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12. And further in pursuance of said conspiracy and to effect the objects thereof, in the Southern District of New York, on or about January 14, 1945, the defendant DAVID GREENGLASS boarded a train for New Mexico.

(Section 34, Title 50, United States Code)"

HISTORY OF CASE

The trial commenced on March 6, 1951 before Honorable Irving R. Kaufman, United States District Judge, and a jury.

Sobell and the Rosenbergs were convicted by the jury's verdict on March 29, 1951, and sentenced on April 5, 1951. Sobell received a prison term of 30 years, and the Rosenbergs were sentenced to death.

Appeal

The convictions were affirmed on appeal, 195 F.2d 583 (2d Cir. 1952), rehearing denied, 195 F.2d 609 (2d Cir. 1952).

Petition for certiorari was denied, 344 U.S. 838 (1952) and rehearing denied, 344 U.S. 889 (1952). In 1954 Sobell moved for leave to file a second petition for

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rehearing which was denied, 347 U.S. 1021. Again, in 1957 Sobell moved to vacate the orders denying certiorari and rehearing, which motion was denied, 355 U.S. 860.

Collateral Attack

Since the original denial of certiorari and rehearing in 1952 by the Supreme Court, six motions have been brought under Section 2255.

1. Sobell and the Rosenbergs joined in a motion brought under Section 2255 in late 1952. It was denied by Honorable Sylvester J. Ryan on December 10, 1952, 108 F. Supp. 798.

The denial was affirmed on December 31, 1952, 200 F.2d 666 (2d Cir.).

Certiorari was denied on May 25, 1953, 345 U.S. 965 and petition for rehearing was denied on June 15, 1953, 345 U.S. 1003.

2. On June 1, 1953, a motion brought by the Rosenbergs under Section 2255 and Rule 35, Federal Rules of Criminal Procedure, was denied by Judge Kaufman.

This decision was affirmed on June 5, 1953, 204 F.2d 688 (2d Cir.)

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3. On June 8, 1953 motions brought by Sobell and the Rosenbergs under Section 2255 and Rule 33, Federal Rules of Criminal Procedure, were denied by Judge Kaufman.

The denial, as to the Rosenbergs, was affirmed on June 11, 1953, 204 F.2d 688 (2d Cir.).

As to Sobell, the decision of Judge Kaufman was affirmed on October 8, 1953 and petition for rehearing was denied on October 31, 1953, Docket No. 22885, Court of Appeals, Second Circuit.

A petition by Sobell for certiorari was denied on February 1, 1954, Docket No. 497, Supreme Court, October Term 1953.

4. On June 19, 1953, Judge Kaufman denied a motion brought by the Rosenbergs under Section 2255.

A notice of appeal was filed, but subsequently withdrawn by stipulation since Supreme Court had on June 19, 1953 decided the same point against the Rosenbergs (346 U.S. 273), Docket No. 22760, Court of Appeals, Second Circuit.

5,6. On June 20, 1956 two motions brought by Sobell under Section 2255 were denied by Judge Kaufman,

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142 F. Supp. 515.

The decision was affirmed on May 14, 1957, 244 F.2d 520 (2d Cir.). Petition for rehearing was denied on June 3, 1957, Docket Nos. 24299, 24300, Court of Appeals, Second Circuit.

Petitions for certiorari and for a rehearing after denial of same were denied on November 12, 1957 and January 6, 1958, 355 U.S. 873, 920.

Collateral Attack (Intervenor)

On June 15, 1953 and again on June 19, 1953 Judge Kaufman denied an application for a writ of habeas corpus brought by one Irwin Edelman, as best friend of the Rosenbergs, through an attorney, Fyke Farmer, both on the merits and for lack of standing.

Reduction of Sentence

Motions under Rule 35, Federal Rules of Criminal Procedure were brought by Sobell and by the Rosenbergs in January of 1953.

Judge Kaufman denied the motion of the Rosenbergs on January 2, 1953, 109 F. Supp. 108, and the motion of

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Sobell on January 9, 1953, 109 F. Supp. 381.

Executive clemency was denied the Rosenbergs
on February 11, 1953.

Original Proceedings in Court of Appeals

On June 2, 1953 the Court of Appeals for the
Second Circuit declined to issue a writ of mandamus
directing Judge Kaufman to resentence the Rosenbergs,
Docket No. 22759, Court of Appeals, Second Circuit.

Original Proceedings in the Supreme Court

The Rosenbergs brought before the Supreme Court
several petitions for a stay of their execution.

They were all denied as follows:

1. May 26, 1953, denied by Chief Justice Vinson.
See 346 U.S. 273, 279.
2. June 15, 1953, denied by Supreme Court, 345 U.S. 989.
3. June 15, 1953, denied by Supreme Court, 346 U.S. 271.
4. June 17, 1953, denied by Mr. Justice Douglas.
See 346 U.S. 273, 282-3, 313-4.
5. June 19, 1953, denied by Supreme Court, 346 U.S. 322.

Irwin Edelman, "best friend" of the Rosenbergs,
through his attorney Fyke Farmer brought before Mr. Justice

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Douglas on June 15, 1953 a petition for habeas corpus, including a petition for a stay.

Mr. Justice Douglas declined to issue the writ but granted the stay on June 17, 1953. See 346 U.S. 273, 282-3, 313-21.

This stay was vacated by the Supreme Court, convened in special term, on June 19, 1953, 346 U.S. 273.

A motion for reconsideration was denied the same day, 346 U.S. 324.

APPENDIX II

LEGISLATIVE MATERIALS RELATING TO
THE MEANING OF THE TERM "IN TIME
OF WAR" IN SECTION 32(B)

A. Congressional Debates on Espionage
Act of 1917

Extended consideration was given in both the Senate and House of Representatives to a controversial censorship provision which was proposed as a companion section to Section 32(a) but was later omitted in conference. The proposed censorship law considered in the House of Representatives would have given the President power to prohibit by proclamation the publishing of certain information relating to the national defense "during any national emergency resulting from a war to which the United States is a party, or from threat of such war." See H.R. Rep. No. 30, 64th Cong. 2d Sess. 2 (1917). The following colloquy with regard to the censorship provision took place between Congressman Webb, Chairman of the House Committee on the Judiciary and manager in the House of the omnibus wartime bill of which the Espionage Act was part, and another Congressman:

"Mr. TOWNER. I would like to ask the gentlemen about a sentence in section 4 on page 36. The gentlemen will observe the

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language, 'Any national emergency resulting from a war to which the United States is a party.' Of course, I think that would mean in reality the existence of war. The chairman has already stated that that was his understanding. Certainly an emergency resulting from a condition of war is a thing you can hardly contemplate, because an emergency is a temporary passing thing, and it is not intended that this bill should operate only in such phase, but it should certainly operate during the existence of this war.

Let me suggest to the gentleman's consideration and to the consideration of the committee that they should use the language 'during the existence of the war between the United States and Germany.' Then it will not be necessary to issue a proclamation of such emergency. Would it not be considered entirely unnecessary that during this war every time the President desired to issue a proclamation he should say that an emergency exists when the very emergency provided for is the war itself? It would make unnecessary the first proclamation entirely.

Mr. WEBB. It may not be necessary to have this proclamation during the entire existence of the war, only in an emergency. You might have a truce. That was the idea in leaving it to the President to make a proclamation that an emergency exists.

Mr. TOMNER. I grant you that, but the condition would not exist between the United States and Germany then.

Mr. WEBB. Yes; it would. A war will exist between the United States and Germany until there is a treaty of peace, strictly and technically speaking." 55 Cong. Rec. 1598 (1917).

Clearly, Mr. Webb construed war-time to last until formal treaty or declaration of peace and for that reason urged that the censorship provision be limited to periods within

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war-time in which the President found it necessary to declare the existence of a national emergency.

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A similar understanding was expressed by an opponent of a proposed censorship provision considered in the Senate which, like the penalty provision in Section 32(a), was to be applicable "in time of war":

"Mr. THOMAS. Mr. President, my remarks are entirely impersonal. I have the most unbounded confidence in the judgment of the President of the United States, and I am not even indirectly criticizing him; but we must remember this is a statute which is supposed to be a permanent enactment, and while it is enough--

Mr. COLT. Only for the war.

Mr. THOMAS. No; I say permanent. I find nothing in the bill limiting it to the war.

Mr. KING. Look at subdivision (c), 'whenever, in time of war.'

Mr. THOMAS. It is not confined to this war; it does not expire with the declaration of peace between the United States and Germany." 55 Cong. Rec. 790 (1917)

One of the major amendments proposed in the Senate would have limited applicability of the entire omnibus wartime bill, including Title I, the Espionage Act, to the first World War by adding at the end thereof the following provision:

"Whenever the present war shall cease by the conclusion of peace between the United States and its enemies in the present war, the President shall so declare by a public proclamation to that effect, and from and after the date of said proclamation the provisions

of this act shall cease to be in force and effect." 55 Cong. Rec. 1942 (1917)

The amendment was adopted by the Senate, but deleted from the bill by House and Senate conferees just prior to enactment. The following exchange between Senator Reed, proponent of the amendment, and Senator Overman, manager of the bill in the Senate, explains the omission:

"Mr. OVERMAN. I wish also to state that what is known as the Reed amendment was stricken from the bill, but in re-arranging the bill, as the Senator from Missouri will see, we made his emergency measure apply to war time.

* * *

Mr. REED. Mr. President, the Senator from North Carolina [Mr. Overman] called my attention to the conference report two or three days ago, and very kindly gave me a copy of it. I told him that I would examine it, but, although I have tried very hard to get to it, I have not been able to read it. An amendment which I offered to the entire bill limited the bill for the period of the war, and I was very much in earnest about that amendment. The Senator from North Carolina states that, in his opinion, the amendment has been made to apply to all parts of the bill where it should apply, and as to other parts it has been so arranged that there is no application, so that a part of this legislation would be permanent in its nature and a part of it would apply during the war.

I do not want to give my consent to the passage of this measure until I have examined the conference report. If the Senator will let it go over until to-morrow, I will be ready then to answer on the floor or I will be ready to waive objection.

Mr. OVERMAN. I will say to the Senator that I would like to finish it, but of course

the Senator has the right to object. The Senator would not himself have his amendment to apply to the section entitled "Counterfeiting Government seal," or he would not have it apply to the title 'Passports.' I will say to him that most of the bill was framed before the war and it only affected neutrality. Half the chapters are neutrality chapters, and where anything applies of an emergency nature, if I may call the Senator's attention to page 5, we put in 'when the United States is at war.' We added that because we thought it was in compliance with the Senator's amendment. The Senator remembers that I came to him and told him the trouble in the conference committee, and while he did not say that he would consent to it, he said neither yea nor nay; we thought there was an emergency. Take his amendment, for example, on page 3, section 3, "whoever, when the United States is at war, shall wilfully make or convey false reports or false statements." Then, in section 6, "The President, in time of war or in case of national emergency."

The Senator will see by an examination that Title V, 'Enforcement of neutrality,' reads 'during a war in which the United States is a neutral nation,' and we have added to section 4 'during a war in which the United States is a party.' So I think the Senator will see we have covered everything his amendment really ought to cover. Title VII, 'Certain exports in time of war unlawful.' I think the Senator will find that where that clause is not used the language ought to apply in time of peace. These laws were gotten up, as the Senator remembers, because of our weakness in neutrality laws. It was when the Allies were at war with Germany and there was no thought of this country going into war. The object was to protect our neutrality. Four or five of those chapters are nothing but neutrality laws. However, in some matters we thought it ought to be limited to the time of war, and we have done that in carrying out the amendment of the Senator from Missouri." 55 Cong. Rec. 3439 (1917)

The bill was passed by the Senate without further debate, after a short deferral to give Senator Reed time to study the amendments made in conference. While the conferees were unwilling that the entire bill should terminate upon declaration by the President of the conclusion of peace, it is evident from the foregoing remarks that the Senators understood that terms such as "in time of war" would be construed in the manner suggested by Senator Reed's proposed amendment wherever they appeared in the bill.

Congress certainly made clear its intention that, of all of the provisions of the omnibus bill, Section 32(a) should be given the broadest possible construction. While many members of both houses of Congress questioned the advisability of enforcing some of the bill's more controversial provisions, notably the censorship provision, any longer than absolutely necessary, there was virtual unanimity in condemning the acts prohibited by Section 32(a) and advocating severe penalties for violation thereof.

Congressman LaGuardia from New York, one of the most vociferous critics of certain aspects of the bill in the House, stated that:

"We all agree that a spy *** who reveals military secrets to an enemy should be summarily and expeditiously disposed of ***. So that there can be no objection to sections 1, 2 [Section 34] and 3 of Title I of this

bill." 55 Cong. Rec. 1700 (1917)

Congressman Webb, Chairman of the House Judiciary Committee, appears to have expressed the sentiments of most of the members of both the Senate and House in the following statement regarding the death penalty:

"*** I think that in time of war some offenses should be punishable by death. Spying on the Government in time of war in every country in the world is punishable by death. We are very liberal, because the punishment will depend upon the judge. He may say whether or not it shall be 1 day, or 30 years, or, if the crime be extremely malicious and treasonable, death." 55 Cong. Rec. 1759 (1917)

The major opponent of other provisions of the bill in the Senate, Senator Cummins, stated that he was as anxious as supporters of the bill to prevent and punish the transmission of secrets in war-time, 54 Cong. Rec. 3487 (1917), and distinguished between the more controversial measures, which he opposed, and those prohibiting the acquisition of information concerning armament intended to be revealed to a foreign country, which he endorsed. 54 Cong. Rec. 3488 (1917)

B. Joint Resolution of Congress Construing Meaning of War-Time After End of Hostilities in First World War.

The original intention of Congress in 1917, that "in time of war" within the meaning of the Espionage Act should extend to the conclusion of peace by treaty or

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formal declaration, is confirmed by several subsequent congressional constructions of that and similar phrases.

