentence.

If any such person shall be committed to jail or other place of detention to wait transportation to the place at which his sentence is to be served, his sentence shall commence to run from the date on which he is received at such jail or other place of detention.

No sentence shall prescribe any other method of computing the term.

On September 2, 1960, Congress amended the section, applicable to sentences imposed on or after October 2, 1960, to add the following proviso to the first sentence:

"Provided, That the Attorney General shall give any such person credit toward service of his sentence for any days spent in custody prior to the imposition of sentence by the sentencing court for want of bail set for the offense under which sentence was imposed where the statute requires the imposition of a minimum mandatory sentence" (74 Stat. 738).

Subsequently, section 4 of the Bail Reform Act of 1966 amended § 3568, applicable to sentences imposed on or after September 20, 1966, so as to require the Attorney General to give a federal prisoner "credit toward service of his sentence for any days spent in custody in connection with the offense or acts for which sentence was imposed" 80 Stat. 217.

(3) 28 U.S. Code § 2255 Stat. 967 reads in part as follows:

"A prisoner in custody under sentence of a court established by Act of Congress claiming the right to be released on the ground that the sentence was imposed in violation of the Constitution or laws of the United States, or that the court was without jurisdiction to impose such sentence, or that the sentence was in excess of the maximum authorized by law, or is otherwise subject to collateral attack, may move the court which imposed the sentence to vacate, set aside or correct the sentence."

* * *

"An application for a writ of habeas corpus in behalf of a prisoner who is authorized to apply for relief by motion pursuant to this section, shall not be entertained if it appears that the applicant has failed to apply for relief, by motion, to the court which sentenced him, or that such court has denied him relief, unless it also appears that the remedy by motion is inadequate or ineffective to test the legality of his detention."

STATEMENT OF THE CASE

Petitioner, Morton Sobell, is a prisoner in the federal penitentiary at Lewisburg, Pennsylvania. In this litigation he advances claims that he is being imprisoned beyond the term of his sentence because the Department of Justice has refused to credit towards the service of his sentence two periods during which Sobell was confined: (a) the period from Sobell's arrest on August 18, 1950 to the sentencing on April 5, 1951, and (b) the period from July 20, 1951, when Sobell signed an election not to commence service of sentence, to February 25, 1952, when his conviction was affirmed by the Court of Appeals for the Second Circuit. It is conceded by the government that if Sobell's contentions are correct, the mandatory date for his release from imprisonment was August 2, 1968.

Facts relating to the time of confinement

On August 18, 1950, Sobell was arrested on a charge of violating the espionage act, 18 U.S.C. § 794. Bail was set at \$100,000. Sobell remained in custody continuously thereafter because of his inability to make the bail.

Sobell was tried in the United States District Court for the Southern District of New York. On April 5, 1951, he was sentenced to imprisonment for thirty years, then the statutory maximum term for the offense of which he was convicted. The following colloquy took place at the time of sentencing:

"THE COURT: . . . I, therefore, sentence you to the maximum prison term provided by statute, to wit, thirty years.

While it may be gratuitous on my part, I at this point note my recommendation against parole.

The Court will stand adjourned.

"MR. PHILLIPS [Sobell's trial counsel]: Before the Court adjourns, are the months already served taken into consideration?

THE COURT: No, they are not, but I will have to sign the judgment. They have to be so considered."

The written judgment provided for imprisonment for thirty years, making no reference to the pre-sentence custody.

After sentence, Sobell was transferred to the federal penitentiary at Atlanta, Georgia. He sought to be transferred back to New York in order to confer with counsel about his appeal and to procure new counsel for the appeal. To accomplish this transfer he was required to sign a form reading as follows:

"ELECTION NOT TO BEGIN SERVICE OF SENTENCE.

Having heretofore taken an appeal from my sentence imposed on April 5, 1951, in the United States District Court for the Southern District of New York, I now elect not to commence service of the sentence."

Sobell signed this form on July 20, 1951. A few days later he was transferred to the Federal House of Detention at 427 West Street, New York City. There he was put to work in a prison job and was otherwise treated in the same manner as prisoners in that institution who were serving their sentences.

On February 25, 1952, the United States Court of Appeals for the Second Circuit affirmed Sobell's conviction. On November 19, 1952, following denial of certiorari by the Supreme Court, the mandate affirming the conviction was filed in the District Court. Sobell was then transferred to Alcatraz.

This Litigation

Before this litigation was instituted, the government, in computing Sobell's release date, did not give him credit towards sentence for (1) the custody from arrest on August 18, 1950, to sentence on April 5, 1951, and (2) the custody

from his signing on July 20, 1951, of the "Election Not to Begin Service of Sentence" to the filing on November 19, 1952, of the mandate affirming his conviction.

On November 13, 1967, counsel for Sobell met with the Assistant Deputy Attorney General, who had been assigned by the Attorney General to discuss with them the proper date for the termination of Sobell's imprisonment. Counsel requested that Sobell receive credit toward his sentence for the periods of August 18, 1950 to April 5, 1951, and July 20, 1951 to November 19, 1952. The Assistant Deputy Attorney General thereafter informed them that their request was under active consideration and had been referred to the Attorney General for decision. On January 15, 1968, the Assistant Deputy Attorney General advised counsel by letter that, "After carefully reviewing the matter the Department of Justice has decided that Morton Sobell cannot be given credit administratively for the time he was in jail pending his conviction or while his case was on appeal."

On January 18, 1968, the complaint which instituted this litigation was filed in the United States District Court for the District of Columbia. The complaint sought a declaratory judgment and injunction to review the Attorney General's determinations not to credit Sobell with his confinement for the periods mentioned above.

On March 5, 1958, the Department of Justice notified Sobell's counsel that the Bureau of Prisons "has recomputed the plaintiff's time and given him credit for the period from February 25, 1952, when his conviction was affirmed by the Second Circuit Court of Appeals, to November 20, 1952, when the mandate was filed." The controversy has been reduced, therefore, to the periods of custody from August 18, 1950 to April 5, 1951, and July 20, 1951 to February 25, 1952.

Sobell moved for summary judgment, and the government moved to dismiss the complaint or, in the alternative, for summary judgment. The government also moved to transfer the action to the Southern District of New York. Sobell opposed the transfer, arguing that the case should remain in the District of Columbia. He contended, however, that if the case were transferred, it could only be transferred

to the Middle District of Pennsylvania, since under 28 U. S. C. § 1404(a), this was the only other district where the case "might have been brought."

On March 28, 1968, the District Court for the District of Columbia ordered the action transferred to the United States District Court for the Middle District of Pennsylvania. On July 1, 1968, the latter court entered an order denying Sobell's motion for summary judgment, granting on grounds of lack of jurisdiction the government's motion to dismiss that part of the action which sought credit for pre-sentence custody, and granting the government's motion for summary judgment for that part of the action which sought credit for custody between sentence and affirmance of Sobell's conviction.

On August 16, 1968, the Court of Appeals for the Third Circuit affirmed the judgment of the District Court. It expressly noted that its judgment was "without prejudice to the merits" on the issue of pre-sentence custody, but affirmed on the merits on the claim for post-sentence credit. The majority held that jurisdiction over the post-sentence custody period rested on habeas corpus principles. Judge Freedman dissented in part because in his view the District Court did not have jurisdiction on either claim. He added that both claims raised "serious questions on the merits."

REASONS FOR GRANTING THE WRIT

1. By August 2, 1968, petitioner had been imprisoned for the full period of time required to satisfy his 30-year maximum term sentence. Yet the Department of Justice is incarcerating him for an additional 15 months because it refuses to credit him with his confinement from arrest to sentence and from the date he signed the election form to the affirmance of his conviction. Petitioner would not have suffered this imprisonment in excess of the maximum statutory term had he been financially able to make bail pending trial and appeal. Accordingly, this additional penalty offends the principle that in the administration

of criminal justice it is constitutionally impermissible to discriminate between prisoners or defendants on the basis of their financial circumstances. Griffin v. Illinois, 351 U.S. 12; Eskridge v. Washington State Board, 357 U.S. 214; Burns v. Ohio, 360 U.S. 252; Smith v. Bennett, 365 U.S. 708; Lane v. Brown, 372 U.S. 477; Douglas v. California, 372 U.S. 533; Roberts v. LaVallee, 389 U.S. 40.

Application of the rule of equal protection in this case would not open the door to claims for the elimination of every inequality attributable to poverty in the administration of the criminal law. This is not simply a situation where the government extended a privilege to all but only the wealthy could take advantage of it. Here the government affirmatively and gratuitously aggravated the disadvantage stemming from the lack of financial resources. It is the government's refusal to allow credit for time spent in jail, not the mere inability to take advantage of the bail system, which is now producing the unequal treatment. The government's action is equivalent to inflicting a heavier sentence, an added punishment, on those who cannot afford bail.

