

**F.O.I.A.**

**JULIUS ROSENBERG ET AL.**

***FILE DESCRIPTION***

***HQ***

**FILE**

**SUBJECT MORTON Sobell**

**FILE NO. 101-2483**

**VOLUME NO. 41**

**SERIALS**

**1520 to**

**1585**

## NOTICE

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Sect 41

File No: 101-2483

Re: Morton Sall

Date: \_\_\_\_\_  
(month/year)

Serial	Date	Description (Type of communication, to, from)	No. of Pages		Exemptions used or, to whom referred (Identify statute if (b)(3) cited)
			Actual	Released	
1520	4/19/63	BRANIGAN Memo to Sullivan	2	2	
1521	5/20/63	BRANIGAN Memo Sullivan w/enc	2/11	2/11	
1522	5/20/63	NY let HQ	1	1	
1523	5/22/63	WFO let HQ	1	1	
NR	5/23/63	CIA let	-	-	Disposition handled by CIA in 1975 (3)
NR	6/4/63	HQ let AG	2	2	
NR	6/4/63	HQ let White House	2	2	
1524	6/10/63	NY let HQ	1	1	b2 b7D
1525	6/17/63	WFO airtel HQ	1	1	
1526	6/17/63	BRANIGAN Memo Sullivan	1	1	
1527	6/18/63	CIA let HQ	2	0	Ref to CIA
NR	4/30/63	Excerpt from Bi-Monthly rpt	1	1	

21 25 0 2 0 3  
new rel deny ref processed process

File No: 101-2483

Re: Morton Sobell

Date: \_\_\_\_\_  
(month/year)

Serial	Date	Description (Type of communication, to, from)	No. of Pages		Exemptions used or, to whom referred (Identify statute if (b)(3) cited)
			Actual	Released	
1528	7/26/63	wfo let HQ	1	1	
1529	8/2/63	HQ let KC	1	1	
1529	7/23/63	KC let HQ	1	1	
1530	7/26/63	Branigan Memo Sullivan <sup>w/encl</sup>	1/1	1/1	
NR	7/30/63	NY let HQ	1	1	
1531	8/9/63	wfo let HQ	1	1	
NR	6/30/63	Information from Bi-Monthly Rpt	1	1	
1532	8/23/63	KC let HQ	1	1	
NR	9/1/63	State Rpt r/s to HQ w/encl	1/2	1/2	
1533	9/27/63	wfo let HQ	1	1	
NR	10/3/63	HQ let White House	2	0	per CIA

35 33 0 2 0 0  
w/ encl r/s per personal review

File No:

101-2483

Re:

Morton Sobel

Date:

(month/year)

Serial	Date	Description (Type of communication, to, from)	No. of Pages		Exemptions used or to whom referred (Identify statute if (b)(3) cited)
			Actual	Released	
NR	10/3/63	HA let AG	2	0	Refer CIA
NR	10/1/63	HA let AG	2	2	b2 b7D
NR	10/1/63	HA let White House	2	2	b2 b7D
1534	10/1/63	KC let HA	1	1	
1535	11/27/63	KC let HA	3	3	
1535	12/9/63	HA let KC	1	1	
NR		Information from F. A. Galtby Regt.	1	1	
NR	12/5/63	State let	1	1	
1536	1/2/64	KC let HA	1	1	
1537	1/15/64	NY Report HA	10	10	b1 b2 b7D
1538	5/4/64	KC Antel HA	2	2	
NR	5/5/64	NY let HA	2	2	

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26

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2

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Partial

Preproc.

File No: 101-2483

Re: Morton Sabel

Date: \_\_\_\_\_  
(month/year)

Serial	Date	Description (Type of communication, to, from)	No. of Pages		Exemptions used or, to whom referred (Identify statute if (b)(3) cited)
			Actual	Released	
1539	8/24/64	KC airtel HQ	2	2	
1540	12/1/64	KC let HQ w/encl	1/3	1/3	
1541	1/30/65	KC AT to HQ	2	2	
1542	2/15/65	NY airtel HQ	2	2	
1543	3/2/65	PH let HQ	1	1	
1544	3/17/65	NY Rept HQ	11	11	b2 b7D b7C
NR	3/5/65	NY let HQ	1	1	
NR	3/5/65	NY let HQ	1	1	
1545	3/24/65	Jones Memo DeLoach w/encl	2/2	2/2	
1546	5/12/65	NH let HQ w/encl	2/1	2/1	b7C b7D ATF
1547	6/3/65	NY let HQ	3	3	b7C b2
1547	6/15/65	HQ let PH	1	1	b7C

35 35 0 0 0 0  
rev not done not reviewed process

File No: 101-2483

Re: Morton Sobell

Date: \_\_\_\_\_  
(month/year)

Serial	Date	Description (Type of communication, to, from)	No. of Pages		Exemptions used or, to whom referred (Identify statute if (b)(3) cited)
			Actual	Released	
1548	6/16/65	NH let HQ	1	1	
1549	6/30/65	PH let HQ	3	1	b7c <sup>2p</sup> Referred to Bu of Prisons
1549	7/13/65	HQ let NH	1	1	b2 b7c
NR	9/3/65	AQ TT HQ	1	-	Disposition in J. Rosenberg 65-58236-2398
NR	9/3/65	AQ TT HQ	3	-	Disposition in J. Rosenberg 65-58236-2399
NR	9/3/65	NY TT HQ	1	-	Disposition in J. Rosenberg 65-58236-2400
1550	9/10/65	HQ let AAG	1	1	
1551	8/31/65	let to HQ	2	2	
1551	9/10/65	HQ let to Third party	1/4	1/4	
NR	9/17/65	Brangan Memo Sullivan	1	1	
NR	9/30/65	HQ let AL	1	1	
1552	9/16/65	Brangan Memo Sullivan	2	2	

22 15 0 2 5 0  
per file per file reviewed not

File No:

101-2483

Re:

Morton Sobell

Date:

(month/year)

Serial	Date	Description (Type of communication, to, from)	No. of Pages		Exemptions used or, to whom referred (Identify statute if (b)(3) cited)
			Actual	Released	
1553	9/9/65	Brannigan Memo Sullivan	4	4	
1554	9/9/65	Brannigan Memo Sullivan	2	2	
1555	10/4/65	WFO A2 to HQ w/enc	2/3	2/3	b2 b7D
1556	10/6/65	Brannigan Memo Sullivan	1	1	
1557	10/18/65	PH let HQ	1	1	
NR	11/2/65	SAC let	1	1	
NR	11/5/65	SA Memo to SAC	13	2	b1 b7C
1558	11/29/65	HQ TT AQ	1	1	
1559	12/1/65	HQ TT AQ	1	1	
1560	12/1/65	AQ TT HQ w/note	1/1	1/1	
1561	12/2/65	HQ let to Third Party	1	1	
1561	11/23/65	let to HQ	1	1	

33  
Rel22  
Rel11  
denied0  
Rel0  
Presumed0  
Presumed



File No: 101-2482Re: Morton SobellDate: \_\_\_\_\_  
(month/year)

Serial	Date	Description (Type of communication, to, from)	No. of Pages		Exemptions used or, to whom referred (Identify statute if (b)(3) cited)
			Actual	Released	
1562	12/2/65	ltz let AAG	2	2	
1563	12/1/65	Brannigan Memo Sullivan	2	2	
1564	12/10/65	Lee Memo Brannigan w/rote	2/1	2/1	
1565	12/9/65	NY airtel ltz	1	1	b2 b7D
NR	12/14/65	NY let ltz	15	-	Disposition in J. Rosenberg 65-58236-2404
1566	12/22/65	AAG let ltz w/enc	1/2	1/2	
1567	12/22/65	NY Airtel ltz w/enc	2/7	2/7	b2 b7D
1567	12/29/65	ltz let AAG	1	1	b2 b7D
1568	12/28/65	Brannigan Memo Sullivan	1	1	
NR	1/6/66	NY AT ltz	2	2	
1569	1/7/66	NY AT ltz	1	1	
1570	1/12/66	NY AT ltz	1	1	

111  
rev26  
ul0  
deny0  
ref15  
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release

File No:

101-2483

Re:

Morton S. Bell

Date:

(month/year)

Serial	Date	Description (Type of communication, to, from)	No. of Pages		Exemptions used or to whom referred (Identify statute if (b)(3) cited)
			Actual	Released	
1571	1/10/66	Brannigan Memo Sullivan	3	3	
1571	1/10/66	ITQ AT NY	1	1	
1572	1/17/66	NY AT ITQ w/ntb	1/1	1/1	b2 b7D
1573	1/19/66	PH AT ITQ	1	1	
1574	1/21/66	NY AT HQ	2	2	b2 b7D
1575	1/24/66	NY AT HQ	1	1	
1576	1/26/66	NY AT HQ	1	1	
1577	2/8/66	AAG AT HQ w/ntb	1/1	1/1	
1577	2/16/66	HQ AT AAG	1	1	
1578	2/15/66	Brannigan Memo Sullivan w/ntb	2/1	2/1	
1579	2/18/66	NY AT HQ w/ntb	1/3	1/1	b2 b7D
1580	2/25/66	HQ AT AAG	2	2	