The first World War Armistice was announced by President Wilson in an address to Congress on November 11, 1918. 56 Cong. Rec. 11537, 11541 (1918). The Treaty of Berlin was not ratified until October 21, 1921. Well after the announcement of the Armistice, Congress recognized that many statutes applicable during the war continued to be effective. The effectiveness of much of such legislation was terminated by the adoption of the following resolution, approved March 3, 1921, as to the construction to be given terms of limitation relating to war-time:

"Resolved by the Senate and House of Representatives of the United States of America in Congress Assembled, That in the interpretation of any provision relating to the duration or date of the termination of the present war or of the present or existing emergency, meaning thereby the war between the Imperial German Government and the Imperial and Royal Austro-Hungarian Government and the Government and people of the United States, in any Acts of Congress, joint resolutions, or proclamations of the President containing provisions contingent upon the duration or the date of the termination of such war or of such present or existing emergency, the date when this resolution becomes effective shall be construed and treated as the date of the termination of the war or of the present or existing emergency, notwithstanding any provision in any Act of Congress or joint resolution providing any other mode of determining the

date of such termination. And any Act of Congress, or any provision of any such Act, that by its terms is in force only during the existence of a state of war, or during such state of war and a limited period of time thereafter, shall be construed and administered as if such war between the Governments and people aforesaid terminated on the date when this resolution becomes effective, any provision of such law to the contrary notwithstanding; . . . [excepting certain statutes not including Section 32(a)]."
H.J. Res. 382, 41 Stat. 1359 (1921)

Statements made during the debate on this resolution make clear the view of Congress that, barring adoption of such resolution, legislation, including the Espionage Act, contingent upon the construction of terms such as "in time of war" would continue to be effective until conclusion of a peace treaty:

"Mr. EVANS of Montana. Does the resolution in fact repeal the espionage law?

Mr. VOLSTEAD. No; this resolution does not repeal anything. It simply suspends all war laws barring those excepted, and if it is passed it will have the same effect as a peace treaty would have save as to the excepted acts.

Mr. SABATH. With some exceptions?

Mr. EVANS of Montana. If it does not repeal in effect it suspends the espionage law?

Mr. VOLSTEAD. It terminates the operative force of a number of provisions of that law."
60 Cong. Rec. 291 (1920)

"Mr. LONGWORTH. Is the language in all of these acts providing for a declaration of the termination of war identical or does it vary?

Mr. VOLSTEAD. No; it varies. ***

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Mr. LONGWORTH. Generally speaking, however, in the main the more important ones are terminated only when the President shall declare that a treaty has been ratified; is not that the case?

Mr. VOLSTAD. Yes." 60 Cong. Rec. 292 (1920)

See also Ex parte Sichofsky, 273 Fed. 694 (S.D. Cal. 1921),
aff'd sub nom. Sichofsky v. United States, 277 Fed. 762
(9th Cir. 1922).

C. Joint Resolutions of Congress
Construing Meaning Of War-Time
After End Of Hostilities In
World War II.

After World War II hostilities ended the question again arose as to the proper termination date of statutory provisions contingent upon the existence of a state of war. As in the case of the first World War, the construction placed by Congress upon such statutes, including specifically the penalty provision in Section 32(a) was that they remained effective until formal termination of the war.

On September 1, 1945, the Attorney General of the United States rendered an opinion on this question in response to a request by the President. While the Attorney General cautioned that "any question as to the termination of an individual statute must . . . be determined in the light of the statute's history and purpose, and in the light also of the factual conditions prevailing at the time the question is raised," he found it possible to state the following conclusion:

"As will appear in the attached compilation, certain of the wartime statutes are made effective only 'in time of war,' or 'during the present war,' or 'for the duration of the war.' Still other expressions may be found of similar character.

Speaking generally, I believe that statutes of the type just mentioned should be considered as effective until a formal state of peace has been restored, unless some earlier termination date is made effective by appropriate governmental action." 40 Ops. Att'y Gen. 421-22 (1945)

Hostilities were declared at an end by Presidential Proclamation on December 31, 1946, but the Proclamation expressly stated that "a state of war still exists." Proclamation No. 2714, 61 Stat. 1048 (1946).

In 1947, after an exhaustive study by the Senate and House Committees on the Judiciary of all statutes operable in war-time, Congress enacted a joint resolution repealing certain of such statutes no longer considered necessary or desirable. See S.J. Res. 123, 61 Stat. 449 (1947). The Report of the Senate Committee on the Judiciary which accompanied S.J. Res. 123 included "a list of all provisions of Federal statutes affected by the termination of hostilities, the war, or the emergencies as proclaimed by the President." S. Rep. No. 339, 80th Cong., 1st Sess. 6 (1947). The following was the Committee's description and conclusion as to the penalty provision in Section 32(a):

"Special punishments are prescribed 'in time of war' for certain offenses, such as communicating plans of defense to foreign governments, making false statements to interfere with operation of national forces, etc., under the Espionage Act.

* * *

UNAPFFECTED [by S.J. 123]. The committee took no action which would have the effect of terminating the increased punishments provided for in this act effective in time of war. It was the committee's view that the increased limitations on penalties provided by this act should be retained for the time being." S. Rep. No. 339, 80th Cong., 1st Sess. 88 (1947)

Thus, the Committee clearly concluded that the war-time penalty provision in Section 32(a) continued to be operative after the end of World War II hostilities had been declared. Subsequent congressional resolutions and debates establish that Congress regarded statutes such as the war-time penalty provision as being by their own terms operative until formal conclusion of peace.

Thus, in 1951, during debate on the joint resolution declaring the end of the state of war with Germany, see H. J. Res. 239, 65 Stat. 451 (1951), the following representation was made by the proponent of the resolution in the House of Representatives, Congressman Richards:

"Many of our domestic statutes contain operative provisions that rest upon a state of war. These will not be affected by the enactment of this resolution. The reason is that we are still in a state of war with Japan. Until that state of war is terminated, existing domestic statutes are unaffected. Ending the state of war with Japan is to be the subject of negotiations in the near future. At that time an orderly rearrangement of domestic statutes will be made." 97 Cong. Rec. 9340 (1951)

When, in 1952, the Japanese Peace Treaty was about to be promulgated, it was recognized that all statutes whose effectiveness depended upon the existence of a state of war would be terminated by such Treaty. Accordingly, Congress enacted the "Emergency Powers Interim Continuation Act," approved on April 14, 1952, which provided as follows:

"Whereas the existing state of war with Japan is the last declared state of war to which the United States is a party and the termination thereof and of the national emergencies proclaimed in 1939 and 1941 would render certain statutory provisions inoperative; and Whereas some of these statutory provisions are needed to insure the national security and the capacity of the United States to support the United Nations in its efforts to establish and maintain world peace, and Whereas, in view of the impending termination of this state of war, it is desirable to extend these needed statutory provisions immediately until June 1, 1952, to permit further consideration of a more extended continuation: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, that notwithstanding the termination hereafter of the war with Japan declared December 8, 1941 (55 Stat. 795), and of the national emergencies proclaimed by the President on September 8, 1939 (Proc. 2352, 54 Stat. 2643), and on May 27, 1941 (Proc. 2437, 55 Stat. 1647), and notwithstanding any proclamation of peace with respect to such war--

(a) Except insofar as they otherwise have further effectiveness the following statutory provisions and the authorizations conferred and liabilities imposed thereby shall remain in full force and effect to and including June 1, 1952, notwithstanding any other terminal date or provision of law with respect to such statutory provisions and notwithstanding any limitation,

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by reference to war or national emergency, of the time during or for which authorizations or liabilities thereunder may be exercised or imposed; and acts or events of the kind giving rise to legal consequences under any of those provisions when performed or occurring during the existing state of war shall give rise to the same legal consequences when they are performed or occur during the period above provided for.

* * *

(39) Title 18, United States Code, sections 794, 2153, 2154, and 2393." H. J. Res. 423, 66 Stat. 54, 57 (1952).

This resolution acknowledged "the existing state of war with Japan" and expressly extended the effectiveness of 18 U.S.C. §794, the successor of Section 32(a). The debates which preceded its enactment clearly confirm the construction that statutes such as the penalty provision of Section 32(a) whose effectiveness depended upon the existence of a time of war were by their terms continuously operative until the Japanese Peace Treaty.

Thus, the explanation of the resolution given in the House of Representatives, was as follows:

"Mr. FEIGHAN. Mr. Speaker, this is an interim resolution which seeks to keep in effect and operation 59 emergency powers which are in effect either in time of war or during the proclamation of a national emergency until July 1 [later amended to June 1] of this year. The reason for this interim resolution is that by its enactment the United States will be able to deposit the Japanese Peace Treaty and thereby make it effective, and at the same time, the 59 emergency powers that would terminate when the Japanese Peace Treaty becomes effective, will remain in operation until July 1 of this year.

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* * *

Mr. MARIN of Massachusetts. If you do not get this bill as is you will probably accomplish the same purpose by not promulgating the Japanese Treaty, is that right?
Mr. FEINER. That is correct. Without the treaty, not only these 59 statutes, but about 95 others would continue to be effective."
93 Cong. Rec. 3775 (1952)

The effectiveness of the above resolution was extended on a temporary basis until June 15, 1952, see S. J. Res. 156, 66 Stat. 96 (1952) and, after further study by Congress, a similar resolution entitled the "Emergency Powers Continuation Act" was enacted to extend selected wartime legislation (including 18 U.S.C. §794) until six months after the termination of the national emergency proclaimed by the President on December 16, 1950, but in no event beyond April 1, 1953. See H. J. Res. 477, subdivision (a)(29), 66 Stat. 330, 333 (1952). In 1953, Congress eliminated the April 1, 1953 deadline on the effectiveness of Section 794 of Title 18. See 18 U.S.C. §798 (Supp. 1961).

With each of these extensions, Congress confirmed that it regarded the statutes covered thereby as having been continuously operative since the beginning of World War II.

The House Report which accompanied H. J. Res. 477 specifically discusses the war-time penalty provision of Section 794, H. R. Rep. No. 2401, 82nd Cong., 2d Sess. 24 (1952), and, in the following excerpt, summarizes the history of the extensions to that date:

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"House Joint Resolution 477, which this report accompanies, is based upon House Document No. 368 (82d Cong., 2d Sess.) which contains a message from the President transmitting and endorsing a draft Emergency Powers Continuation Act. The purpose of that measure was to continue in effect some 60 statutory authorizations which, in the absence of action by Congress, would have terminated by their own terms upon the termination of the existence of a state of war with Japan or the national emergencies proclaimed by the President in 1939 and 1941, or, in some cases, within a fixed time thereafter. The state of war with Japan was terminated on April 28, 1952, by the coming into force on that day of the Treaty of Peace with Japan. Simultaneously, the 1939 and 1941 emergencies were terminated by a separate Presidential proclamation (No. 2974, 17 P.R. 3813). In the meantime, however, so that consideration could be given to an extended continuation, House Joint Resolution 423 (Public Law 313, 82d Cong.) continued all these statutory authorizations without break until June 1, 1952, and they were further continued without break by Senate Joint Resolution 156 (Public Law 368, 82d Cong.) until June 15, 1952.

The present bill continues them without break from June 15 for a further limited period except for certain items which the committee believes should be further extended. . . .

The instant bill has a limited purpose. It does not deal with war powers which have already ceased to exist, lapsed, or been repealed." H. R. Rep. No. 2041, 82d Cong., 2d Sess. 1-2 (1952).

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI (101-2483)

DATE: 2/8/62

Cal
FROM : SAC, ATLANTA (65-1361) (P)

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

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 4/29/87 BY 3042 PWT/lmw

On 1/22/62 Associate Warden VIRGIL BRELAND, USP, Atlanta, made available to SA GEORGE H. TREADWELL the following two letters. The first is from subject to Mrs. HELEN SOBELL dated 1/11/62. It reads as follows:

"My most dearest love, Late, today I was called in and informed that the officials had learned - though to what degree of certainty they did not know - that there were plans afoot to picket the prison on my behalf. Naturally I was quite surprised to learn of it from them - and really doubt that it has much substance. Nonetheless, since the whole matter has such delicate overtones, I will assume, arguendo, that it is true. I was also informed that in the event the picketing was carried out, consideration would be given to moving me to some other institution - where such activity would be impossible. Naturally this didn't need to be spelled out. I can really understand their sensitivity over the matter. And quite aside from the question of my possible transfer, I can't see that any special purpose would be served, at this time, by picketing the prison. I don't think that there is any need for me to dwell on this and am sure you will understand. Anyway, we'll be able to discuss it during our next visit - with no great loss. In case the idea originated with some of our local friends, I am sure you will inform them of your thought on the matter - promptly. This is an extra letter - since my 3 have already been written. Excuse the tone my love etc - I'll write you my regular Friday nite letter tomorrow. 'til then - all my _____ (illegible) love - Your own Morty"

- ② - Bureau (RM)
- 3 - New York (100-37158) (Enc. 2) (RM)
- 1 - Charlotte (RM)
- 1 - Cleveland (RM)
- 1 - New Haven (RM)
- 1 - Atlanta

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Place call in 105-100427
R

ESP. REC.
L.H.S.

105-100427

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AT 65-1361

The second is to subject from Rev. DAVID ANDREWS on letterhead paper of Appalachian Wesley Foundation, Boone Methodist Church, Boone, N. C., and dated 1/18/62. It reads as follows:

"Dear Morton Sobell,

"How are you? I appreciated very much the card you sent during the holidays.

"It is interesting that, although I have been concerned about you and your release for many years, we have never met and - until recently - have never exchanged letters or greetings.

"In my case, I felt sure that all efforts on your behalf would be made known to you by your wife and friends. And in your case, I know that your correspondence is necessarily limited. So letters were unnecessary.

"I have also felt that the truest way to express concern for you and your freedom was to do my writing to the appropriate officials in Washington.

"I am convinced that the continuing efforts on your behalf cannot fail to have an effect - that they are gaining momentum - and that the year 1962 will see your final release.

"Best wishes. Sincerely,

"(The Rev.) David Andrews"

On 1/22/62 Mr. BRELAND also advised that subject, during the holiday season, had addressed greeting cards to the following:

- (1) Professor T. ~~EMMERSON~~
Yale University Law School
New Haven, Conn.

~~SECRET~~

~~SECRET~~

AT 65-1361

(2) Rev. ~~LOWELL WELLMAN~~
4681 Dormur Street
Cleveland, Ohio.

(3) Rev. DAVID ANDREWS
Boone, North Carolina

Also, enclosed herewith for the information of the New York Office are photostat copies of letter dated 1/15/62 from one MARSHALL PERLIN, attorney representing SOBELL, which letter also forwarded as enclosure a copy of a memorandum filed in support of a petition filed in USDC, SDNY, in behalf of SOBELL.

CHARLOTTE, CLEVELAND and NEW HAVEN

Information regarding recipients of greeting cards from SOBELL addressed to residents residing in areas covered by these offices is furnished for your information only.

~~SECRET~~

XXXXXX
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FEDERAL BUREAU OF INVESTIGATION FOIPA DELETED PAGE INFORMATION SHEET

10 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) b1, b7D 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.

_____ 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).

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

For your information: _____

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

101-2483-1490

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X NO DUPLICATION FEE X
X FOR THIS PAGE X
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FEDERAL 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.