The Bail Reform Act of 1966, 80 Stat. 267, 18 U.S.C. § 3568, provides that persons sentenced after September 20, 1966, must be granted credit for periods spent in jail as a result of an inability to post bail. A number of circuits have held that the principle of the Bail Reform Act must be applied to prisoners who, like the petitioner here, were sentenced to maximum sentences prior to that date. *Stapf v. United States*, 376 F. 2d 326 (D.C. Cir.); *Dunn v. United States*, 376 F. 2d 191 (4th Cir.); *United States v. Smith*, 379 F. 2d 628 (7th Cir.); *Bryans v. Blackwell*, 387 F. 2d 764 (5th Cir.). As a result of these decisions, the Bureau of Prisons has ruled that persons sentenced to maximum terms between October 2, 1960 and September 20, 1966 must be given credit for pre-sentence custody. Bureau of Prisons Policy Statement 7600.49A issued February 9, 1968. The October 2, 1960 cut-off date, which bars application of the policy to Sobell, was the effective date of a September 2, 1960 amendment to 18 U.S.C. § 3568, dealing with mandatory minimum sentences, supra p. 5. The rationale for the cut-off date escapes us. Between October 27, 1967 and February 9, 1968 the Bureau of Prisons gave administrative credit for pre-sentence custody confinement of maximum term prisoners convicted in the 4th, 7th or District of Columbia circuits, without regard to the date of sentence. Bureau of Prisons

Policy Statement 7600.49 issued October 27, 1967. This policy-statement was in effect at the time petitioner's counsel applied to the Attorney General for relief. The amended policy statement carrying the October 2, 1960 cut-off date was issued only after petitioner filed his complaint in the District Court of Columbia.

The court below refused to consider the merits of the claim so far as pre-sentence custody was concerned,¹ thus leaving petitioner without any effective relief even though his mandatory release date has passed. So far as post-sentence custody was concerned, the majority below stated only: "While the result [i.e. the discrimination against petitioner for inability to make bail] may be unfair it is not sufficiently invidious to reach constitutional proportions." This view cannot be squared with the decisions of this Court or with ordinary concepts of "invidious" consequences.

¹The majority found an absence of jurisdiction in the fact that the applicable statute, 18 U.S.C. § 3568, "was by no means decisive of the present issue" and there was no controlling opinion by this Court. The inference to be drawn is that if the legal issues were clear on the merits the court would have jurisdiction. We fail to follow this concept of jurisdiction that disappears when the court is called upon to resolve a difficult or novel legal question.

2. The decision below sanctions a procedure whereby the government exacts a price, namely, additional time in jail, as a condition to granting the right to effective counsel on appeal. The court below held that this procedure, though it "left much to be desired," did not violate the Sixth Amendment. The ruling is inconsistent with the holdings of this Court that the government may not in any way encumber the right to counsel. *Chandler v. Fretag*, 348 U.S. 3; *Glasser v. United States*, 315 U.S. 60,70; *Commissioner v. Tellier*, 383 U.S. 687; *Bitter v. United States*, 389 U.S.15. The ruling also collides with the general principle that the government cannot exact a price for the exercise of a constitutional right. See, e.g. *Sherbert v. Verner*, 374 U.S. 398; *United States v. Jackson*, 390 U.S. 570; *Simmons v. United States*, 390 U.S. 377.

The majority below held that petitioner was not denied any Sixth Amendment right because petitioner's "choice was between immediate proximity to counsel and credit on his sentence" and this was not "an impermissible burden." This ignores the realities that petitioner believed it necessary to be transferred to New York to consult counsel and the government agreed. It is too late to argue now that the government need not have transferred him and could have kept him in Atlanta. Even if petitioner had only a privilege and not a constitutional right to be transferred to New York in order to be near counsel, the government still cannot attach an unconstitutional condition (service of additional time), upon the exercise of the privilege. See, e. g. *Sherbert v. Verner*, supra; *Keyishian v. New York Board of Regents*, 385 U.S. 589.

Nor can the decision below be squared with the Fifth Amendment. The court held that the government may impose imprisonment on petitioner over and above the maximum sentence, for no better reason than that he asked and was permitted to be confined near his counsel. Imprisonment for such a reason is arbitrary, serves no legitimate governmental purpose, and hence violates due process.

3. The case also raises the important question as to whether a federal prisoner may employ the remedies of habeas corpus or declaratory judgment to challenge his being held in confinement after service of the sentence imposed upon him. The petitioner here was denied consideration of his claim for pre-sentence custody on the ground that he should have pursued his remedy in the sentencing court under 28 U.S. Code § 2255. Other prisoners who have presented to the sentencing courts claims under § 2255 that they have completed service of their sentences have been told that their proper remedy is habeas corpus in the jurisdiction of confinement. *Stinson v. United States*, 342 F. 2d 507 (8th Cir.); *Allen v. United States*, 327 F. 2d 58 (5th Cir.); *Freeman v. United States*, 254 F. 2d 352 (D.C. Cir.); *Costner v. United States*, 180 F.2d 892 (4th Cir.).

The rule in most circuits appears to be that habeas corpus and not § 2255 is the appropriate remedy for a prisoner in a federal penitentiary who argues that he has fully served the sentence or sentences imposed upon him and therefore should be discharged from further confinement. *Darnell v. Looney*, 239 F. 2d 174 (10th Cir.); *Mills v. Hunter*, 204 F. 2d 648 (10th Cir.); *Paccione v. Heritage*, 323 F. 2d 378 (5th Cir.); *Halprin v. United States*, 295 F.2d 458 (9th Cir.), and cases cited supra. This rule also conforms to the natural reading of § 2255, since a challenge to failure to credit periods of confinement is not an attack on the validity of the sentence.

Both branches of petitioner's complaint were based on the claim that he had, by August 2, 1968, fully served the sentence imposed upon him. Petitioner did not on either branch challenge the validity of the sentence. The majority below held that habeas corpus jurisdiction existed on the claim relating to the post-sentence period, but that the claim relating to pre-sentence custody could be entertained only in a § 2255 proceeding in the sentencing court. Judge Freedman, dissenting, believed that both aspects of peti-

tioner's case could be considered only in a § 2255 proceeding. Under the dissenting opinion, petitioner should have brought his entire case in New York; under the majority view, petitioner is required to bring half his case in New York, and half in Pennsylvania. Yet, if the government had not succeeded in maneuvering a transfer of the case from the District of Columbia² that court could have reached the merits on both aspects of petitioner's case, *Hurley v. Reed*, 288 F.2d 844 (D.C.Cir.); *Freeman v. United States*, supra.

Federal prisoners seeking release on the grounds that they have served their sentences and the government has erroneously computed the time served ought not to be shunted from court to court in order to get an adjudication on their claims, meantime remaining in confinement. The end result of such a process is that a prisoner may find that he was entitled to relief too late for the decision to be of any value to him.³

It is conceded that if petitioner is correct on the merits on both aspects of his claim he was entitled to a mandatory release on August 2, 1968. Petitioner timely sought relief by having his counsel seek an administrative determination from the Attorney General on October 31, 1967, and thereafter suing on January 18, 1968 to review the adverse decision of the Attorney General. Both the majority and the dissent below recognized that petitioner's claim to obtain credit for pre-sentence custody presented a serious

²The transfer was sought and obtained not on any jurisdictional ground but solely on the contention that the courts in the District of Columbia were too busy to entertain cases where prisoners were confined elsewhere. See *Young v. Director, U.S. Bureau of Prisons*, 367 F.2d 331.

³Prior to the mandatory release date, we see no reason why the courts do not have jurisdiction under the Administrative Procedure Act (5 U.S.C. §§ 702-706), the declaratory judgment act (28 U.S.C. § 2201, and under 28 U.S.C. § 1331, to review administrative determinations denying credit for periods of confinement.

question on the merits. Yet petitioner, having been shifted from the District of Columbia to Pennsylvania, is now told he must go to New York, with no court as yet willing to consider the merits of this aspect of his complaint.

In the interests of the efficient and seemly administration of justice, the Court should take this opportunity to settle the appropriate procedure for prisoners to obtain judicial determinations of their claims that they are being imprisoned beyond the terms of their sentences.

CONCLUSION

Certiorari should be granted, the judgment below should be reversed, and the petitioner should be ordered discharged from custody.

Respectfully submitted,

THOMAS I. EMERSON
127 Wall St.
New Haven, Conn.

DAVID REIN
711 14th St., N.W.
Washington, D.C.

MOREY M. MYERS
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Washington, D.C.

Attorneys for Petitioner

Date prepared
10/16/68

Date received **b2**
Received from (name or symbol number) **b1**
(Reliable)

Received by **b7c**
SA **[REDACTED]**

Method of delivery (check appropriate blocks)
 in person by telephone by mail orally recording device written by informant

If orally furnished and reduced to writing by Agent:
Date _____
Dictated _____ to _____
Transcribed _____
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Date of Report
Exhibit

Date(s) of activity
Current

Brief description of activity or material
**Copy of MORTON SOBELL's petition for
Certiorari before US Court of Appeals
for Third Circuit, 10/10/58.**

File where original is located if not attached
b1 [REDACTED]

INFORMANTS DESIGNATED BY AN AFRISK (C) ONLY ATTENDED A MEETING AND DID NOT ACTIVELY PARTICIPATE. VIOLENCE OR REVOLUTIONARY ACTIVITIES WERE NOT DISCUSSED.