23 21 2 0 0 0  
rev rel deny w/presumed preproc

File No: 101-2483 Re: Morton Sobell

Date: \_\_\_\_\_  
(month/year)

Serial	Date	Description (Type of communication, to, from)	No. of Pages		Exemptions used or, to whom referred (Identify statute if (b)(3) cited)
			Actual	Released	
1581	2/24/66	Branigan Memo Sullivan	2	2	
1582	2/16/66	let to HQ w/enc	2	2	
1582	2/25/66	ITQ let Third party	1	1	
1583	2/25/66	ITQ at AG	1	1	b7D
NR	3/2/66	ot tana at HQ w/enc	1	0	b7C b7D
1584	3/3/66	NY at HQ	1	1	b2 b7D
1584	3/9/66	HQ let AAG	1	1	b7D
1585	3/2/66	AAG, 1 HQ w/enc	1/2	1/2	

18 12 6 0 0 0  
Per Rel long R/ processed program FBI/DOJ

UNITED STATES GOVERNMENT

**Memorandum**TO : **W. C. Sullivan**DATE: **4/19/63**FROM : **W. A. Branigan**

1 - Belmont  
 1 - Sullivan  
 1 - Branigan  
 1 - Lee

SUBJECT: **MORTON SOBELL  
ESPIONAGE - R**

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

**This is an informative memorandum.**

Subject, along with Julius and Ethel Rosenberg, was convicted in 1951 for conspiracy to commit espionage. The Rosenbergs were executed and Sobell was sentenced to serve 30 years for his part in the espionage conspiracy. This case has been the subject of much legal action and Sobell recently made his sixth motion to set aside his conviction and sentence. His motion was denied by the District Court, Southern District of New York and that denial was affirmed by the Circuit Court of Appeals.

Sobell has now filed a petition with the Supreme Court for a writ of certiorari. Sobell also filed a motion for permission to proceed in forma pauperis.

The basis for the petition is an appeal from the denial of the subject's motion to set aside his conviction and sentence. This petition is based on two arguments. The first is that the trial judge permitted and participated in improper cross-examination of co-defendant Ethel Rosenberg concerning her claim of privilege which she had exercised at a Federal Grand Jury before the trial. Sobell claims this created an atmosphere which was so prejudicial that he was deprived of a fair trial. In connection with this argument, the District Court pointed out that the point had been raised before and had been denied.

The second claim of error in the trial is that the trial judge failed to instruct the jury concerning the "in time of war" element of the offense and thus Sobell's conviction should be vacated or in the alternative his sentence should be reduced to the penalty given for peace time espionage. The District Court described this claim as "clearly an afterthought" and pointed out that no request had been made by trial counsel for a different instruction to the jury. This claim of error was also denied by the District Court.

A review has been made of the petition for the writ filed in U. S. Supreme Court and no mention is made of the Bureau.

101-2483

JPL:jes  
(5)

51 APR 26 1963

REC-69 101-2483-1520  
 ALL INFORMATION CONTAINED  
 HEREIN IS UNCLASSIFIED

DATE 4/22/77

BY 60322/77

APR 23 1963

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Memorandum for Mr. Sullivan  
Re: MORTON SOBELL  
101-2483

ACTION:

For information.

The Washington Field Office is following this case in the U. S. Supreme Court and will advise of developments as they occur.

*HS*  
*for*  
*GRE*  
*Law*  
*A*

✓

UNITED STATES GOVERNMENT

## Memorandum

TO : W. C. Sullivan *WCS*

DATE: 5/20/63

FROM : W. A. Branigan *WAB*

1 - ~~Belmont~~  
 1 - Sullivan  
 1 - Branigan  
 1 - Lee

SUBJECT: MORTON SOBELL  
ESPIONAGE - R

Tolson \_\_\_\_\_  
 Belmont \_\_\_\_\_  
 Mohr \_\_\_\_\_  
 Casper \_\_\_\_\_  
 Callahan \_\_\_\_\_  
 Conrad \_\_\_\_\_  
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 Sullivan \_\_\_\_\_  
 Tavel \_\_\_\_\_  
 Trotter \_\_\_\_\_  
 Tele. Room \_\_\_\_\_  
 Holmes \_\_\_\_\_  
 Gandy \_\_\_\_\_

This is an informative memorandum.

Subject was convicted along with Julius and Ethel Rosenberg in 1951 of conspiracy to commit espionage and was sentenced to 30 years. This case has been the subject of much legal action and the subject recently made a motion to set aside his conviction and sentence. This motion was denied by the District Court, Southern District of New York, which denial was affirmed by the Circuit Court of Appeals and Sobell has now petitioned the United States Supreme Court for a writ of certiorari. He also moved for permission to proceed as a pauper.

Sobell's petition is based on two points: (1) The trial judge permitted and participated in improper cross-examination of Ethel Rosenberg concerning her claim of privilege which she had exercised in a Federal Grand Jury appearance prior to the trial, which action prejudiced Sobell and (2) the trial judge failed to instruct the jury concerning the "in time of war" element of the offense and thus Sobell's conviction should be vacated or his sentence reduced to the maximum penalty for peace-time espionage.

The <sup>GOVERNMENT</sup>~~GOVERNMENT~~ brief in opposition, which is attached, states that the defendant is not entitled to raise questions concerning alleged trial errors on evidentiary rulings by such a motion. Sobell relies on the ruling in the case of Grunewald vs. United States, which held that the trial court should have excluded cross-examination concerning the Fifth Amendment plea of the defendant before a grand jury. The Government points out that that case dealt with a defendant and not a codefendant and in addition was based on the supervisory jurisdiction of the court over Federal criminal justice and was not based on a Constitutional requirement.

With regard to Sobell's second point, the Government points out that the "in time of war" provision relates merely to the sentencing and is not an element of the crime. In addition, it is noted that all parties to the trial implicitly agreed that the conspiracy arose in war time since no question was raised at the trial.

54 MAY 24 1963

101-2483  
 Enclosure  
 JPL:pa  
 (5)

ENCLOSURE

ALL INFORMATION CONTAINED  
 HEREIN IS UNCLASSIFIED  
 DATE 4/28/87 BY 3022 ADT/MS

REC-62

101-2483-1521 MAY 21 1963

ESP. REC.

Memo W. A. Branigan to W. C. Sullivan  
Re: MORTON SOBELL  
101-2483

ACTION:

WFO is following the developments in this case and will advise the Bureau promptly when a decision is reached.

*APL*  
*APL*

No. 1333 Misc.

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1962

MORTON SOBELL, PETITIONER

v.

UNITED STATES OF AMERICA

ON MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS  
AND ON PETITION FOR A WRIT OF CERTIORARI TO  
THE UNITED STATES COURT OF APPEALS FOR  
THE SECOND CIRCUIT

BRIEF FOR THE UNITED STATES IN OPPOSITION  
TO THE GRANTING OF THE PETITION FOR A  
WRIT OF CERTIORARI

ARCHIBALD COX,  
Solicitor General,

J. WALTER YEAGLEY,  
Assistant Attorney General,

KEVIN T. MARONEY,  
LEE B. ANDERSON,  
Attorneys,

Department of Justice,  
Washington 25, D. C.

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED

DATE 4/24/87 BY SP-6 [signature]

*Enclosure*  
101-2483-1521



IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1962

No. 1333 Misc.

MORTON SOBELL, PETITIONER

v.

UNITED STATES OF AMERICA

ON MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS  
AND ON PETITION FOR A WRIT OF CERTIORARI TO  
THE UNITED STATES COURT OF APPEALS FOR  
THE SECOND CIRCUIT

BRIEF FOR THE UNITED STATES IN OPPOSITION  
TO THE GRANTING OF THE PETITION FOR A  
WRIT OF CERTIORARI

OPINION BELOW

The opinion of the district court is reported at 204 F. Supp. 225.  
The opinion of the court of appeals is reported at 314 F. 2d 314.

JURISDICTION

The judgment of the court of appeals was entered on February 6, 1963. On March 4, 1963, Mr. Justice Harlan extended the time for filing the petition for a writ of certiorari to and including April 6, 1963. The petition was filed on April 5, 1963. The jurisdiction of this Court is invoked under 28 U.S.C. 1254(1).

QUESTIONS PRESENTED

1. Whether petitioner may collaterally attack under 28 U.S.C. 2255 his conviction for conspiracy to commit espionage against the United States in wartime on the ground that one of petitioner's co-defendants was cross-examined concerning her claim of self-incrimination before the grand jury.

2. Whether petitioner is entitled to have his conviction set aside under 28 U.S.C. 2255 or to be resentenced pursuant to Rule 35, F.R. Crim. P. because the trial judge failed to instruct the jury concerning the "in time of war" element of the offense, no exception having been taken.

#### STATUTES INVOLVED

28 U.S.C. 2255, 50 U.S.C. (1946 ed.) 32 and 35, and Rules 30 and 35 of the Federal Rules of Criminal Procedure are set forth in the Appendix, infra.