_____ 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).

1 Page(s) withheld for the following reason(s):
disposition of document handled by CIA

For your information: _____

The following number is to be used for reference regarding these pages:
101-2483-1491

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X DELETED PAGE(S) X
X NO DUPLICATION FEE X
X FOR THIS PAGE X
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FBI

Date: 2/14/62

Transmit the following in PLAIN TEXT
(Type in plain text or code)

Via AIRTEL
(Priority or Method of Mailing)

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

Ben
Rafiplov (Info)

Re NY airtel 2/6/62.

Subject's motion argued 2/14/62 before US District Court Judge JOHN F. X. MC GOHEY, SDNY. Decision reserved.

MARSHALL PERLIN and SANFORD KATZ argued motion on behalf of SOBELL, and USA ROBERT M. MORGENTHAU, SDNY, argued for Government. All arguments generally conformed to memos of law which have been forwarded to Bureau.

Bureau will be advised of developments.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 4/29/87 BY 3042PWT/lmw

- 3- Bureau (101-2483) (RM)
- 1- New York (100-107111) (SOBELL COMMITTEE) 41
- 1- New York (100-37158)

EFM:ds
(6)

REC-48

EX-116

101-2483-1492

10 FEB 18 1962

ESP

Approved: [Signature] Special Agent in Charge

Sent _____ M Per _____

57 FEB 21 1962

old

February 13, 1962

BY LIAISON

Honorable P. Kenneth O'Donnell
Special Assistant to the President
The White House
Washington, D. C.

- 1 - Mr. Belmont
- 1 - Mr. Evans
- 1 - Mr. Sullivan
- 1 - Mr. Lee
- 1 - Mr. Kitchens
- 1 - Liaison
- 1 - Mr. Baumgardner
- 1 - Mr. Rampton

My dear Mr. O'Donnell:

On January 29, 1962, I advised you Helen Sobell, wife of Morton Sobell, and Aaron Katz, east coast organizer of the Committee to Secure Justice for Morton Sobell, planned to meet with a "very important Presidential assistant" in Washington, D. C., on January 30, 1962. In connection with this, the following information, furnished by a confidential source who has furnished reliable information in the past, may be of interest to you.

A recent meeting of the Committee was held in New York City. Katz announced he and Mrs. Sobell had met with Mr. Andrew F. Cehmann, Executive Assistant to the Attorney General, on January 30, 1962. Katz said the meeting was not successful as Mr. Cehmann declined to make any commitment as to the clemency or parole of Morton Sobell. Katz said the meeting had been arranged by Mr. John Seigenthaler, Administrative Assistant to the Attorney General, and that Mr. Seigenthaler is "committed to work for us." Katz said when he told Mr. Seigenthaler no commitment had been received from Mr. Cehmann, Mr. Seigenthaler told Katz and Mrs. Sobell to write to the U. S. Board of Parole and he would get permission (apparently in response to a request) for Morton Sobell to write to a scientist at the Rockefeller Foundation. Mr. Seigenthaler told Katz he would speak to Mr. Cehmann about the Sobell case.

- ① - 101-2483 (Morton Sobell)
 - 1 - 100-23145 (Aaron Katz)
- RJR:blw (12)

101-2483
NOT RECORDED
INDEXED

SEE NOTE PAGE 184

~~CONFIDENTIAL~~
was for
10/10/75

57 FEB 20 1962

ORIGINAL COPY FILED IN 100-38783-2851

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 5/20/87 BY 3042PWT/mw

DECLASSIFIED BY 442 DC
ON 11/17/97
3042PWT/mw 4/29/87

~~CONFIDENTIAL~~

Honorable P. Kenneth O'Donnell

The following additional information concerning Aaron Katz may also be of interest to you.

Katz appeared for trial in the Court of Special Sessions, Part 3, Municipal Building, 120 Schermerhorn Street, Brooklyn, New York, on January 29, 1962, on a charge of indecent exposure. The trial was adjourned to March 27, 1962, at Katz' request. Katz has a history of arrests and convictions for indecent exposure dating back to 1937. Previous arrests on similar charges were made at New York, New York, in 1953; at White Plains, New York, in 1942; and at Seattle, Washington, in 1937 and 1940.

This information is being furnished to the Attorney General.

Sincerely yours,

NOTE ON YELLOW:

The information above concerning the recent meeting of the Sobell Committee was furnished by [redacted] and was contained in NYairtel 2-9-62 captioned "Committee to Secure Justice for Morton Sobell." The information concerning Aaron Katz' arrest record is found in our files and was taken from Katz' identification record FBI Number 2 090 019. This information concerning Katz has been included in this letter in view of his constant and aggressive activities on behalf of the CSJMS. His arrest record illustrates the complete degeneracy of an individual who is constantly in contact with high Government officials on behalf of the Committee and it is deemed appropriate to advise them of this background for their information. b2 b7D

- 2 -

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

Honorable P. Kenneth O'Donnell

NOTE ON YELLOW (CONTINUED):

This letter is classified "Confidential" as it contains information from a confidential source, the unauthorized disclosure of which could be prejudicial to the defense interests of the Nation.

In previous correspondence with the White House and the Attorney General concerning this matter the Committee, Morton & Helen Sobell and Aaron Katz have been characterized.

It is noted the names of Mr. Cahmann and Mr. Seigenthaler were misspelled in the incoming communication, however, the correct spelling has been utilized in this letter since the informant specifically identified the position of each in the Department.

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

The Attorney General

February 13, 1962

Director, FBI

COMMITTEE TO SECURE JUSTICE
FOR MORTON SOBELL -
INTERNAL SECURITY - C

1 - Mr. Belmont
1 - Mr. Evans
1 - Mr. Sullivan
1 - Mr. Lee
1 - Mr. Kitchens
1 - Mr. Baumgardner
1 - Mr. Hampton

On January 29, 1962, I advised you Helen Sobell, wife of Morton Sobell, and Aaron Katz, east coast organizer of the Committee to Secure Justice for Morton Sobell, planned to meet with a "very important Presidential assistant" in Washington, D. C., on January 30, 1962. In connection with this, the following information, furnished by a confidential source who has furnished reliable information in the past, may be of interest to you.

A recent meeting of the Committee was held in New York City. Katz announced he and Mrs. Sobell had met with Mr. Andrew F. Gehmann, Executive Assistant to the Attorney General, on January 30, 1962. Katz said the meeting was not successful as Mr. Gehmann declined to make any commitment as to the clemency or parole of Morton Sobell. Katz said the meeting had been arranged by Mr. John Seigenthaler, Administrative Assistant to the Attorney General, and that Mr. Seigenthaler is "committed to work for us." Katz said when he told Mr. Seigenthaler no commitment had been received from Mr. Gehmann, Mr. Seigenthaler told Katz and Mrs. Sobell to write to the U. S. Board of Parole and he would get permission (apparently in response to a request) for Morton Sobell to write to a scientist at the Rockefeller Foundation. Mr. Seigenthaler told Katz he would speak to Mr. Gehmann about the Sobell case.

The following additional information concerning Aaron Katz may also be of interest to you.

100-387835

1 - 101-2483 (Morton Sobell)

1 - 100-23145 (Aaron Katz)

RJR:blw (15)

51 FEB 16 1962

101-2483-
NOT RECORDED
184 FEB 15 1962

CONFIDENTIAL

SEE NOTE PAGE TWO & THREE

ALL INFORMATION CONTAINED

HEREIN IS UNCLASSIFIED

DATE 4/29/87 BY 3045PWT/lmw

~~CONFIDENTIAL~~

The Attorney General

Katz appeared for trial in the Court of Special Sessions, Part 3, Municipal Building, 120 Schermerhorn Street, Brooklyn, New York, on January 29, 1962, on a charge of indecent exposure. The trial was adjourned to March 27, 1962, at Katz' request. Katz has a history of arrests and convictions for indecent exposure dating back to 1937. Previous arrests on similar charges were made at New York, New York, in 1953; at White Plains, New York, in 1942; and at Seattle, Washington, in 1937 and 1940.

- 1 - The Deputy Attorney General
- 1 - Mr. J. Walter Yeagley
Assistant Attorney General
- 1 - Mr. Richard A. Chappell
Chairman, Board of Pards

NOTE ON YELLOW:

The information above concerning the recent meeting of the Sobell Committee was furnished by [redacted] and was contained in NYairtel 2-9-62 captioned "Committee to Secure Justice for Morton Sobell." The information concerning Aaron Katz' arrest record is found in our files and was taken from Katz' identification record FBI Number 2 090 019. This information concerning Katz has been included in this letter in view of his constant and aggressive activities on behalf of the CSJMS. His arrest record illustrates the complete degeneracy of an individual who is constantly in contact with high Government officials on behalf of the Committee and it is deemed appropriate to advise them of this background for their information. b2 b7D

This letter is classified "Confidential" as it contains information from a confidential source the unauthorized disclosure of which could be prejudicial to the defense interests of the Nation.

- 2 -

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

The Attorney General

NOTE ON YELLOW: (CONTINUED):

In previous correspondence with the White House and the Attorney General concerning this matter the Committee, Morton and Helen Sobell and Aaron Katz have been characterized.

It is noted the names of Mr. Oehmann and Mr. Seigenthaler were misspelled in the incoming communication, however, the correct spelling has been utilized in this letter since the informant specifically identified the position of each in the Department.

CONFIDENTIAL

~~CONFIDENTIAL~~

- 1 - Mr. Belmont
- 1 - Mr. Evans
- 1 - Mr. Sullivan
- 1 - Liaison
- 1 - Mr. Lee
- 1 - Mr. Hampton
- 1 - Mr. Bland
- 1 - Mr. Maack
- 1 - Mr. Krupinsky

February 20, 1962

BY LIAISON

30883

APPROPRIATE AGENCIES
AND FIELD OFFICES

ADVISED BY

SLIP(S) OF

Richard Fuchs

DATE 5/23/78 *g/w*

Honorable F. Kenneth O'Donnell
Special Assistant to the President
The White House
Washington, D. C.

My dear Mr. O'Donnell:

In connection with the continuing efforts to secure the release of Morton Sobell from prison, the following information concerning a proposed picket was received from a confidential source who has furnished reliable information in the past.

Helen Levitov Sobell, after her return from Europe, plans to be in San Francisco, California, on March 20 and 21, 1962, at the time that President Kennedy is allegedly scheduled to be there. In this regard, information received indicates that she might attempt to picket him, demanding the release of her husband, Morton Sobell.

This information is being furnished to the Attorney General.

Sincerely yours,

100-404849

1 - Bufile 100-387835 (Committee to Secure Justice for Morton Sobell)

① - Bufile 100-2483 (Morton Sobell)

SEE NOTE ON YELLOW PAGE 2.

EJK:mtb
(13)

DECLASSIFIED BY 235

101-2483 -
NOT RECORDED
149 FEB 23 1962

50 FEB 28 1962

10/20/75
CONFIDENTIAL 3042 PAST/THW 4/29/87
WAB/PAH
10/20/75

ORIGINAL FILE IN 100-404849-97-078707-001

~~CONFIDENTIAL~~

Honorable P. Kenneth O'Donnell

30884

NOTE ON YELLOW:

The information above was furnished by [redacted] and is contained in Los Angeles airtel 2-15-62. This information has been disseminated to the military intelligence agencies and Secret Service. Letter classified "Confidential" as it contains information from a confidential source, the unauthorized disclosure of which could be prejudicial to the defense interests of the Nation. In previous correspondence with the White House, Helen and Morton Sobell and the Committee to Secure Justice for Morton Sobell have been characterized.

b2
b7D

REC'D
COMMUNICATIONS
SECTION

~~CONFIDENTIAL~~

AT 65-1361

7 - Detroit (Enc. 5) RM
2 - El Paso (Encl. 1) RM
== 41 - Los Angeles (Enc. 34) RM
2 - Las Vegas (Enc. 1) RM
13 - Minneapolis (Enc. 7) RM
3 - Milwaukee (Enc. 1) RM
3 - New Haven (Enc. 1) RM
3 - Newark (Enc. 2) RM
29 - New York (Enc. 18) RM
8 - Philadelphia (Enc. 4) RM
2 - Portland (Enc. 1) RM
2 - San Antonio (Enc. 1)
24 - San Francisco (Enc. 15) RM
17 - Seattle (Enc. 11) RM
5 - Atlanta (2 - 65-1361)
 (1 - 100-5720) (ISOBEL CERNEY)
 (1 - 100-5713) (EDWIN CERNEY)
 (1 - 100-dead) (DR. D. J. DAVIS)

AT 65-1361

ALBANY

1. Greeting card from THOMAS and VIRGINIA CERASOLI, Barre, Vermont., Box 271, postmarked Barre, Vt. 12/15/61.

BOSTON

1. Greeting Card from OLIVER and BARBARA CHASE, Boston, Mass., Ppstmarked Boston, Mass., 12/15/61.

CHARLOTTE

1. Greeting card from RANDOLPH H. McNEILL, 321 Perry Ave., Greenville, S. C., postmarked Greenville, S.C. 12/15/61.

CHICAGO

1. Greeting card from HARRY and FRIEDA CARTER, Chicago, Ill., postmarked Chicago, Ill., 12/25/61.
2. Greeting Card from DAVID and LILLIAN GEORGE, 16325 S. Ashland Ave., Markham, Ill., postmarked Harvey, Ill., 12/12/61.
3. Greeting card from Mr. and Mrs. BEN GREEN and family, 3655 W. Irving Park Road, Chicago, Illinois, postmarked Chicago, Ill. 12/23/61.
4. Greeting Card from C. HOTTINGER, Palatine, Ill. postmarked Arlington Heights, Ill. 12/23/61.
5. Greeting Card from SAM KISKEY, Room 806, 36 W. Randolph Street, Chicago 1, Ill. postmarked Chicago, Ill., 12/18/61.
6. Greeting Card from ROSE R. LUNYE, 7129 S. Coonell Ave., Chicago 49, Ill., postmarked Chicago, Ill., 12/22/61.
7. Greeting Card from WINIFRED McGILL and SAMUEL OUTLAW, The International Club, Box 9098, Chicago 90, Ill., postmarked Chicago, Ill., 12/21/61.
8. Greeting Card from DICK and ANNA MORGAN, Chicago, Ill., postmarked Chicago, Ill., 12/21/61.
9. Greeting Card from LEE TAYLOR, Argo, Ill. postmarked Argo, Ill. 12/21/61.
10. Greeting Card from HARVEY WINBELL, 451 Wrightwood, Chicago, Ill., signed LENORE and JOEL., postmarked Chicago, Ill., 12/15/61.