1 - NY (100-37158) (MORTON SOBELL)
1 - NY (100-107111) (CPUSA) (12)
1 - **[REDACTED]**
HMB:ljk
(3) **b1 [REDACTED]**

(copy attached)

CHIEF CLERK
POST **10/17/68**

Block Stamp
2618
SEARCHED _____ INDEXED _____
SERIALIZED _____ FILED _____
31 OCT 1 1968
[REDACTED]

UNITED STATES GOVERNMENT

Memorandum

TO : JAC (100-37158)

DATE: 10/23/68

FROM : SA [REDACTED]

b7c

SUBJECT: MORTON SUBELL
ESP - R

It is requested that 2
Xerox copies be made of attached
petition of subject before US Court
of Appeals, dated 10/1/68.

DONE

JAC
10/23/68

2619

SEARCHED _____	INDEXED <u> / </u>
SERIALIZED _____	FILED _____
OCT 23 1968	
FBI - NEW YORK	



FILE # 100-37158

SUBJECT MORTON SOBELL

SERIAL 2620 DATE 10-22-68

CONSISTING OF 2 PAGES

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FILE # 100-37158

SUBJECT MORTON SOBELL

SERIAL 2622 **DATE** 10-23-68

CONSISTING OF 8 **PAGES**

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FILE # 100-37158

SUBJECT MORTON SOBELL

SERIAL 2624 DATE 11-13-68

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Officers number 2040.

UNITED STATES GOVERNMENT

Memorandum

TO : SAC (100-37158)

DATE: 12/23/68

FROM : SA [REDACTED]

b7c

SUBJECT: MORTON SOBELL
ESP - R

It is noted that subject will have an action pending in USDC, SDNY. This is a motion filed by subject on 11/6/68 under Sec 2255, Title 18, USC, which was taken under advisement by the court.

This matter will be followed with MISA Stephen F. Williams by the writer, and any pertinent information will be reported.

CHIEF CLERK:
[Signature]

100-37158-2627

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SERIALIZED _____	FILED _____
DEC 23 1968	
FBI - NEW YORK	

[Signature]



FILE # 100-37158

SUBJECT MORTON SOBELL

SERIAL 2630 **DATE** 12-31-68

CONSISTING OF 5 **PAGES**

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~~CONFIDENTIAL~~

New York, New York
January 15, 1969

Committee To Free Morton Sobell
Internal Security-C

The January 15, 1969 issue of the "Daily News" contains an article on page five, captioned, "Federal Court Order Frees Atom Spy Sobell." U

Above article reflects that Morton Sobell arrived at the Port Authority Bus Terminal, New York, New York, at 9:15 p.m., January 14, 1969, after his release from the Federal penitentiary in Lewisburg, Pennsylvania. He was sentenced to thirty years imprisonment on April 3, 1951, for a wartime espionage conspiracy to deliver vital national secrets to the Soviet Union, and he served more than 18 years imprisonment subsequent to his arrest in Laredo, Texas, during August, 1950. U

According to above article, Sobell was met at the bus terminal by his wife and family, and he reaffirmed his oft-claimed innocence of above charge to interviewing reporters before retiring to his home at 30 Charlton Street, New York, New York. Sobell told reporters that he intends to continue his fight to prove his innocence of the conspiracy charge, and he plans to resume his studies in the field of medical electronics. U

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ON 1-21-78

GROUP 1

Excluded from automatic
downgrading and
declassification

- 5-Bureau (100-387835) (RM)
- 1-New York (100-37158) (MORTON SOBELL) #331
- 1-New York (100-107111)
- 1-Supervisor #41

CSM:cbm

(9)

cbm
#41

100-37158-232

SEARCHED	INDEXED
SERIALIZED	FILED
JAN 22 1969	
FBI - NEW YORK	

~~CONFIDENTIAL~~

Committee to Free Morton Sobell

A confidential source, who has furnished reliable information in the past, advised on January 15, 1968, that most of the New York members of the Committee To Free Morton Sobell met Sobell upon his arrival in New York City, and they intend to take advantage of the publicity concerning his release by sponsoring a large victory celebration in the near future. Sobell and his wife expressed a determination to continue the fight to prove Morton's innocence, but it is not known if they intend to utilize the Committee for this end. U

According to the above source, Morton Sobell has applied for admission to a university outside New York, believed to be the University of Michigan, and he is also considering accepting an employment offer from an unknown business firm. U

A characterization of the Committee To Free Morton Sobell is attached hereto.

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

Committee to Free Morton Sobell
APPENDIX

1.

COMMITTEE TO FREE MORTON SOBELL

"Following the execution of atomic spies Ethel and Julius Rosenberg in June, 1953, the 'Communist campaign assumed a different emphasis. Its major effort centered upon Morton Sobell,' the Rosenbergs' co-defendant. The National Committee to Secure Justice in the Rosenberg Case - a Communist front which had been conducting the campaign in the United States - was reconstituted as the National Rosenberg - Sobell Committee at a conference in Chicago, in October, 1953, and 'then the National Committee to Secure Justice for Morton Sobell in the Rosenberg Case'...."

("Guide to Subversive Organizations and Publications", dated December 1, 1961, issued by the House Committee on Un-American Activities, Page 116.)

In September, 1954, the name "National Committee to Secure Justice for Morton Sobell" appeared on literature issued by the Committee. In March, 1955, the name "Committee to Secure Justice for Morton Sobell", first appeared on literature issued by the Committee. In August, 1966, the name "Committee to Free Morton Sobell" first appeared on literature issued by the Committee.

The Address Telephone Directory for the Borough of Manhattan, New York City, published by the New York Telephone Company on April 12, 1968, lists the above Committee's address as 150 Fifth Avenue, New York, New York.

~~CONFIDENTIAL~~

1/16/69

AIRTEL

TO: DIRECTOR, FBI (100-387835)
FROM: SAC, NEW YORK (100-107111)(P)
SUBJECT: COMMITTEE TO FREE MORTON SOBELL
IS-C
(OO:NY)

Enclosed herewith are 6 copies of an LHM, dated and captioned as above and containing information concerning captioned organization and MORTON SOBELL. U

The confidential source used in enclosed memorandum

Enclosed LHM is classified "Confidential" because it contains information from above source, the unauthorized disclosure of which might identify this informant and adversely affect the national defense. U

Subject organization is maintained in a Pending Inactive status in the NYO and the next report will be submitted on or before 5/8/69. U

3-Bureau (Encs. 6) (RM)
①-New York (100-37158) (MORTON SOBELL) #331
1-New York

CS:ebm

(6)

#331

100-37158-2633

SEARCHED	INDEXED
SERIALIZED	FILED
331 JAN 14 1969	
FBI - NEW YORK	

FILE # 100-37158

SUBJECT MORTON SOBELL

SERIAL 2637 DATE 1-21-69

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FEDERAL BUREAU OF INVESTIGATION
WASHINGTON 25, D. C.

J. Edgar Hoover
Director

The following FBI record, NUMBER 3 893 293, is furnished FOR OFFICIAL USE ONLY.

COMPONENT OF FINGERPRINTS	NAME AND NUMBER	ARRESTED OR RECEIVED	CHARGE	DISPOSITION
FCC Wash DC	Morton Sobell #---	application JP 1-3-42		
USCG NY NY	Morton Sobell #031 1393398-B	Ident Card 1-20-44		
CS Comm, Wash., DC	Morton Sobell #---	Junior Electrical Engineer JP 1-27-39		
SOS, Army	Morton Sobell #24-GES	student engineer 6-14-42		
USII, Laredo, Texas	Morton Sobell #6826	8-18-50	via. Sec. 34, 1-50; Espionage	pending removal to Sou. Dist. of New York (see sup. memo.)
USII NY NY.	Morton Sobell #C. 1150-50	8-24-50	espionage	pending; 4-5-51, 31 yrs on chg of espionage-conspirac. Sec 34, 1. 50, USC
Fed. Det. Hdqtrs., NYC., N.Y.	Morton Sobell #60361	8-24-50	info. pert'd. to Nat. Def. to for'n ctr.	11-26-52 trans to Alcatraz (see supplement)
US Pen Atlanta Ga	Morton Sobell #71342	6-2-51	conspiracy & espionage	30 yrs
USP Alcatraz Island Calif	Morton Sobell "95"-AZ	11-26-52	comp to commit espionage	30 yrs sent 4-5-51

100-37158-2638

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FEDERAL BUREAU OF INVESTIGATION
WASHINGTON 25, D. C.

J. Edgar Hoover
Director

The following FBI record, NUMBER 3 893 233, is furnished FOR OFFICIAL USE ONLY.

