

F.O.I.A.

JULIUS ROSENBERG ET AL.

FILE DESCRIPTION

HQ

FILE

SUBJECT

MORTON SOBELL

FILE NO.

101-2483

VOLUME NO.

45

SERIALS

1733 to

NOTICE

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File No: 101-2483
20145

Re: Sobell

Date: _____
(month/year)

Serial	Date	Description (Type of communication, to, from)	No. of Pages		Exemptions used or, to whom referred (Identify statute if (b)(3) cited)
			Actual	Released	
NR	5/2/75	ERDA lit - Landlord.	1	1	Disposition in H. Gold 65-57479 - NR after 895,
1777	9/12/75	NY a/t HQ	1	1	b7c
1778	11/14/75	NY a/t HQ	1	1	b7c
1779	12/3/75	HQ lit Sobell	1	1	
1780	8/3/75	Dof lit Sobell	2	2	
NR	9/12/75	HQ lit Sobell	1	1	
NR	9/12/75	HQ lit 3rd party	1	1	
1781	11/11/75	Dof lit Sobell	1	1	
1782	6/23/76	NY lit HQ	1	1	b7c
NR	4/25/77	NY lit HQ	3	3	b1
1783	4/13/84	HQ a/t NY	1	0	b2
NR	11/30/83	Legal Council memo to ^{Records} management	2	0	b2

23 12 3 0 8 0
in ul deny if presumed prison FBI/DOJ

File No: 100-2138 Re: Loebell Date: _____
(month/year)

Serial	Date	Description (Type of communication, to, from)	No. of Pages		Exemptions used or, to whom referred (Identify statute if (b)(3) cited)
			Actual	Released	
1733	11/8/68	HQ a/T NY and incl.	1/4	1/4	
1734	11/13/68	WFO a/T HQ	2	2	
1735	11/13/68	NY A/T HQ	1	1	
1736	1/10/69	NY a/T HQ	1	1	
1737	1/14/69	PH a/T HQ	1	1	
NR	1/20/69	NY let HQ	1	1	
1738	1/14/69	Bureau memo to HQ	1	1	
1739	1/14/69	NY A/T HQ	2	2	
1740	1/17/69	NY A/T HQ and incl.	1/7	1/7	
NR	1/20/69	NY let HQ	1	1	
1741	2/7/69	PH let HQ	1	1	
1742	3/19/69	NY a/T HQ	2	2	b7c b2 b7d
NR	3/14/69	3rd party let HQ	1	1	

27 27 0 0 0 0
nr rel deny rel presumed private

File No: 101-2453

Re: 101-2453

Date: _____
(month/year)

Serial	Date	Description (Type of communication, to, from)	No. of Pages		Exemptions used or, to whom referred (Identify statute if (b)(3) cited)
			Actual	Released	
1742	3/20/69	HQ let 3rd party	1	1	
1743	3/25/69	NY let HQ	2	2	b7c
1743	4/7/69	HQ let NY	1	1	
1744	4/2/69	CV airt HQ and encl.	1/6	1/6	b2 b7D
NR	5/2/69	HQ let HQ	2	—	Disposition in J. Rosenberg 65-58236-2415
1745	5/7/69	BA let HQ	1	1	
NR	4/30/69	CV TT HQ	5	5	b7c
NR	5/19/69	Brannigan memo to Sullivan ^{and encl.}	1/1	—	Disposition in J. Rosenberg 65-58236-2420
1746	4/13/69	NY let HQ	4	4	b7c
1747	10/8/69	NY let HQ	2	2	b7c
NR	8/4/69	NY let HQ	1	1	
1748	11/10/69	Lee memo to Brannigan	1	1	
1749	11/10/69	NY airt HQ	2	2	b7c

31 27 0 0 4 0
rev rel deny rel presumed prison

Inventory Worksheet
FD-503 (2-18-77)

File No: 100-3
100-3

Re: Black

Date: _____
(month/year)

Serial	Date	Description (Type of communication, to, from)	No. of Pages		Exemptions used or, to whom referred (Identify statute if (b)(3) cited)
			Actual	Released	
1750	11/13/70	Ny AIT HQ	2	2	b7c
NR	1/30/70	form let let and d.	1/4	0/0	Refer Army
1751	1/28/70	Ny let HQ	3	3	b7c
1751	2/6/70	HQ let State	2	2	b7c
NR	2/3/70	CIA let HQ and d.	1/2	1/2	b7c
1752	2/20/70	WFO let HQ	1	1	
1753	4/7/70	DeLoach memo to Tolson	2	2	
1754	4/13/70	WFO a/t HQ	2	2	
1755	4/16/70	Ny a/t HQ	3	3	b7c
NR	9/16/70	Ny let HQ and d.	1/1	1/1	
1756	10/9/70	Ny a/t HQ	3	3	b7c b7d
NR	1/21/71	Massed memo to Tolson	1	1	

29 24 0 5 0 0
rev rel deny rel presumed prison

File No: 101-2482
sub. 45

Re: Sokell

Date: _____
(month/year)

Serial	Date	Description (Type of communication, to, from)	No. of Pages		Exemptions used or, to whom referred (Identify statute if (b)(3) cited)
			Actual	Released	
NR	1/20/71	Marshall memo to Tadd	1	1	
1757	4/23/71	Ny TT to J	3	3	b7c
1758	5/21/71	Ny a IT HQ	2	2	b7c
1759	6/10/71	Brannigan memo to Pearson	2	2	b1
NR	6/4/71	Ny memo HQ	3	1	b1
1760	6/22/71	Ny let HQ	3	1	b1 b7D
NR	6/30/71	Ny let HQ and encl.	4 1/2	1 1/2	
1761	7/6/71	Ny let HQ and encl.	3 9/16	3 8/16	b2 b7c b7D b1
NR	9/24/71	Ny let HQ and encl.	4 1/2	1 1/2	
1762	2/17/72	Ny a IT HQ	1	1	b7c
NR	3/15/72	Ny let HQ	2	2	
1763	7/2/72	Ny let HQ	4 1/2	1 1/2	b7c

36 31 5 0 0 0
~~rev~~ rel dems re/ presumed prepare FBI/DOJ

File No: 101-2463

Re: Loebell

Date: _____
(month/year)

Serial	Date	Description (Type of communication, to, from)	No. of Pages		Exemptions used or, to whom referred (Identify statute if (b)(3) cited)
			Actual	Released	
1764	8/8/72	Rome 2, to HQ and encl.	4	1	b1
1765	9/13/72	Rome let HQ and encl.	4	1	b1
1766	10/17/72	Rome 2 let HQ	1	1	
1767	4/1/73	NY 2, 1-12	1	1	b7c
1768	8/5/73	NY let HQ	2	2	
1768	9/11/73	HQ let NY	1	1	
1769	11/28/73	NY 2/T HQ	1	1	b7c
1770	4/10/74	NY let HQ	2	2	b7c
NR	4/10/74	3rd party let HQ	1	-	Disposition in J. Rosenberg 65-58236-2467
NR	4/25/74	HQ let 3rd party	1	-	Disposition in J. Rosenberg 65-58236-2467
1771	4/30/74	NY let HQ and encl.	1	1	
NR	5/28/74	HQ let NY	1	-	Disposition in J. Rosenberg 65-58236-2478

23 20 0 0 3 0
rev rel deny rel presumed program

File No: 101-2453
sect 45

Re: Lo Bell

Date: _____
(month/year)

Serial	Date	Description (Type of communication, to, from)	No. of Pages		Exemptions used or, to whom referred (Identify statute if (b)(3) cited)
			Actual	Released	
1772	6/12/74	Ny a/T HQ	1	1	b7C
1773	6/24/74	Ny let HQ and incl.	1/2	1/2	b7C
1774	7/18/74	Bonn. let HQ and incl.	1/3	0	Refer ARMY
NR	7/30/74	Ny memo HQ	-	1	b1
NR	8/1/74	DoJ let HQ	1	-	Disposition in J. Rosenberg 65-58236-2484
NR	9/12/74	HQ let 3rd party	2	-	Disposition in J. Rosenberg 65-58236-2484
1775	11/1/74	Hein memo to McDermott	1	1	
NR	2/20/75	3rd party let HQ and incl.	1/3	-	Disposition in J. Rosenberg 65-58236-2497
NR	3/13/75	HQ let 3rd party	4	-	Disposition in J. Rosenberg 65-58236-2497
NR	2/24/75	DoJ let HQ and incl.	1/3	-	Disposition in J. Rosenberg 65-58236-2496
NR	3/12/75	HQ let 3rd party	2	-	Disposition in J. Rosenberg 65-58236-2496
1776	5/29/75	Ny a/T HQ and incl.	1/1	1/1	b7C

31 8 2 4 17 0
rev rel deny ref presumed minor FBI/DOJ

November 8, 1968

Airtel

1 - Mr. Lee

To: SAC, New York (105-37158)

From: Director, FBI (101-2483)

MORTON SOBELL
ESP - R

ReWFOlet 10/8/68 advising that subject had filed a petition for a writ of certiorari with the U.S. Supreme Court from the decision of the U.S. Court of Appeals for the Third Circuit denying Sobell's claim for credit for the period of his presentence imprisonment on the grounds of lack of jurisdiction. That court also denied Sobell's motion for credit for the time in prison while awaiting the decision on his appeal.

The Government filed a supplemental memorandum with the Supreme Court and in that motion stated that Sobell had filed a motion under Title 18, U.S. Code 2255 in the U.S. District Court for the Southern District of New York seeking credit for the presentence custody as well as credit for the time spent in custody pending appeal. That motion was filed on October 18, 1968, and was scheduled for argument November 8, 1968. Advise results of the argument of 11/8/68.

1 - WFO (101-2316)

REC-8

101-2483-1733

EX-105

19 NOV 8 1968

ENCLOSURE
JPL
ENCLOSURE

NOTE: Morton Sobell was convicted along with Julius and Ethel Rosenberg for conspiracy to commit espionage. He was arrested August, 1950, tried and sentenced in March, 1951. He filed an "election not to serve" which permitted him to remain in New York during the original appeal from his trial; however, this time did not count as a reduction in his sentence. Sobell is currently attempting to obtain credit for both these periods of time.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 4/30/87 BY 3042aur/HK/B

- Tolson
- DeLoach
- Mohr
- Bishop
- Casper
- Callahan
- Conrad
- Felt
- Gale
- Rosen
- Sullivan
- Tavel
- Trotter
- Tele. Room
- Holmes
- Gandy

54 NOV 18 1968

TELETYPE UNIT

In the Supreme Court of the United States

October Term, 1965

WILLIAM J. BENTLEY, Petitioner,

vs.
BANKERS Trust Company of New York, Respondent.

WILLIAM J. BENTLEY, Petitioner,

vs.
BANKERS Trust Company of New York, Respondent.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 1/20/01 BY SP-6/BJD/STP

In the Supreme Court of the United States

OCTOBER TERM, 1968

No. 509¹

MORTON SOBELL, PETITIONER

v.

ATTORNEY GENERAL OF THE UNITED STATES AND
DIRECTOR, UNITED STATES BUREAU OF PRISONS

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

SUPPLEMENTAL MEMORANDUM FOR THE UNITED STATES

This memorandum is submitted in response to the direction of the Court that the government submit "a further response to petitioner's contention at pages 10-11 of his petition for writ of certiorari that there is no rational basis for applying 18 U.S.C. § 3568 only to prisoners sentenced after October 2, 1960."¹

¹In our original brief in opposition we did not respond to the merits of petitioner's contention that he was entitled to credit against his sentence for the period of his pre-sentence custody, but addressed ourselves only to the holding of the court below that the claim for credit for such time had to be

(1)

In 1960 Congress amended 18 U.S.C. § 3568 to provide that the Attorney General should give credit for pre-sentence custody in any case where sentence was imposed on or after October 2, 1960, under a statute requiring the imposition of a mandatory minimum sentence (74 Stat. 738). Prior to the effective date of this amendment there were no situations in which the Attorney General was either required or permitted to give credit for pre-sentence custody.

In 1966, the Court of Appeals for the District of Columbia Circuit held in *Stapf v. United States*, 367 F. 2d 326, that in view of the fact that the 1960 amendment to § 3568 gave credit for pre-sentence custody to some prisoners sentenced after October 2, 1960, it would be unconstitutional to discriminate against other prisoners sentenced after that date by denying them credit for pre-sentence custody. After this decision of the District of Columbia Circuit was followed in the Fourth and Seventh Circuits (see *Dunn v. United States*, 376 F. 2d 191 and *United States v. Smith*, 379 F. 2d 628), the Bureau of Prisons brought in the Southern District of New York, where the sentence was imposed.

Subsequent to the filing of our opposition, petitioner filed a 2255 motion in the United States District Court for the Southern District of New York seeking credit for the pre-sentence custody and also credit for the time spent in custody pending appeal under his election not to commence service of sentence. That motion was filed on October 15, 1968 and is presently scheduled for argument in the district court on November 6, 1968. We reiterate our position that such a proceeding in the sentencing court is the only appropriate method to seek to remedy an allegedly improper lack of credit for pre-sentence custody.

issued a policy statement indicating that it would give credit for pre-sentence custody to prisoners sentenced within those circuits (Pet. App. D); the statement did not distinguish among sentences according to date. On further consideration and after the Fifth Circuit had rendered a decision following *Stapf* (see *Bryans v. Blackwell*, 387 F. 2d 764), the Bureau of Prisons amended its policy statement to apply the *Staph* ruling to all federal inmates. The amended policy statement declared (Pet. App. E, p. 43):

Since the *Stapf* ruling was related to the 1960 amendment to 18 U.S.C. 3568, and was designed to remedy a disparity which would otherwise exist between mandatory minimum penalty cases which received the jail-time credit under the statute and nonminimum cases which did not, the credit will be applied only to those who were sentenced during the effective period of the 1960 amendment. * * *

This ruling was totally consistent with the reasoning of the *Stapf* decision. The unconstitutional discrimination found in *Stapf* resulted from the fact that the 1960 amendment required ~~the~~ the giving of credit for pre-sentence custody to those who received mandatory minimum sentences while such credit was not being given to other prisoners sentenced at the same time. As the court in *Stapf* recognized, however, the 1960 amendment to § ~~3568~~ was not retroactive, 367 F. 2d at 330. As to prisoners sentenced prior to October 2, 1960, the applicable statute provided uniformly that "the sentence of imprisonment of any person * * * shall commence to run from the date on which

such person is received at the penitentiary, reformatory, or jail for service of said sentence. * * * No sentence shall prescribe any other method of computing the term." 62 Stat. 838 (Pet. 4).

Since petitioner's sentence is governed by a statute that applied without discrimination to all persons convicted contemporaneously with him, there is here none of the discrimination between persons similarly situated that was determinative in *Stapf*. To hold otherwise would be contrary to the express congressional directions that the subsequent amendments to 18 U.S.C. 3568 not be applied retroactively. See *Bandy v. United States*, 396 F. 2d 929 (C.A. 8); *Williams v. United States*, 335 F. 2d 290 (C.A.D.C.).

Congress clearly has the power to prescribe sentences for crimes committed against the United States, and has the power to reduce the penalties provided in earlier statutes. If it chooses to do so only prospectively it does not discriminate in such a way as to deny due process to those sentenced prior to the change whose sentences were consistent with the statute as it existed at the time of sentence. Similarly, here there is no unjust discrimination violative of due process against those who were sentenced prior to the amendments to § 3568 merely because Congress determined that those amendments should not be given retroactive effect. See *Comerford v. Massachusetts*, 233 F. 2d 294 (C.A. 1), certiorari denied, 352 U.S. 899.

Respectfully submitted.

ERWIN N. GRISWOLD,
Solicitor General.

NOVEMBER 1968.

FBI

Date: 11/13/68

Transmit the following in _____
(Type in plaintext or code)Via AIRTEL _____
(Priority)

TO: DIRECTOR, FBI (101-2483)

FROM: SAC, WFO (101-2316) (RUC)

MORTON SOBELL
ESP - R
(OO: NY)

Re WFO let 10/11/68 and Buairtel 11/8/68.

On 11/12/68, SA RALPH C. VOGEL ascertained that on this date, the U. S. Supreme Court issued an order in Morton Sobell vs. the Attorney General of the United States, Case 509, which was a petition for certiorari filed 9/12/68. The order of the Court is quoted as follows:

"The petition for a writ of certiorari is denied. Mr. Justice Douglas, Mr. Justice Harlan and Mr. Justice Brennan are of the opinion that certiorari should be granted. The renewed application for release presented to Mr. Justice Brennan, and by him referred to the Court, is denied. Mr. Justice Douglas would grant bail for the reason that petitioner arguably has never received credit for the entire time he has served in prison."

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 4/30/87 BY [signature]

- 3 - Bureau
2 - New York (100-37158) (RM)
1 - WFO

MAT:teb
(6)

242-2-Bishop
36 NOV 19 1968

REC 74
EX-105
37 NOV 13 1968

SOVIET SECTION
M Per

Approved: 36 NOV 19 1968
Special Agent in Charge

Sent _____

WFO 101-2316

In further explanation of the above, EDWARD SCHADE, Assistant Clerk, U. S. Supreme Court, advised SA VOGEL that on 9/4/68, SOBELL had filed application presented to Justice Brennan for release on bail. This application was opposed 9/10/68 by the Solicitor General and was denied on 9/11/68 by Justice BRENNAN.

A renewed application for release on bail was presented 9/25/68 to Justice BRENNAN who subsequently referred the application to the Court. As indicated above, the Court order serves to deny a renewed application for bail as well as the petition for certiorari.