CLEVELAND

1. Greeting Card from The ~~ROBBINS~~ Family, Cleveland, postmarked Cleveland, Ohio, 12/21/61.
2. Greeting Card from ~~MINNIE MILLER~~, 3511 E. 142nd St., Cleveland, Ohio, postmarked Cleveland, Ohio, 12/26/61.
3. Greeting Card from ED and ~~BETTY SHAWA~~, Cleveland, Ohio, postmarked Cleveland, Ohio, 12/21/61.
4. Greeting Card from ~~AUDREY CLINE~~, Cleveland, postmarked Cleveland, Ohio, 12/21/61.

DETROIT

1. Greeting Card from Mrs. ~~DAY~~, Detroit, Mich.
2. Greeting Card from ~~THE GOEDES~~, 509 Dartmoor, Ann Arbor, Mich., postmarked Ann Arbor, Mich. 12/20/61.
3. Greeting Card from Mrs. ~~GOLDIE GREGURLK~~, 401 Beaver, Lansing 6, Mich., postmarked Lansing, Mich. 12/15/61.
4. Greeting Card from ~~PEGGY and SAUL WELLMAN~~, 15354 Monica, Detroit 38, Mich., postmarked Detroit, Mich. 12/17/61.
5. Greeting Card from ~~MICHELE WINTER~~, Detroit, Mich., postmarked Detroit, Mich., 12/19/61.

EL PASO

1. Greeting Card from ~~EFFIE MAY REIE~~, Box 1025, Alpine, Brewster County, Texas, postmarked Alpine, Tex., 12/23/61.

LOS ANGELES

1. Greeting Card from ~~DORA ADER~~, Los Angeles, Calif., postmarked Los Angeles, Calif., 12/17/61.
2. Greeting Card from ~~V. ARKIN~~, Los Angeles, Calif., postmarked Los Angeles, Calif. 12/11/61.
3. Greeting Card from ~~GAY ALEXANDER~~, 1173 Mullen, Los Angeles, 19, Calif., postmarked Los Angeles, Calif., 12/20/61.
4. Greeting Card from ~~GERTRUDE BETTS~~, 1011 Rosemont Ave., Los Angeles 26, Calif., postmarked Los Angeles, Calif. 12/15/61.
5. Greeting Card from ~~JIM BALLARD~~, 737 Sweetbriar, Lindsay, Calif., postmarked Lindsay, Calif., 12/17/61.

6. Greeting Card from ANGELO and ETHEL ~~BERTOLINI~~, 2016 Valentine, Los Angeles 26, Calif., postmarked Los Angeles, Calif. 12/24/61.
7. Greeting Card from CYRIL ~~BRIGGS~~, 4016 Second Ave., Los Angeles 8, Calif., postmarked Los Angeles, 12/25/61.
8. Greeting Card from Mrs. SENE ~~COHN~~ and daughter BARBARA, 10881 Morris Ave., Pomona, Calif., postmarked Santa Ana, Calif., 12/28/61.
9. Greeting Card from NAT ~~CORNES~~, Los Angeles, postmarked Los Angeles, Calif., 12/19/61.
10. Greeting Card from A. E. ~~DREW~~, 1135 No. Virgil Ave., Los Angeles 29, Calif., postmarked Los Angeles, 12/20/61.
11. Greeting Card from SYLVIA ~~DONNENFIELD~~, 4734 Adenmoor Ave., Lakewood, Calif., postmarked Long Beach, 12/29/61.
12. Greeting Card from JENNY ~~HIRSHFELD~~, 250 S. Kenmore Ave., Los Angeles 4, Calif., postmarked Los Angeles 12/15/61.
13. Greeting Card from the ~~KATZ~~ family, 3811 Tracy St., Los Angeles 27, Calif., postmarked Los Angeles 12/18/61.
14. Greeting Card from SYLVIA ~~KEDAN~~, 133 N. Reno, Apt. 106, Los Angeles 26, Calif., postmarked Los Angeles, 12/20/61.
15. Greeting Card from RUTH ~~KIDDER~~, 14742 Archwood St., Van Nuys, Calif., postmarked Van Nuys, 12/19/61.
16. Greeting Card from FANNIE ~~LANDA~~, 1133 S. Hudson Ave., Los Angeles 19, Calif., postmarked Los Angeles 12/17/61.
17. Greeting Card from PETE ~~KREMP~~, 4538 E. Hedges, Fresno 2, Calif.
18. Greeting Card from JOHN and DOROTHY ~~KYKYNE~~, 627 W. Poplar, Compton, Calif., postmarked Compton, Calif., 12/16/61.
19. Greeting Card from FLORENCE and WORDEN ~~McDONALD~~, 11632 Lambert, El Monte, Calif., postmarked South El Monte, Calif., 12/19/61.
20. Greeting Card from JACK ~~MILLER~~, 839 Bolsa Way, Laguna Beach, Calif., postmarked Laguna Beach, 12/16/61.
21. Greeting Card from SAM ~~NEDLER~~, 3005 N. Gary Ave., Pomona, Calif., postmarked Pomona, Calif. 12/11/61.

22. Greeting Card from JOSEPH PANEK, 435 E. Figueroa St., Santa Barbara, Calif., postmarked Atlanta, Ga. 12/19/61.
23. Greeting Card from The PLATTS, South Gate, Calif., postmarked South Gate, Calif., 12/14/61.
24. Greeting Card from HOWARD PHILLIPS, President, Association for the Rights of Man, 14742 Archwood St., Van Nuys, Calif., postmarked Van Nuys, Calif. 12/21/61.
25. Greeting Card from ROSE S. ROSENBERG, Atty. At Law, 1741 N. Ivar Ave., Hollywood 28, Calif., postmarked Los Angeles, Calif., 12/21/61.
26. Greeting Card from CAROL SMITHAM, 1504 Elevado St., Los Angeles 26, Calif., postmarked Los Angeles, 12/22/61.
27. Greeting Card from GEORGE SEWARDS, 2411 Brooklyn Ave., Los Angeles 33, Calif., postmarked Los Angeles, 12/20/61.
28. Greeting Card from PAULINE G. SCHINDLER, 835 N. Kings Rd., Los Angeles 69, Calif., postmarked Los Angeles, Calif., 12/16/61.
29. Greeting Card from Mrs. JESSIE SHELL, 13444-A Huston St., Sherman Oaks, Calif., postmarked Van Nuys, 12/16/61.
30. Greeting Card from J. and E. SHELTON, Monterey Park, Calif., postmarked Monterey Park, 12/10/61.
31. Greeting Card from BILL and SHIRLEY TAYLOR, 5731 S. St. Andrews Pl., Los Angeles 62, Calif., postmarked Los Angeles, Calif., 12/22/61.
32. Greeting Card from GETTY WILLET, 1011 Rosemont, Los Angeles 26, Calif. postmarked Los Angeles, 12/13/61.
33. Greeting Card from VAL S. WARE, 205 Chestnut Ave., Long Beach, Calif., postmarked Long Beach, 12/18/61.
34. Greeting Card from San Fernando Valley Chapter, American Humanist Association, 4317 Bakman Ave., N., Hollywood, Calif., postmarked Los Angeles, Calif., 12/22/61.

LAS VEGAS

1. Greeting Card from ~~PETE FRONT~~, 5250 Marvel Pl., Reno, Nevada, Postmarked Reno, Nev., 12/12/61.

MINNEAPOLIS

1. Greeting Card from Mr. and Mrs. J. A. ~~BROWN~~, postmarked Minneapolis, Minn., 12/17/61.
2. Greeting Card from ~~ELMER BONNER~~, North Branch, Minn., postmarked North Branch, Minn., 12/15/61.
3. Greeting Card from ~~ELLEN and SAM DAVIS~~, 621 Newton Ave., N., Minneapolis 11, Minn., postmarked Minneapolis, Minn., 12/22/61.
4. Greeting Card from ~~JOHN L. and AMY JOHNSON~~, postmarked Crosby, Minn., 12/11/61.
5. Greeting Card from ~~CLARA and JOHN JORGENSEN~~, Rt. 2, Box 38, Askov, Minn., postmarked 12/12/61, at Minneapolis, Minn.
6. Greeting card from ~~CLARENCE and SIGRID SHARP~~, 2630 Colfax Ave., S., Minneapolis 8, Minn.
7. Greeting Card from ~~JOHN TILLOTSON~~, 628 W. Jessa, ome. St. Paul, Minn., postmarked Saint Paul, Minn., 12/14/61.

MILWAUKEE

1. Greeting Card from ~~MARGARET and FRANK JONES~~, postmarked Milwaukee, Wis., 12/13/61.

NEW HAVEN

1. Greeting Card from ~~RUTH ERICKSON and ELEANOR STEVENSON~~, New Milford, Conn., postmarked New Milford, Conn., 12/16/61.

NEWARK

1. Greeting Card from ~~ELSIE~~ JOHNSON, postmarked Newark, N. J., 12/11/61.
2. Greeting Card from ~~PHILIP~~ KOHLBACHER, postmarked Newark, N. J., 12/19/61.

NEW YORK

1. Greeting Card from ~~HERBERT~~ FAY, ~~BETTINA~~, ~~APTHEKER~~, postmarked New York, N. Y., 12/11/61.
2. Greeting Card from ~~EDNA~~ and ~~FRED~~ ~~BRIEHL~~, Wallkill, N. Y., postmarked Wallkill, N. Y., 12/23/61.
3. Greeting Card from ~~HAROLD~~ ~~CARLSON~~, postmarked New York, N. Y., 12/18/61.
4. Greeting Card from ~~DOROTHY~~ DAY, 175 Chrystie St., New York 2, N. Y., postmarked Staten Island, N. Y., 12/3/61.
5. Greeting Card from ~~DAVID~~ ~~ECKLEIN~~, postmarked Poughkeepsie, N.Y., ~~date illegible~~.
6. Greeting Card from ~~HENRY~~ EDWARD, postmarked New York, N. Y., 12/8/61.
7. Greeting Card from the ~~FRIEDMAN~~ family, postmarked New York, N. Y., 12/18/61.
8. Greeting Card from ~~MANNY~~ and ~~HELEN~~ ~~FRIDEL~~,¹⁰⁰ postmarked New York, N. Y., 12/4/61.
9. Greeting Card from ~~PAUL~~ ~~GOLDBERG~~, care of Slone, 435 E. 9 St., N. Y. 9, N. Y., postmarked New York, N. Y., 12/25/61.
10. Greeting Card from ~~GUS~~ and ~~ELIZABETH~~ ~~HALL~~, 230 Van Cortlande Pk., Yonkers, N. Y., postmarked New York, N. Y., 12/15/61.

11. Greeting Card from JANE and ABE, 41 W. 96th St., New York 75, N. Y., postmarked New York, N. Y., 12/7/61.
12. Greeting Card from MIRIAM ~~KILKIN~~, 1 Clark St., Brooklyn, N. Y., postmarked Brooklyn, N. Y., 12/25/61.
13. Letter from OAKLEY ~~O. JOHNSON~~, 140 W. 104th St., Apt. 15-D, New York, N. Y., postmarked New York, N. Y., date illegible. (This letter signed MARY LEA and OAKLEY JOHNSON)
14. Greeting Card from Mr. and Mrs. HERMAN ~~LEMBERT~~, 1973 Batchelder St., Brooklyn, N. Y., postmarked Brooklyn, N. Y., 12/16/61.
15. Greeting Card from C. ~~McEVY~~ and family, postmarked Brooklyn, N. Y., 12/18/61.
16. Greeting Card from Mr. and Mrs. AL ~~PAULA~~, New York, N. Y., postmarked New York, N. Y., 12/9/61.
17. Greeting Card from STEVE ~~RAWKOVITZ~~, 407 Audubon Ave., New York, N. Y., postmarked New York, N. Y., 12/25/61.
18. Greeting Card from ROBERT ~~WOLF~~, 102, RB 93, N.Y., postmarked New York, N. Y., 12/19/61.

PHILADELPHIA

1. Greeting Card from BETTY and MAX ~~BERG~~, postmarked Bryn Athyn, Pa., 12/23/61.
2. Greeting Card from DAVID ~~DAVIS~~, 5306 W. Columbia Ave., Philadelphia 31, Pa., postmarked Philadelphia, Pa., 12/18/61. (This card signed DAVID and SOPHIE ~~DAVIS~~)
3. Greeting Card from JAMES ~~DOLSEN~~, Philadelphia, 12/20/61, postmarked Philadelphia, Pa., 12/22/61.
4. Greeting Card from Mr. and Mrs. FRANK ~~KINCES~~, postmarked Doylestown, Pa., 12/29/61.

PORTLAND

1. Greeting Card from ANTHONY WUKICK, 3307 Franklin Ave., Astoria, Oregon, postmarked Astoria, Oregon, 12/20/61.

SAN ANTONIO

1. Greeting Card from JOHN W. STANFORD, 315 Adams, San Antonio 10, Texas.

SAN FRANCISCO

1. Greeting Card from BARNEY, PEARL, CORESA, MICHAEL, THOMAS and NATHAN BAILEY, 444 S. Washington St. #2, Sonora, Calif., postmarked Sonora, Calif., 12/8/61.
2. Greeting Card from BETTY BLOM, 379 Irvington St., Daly City, Calif., postmarked San Francisco, Calif., 12/21/61.
3. Greeting Card from ARCHIE BROWN, 1027 (illegible street), San Francisco, Calif., postmarked San Francisco, Calif., 12/14/61.
4. Greeting Card from the BENJAMIN DREYFUSES, postmarked San Francisco, Calif., 12/19/61.
5. Greeting Card from LEORA CHASTAIN, 1418 "K" St., Modesto, Calif., postmarked Modesto, Calif., 12/13/61.
6. Greeting Card from JAMES FARRELL, San Francisco, Calif., postmarked San Francisco, Calif., 12/16/61.
7. Greeting Card from MARCUS and SIE GOLDMAN, The Woodner, Apt. BG 66, 3636 16th St., N. W., Washington 10, D.C., postmarked Washington, D. C., (date illegible).

8. Greeting Card from ~~BEATRICE GOOHAM~~,
postmarked San Francisco, Calif.,
12/14/61.
9. Greeting Card from ~~ELDON S. HECKMAN~~,
151 Glenview Drive, San Francisco, Calif.,
postmarked San Francisco, Calif.,
12/27/61. (This card signed ELDON
HECKMAN and KITTY HECKMAN)
10. Greeting Card from ~~H. JONES~~, 798
Mission St., San Francisco, Calif.,
postmarked San Francisco, Calif.,
12/14/61.
11. Greeting Card from ~~ANNA MEDIC~~, 1826
Broderick St., Apt. 17, San Francisco,
Calif., postmarked San Francisco, Calif.,
12/19/61.
12. Greeting Card from ~~JOSEPHINE & HERSCHEL~~
~~SOLOMON~~, 44 Brussels St., San Francisco,
Calif., postmarked San Francisco, Calif.,
12/18/61.
13. Greeting Card from ~~V. SURIAN~~, San Francisco,
postmarked San Francisco, Calif., 12/15/61.
14. Greeting Card from the ~~WINTER~~ family,
323 Hill St., San Francisco, Calif.,
postmarked San Francisco, Calif.,
(date illegible)
15. Greeting Card from 321 Collingwood,
San Francisco 14, Calif., postmarked
San Francisco, Calif., 12/15/61.