CONTRIBUTOR OF FINGERPRINTS	NAME AND NUMBER	ARRESTED OR RECEIVED	CHARGE	DISPOSITION
USPCo Atlanta, Ga	Horton Sobell #71342	3-7-58 in trans from #996-A2 (USPCo Alcatraz Calif)	consp to commit espionage	
Medical Center for Fed Prisoners Springfield Mo	Horton Sobell #14535-H	5-30-63 trans from USP Atlanta Ga	consp to commit espionage	30 yrs 1-27-65 trans to USP Lewis- burg
USP Lewisburg Pa,	Horton Sobell #31403-RE	1-30-65 trans from Medical Center for Fed Prisoners Spring- field Mo	consp to commit espionage	
Fed Det Hdqtrs NY NY	Horton Sobell #28389	6-3-66	Writ of HC fr. 31403-RE (espionage)	
	Residence - 39 Ch... ... St	... NY		

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1-27-55 104 110

J. Edgar Hoover
 Director

The following FBI record, NUMBER 3 893 203, is furnished FOR OFFICIAL USE ONLY.

CONTRIBUTOR OF FINGERPRINTS	NAME AND NUMBER	ARRESTED OR RECEIVED	CHARGE	DISPOSITION
	#6826 USI Laredo Texas, 8-22-50, transferred to Houston Texas for removal to Sou Dist of NY on chg of Sec 34, 9-50; espionage #60361 NY - 5-23-51 to US? Lewisburg on chg of consp to divulge information pertaining to National Defense, to a Foreign Country,			

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J. Edgar Hoover
 Director

The following FBI record, NUMBER **3 892 293**, is furnished FOR OFFICIAL USE ONLY.

CONTRIBUTOR OF FINGERPRINTS	NAME AND NUMBER	ARRESTED OR RECEIVED	CHARGE	DISPOSITION
	<p>WANTED BY BUREAU: As Morton Sobell, wa Morton Sobell for interview in connection with Soviet Espionage Ring. Notify by telephone WED, New York, NY, re any inquiries received concerning this subject, per inf rec therefrom by wire dated 7-26-50</p> <p>NO LONGER WANTED: per Bu Memo dated 8-18-50 (located 8-18-50, Laredo Texas)</p> <p>WANTED BY BUREAU: As Morton Sobell, was, Morton Sobell, Morton Zobell Fug Index #27949, Bu File #100-2483, OO, NY NY inf rec 8-10-50</p> <p>NO LONGER WANTED: per Bu Memo dated 8-18-50 (located 8-18-50, Laredo Texas)</p> <p>Refer two copies of record on all inquiries re. Morton Sobell, was Morton Sobell, Morton Zobell, Morton Solt, Marvin Solt, Morris Sanda, Morris Sand, to BFD NY NY this file #100-37158, per inf rec therefrom 2-16-51. Bu File #100-2483 (ident FBI #388293)</p>			
<p>THIS PAGE SHOULD NOT BE DISSEMINATED OUTSIDE FBI</p>				

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CONTRIBUTOR OF FINGERPRINTS	NAME AND NUMBER	ARRESTED OR RECEIVED	CHARGE	DISPOSITION
<p>CC-FBI NY NY</p> <p>-CC-Internal Sec Section Dom Intell Div</p>	<p>Copy of record was furnished Chief Prob Off US Dist Crt NY NY as identical with subject of their inquiry dated 1-17-69.</p>			

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John Edgar Hoover
 Director

UNITED STATES DEPARTMENT OF JUSTICE
 FEDERAL BUREAU OF INVESTIGATION
 WASHINGTON 25, D. C.

J. Edgar Hoover
 Director

The following FBI record, NUMBER **3 528 295**, is furnished FOR OFFICIAL USE ONLY.

CONTINUOR OF SERVICE	NAME AND NUMBER	ARRESTED OR RECEIVED	CHARGE	DISPOSITION
FCC Wash DC	Morton Sobell #---	application FP 1-3-42		
USCG NY NY	Morton Sobell #031 1393398-B	Ident Card 1-20-44		
CS Comm, Wash., DC	Morton Sobell #--	Junior Electrical Engineer FP 1-27-39		
SOS, Army	Morton Sobell #24-GES	student engineer 6-14-42		
USM, Laredo, Texas	Morton Sobell #6826	8-18-50	via. Sec. 34, T-50; Espionage	pending removal to Sou. Dist. of New York (see supplement)
USM NY NY.	Morton Sobell #C-1150-50	8-24-50	espionage	pending; 4-5-51, 30 yrs on chg of espionage-conspir. Sec 34, T. 50, USC
Fed. Det. Hdqtrs., NYC., N.Y.	Morton Sobell #60361	8-24-50	info. pert'd. to Nat. Def. to for'n cir.	11-26-52 trans to Alcatraz (see supplement)
US Pen Atlanta Ga	Morton Sobell #71342	6-2-51	conspiracy & espionage	30 yrs
USP Alcatraz Island Calif	Morton Sobell #990-AZ	11-26-52	comp to commit espionage	30 yrs sent 4-5-51

100-37159-2639

UNITED STATES DEPARTMENT OF JUSTICE
 FEDERAL BUREAU OF INVESTIGATION
 WASHINGTON 25, D. C.

J. Edgar Hoover
 Director

The following FBI record, NUMBER 3 813 298, is furnished FOR OFFICIAL USE ONLY.

CONTINUATOR OF FINGERPRINTS	NAME AND NUMBER	ARRESTED OR RECEIVED	CHARGE	DISPOSITION
USPen Atlantic Ga	Horton Sobell #71362	3-7-53 in trans from #996-22 (USPen Alcatraz Calif)	consp to commit espionage	
Medical Center for Fed Prisoners Springfield Mo	Horton Sobell #14535-II	5-30-63 trans from USP Atlanta Ga	consp to commit espionage	30 yrs 1-27-65 trans to USP Lewis- burg
USP Lewisburg Pa	Horton Sobell #31408-HE	1-30-65 trans from Medical Center for Fed Prisoners Spring- field Mo	consp to commit espionage	
Fed Det Hdqtrs NY NY	Horton Sobell #24888 Residence .. 30 Chatham St., NYC NY	6-3-66	Writ of HC fr. 31408-HE (espionage)	

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UNITED STATES DEPARTMENT OF JUSTICE
 FEDERAL BUREAU OF INVESTIGATION
 WASHINGTON 25, D. C.

1-27-69 674 EMM

J. Edgar Hoover
 Director

The following FBI record, NUMBER 3 893 293, is furnished FOR OFFICIAL USE ONLY.

CONTRIBUTOR OF FINGERPRINTS	NAME AND NUMBER	ARRESTED OR RECEIVED	CHARGE	DISPOSITION
	#6826 UEM Laredo Texas, 8-22-50, transferred to Houston Texas for removal to Sou Dist of NY on chg of Sec 34, T-50;		espionage	
	#60361 NY - 5-23-51 to USP Lewisburg on chg of consp to divulge information pertaining to National Defense, to a Foreign Country,			

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J. Edgar Hoover
 Director

The following FBI record, NUMBER **3 893 293**, is furnished FOR OFFICIAL USE ONLY.

CONTRIBUTOR OF FINGERPRINTS	NAME AND NUMBER	ARRESTED OR RECEIVED	CHARGE	DISPOSITION
	<p>WANTED BY BUREAU: As Morton Sobell, wa Morton Sobell for interview in connection with Soviet Espionage Ring. Notify by telephone IED, New York, NY, re any inquiries received concerning this subject, per inf rec therefrom by wire dated 7-26-50</p> <p>NO LONGER WANTED: per Bu memo dated 8-18-50 (located 8-18-50, Laredo Texas)</p> <p>WANTED BY BUREAU: As Morton Sobell, was, Morton Sobill, Morton Zobell, Fug Index #27949, Bu File #101-2483, OO, NY NY inf rec 8-10-50</p> <p>NO LONGER WANTED: per Bu memo dated 8-18-50 (located 8-18-50, Laredo Texas)</p> <p>Refer two copies of record on all inquiries re. Morton Sobell, wa Morton Sobill, Morton Zobell, Morton Solt, Marvin Solt, Morris Sand, Morris Sand, to IED NY NY thru file #100-37158, per inf rec therefrom 2-16-51 Bu File #101-2483 (ident FBI #383993)</p>			

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<p>CC-FBI NY NY</p> <p>CC-Internal Sec Section Dom Intell Div</p>	<p>Copy of record was furnished Chief Prob Off US Dist Crt NY NY as identical with subject of their inquiry dated 1-17-69.</p>			

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John Edgar Hoover
Director

FILE # 100-37158

SUBJECT MORTON SOBELL

SERIAL 2641 DATE 2-4-69

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Date prepared

2/6/69

Date received

12/10/68

Received from (name or symbol number)

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Received by

SA [REDACTED]

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Date

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Exhibit

Date(s) of activity

Current

Brief description of activity or material

Copy of 11/12/68 denial of certiorari for SOBELL from Clerk US Supreme Court. Leaflet "in my fantasies" which includes letter from MORTON SOBELL, Seasons Greetings from HELEN SOBELL and distributed by CFMS. (Leaflet includes pictures of MORTON SOBELL, HELEN SOBELL, ROSE SOBELL, MARK SOBELL, SIDNEY SOBELL and her husband.)

File where original is located if not attached

100-107111-1R1684&1685

* INDIVIDUALS DESIGNATED BY AN ASTERISK (*) ONLY ATTENDED A MEETING AND DID NOT ACTIVELY PARTICIPATE. VIOLENCE OR REVOLUTIONARY ACTIVITIES WERE NOT DISCUSSED.