FBI

Date: 1/10/69

Transmit the following in
AIRTEL

(Type in plaintext or code)

Via

(Priority)

TO : DIRECTOR, FBI (101-2483)
 FROM : SAC, NEW YORK (100-37158) (P)
 SUBJECT: MORTON SOBELL
 ESP-R
 (OO:New York)

Re NY airtel dated 11/13/68.

A review of the records of the Clerk's Office, US Court of Appeals for the Second Circuit, NYC, reflects that the petition which had been filed by subject in USDC, SDNY, on 11/6/68, was denied 11/20/68 by USDJ DUDLEY B. BONSALE.

Subject filed notice of appeal with the Court of Appeals on 12/9/68 and argument was held before the Court of Appeals for the Second Circuit on 1/6/69. Subject's attorneys argued that: subject was entitled to credit for pre-sentence custody under Judicial Construction of 18 USC 3568; that the proper interpretation of the sentence as imposed by the sentencing court requires that SOBELL be given credit for his pre-sentence custody; and that the denial of credit for pre-sentence custody violates due process and equal protection by imposing additional imprisonment on SOBELL because of financial inability to make bail. The government opposed subject's appeal.

Following argument of subject's appeal the Court of Appeals reserve decision in the matter.

The above is furnished for information of the Bureau. When a decision is rendered by the Court of Appeals, the Bureau will be advised.

3-Bureau (RM)
 1-New York

PFD:ms
 (6)

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 DATE 4/30/99 BY 3042 PWT/1/2/00

101-2483-1736

JAN 11 1969

SOVIET SECTION

Approved: *[Signature]*
 Special Agent in Charge

Sent M

61 JAN 22 1969

JAN 22 1969

VIA TELETYPE

JAN 14 1969

ENCIPHERED

Mr. Tolson _____
Mr. DeLoach _____
Mr. Mohr _____
Mr. Bishop _____
Mr. Casper _____
Mr. Callahan _____
Mr. Conrad _____
Mr. Felt _____
Mr. Gale _____
Mr. Rosen _____
Mr. Sullivan _____
Mr. Tavel _____
Mr. Trotter _____
Tele. Room _____
Miss Holmes _____
Miss Gandy _____

WA7 NY2 FBI PHILA

915PM 1-14-69 URGENT JLK

TO DIRECTOR 101-2483 , NEW YORK 100-37158 AND WASHINGTON FIELD

OFFICE 101-2316 (PLAINTEXT)

WFO VIA WASHINGTON

FROM PHILADELPHIA 65-4372

MORTON SOBELL, ESP - R, OO NEW YORK.

W. H. RAUCH, ASSOCIATE WARDEN, USP, LEWISBURG, PA., ADVISED SUBJECT RELEASED FROM USP THREE PM ONE FOURTEEN SIXTYNINE. HE WAS GRANTED TIME FROM DATE OF ARREST TO DATE OF SENTENCING. USP RECEIVED ORDER ONE FOURTEEN SIXTYNINE FROM BUREAU OF PRISONS, WASHINGTON, D.C., BASED ON ORDER FROM A COURT IN WASHINGTON, D.C. RAUCH DID NOT KNOW WHICH COURT. SUBJECT WAS DELIVERED TO WILLIAMSPORT, PA., FOR TRAVEL TO HIS RESIDENCE IN NEW YORK CITY.

NEWS SOURCES ADVISE DECISION RENDERED BY THREE JUDGE U.S. COURT OF APPEALS IN NEW YORK.

END

WA...RNK R RELAY

FBI WASH DC

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 4/30/87 BY 3042aur/ta

JAN 14 8 50 AM 1969

TELETYPED TO:

WFO 217
JAN 22 1969

101-2483

J. P. Mee

UNITED STATES GOVERNMENT

Memorandum

Tolson _____
DeLoach _____
Mohr _____
Bishop _____
Casper _____
Callahan _____
Conrad _____
Felt _____
Gale _____
Rosen _____
Sullivan _____
Tavel _____
Trotter _____
Tele. Room _____
Holmes _____
Gandy _____

TO : Mr. W. C. Sullivan *WCS*

DATE: January 14, 1969

FROM : W. A. Branigan *WAB*

1 - Mr. DeLoach
1 - Mr. T. E. Bishop
1 - Mr. W. C. Sullivan
1 - Mr. W. A. Branigan
1 - Mr. J. P. Lee *JP*

SUBJECT: MORTON SOBELL
ESPIONAGE - RUSSIA

The U.S. Court of Appeals on January 14, 1969, has ordered the forthwith release of Morton Sobell.

Morton Sobell was convicted in 1951 along with Julius and Ethel Rosenberg for conspiracy to commit espionage on behalf of the Soviets. The Rosenbergs were executed and Sobell was sentenced to 30 years imprisonment.

On October 15, 1968, Sobell filed a motion in the U.S. District Court of the Southern District of New York seeking credit for his presentence custody as well as credit for the time spent in custody pending appeal.

On November 12, 1968, the Supreme Court denied Sobell's petition for a writ of certiorari and in effect denied crediting him with the time spent during his first appeal.

According to SAC, Turyn, the U.S. Court of Appeals, Second Circuit, now sitting in New York, issued an order on January 14, 1969, that Sobell was to be released forthwith but according to Section 4164, Title 18, U.S. Code, he will be in a "parole status" but he is not on parole. Section 4164 of Title 18 provides that a prisoner having served his term less good time deduction shall upon release be determined as if released on parole until the expiration of the maximum term for which he was sentenced less 180 days.

SAC, Turyn, advised that the U.S. Attorney's Office in New York did not plan to appeal the court order.

ACTION:

REC 44

101-2483-1738

This is being submitted for information.

101-2483

10 JAN 16 1969

WAB:s *WAB*
(6)

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

DATE 1/30/87 BY 3049 avr/vh

53 JAN 27 1969



UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

New York, New York

January 20, 1969

In Reply, Please Refer to

File No. BUfile 101- 2483
 NYfile 100-37158

SUBJECT:

MORTON SOBELL

REFERENCE:

Memorandum dated 5/5/64.

Referenced communication contained subject's residence and/or employment address. A recent change has been determined and is being set forth below (change only specified):

Residence: 30 Charlton Street
 New York, New York

Employment:

ALL INFORMATION CONTAINED
 HEREIN IS UNCLASSIFIED
 DATE 4/30/87 BY 3042awt/rh

101-2483-

AGENCY USSS
 REC. REC'D
 DATE FORW. 1/24/69
 HOW FORW. R/S
 BY JPL/NAV

NOT RECORDED

25 JAN 21 1969

SOVIET SECTION

F B I

Date: 1/14/69

Transmit the following in _____
(Type in plaintext or code)

AIRTEL

Via _____
(Priority)

TO : DIRECTOR, FBI (101-2483)
 FROM : SAC, NEW YORK (100-37158) (P)
 SUBJECT: MORTON SOBELL
 ESP-R
 (OO:New York)

Re NY Airtel 1/10/69.

US Court of Appeals for the Second Circuit, NYC, today reversed the order of the USDC, SDNY, denying subject credit toward service of sentence for pre-sentence time spent in custody because of failure to post bail.

Decision noted that SOBELL had been arrested August 18, 1950 and was held in custody when he did not post bail of \$100,000. He was sentenced April 5, 1951. The decision cited Title 18, USC, Section 3568(1964) and stated it was the intent of the court to give credit for pre-sentence time since failure to do so would violate due process and equal protection by imposing additional terms of imprisonment on defendants financially unable to post bail. The decision further noted that the court has been informed by USA that with the credit for pre-sentence time the defendant was entitled to conditional release and it, therefore, ordered his release from custody forthwith subject to the provisions of the law governing conditional release of prisoners.

3-Bureau (RM)
 1-Philadelphia (65-4372) (RM)
 1-New York

JTO:ms
 (7)

ALL INFORMATION CONTAINED
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 DATE 4/30/87 BY SP-6 PWT/kps

JAN 15 1969

C. C. Bishop

Approved: *[Signature]*
 Special Agent in Charge

Sent _____ M Per _____

59 JAN

SOVIET SECTION

JAN 15 1969

NY 100-37158

AUSA STEPHEN WILLIAMS, SDNY, advised that the government did not intend to appeal this decision and stated that SOBELL would be released from jail on January 14 or 15, 1969.

Copy of the decision will be obtained and forwarded.

FBI

Date: 1/17/69

Transmit the following in _____
(Type in plaintext or code)Via AIRTEL _____
(Priority)

TO : DIRECTOR, FBI (101-2483)
 FROM : SAC, NEW YORK (100-37158) (P)
 SUBJECT: MORTON SOBELL
 ESP-R
 (OO:New York)

Re NY airtel 1/14/69.

Enclosed herewith for information of the Bureau
 is one copy of the 1/14/69 decision of the US Court of
 Appeals for the Second Circuit in captioned case.

ALL INFORMATION CONTAINED
 HEREIN IS UNCLASSIFIED
 DATE 4/30/87 BY 301/SPW/1/87

ENCLOSURE ATTACHED

ENCLOSURE

3-Bureau (Enc. 1) (RM)
 1-New York

PPD:ms
 (6)

REC-126

101-2483-1740

18 JAN 18 1969

C. C. BISHOP

JAN 18 5 57 PM 1969

SOVIET SECTION

Approved: m/gob

79 JAN 27 1969 Special Agent in Charge

Sent

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Per

UNITED STATES COURT OF APPEALS

FOR THE SECOND CIRCUIT

No. 314—September Term, 1968.

(Argued January 6, 1969 Decided January 14, 1969.)

Docket No. 33029

MORTON SOBELL,

Appellant,

—V.—

UNITED STATES OF AMERICA,

Appellee.

Before:

MOORE, FRIENDLY and HAYS,

Circuit Judges.

Appeal from an order of the United States District Court for the Southern District of New York, Dudley B. Bonsal, *Judge*, denying appellant credit toward service of his sentence for presentence time spent in custody because of his failure to post bail.

Reversed.

THOMAS I. EMERSON, New Haven, Conn. (Marshall Perlin, New York, New York, and David Rein, Washington, D. C.), *for Appellant.*

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 4/30/89 BY 3049 PWT/ltw

STEPHEN F. WILLIAMS, Assistant United States Attorney (Robert M. Morgenthau, United States Attorney for the Southern District of New York, and Charles P. Sifton, Assistant United States Attorney, of counsel),
for Appellee.

HAYS, Circuit Judge:

Appellant, Morton Sobell, was arrested on August 18, 1950, and charged with violating the Espionage Act.¹ Bail was set at \$100,000. Sobell did not post bail and remained in custody until, following his indictment and subsequent conviction, he was sentenced on April 5, 1951, to imprisonment for 30 years, then the statutory maximum term for the offense of which he was convicted.

This action was brought in the United States District Court for the Southern District of New York pursuant to 28 U. S. C. §2255 (1964), to correct the 30-year sentence of imprisonment by crediting Sobell with the time served in custody for failure to post bail between the date of his arrest and the date sentence was imposed—a period of approximately 7½ months. The district court denied the relief sought. We reverse.

Appellant advances three reasons for crediting him with the time spent in presentence custody: he is entitled to credit pursuant to 18 U. S. C. §3568 (1964); it was the intent of the sentencing court to give him credit; and the denial of credit violates due process and equal protection by imposing on one financially unable to post bail an additional term of imprisonment. We agree that Section 3568

¹ Act of June 15, 1917, ch. 30, title I, §2, 40 Stat. 217, 218-19, as amended, 18 U. S. C. §794 (1964).

is properly to be construed as requiring that credit be granted; we do not consider appellant's other contentions.

Section 3568 prescribes the method of computing the term of federal sentences of imprisonment. Until 1960 it did not on its face require that any prisoner be given credit for presentence time spent in custody.² In 1960 Congress, incorrectly assuming that the courts gave defendants such credit as a matter of right except in cases involving minimum mandatory sentences, in which the courts thought they lacked the authority to give such credit,³ sought to eliminate the supposed disparity of treatment by amending Section 3568 to require that federal prisoners be given credit toward service of their sentences for presentence time spent in custody for failure to post bail where the offense for which the sentence was imposed required the imposition of a minimum mandatory sentence.⁴

2 "§3568. Effective Date of Sentence

"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 a jail or other place of detention to await his 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." Act of June 25, 1948, ch. 645, §3568, 62 Stat. 683, 838. See also *Byers v. United States*, 175 F. 2d 654 (10th Cir. 1949), cert. denied sub nom. *Byers v. Hunter*, 340 U. S. 949 (1951).

3 See S. Rep. No. 1696, 86th Cong., 2d Sess. (1960); H. B. Rep. No. 2058, 86th Cong., 2d Sess. (1960), reprinted in 2 [1960] U. S. Code Cong. & Admin. News 3288.

4 "Provided, That the Attorney General shall give any [person convicted of an offense in a court of the United States] 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

In 1966 the United States Court of Appeals for the District of Columbia Circuit considered the effect of the 1960 amendment on the sentence of a prisoner who, as is the situation with Sobell, was sentenced to the statutory maximum term for an offense which did not require the imposition of a minimum mandatory sentence and who was not given credit for presentence time spent in custody. *Stapf v. United States*, 367 F. 2d 326 (D. C. Cir. 1966). The court believed that the amendment presented an equal protection problem, since it would be irrational to require that credit be afforded in minimum mandatory sentence cases, which generally involve the more serious crimes, while not requiring it in lesser-offense cases.

Stapf has been followed in *Dunn v. United States*, 376 F. 2d 191 (4th Cir. 1967); *United States v. Smith*, 379 F. 2d 628 (7th Cir. 1967); *Bryans v. Blackwell*, 387 F. 2d 764 (5th Cir. 1967); and *Lee v. United States*, 400 F. 2d 185 (9th Cir. 1968). As a result of those cases the Bureau of Prisons promulgated regulations requiring that all prisoners sentenced to maximum terms be given credit for presentence time spent in custody. However, because each of the cases involved prisoners who had been convicted after the effective date of the 1960 amendment, the Bureau of Prisons' regulations were limited to those prisoners who were sentenced between October 2, 1960 (the effective date of the 1960 amendment) and September 19, 1966 (the effective date of the Bail Reform Act, 18 U. S. C. §§3041, 3141-43, 3146-52, 3568 (Supp. III 1965-67)).⁵

Sobell was sentenced before September 19, 1960. The issue before us is whether he must be afforded credit for

requires the imposition of a minimum mandatory sentence." Act of September 2, 1960, Pub. L. No. 86-691, 74 Stat. 738.

5 Jail-Time Credit Under Court Decisions, Bureau of Prisons Policy Statement 7600.49A, February 9, 1968.

the presentence time that he spent in custody. We think he must.

The 1960 amendment makes sense only if we assume that the courts *did* grant credit except where a minimum mandatory sentence was required. Thus the rationale of *Stapf*, which upheld the statute against a constitutional challenge by construing it to avoid its seeming irrationality, would require that credit be afforded in pre- as well as post-1960 cases. As the court said in *Stapf*:

"This is not a case . . . where Congress removed part of an evil but disclaimed action on the rest. This is a case, rather, where Congress acted as to the only evil that required legislative action, and assumed that in all other instances equivalent relief would be provided by the courts. In such context the court acts unlawfully when it effectuates rather than avoids an arbitrary classification." 367 F. 2d at 329-330 (footnote omitted).

That credit should be afforded for sentences imposed before the effective date of the 1960 amendment is also supported by the policy adopted in the Bail Reform Act of 1966⁶ which recognizes that for purposes of serving a sentence all time spent in jail should be credited.⁷

6 Pub. L. No. 89-465, 80 Stat. 214, codified in 18 U. S. C. §§3041, 3141-43, 3146-52, 3568 (Supp. III 1965-67).

7 We recognize that Section 6 of the Bail Reform Act provides that newly amended Section 3568 is to be applicable only to sentences imposed on or after the effective date, and we are not ruling that the 1966 Act is to be applied retroactively. Rather, we reach the result of giving credit in pre-1960 sentences by considering the policies considered by Congress in enacting the Bail Reform Act.

To the extent that *Stapf* and the cases that followed it limit relief to persons sentenced after the effective date of the 1960 amendment, we disagree.⁸

We are not deterred in our decision to follow *Stapf* by the remark in *United States ex rel. Sacco v. Kenton*, 386 F. 2d 143, 144 (2d Cir. 1967), that this court "has never adopted the holding in *Stapf*." The court in *Sacco* noted that its discussion of *Stapf* was "purely academic and of no real consequence." *Id.* at 145.

The order of the district court is reversed. Since we are informed by the United States Attorney that crediting appellant with his presentence custody time would entitle him to immediate conditional release, his release from custody is ordered forthwith, subject to the provisions of law governing the conditional release of prisoners.

MOORE, Circuit Judge (concurring):

In my opinion, the decision of this court should not rest upon our 1969 assumption of what we think the various members (over 600) of Congress assumed "incorrectly" in 1960 when they amended §3568 (Act of June 25, 1948, ch. 645, §3568, 62 Stat. 683, 838). The proper function of the courts is to apply the law as enacted—not rewrite it. The statute could not be worded more clearly: "The sentence of imprisonment of any person convicted of an of-

⁸ We accept and adopt the rule laid down in *Stapf* that:

"Wherever it is possible, as a matter of mechanical calculation, that credit could have been given, we will conclusively presume it was given. The problems and expenditure of resources which would be caused by allowing each prisoner to attempt to demonstrate that in his particular case credit was not given, we feel, outweigh any possible unfairness. Since here the defendants were sentenced to the maximum allowable term of imprisonment, the length of sentence itself conclusively shows that credit was not given." 367 F. 2d at 330 (footnote omitted).

fense 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." Nothing is said about any credit for pre-sentence incarceration, although such a qualification could have presented no difficulties in draftsmanship.

Obviously, the key word of the statute is "sentence." At the time of sentencing, the following colloquy took place:

"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: [Appellant's counsel] Before the Court adjourns, are the months already served taken into consideration?