SEATTLE

1. Greeting Card from the ~~CONRADS~~,
postmarked Spokane, Wash., 12/15/61.
2. Greeting Card from the ~~CANAFOX~~ family,
postmarked Seattle, Wash., 12/17/61.
3. Greeting Card from ~~JOHN DASCHBACK~~,
112 N. 46th St., Seattle 3, Wash.,
postmarked Seattle, Wash., 12/18/61.

4. Greeting Card from VIVIAN and EARL GEORGE,
1726 19th St., Seattle 22, Wash.,
postmarked Seattle, Wash., 12/19/61.
5. Greeting Card (photograph) from
MARY GIBSON, 820 Cherry St., Seattle 4,
Wash., postmarked Seattle, Wash, 12/18/61.
6. Greeting Card from TED O. HAGGERTY, 4243 "B"
11th Ave., Seattle, Wash., postmarked
12/16/61.
7. Greeting Card from GLENN and MARION KINNEY,
210 - 29 E., Seattle 2, Washington,
postmarked Seattle, Wash., 12/14/61.
8. Greeting Card from ELMER O. KISTLER,
4035 - 39th Ave. South, Seattle 18, Wash.,
postmarked Seattle, Wash., 12/31/61.
9. Greeting Card from CURT and LURA LUNSFORD,
21411 Climax Rd., Alderwood Manor, Wash.,
postmarked Lynnwood, Wash., 12/14/61.
10. Greeting Card from BURT and HELLEN NELSON,
1218 Westlake N. #28, Seattle 9, Wash.,
postmarked Seattle, Wash., 12/18/61.
11. Greeting Card from THORUN and GENE ROBEL,
postmarked Seattle, Wash., 12/15/61.

~~CONFIDENTIAL~~

March 2, 1962

The Attorney General
Director, FBI

- 1 - Mr. Belmont
- 1 - Mr. Evans
- 1 - Mr. Sullivan
- 1 - Mr. Lee
- 1 - Mr. Krupinsky
- 1 - Mr. Baumgardner
- 1 - Mr. Rampton

COMMITTEE TO SECURE JUSTICE
FOR MORTON SOBELL
INTERNAL SECURITY - C

DM
51

On February 20, 1962, I advised you Helen Sobell planned to be in San Francisco, California, on March 20 and 21, 1962, at the time President Kennedy is allegedly scheduled to be there, and she might attempt to picket the President demanding the release of her husband, Morton Sobell.

The following additional information, furnished by a source who has furnished reliable information in the past, may be of interest to you.

The East Bay Sobell Committee, an affiliate of the Committee to Secure Justice for Morton Sobell, recently met in Berkeley, California. During the meeting it was announced the Committee was planning a demonstration on behalf of Morton Sobell on March 23, 1962, when President Kennedy will address students at the University of California. The Committee plans to get a number of automobiles to appear on the campus with banners requesting clemency for Sobell and to have Rose Sobell, Morton Sobell's mother, or Helen Sobell lead the demonstration and address the students.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 4/29/87 BY 3042 PWT/lw

100-287835

- 1 - The Deputy Attorney General
- 1 - Mr. J. Walter Yeagley
Assistant Attorney General

NOTE ON YELLOW PAGE 7

101-2483 (Morton Sobell)

RJR:bgc
(13)

YELLOW
DUPLICATE
MAR - 2 1962
MAILED

CONFIDENTIAL
WAP/HWR
10/20/75

101-2483
NOT RECORDED
MAR 6 1962

100-387835-2855

~~CONFIDENTIAL~~

The Attorney General

NOTE ON YELLOW:

The information concerning the recent meeting of the East Bay Sobell Committee was furnished by [REDACTED] and was contained in San Francisco airtel 2/27/62 captioned "Committee to Secure Justice for Morton Sobell." As noted in this letter, the Attorney General and Mr. O'Donnell have been furnished information that Helen Sobell, after her return from Europe, plans to picket the President when he appears in San Francisco. b2 b7D

The letter is classified "Confidential" as it contains information from a confidential source, the unauthorized disclosure of which could be prejudicial to the defense interests of the Nation.

Local law enforcement agencies, Secret Service and military intelligence agencies have been furnished information concerning this activity.

In previous correspondence with the White House and the Attorney General concerning this matter, the Committee, Morton, Helen and Rose Sobell have been characterized.

This information is being furnished by separate communication to the Honorable P. Kenneth O'Donnell, Special Assistant to the President.

- 2 -
~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

APPROPRIATE AGENCIES
AND FIELD OFFICES
ADVISED BY ROUTING
SLIP(S) *Declassification*

DATE *3-23-78* *gl*

March 3, 1962

BY LIAISON

Monsieur P. Kenneth O'Donnell
Special Assistant to the President
The White House
Washington, D. C.

- 1 - Mr. Belmont
- 1 - Mr. Evans
- 1 - Mr. Sullivan
- 1 - Mr. Lee
- 1 - Mr. Krupinsky
- 1 - Mr. Baumgardner
- 1 - Liaison
- 1 - Mr. Rampton

My dear Mr. O'Donnell:

On February 20, 1962, I advised you Helen Sobell planned to be in San Francisco, California, on March 20 and 21, 1962, at the time President Kennedy is allegedly scheduled to be there, and she might attempt to picket the President demanding the release of her husband, Morton Sobell. (u)

The following additional information, furnished by a source who has furnished reliable information in the past, may be of interest to you.

The East Bay Sobell Committee, an affiliate of the Committee to Secure Justice for Morton Sobell, recently met in Berkeley, California. During the meeting it was announced the Committee was planning a demonstration on behalf of Morton Sobell on March 23, 1962, when President Kennedy will address students at the University of California. The Committee plans to get a number of automobiles to appear on the campus with banners requesting clemency for Sobell and to have Rose Sobell, Morton Sobell's mother, or Helen Sobell lead the demonstration and address the students. (u)

This information is being furnished to the Attorney General. (u)

Sincerely yours,

101-2483
NOT RECORDED
140 MAR 5 1962

100-387835

1 - 101-2483 (Morton Sobell) SEE NOTE ON YELLOW PAGE TWO

RJR:bgc (11)

67 MAR 6 - 1962

DECLASSIFIED BY *[initials]*
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE *4/19/78* BY *3042PWT/1mw d/ats/87*

YELLOW
DUPLICATE
MAR - 2 1962
MAILED

~~CONFIDENTIAL~~

Honorable P. Kenneth O'Donnell

NOTE ON YELLOW:

The information concerning the recent meeting of the East Bay Sobell Committee was furnished by [redacted] and was contained in San Francisco airtel 2/27/62 captioned "Committee to Secure Justice for Morton Sobell." As noted in this letter, the Attorney General and Mr. O'Donnell have been furnished information that Helen Sobell, after her return from Europe, plans to picket the President when he appears in San Francisco. (u) b2 b7D

The letter is classified "Confidential" as it contains information from a confidential informant, the unauthorized disclosure of which could be prejudicial to the defense interests of the Nation. (u)

Local law enforcement agencies, Secret Service and military intelligence agencies have been furnished information concerning this activity. (u)

In previous correspondence with the White House and the Attorney General concerning this matter, the Committee, Morton, Helen and Rose Sobell have been characterized. (u)

~~CONFIDENTIAL~~

FBI

Date: 3/13/62

Transmit the following in _____
(Type in plain text or code)

Via AIRTEL _____
(Priority or Method of Mailing)

To Director, FBI (101-2483)
From SAC, Atlanta (65-1361)
Re MORTON SOBELL, aka
ESPIONAGE-R
New York OO

On 3/12/62 VIRGIL BRELAND, Associate Warden, USP, Atlanta, Ga., provided SA GEORGE H. TREADWELL with a copy of a letter written to MORTON SOBELL from his wife, HELEN SOBELL. The contents of this letter are being set forth in the enclosed letterhead memorandum for dissemination.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 4/29/87 BY 3042PWT/lmw

No CSRS activity. No
action Internal Security.

Baumgardner
Atkinson
*If re Helen Sobell
sent with access
personally approved
public newspaper
5-9-62*

- 3 - Bureau (AM) Encl. 8 RM
- 2 - New York (AM) Encl. 2 100-37158 RM
- 1 - Atlanta

CSH:hs
(6)

ENCLOSURE

REC-3

101-2483-1494

18 MAR 14 1962

101 XE

[Signature]
REC.

C.C. Wick

60 MAR 22 1962

Approved: *[Signature]* Sent _____ M Per _____
Special Agent in Charge



UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to
File No.

Atlanta, Georgia
March 13, 1962

MORTON SOBELL

Following is the text of a letter from Helen Sobell, wife of Morton Sobell, to Morton Sobell at the U. S. Penitentiary, Atlanta, Georgia. This was furnished by Virgil Breland, Associate Warden.

"71342

March 7, 1962 Wed.
8:25 P.M. (Brussels)

"My own most beloved Morty,

"I am about 3 hours away from home now on a Boeing 707. I'll get to N.Y. only 2 hours after I left Brussels and it is a very funny sensation to see the clouds and occasional glimpses of the ocean lighted continually by the same slant of sun. I saw the Queen yesterday and she was most charming and sympathetic. She will write to Pres. Kennedy and also will send a message for our meeting on April 7. The announcement of our meeting went out yesterday, but I don't know how much attention it attracted. I'll probably know at the airport where I expect Ted will be hard at work. I'm sure the trip has been important although differently from the way it had first been presented (I think) I could have only acted in the way thought of if I had found a greater readiness for that kind of action. Last night I went shopping and bought lace and painted towels with recipes on them (for gifts mostly). I can't seem to get my feet warmed up, although otherwise I'm too warm. I'll see thee before too long, my love. Your own wife, Helen.

H. Sobell"

This memorandum is loaned to you by the FBI, and neither it nor its contents are to be distributed outside the agency to which loaned.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 4/29/81 BY 3042PWT/lmw

101-2483-1494
ENCLOSURE

SAC, Phoenix

3/20/62

Director, FBI

RUDOLF ABEL
ESPIONAGE - R
Bufile 65-64538

MORTON SOBELL
ESPIONAGE - R
Bufile 101-2483

Reurlet 3/8/62.

From the information [redacted] furnished that he was closely associated with both subjects while in Atlanta Penitentiary but they did not discuss security matters with him, it is apparent that his relationship was not one by which he was able to gain any information of value to the Bureau. The analysis set out in relet that [redacted] may be volunteering his services in order to mitigate the charges against him is probably correct. In addition, Abel has been returned to Russia and is no longer in the Atlanta Penitentiary. All attempts to obtain information from Sobell have been negative to date and there is little belief that Sobell would trust [redacted] enough to furnish him any information. No further action should be taken to have [redacted] attempt to obtain any information concerning Sobell.

original filed... 65-64538-1310

- 2 - New York
- 2 - San Francisco

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 4/29/87 BY 3042PWT/lmw

- 1 - [redacted] b2c b7c

JPL:bg (41)

NOTE: [redacted] is the subject of ITSP investigation and was arrested at Phoenix, Arizona. He stated he had been in the Atlanta Penitentiary and was closely associated with Abel and Sobell. He said they never discussed security matters with him but he felt that he could obtain such information in the future. He also said he telephonically contacted Mrs. Sobell upon his release and she invited him to visit her in New York at any time. Phoenix points out [redacted] is a well known "con man" and may be volunteering his services to mitigate the charges now pending against him this analysis is probably correct.

5 1 MAR 22 1962
IN LIEU OF YELLOW

DIRECTOR, FBI

3/8/62

SAC, PHOENIX (65-0)

file 9-1

RUDOLF ABEL
ESPIONAGE - R

NORTON SOBELL
IS - C

On 2/28/62, [redacted] was apprehended by
Burgents at Phoenix, Arizona. He is subject of the case
aka - FUGITIVE, ITSP" (OO: SF) b7c
(Phoenix file [redacted] (Bufile [redacted]) b2

While being interviewed, [redacted] volunteered the
information that he was previously confined in the Federal
Penitentiary, Atlanta, Georgia, at the same time as ABEL and
SOBELL, and became closely acquainted with both. He said
that they never discussed any security matters with him, but
he feels sure that he has their confidence, and could
possibly obtain such information in the future. He said that
following his release, he contacted Mrs. SOBELL by phone
several times, and she said her husband had told her he was
friendly with [redacted]. She invited [redacted] to visit her in New
York any time he desired. b7c

[redacted] said he would willingly cooperate with the
Bureau or any other Government agency in attempting to obtain
any desired information concerning ABEL or SOBELL.

It is noted that [redacted] is a well known "con man", b7c
and may be volunteering his service to mitigate the charges
pending against him in San Francisco.

The Bureau and New York are requested to advise
the Phoenix and San Francisco Divisions only in the event it
is believed that [redacted] might be of assistance in securing
any desired information concerning captioned subjects. b7c

- 4 - Bureau (RM)
- 2 - New York City (RM)
- 1 - San Francisco (Info) (RM)
- 1 - Phoenix

101-2483-
NOT RECORDED
141 MAR 12 1962

RWR/clh ALL INFORMATION CONTAINED
(8) HEREIN IS UNCLASSIFIED
DATE 4/29/87 BY 3042 PWT/lmw

original filed in 65-64538-1310

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI (101-2483)

DATE: 3/22/62

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

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

ReNYairtel, 2/14/62, advising that subject's motion was argued 2/14/62 before US District Court Judge JOHN F. X. McGOHEY, SDNY.

mz

AUSA EDWARD R. CUNNIFFE, SDNY, advised SA EDWARD F. MCCARTHY on 3/21/62 that Judge McGOHEY had not yet made a decision with regard to this motion.

When further information is received concerning this matter the Bureau will be promptly advised.