#### STATEMENT

On April 5, 1951, petitioner, together with Julius and Ethel Rosenberg, was convicted in the United States District Court for the Southern District of New York of conspiracy to commit espionage in violation of former 50 U.S.C. 32 and 34 (now 18 U.S.C. 794). Petitioner was sentenced to thirty years' imprisonment (R. 30).<sup>1/</sup> The judgment was affirmed by the Court of Appeals for the Second Circuit and certiorari was denied by this Court. United States v. Rosenberg, 195 F. 2d 583, rehearing denied, 195 F. 2d 609, certiorari denied, 344 U.S. 838.

Subsequently, petitioner made a series of collateral attacks on his conviction.<sup>2/</sup> The present motion seeking to vacate sentence under 28 U.S.C. 2255 or, alternatively, to correct sentence under Rule 35, F.R. Crim. P., was filed on January 3, 1962, over ten years after petitioner's sentence was imposed. The motion attacked petitioner's conviction on the grounds that (1) the cross-examination of Ethel Rosenberg improperly elicited the fact that she had invoked the Fifth Amendment before the grand jury in refusing to answer some of the same questions which she answered at trial; and (2) the trial judge failed to charge the jury that they must find that petitioner joined the conspiracy "in time of war." The district court denied the motion and the court of appeals affirmed in a lengthy and exhaustive opinion.

<sup>1/</sup> "R." refers to the record on the original appeal.

<sup>2/</sup> United States v. Rosenberg, 108 F. Supp. 798 (S.D. N.Y.), affirmed, 200 F. 2d 666 (C.A. 2), certiorari denied, 345 U.S. 965; United States v. Sobell, unreported in S.D. N.Y. and C.A. 2, certiorari denied, 347 U.S. 904; United States v. Sobell, 142 F. Supp. 515 (S.D. N.Y.) (two motions), affirmed, 244 F. 2d 520 (C.A. 2), certiorari denied, 355 U.S. 873.

ARGUMENT

1. Petitioner claims that his conviction should be vacated under 28 U.S.C. 2255 on the ground that the cross-examination of his co-defendant Ethel Rosenberg with respect to her claim of Fifth Amendment privilege before the grand jury deprived him of a fair trial and due process of law.

Collateral relief is available only when the error is of such <sup>MAGNI-</sup> magnitude as to result in "a complete miscarriage of justice \* \* \* [or] an omission inconsistent with the rudimentary demands of fair procedure." Hill v. United States, 368 U.S. 424, 428; see also Spinal v. Large, 332 U.S. 174. As the court of appeals stated in United States v. Angelet, 255 F. 2d 383, 384 (C.A. 2):

A motion under §2255 cannot ordinarily be used in lieu of an appeal to correct errors committed in the course of a trial \* \* \*. It will lie only if the trial court's error was jurisdictional or deprived the defendant of Constitutional rights under "exceptional circumstances" which may justify a relaxation of the general rule \* \* \*. Only where there has been a deprivation of rights so fundamental as to amount to a denial of a fair trial can the conviction and sentence be set aside under § 2255.

Accordingly, trial errors relating to evidentiary rulings cannot ordinarily be raised collaterally, even if based on a constitutional contention.

Petitioner relies on Grunewald v. United States, 353 U.S. 391, which held that the trial court should have excluded cross-examination concerning a defendant's Fifth Amendment plea before the grand jury "in the exercise of a sound discretion." 353 U.S. at 421. This holding was expressly based, not on a constitutional requirement, but upon the Court's supervisory power over the administration of federal criminal justice. <sup>3/</sup> Id. at 424.

But, even if the Grunewald decision had been based on the Constitution, this would not establish that petitioner's constitutional rights were violated. In that case, it was the defendant Halperin who had appeared before the grand jury, and it was Halperin's conviction that was reversed because at the trial he was questioned concerning his invocation of the Fifth Amendment. Here, there was no questioning of petitioner concerning any claim of privilege made

<sup>3/</sup> The dissenting opinion in Grunewald likewise appears to have a non-constitutional basis. 353 U.S. at 425-426.

by him. The privilege against self-incrimination "is that of the witness himself, and not that of the party at trial." McAlister v. Henkel, 201 U.S. 90, 91. As the court of appeals held (314 F. 2d at 323), petitioner's objection to the cross-examination of Mrs. Rosenberg could only have been on the ground of irrelevancy. Since petitioner's argument amounts to a claim of non-constitutional trial error involving the admission of evidence, it is plainly not cognizable on collateral attack.

As we have seen, the Hill decision, as well as numerous other cases, make clear that not all constitutional arguments may be raised on collateral attack--that the petitioner must establish "a complete miscarriage of justice." In this case, any error, even assuming that it was constitutional error, plainly did not result in petitioner's being denied a fair trial. Petitioner's conviction rested on the testimony of Max Elitcher, whom the trial judge charged the jury it must believe in order to convict him (R. 1560). Elitcher's testimony related exclusively to the activities of Julius Rosenberg and petitioner, and did not even mention Mrs. Rosenberg. Mrs. Rosenberg did not mention petitioner or Elitcher. Her testimony consisted largely of simple flat denials that certain acts and conversations testified to by David and Ruth Greenglass, the principal witnesses against the Rosenbergs, took place. Consequently, the cross-examination of Mrs. Rosenberg, which petitioner claims was improper, had no direct connection with his defense.

Petitioner suggests that he can raise this issue on collateral attack because Grunswald was decided after his appeal was decided. Collateral attack does not, however, become available for the correction of alleged trial errors merely because the contentions are based on subsequent judicial decisions. Sumal v. Large, *supra*; Hill v. United States, *supra*; United States v. Angelat, *supra*; United States v. Hodges, 156 F. Supp. 313 (D. D.C.), affirmed, 282 F. 2d 858 (C.A. D.C.), certiorari dismissed as improvidently granted, 368 U.S. 139; Gaitan v. United States, 295 F. 2d 277 (C.A. 10), certiorari denied, 369 U.S. 857.

2. Petitioner was convicted of conspiracy to violate 50 U.S.C. (1946 ed.) 32, which forbade the communication to a foreign government of information relating to the national defense. The statute fixed the maximum punishment at twenty years, except that "whoever shall violate the provisions of this

subsection in time of war shall be punished by death or by imprisonment for not more than twenty years \* \* \*." Petitioner argues (Pet. 44-49) that either his conviction should be set aside under 28 U.S.C. 2255 or he should be re-sentenced under Rule 35 of the Federal Rules of Criminal Procedure because the trial court failed to charge the jury on the issue of "time of war"-- that is, the court did not define "time of war" in legal terms nor ask the jury to determine whether petitioner was part of the conspiracy "in time of war." Petitioner argues further that the failure went to the very jurisdiction of the court, depriving it of the power to sentence petitioner to the wartime penalty of thirty years in prison, and that in the absence of a finding by the jury on this issue, petitioner was tried and convicted without due process of law.

Petitioner was charged in the indictment with a conspiracy lasting from June 1944, well before actual hostilities in World War II ended,<sup>4/</sup> until 1950 (R. 6-7). At the trial, the defendants, including petitioner, did not dispute that, if the government's evidence was believed, they were subject to the punishment of death or thirty years' imprisonment, which the proviso in Section 32(a) made applicable to a violation "in time of war." Elitcher's testimony, which the trial court instructed the jury that it must believe in order to find petitioner guilty (R. 1560), was that petitioner was part of the conspiracy in 1944 (R. 206, 233-237, 239, 1555). Petitioner's counsel emphasized to the jury that petitioner's life was at stake and that "he can get up to thirty years or death" (R. 1495). No request was made that the judge include in his charge to the jury any reference to the term "in time of war" and the judge did not do so. And no objection was made when he told the jury that the case was one in which the penalties of the proviso were applicable (R. 1495). The judge had the indictment read to the jury as part

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<sup>4/</sup> Petitioner states (Pet. 48) that the proper date for computing the end of statute's wartime application was September 2, 1945, the date of Japan's formal surrender. The court of appeals suggested (314 F. 2d at 329, note 10), on the basis of a thorough analysis of the purpose of the statute and various possible dates, December 31, 1946, when the President proclaimed the end of hostilities. 61 Stat. 1048.

of the charge (R. 1546), and the jury found all the defendants "guilty as charged" (R. 2389).

We submit that the court's failure to charge the jury with respect to "time of war" was not error, let alone constitutional error, and therefore, would not have warranted reversal of petitioner's conviction even on direct appeal. First, the "in time of war" clause is part of a proviso which relates merely to sentencing. The statute punishes a single offense, espionage, but imposes different punishments depending on the time the offense occurred. It is doubtful therefore that the question was one for the jury.

Second, even if this was a jury question, there was no need to give instructions on this issue. All the parties implicitly agreed that the conspiracy, if there was a conspiracy at all, arose in wartime.

Third, even if we assume that the trial court should have charged the jury to determine, if it found the defendants guilty, whether the offenses were committed "in time of war," this claim is not cognizable under either 28 U.S.C. 2255 or Rule 35.

a. The well-settled principles governing collateral attack which we have discussed above, preclude relief in the circumstances of this case. The error, if it is error at all, plainly did not result in "a complete miscarriage of justice \* \* \* ~~for~~ an omission inconsistent with the rudimentary demands of fair procedure." Hill v. United States, supra, 368 U.S. at 428.

The defendants implicitly admitted during the trial that, if they were guilty of an offense under Section 32, it occurred during time of war. Consequently, the trial court's failure to charge the jury on this issue hardly affected any fundamental rights.