SOBELL, ROSE SOBELL, MARK SOBELL, SIDNEY SOBELL and her husband.)

- 1-100-109849 (HELEN SOBELL) (41)
- 1-100-128869 (ROSE SOBELL) (45)
- ①-100-37158 (MORTON SOBELL) (331)
- 1-100-147040 (MARK SOBELL) (45)
- 1-100-114456 (SIDNEY SOBELL) (45)
- 1-100-107111 (CFMS) (41)

FPB:opa
(7)

Block Stamp

100-37158-2643

SEARCHED _____ INDEXED _____

SERIALIZED _____ FILED _____

331 FEB 6, 1969

FBI - NEW YORK

[REDACTED]

FILE # 100-37158

SUBJECT MORTON SOBELL

SERIAL 2644 DATE 2-2-69

CONSISTING OF 1 PAGES

is exempt from disclosure, in its entirety, under (b)(1) as it has been classified pursuant to Executive Order 11652 as it contains information which would disclose an intelligence source. This serial bears the Classification Officers number 2040.

UNITED STATES GOVERNMENT

Memorandum

TO : SAC, NY (100-37156)

DATE: 2/26/69

FROM : SA [REDACTED] b7c

SUBJECT: MORTON SOBELL
ESP - R

On 2/17/69, [REDACTED]

[REDACTED] was contacted by the writer and furnished the following information concerning captioned subject: b7d

[REDACTED] b7d

[REDACTED] advised that due to the fact [REDACTED] investigation was conducted regarding subject by the probation Department at the time of his conviction by a specific direction of the sentencing judge. He has reviewed some of the trial testimony and court record of appeals in order to familiarize himself with the facts leading to subject's conviction. b7d

[REDACTED] b7d

[REDACTED] b7d

PFD:me
(1)

1-100-1078112
1-100-107111

*Make 1 copy
Amel contact
File OST*

A. [Signature]

100-37158

[REDACTED]

SOBELL was issued a small booklet utilized by the Probation Office giving the rules and requirements during his period of probation. He accepted this and gave the impression of wishing to cooperate in this regard. However, he refused to sign a prepared form which would acknowledge to the Probation Office that he accepted the conditions of probation and would abide by the regulations pertaining thereto. [REDACTED] stated that this form is merely a formal acknowledgement of the conditions of probation, and the fact that the subject refused to sign it really makes no difference, because in the event the subject violates any of the terms he can be returned to prison. b7d

In regard to the above, [REDACTED] advised that the most important conditions relating to the subject are that he keep the Probation Office advised of his activities and associates. He is not to associate with any individuals known to him to be a felon, and his movements are restricted to the SDNY. He is not to travel from the SDNY without first obtaining the approval of the Probation Office. In such cases, subject is to inform of the reason for any travel, and the names and addresses of any persons to be visited. b7d

[REDACTED] subject b7d
indicated that he had no immediate financial problems. He stated that his wife, HELEN, is employed as a school teacher in the neighborhood (although he would not disclose the name of the school). He stated that he is very interested in the field of electronics, which field has developed during the period that he was in prison, and that he intends to be occupied as a full time student if he can gain entrance into a university. SOBELL stated he intends to obtain a degree as an Electronics Medical Standardization Engineer.

100-37158

[REDACTED] Subject
requested authority to travel to Philadelphia on 2/14
for the purpose of taping a TV interview with MIKE DOUGLAS,
which is to be shown on the MIKE DOUGLAS Show on Channel
7, ABC, on 2/25/69. b7d

[REDACTED]
[REDACTED] he had traveled to New Jersey on the evening of
2/11 without obtaining authority. SOBELL related that he
desired to visit a friend, GEORGE KATZ, who resides in
Leonia, NJ. In the process of driving to NJ, it had slipped
his mind that he needed authority, and he was in the middle
of the George Washington Bridge when he wife brought it
to his attention that he had not obtained authority to
leave the state. b7d

[REDACTED] advised that although the above was a
technical violation of his parole, it appeared to be
inadvertant on the part of the subject, and the subject
had voluntarily advised of this oversight on his part. b7d

[REDACTED] advised that in the event the subject
violates his probation in any serious manner, the US Board
of Parole in WDC could issue a warrant for his arrest,
and he could be returned to prison. He said in this event,
however, the subject would be entitled to an administrative
hearing, which under present regulations, would be almost
the same as a court trial, in that the Government would
have to produce evidence and witnesses to prove the
violation, and the subject would have the right to
cross examine Government witnesses and to produce his own
witnesses. Subject would also then have the right to
appeal the decision of any such hearing. He stated that
based upon the conversations that he has had to date with
the subject, he is under the impression that the subject
intends to be very careful not to violate the terms of
his probation. b7d

In connection with the above, [REDACTED] advised
that in the event we received any information that the
b7d

100-37158

subject is associating with any of the convicted former CP members, this would be a violation of his probation, however, in order to take any action against him we would have to furnish witnesses who could testify to this fact.

[REDACTED]

b7d

[REDACTED] SOBELL has advised that he enrolled in two courses at Brooklyn Poly Tech. He attended classes there for one week, but dropped out because he found that he knew more than the instructor, and was not gaining anything from the courses. SOBELL advised that he then went to the Albert Einstein Medical College, where he has several old friends teaching. They advised him to attempt to enroll in Columbia University for the next term, but that registration for the current term was closed. SOBELL advised that he went to Columbia, where through the intercession of a friend, he was able to enroll in the college of Engineering. He is presently taking two basic electronic courses, both of which have laboratory work in addition to class instruction. SOBELL has indicated that beginning in the fall, he intends to take a full time course in the electronics field, either at Columbia or some other university.

b7d

[REDACTED]

[REDACTED] He said SOBELL's case is different in that as long as he is engaged as a student [REDACTED] cannot insist that he obtain any kind of [REDACTED]

[REDACTED] he and his wife are very evasive about their finances, merely stating that

b7d

100-37158

they will be able to live with no difficulty on the salary which HELEN receives.

[REDACTED]

b7d

[REDACTED]

b7d

In contrast to most cases, SOBELL did not evidence any bitterness against the Government or against the prison system. The only complaint, which he made in a joking manner, was that the educational facilities in the prisons could stand much improvement, as they were practically nil. He also indicated that the only reading material available was very old.

FILE # 100-37158

SUBJECT MORTON SOBELL

SERIAL 2646 DATE 2-27-69

CONSISTING OF 2 PAGES

is exempt from disclosure, in its entirety, under (b)(1) as it has been classified pursuant to Executive Order 11652 as it contains information which would disclose an intelligence source. This serial bears the Classification Officers number 2040.

FILE # 100-37158

SUBJECT MORTON SOBELL

SERIAL 2647 DATE 3-4-69

CONSISTING OF 4 PAGES

is exempt from disclosure, in its entirety, under (b)(1) as it has been classified pursuant to Executive Order 11652 as it contains information which would disclose an intelligence source. This serial bears the Classification Officers number 2040.

FILE # 100-37158

SUBJECT MORTON SOBELL

SERIAL 2649 DATE 2-27-69

CONSISTING OF 6 PAGES

is exempt from disclosure, in its entirety, under (b)(1) as it has been classified pursuant to Executive Order 11652 as it contains information which would disclose an intelligence source. This serial bears the Classification Officers number 2040.

FILE # 100-37158

SUBJECT MORTON SOBELL

SERIAL 2650 DATE 3-6-69

CONSISTING OF 11 PAGES of which

page 5, 6, 7, 8, 10

All exempt from disclosure, in its entirety, under (b)(7)(D) as information contained in this serial would identify an informant to whom an expressed promise of confidentiality has been given. This information includes dates and places of meetings which were attended by a limited number of people known to the informant and/or information from these meetings and situations in which an informant was in close contact with members of these organizations, disclosure of which would reveal his identity.

LA 100-71566

ACTION:

[REDACTED] b7d

[REDACTED] b7d

All other necessary action in connection with this memo has been taken by the writer.

INDEX:

[REDACTED] b7d

Meeting attended Sun. Feb. 16th '69 written 2-17-69
at the YABLON CENTER page -1-
7213 Beverly Blvd., Los Angeles, Calif.
TESTIMONIAL BANQUET in honor of Donation--\$ 2.00
DAVID FRADKIN on his 75th Birthday
Auspices of the L.A. COMMITTEE for DEFENSE of the BILL of RIGHTS.

Number of persons attending:---estimated as 20 tables at
@ 8 each--TOTAL--160

Amount of money collected:--Was announced as \$ 968.00-----
Purpose of the collection was said to have
been for: (As stated by DON WHELDON)--
(Statements)----:-- The DEFENSE of those who were PROTESTING
(in effect by) the DRAFT, the discrimination in the SCHOOLS
(DON WHELDON) and COLLEGES--until ALL DEMANDS WERE MET.
To FIGHT the OPPRESSIVE LEGISLATION which
had been enacted by the REAGAN ADMINISTRATION
and would soon be enacted by the NIXON
ADMINISTRATION.--FIGHT POLICE BRUTALITY.
Fight for the RIGHTS of those PROTESTING
the WAR in VIETNAM. FIGHT for the RIGHTS of
the BROWN PEOPLE in the BARRIOS and the
BLACK PEOPLE in the GHETTOS.
(-These statements were made, in substance.)
(It is believed, but not definitely remembered,
that the DEFENSE of those FOUND GUILTY
of MUNTINY was also mentioned.)