2 - Bureau (101-2483) (RM) - 1 - Rule 643 RB
1 - New York (100-37158)

CWM:mmb
(3)

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 4/29/87 BY 3042PWT/lmw

101-2483-1495

REC-1

9 MAR 23 1962

EX-105

ESP
[Signature]

by
62 MAR 28 1962

The Attorney General

March 28, 1962

Director, FBI

COMMITTEE TO SECURE JUSTICE
FOR MORTON SOBELL
INTERNAL SECURITY - C

- 1 - Mr. Belmont
- 1 - Mr. Evans
- 1 - Mr. Sullivan
- 1 - Mr. Lee
- 1 - Mr. Krupinsky
- 1 - Mr. Baumgardner
- 1 - Mr. Rampton

An article in the March 26, 1962, issue of the "National Guardian" may be of interest to you in connection with the continuing efforts of the Committee to Secure Justice for Morton Sobell to secure the release of Morton Sobell from prison.

This article which is captioned "A Sobell 'Walk for Justice'" indicates Helen Sobell, Morton Sobell's wife, recently returned from Europe and will report an mounting action abroad seeking freedom for her husband when she speaks at a breakfast, April 7, 1962, at the Hotel Belmont-Plaza, New York City. The breakfast, under auspices of the Committee, will be followed by a "Walk for Justice." The breakfast group will leave the Hotel at noon and walk to the building housing the United States Mission to the United Nations where a petition for Sobell's release will be left for submission to President John F. Kennedy.

The "National Guardian" has been described as "a virtual official propaganda arm of Soviet Russia" in the "Guide to Subversive Organizations and Publications," issued by the House Committee on Un-American Activities.

~~100-387835~~

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 4/29/87 BY 3042PWT/kmw

- 1 - The Deputy Attorney General
- 1 - Mr. J. Walter Yeagley
Assistant Attorney General

SEE NOTE ON YELLOW PAGE TWO

① 101-2483 (Morton Sobell)
bgc
EJR:blw / (13)

101-2483-

NOT RECORDED
MAR 29 1962

63 MAR 30 1962

DUPLICATE YELLOW

original file 101-387835-2068

The Attorney General

NOTE ON YELLOW:

The information contained in this letter was obtained from page three of the 3-26-62 issue of "National Guardian." This information is being furnished by separate communication to Office of Security, Department of State and the military intelligence agencies.

In previous correspondence with the White House and the Attorney General concerning this matter the Committee, Morton and Helen Sobell have been characterized,

This information is also being furnished to the Honorable P. Kenneth O'Donnell, Special Assistant to the President.

(IS) 100-387835

- 1 - Mr. Belmont
- 1 - Mr. Evans
- 1 - Mr. Sullivan
- 1 - Liaison
- 1 - Mr. Lee
- 1 - Mr. Krupinsky
- 1 - Mr. Baumgardner
- 1 - Mr. Rampton

Date: March 28, 1962
To: Office of Security
 Department of State
From: John Edgar Hoover, Director

Subject: COMMITTEE TO SECURE JUSTICE
 FOR MORTON SOBELL
 INTERNAL SECURITY - C

ALL INFORMATION CONTAINED
 HEREIN IS UNCLASSIFIED
 DATE 4/29/87 BY 3042 PWT/129

The following information is contained in an article appearing on page three of the "National Guardian" dated March 26, 1962.

This article which is captioned "A Sobell 'Walk for Justice'" indicates Helen Sobell, Morton Sobell's wife, recently returned from Europe and will report on mounting action abroad seeking freedom for her husband when she speaks at a breakfast, April 7, 1962, at the Hotel Belmont-Plaza, New York City. The breakfast, under auspices of the Committee, will be followed by a "Walk for Justice." The breakfast group will leave the Hotel at noon and walk to the building housing the United States Mission to the United Nations where a petition for Sobell's release will be left for submission to President John F. Kennedy.

The Committee to Secure Justice for Morton Sobell is the successor organization to the National Committee to Secure Justice in the Rosenberg Case which has been cited as a communist front organization in the "Guide to Subversive Organizations and Publications," issued by the House Committee on Un-American Activities.

① - 101-2483 (Morton Sobell)

101-2483-
 YELLOW DUPLICATE NOT RECORDED
 MAR 29 1962
 MAILED 170 MAR 29 1962

RJR:blw (15)

SEE NOTE ON YELLOW PAGE TWO

58 APR 2 1962

original filed in 100-387835-286

**Office of Security
Department of State**

This same issue of the "Guide to Subversive Organizations and Publications" describes the "National Guardian" as "a virtual official propaganda arm of Soviet Russia."

Morton Sobell is presently incarcerated in the United States Penitentiary, Atlanta, Georgia, after being convicted for conspiracy to commit espionage on behalf of the Soviet Union.

1 - Assistant Chief of Staff for Intelligence
Department of the Army

Attention: Chief, Security Division

1 - Office of Special Investigations
Air Force

Attention: Chief, Counterintelligence Division

1 - Director of Naval Intelligence

NOTE ON YELLOW:

The information contained in this letter was obtained from page three of the 3-26-62 issue of "National Guardian." This information is being furnished by separate communication to the Attorney General and to the Honorable P. Kenneth O'Donnell, Special Assistant to the President.

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI (101-2483)

DATE: 3/28/62

*Jan
R*

FROM : SAC, ATLANTA (65-1361) (RUC)

✓

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

Blford

On 2/13/62, Associate Warden VIRGIL BRELAND, USP, Atlanta, Ga., made available to SA GEORGE H. TREADWELL a valentine card from one PEARL BAILEY, 444 S. Washington St., Sonora, Calif. This item was turned over to the Atlanta Office inasmuch as the correspondent was not on the approved correspondence list of subject SOBELL. The card is enclosed herewith for the Los Angeles Office and no specific action is being suggested or recommended.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 4/29/87 BY 3042 PWT/lmw

E

- ② - Bureau (RM)
- 1 - New York (100-37158) (RM)
- 2 - Los Angeles (Enc. 1) (RM)
- 1 - Atlanta

AFM:sbb
(6)

REC-35
4 10 11 53

101-2483-149

REC-35

13 MAR 29 1962

Krieger

ESP. REC.

89

APR 3 1962

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

DATE 4/08/81 BY 3042 PWT/lmw

March 28, 1962

BY COURIER SERVICE

Honorable F. Kenneth O'Donnell
Special Assistant to the President
The White House
Washington, D. C.

- 1 - Mr. Belmont
- 1 - Mr. Evans
- 1 - Mr. Sullivan
- 1 - Liaison
- 1 - Mr. Lee
- 1 - Mr. Krupinsky
- 1 - Mr. Baumgardner
- 1 - Mr. Rampton

My dear Mr. O'Donnell:

An article in the March 26, 1962, issue of the "National Guardian" may be of interest to you in connection with the continuing efforts of the Committee to Secure Justice for Morton Sobell to secure the release of Morton Sobell from prison.

This article which is captioned "A Sobell 'Walk for Justice'" indicates Helen Sobell, Morton Sobell's wife, recently returned from Europe and will report on mounting action abroad seeking freedom for her husband when she speaks at a breakfast, April 7, 1962, at the Hotel Belmont-Plaza, New York City. The breakfast, under auspices of the Committee, will be followed by a "Walk for Justice." The breakfast group will leave the Hotel at noon and walk to the building housing the United States Mission to the United Nations where a petition for Sobell's release will be left for submission to President John F. Kennedy.

The "National Guardian" has been described as "a virtual official propaganda arm of Soviet Russia" in the "Guide to Subversive Organizations and Publications," issued by the House Committee on Un-American Activities.

This information is being furnished to the Attorney General.

DUPLICATE
MAR 28 1962
MAILED

Sincerely yours,

100-387835

① - 101-2483 (Morton Sobell)

101-2483-
NOT RECORDED
102 MAR 30 1962

RJR:blw (11)

SEE NOTE ON YELLOW PAGE TWO

63 APR 4 1962

ORIGINAL FILED IN 100-387835-2874

Honorable P. Kenneth O'Donnell

NOTE ON YELLOW:

The information contained in this letter was obtained from page three of the 3-26-62 issue of "National Guardian." This information is being furnished by separate communication to Office of Security, Department of State and the military intelligence agencies.

In previous communications with the White House and the Attorney General concerning this matter the Committee, Morton and Helen Sobell have been characterized.

FBI

Date: 4/6/62

Transmit the following in AIRTEL (Type in plain text or code)

Via REGISTERED (Priority or Method of Mailing)

TO : DIRECTOR, FBI (101-2483)

FROM : SAC, NEW YORK (100-37158)

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

Belmont
DeLoach
Malone
Rosen
Tavel
Winterrowd
Tele. Room
Holmes
Gandy

Enclosed herewith are six copies of a letterhead memorandum suitable for dissemination containing information secured from the "New York Times" of 4/6/62.

This information is being furnished to the Bureau in letterhead memorandum form inasmuch as it is not apparent from the released story as to whether or not the story was released via national news wire services.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 4/28/87 BY 3042 PWT/mw

- 3 - BUREAU (101-2483) (Enc. 6) (RM)
- 1 - NY 100-107111 (CSJMS) (41)
- 1 - NY 100-37158 (33)

PHS:msb
(6)

ENCLOSURE

EX-105

101-2483-1497

C C - Wick

REC-69

12 APR 7 1962

274
63 APR 16 1962

Approved: _____
Special Agent in Charge

Sent _____ M Per _____



UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to
File No.

101-2483

New York, New York
April 6, 1962

Re: Morton Sobell
Espionage - R

On Page 7 of the April 6, 1962, issue of the "New York Times," a New York City newspaper, is a news article entitled "Sobell Loses 6th Plea - Federal Judge Notes Long History of Appeals," which states in part:

"The sixth appeal in Federal Court by Morton Sobell, serving thirty years for conspiracy to commit wartime espionage was denied yesterday by Judge John F. X. Mc Gohey.....

"Judge Mc Gohey, quoting from a legal source, said that 'the rule is clear that one who joins an existing conspiracy takes it as it is, and is therefore held accountable for the prior conduct of the co-conspirators.' Ethel and Julius Rosenberg, convicted with Sobell in 1951, were executed as atomic spies."

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 4/28/87 BBO/PWT/mw

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.

101-2483 - 1497
ENCLOSURE

RA

~~CONFIDENTIAL~~

The Attorney General

April 9, 1962

Director, FBI

COMMITTEE TO SECURE JUSTICE
FOR MORTON SOBELL
INTERNAL SECURITY - C

- 1 - Mr. Belmont
- 1 - Mr. Evans
- 1 - Mr. Sullivan
- 1 - Mr. Lee
- 1 - Mr. Krupinsky
- 1 - Mr. Baumgardner
- 1 - Mr. Rampton

In connection with the continuing activity of the Committee to Secure Justice for Morton Sobell on behalf of Sobell, the following information, furnished by a confidential source who has furnished reliable information in the past, may be of interest to you.

Recently the Committee held a meeting in New York City to discuss future plans. During this meeting Helen Sobell, Morton Sobell's wife, advised Sobell had signed papers at the Atlanta Penitentiary requesting his eligibility for parole be considered. Helen Sobell stated Aaron Katz, East Coast Organizer of the Committee, would "renew his contacts with Nicholas Katzenbach, of the Department of Justice, whom the Committee felt was more favorably inclined to the Sobell case and who was replacing Byron White, who had recently been elevated to the United States Supreme Court." Helen Sobell also mentioned that Rose Sobell, mother of Morton Sobell, would remain on the west coast for an indefinite period until after President John F. Kennedy visits the World's Fair in Seattle, where she will attempt to organize a demonstration at the time of President Kennedy's arrival.

ALL INFORMATION CONTAINED

100-387835

HEREIN IS UNCLASSIFIED
DATE 4/28/87 BY 3042 PWT/1mm

101-2483
NOT RECORDED
28 APR 10 1962

- 1 - The Deputy Attorney General
- 1 - Mr. J. Walter Yeagley
Assistant Attorney General
- 1 - Mr. Nicholas de B. Katzenbach
Assistant Attorney General
Office of Legal Counsel
- ① - 101-2483 (Morton Sobell)

YELLOW
DUPLICATE
APR 9 - 1962
MAILED

RJR:bgc/blw (14)

SEE NOTE ON YELLOW PAGE TWO

6 APR 10 1962

CONFIDENTIAL
w AR/AR 10/10/5

original filed w 100-308-252

~~CONFIDENTIAL~~

The Attorney General

NOTE ON YELLOW:

The information contained in this letter was furnished in the memorandum enclosure to New York airtel 4-5-62 captioned "Committee to Secure Justice for Morton Sobell, Internal Security - C, Internal Security Act of 1950." The information contained therein was furnished by [redacted]. This letter is being classified "Confidential" as it contains information from a confidential source, the unauthorized disclosure of which could be prejudicial to the defense interests of the Nation. b2 b7D

In previous correspondence with the Attorney General and Honorable P. Kenneth O'Donnell concerning this matter, the Committee, Morton, Rose and Helen Sobell and Aaron Katz have been characterized.

The information concerning Rose Sobell's activities in Seattle at the time the President will visit is being disseminated by separate communication to Secret Service and military intelligence agencies. The information concerning the Sobell Committee's breakfast on 4-7-62 has been previously disseminated to the Honorable P. Kenneth O'Donnell, Special Assistant to the President; the Attorney General; Deputy Attorney General; Assistant Attorney General Yeagley; State Department; and military intelligence agencies.

This information is being furnished by separate communication to the Honorable P. Kenneth O'Donnell, Special Assistant to the President.

- 2 -

~~CONFIDENTIAL~~

RA

(LS) 100-387835

- 1 - Mr. Belmont
- 1 - Mr. Evans
- 1 - Mr. Sullivan
- 1 - Mr. Lee
- 1 - Mr. Krupinsky
- 1 - Mr. Baumgardner
- 1 - Liaison
- 1 - Mr. Rampton

Date: April 9, 1962
 To: Chief, U. S. Secret Service
 From: John Edgar Hoover, Director
 Subject: COMMITTEE TO SECURE JUSTICE
 FOR MORTON SOBELL
 INTERNAL SECURITY - C

ALL INFORMATION CONTAINED
 HEREIN IS UNCLASSIFIED
 DATE 4/07/87 BY SPW/Im

A confidential source who has furnished reliable information in the past advised the Committee to Secure Justice for Morton Sobell recently held a meeting in New York City to discuss future plans on behalf of Sobell. During this meeting it was mentioned Rose Sobell, mother of Morton Sobell, would remain on the west coast for an indefinite period until after President John F. Kennedy visits the World's Fair in Seattle, where she will attempt to organize a demonstration at the time of President Kennedy's arrival.

The Committee to Secure Justice for Morton Sobell is the successor organization to the National Committee to Secure Justice in the Rosenberg Case, which has been cited as a communist front organization in the "Guide the Subversive Organizations and Publications," issued by the House Committee on Un-American Activities.

Morton Sobell is presently incarcerated in the United States Penitentiary, Atlanta, Georgia, after being convicted for conspiracy to commit espionage on behalf of the Soviet Union.