Moreover, even on direct appeal, an alleged error in the charge to the jury will not ordinarily be considered, where, as here, no request for instructions was made, and no exception was taken to the charge at the time when it could have been corrected. Rule 30, F.R. Crim. P. There is far stronger reason to apply this rule when such objections are raised for the first time on collateral attack. See, e.g., Emison v. Gill, 155 F. 2d 176 (C.A. D.C.); Olson v. United States, 234 F. 2d 956 (C.A. 4).

Petitioner suggests (Pet. 6, 47) that he may collaterally attack the instructions to the jury because this Court's decision in Lee v. Madigan, 358 U.S. 228, was not decided until long after the direct appeal was completed. However, as we have emphasized above, it is well established that collateral attack cannot substitute for direct appeal merely because the law has meanwhile changed in some regard. Moreover, there is no merit to petitioner's claim that before 1959, it was settled that "war" continued for all purposes until ratification of the peace treaty or official action by the President or Congress (which did not occur until 1952) and that Lee v. Madigan drastically changed the law. This Court merely held in Lee v. Madigan that the term "in time of peace" must be construed in the light of the precise facts of each case and the impact of the particular statute and that June 10, 1949, was "in time of peace" and those words were used in Article of War No. 92. Previously, in 1948, in Indeche v. Watkins, 335 U.S. 160, 169, the Court had indicated that it might some day be required to determine whether it could "find that a war though merely formally kept alive had in fact ended."

b. Petitioner's contention as to the trial court's instructions is also not cognizable under Rule 35, which provides for the correction of an "illegal sentence." This Court expressly held in Hill v. United States, supra, 368 U.S. at 430, that "the narrow function of Rule 35 is to permit correction at any time of an illegal sentence, not to re-examine errors occurring at the trial or other proceedings prior to the imposition of sentence" (emphasis in original). The Court therefore concluded that the failure of the trial court to inform the defendant of his right to speak before sentence, although it violated Rule 32, F.R. Crim. P., did not make the sentence illegal. It is even clearer that petitioner's contention in this case involves at most error in the conduct of the trial occurring long before sentence, and was not an error in the sentence itself. While petitioner relies on Heflin v. United States, 358 U.S. 415, and Prince v. United States, 352 U.S. 322, both cases are inapposite since they involved the illegal imposition of consecutive sentences for the same conduct.

CONCLUSION

For the foregoing reasons, we respectfully submit that the petition for a writ of certiorari should be denied.

ARCHIBALD COX,  
Solicitor General.

J. WALTER YEAGLEY,  
Assistant Attorney General.

KEVIN T. MARONEY,  
LEE B. ANDERSON,  
Attorneys.

MAY 1963



§2255. Federal custody; remedies on motion attacking sentence.

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

A motion for such relief may be made at any time.

Unless the motion and the files and records of the case conclusively show that the prisoner is entitled to no relief, the court shall cause notice thereof to be served upon the United States attorney, grant a prompt hearing thereon, determine the issues and make findings of fact and conclusions of law with respect thereto. If the court finds that the judgment was rendered without jurisdiction, or that the sentence imposed was not authorized by law or otherwise open to collateral attack, or that there has been such a denial or infringement of the constitutional rights of the prisoner as to render the judgment vulnerable to collateral attack, the court shall vacate and set the judgment aside and shall discharge the prisoner or resentence him or grant a new trial or correct the sentence as may appear appropriate.

A court may entertain and determine such motion without requiring the production of the prisoner at the hearing.

The sentencing court shall not be required to entertain a second or successive motion for similar relief on behalf of the same prisoner.

An appeal may be taken to the court of appeals from the order entered on the motion as from a final judgment on application for a writ of habeas corpus.

An application for a writ of habeas corpus in behalf of a prisoner who is authorized to apply for relief by motion pursuant to this section, shall not be entertained if it appears that the applicant has failed to apply for relief, by motion, to the court which sentenced him, or that such court has denied him relief, unless it also appears that the remedy by motion is inadequate or ineffective to test the legality of his detention. (June 25, 1948, ch. 646, 62 Stat. 967; May 24, 1949, ch. 139, §114, 64 Stat. 105).

SECTION 32 and 34 of TITLE 50 U.S.C. (1946 ed.) provide:

§32. Unlawfully disclosing information affecting national defense.

Whoever with intent or reason to believe that it is to be used to the injury of the United States or to the advantage of a foreign nation, communicates, delivers, or transmits, or attempts to, or aids or induces another to, communicate, deliver, or transmit, to any foreign government, or to any faction or party or military or naval force within a foreign country, whether recognized or unrecognized by the United States, or to any representative, officer, agent, employee, subject, or citizen thereof, either directly or indirectly, any document, writing, code book, signal book, sketch, photograph, photographic negative, blue print, plan, map, model, note, instrument, appliance, or information relating to the national defense, shall be punished by imprisonment for not more than twenty years:

ALL INFORMATION CONTAINED

Provided, That whoever shall violate the provisions of subsection (a) of this section in time of war shall be punished by death or by imprisonment for not more than thirty years; ..... (June 15, 1917, c. 30, Title I, §2, 40 Stat. 218).

§34. Conspiracy to violate preceding sections.

If two or more persons conspire to violate the provisions of sections 32 or 33 of this title, and one or more of such persons does any act to effect the objects of the conspiracy, each of the parties to such conspiracy shall be punished as in said sections provided in the case of the doing of the act the accomplishment of which is the object of such conspiracy. Except as above provided conspiracies to commit offenses under this chapter shall be punished as provided by section 88 of Title 18. (June 15, 1917, c. 30, Title I, §4, 40 Stat. 219.)

RULES 30 and 35 of the FEDERAL RULES OF CRIMINAL PROCEDURE provide:

Rule 30  
INSTRUCTIONS

At the close of the evidence or at such earlier time during the trial as the court reasonably directs, any party may file written requests that the court instruct the jury on the law as set forth in the requests. At the same time copies of such requests shall be furnished to adverse parties. The court shall inform counsel of its proposed action upon the requests prior to their arguments to the jury, but the court shall instruct the jury after the arguments are completed. No party may assign as error any portion of the charge or omission therefrom unless he objects thereto before the jury retires to consider its verdict, stating distinctly the matter to which he objects and the grounds of his objection. Opportunity shall be given to make the objection out of the hearing of the jury.

Rule 35

CORRECTION OR REDUCTION OF SENTENCE

The court may correct an illegal sentence at any time. The court may reduce a sentence within 60 days after the sentence is imposed, or within 60 days after receipt by the court of a mandate issued upon affirmance of the judgment or dismissal of the appeal, or within 60 days after receipt of an order of the Supreme Court denying an application for a writ of certiorari.

UNITED STATES GOVERNMENT

# Memorandum

TO : DIRECTOR, FBI (101-2483)

DATE: MAY 20 1963

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

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

ReWFOairtel, 4/17/63, furnishing the Bureau and the NYO copies of subject's petition for writ of certiorari filed in the US Supreme Court, 4/5/63, and advising that WFO would follow this case in the US Supreme Court and advise of developments as they occur.

Since no further investigation, other than the above, remains to be conducted in this case at the present time, the NYO is placing this case in a pending inactive status until the Supreme Court has made a determination in this matter.

- ②-Bureau (101-2483) (RM)
- 1-Washington Field (101-2316) (RM) (Info)
- 1-New York (100-37158)

CWM:emc

(4)  
ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED

DATE 4/28/87 BY 3042 AOT/afw

101-2483-1522

MAY 22 1963

REC-1

50 MAY 28 1963  
EX-102  
MAY 28 1963  
MAY 28 1963  
MAY 28 1963

ESP-REC

UNITED STATES GOVERNMENT

# Memorandum

TO : DIRECTOR, FBI (101-2483)

DATE: 5/27/63

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

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

ReWFOairtel 4/17/63.

Records of the U. S. Supreme Court, Washington, D. C., in Number 1333, Misc., MORTON SOBELL, Petitioner, v. USA, periodically checked to 5/20/63, show that the only additional action in this case was the filing of the Government's brief on 5/16/63.

WFO following in the Supreme Court and will advise of additional action.

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

OMS:ajm  
(5)

## Addendum:

As of 5/27/63, the Supreme Court docket in this case shows that on 5/22/63 the petitioner's reply brief was filed; on 5/23/63 this brief and the petition for writ of certiorari was distributed to the Justices of the Court, and is not available for review. WFO following.

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 4/28/87 BY SP42PWT/af

REC-9

101-2483-1523

12 MAY 28 1963

DO NOT WRITE  
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EX-116  
JUN 3 1963

58 JUN 3 1963

XXXXXX  
XXXXXX  
XXXXXXFEDERAL BUREAU OF INVESTIGATION  
FOIPA DELETED PAGE INFORMATION SHEET

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

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

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).