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

The judgment of conviction thereafter signed by the district court contained no reference to the seven months which appellant had served prior to sentencing.

The Government argues, and the Court below so found, that the colloquy indicated Judge Kaufman's intention merely to consider, not necessarily to grant, the inclusion of the pre-sentence custody into the 30-year sentence. The signed judgment, it is suggested, showed that Judge Kaufman, upon such consideration, decided not to grant the seven-month credit.

To reach this conclusion, in my opinion, would be to ignore the rule that the oral pronouncement of sentence in the presence of the defendant prevails over the written commitment. *Henley v. Heritage*, 337 F. 2d 847, 848 (5th

Cir. 1964). The court in *Henley* noted that Rule 43, F. R. Crim. P. required that the defendant be present when sentence was pronounced by the court and that Rule 32 (b) F. R. Crim. P. required the judgment of conviction to set forth the sentence and concluded, therefore, "that where there is a discrepancy between the oral pronouncement and the written judgment and commitment, the former must control." 337 F. 2d at 848.

It is the oral sentence which constitutes the judgment of the court, and which is authority for the execution of the court's sentence. The written commitment is "mere evidence of such authority." *Kennedy v. Reid*, 249 F. 2d 492, 495 (D. C. Cir. 1957); see also *Pollard v. United States*, 352 U. S. 354, 360 n. 4 (1957). If, as the Government would have it, appellant was sentenced not when he appeared before Judge Kaufman but at some later time when the commitment was signed, the sentence would be invalid since appellant was not present. *United States v. Johnson*, 315 F. 2d 714 (2d Cir. 1963); *James v. United States*, 348 F. 2d 430, 432 (10th Cir. 1965).

It is the duty of this court to "carry out the intention of the sentencing judge as this may be gathered from what he said at the time of sentencing." *United States v. Morse*, 341 F. 2d 27, 30 (4th Cir. 1965). I believe that the most plausible interpretation of Judge Kaufman's remarks is that he demonstrated a present intention, at the time of the oral sentencing, to give appellant credit for his pre-sentence custody. When asked by appellant's counsel whether the pre-sentence months would be "taken into consideration," he answered that they would "have to be so considered" (italics mine). In this exchange, I interpret the phrases "taken into consideration" and "so considered" to have meant "included in the sentence."

Certainly, at a minimum, Judge Kaufman's words were ambiguous and this Court has said that such ambiguities are to be resolved in favor of the prisoner. *United States v. Chiarella*, 214 F. 2d 838, 841 (2d Cir.), cert. denied 348 U. S. 902 (1954).

Payne v. Madigan, 274 F. 2d 702 (9th Cir. 1960), cited by the Court below as authority for the proposition that the signed judgment is controlling where the oral remarks are ambiguous, does not in fact contradict the rule of *Chiarella*. In *Payne*, the Court looked to the written commitments only to confirm a sufficiently clear conclusion which had been drawn from the oral pronouncement. 274 F. 2d at 704. The Court in *Payne* did enter broader dictum by stating that written commitments "may properly serve the function of resolving ambiguities in orally pronounced sentences" but this language was not necessary for the decision since the oral pronouncement of the sentencing court was not viewed as ambiguous. The *Payne* court also recognized that if the sentence as set forth in the written commitment departed in substance from the oral pronouncement, that sentence would be void.

I cannot accept the majority's statement that "Section 3658 is properly to be construed as requiring that credit be granted." This, they say, despite their concession that "Until 1960 it [§3658] did not on its face require that any prisoner be given credit for presentence time spent in custody."

Controversy centers around a two-to-one decision in the District of Columbia Circuit. *Stapf v. United States*, 367 F. 2d 326 (1966). That case has been followed in the 4th, 5th, 7th and 9th Circuits. But concerning *Stapf*, we said: "This [the Second Circuit] court has never adopted the holding in *Stapf*." *United States v. Kenton*, 386 F. 2d 143 (1967).

In *Sawyer v. United States*, 376 F. 2d 615 (8th Cir. 1967), the court neither concurred in nor rejected *Stapf*. Although it said, "we do not reach this issue," it wrote by way of dictum that "A strong argument could be made that the plain, simple and unambiguous language of the 1960 amendment defies resort to judicial construction" (p. 618). The court in *Allen v. United States*, 264 F. Supp. 420 (U. S. D. C. M. D. Pa. 1966), had no difficulty in reading the law as written, saying: "under the law as it then [1965] stood, no credit could be given for time spent in custody prior to the date of sentence, as Congress made no provision for defendants who were sentenced under statutes which did not provide for a minimum mandatory term of imprisonment" (p. 422). The court there concluded, as do I, that: "There is nothing in the statute to indicate that Congress assumed that in all other instances the Court would reduce the sentence by the amount of time spent in presentence custody, and such a construction should not be lightly inferred" (p. 423).

Furthermore, the court in *Stapf* explicitly pointed out that "the amendatory act did not apply retrospectively." 367 F. 2d at 330. The reasoning of *Stapf*, therefore, would apply only to prisoners sentenced after the passage of the amendatory act in 1960, even if that reasoning had been adopted in this circuit. In *Williams v. United States*, 335 F. 2d 290, 291 (D. C. Cir. 1964), the court said, "[the prisoner's] sentence was imposed in 1957, and Congress specifically provided that the credit provision of Section 3568, which became effective October 2, 1960, was not to apply to a sentence imposed prior to that date."

To Sobell it makes no difference which key unlocks the gates of the prison so long as the gates open immediately. But in defense of the decisional process, I cannot subscribe to the statements that "We accept and adopt the rule laid

down in *Stapf* . . ." and that "We are not deterred in our decision to follow *Stapf* when we have said within the last fifteen months that we have 'never adopted the holding in *Stapf*.'" The law, ever changing though it be, is at least entitled to a more respectful period of existence.

I conclude, therefore, that appellant must be given credit for his pre-sentence custody but solely on the ground that Judge Kaufman's oral sentence so intended.

FRIENDLY, *Circuit Judge* (concurring):

I concur that appellant should be released both on the ground stated in the opinion of Judge Hays and on the ground stated in the opinion of Judge Moore.

101-2483-1740

225-1-15-69



USCA-3713

RECORD PRESS, INC. — 95 Morton Street — New York, N. Y. 10014 — (212) 243-5775

UNITED STATES GOVERNMENT

Memorandum

TO : Director, FBI (Bufile- 101- 2483

) DATE: 1/20/69

FROM : SAC, NEW YORK (100-37158)

Cards UTD
Cards Sent 00
1/28/69
MaxSUBJECT: MORTON SOBELL
ESP - R
(OO: NEW YORK)REMOVE FROM UNAVAILABLE SECTION

Re: _____

☐ It is recommended that a Security Index Card be prepared on the above-captioned individual.☒ The Security Index Card on the captioned individual should be changed as follows (specify change only):

Name			
Aliases		<input type="checkbox"/> Native Born <input type="checkbox"/> Naturalized <input type="checkbox"/> Alien	<input type="checkbox"/> Tab Detcom <input type="checkbox"/> Delete Detcom
<input type="checkbox"/> Communist	<input type="checkbox"/> SWP	<input type="checkbox"/> JFG	<input type="checkbox"/> SPL
<input type="checkbox"/> WWP	<input type="checkbox"/> SDS	<input type="checkbox"/> PLP	<input type="checkbox"/> ANA
<input type="checkbox"/> NOI	<input type="checkbox"/> RAM	<input type="checkbox"/> SNC	<input type="checkbox"/> Miscellaneous (specify) _____
<input type="checkbox"/> POC	<input type="checkbox"/> PPA		
<input type="checkbox"/> PRN	<input type="checkbox"/> BNT		
Date of Birth	Place of Birth	Race	Sex <input type="checkbox"/> Male <input type="checkbox"/> Female
Business Address, Name of Employing Concern and Address, Nature of Employment, and Union Affiliation, if any.		Residence Address	
ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 4/30/87 BY 3042 PWT/lt		30 Charlton Street New York, New York 101-2483-	
Key Facility Data			
Geographical Reference Number _____		Responsibility _____	

REGISTERED MAIL

2-Bureau (RM)
1-New YorkPFD/cmc
(3) 2/7

54 JAN 30 1969

NOT RECORDED

25 JAN 21 1969

C/MS(C)

SOVIET SECTION

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI (101-2483)

FROM : SAC, PHILADELPHIA (65-4372) (RUC)

SUBJECT: MORTON SOBELL
ESP - R
(OO: NEW YORK)

DATE: 2/7/69

Re New York airtel to Bureau dated 1/14/69.

On 1/31/69, RALPH A. STRUNK, Administrative Assistant, Record Office, U. S. Penitentiary, Lewisburg, Pa., advised MORTON SOBELL was released from the U. S. Penitentiary 1/14/69, as result of an order by the U. S. Court of Appeals for the Second Circuit, New York, N. Y. He advised SOBELL's destination upon release was 30 Charlton Street, New York City, and he will be under the supervision of the U. S. Probation Office, New York, N. Y., until 5/14/81.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 4/30/87 BY 3042 PWT/vh

EX-103

REC-19

101-2483-1741

12 FEB 7 1969

- ② - Bureau (101-2483) (RM)
- 2 - New York (100-37158) (RM)
- 1 - Philadelphia (65-4372)

PMM/ljw

(5) 54 FEB 13 1969



5010-108-01

SOVIET SECTION

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

FBI

Date: 3/10/69

Transmit the following in _____
(Type in plaintext or code)Via **AIRTEL**

(Priority)

TO: DIRECTOR, FBI (101-2483)

FROM: SAC, NEW YORK (100-37158) (P)

SUBJECT: MORTON SOBELL
ESP - R
(OO: NY)

For the information of Cleveland, captioned subject was conditionally released from the US Penitentiary, Lewisburg, Pa., on 1/14/69, and is presently under the jurisdiction of the US Probation Officer, SDNY, NYC. Subject's activity must be confined to the SDNY, unless authority is received to travel from his Parole Officer.

On 3/10/69, [redacted] advised that subject had been granted permission to travel from NYC to Cleveland, Ohio, from 3/13 to 3/16, to appear on a radio and TV program in Cleveland, known as "The Alan Douglas Show". Subject advised that he will be interviewed on these programs in connection with a stage play that is opening in Cleveland entitled, "Julius and Ethel Rosenberg vs. the United States".

According to [redacted] subject will depart from La Guardia Airport, NYC, at 4:40 p.m. via United Airlines flight # 475, arriving Cleveland 6:07 p.m., 3/13/69. While in Cleveland, he will stay at the Sahara Motor Hotel. He will depart from Cleveland on 3/16/69, via United flight #348, departing Cleveland 11:35 a.m. and arriving NYC 12:46 p.m.

3-Bureau (RM) 101-2483-1742
2-Cleveland (RM)
1-New York (100-109849) (HELEN SOBELL) (42)
1-New York

PFD:ink
(9)

MAR 11

ALL INFORMATION CONTAINED

HEREIN IS UNCLASSIFIED

DATE 1/30/87 BY SP-5 BJS/pwt

MAR 11 1969

SOVIET SECTION

Approved: *[Signature]*

Sent _____

M

Per _____

55 MAR 19 1969 Special Agent in Charge

NY 100-37158

According to [REDACTED] the Cleveland Probation Office is also being advised of subject's trip. b7c

On 3/10/69, ^{OHIO} [REDACTED] ^{MRS. MARTON SOBELL} who has furnished reliable information in the past, advised [REDACTED] subject's wife, HELEN SOBELL, that she and subject were travelling to Cleveland for the opening of the above-mentioned play on 3/14/69. HELEN indicated that the play was written by DONALD FREED. HELEN also stated that in connection with this, subject will be a guest on a two hour radio program, and will also be on a 40 minute TV program in Cleveland. b2
b7D

Active investigation is not requested during subject's stay in Cleveland, however, any logical sources or informants should be alerted. Any pertinent information received regarding subject should be furnished to the NYO.

3/14/69

Hon. J. Edgar Hoover
Federal Bureau of Investigation
Washington, D.C.

Mr. Tolson	✓
Mr. DeLoach	✓
Mr. Mohr	✓
Mr. Bishop	✓
Mr. Casper	✓
Mr. Callahan	✓
Mr. Conrad	✓
Mr. Felt	✓
Mr. Gale	✓
Mr. Rosen	✓
Mr. Sullivan	✓
Mr. Tavel	✓
Mr. Trotter	✓
Tele. Room	✓
Miss Holmes	✓
Miss Gandy	✓

CC: U.S. Congressman John M. Ashbrook

Dear Mr. Hoover:

Last night on the Alan Douglas program over WKYC radio Morton and Donald Freed were claiming Sobell's innocence, and Freed was Huey Newton, and another Black Nationalist whose name slips me moment--the one who skipped bond in California--is "wanted". The enclosed article tells about a play being premiered here in "Moscow on the Lake" alias Cleveland, Ohio. Obviously it takes about six weeks of practice before a play is performed, and it is just as obvious not a coincidence that Mr. & Mrs. Morton Sobell were here at this time.

Tonight the Sobells were on the Alan Douglas T.V. show taping a program to be seen a week from tomorrow over channel 61 T.V.

During the T.V. taping Sobell attacked the Justice Dep't., Roy Cohn, the F.B.I. etc.

Enclosed is a newspaper article telling about the new play. Evidently this campaign will be continued throughout the country on the T.V. and radio talk shows to obtain sympathy for the Sobell campaign to vindicate himself, and the Rosenbergs.

Sincerely,

Thomas W. Lippitt
Thomas W. Lippitt
1581 Warrensville Center Rd.
Cleve., Ohio 44121

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DATE 4/30/87 BY 3042 PWR/jlf

ack/umcl
3-20-69
2mc: jlf

101-2483-
NOT RECORDED
191 MAR 24 1969

2 MAR 27 1969

ENCLOSURE

Best copy available

CORRESPONDENCE

ORIGINAL FILED IN 101-10974-32

March 20, 1969

101-2483-

Handwritten signature

Mr. Thomas W. Lippitt
1591 Warrensville Center Road
Cleveland, Ohio 44121

Dear Mr. Lippitt:

Thank you for your letter of March 14th, with
enclosure. I can certainly understand the concern which prompted
you to write and appreciate receiving the information.

Sincerely yours,

J. Edgar Hoover

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 4/20/89 BY 302247/vk

ORIGINAL FILED IN 62-109837-9

NOTE: We have had considerable correspondence with Lippitt since
1963, and he has been furnished Bureau material, last outgoing
7-22-68. Donald Freed is possibly identical to Donald Martin Freed,
Los Angeles, office of
origin. Alan Douglas has panel-type discussion program on controversial
subjects. During 1965, the Cleveland Office, in reply to his inquiry,
told Douglas we could not comment whether Morton Sobell's wife,
Helen, should be allowed on his program. Douglas was most
appreciative.

LMG:kce (3)

Handwritten: T&B/a

Handwritten initials: D, J, P

MAILED 22
MAR 20 1969
COMM-FBI

- Tolson _____
- DeLoach _____
- Mohr _____
- Bishop _____
- Casper _____
- Callahan _____
- Conrad _____
- Felt _____
- Gale _____
- Rosen _____
- Sullivan _____
- Tavel _____
- Trotter _____
- Tele. Room _____
- Holmes _____

53 APR 1 1969

MAIL ROOM ☐ TELETYPE UNIT ☐

FBI

Date: 3/25/69

Transmit the following in _____
(Type in plaintext or code)Via AIRTEL _____
(Priority)

TO: DIRECTOR, FBI (101-2483)

FROM: SAC, NEW YORK (100-37158)(P)

SUBJECT: MORTON SOBELL
ESP - R
(OO:NY)

For the information of interested offices, subject was conditionally released from USP, Lewisburg, Pa., 1/14/69, after serving 18 years of a 30 year sentence for conspiracy to commit espionage. He is presently under the jurisdiction of the US Probation Office, SDNY, NYC.

On 3/24/69, [REDACTED] SDNY, NYC, furnished the following information to SA PHILIP F. DONEGAN:

Subject has requested authority to travel to Maryland for the purpose of visiting his mother-in-law for three or four days during the week of 3/31/69. He furnished her name as ROSE LEVITOV, 1072 Ruatan Street, Silver Springs, Maryland. Subject will be accompanied by his wife, HELEN SOBELL. The exact mode of travel is not known, but subject indicated that his wife would probably rent an automobile for this trip.

- 3 - Bureau (RM) *101-2483-1743*
2 - Baltimore (RM)
2 - Boston (RM)
1 - Washington Field (101-2316)(INFO)(RM)
1 - New York (100-109849)(HELEN SOBELL)(42)
1 - New York

PFD:dld

100-37158-2 VH.P2

REC-33
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 4/30/87 BY 3012/awt/101

SOVIET SECTION

Approved: *m/gib*

Special Agent in Charge

Sent _____

M

Per _____

*let to SAC, NY
3/25/69*

b7c
1

NY 100-37158

Subject has also requested authority to travel from NYC to Cambridge, Mass., on 4/15/69, to fulfill a speaking engagement. Subject has received an invitation to speak on the evening of 4/15/69, before the Modern Man Society of Massachusetts Institute of Technology, a student organization. In connection with this travel, subject will depart from NYC at 6:00 PM, 4/15/69, via East Airlines Shuttle flight. He plans to return to NYC by the same means of transportation, on the night of 4/15/69, following his speaking engagement.

During the above mentioned travel, active investigation of subject is not requested, however, any logical sources in your territory should be alerted to subject's presence. Any pertinent information regarding subject, which is received from established sources or informants should be furnished to NY for information.

A copy of this communication is being furnished to WFO for information due to subject's planned travel to the proximity of WDC.