YELLOW
 DUPLICATE
 APR 9 - 1962
 MAILED

1 - Assistant Chief of Staff for Intelligence
 Department of the Army
 Attention: Chief, Security Division

101-2483-
 NOT RECORDED
 128 APR 10 1962

SEE NOTE ON YELLOW PAGE TWO

1 - 101-2483 (Morton Sobell)

274
 62 APR 16 1962
 RJR:bgc (15)

CONFIDENTIAL

W. H. H. H.
 10/01/65

original filed in 100-387835-2928

~~CONFIDENTIAL~~

Chief, U. S. Secret Service

1 - Director of Naval Intelligence

1 - Office of Special Investigations
Air Force

Attention: Chief, Counterintelligence Division

NOTE ON YELLOW:

Information in this letter was contained in the memorandum enclosure to New York airtel 2/5/62 captioned "Committee to Secure Justice for Morton Sobell, Internal Security - C, Internal Security Act of 1950." The information was furnished by [redacted] and this letter is classified "Confidential" as it contains information from a confidential source, the unauthorized disclosure of which could be prejudicial to the defense interests of the Nation. b2
b7D

Pertinent information is being furnished by separate communication to the Honorable P. Kenneth O'Donnell, Special Assistant to the President, and The Attorney General.

(2)

~~CONFIDENTIAL~~

RA

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 4/28/87 BY 3042PWT/IMN

April 9, 1962
BY COURIER SERVICE

Honorable P. Kenneth O'Donnell
Special Assistant to the President
The White House
Washington, D. C.

- 1 - Mr. Belmont
- 1 - Mr. Evans
- 1 - Mr. Sullivan
- 1 - Mr. Lee
- 1 - Mr. Krupinsky
- 1 - Mr. Baumgardner
- 1 - Liaison
- 1 - Mr. Rampton

My dear Mr. O'Donnell:

In connection with the continuing activity of the Committee to Secure Justice for Morton Sobell on behalf of Sobell, the following information, furnished by a confidential source who has furnished reliable information in the past, may be of interest to you.

Recently the Committee held a meeting in New York City to discuss future plans. During this meeting Helen Sobell, Morton Sobell's wife, advised Sobell had signed papers at the Atlanta Penitentiary requesting his eligibility for parole be considered. Helen Sobell stated Aaron Katz, East Coast Organizer of the Committee, would "renew his contacts with Nicholas Katzenbach, of the Department of Justice, whom the Committee felt was more favorably inclined to the Sobell case and who was replacing Byron White, who had recently been elevated to the United States Supreme Court." Helen Sobell also mentioned that Rose Sobell, mother of Morton Sobell, would remain on the west coast for an indefinite period until after President John F. Kennedy visits the World's Fair in Seattle, where she will attempt to organize a demonstration at the time of President Kennedy's arrival.

This information is being furnished to the Attorney General.

101-2483-
NOT RECORDED

Sincerely yours, APR 10 1962

100-387835

① 101-2483 (Morton Sobell) SEE NOTE ON YELLOW PAGE TWO

RJR:bgc
(11)

62 APR 16 1962

~~CONFIDENTIAL~~

101-2483-106475

~~CONFIDENTIAL~~

Honorable P. Kenneth O'Donnell

NOTE ON YELLOW:

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~~CONFIDENTIAL~~

RA

~~CONFIDENTIAL~~

The Attorney General

April 9, 1962

Director, FBI

COMMITTEE TO SECURE JUSTICE
FOR MORTON SOBELL
INTERNAL SECURITY - C

- 1 - Mr. Belmont
- 1 - Mr. Evans
- 1 - Mr. Sullivan
- 1 - Mr. Lee
- 1 - Mr. Krupinsky
- 1 - Mr. Baumgardner
- 1 - Mr. Hampton

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100-387835

1 - The Deputy Attorney General

1 - Mr. J. Walter Yeagley
Assistant Attorney General

① - 101-2483 (Morton Sobell)

101-2483-
NOT RECORDED
128 APR 10 1962

RJR:bgc/blw (13)

SEE NOTE ON YELLOW PAGE TWO

APPROPRIATE AGENCIES
AND FIELD OFFICES
ADVISED BY ROUTING
SLIP(S) OF *Westless*
DATE *3-23-78*

274
DECLASSIFIED BY 235
~~CONFIDENTIAL~~
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 4/28/87 BY SPWT/IMN 4/28/87

~~CONFIDENTIAL~~

The Attorney General

NOTE ON YELLOW:

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This information is being furnished by separate communication to the Honorable P. Kenneth O'Donnell, Special Assistant to the President.

Memorandum

Tolson	✓
Belmont	✓
Mohr	✓
Callahan	✓
Conrad	✓
DeLoach	✓
Evans	✓
Malone	✓
Rosen	✓
Sullivan	✓
Tavel	✓
Trotter	✓
Tele. Room	✓
Holmes	✓
Gandy	✓

Mr. Belmont

DATE: April 9, 1962 *away*

FROM : C. A. Evans ✓

SUBJECT: COMMITTEE TO SECURE JUSTICE FOR MORTON SOBELL INTERNAL SECURITY - C

Jim Long
Boyd
ap

In a conversation with the Attorney General, the case of Morton Sobell came up and the extensive activities on the part of pressure groups in his behalf. The Attorney General said that as long as he held his present position, Sobell was not going to get out of the penitentiary.

The above is for your information. It would appear that we should continue to keep the Attorney General advised nevertheless of the activities of pressure groups in behalf of Sobell.

one

Yes ✓

See
Kneiff

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 4/25/87 BY 3042 PWT/IMW

1 - Mr. Sullivan

CAE:sp *sp*
-5-

Records - place cc in
Morton Sobell file, 101-2483
R

file 100-387835
101-2483-R

11 APR 13 1962

225
51 APR 1962
1962

NOT RECORDED
145 APR 13 1962

100-2483-2881

F B I

Date: 4/13/62

Transmit the following in _____
(Type in plain text or code)

Via AIRTEL _____
(Priority or Method of Mailing)

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

L

ER
W. J. ...

Re NY airtel dated 4/6/62.

Enclosed is one copy of opinion of Jude JOHN F. X. MC GOHEY, dated 4/5/62, denying subject's motion to set aside his conviction and for a correction of his sentence.

AUSA EDWARD R. CUNNIFFE, SDNY, made available the enclosed copy.

11 CUNNIFFE advised that subject filed notice of appeal from this decision on 4/12/62.

For info.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 4/27/87 BY 3042 PWT/mw

R. R. ...

DD - Wick

- 3- Bureau (101-2483) **ENCLOSURE**
- 1- New York (100-107111) (SOBELL COMMITTEE) (41)
- 1- New York (100-37158)

EFM:chj
(6)

241 *1 Am 643 PA*

101-2483-1498

60 APR 23 1962

REC-70
EX-113

APR 14 1962

Approved: _____
Special Agent in Charge

Sent _____ M

Per _____

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

27 687
U.S. DISTRICT COURT
FILED
APR 5 1962
S. D. OF N. Y.

*100
Morton Sobell
4/6/62*

----- X
UNITED STATES OF AMERICA :
v. :
MORTON SOBELL, :
Defendant. :
----- X

Cr. 134-245

MICROFILM
APR 5 1962

Appearances:

ROBERT M. MORGENTHAU
United States Attorney for the Southern
District of New York
Attorney for United States of America
Edward R. Cunniffe
Robert J. Geniesse
David Klingsberg
Assistant United States Attorneys
Of Counsel

DONNER, PERLIN & PIEL
342 Madison Avenue, New York, N. Y.
BENJAMIN DREYFUS
703 Market Street, San Francisco, California
Attorneys for Defendant
Sanford M. Katz
Of Counsel

McGOHEY, D. J.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 4/28/87 BY 3042 PWT/lmw

The defendant Sobell moves for the sixth time under
section 2255 of Title 28 U.S.C. to set aside his conviction
and the sentence imposed thereon in 1951 for conspiring, during

101-2483-1498
ENCLOSURE

the years 1944 to 1950, to violate the Espionage Act.¹ He also moves in the alternative, for a correction of the sentence under Federal Criminal Rule 35.

In one form or another, this case has had the attention of the judges of the Court of Appeals for the Second Circuit on more than eight separate occasions, beginning with the original appeals ten years ago when that court, because of the imposition of death sentences on Sobell's codefendants, "scrutinized [the trial record] with extraordinary care,"² before affirming the convictions. In addition, the case also has had, on ten separate occasions, the attention of the justices of the Supreme Court.³ Indeed, as long ago as June 1953, Mr. Justice Clark in his opinion concurring in the Supreme Court's refusal to grant a further stay of execution to Sobell's codefendants, observed that, "Beginning with our refusal to review the conviction and sentence in October

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1. 50 U.S.C. §§ 32, 34 (1946) (now 18 U.S.C. § 794).
 2. United States v. Rosenberg, et al., 2 Cir., 195 F.2d 583, 590; cert. denied, 344 U.S. 838.
 3. See, e.g., United States v. Rosenberg, 2 Cir., 195 F.2d 583, rehearing denied, 195 F.2d 609, cert. denied, 344 U.S. 838, rehearing denied, 344 U.S. 889 (1952), leave to file petition for rehearing denied, 347 U.S. 1021 (1954), motion to vacate orders denying certiorari and rehearing denied, 355 U.S. 860 (1957); United States v. Rosenberg, 108 F.Supp. 798, aff'd, 2 Cir., 200 F.2d 666 (1952), cert. denied, 345 U.S. 965, rehearing denied, 345 U.S. 1003 (1953); United States v. Rosenberg, 109 F.Supp. 108, aff'd, 2 Cir., 204 F.2d 688 (1953); United States v. Sobell, 142 F.Supp. 515 (1956), aff'd, 2 Cir., 244 F.2d 520, cert. denied, 355 U.S. 873, rehearing denied, 355 U.S. 920 (1957).

1952, each of the justices has given the most painstaking consideration to the case. In fact, all during the past term of this Court one or another facet of this litigation occupied the attention of the Court."⁴

The motion under section 2255 is based on two claims of error by the trial court. Neither claim arises from facts outside the record. On the contrary, both arise from incidents which occurred in the court room during the trial and which are fully set forth in the trial record.

The first claim is that the trial judge permitted and indeed participated in, improper cross-examination of one of Sobell's codefendants concerning her claim of privilege before the Grand Jury, thus creating an atmosphere so prejudicial to all the defendants that all were deprived of a fair trial. This claim is certainly not new. Sobell's codefendants raised and argued that precise point on their original joint appeal⁵; and Sobell adopted the point and their argument on his separate appeal which was argued together with theirs.⁶ The argument obviously was found unpersuasive by the Court of Appeals which affirmed the convictions.

4. 346 U.S. 273, 293.

5. Brief for Appellants p. 98-99, United States v. Rosenberg, 2 Cir., No. 22201 (1951).

6. Brief for Morton Sobell p. 59, United States v. Rosenberg, 2 Cir., No. 22202 (1951).

In their petitions for certiorari, Sobell's codefendants listed as the fourth of seven "Questions Presented," "Whether the conduct of the trial judge deprived the petitioners of a fair trial in violation of the Fifth and Sixth Amendments, in that: (a) by a course of conduct, he displayed bias against the petitioners and conveyed to the jury his belief in their guilt." And in an appendix to their petition the codefendants called attention specifically to the trial judge's participation in the cross-examination complained of here as an example of his "bias."⁷

Sobell, in his separate petition for certiorari, specifically adopted his codefendants' "position as to this issue" of alleged judicial misconduct, and asked leave "to incorporate and rely upon the portion of their petition dealing with this issue, and the appendix thereto in which representative instances of the judge's alleged course of misconduct are particularized."⁸

The government in its brief in opposition to the petitions for certiorari devoted six pages to the claims of alleged judicial misconduct. In the light of all this, it is clear beyond question that this point was specifically and with adequate documentation called to the attention of the reviewing courts. Sobell indeed does not, in terms at least, go so far as

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7. Rosenberg v. United States, Petition for Certiorari, p. 16, 31-39, Appendix p. 38, October Term 1952, No. 111.
 8. Sobell v. United States, Petition for Certiorari, p. 10, n. 6, p. 44, October Term 1952, No. 112.

to contend otherwise. His present claim is rather that, in light of the decision in *Grunewald v. United States*,⁹ decided in 1957, the trial judge's conduct requires reversal of Sobell's conviction. The contention is rejected. 28 U.S.C. section 2255 is not a vehicle for repeated reviews of judgments in cases which were properly decided after full consideration, because of subsequent changes in the law.¹⁰ Sobell, moreover, has already tried and failed to have the Supreme Court review his conviction in the light of the *Grunewald* decision.¹¹

The second claim of alleged error is that the trial judge failed to instruct the jury concerning the "in time of war" element of the offense charged in the indictment. This claim is clearly an afterthought. No exception was taken to the instruction as given on this point and no request was made for a different instruction. Moreover, as the briefs on appeal to the Court of Appeals and the petitions for certiorari show, the court's instruction to the jury was the subject of wide attack by Sobell and his codefendants. The Court of Appeals necessarily had to examine the instructions in detail in order to pass on the

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9. 353 U.S. 391.
 10. *Warring v. Colpoys*, D.C. Cir., 122 F.2d 642, cert. denied, 314 U.S. 678; *United States v. Gaitan*, 10 Cir., 295 F.2d 277; *United States v. Gandia*, 2 Cir., 255 F.2d 454; cf. *Sunal v. Large*, 332 U.S. 174.
 11. 355 U.S. 860.

many allegations of error respecting them. This claim is rejected.

The alternative motion under Rule 35 for correction of the sentence necessarily rests on the contention that there was no credible evidence that Sobell was a member of the conspiracy prior to 1946; that, therefore, he could not be charged with participation in any of the acts which the jury found his coconspirators committed prior to 1945; and so legally he could not be sentenced to thirty years, a term which is authorized only for offenses committed in time of war. To these contentions there are two answers. The witness Elitcher's testimony placed Sobell in the conspiracy in 1944. Elitcher's credibility was for the jury to assess. The trial judge charged the jury that if they disbelieved Elitcher they could not find Sobell guilty. The jury chose to believe him. Furthermore, "The rule is clear that one who joins an existing conspiracy takes it as it is, and is therefore held accountable for the prior conduct of the co-conspirators." United States v. Sansone, 2 Cir., 231 F.2d 887, 893, cert denied, 351 U.S. 987. "He may join at any point in its progress and be held responsible for all that may be or has been done." United States v. Manton, 2 Cir., 107 F.2d 384, cert. denied, 309 U.S. 664.

The motion is in all respects denied.

So Ordered.