NATE KORNER announced the affair on SAT. FEB. 22nd '69 -2:00pm
at LARCHMONT HALL, 118 N. LARCHMONT---
--to CELEBRATE THE FREEDOM of MORTON SOBELL.--
He stated that SOBELL would speak to them via
telephone, at that time. Motion pictures would
also be shown.

It was announced that on SAT. MARCH 1st '69 there would be
(at 8:30pm) ENTERTAINMENT & REFRESHMENTS at the
(Fred.) FIRESTONE Residence
932 N. Normandie Ave., L.A.
Auspices: JEWISH AMERICAN CULTURAL
Celebrating the recovery of CLUB.
Mother RASKIN.

Meeting attended 2-16-69
7213 Beverly Blvd., L.A.
FRADKIN'S 75th

written 2-17-69


page -2-

NATE KORNER announced that ---MORTON SOBELL would appear on
the-----MIKE DOUGLAS SHOW
CHANNEL -4- (NBC)
3:30pm
Feb. 25th '69

Someone announced that there would be a meeting of the
WESTSIDE COMMITTEE
1387 N. ORANGE DRIVE
(date not heard--too much noise)


 b7d
Comments on the collection:----

The various committees gave small announced sums--such as
\$ 37 --\$ 20 --\$ 40 --\$ 17 ---so it appeared to be a surprise
when the total of \$ 968 was announced.

 b7d

Meeting attended 2-16-69
7213 Beverly Blvd., L.A.
FRADKIN'S 75th

written 2-17-69
page -7-

PAUL MILLER

[REDACTED]
made statements as follows, in substance:---

(When the MC (believed to have been WHEELDON)
introduced MILLER he read another name which sounded
Slavic or Yiddish--this caused much embarrassment.
This name not remembered.)

He spoke in tribute to "POPPA".
"POP" had never attended school.
He had educated himself, reading a great deal. He was still
acquiring and reading books. His interest was greatest in
political matters and in current events.

There had been a tragedy in the family, and "POP" had to take
over a business when he was 65.

He had run that business successfully. He had been able to
think of an story with a funny incident in it, which was
successful in illustrating his point, and in getting the best
of the deal in question.---His success was based on his
ability to handle people and understand fully what was going
on.

MILLER had been working closely with "POP" in these business
matters.

APPENDIX

LOS ANGELES COMMITTEE FOR DEFENSE OF THE BILL OF RIGHTS,
formerly known as Los Angeles Committee for
Protection of Foreign Born (LACDBR)

A source advised in May, 1968, that the LACDBR has expanded its former scope of interest relating to the foreign born, and has become a militant general defense organization allegedly seeking to safeguard the rights of all individuals, including the foreign born, as well as those seeking to avoid military service in the Armed Forces of the United States:

The LACDBR is a non-membership organization which is represented by an Administrative Board of about 125 individuals from loosely organized area committees interested in the work of the LACDBR. These board members are invited by ROSE CHERNIN, Executive Director of the LACDBR, who is the guiding, dominant, and motivating force behind the LACDBR. Its headquarters are maintained at 326 West Third Street, Los Angeles, California.

Another source advised in May, 1968, that ROSE CHERNIN is currently Organizational Secretary of the Moranda Smith Section of the Southern California District Communist Party (SCDCF).

APPENDIX

FILE # 100-37158

SUBJECT MORTON SOBELL

SERIAL 2651 DATE 3-10-69

CONSISTING OF 14 PAGES of which

pag 5, 6

is exempt from disclosure, in its entirety, under (b)(7)(D) as information contained in this serial would identify an informant to whom an expressed promise of confidentiality has been given. This information includes dates and places of meetings which were attended by a limited number of people known to the informant and/or information from these meetings and situations in which an informant was in close contact with members of these organizations, disclosure of which would reveal his identity.

OFFICE MEMORANDUM

UNITED STATES GOVERNMENT

TO: SAC, LOS ANGELES (100-41648)

DATE: 3/10/69

FROM: SA [REDACTED]

b7c

SUBJECT: COMMITTEE TO FREE MORTON SOBELL
IS - C

SOURCE	ACTIVITY	RECEIVED	AGENT	LOCATION
[REDACTED]	Celebration of Freedom of MORTON SOBELL 2/22/69	2/25/69	Writer	[REDACTED] p/s

Informant's report has been xeroxed and is attached.

3 - NEW YORK (RM)
(1 - 100- [REDACTED]) (MORTON SOBELL)
(1 - [REDACTED])
(1 - [REDACTED])

1 - SAN DIEGO (RM)
[REDACTED]

CC: [REDACTED]
[REDACTED]
100-7330 (LEADER)
[REDACTED]

[REDACTED]

I.FW/1el
(39) *il* Read by J.F.W.

b7c,d

SEARCHED	INDEXED
SERIALIZED	FILED
MAR 26 1969	
FBI - LOS ANGELES	

b7c

2651

LA 100-41648

ACTION:

[REDACTED]

b7d

All other necessary action in connection with this memo has been taken by the writer.

INDEX:

[REDACTED]

b7c

Meeting attended Feb. 22nd '69
at Larchmont Hall, 118 N. Larchmont, Los Angeles

written 2-23-69

CELEBRATING the FREEDOM of MORTON SOBELL
--Sponsored by the LOS ANGELES SOBELL COMMITTEE--
(Admission)-Contribution \$ 2.00

page -1-

Number of persons present:--Rough estimate about 400 to 430
No number was announced.
The main room was filled.
There were a very few in 2 smaller
rooms, which open into the main
room.

Amount of money collected:-----NO SUM WAS ANNOUNCED.
The purpose of this collection was stated to have
been (by, it is believed, SOPHIE DAVIDSON)-for the
purpose of providing MORTON SOBELL with money to
pay the debits which had accumulated during the
time he was in prison,--to provide the means of
living--during his period of recuperation, (his
health being poor) and readjustment from prison to
ordinary living. SOBELL had been admitted to
COLUMBIA UNIVERSITY (believed to have been as a
student)-in order to complete his work on his
doctors degree--in electronics. When health permitted.
He was also in the process of writing a book about
his conviction, prison life and many facts pertain-
ing to the establishment of the innocence of the
ROSENBERGS.---Before he could work on this book
it was necessary for him to regain his health.

---PURE GUESS-WORK ESTIMATE-----

Several sums of \$ 100.00	were announced-say-	\$ 600.00
A few in amounts \$ 50.00	" " "	\$ 200.00
A few about---- \$ 25.00	" " "	\$ 100.00
" " " \$ 10.00	" " "	\$ 80.00
" " " \$ 5.00	" " "	\$ 60.00
Smaller sums not announced---	\$ 1.00	\$ 150.00
TOTAL-----		\$ 1,190.00

This is PURE GUESS-WORK--one woman was said to have
promised a large sum [REDACTED]

This sum was not stated.

The "PRICING" for this collection was given by SOPHIE DAVIDSON

Many names were recognized as contributors [REDACTED]

b7d

Meeting attended 2-22-69
118 N. Larchmont L.A.
SOBELL Freedom

written 2-23-69

(2)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

b7d

At this meeting very few young people were seen. One young couple assisted in taking up the collection. [REDACTED] --No others were remembered. NO Negro was seen at this meeting.

b7d

There was a general mood of cheerfulness at this affair.

Meeting attended 2-22-69
at 118 N. Larchmont L.A.
SOBELL Freedom

written 2-23-69

(5)

b7d

In the future, now that the FREEDOM of SOBELL had been achieved--due (in part?) to the efforts of those present at that meeting and the tireless workers who had piloted the others who had all contributed etc.---the OBJECTIVES of the COMMITTEE would be to CLEAR the NAME of MORTON SOBELL and to ESTABLISH the INNOCENCE of the ROSENBERGS--who had been MURDERED by the GOVERNMENT. (The exact word whether "government" or a similar word, not remembered.)

The COMMITTEE would also carry on in defending and/or working to achieve the successful legal defense of OTHERS, whose plight would be similar to MORTON SOBELL & the ROSENBERGS.

(Two current cases were mentioned but were not remembered.)

KONIGSBERG stated in substance--that the ROSENBERGS and MORTON SOBELL were convicted as a result of having been "tried and found guilty" by the newspapers of that particular era of hysteria, due to the US action in KOREA and the McCARTHY era. It was an action prompted by political expediency. It was the "popular" thing to do. Former president EISENHOWER was stated to have been responsible by his refusal to consider a review of the matter, before the ROSENBERGS were MURDERED.