[REDACTED] advised that in each of the above instances, there is no apparent reason why travel authority should be denied to the subject, and it would therefore be authorized in a routine manner. b2c

For the information of the Bureau, subject also advised [REDACTED] that he intends to be occupied during the summer months in writing a book. He stated that his wife, HELEN SOBELL, has given up her teaching position in order to be able to aid in this project on a full-time basis. Subject stated that he and his wife are looking into the possibility of renting a home for the summer in the Peekskill, NY area. If a suitable place can be located, he will request authority to spend the summer there. b2c

Subject advised that he has signed a contract with CHARLES SCRIBNER's Sons, NYC, for the publication of his book. Under the terms of this contract, he will receive \$21,000, plus 15% of the proceeds on all copies sold after 7,500.

444 52 10 13 1969
The above is submitted for information of the Bureau and interested offices.

REC'D DOM INTELL DIA

1 - Mr. T.E. Bishop
1 - Mr. J. P. Lee

SAC, New York (100-37158)

4/7/69

Director, FBI (101-2483)

REC-33

1743

MORTON SOBELL
ESP - R

Reurairtel 3/25/69.

It is noted, subject has informed his probation officer that he has signed a contract with Charles Scribner's Sons, New York City, for publication of a book for which he will receive \$21,000 plus 15 per cent of proceeds on all copies sold over 7,500. You should advise if you have any sources at Scribner's who will be in a position to furnish information about this book and possibly furnish a prepublication of it. Bufiles show the Bureau has had generally favorable contacts with the company and has furnished information and data for various books published by that firm.

JPL:rel
(5)

NOTE:

Sobell was convicted of conspiracy to commit espionage along with Julius and Ethel Rosenberg in 1951, and was sentenced to serve 30 years. He was released on conditional release on 1/14/69, and is under the jurisdiction of the U.S. Probation Office, New York City.

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Tolson _____
DeLoach _____
Mohr _____
Bishop _____
Casper _____
Callahan _____
Conrad _____
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Gale _____
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Holmes _____
Gandy _____

MAILED 24
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COMM-FBI

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APR 11 1969

MAIL ROOM ☐ TELETYPE UNIT ☐

FBI

Date: April 2, 1969

Transmit the following in _____

(Type in plaintext or code)

Via _____

AIRTEL

(Priority)

To: Director, FBI 101-2483

From: SAC, Cleveland 65-2731 (RUC)

Subject: MORTON SOBELL
ESPIONAGE - R

OO: New York

Re New York airtel to Bureau 3-10-69.

Enclosed for the Bureau are seven copies, and for New York two copies, of an LHM covering the radio and television appearances of MORTON SOBELL in Cleveland, Ohio, in March 1969.

Source used in LHM is [REDACTED]

Enclosed LHM is classified CONFIDENTIAL since it contains information from a source which could result in his being identified. He is a source of continuing value and this would compromise his future effectiveness.

AGENCY CIA, RAO
 REG. REC'D _____
 DATE FORW. 4-8-69
 HOW FORW. TR/S
 BY JPh/awl

REC-87 101-2483-1744
 ALL INFORMATION CONTAINED
 HEREIN IS UNCLASSIFIED APR 8 1969
 DATE 5/4/87 BY 3016 awl

- 2 - Bureau (Enc. 7) (RM)
 2 - New York (Enc. 2) (RM)
 2 - Cleveland

(1 - 100-20243, COMMITTEE TO SECURE JUSTICE
 FOR MORTON SOBELL)

REK:esc
 (6) ENCLOSURE

SOVIET SECTION

55 APR 21 1969

Approved: [Signature]
 Special Agent in Charge

Sent _____ M Per _____



UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to
File No.

Cleveland, Ohio

April 2, 1969

~~CONFIDENTIAL~~

MORTON SOBELL

This document contains neither
recommendations nor conclusions of
the FBI. It is the property of
the FBI and is loaned to your agency;
it and its contents are not to be
distributed outside your agency.

"The Cleveland Press," a newspaper of general daily circulation in the Cleveland, Ohio, area, issue of March 14, 1969, had an article stating that "Morton Sobell, convicted as America's first atomic spy, is campaigning for vindication and hoping he will be a rallying point for today's youth . . . (and) is here to see a new play, 'The United States vs. Julius and Ethel Rosenberg,' . . . and to appear on the Alan Douglas radio and TV shows. . . . 'I am innocent,' Sobell repeated in an interview. . . . It was a political trial. McCarthyism was in its greatest ascendancy. The war with Russia had vanished and the political establishment wanted a victim. My case was used by the Government to increase popular fear of the USSR. . . ."

MORTON SOBELL, HELEN SOBELL, and DONALD FREED, who was introduced as author of the play, "The United States vs. Julius and Ethel Rosenberg," did appear on the Alan Douglas Show carried on Cleveland Radio Station WKYC on the evening of March 13, 1969. OHIO

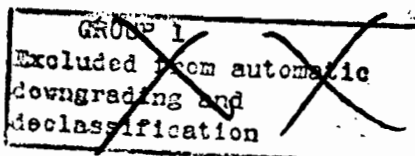
The contention of the SOBELLs was that MORTON SOBELL was innocent and was convicted in what was a political trial. He stated that the Government attorneys "made it

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OR

5/6/87



ENCLOSURE

101-2483-1744

~~CONFIDENTIAL~~

MORTON SOBELL

REC-87

plain to me that I was facing the death penalty, and they also made it plain to me that if I chose to cooperate with them, I would be let off lightly. . . . The more interesting thing is that after I was tried and had been sentenced . . . various people. . . begged me, and some threatened me . . . to just write the judge a letter telling him you are willing to cooperate now and things will go much better with you" When questioned by DOUGLAS as to whether it would not have been better to confess, SOBELL said, "Sure, I wouldn't have been in prison; I would have been able to live at home with my wife and children, but it wouldn't have been better for me if I would have to every day face my conscience and know that I had lied and helped to put people to death to save my own skin. . . ."

HELEN SOBELL noted that others involved in the case, ". . . people who said they were guilty. . . were not treated in the same way as those people who maintained their innocence were treated. It was Ethel and Julius Rosenberg who maintained their innocence who were executed, and Morton, who maintained his innocence who was sentenced to this really living death--thirty years in prison, but those people who said they were guilty, in every case-- . . received lesser sentences or no sentence at all. I think that this in itself is proof of the political nature of the trial, and also the atmosphere of the period. . . ."

OHIO ALAN DOUGLAS commented that he was ". . . confused about your alleged guilt. I've read all the material; I've read 'Invitation to an Inquest'--it is an almost formidable collection of facts and statistics and testimony. . . I've read clippings; I've read the 'New York Times,' I've read and read and I still don't know what it is that you've been guilty of."

Mrs. SOBELL replied, ". . . Dr. Harold C. Urey made exactly that comment after he had finished reading the trial records. He said I don't know what it is Sobell is supposed to have done."

During the interview the SOBELLs emphasized the lack of evidence against MORTON SOBELL, and Mrs. SOBELL stated, "As a matter of fact, there was no documentary evidence of

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~~CONFIDENTIAL~~

MORTON SOBELL

any kind in this entire case. It was all testimony." MORTON SOBELL added, "As a matter of fact there was one little piece of documentary evidence which developed. It was a hotel registration card supposedly of Harry Gold at this hotel, and oddly enough, Walter and Miriam Schneir uncovered the fact that this was probably a forgery. . . ,"

ALAN DOUGLAS commented to SOBELL that "You were telling us about Max Elitcher and I did want to know what it was that motivated the man who pointed the accusing finger at you, the sole evidence in the case that convicted you and sent you to a Federal prison. What motivated him to lie?"

MORTON SOBELL answered, "Well Max Elitcher at this point was up tight. He had been working for the Government . . . and in the course of the war . . . had to sign an affidavit proclaiming that he was not a communist. . . . As it turned out he was a member of the Communist Party. This was uncovered by the FBI and he now faced five years in prison for perjury. So it was a question of whether to risk his neck and go to prison for five years, or risk my neck and accommodate the FBI and tell the story as they wanted it told."

Indicative of the tenor of this program are the following comments of ALAN DOUGLAS, made following a station break:

"In the event you just tuned in late, we have in the studio tonight, a man who contends that the Federal Government found him guilty of committing a crime he did not commit, and innocently served eighteen years of a thirty-year prison sentence. He should not have been involved-- by his own statement. His wife, all these years, has protested his innocence, has traveled this country, has kept alive the interest in this case almost single-handedly. It is an incredible accomplishment on her part and the story is indeed unbelievable, for if it is to be believed, there is cause for deep concern on the part of every one of us, in terms of our own liberty and our own security in this nation. I'm not the first to say it and I probably won't be the last, but there have been wiser people than me--more conservative

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MORTON SOBELL

people than me--examined this case--the case of Morton Sobell and the case of Julius and Ethel Rosenberg, who have come away in a condition of shock, and who say that we, the United States of America, have put to death two innocent people, who were not guilty of the crime for which they were found guilty and executed. And further, an innocent man had been sent to prison, and that man is Morton Sobell. These are the claims that I make because I frankly have not examined the evidence. I'm not an attorney, but I see what has been written. I see the evidence that has been presented in the book, 'An Invitation to an Inquest,' by Walter and Miriam Schneir, and it has crossed my mind, as it has more capable critics than myself--the trial perhaps should be reopened. An aspect of it to be reopened (is) some evidence that is presented by Mr. Schneir in his book which caused such a furor about four years ago . . . this calls for at least another trial. There is no trial, there has been no trial, no reopening of the case, and quietly, almost hopefully, the man who sits across the table from me tonight, Morton Sobell, has been released from the Federal prison, and it is hoped the matter will remain quiet, I presume. It doesn't because he continues to protest his innocence--or asking about the Rosenbergs. Until I know whether he is innocent or guilty for sure, then my life is not as complete as it should be. That he is willing to be here at all tonight indicates something a little more positive from him tonight than it did back in 1951 when the Federal Government was prosecuting him. On the part of the Government, and this is my concern because I was of voting age in those days, and I hope to God that I am not guilty as the United States of America or the people of the United States, in having committed this man to prison for having done nothing"

An article in "The Cleveland Press," issue of March 15, 1969, is entitled "Rosenberg Play Grips Audience." It states that DONALD FREED's play, "The United States vs. Julius and Ethel Rosenberg," is "a compelling, emotionally charged theatrical experience. . . . What Freed is saying in it is that the Rosenbergs, executed in 1953 for espionage, were convicted on the flimsiest of evidence in a time and place that were filled with apprehension and hysteria; that they were the victims of a witch hunt and that the entire

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

MORTON SOBELL

system of American justice was placed under a cloud when it happened. . . ."

On the evening of March 22, 1969, MORTON and HELEN SOBELL appeared on the Alan Douglas Show carried over Cleveland TV Channel 61. This is a question-and-answer-type program, and MORTON SOBELL's primary effort was to show that "this trial was really not an espionage trial at all. It was a political trial and the espionage aspect of it merely served as a convenient backdrop. It was a political trial which served the Government at this particular period in history for a very definite purpose. And this had nothing to do with the innocence or guilt of an individual. . . . This purpose was simply to accelerate the McCarthy era. . . ." MORTON SOBELL compared his trial with the "political trials that are taking place today; the trials against the draft dissenters, the trials against black people who are demanding equal rights, and the trials against all of those who are trying to uproot themselves out of the bag the Establishment has put them in. And political trials are always trials against dissenters against the Establishment, and they are by their very nature conspiracy trials. A conspiracy trial is a trial in which the charges are fairly nebulous at times. . . ."

ALAN DOUGLAS concluded the program with this statement: ". . . It is always uncomfortable for me to sit in the presence of people like the Sobells. I read Walter Schneir's book. I still don't understand how any charges were brought against this man (Sobell) on the basis of what I read in the book--or for that matter, I'm not certain that the United States did the proper thing in the case of the Rosenbergs. As long as this doubt exists in my mind, I will continue to be uncomfortable about them, and I will continue to wonder why it is that my government, of which I am a part, did not see fit, if it felt that a proper case was conducted and concluded against this man--in order to clear the air and in order to answer the questions that were raised not only by Mr. Schneir's book, but by other reviewers--the "Yale Law Review," the "Columbia Law Review," people writing for the "Washington Post," "Newsweek" magazine, even the Cleveland papers--in order to clear the air, did not allow a retrial. . . ."

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

MORTON SOBELL .

A source, who has furnished reliable information in the past, advised on March 24, 1969, that JEAN EDWARDS recently remarked that the SOBELLs' appearance on the Alan Douglas TV Show was considered a great success, and that now the plans are to work hard to get SOBELL off of parole, get a complete pardon, and clear the ROSENBERG name.

JEAN EDWARDS

ohw

This same source advised on December 19, 1966, that JEAN EDWARDS was hostess for a party given on December 18, 1966, by Communist Party (CP) members and communist friends for an ill CP member.

~~CONFIDENTIAL~~

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- ☐ Information pertained only to a third party. Your name is listed in the title only.
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2 Page(s) withheld for the following reason(s):

Disposition in J Rosenberg
65-58236-2415

☐ For your information: _____

☒ The following number is to be used for reference regarding these pages:

101-2483 NR 5/2/69

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UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI (101-2483)

DATE: 5/7/69

FROM : SAC, BALTIMORE (100-25983) RUC

SUBJECT: MORTON SOBELL
ESP-R
OO: NEW YORK

Re: New York airtel, March 25, 1969

Established sources of the Baltimore office could furnish no pertinent information regarding subject's visit to Silver Spring, Maryland.

It is noted the current Polks city directory for Silver Spring, Maryland lists ROSE LEVITOV, 1072 Ruatan Street; widow of MAX LEVITOV, retired,

- 2 - Bureau (Registered Mail)
- 2 - New York (Registered Mail) (1-100-37158)(1-100-109849)
- 1 - Baltimore

DLB:sah
(5)

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EX-102

MAY 9 1969

SOVIET SECTION

166
5 MAY 15 1969

RECEIVED

DATE 4-30-69 CAN
RECEIVED AND NEW YORK
CLEVELAND (100-NEW) 5P

RE PLAY "THE UNITED STATES VS. JULIUS AND ETHEL
ROSENBERG", PLAYHOUSE BROOKS THEATER, CLEVELAND, OHIO,
MARCH FOURTEEN, SIXTYNINE TO MAY ELEVEN, SIXTYNINE, INFORMATION
CONCERNING.

RE TELEPHONE CALL INSPECTOR DONALD E. MOORE, APRIL
TWENTYNINE, SIXTYNINE.

CAPTIONED PLAY PREMIERED AT BROOKS THEATER OF CLEVELAND PLAY
HOUSE ON MARCH FOURTEEN, SIXTYNINE. [AUTHOR IS DONALD MARTIN]

[REDACTED] DIRECTOR
[REDACTED] CAST OF CHARACTERS IS AS FOLLOWS: JUDGE IRVING R.
KUTNER PLAYED BY ALLEN LEATHERMAN; JULIUS ROSENBERG PLAYED BY STUART
LITVIN; ETHEL ROSENBERG PLAYED BY ELIZABETH LOWRY; E. H. BLOCH,
ATTORNEY, PLAYED BY NOLAN D. BELL; IRVING SAYPOL,

PAGE ONE

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1979 MAY 9 1969

79 MAY 13 1969

DATE 8/26/86 BY [signature]

Best copy available

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PAGE TWO

CV 100-NEW

U. S. ATTORNEY, PLAYED BY VAUGHN MC BRIDE; ROY ^{COHN} CHEN, ^{ASSISTANT U.S. ATTORNEY} AUSA, PLAYED BY DANIED CHODOS; DAVID GREENGLASS PLAYED BY JONATHAN BOLT; RUTH GREENGLASS PLAYED BY CHARLOTTE HARE; HARRY GOLD PLAYED BY ANDREW LACK; FBI AGENT PLAYED BY RONALD PARKER. THE DIRECTOR AND CAST ARE MEMBERS OF THE PLAYHOUSE STAFF AND ARE PROFESSIONAL ACTORS; HOWEVER, THEY ORIGINATE FROM ALL OVER THE U.S. CLEVELAND DIVISION INDICES CONTAIN NO IDENTIFIABLE REFERENCES REGARDING AFOREMENTIONED DIRECTOR AND CAST. ANNOUNCER OF PLAY, KEITH MACKEY, WELL KNOWN LOCAL CLEVELAND ACTOR OF GOOD REPUTATION. IN ADVANCE. NOTICES OF PLAY DIRECTOR TARRANT STATED " THE WORK IS NOT AN ATTEMPT TO VINDICATE THE ROSENBERGS LEGALLY OR TO PROVE THEIR INNOCENCE, BUT TO ATTACK THE UNDERLYING MYTH THAT BROUGHT THE TRIAL, THE CONVICTION AND THE EXECUTION - THE MYTH THAT THE ROSENBERGS OR ANYONE ELSE IN THE SO-CALLED "CONSPIRACY GAME" TRANSMITTED ATOMIC SECRETS WHICH WERE VALUABLE OR THEN UNKNOWN TO THE SOVIET UNION". THE PLAY WAS SCHEDULED FOR A FIVE WEEK RUN AND RANDOM HOUSE WILL REPORTEDLY PUBLISH IT.