Dated: New York, N. Y., April 5, 1962.

John F. X. McGonery
JOHN F. X. MCGONERY
U. S. D. J.

Cr. 134-245

United States District Court
FOR THE
Southern District of New York

UNITED STATES OF AMERICA

v.

MORTON SOBELL,

Defendant.

OPINION
and ORDER
JOHN F. X. MCGOHEY, D. J.

~~CONFIDENTIAL~~

May 8, 1962

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

DATE 4/27/87 BY 3042PWT/lmw

BY COURIER SERVICE

Honorable P. Kenneth O'Donnell
Special Assistant to the President
The White House
Washington, D. C.

1 - Mr. Belmont
1 - Mr. Evans
1 - Mr. Sullivan
1 - Liaison
1 - Mr. Baumgardner
1 - Mr. Lee
1 - Mr. Krupinsky
1 - Mr. Rampton

My dear Mr. O'Donnell:

In connection with the continuing activity of the Committee to Secure Justice for Morton Sobell on behalf of Morton Sobell, the following information, furnished by a confidential source who has furnished reliable information in the past, may be of interest to you.

Recently the New York State Board of the Committee held a meeting in New York City to discuss future plans. During this meeting it was mentioned President John F. Kennedy is scheduled to be in New York City on May 19 and 20, 1962. He is to appear at Madison Square Garden on May 19, 1962, and is to meet with the "Golden Age Club" somewhere in New York City on May 20, 1962. The Board, after discussing the appearance of the President in New York City, decided the Committee would not picket the President on May 19 or 20, 1962. Instead, it was decided the Committee will distribute literature at Madison Square Garden and at the "Golden Age Club" affair. The Board further decided Helen Sobell, wife of Morton Sobell, would be advised of these plans and the fact the Board would have no objection to Helen Sobell's picketing either of these affairs.

This information is being furnished to the Attorney General.

100-387835

Sincerely yours,

P- 101-2483 (Morton Sobell)

RJR:blw (11)

SEE NOTE PAGE TWO

DUPLICATE YELLOW

101-2483-

NOT RECORDED

102 MAY 8 1962

67 MAY 9 - 1962

CONFIDENTIAL

NWA/MR 10/10/65

~~CONFIDENTIAL~~

Honorable P. Kenneth O'Donnell

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This information has been disseminated to the military intelligence agencies and Secret Service.

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

The Attorney General

May 8, 1962

Director, FBI

COMMITTEE TO SECURE
JUSTICE FOR MORTON SOBELL
INTERNAL SECURITY - C

- 1 - Mr. Belmont
- 1 - Mr. Evans
- 1 - Mr. Sullivan
- 1 - Mr. Baumgardner
- 1 - Mr. Lee
- 1 - Mr. Krupinsky
- 1 - Mr. Rampton

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100-387835

1 - The Deputy Attorney General

1 - Mr. J. Walter Yeagley
Assistant Attorney General

APPROPRIATE AGENCIES
AND FIELD OFFICES
ADVISED BY ROUTING
SLIP(S)

Declassification

DATE 5-23-77

DUPLICATE YELLOW

① 101-2483 (Morton Sobell)

101-2483-

RJR:blw (13)

SEE NOTE ON YELLOW PAGE TWO

NOT RECORDED
182 MAY 8 1962

MAY 9 - 1962

DECLASSIFIED BY 231 ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
ON CONFIDENTIAL DATE 3/20/87 BY PWT/lmw
4/23/87

original filed in 100-387835-2888

~~CONFIDENTIAL~~

The Attorney General

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UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI (101-2483)

DATE: 5/7/62

FROM : SAC, EL PASO (65-788) (RUC)

SUBJECT: MORTON SOBELL, aka.
ESPIONAGE - R
(OO: New York)

Rep
1

Re Atlanta letter to Bureau, 2/20/62. *1493*

Relet advised that SOBELL had received a greeting card from one EFFIE MAE REIE, Box 1025, Alpine, Brewster County, Texas.

BREWSTER COUNTY, TEX

Investigation by the El Paso Division previously has indicated that Mrs. EFFIE MAE REIE, Box 1025, Alpine, is an elderly woman who has received much CP literature and written various CP figures. This fact is well known locally, and she is considered eccentric, but not dangerous. There is no indication that she constitutes a danger to the security of the U. S.

Therefore, no further action is being taken in this matter.

- 2 - Bureau (RM)
- 2 - New York (100-37158) (RM)
- 1 - Atlanta (65-1361) (Info) (RM)
- 2 - El Paso (1 - 65-788) (1 - 100-5175)

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 4/28/87 BY BOP/PT/IMW

HLD/jlk
(7)

REC-29
EX-108
101-2483-44
1499

MAY 10 1962

DO NOT WRITE IN
THIS SPACE

ESP. SEC.
[Signature]

114
51 MAY 23 1962

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI (101-2483)

DATE: 5/18/62

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

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

Ruffin (Info)

ReNYairtel of 4/13/62.

On 5/16/62 AUSA EDWARD R. CUNNIFFE, SDNY, advised SA EDWARD F. McCARTHY that MORTON SOBELL's attorneys have not as yet filed brief on subject's appeal from Judge JOHN F. X. McGOHEY's decision of 4/5/62 denying subject's motion to set aside his conviction.

The Bureau will be promptly advised of all information received regarding subject's appeal and, UACB, this case will be maintained in a pending inactive status until further information is received.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 4/28/87 BY 3042PWT/lmw

- 2 - Bureau (101-2483) (RM)
- 1 - NY (100-37158)

CWM:mav
(3)

A

REC-12 101-2483-1500

10 MAY 21 1962

EX-137

ESP RAC

57 MAY 25 1962

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RA
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The Attorney General

July 5, 1962

Director, FBI

AMERICAN COMMITTEE FOR
PROTECTION OF FOREIGN BORN
INTERNAL SECURITY - C

- 1 - Mr. Belmont
- 1 - Mr. Evans
- 1 - Mr. Sullivan
- 1 - Mr. Baumgardner
- 1 - Mr. Lee
- 1 - Mr. Rampton

I have previously advised you concerning the continuing activity of the Committee to Secure Justice for Morton Sobell on behalf of Morton Sobell. The following information, furnished by a confidential source who has furnished reliable information in the past, may be of interest to you.

On June 24, 1962, the Los Angeles Committee for Protection of Foreign Born (LACPFB) held its twelfth annual "Festival of Nationalities" in Los Angeles, California. Approximately 1,300 to 1,400 persons attended this affair. During the Festival, printed postcards addressed to President John F. Kennedy were distributed. These postcards, prepared by the Sobell Committee in New York City, indicate Morton Sobell becomes eligible for parole on July 27 and urgently request that Sobell be freed by that time either by parole or by an act of executive clemency. The postcards provide space for the name and address of the sender.

The LACPFB is a branch of the American Committee for Protection of Foreign Born (ACPFB) which has been designated under Executive Order 10450.

The ACPFB and the LACPFB are under active investigation and reports are being furnished to the Department on a continuing basis.

100-7046

1 - The Deputy Attorney General

1 - Mr. J. Walter Yeagley
Assistant Attorney General

1 - 100-387835 (CSJMS)

1 - 101-2483 (Morton Sobell)

RJR:blw (13)

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 4/25/88 BY 3042 PWT/mw
101-2483

NOT RECORDED
128 JUL 9 1962

SEE NOTE PAGE TWO

DUPLICATE YELLOW

67 JUL 9 1962

Original filed in 100-7046-1100

The Attorney General

NOTE ON YELLOW:

Information contained in this letter was furnished by LAairtel 6-29-62 captioned "Los Angeles Committee for Protection of Foreign Born (LACPFB), IS-C, Cinal." The information was furnished by [REDACTED]. This letter is not being classified inasmuch as the printed postcards were furnished at an affair where 1,300 to 1,400 persons were present.

1267D

In previous correspondence with the Attorney General and Honorable P. Kenneth O'Donnell concerning the Sobell Committee the Committee has been characterized.

This information is being furnished by separate communication to the Honorable P. Kenneth O'Donnell, Special Assistant to the President.

*6-1-77
9-3-62
2-1-65
1-15-71*

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 4/23/87 BY 3045PWT/IMV

July 5, 1962

BY COURIER SERVICE

Honorable F. Kenneth O'Donnell
Special Assistant to the President
The White House
Washington, D. C.

- 1 - Mr. Belmont
- 1 - Mr. Evans
- 1 - Mr. Sullivan
- 1 - Liaison
- 1 - Mr. Baumgardner
- 1 - Mr. Lee
- 1 - Mr. Rampton

My dear Mr. O'Donnell:

I have previously advised you concerning the continuing activity of the Committee to Secure Justice for Morton Sobell on behalf of Morton Sobell. The following information, furnished by a confidential source who has furnished reliable information in the past, may be of interest to you.

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The LACPFB is a branch of the American Committee for Protection of Foreign Born which has been designated under Executive Order 10450.

This information has been furnished to the Attorney General.

53 JUL 11 1962

Sincerely yours,

101-2483-

NOT RECORDED
102 JUL 9 1962

- 100-7046
- 1 - 100-387835 (CSJMS)
- 1 - 101-2483 (Morton Sobell)
- RJR:blw (11)

SEE NOTE PAGE TWO

YELLOW
DUPLICATE
JUL - 5 1962
MAILED

ORIGINAL FILED IN 100-7046-3232

Honorable P. Kenneth O'Donnell

NOTE ON YELLOW:

Information contained in this letter was furnished by LAairtel 6-29-62 captioned "Los Angeles Committee for Protection of Foreign Born (LACFPB), IS-C, Cinal." The information was furnished by [REDACTED]. This letter is not being classified inasmuch as the printed postcards were furnished at an affair where 1,300 to 1,400 persons were present.

In previous correspondence with the Attorney General and Honorable P. Kenneth O'Donnell concerning the Sobell Committee, the Committee has been characterized.

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI (101-2483)

DATE: 8/7/62

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

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

ReNYlet 5/18/62.

On 8/6/62, AUSA EDWARD R. CUNNIFFE, SDNY, advised SA EDWARD F. MC CARTHY that MORTON SOBELL's attorneys have not as yet filed brief on subject's appeal from Judge JOHN F. X. MC GOHEY's decision of 4/5/62 denying subject's motion to set aside his conviction.

The Bureau will be promptly advised of all information received regarding subject's appeal and, UACB, this case will be maintained in a pending inactive status until further information is received.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 4/28/87 BY 3042 PWT/IMW

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

EFM:HC
(3)

EX-114

101-2483-1501

16 AUG 8 1962

REC-54

ESP. SEC. [Handwritten signatures]

55 AUG 14 1962

The Attorney General

September 21, 1962

62
Director, FBI

- 1 - Mr. Belmont
- 1 - Mr. Evans
- 1 - Mr. Sullivan
- 1 - Mr. Baumgardner
- 1 - Mr. Lee
- 1 - Mr. Krupinsky
- 1 - Mr. Rampton

COMMITTEE TO SECURE JUSTICE
FOR MORTON SOBELL
INTERNAL SECURITY - C

I have previously advised you concerning the continuing activity of the Committee to Secure Justice for Morton Sobell on behalf of Morton Sobell. The following information furnished by a confidential source, who has furnished reliable information in the past, concerns the latest activity of the Committee.

At a recent Committee meeting in New York City, Helen Sobell, wife of Morton Sobell, expressed her opinion that the present Administration has no intention of releasing her husband and that she expects him to serve another ten years in jail. She based this opinion upon the contents of a "cold formal letter" received from you.

Personnel of the Committee agreed that "brass knuckles" tactics are needed to force the reopening of the Sobell case. Some of the suggested tactics which were discussed by the Committee were a mobile exhibition to be placed on tour, international meetings to embarrass the Kennedy Administration and picketing. Helen Sobell expressed the opinion that such tactics might lose prestige and assistance from very important persons but would be more than offset by the gain in new interested working people.

100-387835

- 1 - The Deputy Attorney General
- 1 - Mr. J. Walter Yeagley
Assistant Attorney General

ALL INFORMATION CONTAINED

HEREIN IS UNCLASSIFIED

DATE 4/27/87 BY 3043 PWT/IMW

DUPLICATE YELLOW

101-2483
NOT RECORDED
140 SEP 21 1962

NOTE ON YELLOW:

The information contained in this letter was furnished in the memorandum enclosure to New York airtel 9/18/62 captioned

① 101-2483 (Morton Sobell)

RJR:cdb (13)

NOTE CONTINUED PAGE TWO

67 SEP 21 1962

ORIGINAL FILED IN

100-387835-291

~~CONFIDENTIAL~~

The Attorney General

NOTE ON YELLOW CONTINUED:

"Committee to Secure Justice for Morton Sobell, IS - C, ISA - 1950." The information was furnished by [redacted] and the letter is being classified "Confidential" as it contains information from this source, the unauthorized disclosure of which could tend to identify the source and thus be prejudicial to the defense interests of the Nation. b2 b7D

In previous correspondence with the Attorney General and O'Donnell concerning the Committee to Secure Justice for Morton Sobell, the Committee, Morton Sobell and Helen Sobell have been characterized. This information has been disseminated to the military intelligence agencies and Secret Service.

This information is being furnished by separate communication to the Honorable P. Kenneth O'Donnell, Special Assistant to the President.

~~CONFIDENTIAL~~

September 21, 1962

BY COURIER SERVICE

Honorable P. Kenneth O'Donnell
Special Assistant to the President
The White House
Washington, D. C.

- 1 - Mr. Belmont
- 1 - Mr. Evans
- 1 - Mr. Sullivan
- 1 - Mr. Baumgardner
- 1 - Mr. Lee
- 1 - Mr. Krupinsky
- 1 - Mr. Rampton
- 1 - Liaison

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This information is being furnished to the Attorney General.

100-387835

1 - 101-2483 (Morton Sobell)

RJR:cdb (11)

Sincerely yours,

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 4/27/87 BY 3042PWT/1

101-2483 -

NOT RECORDED

SEE NOTE ON YELLOW PAGE TWO
199 SEP 20 1962

54 SEP 26 1962
DUPLICATE YELLOW

original filed in 100-387835-2974

~~CONFIDENTIAL~~

Honorable P. Kenneth O'Donnell

NOTE ON YELLOW:

The information contained in this letter was furnished in the memorandum enclosure to New York airtel 9/12/62 captioned "Committee to Secure Justice for Morton Sobell, IS - C, ISA - 1950". The information was furnished by ██████████ and the letter is being classified "Confidential" as it contains information from this source, the unauthorized disclosure of which could tend to identify the source and thus be prejudicial to the defense interests of the Nation.

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b2 b7D

~~CONFIDENTIAL~~