He said that it was important to "BRIDGE the GENERATION GAP" or rather the "TWO GENERATION GAP" and get the young people involved. --The YOUNG PEOPLE were now involved in DEMANDING CHANGE in the EDUCATIONAL SYSTEM and in the ECONOMIC SYSTEM as well. They were active there

Meeting attended 2-22-69
118 N. Larchmont L.A.
SOBELL Freedom

written 2-23-69

(6)

RAPHAEL KONINGSBERG--made statements as follows, in
substance:----continued-----

There had been a GREAT OUTCRY against foreign elements which
were SUBVERTING the COUNTRY.

Not ALL of the "SUBVERSIVES" were foreign. Some were
"HOME-GROWN".

Such foreign elements which were described as "SUBVERSIVE"
could not possibly have done as much damage to the country,
as that DAMAGE which had ALREADY BEEN DONE by THOSE who
HAD BEEN in POWER in the PAST.

The MILITARY-INDUSTRIAL COMPLEX was now in CONTROL of the US.
It was DRIVING the WORLD into WAR.

Pres. EISENHOWER had stated in his last address as president
that it was necessary to be careful, not to let the MILITARY-
INDUSTRIAL COMPLEX attain control and run the nation.
This was now the state of affairs.

KONINGSBERG stated that in that organization (the SOBELL
COMMITTEE) the women had done a great deal.
They had been very effective in working for SOBELL.

Meeting attended 2-22-69
at 118 N. Larchmont L.A.
SOBELL Freedom

written 2-23-69

(7)

DR. HAROLD C. UREY Nobel Prize winner--made statements as follows, in substance:----

(He had been introduced and it was said that DR. UREY was an expert on the SOBELL (& it is believed, the ROSENBERG) case.--)

DR. UREY said (in substance) that he felt that his place as an expert on these cases had been taken by the SCHIFFERS since they had completed their book. He was happy that they had done such good work in such a good cause.

He (UREY) deserved no special credit for his work in behalf of the SOBELLs etc. He had taken no risks in doing it. He had been and still was in a very secure position. He could speak as he saw fit on any subject.

The policy of the UNIVERSITY of CHICAGO was such that the right of those at that University (presumably those on the faculty etc.), to state what they believed,---was maintained to the fullest extent. This policy insured the freedom of all members (of the faculty etc.) to state their beliefs without any interference.

When McCARTHY called him to be interviewed those in charge at the University provided him with a man to assist him in making arrangements, and to advise him of his rights etc. The University also provided him with attorneys to insure that his legal rights were protected.

In regard to the state of affairs in the California Colleges and Universities he stated that ---there were those SO CONCEITED, so egotistical that they believed that their ideas on education should be imposed on the educational system for the next 200 years, to shape its pattern & its destiny. Everything was in a process of change and the educational system should change in step with these other changes.

He had become interested in the state of affairs in the CALIF. Colleges & Universities when he learned of the plight of his friend DR. MARCUSE at San Diego. He believed in the RIGHT of the STUDENTS to learn about COMMUNISM, SOCIALISM & CAPITALISM, FREE ENTERPRISE ETC. and to learn the advantages and-(cont.)---

Meeting attended 2-22-69
118 N. Larchmont L.A.
SOBELL Freedom

written 2-23-69

(8)

DR. HAROLD UREY made statements as follows in substance:---
------(continued)-----

and disadvantages of each system.

It was wrong to interfere with the RIGHT of MARCUSE to teach and the RIGHT of the STUDENTS to HEAR, and to form their own opinions, come to their own conclusions and initiate changes which they thought should be made for the improvement of the country and/or the educational system.

DR. UREY was shocked at the outcry against MARCUSE in San Diego and was INDIGNANT at the MOVES to REMOVE HIM from the University. --This right of the professors to teach and the students to learn was a tradition of the Universities going back for hundreds of years. This INTERFERENCE was CONTRARY to such tradition.

DR. UREY stated that he was IN FAVOR of the SPACE PROGRAM. It was a very fine thing to explore space. It took only .6 % of the budget and nobody would miss EX .6 % of their income.

On the other hand the MILITARY BUDGET was ENORMOUS. He was in touch with other scientists and the rapidity and scale of the ARMS RACE was such that it was CARRYING us TOWARDS WORLD WAR III.

Meeting attended 2-22-69
118 N. Larchmont L.A.
SOBELL Freedom

written 2-23-69

(9)

NATE KORNER made statements as follows, in substance:--

He thanked everyone for having contributed to the actual achievement, of MORTON SOBELL'S being FREE.

The (Los Angeles ?) Committee to FREE MORTON SOBELL had been largely the work of SOPHIE DAVIDSON. Before SOPHIE, the work had been done by her mother, ----- DEUTCH (phonetic splg.)

During SOPHIE'S prolonged illness the work had been carried on by the secretary. He would be reprimanded for mentioning her name, but she deserved much credit for her great contribution. This person was EVELYN FREEMAN. It was particularly notable that so personable a person had devoted so much time and effort to the cause.

Meeting attended 2-22-69
118 N. Larchmont L.A.
SOBELL Freedom

written 2-23-69

(10)

16mm motion picture was shown. It pertained mostly to SOBELL but it is believed that the ROSENBERGS were also mentioned.

It was black & white---narrated by LEW IRWIN.

Persons who appeared in this film were:---

HELEN SOBELL (wife of MORTON SOBELL)

Boy SOBELL (son " " ")

MAN-----attorney for SOBELL

WOMAN-----attorney for SOBELL

DR. UREY--made statements about the case and stated his belief that that trial had been a political one rather than a legal one.

SEVERAL other professional men of HIGH REPUTE who stated that their either believed in his innocence or that the evidence was insufficient etc.

NORMAN THOMAS socialist candidate who stated he believed that the trial had been POLITICAL rather than LEGAL.

MORTON SOBELL appeared in one or two brief scenes.

The general "line" taken in the film was:--

There was practically NO EVIDENCE of ANY GUILT on the part of MORTON SOBELL.

SOBELL had been arrested in MEXICO without due process of law.

He had been KIDNAPPED by the US government and removed from MEXICO without the MEXICAN GOV'T'S authorization.

The WHOLE case was based on the testimony of one unreliable witness.

The McCARTHY FRA and the WAR in KOREA made a FAIR TRIAL IMPOSSIBLE. (Headlines from current newspapers were shown.)

It was POLITICALLY POPULAR to GET A CONVICTION at that time. So THOSE IN POWER in the US GOV'T SECURED A CONVICTION disregarding many legal rights,--any significant proof of guilt--and having the ADVANTAGE of a BIASED JUDGE who acted INPROPERLY. ---It had been a POLITICAL CONVICTION.

Meeting attended 2-22-69
118 N. Larchmont, L.A.
SOBELL Freedom

written 2-23-69

(11)

Near the end of this meeting ADE BOWERS played a tape recording of a telephoned message to this meeting. This was made or given by MORTON SOBELL. His was the only voice heard on this tape. The exact time this was recorded was not stated.

MORTON SOBELL made statements as follows in substance:----

He wanted to thank all those who had stood by him and helped him during those years when he was in prison. He wished to thank those in particular who were gathered together at that affair for the particular and special assistance they had given him.

He was starting the difficult task of adjusting himself to normal everyday life after those years in prison. His wife HELEN was at his side and was doing everything possible to assist him.

APPENDIX

COMMITTEE TO FREE MORTON SOBELL

"Following the execution of atomic spies ETHEL and JULIUS ROSENBERG in June, 1953, the 'Communist Campaign assumed a different emphasis. Its major effort centered upon MORTON SOBELL', the ROSENBERGS' co-defendant. The National Committee to Secure Justice in the Rosenberg Case - a communist front which had been conducting the campaign in the United States - was reconstituted as the National Rosenberg - Sobell Committee at a conference in Chicago in October, 1953, and 'then the National Committee to Secure Justice for Morton Sobell in the Rosenberg Case'"

("Guide to Subversive Organizations and Publications", dated December 1, 1961, issued by the House Committee on Un-American Activities, page 116.)

In September, 1954, the name "National Committee to Secure Justice for Morton Sobell" appeared on literature issued by the Committee. In March, 1955, the name, "Committee to Secure Justice for Morton Sobell", first appeared on literature issued by the Committee. In August, 1966, the name "Committee to Free Morton Sobell" first appeared on literature issued by the Committee.

The Address Telephone Directory for the Borough of Manhattan, New York City, published by the New York Telephone Company on April 12, 1968, lists the above Committee's address as 150 Fifth Avenue, New York, New York.

FILE # 100-37158

SUBJECT MORTON SOBELL

SERIAL 2652 **DATE** 3-17-69

CONSISTING OF 5 **PAGES**

is exempt from disclosure, in its entirety, under (b)(1) as it has been classified pursuant to Executive Order 11652 as it contains information which would disclose an intelligence source. This serial bears the Classification Officers number 2040.

FILE # 100-37158

SUBJECT MORTON SOBELL

SERIAL 2653 DATE 3-10-69

CONSISTING OF 8 PAGES of which

88 7

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OFFICE MEMORANDUM UNITED STATES GOVERNMENT

TO: SAC, LOS ANGELES (100-41648)
FROM: SA [REDACTED] b7c
SUBJECT: COMMITTEE TO FREE MORTON SOBELL
IS - C

DATE: 3/10/69

SOURCE	ACTIVITY	RECEIVED	AGENT	LOCATION
[REDACTED]	Celebration of freedom of MORTON SOBELL 2/22/69	2/26/69	Writer	[REDACTED] b7d

Informant's report has been xeroxed and is attached.