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Disposition of document handled by CIA in 1975

☐ For your information: \_\_\_\_\_

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

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~~CONFIDENTIAL~~

**June 4, 1963**

1 - Mr. Belmont  
1 - Mr. Evans  
1 - Mr. Sullivan  
1 - Mr. Baumgardner  
1 - Mr. Bland  
1 - Mr. Schaller

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 4/22/89 BY 3042 PWT/4

Aaron Katz, who has been described as east coast representative of the Committee, recently stated that Morton Sobell is being transferred from the United States Penitentiary, Atlanta, Georgia, to the United States Penitentiary, Lewisburg, Pennsylvania. Katz claimed he and Helen Sobell, wife of Morton Sobell, had previously made a request of Andrew Gohmann, your Executive Assistant, to transfer Sobell to Lewisburg and attributed the transfer to this discussion. Katz and members of the Committee were elated with Sobell's transfer since they consider it an interim step to his parole.

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

101-2483  
NOT RECORDED  
JUN 7 1963

~~CONFIDENTIAL~~

**CONFIDENTIAL**

100-387235  
RFS:ceb (13)

① - 101-2483 (Morton Sobell)

(SEE NOTE PAGE TWO)

Classified By 255  
Exempt from GDS, Category 2  
Date of Declassification Indefinite

**DUPLICATE YELLOW**

57 JUN 7 1963

~~CONFIDENTIAL~~

The Attorney General

NOTE:

The above information was obtained from a New York informant on 5/28/63 furnished to Bureau by airtel same date. This correspondence is being classified "Confidential" as it emanates from the source, the disclosure of which could be prejudicial to the defense interests of the United States.

In previous correspondence, O'Donnell and the Attorney General have been furnished information concerning the Committee to Secure Justice for Martin Sobell. This information is also being disseminated to the intelligence agencies.

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

~~CONFIDENTIAL~~  
~~CONFIDENTIAL~~



**CONFIDENTIAL**

1 - Mr. Belmont  
1 - Mr. Evans  
1 - Mr. Sullivan  
1 - Mr. Baumgardner  
1 - Mr. Bland  
1 - Liaison Section  
1 - Mr. Schaller

June 4, 1963

**BY COURIER SERVICE**

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

Dear Mr. O'Donnell:

I have previously advised you concerning the continuing activity of the Committee to Secure Justice for 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.

Aaron Katz, who has been described as east coast representative of the Committee, recently stated that Morton Sobell is being transferred from the United States Penitentiary, Atlanta, Georgia, to the United States Penitentiary, Lewisburg, Pennsylvania. Katz claimed he and Helen Sobell, wife of Morton Sobell, had previously made a request of Andrew Gohmann, Executive Assistant to the Attorney General, to transfer Sobell to Lewisburg and attributed the transfer to this discussion. Katz and members of the Committee were elated with Sobell's transfer since they consider it an interim step to his parole.

This information is also being furnished to the Attorney General.

Sincerely yours,

(SEE NOTE PAGE TWO)

100-387835

RFS:eeb/rjh

(10)

101-2483 (Morton Sobell)

NOT RECORDED

199 JUN 5 1963

**CONFIDENTIAL**

Group 1

Excluded from automatic  
downgrading and  
declassification

**DUPLICATE YELLOW**  
HEREIN IS UNCLASSIFIED  
DATE 1/28/87 BY 3040 PWT

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

JUN 7 1963

Classified by  
Exempt from GDS, Category  
Date

100-387835-2972



~~CONFIDENTIAL~~

Honorable P. Kenneth O'Donnell

NOTE:

The above information was obtained from a New York informant on 5/28/63 furnished to Bureau by airtel same date. This correspondence is being classified "Confidential" as it emanates from the source, the disclosure of which could be prejudicial to the defense interests of the United States.

In previous correspondence, O'Donnell and the Attorney General have been furnished information concerning the Committee to Secure Justice for Morton Sobell. This information is also being disseminated to the intelligence agencies.

~~CONFIDENTIAL~~

UNITED STATES GOVERNMENT

# Memorandum

TO : DIRECTOR, FBI (101-2483)

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

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

DATE: 6/14/63

Re New York airtel, 6/6/63, captioned " COMMITTEE TO SECURE JUSTICE FOR MORTON SOBELL; IS-C, ISA - 1950," (Bufile 100-387835).

Re New York airtel advised [REDACTED] furnished information 6/5/63 reflecting subject transferred 5/29/63 from US Penitentiary, Atlanta, Georgia, to Medical Center for Federal Prisoners, Springfield, Missouri.

Kansas City is requested to verify subject's transfer to the above institution and to review appropriate records for current information regarding subject's health.

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED

DATE 4/23/87 BY 3042 PWT/vfw

- 2 - Bureau (101-2483) (RM)  
1 - Atlanta (Info.) (RM)  
2 - Kansas City (RM)  
1 - New York (100-37158)

CWM:mr  
(6)

51 JUN 19 1963

EX-120

REC-72

101-2483-1524

JUN 17 1963

ESP. SEC.

F B I

Date: 6/17/63

Transmit the following in \_\_\_\_\_

(Type in plain text or code)

Via AIRTEL

(Priority or Method of Mailing)

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

TO: DIRECTOR, FBI (101-2483)  
AND SAC, NEW YORK (100-37158)

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

MORTON SOBELL, aka  
ESPIONAGE-R  
(OO:NY)

ReWFOairtel 4/17/63 and WFOlet 5/27/63.

Orders of the U.S. Supreme Court, Washington, D.C., in No. 1333 Misc., SOBELL v. USA, 6/17/63, reflect that SOBELL's motion for leave to use the record in Nos. 111 and 112, October Term 1952 is granted; the petition for writ of certiorari is denied. It is indicated further that Mr. JUSTICE WHITE took no part in consideration of decision of this motion and petition.

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

OMS:meh  
(6)

AIRTEL

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 4/28/82 BY 3042 PWT/...

EX-115 REC-35

101-2483-1525

JUN 19 1963

C. C. Wick

68 JUN 24 1963

Approved: William Sullivan  
Special Agent in Charge

Sent \_\_\_\_\_ M Per \_\_\_\_\_

UNITED STATES GOVERNMENT

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

DATE: 6/17/63

FROM : W. A. Branigan *WAB*

1 - ~~\_\_\_\_\_~~  
 1 - Sullivan  
 1 - Baumgardner  
 1 - Branigan  
 1 - Litrento

SUBJECT: MORTON SOBELL  
ESPIONAGE - R

Tolson \_\_\_\_\_  
 Belmont \_\_\_\_\_  
 Mohr \_\_\_\_\_  
 Casper \_\_\_\_\_  
 Callahan \_\_\_\_\_  
 Conrad \_\_\_\_\_  
 DeLoach \_\_\_\_\_  
 Evans \_\_\_\_\_  
 Gale \_\_\_\_\_  
 Rosen \_\_\_\_\_  
 Sullivan \_\_\_\_\_  
 Tavel \_\_\_\_\_  
 Trotter \_\_\_\_\_  
 Tele. Room \_\_\_\_\_  
 Holmes \_\_\_\_\_  
 Gandy \_\_\_\_\_

Special Agent Robert Putnam of WFO telephonically advised today that the United States Supreme Court denied Sobell's petition for a writ of certiorari this date. Sobell is presently serving 30 years for his part in the Julius and Ethel Rosenberg espionage conspiracy.

ACTION:

For your information.

101-2483 *APL*APL:pa  
(6) *pa*

ALL INFORMATION CONTAINED  
 HEREIN IS UNCLASSIFIED

DATE 4/28/87 BY 3042 PWS/dw

EX-114 REC-64

101-2483-1526

11 JUN 19 1963

62 JUN 25 1963

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XXXXXX  
XXXXXXFEDERAL BUREAU OF INVESTIGATION  
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- ☐ 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.

2 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).

CIA

\_\_\_\_\_ Page(s) withheld for the following reason(s):

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☐ For your information: \_\_\_\_\_

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

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5  
Director

0 SOBELL (III, 10)

Petition for writ of certiorari was filed April 5, 1963 and Government's brief in opposition was filed May 16, 1963.

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 4/28/87 BY 3042AWT/ff

101-2483 -

NOT RECORDED

2 JUL -1 1963

file 101-2483

Information included in Internal Security Division Bi-Monthly  
Status Report as of April 30, 1963.

5-SPK  
Bull

54 JUL 3 1963

UNITED STATES GOVERNMENT

# Memorandum

TO : DIRECTOR, FBI (101-2483)

DATE: 7/26/63

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

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

ReWFOairtel, 6/17/63.

Records of the U.S. Supreme Court, Washington, D.C., made available to SA RALPH C. VOGEL on 7/23/63, in No. 1333, Miscellaneous, SOBELL v. USA, reflect that on 7/9/63, attorneys for SOBELL filed application for extension of time to file a petition for rehearing; court order by Justice STEWART was issued granting such extension to 8/6/63.

WFO will follow in the Supreme Court and advise of additional action in this case.

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

OMS:sch  
(5)

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 4/28/87 BY 3013 PWT/lbr

REC-44

101-2483-1528

2 JUL 26 1963

ST-104

EST. SEC.

769  
60 AUG 1 1963

1 - W. Leon Smith  
1 - Lee

8/2/63

SAC, Kansas City (65-1811)

ST-104

Director, FBI (101-3483) -1529

MORTON SOBELL  
ESPIONAGE -R

Bureau 7/23/63.

You should maintain contact with Melvin Lemmon, Secretary to Warden, Medical Center for Federal Prisoners, Springfield, Missouri, in order to determine the results of the medical examinations currently being conducted on Morton Sobell. For your information Sobell's wife and other sympathizers have been using his illness in their attempts to gain his release from prison and have made statements indicating that his release from prison is a matter of life or death.