A REVIEW OF PLAY WHICH APPEARED IN CLEVELAND NEWSPAPER THE CLEVELAND PRESS, MARCH FIFTEEN, SIXTYNINE, RELATED THAT WHAT IT IS SAYING IN IT IS THAT THE ROSENBERGS, EXECUTED IN FIFTEEN FIFTYTHREE FOR ESPIONAGE, WERE CONVICTED ON THE FLIMSIEST

END PAGE TWO

PAGE THREE

CV 100-NEW

EVIDENCE IN A TIME AND PLACE THAT WERE FILLED WITH APPREHENSION AND HYSTERIA; THAT THEY WERE VICTIMS OF A WITCH HUNT AND THAT THE ENTIRE SYSTEM OF AMERICAN JUSTICE WAS PLACED UNDER A CLOUD WHEN IT HAPPENED. FREED CLAIMED THE TEXT CONTAINED NOT ONE INVENTED WORD BUT WAS TAKEN FROM THE TRANSCRIPT OF THE TRIAL; HOWEVER, REVIEWER STATES THE PRESENTATION IS COMPLETELY ONE SIDED. THE PLAY STARTS WITH NARRATION THAT ESTABLISHES THE ATMOSPHERE PRESENTING FLASH PROJECTED SLIDES OF DIRECTOR J. EDGAR HOOVER, HARRY TRUMAN, JUSTICE FELIX FRANKFURTER AND SENATOR JOSEPH MC CARTHY, WITH A VOICE FROM BACKSTAGE MAKING A COMMENT SUPPOSEDLY COMING FROM THE INDIVIDUAL ON THE SCREEN.

THE REVIEW STATES THE ENDING OF THE PLAY CONSISTS OF THE ROSENBERGS GOING TO THE CHAIR IN A SILHOUETTE, A PERFORMER RECITING A HYMN OF HATE AGAINST THE MELODY OF "AMERICA THE BEAUTIFUL" WITH THE STAGE LEFT EMPTY OF PERFORMERS. REVIEW INDICATES NO DEROGATORY COMMENTS MADE REGARDING DIRECTOR HOOVER. IT STATES "ALLEN LEATHERMAN IS OBVIOUSLY A BIASED JUDGE", REFERRING TO JUDGE KAUFMAN.

^{SECOND AGENT}
A SA OF THE CLEVELAND DIVISION ATTENDED THE PLAY EVENING OF APRIL TWENTYNINE, SIXTYNINE, AND COMMENTS AS FOLLOWS:

END PAGE THREE

PAGE FOUR

CV 100-NEW

DIRECTOR HOOVER WAS NOT PRESENTED IN AN UNFAVORABLE LIGHT AND WHEN HIS PICTURE WAS FLASHED ON THE SCREEN THE VOICE BEHIND THE STAGE STATED ONLY THAT THE UNKNOWN MAN MUST BE FOUND, REFERRING TO KLAUS FUCHS. JUDGE KAUFMAN WAS MADE TO APPEAR VERY PRO GOVERNMENT. WITNESSES GOLD AND GREENGLASS WERE DEPICTED AS INEPT AND UNSTABLE. THE FBI AGENT, ALTHOUGH PORTRAYED BY AN ACTOR, APPEARED ONLY IN FILM CLIPS INTERVIEWING JULIUS ROSENBERG, DAVID GREENGLASS AND HARRY GOLD. THE FBI AGENT WAS DEPICTED AS ATTEMPTING TO DISSUADE JULIUS ROSENBERG FROM HAVING HIS ATTORNEY PRESENT DURING INTERVIEW AND WHEN ROSENBERG REFUSED THE AGENT TERMINATED THE INTERVIEW WITH A WAVE OF HIS HAND IN A GESTURE OF DISGUST. THE AGENT WAS VERY HEAVYSET, WORE THICK GLASSES, AND WAS SLOVENLY DRESSED. MAIN EMPHASIS OF PLAY IS THAT THE CONVICTION OF THE ROSENBERGS IS DUE MAINLY TO THE HYSTERIA OF THE PERIOD.

FOR FURTHER INFO OF THE BUREAU, CLEVELAND DIVISION AIRTEL AND ^{MEMO} LHM DATED APRIL TWO, SIXTYNINE, RELATES THAT MORTON SOBELL APPEARED IN CLEVELAND TO PUBLICIZE THE OPENING OF THE PLAY. SET FORTH IN THAT COMMUNICATION ARE DETAILS CONCERNING SOBELL'S APPEARANCE ON RADIO AND TV SHOWS AND COMMENTS REGARDING THE PLAY. (BUFILE ONE ZERO ONE - TWO FOUR EIGHT THREE, NEW YORK FILE ONE HUNDRED
END PAGE FOUR

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PAGE FIVE

100-NEW

THREE SEVEN ONE FIVE EIGHT) IN HIS APPEARANCES SOBELL'S MAIN CONTENTION WAS THAT THE TRIAL WAS NOT REALLY AN ESPIONAGE TRIAL BUT WAS A POLITICAL TRIAL AND THE ESPIONAGE ASPECT OF IT MERELY SERVED AS A CONVENIENT BACKDROP.

FINANCIAL BACKING FOR THIS PLAY IS UNKNOWN TO CLEVELAND DIVISION; HOWEVER, THE CLEVELAND PLAYHOUSE IS ADVERTISED AS A RESIDENT PROFESSIONAL THEATRE, WORKING IN AFFILIATION WITH ACTORS EQUITY ASSOCIATION, INCORPORATED NOT FOR PROFIT UNDER OHIO LAW.

THERE HAS BEEN NO ADVERSE PUBLICITY REGARDING THE BUREAU IN THE CLEVELAND AREA AS A RESULT OF THIS PLAY, AND CLEVELAND DIVISION HAS NOT RECEIVED ANY CALLS OR NOTED ANY COMMENTS INDICATING THE PLAY HAS AROUSED ANY PUBLIC INDIGNATION. ORIGINAL PUBLICITY FOR THE PLAY REPORTED THE AUTHOR HAD HOPES IT WOULD EVENTUALLY REACH BROADWAY.

END

BJP

FBI WASH DC

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Disposition in J. Rosenberg
65-58236-2420

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101-2483-11RS 5-19-69

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UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI (101-2483)

DATE: 6/13/69

FROM : SAC, NEW YORK (100-37158)(P)

SUBJECT: MORTON SOBELL
ESP - R
(OO:NY)

ReBulet to NY, dated 4/7/69.

A review of the files of the NYO fails to reflect any present source or contact at the publishing firm of Charles Scribner's Sons, NYC, who would be in a position to furnish the NYO with information on a confidential basis concerning the book which is to be written by the subject.

It is noted, however, that the NYO has some excellent contacts with persons prominent in the publishing field in NYC. The NYO will make discreet inquiry among these sources in an effort to ascertain the identity of an official of Charles Scribner's Sons who might be contacted by the NYO on a confidential basis. The Bureau will be further advised of the results in this regard.

For the information of the Bureau, the following additional information concerning the book, as well as the general activity of the subject has been developed:

On 4/16/69, [REDACTED], who has furnished reliable information in the past, advised that on 4/9/69, the subject attended the final meeting of the Committee To Free Merton Sobell, which was held at 150 Fifth Avenue, NYC. At this meeting, subject stated that their purposes in the past of keeping the CFMS in the forefront

2-Bureau (RM) 12
1-New York (100-
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)(National Rosenberg-Sobell Committee)

101-2483-1746

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REC-24
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SOVIER SECTION



5010-108

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NY 100-37158

is now over, and it is time to move in new directions. He stated he had been part of the CFMS in absentia. The CFMS, in addition to fighting to free a scientist, had kept alive the channels for fighting for political freedom. He said the CFMS, despite being composed of many diverse elements, had shown their ability to be out in front gaining public attention for their cause, and at the same time being involved in the issues of the day. He said the time had now come to use their energies more productively on the new issues of the day.

According to informant, one member suggested that the subject's decision not to continue with the CFMS was possibly due to fear on his part of violating his parole. SOBELL became very excited at this suggestion and stated that he had no fear, but that it was merely a matter of common sense, and a matter of time. He stated that he could have made a career out of talking about the Committee, or working for it, however, he was more anxious to get back to his profession of being an Engineer. He said in this regard, his schooling was being slowed because of the fact that the Scribner publishing firm wanted a book from him, which he was committed to do.

Subject stated that in regard to the book that he plans to write, he does not plan to duplicate other books which have been written on the case. He stated his book will be mostly an autobiography, covering his years in prison. It will also cover the work of the CFMS, as well as the political aspects of the case. He said the publisher expects his book to sell greater than any other book written on this case.

[REDACTED]
SDNY, advised that [REDACTED] date. SOBELL advised him that he was negotiating with Charles Scribner's Sons for the publication of a book which he would write, but that he had not yet signed a contract with the publishing firm. Subject said he expects to get about \$21,000 in advance funds from the publisher. He said the book would be about 20,000 words, and would not be finished until August, 1970. He also said he had obtained the services of a Literary Agent, [REDACTED] in connection with the publication of the book. *b7c*

NY 100-37158

[redacted] advised that subject requested, and was granted permission to leave the SDNY periodically for travel into Westchester County, and Long Island, NY, for the purpose of attempting to locate a summer residence where he would have the proper seclusion in order to work on the preparation of his book. b7c

The subject also advised [redacted] that the CFMS had been disbanded as an organization on 4/9/69. He stated to [redacted] that he had been presented with a gift from the CFMS in the amount of \$10,000.00 at the final meeting of the organization. He said he was presented with a passbook reflecting \$10,000 deposited in his name with the New York Savings Bank, 8th Avenue and 14th Street, NYC. b7c

[redacted] furnished the following information: b7c

On 6/11/69, SOBELL [redacted]

[redacted] Subject stated that his wife had organized the National Rosenberg-Sobell Committee (NRSC), as a replacement for the CFMS. He said the NRSC would have no office space, but would be operated from his residence. He furnished [redacted] a copy of a letter, dated 5/28/69, which he said was sent out by the NRSC to 3,000 persons, requesting support and contributions for expenses. b7c

The above NRSC letter also announced a vigil to be held at the US Court House, Foley Square, NYC, on 6/19/69, from 12:00 noon to 1:30 pm, as a remembrance ceremony marking the 16th anniversary of the electrocution of ETHEL and JULIUS ROSENBERG, and to be led by MORTON SOBELL. SOBELL requested permission of [redacted] to participate in this vigil. b7c

[redacted] advised that after conferring with his Washington headquarters, it was determined that they could not prevent SOBELL from participating in this vigil, and the subject was so advised. SOBELL indicated that he expected from 100 to 150 to participate, and that the affair would be orderly. b7c

NY 100-37158

In regard to his book, SOBELL advised GANNON that he has signed a contract with the publishing firm. He stated that he was given a \$7,000 advance by the publisher, 10% of which went to his agent. He also stated that he has completed the first two chapters. He indicated that he is dictating into a tape recorder, and that the tapes will be typed into written form by his wife.

SOBELL advised that he had located some property where he intends to build a summer home. The location is on property owned by [REDACTED] b7c

[REDACTED] He stated that he had hoped to have begun building before now, but that he has had difficulty in obtaining a building permit from the local building inspector, and has not yet received it.

SOBELL advised that in connection with the business that he anticipates in connection with the construction of a summer residence, he will be hampered by not being able to drive an automobile. He requested authority to apply for a driver's license, which request was granted.

SOBELL advised that his wife, HELEN SOBELL, was presently hospitalized, having undergone a [REDACTED] operation on the morning of 6/11/69. b7c

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI (101-2483)

FROM : SAC, NEW YORK (100-37158)(P)

SUBJECT: MORTON SOBELL
ESP - R

DATE: 10/8/69

ReNYlet to Director, dated 6/13/69.

Contact has been maintained with subject's

SDNY. [REDACTED] has advised that he has experienced no difficulty with the subject, and has received the impression that the subject is endeavoring to comply with all of the regulations of his probation.

On 6/19/69, subject was observed participating in a vigil in front of the US Court House, Foley Square, NYC, which was attended by about 125 persons. This affair was sponsored by the newly formed National Rosenberg-Sobell Committee to mark the 16th anniversary of the execution of the ROSENBERGS. The subject had received the permission of his Probation Officer to participate in this affair, and no disturbances of any kind were noted.

On 7/1/69, subject advised [REDACTED] that he was having a great deal of trouble with the local Building Inspector in Westchester County, where he was attempting to build a summer residence at Schrub Oaks, NY. SOBELL indicated that the officials of that town would not issue him a building permit, therefore he rented a house for the summer on Horton Road, Cold Spring, NY.

On 9/17/69, [REDACTED] Cold Spring, NY, advised SA LYNN E. MC CREDY that the subject had rented the above home from [REDACTED] and [REDACTED].

②-Bureau (RM) 12
1-New York

PFD:ms
(3)

OCT 15 1969



5010-108

REC-23

OCT 10 1969

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

DATE 4/30/89 BY 3042 PWT/pjt

SOVIET SECTION

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

NY, NY
[redacted] NYC, who own the property [redacted] advised that the subject changed his address on 9/13/69 to 30 Charlton Street, NYC. *b7c*

On 10/1/69, [redacted] advised that the subject had moved back to his NYC residence for the winter. Subject advised [redacted] that he had enjoyed the summer at Cold Spring, but he had given up the idea of building a summer residence because he could not obtain a building permit from Westchester County. *b7c*

According to [redacted], subject has again enrolled at Columbia University, NYC, where he is taking two courses, having to do with linear and digital transistors. Subject stated that he is still spending the major portion of his time working on the book which he is writing. Subject stated he has completed 60,000 words, but that the publisher was not happy with what he has completed, and he will have to do much of it over. SOBELL indicated that the book would not be completed before September, 1970. *b7c*

Subject indicated that he has no plans at the present for any travel or speaking engagements. Subject related to [redacted] that he had attended several sessions of the ROY COHEN trial in Federal Court in NYC, and was amused to see COHEN on the other side of the fence, inasmuch as COHEN had been one of his prosecutors. *N.Y.*

No additional pertinent information has been received regarding the subject. Any additional information received will be furnished to the Bureau.



STATES DEPARTMENT
FEDERAL BUREAU OF INVESTIGATION
New York, New York
August 4, 1969

In Reply, Please Refer to

File No. BUfile 101-2483
NYfile 100-37158

0
SUBJECT: MORTON SOBELL

gm
9/1
CHARACTER: ESP-R

REFERENCE: MEMORANDUM 1/20/69

Referenced communication contained subject's residence and/or employment address. A recent change has been determined and is being set forth below (change only specified):

Residence: ADD: Summer Residence-
Horton Road, Cold Springs,
Putnam County, New York

Employment:

8-1 to NY
9-25-69
SPL/AN

1cc to USSS
by R/s

8/8/69
SPL/AN

FD-122 DETACHED

101-2483-
NOT RECORDED

17 AUG 6 1969

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 4/30/87 BY 3043 PWT/VL

INT. SEC.

SOVIET SECTION

F84
70 AUG 1969

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

UNITED STATES GOVERNMENT

Memorandum

Tolson _____
DeLoach _____
Walters _____
Mohr _____
Bishop _____
Casper _____
Callahan _____
Conrad _____
Felt _____
Gale _____
Rosen _____
Sullivan _____
Tavel _____
Soyars _____
Tele. Room _____
Holmes _____
Gandy _____

TO : Mr. W. A. Branigan

DATE: 11-10-69

FROM : Mr. J. P. Lee

1 - Mr. W. A. Branigan
1 - Mr. J. P. Lee

SUBJECT: MORTON SOBELL
ESPIONAGE - R

This memorandum reports a conversation with Joseph Barry, Criminal Division, Department of Justice, concerning the current activities of the subject.

On November 10, 1969, Joseph Barry telephonically contacted Assistant Director William C. Sullivan concerning the possibility that Morton Sobell, convicted espionage agent now on probation, might be coming to Washington to participate in the Vietnam Moratorium activities during November, 13-15 next. In accordance with the instructions from Mr. Sullivan, the writer telephonically contacted Barry who said that he was interested in any information developed about Sobell since his release from prison January 14, 1969. He stated he had information from the U. S. Probation Office in New York and was interested in any additional information which might have been developed as a result of physical surveillances and other types of investigation. He desired this information in order to determine whether or not there was sufficient information to refuse to allow Sobell to come to Washington. He was told that Sobell was not under surveillance and we had not received any information from informants to indicate that Sobell was in contact with any subversive groups since his release from prison.

ACTION:

For information purposes. The decision concerning granting Sobell permission to leave New York and visit Washington is one for the Probation Office to make.

101-2483

JPL:sjr
(3)

EX-116

REC-28

15 NOV 14 1969

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 4/30/87 BY 3042 PWT

SOVIET SECTION

54 NOV 26 1969

FBI

Date: 11/12/69

Transmit the following in _____

(Type in plaintext or code)

Via _____

A I R T E L

(Priority)

TO: DIRECTOR, FBI (101-2483)
 FROM: SAC, NEW YORK (100-37158) (P)
 SUBJECT: MORTON SOBELL
 ESP - R
 (OO:NY)

On 11/12/69, [REDACTED]
 SDNY, advised as follows:

On 11/10/69, subject contacted [REDACTED] and requested that he be granted permission to travel from NYC to WDC on 11/14/69, in order to participate in the anti-war Moratorium scheduled to take place in WDC. [REDACTED] advised subject that he would have to obtain such permission from his headquarters in WDC.

[REDACTED] advised that on 11/12/69, he received instructions from the US Parole Board that SOBELL be advised that his request has been denied and that he be directed not to leave NYC over the coming weekend.

[REDACTED] advised that he furnished this information to SOBELL telephonically on 11/12/69. SOBELL was very upset by the denial of his request, and in conversation with [REDACTED] inferred that he might possibly go without authority.

In view of the above, [REDACTED] requested that his office be advised should the FBI detect the presence of subject in WDC on 11/15/69. He stated that in such an event the Parole Board intended to take action against subject for violation of his parole, and therefore any evidence of his presence there such as a photograph, would be helpful.