3 - NEW YORK (RM)
{ 1 - 100- [REDACTED] (MORTON SOBELL)
1 - [REDACTED]
1 - [REDACTED]

1 - SAN DIEGO (RM)
[REDACTED]

CC: [REDACTED]

65-5082 (MORTON SOBELL)
[REDACTED]

100-11073 (HENRY SOBELL)
[REDACTED]

b7c

LFW/lel
(52) ell

Read by LFW

2653

SEARCHED	INDEXED
SERIALIZED	FILED
MAR 24 1969	
FBI - NEW YORK	

[REDACTED]

**COPIES CONTINUED PAGE 2.

LA 100-41648



b7d, c

ACTION:

Informant was thoroughly interviewed concerning the above and could add nothing further.

All necessary action in connection with this memo has been taken by the writer.

INDEX:



b7c, d

Celebrate Freedom of Morton Sobell
Larchmont Hall, 118 N. Larchmont Blvd., L.A., Calif.
Ausp: J.A. Sobell Committee
Feb. 22, 1969--2-5 PM

1.
Feb. 25, 1969

About 450-475 people attended the meeting
Amount of money collected by donations from
the audience was not announced.

Raphael Konigsberg---Master of Ceremonics---said in effect---

Praised the people in the audience who had worked hard
to raise money to fight for the release of Morton Sobell.

People sponsored, theatre parties, dinners, sales of liter-
ature which resulted in freedom for Morton Sobell.

Morton Sobell and the Rosenbergs were innocent; were
convicted on trumped up charges during the McCarthy era.

Sobell, after spending seventeen years in prison was at
last free and would continue his life where he left off.

Was writing a book---would return to school to continue
his work towards a master's degree in electronics.

Announced that a film which had been produced by
Lew Irwin, who was associated with Radio Station KRLA.

Lew Irwin was interested in trying to help Morton So-
bell to gain freedom; and prove his innocence.

Lew Irwin was unable to be present, due to illness in
his family.

The film---

Lew Irwin-----was seen as master of ceremonies, in the film---

Said in effect---

Was of the opinion that Morton Sobell was unjustly im-
prisoned and was innocent of any criminal acts.

Sobell was convicted upon the testimony of one witness;
Also the conviction was due to influence of the press.

The Korean war and McCarthy era were responsible for
Morton Sobell's seventeen yrs. in prison.

Many prominent people felt he was innocent.

The film continued with pictures of people being inter-
viewed---all believed Sobell and the Rosenbergs were innocent.

Among those interviewed were lawyers, inc. a woman law-
yer, a judge, legislator, Norman Thomas, Rev. Edwin Gaede, of a
Unitarian Church, in the mid-west or east, Martin Luther King
Dr. Harold Urey.

His mother, wife Helen and son were seen in the film.

Morton Sobell was seen being escorted into a room.

Helen Sobell, his wife, stated (in effect) that Sobell

Celebrate Freedom of Morton Sobell 2. Feb. 24, 1969
Larchmont Hall, 118 N. Larchmont Blvd., L.A., Calif.
Ausp: L.A., Sobell Committee
Feb. 22, 1969--2-5 PM

Film---continued---

Helen Sobell---cont'd--

and the Rosenbergs were innocent--

Told of events leading to Sobell's arrest, including trip to Mexico when he was kidnapped by U.S. authorities and brought back to trial.

Told of her visits to prison where she was allowed to speak to Sobell through glass window.

His transfer from Alcatraz to another prison was due to help, work and influence of friends.

Sobell read and studied in prison--

Was writing a book which would reveal certain things which were never brought out at his trial.

Waldemar Hille--

Introduced by Raphael Konigsberg---musical director who would lead the audience in singing some songs which he had written and arranged for the occasion.

Nate Korner-----

Introduced Sophie Davidson, as devoted leader of the Sobell Committee, who had worked for many years to free Morton Sobell and prove his innocence.

Mentioned Evelyn Newman and Wedgie -----(a woman) who acted as secretaries and worked tirelessly to carry on the work during the illness of Sophie Davidson.

Sophie Davidson-- said in effect---

Much money would be needed to continue to help Morton Sobell to carry on where he left off in his studies toward his doctor's degree in electronics, to help him regain his health which had suffered during his long imprisonment, to pay his doctors and lawyers bills.

Money was needed to help prove innocence of Morton Sobell, which would necessitate legal fees.

Money was also needed to defend others who were in need of legal defense at the present time.

Amount of money collected was not announced--

Individual donations in the amounts of from \$ 5.00 to \$ 100.00 were announced as they were presented.

Total of the above amounted to \$ 1,015.00

Baskets were passed for additional donations.

Celebrate Freedom of Morton Sobell 3.
Larchmont Hall, 118 N. Larchmont Blvd., L.A., Calif.
Ausp: L.A., Sobell Committee
Feb. 22, 1969--2-5 PM

Feb. 24, 1969

Mr. Bell, violinist--accompanied by Mrs. Bell, pianist--
performed several selections---

Dr. Harold Urey---

Introduced by Raphael Konigsberg, as, prominent Nobel
Peace Prize winner--and a strong supporter of the in-
nocence of Morton Sobell--

Who had been one of the most important witnesses in
defence of Morton Sobell's.

Dr. Harold Urey--- Said in effect---

After reading book of Walter and Miriam Schneir about
the trial and conviction of Morton Sobell and the Rosen-
bergs, he realized that he had played only a small part in
maintaining the innocence of Morton Sobell.

He believed Morton Sobell was innocent of espionage
charges--was unjustly imprisoned.

All must work to vindicate name of Morton Sobell--took
many years of hard work to effect his release from pri-
son.

There was much work to be done, people must carry on
the struggle.

Regretted the lack of young people in the audience.

Work of young people to continue work started by their
parents, in their fight for freedom and justice.

Was a father himself--some of his children were inter-
ested in working for peace and social justice.

Other of his children were not at all interested.
Youth was divided today.

People should appreciate life in U.S.--the good in U.S.
People should work to right wrongs of society.

Present campus situation was dangerous--could lead to
freedoms in the educational system being taken away.

When he was involved in defence of Morton Sobell, the
University of Chicago, where he was a professor, left him
alone to pursue his objectives--

He was free to make his own decisions without interfer-
ence; no questions were asked by anyone.

Educational system must be free--

Worried about educational system in Calif.

Kareuss was a Marxist--disagreed with him on many
points.

Kareuss should be allowed to teach at--cont'd

Celebrate Freedom of Morton Sobell 4.
Larchmont Hall, 118 N. Larchmont Blvd., L.A., Calif.
Ausp: L.A. Sobell Committee
Feb. 22, 1969 - 2-5 PM

Feb. 24, 1969

Dr. Harold Urey---cont's---

U.C. at San Diego.

All students should be free to hear Marx, Lenin--
He approved money which was only 6% of U.S. budget
spent on space exploration.

Was against appropriations spent on military research,
atom and nuclear weapons; stop arms race.

Would lead to third world war; all civilization would
be destroyed.

All young people must fight against war--must work
for peace.

b7d

APPENDIX

COMMITTEE TO FREE MORTON SOBELL

"Following the execution of atomic spies ETHEL and JULIUS ROSENBERG in June, 1953, the 'Communist Campaign assumed a different emphasis. Its major effort centered upon MORTON SOBELL', the ROSENBERGS' co-defendant. The National Committee to Secure Justice in the Rosenberg Case - a communist front which had been conducting the campaign in the United States - was reconstituted as the National Rosenberg - Sobell Committee at a conference in Chicago in October, 1953, and 'then the National Committee to Secure Justice for Morton Sobell in the Rosenberg Case'"

("Guide to Subversive Organizations and Publications", dated December 1, 1961, issued by the House Committee on Un-American Activities, page 116.)

In September, 1954, the name "National Committee to Secure Justice for Morton Sobell" appeared on literature issued by the Committee. In March, 1955, the name, "Committee to Secure Justice for Morton Sobell", first appeared on literature issued by the Committee. In August, 1966, the name "Committee to Free Morton Sobell" first appeared on literature issued by the Committee.

The Address Telephone Directory for the Borough of Manhattan, New York City, published by the New York Telephone Company on April 12, 1968, lists the above Committee's address as 150 Fifth Avenue, New York, New York.

FILE # 100-37158

SUBJECT MORTON SOBELL

SERIAL 2654 DATE 3-14-69

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SERIAL 2656 DATE 3-14-69

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FILE # 100-37158

SUBJECT MORTON SOBELL

SERIAL 2657 DATE 3-28-69

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SERIAL 2658 **DATE** 3-28-69

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SUBJECT MORTON SOBELL

SERIAL 2659 DATE 3-26-69

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FILE # 100-37158

SUBJECT MORTON SOBELL

SERIAL 2660 DATE 4-1-69

CONSISTING OF 2 PAGES

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