The above contact should be made discreetly.

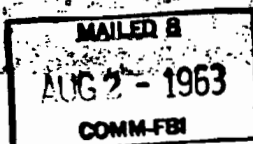
JPL:pa  
(5)

NOTE:

Sobell is currently serving 30 years for conspiracy to commit espionage. He was convicted along with Julius and Ethel Rosenberg.

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 4/28/79 BY SP-6/BJK

Tolson \_\_\_\_\_  
Belmont \_\_\_\_\_  
Mohr \_\_\_\_\_  
Casper \_\_\_\_\_  
Callahan \_\_\_\_\_  
Conrad \_\_\_\_\_  
DeLoach \_\_\_\_\_  
Evans \_\_\_\_\_  
Gale \_\_\_\_\_  
Rosen \_\_\_\_\_  
Sullivan \_\_\_\_\_  
Tavel \_\_\_\_\_  
Trotter \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Holmes \_\_\_\_\_  
Gandy \_\_\_\_\_



53 AUG 7 1963

MAIL ROOM ☐ TELETYPE UNIT ☐



UNITED STATES GOVERNMENT

# Memorandum

TO : DIRECTOR, FBI (101-2483)

DATE: 7-23-63

FROM : *HK* SAC, KANSAS CITY (65-1311) - RUC -

*dab* SUBJECT: MORTON <sup>①</sup>SOBELL  
ESP-R

OO: New York

Re New York to Bureau, June 14, 1963.

On July 8, 1963, MELVIN LEMMON, Secretary to Warden, Medical Center for Federal Prisoners, Springfield, Missouri, made available subject's record which reflected that subject was transferred to the Medical Center for Federal Prisoners and that he arrived on May 30, 1963, and is assigned prisoner Number 14535-H.

Subject's diagnosis is as follows: Psychophysiologic gastrointestinal reaction; treatment recommended: G. I. series work-up.

*W*

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

- ② - Bureau(RM)  
1 - Atlanta (Info)(RM)  
2 - New York (100-37158)(RM)  
1 - Kansas City (65-1311)  
ETW:jb  
(6)

EX-102

REC-19

101-2483-1529

2 JUL 25 1963

*[Signature]*  
ESP/SEC.

*Let to KC  
JPB:PA  
7-2-67*

UNITED STATES GOVERNMENT

# Memorandum

TO : W. C. Sullivan

DATE: July 26, 1963

FROM : W. A. Branigan

SUBJECT: MORTON SOBELL  
ESPIONAGE - R

1 - Belmont  
1 - DeLoach  
1 - Sullivan  
1 - W. L. Smith  
1 - Branigan  
1 - Lee

Tolson ☒  
Belmont ☒  
Mohr ☒  
Casper ☒  
Callahan ☒  
Conrad ☒  
DeLoach ☒  
Evans ☒  
Gale ☒  
Rosen ☒  
Sullivan ☒  
Tavel ☒  
Trotter ☒  
Tele. Room ☒  
Holmes ☒  
Gandy ☒

This is an informative memorandum.

The Washington News Service carried an article dated July 25, 1963, with a London dateline quoting Mrs. Morton Sobell that her husband's release from prison is now a matter of life or death. The article stated that the Federal Prison Parole Board is to review Sobell's case on Saturday, presumably July 27, 1963.

The Federal Prison Parole Board was telephonically contacted and it was determined there are no hearings scheduled for Morton Sobell for July 27, 1963. In addition, no hearing is scheduled until the annual review, which will occur in October, 1963.

Sobell was convicted along with Julius and Ethel Rosenberg in 1951 of conspiracy to commit espionage and was sentenced to 30 years. His request for parole was turned down in October, 1962. At the time of his sentencing in April, 1951, Judge Irving Kaufman stated that he wanted to recommend to the Parole Board for whatever it was worth that Sobell never be granted parole.

Sobell is suffering from stomach trouble and in May, 1963, was transferred to the Federal Prison Medical Center at Springfield, Missouri, for treatment. This is the basis for the remark by Mrs. Sobell that her husband's release was a matter of life or death.

ACTION:

EX-133

ST-111 101-2483-1530

REC-131

6 JUL 30 1963

For information purposes.

101-2483

JPL:pa  
(7)

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HEREIN IS UNCLASSIFIED  
DATE 4/24/87 BY [signature]

63 AUG 24 1963

EBT-102  
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ES-1

Tolson ☒  
 Belmont ☒  
 Mohr ☒  
 Casper ☐  
 Callahan ☐  
 Conrad ☒  
 DeLoach ☒  
 Evans ☐  
 Gale ☐  
 Rosen ☒  
 Sullivan ☒  
 Tavel ☐  
 Trotter ☐  
 Tele. Room ☐  
 Holmes ☐  
 Gandy ☐

✓

*[Handwritten signature]*

*[Handwritten signature]*

UPI-29

(SOBELL)

LONDON--THE WIFE OF CONVICTED SOVIET SPY MORTON SOBELL SAID IN AN INTERVIEW PUBLISHED BY THE COMMUNIST DAILY WORKER TODAY THE AMERICAN SCIENTIST'S RELEASE FROM PRISON NOW WAS A MATTER OF "LIFE OR DEATH."

MRS. HELEN SOBELL, WHO THE WORKER SAID WAS MAKING A TOUR OF EUROPE TO CAMPAIGN FOR HER HUSBAND'S RELEASE, SAID HE WAS SERIOUSLY ILL WITH STOMACH TROUBLE AT THE PRISON IN SPRINGFIELD, MO.

THE FEDERAL PRISON PAROLE BOARD IS TO REVIEW SOBELL'S CASE SATURDAY. HE ALREADY HAS SERVED 13 YEARS OF A 30-YEAR SENTENCE.

7/25--GE1022A

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED

DATE 4/28/89 BY 3042 PWT/lrt

*[Handwritten notes]*  
 Memo from [unclear]  
 7-26-63  
 on 23

ENCLOSURE

WASHINGTON CAPITAL NEWS SERVICE

UNITED STATES GOVERNMENT

## Memorandum

TO : Director, FBI (Bufile 101-2483)

FROM : SAC, NEW YORK (100-37158)

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

DATE: 7/30/63

"UNAVAILABLE SECTION"

Cards UTD.  
Cards Sent 00  
8/6/63  
an

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

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

Name		
Aliases		
<input type="checkbox"/> Native Born	<input type="checkbox"/> Naturalized	<input type="checkbox"/> Alien
<input type="checkbox"/> Communist	<input type="checkbox"/> Socialist Workers Party	<input type="checkbox"/> Independent Socialist League
<input type="checkbox"/> Miscellaneous (specify) <u>IMPRISONED</u>		
<input type="checkbox"/> Tab for Detcom	Race	Sex <input type="checkbox"/> Male <input type="checkbox"/> Female
Date of Birth	Place of Birth	
Business Address (show name of employing concern and address)		
Key Facility Data		
Geographical Reference Number		Responsibility
Interested Agencies		
Residence Address		
Medical Center for Federal Prisoners Springfield, Missouri		NOT RECORDED 12 AUG 1 1963

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

CWM:ecf  
REGISTERED MAIL

1963

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 4/28/87 BY 3042AUT/...

UNITED STATES GOVERNMENT

# Memorandum

TO : DIRECTOR, FBI (101-2483)

DATE: 8/9/63

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

SUBJECT: MORTON SOBELL, aka  
ESPIONAGE - R  
OO: NY

ReWFOlet 7/26/63.

Checks made with Mr. EDWARD SCHADE, U. S. Supreme Court, WDC, on 8/6 and 8/7/63 in No. 1333, Misc., SOBELL v USA, failed to reflect that attorneys for SOBELL filed a petition for rehearing within the extension of time to 8/6/63 granted to petitioner.

WFO will maintain contact with the Supreme Court to determine if any additional motions may be filed by SOBELL. Mr. SCHADE stated that filing of a petition for rehearing would now be untimely, but that it is possible for the petitioner to file a motion for leave to file future applications or motions.

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

OMS/jgm  
(5)

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED

DATE 1/28/82 BY 30022007/fhr

REC-15

101-2483-1531

11 AUG 12 1963

ESP. SEC.

1006431B

60 AUG 15 1963

SOBELL (III, 10)

On June 17, 1963, the Supreme Court denied petition for writ of certiorari.

Morton Sobell

File

101-2483

101-2483-

NOT RECORDED

2 SEP 12 1963

Information included in Internal Security Division Bi-Monthly Status Report as of June 30, 1963.

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED

DATE 4/28/87 BY 3042 PWT/dt

62 SEP 13 1963

*[Handwritten signature]*  
Brady  
*[Handwritten initials]*

UNITED STATES GOVERNMENT

# Memo

TO : DIRECTOR, FBI (101-2483)

DATE: 8/23/63

FROM : SAC, KANSAS CITY (65-1311) -P-

SUBJECT: MORTON SOBELL  
ESP-R

OO: NEW YORK

Re Bureau letter to Kansas City, dated 8/2/63.