- ② - Bureau (RM)
 2 - Washington Field (RM) (ENCL. 1) (101-23162)
 1 - New York

PFD:dld

(5)

REC-78 101-2483-1749
 ALL INFORMATION CONTAINED
 HEREIN IS UNCLASSIFIED
 DATE 4/30/87 BY 3020 [REDACTED]

5 NOV 20 1969

Special Agent in Charge

Sent _____ M Per _____

NY 100-37158

It was pointed out to [REDACTED] that the only certain means of determining if subject departed for WDC was through figur. He stated he did not desire any physical surveillance of subject. He pointed out that in the event subject travels to WDC, he believes that subject would not attempt to hide the fact that his presence would be prominent at the speakers platform at this event. b7c

LEAD:

WASHINGTON FIELD

AT WASHINGTON, D.C.

The above is being furnished to WFO for information. In the event WFO during the normal coverage being afforded to the Moratorium, detects the presence of subject, it is requested that the NYO be advised.

Enclosed for the benefit of WFO is a photo of subject, taken 6/19/69, which represents his present appearance with a full face beard.

FBI

Date: 11/13/69

Transmit the following in _____

(Type in plaintext or code)

Via _____

A I R T E L

(Priority)

TO: DIRECTOR, FBI (101-2483)
FROM: SAC, NEW YORK (100-37158) (P)
SUBJECT: MORTON SOBELL
ESP - R
(OO:NY)

ReNYairtel dated 11/12/69.

██████████, SDNY, furnished the following information on 11/13/69:

██████████ stated that during the evening of 11/12/69, he was telephonically contacted by subject. Subject stated that on 11/12/69, he arranged for some Civil Liberties Union attorneys in WDC to contact the US Parole Board, WDC, in an effort to have their ruling, prohibiting him from travelling to WDC, reversed. He said his attorneys were unsuccessful in effecting any change in the ruling, however.

On the morning of 11/13/69, SOBELL appeared at ██████████ office seeking the latter's intercession for a change in the ruling. ██████████ advised subject that the ruling would stand, and that he therefore had two choices; he could abide by the ruling and remain in NYC, or he could violate the ruling and travel to WDC. He advised subject that if he chose the second alternative, the US Parole Board would issue a warrant for his arrest.

- ② - Bureau (RM)
- 1 - Washington Field (101-2316) (INFO) (RM)
- 1 - New York

PFD:dld
(4)

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DATE 4/30/87 BY 20422001/10

NOV 14 1969

SOVIET SECTION

Approved: *F13 JEM*
Special Agent in Charge

Sent _____ M Per _____

NY 105-37158

SOBELL advised [REDACTED] that in view of the circumstances he will not violate the ruling and he will remain in NYC. However, he intends to fight the Parole Board ruling in court. SOBELL stated he intends to have his attorneys file a petition in USDC, WDC, against the Parole Board ruling as a violation of his rights under the First Amendment to the Constitution. b7c

The above is being furnished to the Bureau and WFO for information. WFO may disregard the lead set forth in reairtel.

XXXXXX
XXXXXX
XXXXXXFEDERAL BUREAU OF INVESTIGATION
FOIPA DELETED PAGE INFORMATION SHEET

_____ Page(s) withheld entirely at this location in the file. One or more of the following statements, where indicated, explain this deletion.

- ☐ Deleted under exemption(s) _____ with no segregable material available for release to you.
- ☐ Information pertained only to a third party with no reference to you or the subject of your request.
- ☐ Information pertained only to a third party. Your name is listed in the title only.
- ☐ Documents originated with another Government agency(ies). These documents were referred to that agency(ies) for review and direct response to you.

5 _____ Pages contain information furnished by another Government agency(ies). You will be advised by the FBI as to the releasability of this information following our consultation with the other agency(ies).

ARMY

_____ Page(s) withheld for the following reason(s):

☐ For your information: _____

☒ The following number is to be used for reference regarding these pages:

101-2483-NR 1/30/70

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XXXXXXXXXXXXXXXXXXXXXXXXXXX
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X NO DUPLICATION FEE X
X FOR THIS PAGE X
XXXXXXXXXXXXXXXXXXXXX

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI (101-2483)

FROM : *g+m/Rux* SAC, NEW YORK (100-37158)(P)

SUBJECT: MORTON ⁰SOBELL
ESP - R
(OO:NY)

DATE: 1/28/70

AB
ReNYairtel, dated 11/13/69.

On 11/25/69, [REDACTED] SDNY, advised that he had been informed by the subject that subject had abided by the decision of the US Board of Parole, and did not attend the anti-war moratorium in WDC on 11/15/69. SOBELL stated that his wife had attended, but that he had remained in NYC. *b7c*

SOBELL indicated to [REDACTED] that he still does not agree with the ruling by the US Board of Parole which prevented him from travelling to WDC, and he was considering having his attorneys in WDC take legal action against this ruling as a violation of his rights under the First Amendment to the Constitution. *b7c*

On 1/12/70, [REDACTED] advised that during his last conversation with subject, he had made inquiry of SOBELL as to whether there had been any developments in the above legal action. SOBELL stated that the matter was being handled by the American Civil Liberties Union (ACLU) in WDC, but there were no developments to his knowledge. *b7c*

On 1/22/70, [REDACTED] advised that subject had made a personal visit to his office on that date, at which time subject furnished the following:

- Let to State 7-WFO
2/6/70*
- 2-Bureau (RM) *12*
 - 2-Washington Field (Info)(101-2316)(RM)
 - 1-New York (100-166629)(NRSC)
 - 1-New York

PFD:dmb
(6)

REC-94
101-2483-1751
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DATE *4/30/89* BY *6062 PWT/UB* SOVIET SECTION

15 JAN 30 1970



5010-108

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

NY 100-37158

SOBELL stated that he had made inquiry of the ACLU in WDC, and had learned that there had been an administrative mixup concerning the handling of his case against the US Board of Parole. Subject said he learned that due to a backlog in the number of cases being handled by the ACLU, an attorney had not been designated to file a petition in USDC in his behalf. Subject said he was informed that the necessary papers would be filed in USDC, WDC, during the following week, and that his case was to be handled by an attorney by the name of TEMPLE. Subject stated he had no further information, but he expected a petition in his behalf to be filed very soon.

In regard to other matters, SOBELL advised that he is presently devoting the major portion of his time to his studies at Columbia University, NYC. He said he has accomplished only a small amount in the past few months in connection with the book he is now writing, but he hopes to be able to devote more time to his writing in the near future.

SOBELL advised [REDACTED] that during the past week he had mailed out copies of a mimeographed letter over his signature, and that of his wife, appealing for funds to aid in the defense of the conspiracy trial of the "Chicago Seven". SOBELL indicated that this was in the nature of a personal letter from himself and his wife, but that it was mailed to the individuals on the mailing list for the National Rosenberg-Sobell Committee (NRSC). SOBELL said the letter requested that funds be sent directly to the Chicago Defense Fund, 28 East Jackson Boulevard, Chicago, Illinois, and contained an envelope addressed to that fund. b7c

According to [REDACTED], SOBELL also requested information as to whether he could apply for a passport, stating that he desired to travel to Italy and to the Scandinavian countries, possibly during the spring recess from school. [REDACTED] advised subject that he could apply for a passport, but that he could not travel outside of the US without permission from the US Board of Parole. b7c

NY 100-37158

[REDACTED] advised the NYO that he is directing a communication to the US Board of Parole, WDC, regarding the subject's travel desires, however, he anticipates that the subject will be denied authority to leave the US during the period that he is on parole. b7c

REQUEST OF THE BUREAU

It is noted that subject is presently under the jurisdiction of the US Board of Parole. The above mentioned legal action contemplated by the subject concerns an administrative ruling made by the Board concerning the subject.

In view of the above, the Bureau may desire to have WFO check the docket of USDC, WDC, or make contact with the US Board of Parole, to determine if legal action has been filed by the subject against a ruling by the US Board of Parole, prohibiting him from travelling to WDC.

LEADS

Washington Field

Copies of this communication are being furnished to WFO for information purposes.

WFO should hold investigation in abeyance, pending receipt of the desires of the Bureau in regard to verifying legal action by the subject against the US Government.

1 - Liaison
1 - Mr. Lee

(S) 101-2483

SI-120

1751

BY LIAISON

REC-123

Date: February 6, 1970

To: Director
Bureau of Intelligence and Research
Department of State

From: John Edgar Hoover, Director

Subject: MORTON SOBELL
ESPIONAGE - RUSSIA

delivered
1/9/70
Per

SEN

The above-captioned individual was convicted along with Julius and Ethel Rosenberg of conspiracy to commit espionage in 1951. The Rosenbergs were executed and Sobell was sentenced to 30 years in prison. On January 14, 1969, he was granted conditional release and is under the supervision of the United States Probation Office in New York until May 14, 1981.

Information has been received

that on January 22, 1970, Sobell inquired whether he could apply for a United States passport since he desired to travel to Italy and the Scandinavian countries, possibly during the spring recess from school. He was told that he could apply, but could not travel outside the United States without the permission of the United States Board of Parole.

b7c

Sobell was born April 11, 1917, in New York City, the son of Louis and Rose Sobell. He is married to Helen Sobell.

The above is furnished to you for your information in the event Sobell does apply for a passport.

- 1 - New York (100-37158)
- 2 - WFO (101-2316)

SEE NOTE FOR SACS PAGE TWO

Tolson _____
DeLoach _____
Walters _____
Mohr _____
Bishop _____
Casper _____
Callahan _____
Conrad _____
Felt _____
Gale _____
Rosen _____
Sullivan _____
Tavel _____
Soyars _____
Tele. Room _____
Holmes _____
Gandy _____

JPL:ted
(8)

MAILED 21
cc only
FEB 10 1970
COMM-FBI

51 FEB 17 1970

SEE NOTE PAGE TWO
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DATE 4/30/97 BY 3896WOT/wh
wob

MAIL ROOM ☐ TELETYPE UNIT ☐

Director
Bureau of Intelligence and Research
Department of State

NOTE FOR SACS, WFO AND NEW YORK:

WFO should check the docket of the U. S. District Court in order to determine if Sobell has filed any legal action against the U. S. Board of Parole in connection with the decision made by that Board that Sobell should not be permitted to leave the southern district of New York to attend the antiwar moratorium, which was held in Washington, D. C., on 11/15/69. It is noted that Sobell has advised his probation officer that such a suit would be filed by the American Civil Liberties Union in Washington, D. C. 674

NOTE:

The above information [REDACTED] NY also asks the Bureau to advise if it desired to have WFO check the docket of the District Court or check with the U. S. Board of Parole to determine if legal action had been filed by the subject. It is believed this should be done in order that we will be kept aware of any such action. This legal action is based on the denial of permission with the U. S. Board of Parole for Sobell to travel to WDC to participate in the antiwar demonstrations in 11/69.

~~SECRET~~

SP-9018

3 February 1970

phd
SUBJECT: Chicago Defense Fund

1. Attached for your information and retention is a copy of a letter addressed to Free Israel, from Morton and Helen SOBELL, concerning the Chicago "conspiracy trial".

2. Please coordinate any correspondence on this subject with [REDACTED] *b7c*

Attachment:

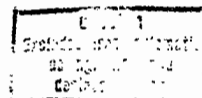
Form ltr and envelopes

ENCLOSURE

101-2483-
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 4/3/99 BY [REDACTED]
NOT RECORDED
FEB 11 1970

328
57 FEB 16 1970

~~SECRET~~



ORIGINAL FILED IN 176-1442-6

MORTON and HELEN SOBELL

**30 CHARLTON STREET
NEW YORK, NY 10014**

January, 1970

Dear Friend:

We are deeply troubled by a very serious problem. In the Chicago "conspiracy" trial we see the features of the political trial which is directed at the climate of our country rather than those who are the defendants.

In 1951, at the time of the Rosenberg-Sobell conspiracy trial, the issues of the day were the Cold War with the Soviet Union, the atom bomb, the Korean War, and the need to intimidate and press into conformity those who sought peace and brotherhood. The scapegoats were minority group dissenters.

Today the issues are domestic ones which can be resolved only with our withdrawal from Vietnam. The 8 defendants (Bobby Seale was separated solely as a tactical move) represent movements directed toward peace and justice. It is for this reason they have been handpicked as the focal point for all of the hate and prejudice, rampant and latent, which is still being nurtured in our country.

The peace effort, the Black Panthers, the youth, the intellectuals, are all meant to be branded by this trial as destroyers of the "American way of life." In their circuses the Romans threw the early Christians to the lions, mouthing the same accusations.

Each of these men of conscience has committed the crime of refusing to accept war and injustice. The next few years will open the eyes of many to their courage and foresight. Then the superficial features which are being exploited in this trial, the long hair and beards, the rebellion against moribund court practices which demand the committing of ritual hari-kari, will have disappeared as issues, and the political nature of this trial will emerge unobscured. We have ourselves found it difficult to set aside the artificial standards of dress and conduct with which our culture has imprisoned us. However, we know, to be free, we must permit freedom.

David Dellinger, Tom Hayden, Lee Weiner, Bobby Seale, John Froines, Abbie Hoffman, Rennie Davis, and Jerry Rubin are vital, thinking human beings. We must not remain silent while they are pushed around as pawns in political attacks upon the people.

Let it not be too little and too late. Speak out now, organize now. Give unstintingly, of your store of skills and money. Please send your check now to the "Chicago Defense Fund," 28 E. Jackson Blvd., Chicago, Ill. 60604

We urge that you make this action your New Year's wish, as we have made it ours.

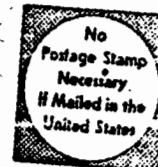
Faithfully yours,

Morton Sobell *Helen L. Sobell*
Morton Sobell Helen Sobell

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE _____ BY _____

101-2483-

ENCLOSURE

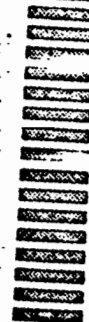


BUSINESS REPLY MAIL
FIRST CLASS PERMIT No. 67719, CHICAGO, ILLINOIS

Chicago Defense Fund

28 East Jackson Boulevard

Chicago, Ill. 60604



2675

PMLE ISHAEL WEEKLY
6 HANAGID ST
TEL AVIV ISRAEL

VIA AIR MAIL

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI (101-2483)
FROM : SAC, WFO (101-2316) (RUC)
SUBJECT: MORTON SOBELL
ESP - R
(OO: NY)

DATE: 2/20/70

ReBulet 2/6/70 to Director, Bureau of
Intelligence and Research, USDS.

The current case index (1968-1970) at the
Office of the Clerk of Court, Civil Actions,
U. S. District Court, District of Columbia,
was examined on 2/19/70 and it was revealed that
no action has been filed by MORTON SOBELL since
Case 136-68 which was filed 1/18/68.

- ② Bureau
- 2 - New York (100-37158) (RM)
- 1 - WFO

MAT:teb
(5)

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DATE 4/30/87 BY 3042aur/wh

REC-6

101-2483-1752

2 FEB 24 1970

SOVIET SECTION



ES1
MAR 2 1970

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

UNITED STATES GOVERNMENT

Memorandum

TO : MR. TOLSON

DATE: 4/7/70

FROM : C. D. DeLoach

cc Mr. DeLoach
Mr. Sullivan
Mr. Bishop

SUBJECT: MORTON SOBELL
(Request to march in 4/15/70
demonstrations to protest war taxes)

Tolson _____
DeLoach _____
Walters _____
Mohr _____
Casper _____
Callahan _____
Conrad _____
Felt _____
Gale _____
Rosen _____
Sullivan _____
Tavel _____
Soyars _____
Tele. Room _____
Holmes _____
Gandy _____

Pursuant to the Director's instructions, I returned a call to Chairman George J. Reed, ~~U.S. Board of Parole~~ at 4:15 this afternoon.

Mr. Reed stated that at the Attorney General's Staff Conference last week, the Director had mentioned to those assembled the potential for violence, as of 4/15/70, during the demonstrations to protest war taxes. Mr. Reed continued that Morton Sobell had applied to the U. S. Board of Parole to march in the demonstration in Washington on 4/15/70. His request had been turned down. A similar request, on 11/15/69, was turned down.

Sobell's attorneys, all from the American Civil Liberties Union, have now entered a declaratory judgment against the decision made by the U. S. Board of Parole. There will be a hearing on Wednesday, 4/8/70, at 10 a.m., regarding the declaratory judgment. Mr. Reed stated he would appreciate having some information which could be used at the hearing. He asked if the Director still felt the same way as expressed at the meeting last Wednesday, 4/1/70.

I told Mr. Reed that it appears some areas have a definite potential for violence, particularly in view of the fact that the demonstrations will be nationwide and will include large-scale student participation. He was told that Internal Revenue offices and, in particular, computer centers were natural targets for anti-war militants. He was also told that it is highly probable that militant elements will participate in these demonstrations. I stated that in view of the increasing tendency to substitute arson and bombing for legitimate dissent, it was entirely possible that the SDS Weatherman faction might seize this opportunity to further their concept of revolution.

Mr. Reed stated this was quite similar to what the Director had expressed at last Wednesday's staff conference. Mr. Reed asked if this information could be used in the hearing. I told him that he was, of course, entitled to certain intelligence

ALL INFORMATION CONTAINED

HEREIN IS UNCLASSIFIED

DATE 4/30/87 BY 3042 PWT/lt

707-2483-1753 CONTINUED OVER

CDD:CSH (4)

3 APR 10 1970

APR 13 1970 APR 20 1970

RESEARCH SECTION

UNRECORDED COPY FILED IN 100-457655

Mr. Tolson

information, but I doubted the advisability of using information based upon classified intelligence, in public hearings. He then asked if he could simply point out that information received from the Department of Justice and the FBI clearly reflects a potential for violence during the 4/15/70 marches. I told him I saw no objections to this inasmuch as such a statement would be based on fact.

Mr. Reed stated he had conferred with the Inter-Departmental Intelligence Unit, headed by Jim Devine of the Department, and that Devine could give him no information. He stated that Assistant AG Yeagley also refused to cooperate with him. I made no comment concerning these statements.

Mr. Reed asked that his appreciation be given to the Director and stated there would be no need for the Director to return his call.

ACTION:

For record purposes.

✓

P

F B I

Date: 4/13/70

Transmit the following in _____
(Type in plaintext or code)Via AIRTEL _____
(Priority)

Mr. Tolson	_____
Mr. DeLoach	_____
Mr. Walters	_____
Mr. Mohr	_____
Mr. Bishop	_____
Mr. Casper	_____
Mr. Callahan	_____
Mr. Conrad	_____
Mr. Felt	_____
Mr. Gale	_____
Mr. Rosen	_____
Mr. Sullivan	_____
Mr. Tavel	_____
Mr. Soyars	_____
Tele. Room	_____
Miss Holmes	_____
Miss Gandy	_____

TO: DIRECTOR, FBI (101-2483)
 FROM: SAC, WFO (101-2316) (RUC)
 MORTON SOBELL
 ESP - R
 (OO: NY)

The records of the Clerk of the Court, Civil Actions, U. S. District Court for the District of Columbia, reveal that Case 1036-70 was filed 4/7/70 by MORTON SOBELL against GEORGE J. REED, Chairman, U. S. Board of Parole, and seven members of that Board named in the Petition. The plaintiff was represented by the firm of SHAW, PITMAN, POTS, TROWBRIDGE and MADDEN - MARTIN D. KRALL, 917 17th Street, NW, WDC. Counsel for the Government included THOMAS A. FLANNERY, U. S. District Attorney and JOSEPH M. HANNAN and NATHAN DODELL.

On 4/7/70, the Petitioner filed motion for temporary restraining order and preliminary injunction. On the same date, motion was made by the defense for change of venue. The matter came before Judge MATHEW F. McGUIRE on 4/7/70 who neither granted nor denied application for temporary restraining order but set the matter for hearing on the merits on 4/13/70.

However, on 4/8/70, an order was issued by Judge McGUIRE granting motion of defendant transferring the case forthwith to the U. S. District Court for the Southern District of New York. The original file in the cause was mailed 4/8/70 to the Southern District of New York pursuant to the order of the Court.

② Bureau
 2 - New York
 1 - WFO

MAT:teb
 (5)

REC-86 101-2483-1754
 ALL INFORMATION CONTAINED
 HEREIN IS UNCLASSIFIED
 DATE 4/30/87 BY [signature]
 APR 15 1970

59 APR 20 1970

Approved: _____
 Special Agent in Charge

Sent _____ M Per _____

WFO 101-2316

LEAD

NEW YORK

Will report decision of the District Court,
Southern District of New York.

FBI

Date: 4/16/70

Transmit the following in _____

(Type in plaintext or code)

AIRTEL

Via _____

(Priority)

TO: DIRECTOR, FBI (101-2483-
(101-2383) *B/w*

FROM: SAC, NEW YORK (100-37158) (P)

SUBJECT: MORTON SOBELL
ESP - R
(OO: NEW YORK)

101-2383 -
ReWFOairtel, 4/13/70.

On 4/15/70, [REDACTED] SINY, advised that the action filed by subject in USDC, WDC, was precipitated by a request by subject which was submitted to the U.S. Board of Parole for authority to travel from NYC to WDC on 4/15/70, for the purpose of participating in a demonstration. Authority for this travel was denied by the Board. *b7c*

According to [REDACTED] subject has recently expressed the view that the U.S. Board of Parole has no right to restrain his travel or activity which prevents him from participating in civil rights demonstrations or activity in various parts of the country, and thus he has decided to fight the Parole Board in court on this issue. *b7c*

On 4/15/70, AUSA DAVID M. BRODSKY, SINY, advised that the action filed by subject in WDC on 4/7/70, was transferred to USDC, SINY. Subject appeared in USDC, SINY on 4/10/70, represented by attorney MELVIN W. WOLFF of the American Civil Liberties Union. Subject filed a complaint, request for temporary restraining order, and preliminary injunction against the US Board of Parole.

2 - Bureau (RM) *12*
1 - Washington Field (101-2316) (INFO) (RM)
1 - New York

PFD:dje
(5)

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DATE 4/30/87 BY SP4 PWT/WJ *101-2483-175*
SOVIET SECTION

Approved: _____

Sent _____

M

Per _____

Special Agent in Charge

MAY 4 1970 *7333*

NY 100-37158

A hearing was held before USDJ RICHARD H. LEVET, at which the Government was represented by AUSA BRODSKY. The court denied subject's request for a temporary restraining order. A hearing on subject's request for a preliminary injunction was placed on the court calendar for 4/14/70.

According to AUSA BRODSKY, subject appeared in the same court on 4/13/70, at which time his attorney filed an application for a temporary restraining order, and a writ of mandamus. This was denied by the court.

On the evening of 4/13/70, AUSA BRODSKY was advised by subject's attorney that he had withdrawn his motion which was scheduled to be heard before Judge LEVET on 4/14/70. AUSA BRODSKY appeared in USDC on 4/14/70, and advised the court that subject had withdrawn his action.

On 4/16/70, AUSA BRODSKY advised that subject's case is still pending in USDC, SDNY, however, no additional action is scheduled at the present time. He advised that the Government has 60 days to answer subject's complaint, but that if the subject does not file any additional motions within the next two weeks, the Government will probably move to dismiss the action brought by subject.

BRODSKY advised that he was not given any reason for subject's withdrawal of his motion to be heard on 4/14/70. He stated that he could only speculate that subject's attorney felt that he would not receive a favorable ruling from Judge LEVET following two denials, and he may refile the action in the hope of having it put on the calendar of another judge.

b7c

Subject stated that through his recent court action he was attempting to obtain a fast ruling which would have allowed him to travel to WBC on 4/15/70 to participate in a demonstration. He stated that since his request for

NY 100-37158

a temporary restraining order against the ruling of the US Board of Parole had been denied, he had decided there was no longer any urgency to his request, since he was not able to travel on 4/15/70. Subject stated that his attorneys now feel that they are in a position to take more time to better prepare their case. Subject stated his attorneys intend to file a new motion asking for a permanent restraining order against the Board of Parole regulations which prevent him from travelling from the SDNY without the authority of that Board.

The above is furnished to the Bureau and WFO for information. The NYO will follow this matter and advise the Bureau of any additional information received.

UNITED STATES GOVERNMENT

Memorandum

TO : Director, FBI (Bufile- 101-2483)

FROM : SAC, New York (100-37158)

DATE: 9/16/70

SUBJECT: MORTON SOBELL
IS-R
(OO:NY)

Cards UTD
Cards Sent 00

9-22-70
dyj

Re:

☐ It is recommended that a Security Index Card be prepared on the above-captioned individual.

☒ The Security Index Card on the captioned individual should be changed as follows (specify change only):

Name			
Aliases		<input type="checkbox"/> Native Born <input type="checkbox"/> Naturalized <input type="checkbox"/> Alien	Tab <input type="checkbox"/> Priority I <input type="checkbox"/> Priority II <input type="checkbox"/> Priority III
<input type="checkbox"/> ANA <input type="checkbox"/> AWC <input type="checkbox"/> BNT	<input type="checkbox"/> BPP <input type="checkbox"/> COMMUNIST <input type="checkbox"/> JFG	<input type="checkbox"/> MIN <input type="checkbox"/> NOI <input type="checkbox"/> Miscellaneous (Specify)	<input type="checkbox"/> PLP <input type="checkbox"/> PPA <input type="checkbox"/> PRN <input type="checkbox"/> SDS <input type="checkbox"/> SNC <input type="checkbox"/> SPL <input type="checkbox"/> SWP <input type="checkbox"/> WWP
Date of Birth	Place of Birth	Race	Sex <input type="checkbox"/> Male <input type="checkbox"/> Female
Business Address, Name of Employing Concern and Address, Nature of Employment, and Union Affiliation, if any.		Residence Address	
ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 4/30/87 BY SP4 JAW/ML		Delete: 30 Charlton Street New York, New York Add: 626 Riverside Drive New York, New York	
Key Facility Data			
Geographical Reference Number		Responsibility	

REGISTERED MAIL

2 Bureau
1 New York
PFD:gme

(3)

59 SEP 24 1970

ENCLOSURE

Responsibility

NOT RECORDED

4 SEP 17 1970

RETURNED SECTION

CONFIDENTIAL
 SECTION



UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
New York, New York
September 19, 1970

In Reply, Please Refer to

File No. Bufile 101- 2483
NYfile 100-37158

SUBJECT: MORTON SOBELL

CHARACTER: IS-R

REFERENCE: MEMORANDUM 8/4/69

Referenced communication contained subject's residence and/or employment address. A recent change has been determined and is being set forth below (change only specified):

Residence: Delete: 30 Charlton Street
New York, New York

Add: 626 Riverside Drive
New York, New York

Employment:

Copy to Secret Service
by routing slip for
☒ info ☐ action
date 9/21/70
by Wpd/mch

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 4/30/87 BY 3042ewt/lt

101-2483 -
ENCLOSURE

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

F B I

Date: 10/9/70

Transmit the following in _____
(Type in plaintext or code)Via AIRTEL _____
(Priority)

TO: DIRECTOR, FBI (101-2483)

FROM: SAC, NEW YORK (100-37158) (P)

SUBJECT: MORTON SOBELL
ESP - R
(OO: NY)

For the information of Los Angeles, subject was released from the Lewisburg Federal Prison on 1/14/69 after having served 18 years of a 30 year sentence for conspiracy to commit espionage. He is under the supervision of the US Probation Office, SDNY until 5/14/81, and he cannot travel outside the SDNY without authority of his Parole Officer. Since his release from prison, subject has filed several motions in court contesting the authority of the US Board of Parole to restrict his travel.

On 10/9/70, [REDACTED] furnished the following information to the NYO:

On 9/17/70, subject telephonically contacted [REDACTED] stating that he was forwarding a letter requesting authority to travel from NYC to Los Angeles for the purpose of fulfilling a speaking engagement. Subject's letter, which was received by [REDACTED] on 9/18/70, requested authority to travel by air to Los Angeles at his own expense for the purpose of speaking at a dinner to be held at the Miramar Hotel, Santa Monica, California on 10/11/70, sponsored by the newspaper "People's World". He indicated this affair was a fund-raising dinner and was expected to be attended by 1,000 persons. Subject

- 1 - Bureau (RM)
- 3 - Los Angeles (INFO) (RM)
- (1 - 65-5082) (MORTON SOBELL)
- (1 - 100-67304) (DONNA WILKINSON)
- (1 - 100-) (PEOPLE'S WORLD)
- 1 - Washington Field (101-2236) (INFO) (RM)
- 1 - New York

REC-62

101-2483-1756

EX-112

OCT 12 1970

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DATE 4/30/87 BY 3062PWT/106

SOVIET SECTION

59 OCT 21 1970

Approved: _____
Special Agent in Charge

Sent _____ M Per _____

NY 100-37158

indicated that while in Los Angeles he would stay at the home of FRANK and DONNA WILKINSON, 5606 Heatherdale Drive, Los Angeles, telephone number 293-4296.

██████████ advised that prior to making a decision regarding subject's requested travel, the US Parole Board in Washington, D.C. requested US Parole Office in Los Angeles to make some inquiry regarding the above affair, the results of which are as follows:

Contact with ██████████ the Miramar Hotel, Santa Monica, revealed that after learning the sponsorship of the dinner, he attempted to discourage the use of that hotel by raising the price of their normal banquet dinner. This gesture was not successful, as those arranging the affair indicated that the price was not material.

DONNA WILKINSON, when contacted by a Parole Officer, stated that her husband was Executive Secretary and Field Director for "People's World", and the affair was to be a fund-raising function for that newspaper. She stated that SOBELL was welcome to stay at their home, however, she understood that instead he was to stay at the home of GEORGE and BLANCHE BELL, 805 South Genesee Street, Los Angeles, telephone number 933-6639.

Contact with BLANCHE BELL revealed that SOBELL was scheduled to stay at their home, and was most welcome. She advised that she and her husband are musicians, and that her husband, GEORGE, is also employed in the medical insurance business.

It was ascertained that two other speakers scheduled to speak at this affair are WALTER RECKLESS, a Criminologist, and Dr. HAROLD UREY, Scientist.

██████████ advised the NYO that on 9/30/70 the US Board of Parole, Washington, D.C., rendered a decision denying SOBELL authority to travel to Los Angeles as requested.

NY 100-37158

On 10/2/70, subject filed a petition in USDC, SDNY, requesting that the decision of the Parole Board be set aside as it violated his rights under the 1st Amendment of the Constitution. A hearing was held in USDC, SDNY, before USDJ FREDERICK VAN PELT BRYAN, who reserved decision in the matter. On 10/7/70, Judge BRYAN denied subject's request.

Following the above, subject filed an appeal with the US Court of Appeals for the Second Circuit, NYC. A hearing was held in this court on 10/9/70, and the Court of Appeals upheld the USDC decision to deny subject travel authority.

According to [REDACTED] following the above denial, subject indicated he would file an appeal with the US Supreme Court on 10/9 or 10/10/70. b3c

The above is furnished for information of the Bureau and Los Angeles.

No active investigation is requested by the Los Angeles Division, however, any information pertaining to subject which is received from informants or established sources, should be furnished to the NYO.

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. Tavel

FROM : J. W. Marshall

SUBJECT: MORTON SOBELL
ESPIONAGE-R

DATE: 1-21-71

Tolson _____
Sullivan _____
Mohr _____
Brennan, C.D. _____
Callahan _____
Casper _____
Conrad _____
Felt _____
Gale _____
Rosen _____
Tavel _____
Walters _____
Soyars _____
Tele. Room _____
Holmes _____
Gandy _____

Net Bulky Exhibit File Number: 101-2483-1517

We are in the process of reviewing all bulky exhibits in order that we may dispose of those which serve no further purpose. Inasmuch as many of the bulky exhibits pertain to inactive cases and are occupying badly needed space, it is requested that the appropriate substantive supervisor review the above-listed bulky exhibit and render a decision as to its retention or disposition. A notation as to the decision reached may be placed on this memorandum. The memorandum should be returned to the Filing Unit of the Records Branch, Room 1116, Identification Building, for filing in the case file.

RECOMMENDATION:

That captioned bulky exhibit be reviewed and a decision rendered as to the retention or disposition of the material.

OTB:mah
☐ Retain

☒ Destroy

☐ Other Disposition _____

Reason for Decision Of no practical or historical value

Signature of Reviewing Supervisor D. J. [unclear]

Destroyed 1/26/71-1/26/71

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DATE 4/30/87 BY 3046 AOT/14

101-2483-
NOT RECORDED
186 JAN 26 1971

78 JAN 26 1971

4-000

UNITED STATES GOVERNMENT

Memorandum

Tolson _____
Sullivan _____
Mohr _____
Bishop _____
Brennan, C.D. *CB*
Callahan _____
Casper _____
Conrad _____
Felt _____
Gale _____
Rosen _____
Tavel _____
Walters _____
Soyars _____
Tele. Room _____
Holmes _____
Gandy _____

TO : Mr. Tavel *STH*
FROM : J. W. Marshall *OW*
SUBJECT: MORTON SOBELL
ESPIONAGE-R

DATE: 1-20-71

[Handwritten signature]

Bulky Exhibit File Number: 101-24-83-1576

-2483-

bel
We are in the process of reviewing all bulky exhibits in order that we may dispose of those which serve no further purpose. Inasmuch as many of the bulky exhibits pertain to inactive cases and are occupying badly needed space, it is requested that the appropriate substantive supervisor review the above-listed bulky exhibit and render a decision as to its retention or disposition. A notation as to the decision reached may be placed on this memorandum. The memorandum should be returned to the Filing Unit of the Records Branch, Room 1116, Identification Building, for filing in the case file.

RECOMMENDATION:

That captioned bulky exhibit be reviewed and a decision rendered as to the retention or disposition of the material.

OTB/mah *ms*

☒ Retain ☐ Destroy ☐ Other Disposition _____

Reason for Decision *Possibility of future court action in this case*

Signature of Reviewing Supervisor *[Signature]*

ALL INFORMATION CONTAINED

HEREIN IS UNCLASSIFIED

DATE *4/30/87* BY *3042 RWT/vk* *101-2483-1*

NOT RECORDED

186 JAN 26 1971

78 JAN 26 1971

4-003

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

APR 23 1971

TELETYPE

Mr. Tolson	_____
Mr. Sullivan	_____
Mr. Mohr	_____
Mr. Bishop	_____
Mr. Brennan	CD _____
Mr. Callahan	_____
Mr. Casper	_____
Mr. Conrad	_____
Mr. Dalbey	_____
Mr. Felt	_____
Mr. Gale	_____
Mr. Rosen	_____
Mr. Tavel	_____
Mr. Walters	_____
Mr. Soyars	_____
Tele. Room	_____
Miss Holmes	_____
Miss Gandy	_____

NR 5 NY CODE

435 AM NITEL 4-22-71 SENT 4-23-71 FPN

TO DIRECTOR

ATT DOMESTIC INTELLIGENCE DIVISION

WASHINGTON FIELD

FROM NEW YORK 100-37158)

MORTON SOBELL-ESPIONAGE - R

MORTON SOBELL WAS SENTENCED ON APRIL FIVE FIFTYONE
IN US DISTRICT COURT, SDNY TO THIRTY YRS IMPRISONMENT FOLLOWING
HIS CONVICTION FOR CONSPIRACY TO COMMIT ESPIONAGE ON BEHALF
OF THE USSR. HE WAS CONDITIONALLY RELEASED FROM LEWISBURG
FEDERAL PRISON ON JANUARY FOURTEEN SIXTY NINE AND IS TO
REMAIN UNDER THE SUPERVISION OF THE US PROBATION OFFICE, NYC
UNTIL MAY FOURTEEN EIGHTY ONE .