On 8/14/63, MELVIN LEMMON, Secretary to Warden, Medical Center for Federal Prisoners, Springfield, Mo., made available subject's record which reflected that there has been no recent medical report on him. There is a letter in the file addressed to Dr. W. E. HERMANC from Dr. MILOFSKY, Psychiatry, dated 6/26/63. Dr. MILOFSKY advised in the letter that the "G I" complaint may well derive from some emotional conflict and with negative medical workup he would recommend Psychotherapy. He advised that he would recommend no tranquilizing medication be given nor any sedative as SOBELL is psychologically healthy enough not to require them now. The letter contained the following statement by Dr. MILOFSKY: "At present I think that his symptomatology still leads him to a misguided pseudo-experimental approach to his gastrointestinal problem so that his wishes to play at being a patient seem to have the upper hand; or rather he plays at being doctor."

*No Rec. MO*  
The subject's record contains another letter that may be of interest. The letter stated that on 8/4/63, a woman by the name of ANNY BAYEVSKI attempted to visit SOBELL. She was not on the visiting list and was not permitted to visit him. On denial of visiting privileges she became quite demanding and made some attempts to pass through the inner door when it was opened for other visitors. SOBELL's mother who visited the same day stated she did not know the woman nor did SOBELL. Miss BAYEVSKI left at 2:10 PM after being verbally abusive to a Lt. MILLER who was on duty and her final words were "you will hear about this from Washington". The only address she gave was 901 Washington Ave. without giving a city. Mr. LEMMON advised they have received a letter *from SOBELL's mother* through her attorney advising that this woman was not a relative and she felt that this woman had a mental problem.

2-Bureau (RM)  
2-New York (100-37158) (RM)  
2-Kansas City  
JED:nks  
(6)

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 1/28/87 BY 20462/104

AUG 26 1963

ESP. SEC.

100-404849-141  
ORIGINAL FILED IN

FORM DS-10  
4-1-55 DEPARTMENT OF STATE  
REFERENCE SLIP

DATE *7/1/63*

TO: *[Signature]* ORG. SYMBOL ROOM NO. BLDG. INITIALS DATE

1. *[Signature]*

2.

3.

4. MORTON SOBELL *Rec'd 9-17-63  
release  
OS*

5.

APPROVAL	NOTE AND FORWARD
AS REQUESTED	NOTE AND RETURN
COMMENT	PER CONVERSATION
FOR YOUR INFORMATION	PREPARE REPLY
INITIAL FOR CLEARANCE	SEE ME
NECESSARY ACTION	SIGNATURE

REMARKS OR ADDITIONAL ROUTING GPO 938117

*The Turk/We Park Office  
gave me this to pass  
on to the FBI for their  
information.  
(see - Repman's  
memo to Kenneth DeLacy & Revere  
(SC), (100-404849) 6/25/63  
Ongoing Schedule of the Sobell)  
file 5.98*

FROM (NAME AND ORGANIZATION) ROOM NO. AND BLDG.

SIGNATURE *[Signature]* PHONE NO.

~~NOT RECORDED~~  
3 SEP 30 1963

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE *4/30/87* BY *3045 [Signature]*

*101-2483-*  
NOT RECORDED  
102 SEP 23 1963

6 OCT 296  
ENCLOSURE  
ENCLOSURE ATTACHED  
1963



"The Court (the U.S. Supreme Court) has never reviewed the record and has never affirmed the fairness of the trial below. Without an affirmation of the fairness of the trial by the highest court in the land, there may always be questions as to whether these accusations were legally and judicially correct."

—H. STANLEY (H. CO. B. 10)

"I AM INNOCENT" Arthur Sobell continues to state to the world in the thirtieth year of imprisonment: "I charge I have been unjustly accused, unjustly tried, unjustly sentenced and unjustly imprisoned these many long years."

"WE ARE INNOCENT" Ethel and Julius Rosenberg vowed to the end before their execution ten years ago.

# The Facts in the Rosenberg-Sobell Case 1950-1963

ALL INFORMATION CONTAINED  
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DATE 4/30/87 BY 3042ADW/gh

*per release*

*enclosure*

*101-2483-NR 9-14-63*

*Best copy available*



**Morton Sobell**

Rosenbergs. Sobell case illustrates with  
great clarity of the influence that  
has in the exercise of justice in total  
conspiracy. With the Rosenbergs and  
it stated that they were convicted on  
the total record reveals to the public  
the nature of the case.

—MR. BARRY D. GALT, former  
chairman of the United States  
Board of Pardons

For justice has been denied many times through the  
years from the time of Louis the Pious down to  
present. To me to say has had such effect in it as  
the justice for Morton Sobell. I had serious  
concern that Morton Sobell is innocent, a  
man of justice, politics and prejudice.

—MR. JAMES McLEOD, Jr., former  
attorney of 20 years experience. He was  
chairman of Senate and House. Morton  
Sobell while he was imprisoned there

the great heart and the soul feeling that  
justice was in prison. It is our duty and  
that we have no right for the protection  
to get out that in any case of injustice  
the possible action be taken to rectify the  
line of action.

—JAMES D. GARRARD

*Best Copy  
available*

### TIME OF TENSION

Historians now call it the era of McCarthyism. It was a time of fear and suspicion.

Our nation had been assured the atomic bomb would remain an American monopoly for years to come. When Russia unexpectedly exploded a bomb in 1949, "they stole it from us" was the panicky national response and a search for spies was on.

But Time Magazine commented on Jan. 2, 1950:

*"For the last decade, there has been no 'atom-bomb secret' which Russian spies needed to steal. This fact has been asserted again and again by the Atomic Energy Commission . . . Last week the A.E.C.'s files yielded documentary proof: Russian scientific papers on the project, published in 1940, before the U.S. started its atom bomb project . . . The basic 'secrets' were already in their files. Until this week the Russian papers have been known to few. If the facts they contain had been properly publicized, a lot of spy chasing and pointless orating might have been avoided."*

### TRIAL BY HEADLINE

Suddenly the cause of Russia's A-bomb was said to be discovered by those still insisting it was espionage. Headlines in July, 1950, blared the arrest of Julius Rosenberg as the "atom spy" who was responsible for Russia having the bomb. His wife was arrested a short while later. In August, Morton Sobell was added as another "atom spy" even though the trial judge was later to say that Sobell was not connected with the atomic project. The Rosenbergs and Sobell swore their innocence. Sobell was pressured to become an accusing witness while the question of a trial for him was delayed. It was only when he still insisted on his innocence that his name was listed as a defendant. The only "overt acts" charged were five conversations which he allegedly had with Julius Rosenberg. These conversations were not to be mentioned at the trial. In the headlines the accused were guilty even before the trial, which took place during the time of the Korean fighting, in a New York courtroom.

Best Copy  
available

## THE DEFENDANTS

The Rosenbergs were a New York-born couple. Julius Rosenberg had been an engineer and at the time of his arrest had his own machine shop. The couple had two sons.

Morton Sobell,\* who grew up in the Bronx, was a radar specialist and an evening instructor at Brooklyn Polytechnical Institute. He was employed at the Reeves Instrument Company at the time of his arrest. He and his wife, Helen, have a son, Mark, now 14, and by Mrs. Sobell's previous marriage, a daughter, Sydney.

Morton Sobell and Julius Rosenberg had known each other at the City College of New York.

## THE PROSECUTORS

A key prosecutor, along with Irving Saypol and Myles Lane, was Roy Cohn, later to become Senator McCarthy's chief assistant. Cohn was discredited in the Army-McCarthy hearings in 1954 when it was proven that he doctored a photograph presented in evidence.

## NO ESPIONAGE CHARGED

The gap between the headlines and the facts was wide. Neither the Rosenbergs nor Sobell were charged with espionage or treason. The charge was "conspiracy to commit" espionage. The difference: under the loose conspiracy charge, no proof of any actual acts of espionage is needed. The conspiracy charge is traditionally resorted to when proof of actual acts is lacking.

## NO DOCUMENTARY EVIDENCE

In opposition to the defendants' plea of innocence, no documentary evidence was presented in the trial. The case rested on the testimony of government witnesses who stood to gain personally by their accusations. The trial was colored by prosecution claims, also without documentation, that the defendants were members of the Communist Party.

The chief witness against the Rosenbergs was David Greenglass, brother of Ethel Rosenberg. Greenglass, a mechanic at Los Alamos, did not claim to have stolen any documents or photographed any papers. He told a tale of having eavesdropped on scientists and from

\*Morton Sobell is not related to the brothers, Dr. Robert Soblen and Jack Sobie, who were in the public eye in an entirely different case.

their conversation drawing diagrams giving atomic secrets. On cross-examination he admitted having failed his science courses at Brooklyn Polytech. Dr. Harold C. Urey, Nobel prize atomic scientist who studied the record subsequently and found "patently perjured" prosecution testimony, asserted: "Though the information supposed to have been transmitted could have been important, a man of Greenglass's capacity is wholly incapable of transmitting the physics, chemistry and mathematics of the atomic bomb to anyone." Greenglass was sentenced to 15 years imprisonment but is now free after having been released at the end of 1960.

Of Greenglass's testimony, the U. S. Court of Appeals said: "Doubtless, if that testimony were disregarded, the conviction could not stand."