ON APRIL TWO TWO INSTANT [REDACTED]

[REDACTED], NYC ADVISED THAT SOBELL HAS REQUESTED PERMISSION
FROM THE US BOARD OF PAROLE TO TRAVEL FROM NY TO WASHINGTON DC ON

END PG ONE

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 4/30/87 BY 3042 [REDACTED]

APR 26 1971

51 MAY 11 1971

PG TW O

APRIL TWO THREE NEXT. THE PURPOSE OF THIS TRAVEL IS TO PARTICIPATE IN THE ANTI WAR RALLY IN WASHINGTON D C ON APRIL TWENTY FOUR NEXT. HE INDICATED THAT IF AUTHORIZED TO TRAVEL HE WOULD STAY AT THE HOME OF HIS MOTHER-IN-LAW, ROSE LEVITOV, ONE ZERO SEVEN TWO RUATAN ST., SILVER SPRING, MD., AND WOULD RETURN TO NYC ON APRIL TWO FIVE NEXT.

AUTHORITY FOR THE ABOVE TRAVEL WAS GRANTED BY THE US BOARD OF PAROLE, WASH., DC WITH TWO PROVISIONS. SOBELL IS TO TELEPHONICALLY CONTACT THE US PROBATION OFFICE, WASH., DC. DURING THE MORNING OF APRIL TWO FOUR AND HE IS TO PHYSICALLY REPORT TO HIS REGULAR PROBATION OFFICER IN NYC ON THE MORNING OF APRIL TWO SIX NEXT FOLLOWING HIS RETURN.

[REDACTED] ADVISED THAT THE ABOVE TRAVEL AUTHORITY IS THE FIRST OF THIS TYPE WHICH HAS BEEN GRANTED TO SOBELL. THE BOARD OF PAROLE HAS PREVIOUSLY DENIED SOBELL AUTHORITY TO TRAVEL TO SIMILAR ANTI WAR DEMONSTRATIONS. b7c

END PG TWO

PG THREE

ADMINISTRATIVE

FOR THE INFO OF THE BU, [REDACTED] ADVISED THAT ATTORNEYS FOR THE SUBJECT HAVE REACTIVATED THE LEGAL ACTION FILED BY SUBJECT IN US DISTRICT COURT, SDNY AGAINST THE US BOARD OF PAROLE. THIS IS IN THE FORM OF A CIVIL SUIT AGAINST THE CHAIRMAN OF THE US BOARD OF PAROLE, AND INDIVIDUAL BOARD MEMBERS DISPUTING THEIR AUTHORITY TO DENY HIM TRAVEL OUT SIDE THE SDNY. *b7c*

ABOVE INFO WAS FURNISHED TO SA PHILLIP F DONEGAN.

NO ACTIVE INVESTIGATION BY WFO IN CONNECTION WITH SUBJECTS TRAVEL IS DESIRED. ABOVE IS FOR INFO TO ALERT WFO TO SUBJECTS AUTHORIZED PRESENCE IN WASH., DC.

NO LHM BEING SUBMITTED.

END Z

FBI

Date: 5/21/71

Transmit the following in _____

(Type in plaintext or code)

AIRTEL

(Priority)

TO: DIRECTOR, FBI (101-2483)
 FROM: SAC, NEW YORK (100-37158) (P)
 SUBJECT: MORTON SOBELL
 ESP - R
 (OO:NY)

ReNYtel, dated 4/22/71.

On 5/21/71, AUSA DAVID M. BRODSKY, SDNY, advised that on 5/20/71, USDJ MARVIN E. FRANKEL, SDNY, rendered a decision in subject's suit against the US Board of Parole for denying him travel rights to participate in antiwar demonstrations.

Judge FRANKEL upheld subject's contention that such denial of travel on the part of the Parole Board was a denial of subject's rights guaranteed under the First Amendment.

The ruling stated that the Parole Board retained authority to supervise subject's activity until his sentence expired, but that the Board could not prevent subject from speaking, assembling, or otherwise expressing his views, as guaranteed under the First Amendment, unless the Board could show in a specific case that travel restriction was necessary to safeguard against specific, concretely described, and highly likely dangers of misconduct on the part of subject.

2-Bureau (RM)

1-New York

PFD:mag

(4)

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DATE 4/30/87 BY SP-6/SP-7/SP-8/SP-9/SP-10/SP-11/SP-12/SP-13/SP-14/SP-15/SP-16/SP-17/SP-18/SP-19/SP-20/SP-21/SP-22/SP-23/SP-24/SP-25/SP-26/SP-27/SP-28/SP-29/SP-30/SP-31/SP-32/SP-33/SP-34/SP-35/SP-36/SP-37/SP-38/SP-39/SP-40/SP-41/SP-42/SP-43/SP-44/SP-45/SP-46/SP-47/SP-48/SP-49/SP-50/SP-51/SP-52/SP-53/SP-54/SP-55/SP-56/SP-57/SP-58/SP-59/SP-60/SP-61/SP-62/SP-63/SP-64/SP-65/SP-66/SP-67/SP-68/SP-69/SP-70/SP-71/SP-72/SP-73/SP-74/SP-75/SP-76/SP-77/SP-78/SP-79/SP-80/SP-81/SP-82/SP-83/SP-84/SP-85/SP-86/SP-87/SP-88/SP-89/SP-90/SP-91/SP-92/SP-93/SP-94/SP-95/SP-96/SP-97/SP-98/SP-99/SP-100/SP-101/SP-102/SP-103/SP-104/SP-105/SP-106/SP-107/SP-108/SP-109/SP-110/SP-111/SP-112/SP-113/SP-114/SP-115/SP-116/SP-117/SP-118/SP-119/SP-120/SP-121/SP-122/SP-123/SP-124/SP-125/SP-126/SP-127/SP-128/SP-129/SP-130/SP-131/SP-132/SP-133/SP-134/SP-135/SP-136/SP-137/SP-138/SP-139/SP-140/SP-141/SP-142/SP-143/SP-144/SP-145/SP-146/SP-147/SP-148/SP-149/SP-150/SP-151/SP-152/SP-153/SP-154/SP-155/SP-156/SP-157/SP-158/SP-159/SP-160/SP-161/SP-162/SP-163/SP-164/SP-165/SP-166/SP-167/SP-168/SP-169/SP-170/SP-171/SP-172/SP-173/SP-174/SP-175/SP-176/SP-177/SP-178/SP-179/SP-180/SP-181/SP-182/SP-183/SP-184/SP-185/SP-186/SP-187/SP-188/SP-189/SP-190/SP-191/SP-192/SP-193/SP-194/SP-195/SP-196/SP-197/SP-198/SP-199/SP-200/SP-201/SP-202/SP-203/SP-204/SP-205/SP-206/SP-207/SP-208/SP-209/SP-210/SP-211/SP-212/SP-213/SP-214/SP-215/SP-216/SP-217/SP-218/SP-219/SP-220/SP-221/SP-222/SP-223/SP-224/SP-225/SP-226/SP-227/SP-228/SP-229/SP-230/SP-231/SP-232/SP-233/SP-234/SP-235/SP-236/SP-237/SP-238/SP-239/SP-240/SP-241/SP-242/SP-243/SP-244/SP-245/SP-246/SP-247/SP-248/SP-249/SP-250/SP-251/SP-252/SP-253/SP-254/SP-255/SP-256/SP-257/SP-258/SP-259/SP-260/SP-261/SP-262/SP-263/SP-264/SP-265/SP-266/SP-267/SP-268/SP-269/SP-270/SP-271/SP-272/SP-273/SP-274/SP-275/SP-276/SP-277/SP-278/SP-279/SP-280/SP-281/SP-282/SP-283/SP-284/SP-285/SP-286/SP-287/SP-288/SP-289/SP-290/SP-291/SP-292/SP-293/SP-294/SP-295/SP-296/SP-297/SP-298/SP-299/SP-300/SP-301/SP-302/SP-303/SP-304/SP-305/SP-306/SP-307/SP-308/SP-309/SP-310/SP-311/SP-312/SP-313/SP-314/SP-315/SP-316/SP-317/SP-318/SP-319/SP-320/SP-321/SP-322/SP-323/SP-324/SP-325/SP-326/SP-327/SP-328/SP-329/SP-330/SP-331/SP-332/SP-333/SP-334/SP-335/SP-336/SP-337/SP-338/SP-339/SP-340/SP-341/SP-342/SP-343/SP-344/SP-345/SP-346/SP-347/SP-348/SP-349/SP-350/SP-351/SP-352/SP-353/SP-354/SP-355/SP-356/SP-357/SP-358/SP-359/SP-360/SP-361/SP-362/SP-363/SP-364/SP-365/SP-366/SP-367/SP-368/SP-369/SP-370/SP-371/SP-372/SP-373/SP-374/SP-375/SP-376/SP-377/SP-378/SP-379/SP-380/SP-381/SP-382/SP-383/SP-384/SP-385/SP-386/SP-387/SP-388/SP-389/SP-390/SP-391/SP-392/SP-393/SP-394/SP-395/SP-396/SP-397/SP-398/SP-399/SP-400/SP-401/SP-402/SP-403/SP-404/SP-405/SP-406/SP-407/SP-408/SP-409/SP-410/SP-411/SP-412/SP-413/SP-414/SP-415/SP-416/SP-417/SP-418/SP-419/SP-420/SP-421/SP-422/SP-423/SP-424/SP-425/SP-426/SP-427/SP-428/SP-429/SP-430/SP-431/SP-432/SP-433/SP-434/SP-435/SP-436/SP-437/SP-438/SP-439/SP-440/SP-441/SP-442/SP-443/SP-444/SP-445/SP-446/SP-447/SP-448/SP-449/SP-450/SP-451/SP-452/SP-453/SP-454/SP-455/SP-456/SP-457/SP-458/SP-459/SP-460/SP-461/SP-462/SP-463/SP-464/SP-465/SP-466/SP-467/SP-468/SP-469/SP-470/SP-471/SP-472/SP-473/SP-474/SP-475/SP-476/SP-477/SP-478/SP-479/SP-480/SP-481/SP-482/SP-483/SP-484/SP-485/SP-486/SP-487/SP-488/SP-489/SP-490/SP-491/SP-492/SP-493/SP-494/SP-495/SP-496/SP-497/SP-498/SP-499/SP-500/SP-501/SP-502/SP-503/SP-504/SP-505/SP-506/SP-507/SP-508/SP-509/SP-510/SP-511/SP-512/SP-513/SP-514/SP-515/SP-516/SP-517/SP-518/SP-519/SP-520/SP-521/SP-522/SP-523/SP-524/SP-525/SP-526/SP-527/SP-528/SP-529/SP-530/SP-531/SP-532/SP-533/SP-534/SP-535/SP-536/SP-537/SP-538/SP-539/SP-540/SP-541/SP-542/SP-543/SP-544/SP-545/SP-546/SP-547/SP-548/SP-549/SP-550/SP-551/SP-552/SP-553/SP-554/SP-555/SP-556/SP-557/SP-558/SP-559/SP-560/SP-561/SP-562/SP-563/SP-564/SP-565/SP-566/SP-567/SP-568/SP-569/SP-570/SP-571/SP-572/SP-573/SP-574/SP-575/SP-576/SP-577/SP-578/SP-579/SP-580/SP-581/SP-582/SP-583/SP-584/SP-585/SP-586/SP-587/SP-588/SP-589/SP-590/SP-591/SP-592/SP-593/SP-594/SP-595/SP-596/SP-597/SP-598/SP-599/SP-600/SP-601/SP-602/SP-603/SP-604/SP-605/SP-606/SP-607/SP-608/SP-609/SP-610/SP-611/SP-612/SP-613/SP-614/SP-615/SP-616/SP-617/SP-618/SP-619/SP-620/SP-621/SP-622/SP-623/SP-624/SP-625/SP-626/SP-627/SP-628/SP-629/SP-630/SP-631/SP-632/SP-633/SP-634/SP-635/SP-636/SP-637/SP-638/SP-639/SP-640/SP-641/SP-642/SP-643/SP-644/SP-645/SP-646/SP-647/SP-648/SP-649/SP-650/SP-651/SP-652/SP-653/SP-654/SP-655/SP-656/SP-657/SP-658/SP-659/SP-660/SP-661/SP-662/SP-663/SP-664/SP-665/SP-666/SP-667/SP-668/SP-669/SP-670/SP-671/SP-672/SP-673/SP-674/SP-675/SP-676/SP-677/SP-678/SP-679/SP-680/SP-681/SP-682/SP-683/SP-684/SP-685/SP-686/SP-687/SP-688/SP-689/SP-690/SP-691/SP-692/SP-693/SP-694/SP-695/SP-696/SP-697/SP-698/SP-699/SP-700/SP-701/SP-702/SP-703/SP-704/SP-705/SP-706/SP-707/SP-708/SP-709/SP-710/SP-711/SP-712/SP-713/SP-714/SP-715/SP-716/SP-717/SP-718/SP-719/SP-720/SP-721/SP-722/SP-723/SP-724/SP-725/SP-726/SP-727/SP-728/SP-729/SP-730/SP-731/SP-732/SP-733/SP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[REDACTED] advised that the above court ruling will no doubt result in certain administrative changes in supervising subject's activity, which will be decided by the US Board of Parole. He stated his impression of the ruling is that subject will be required to continue to notify the Board of contemplated travel, but that any desired travel cannot be denied, except for a specific valid reason.

The above is submitted for the information of the Bureau.

UNITED STATES GOVERNMENT

Memorandum

TOP SECRET

~~SECRET~~

Tolson _____
Sullivan _____
Mohr _____
Bishop _____
Brennan, C.D. _____
Callahan _____
Casper _____
Conrad _____
Dalbey _____
Felt _____
Gale _____
Rosen _____
Tavel _____
Walters _____
Soyars _____
Beaver _____
Tele. Room _____
Holmes _____
Gandy _____

- 1 - Mr. W.C. Sullivan
- 1 - Mr. C.D. Brennan
- 1 - Mr. W.A. Branigan
- 1 - Mr. F.J. Cassidy
- 1 - Mr. J.P. Lee

DATE: June 10, 1971

TO : Mr. C. D. Brennan

FROM : W. A. Branigan

SUBJECT: MORTON SOBELL
ESPIONAGE - RUSSIA

~~TOP SECRET~~

Memorandum reports

[REDACTED] (S)

Morton Sobell is the Soviet agent convicted in 1950 along with Julius and Ethel Rosenberg for conspiracy to commit espionage. Sobell was sentenced to 30 years in prison and was released in January, 1969. Currently on parole, he successfully challenged in U. S. District Court in May, 1971, the right of the U. S. Parole Board to prevent him from traveling to participate in anti-war demonstrations. (S)

~~TOP SECRET~~

[REDACTED]

[REDACTED]

101-2483

1 -

JPL:tdp

Classified by 355/413/15
Exempt from GDS, Category 2.3
Date of Declassification Indefinite

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

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REC 17 101-2483-159
CONTINUED - OVER

JUN 16 1971

Classified by 3022EW/14
Declassify on: OADR

50 JUN 23 1971

~~SECRET~~

~~TOP SECRET~~

Memorandum to Mr. C. D. Brennan
RE: MORTON SOBELL
101-2483

~~TOP SECRET~~

~~TOP SECRET~~

[REDACTED]

b1

ACTION:

~~TOP SECRET~~

For information. This matter will be followed through

[REDACTED]

~~TOP SECRET~~

b1

JPS

ARL

ORAN
[Signature]

WAL

*✓ per
WBS*

[Signature]

~~SECRET~~

~~TOP SECRET~~

~~SECRET~~

~~TOP SECRET~~

SAC, NY
JUN 4 1971

SUBJECT:
CHARACTER:
BUFILE:
NYFILE:
WFOFILE:

[REDACTED]

(S) b1

IN VIEW OF THE SENSITIVITY OF [REDACTED] (S) b1
EXTREME CAUTION MUST BE EXERCISED IN THE HANDLING OF ANY
INFORMATION ATTRIBUTED TO THIS SOURCE AND NO ACTION TAKEN
WHICH COULD CONCEIVABLY JEOPARDIZE THE SECURITY OF THIS
SOURCE OF INFORMATION.

IN COMMUNICATIONS PREPARED FOR DISSEMINATION b1
OUTSIDE THE BUREAU, [REDACTED] SHOULD BE CHARACTERIZED
AS "A SOURCE WHO HAS FURNISHED RELIABLE INFORMATION IN THE
PAST." IT SHOULD THEREAFTER STATE THAT THIS INFORMATION WAS
RECENTLY RECEIVED FROM THIS SOURCE AND NO DATE SHOULD BE
SET FORTH IN THE DISSEMINATION.

CLASSIFICATION:

"TOP SECRET"
GROUP I

The Bureau advised on 5/26/71 of the receipt
of the following information from [REDACTED] (S) b1

New York

Bureau

1 - 100-37158 (SOBELL)

② - 101-2483 (SOBELL)

1 - [REDACTED] (S) b1

2 - [REDACTED] (S) b1

1 - New York

2 - Bureau

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HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE.

4/30/87
Classified by 3002 our [signature]
Declassify on: OADR

[REDACTED]

101-2483-
NOT RECORDED
145 JUN 11 1971

Classified By 235 WAB/HF.
Exempt from GDS Category 2, 3
Date of Declassification Indefinite

59 JUN 23 1971

~~TOP SECRET~~

~~SECRET~~

Memo Forwarded to Bureau
6-10-71 JPL: Tdp.

XXXXXX
XXXXXX
XXXXXXFEDERAL BUREAU OF INVESTIGATION
FOIPA DELETED PAGE INFORMATION SHEET2

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101-2483-NR 6/4/71

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