#### **CASE AGAINST SOBELL**

Only one witness, Max Elitcher, accused Sobell of any involvement. Elitcher, admitting previous perjury, testified that he was "scared to death." The judge told the jury: "If you do not believe the testimony of Max Elitcher as it pertains to Sobell, then you must acquit the defendant Sobell."

Elitcher did not claim Sobell ever passed or received any secret material. He told the jury that Sobell, although he supposedly thought the FBI was following him, took a 35mm film can (contents never specified) to Julius Rosenberg. Elitcher did not claim he saw Sobell give anything to Rosenberg. Elitcher has never been prosecuted for his confessed perjury, but has been helped to find employment, as a reward for his testimony.

Sobell's lawyers advised him that the case was so flimsy his most effective defense would be to rest on his plea of innocence, without even taking the witness stand. Sobell, wanting to take the stand, reluctantly bowed to their legal opinion.

#### **OTHER PROSECUTION WITNESSES**

Harry Gold never claimed to have known the Rosenbergs and Sobell. But Gold, already under a 30 years sentence, described himself as the man to whom Greenglass gave the atomic data he said he obtained by eavesdropping on scientists. In a later trial, a man whom Gold accused went free after the court heard Gold's admission of having lived such a life of lies "it is a wonder that steam didn't come out of my ears." Gold is still in prison.

Elizabeth Bentley, who had become a frequent witness at the trials and Congressional hearings of the day, didn't claim to know the Rosenbergs or Sobell but added color with testimony on espionage methods. She was subsequently discredited in other proceedings. For example, she once accused a man of having supplied the Russians with advance information about Doolittle's raid on Tokyo which

was gleaned while the accused was in the Air Corps. But it was proven that the man wasn't in the Air Corps until months after the raid. Former U.S. Congressman Byron Scott of California charged before a Congressional committee that 37 discrepancies had been found in Elizabeth Bentley's testimony in that case.



Ethel Rosenberg



Julius Rosenberg

#### IDENTIFIED SENTENCES

The verdict was "guilty." Dr. Harold C. Urey has said:

*"This jury was hearing this trial in the midst of the McCarthy hysteria during the Korean War when people were very much upset about these things and it would seem to me very difficult for any member of this jury to have gone home after voting for acquittal and retained his job or his position in his community."*

Judge Irving Kaufman, expressing the hysteria of the time, intoned against the Rosenbergs: "... I believe your conduct in putting into the hands of the Russians the A-bomb years before our best scientists predicted Russia would perfect the bomb has already caused, in my opinion, the Communist aggression in Korea, with the resultant casualties exceeding 50,000 and who knows but that millions more of innocent people may pay the price of your treason. Indeed, by your betrayal you undoubtedly have altered the course of history to the disadvantage of our country."

He condemned them to death. Nobody had ever been executed for espionage in the United States during peacetime. No woman had been executed by the federal government since 1865.

To Morton Sobell the judge said:

*"The evidence in the case did not point to any activity on your part in connection with the atomic bomb project."*

He condemned Sobell to 30 years, and recommended against parole.

#### NEW EVIDENCE

Since the trial the following new evidence has been presented in court:

- Memoranda of David Greenglass's lawyers revealing that Greenglass, according to documents in his own handwriting, told conflicting stories; that Greenglass's wife confided that her husband was an habitual liar who had fits of hysteria and ran nude through hallways shouting incoherencies; and memoranda indicating that a deal was made with the prosecution to lighten Greenglass's punishment in exchange for his testimony.
- Proof that a console table the Rosenbergs owned was an ordinary, inexpensive table bought in Macy's as they had testified. The prosecution had claimed the table, not produced in court, was an expensive gift from the Russians hollowed out for secret microfilm work.
- Proof that the prosecution brought a passport photographer to court secretly to observe the Rosenbergs. Later, on the stand, he claimed he was identifying them upon seeing them for the first time in court.
- Proof that Morton Sobell was kidnapped from Mexico at the instigation of the prosecution, and that at the trial the prosecution claimed fraudulently that the Mexican government had deported Sobell, thus giving the court the impression that Sobell was a fugitive. The new evidence showed that the Mexican government not only did not deport Sobell, but took action to see that its laws were not violated by an international kidnapping.
- Proof that Sobell and his family went to Mexico in a normal manner with proper tourist cards and air tickets, and in their own name. Sobell, as a scientist and teacher with left-wing views, has admitted that hysteria in the United States frightened him, and while in Mexico on vacation he thought of living abroad. He made inquiries under other names for passage to France and Israel. But he lived openly in Mexico City under his own name where he could be reached readily, and not as a fugitive.

**NONE OF THIS EVIDENCE HAS EVER BEEN GIVEN A HEARING IN COURT.** Each time, the prosecution has managed to avoid a hearing on the merits.

#### SUPREME COURT NEVER REVIEWED CASE

Defenders of the Rosenberg-Sobell verdict often claim that the Supreme Court has reviewed the case many times and found nothing wrong. The fact is, as Justice Black has stated, "This Court has never reviewed this record and has never affirmed the fairness of the trial below." The Supreme Court has emphasized that refusal to review a case in no way judges its merits. Further, appeals are limited to legal points, not the question of innocence or guilt or which witness was telling the truth.

One judge of the U.S. Court of Appeals, the late Jerome Frank,



voted for a new Sobell trial in a dissenting opinion holding that Sobell's case should have been considered separately from that of the Rosenbergs.

#### PROSECUTION TACTICS

"Wholly reprehensible" was the expression the U.S. Court of Appeals used in one decision describing prosecution tactics in getting publicity prejudicial to the defense during the trial. The court said that if the defense had raised the question sooner, a mistrial should have been declared.

Recent court decisions have emphasized other prosecution unfairness. The prosecution repeatedly implied to the jury that Ethel Rosenberg's answers at the trial could not be believed because she had pleaded the 5th Amendment to the same questions previously before a Grand Jury. Supreme Court rulings in other cases since the execution have branded such tactics as unfair and illegal.

On Feb. 6, 1963, the U.S. Court of Appeals acknowledged that under today's interpretation of the law the trial of Ethel and Julius Rosenberg and Morton Sobell would have been considered unfair. But the court said it is too late for Sobell to raise the point. Legally speaking, the Appeals Court said, it would not be too late for Ethel Rosenberg, if she were alive, to raise the point.

#### APPEALS FOR CLEMENCY

The furor that the Rosenberg-Sobell trial unleashed has been paralleled only by such cases as the Mooney-Billings and Sacco-Vanzetti cases in the United States and the Dreyfus case abroad. There were public meetings and demonstrations, debates in the press, thousands marching before the White House, and pleas pouring in from throughout the world. Pope Pius XII, the President of France, and Albert Einstein were among those who intervened for clemency.

A legal battle raged until the last moment. Justice Douglas granted a stay of execution, braving later moves for his impeachment. The Supreme Court had adjourned for the summer, but it was called back into unprecedented session to overrule Justice Douglas 6-3 while the executioner stood by in Sing Sing prison. A few hours later, on June 19, 1953, with the execution moved ahead until just before sundown to avoid having it occur on the Jewish Sabbath, Julius and Ethel Rosenberg were electrocuted. They swore their innocence in final statements. A telephone was kept open to the death chamber with the offer to spare them if they would admit guilt.

Morton Sobell received the news in Alcatraz, a prison supposedly for hardened criminals. He had been sent there on Thanksgiving Day, 1952, after he refused to admit guilt and accuse the Rosenbergs. After the death of the Rosenbergs he was approached again to change his testimony. Sobell spent five and a half years in Alcatraz.



where his wife could only see him through a pane of glass and talk through a telephone when she visited him. Widespread public protests against this treatment as being vindictive resulted in his transfer to Atlanta Federal Penitentiary, where he is now held.

### Ten Years Later— Still on the Public Conscience

#### APPEALS FOR SOBELL

The list of those urging Sobell's release has grown each year. It includes eminent persons of many viewpoints the world over (see partial listing on page 10.) There are appeals by those who question the fairness of the trial, by those who believe the Rosenbergs and Sobell innocent, by those who say the Rosenbergs were guilty but Sobell is innocent, and even by those who accept Sobell's guilt but regard the 30-year sentence as excessive and believe he should now be released.

A special independent study was made by a noted group including Edmond Cahn, professor of law at New York University, and Dr. Reinhold Niebuhr of the Union Theological Seminary. The panel of inquiry called the case against Sobell "vague in content and slender in proof" and recommended a commutation of sentence.

#### HOPES IN WASHINGTON DASHED

Before his election as President, then Senator John F. Kennedy had his aides meet with persons appealing for Sobell and gave every impression of planning action in his behalf. After the election, Presidential spokesmen in the White House were still optimistic about favorable action. A "new" study was said to be underway in the Justice Department. But it turned out that those assigned to the study were the same holdovers in the department who previously had the responsibility of defending the verdict and the execution of the Rosenbergs.

Presidential clemency was denied. The official position was that it would be up to the parole board.

#### PAROLE DENIED

Morton Sobell is officially eligible for parole. He has a job waiting for him. Rabbi Balfour Brickner, director of the Joint Commission on Interfaith Activities of the Union of American Hebrew Congre-

gations and the Central Conference of American Rabbis, has agreed to serve as his parole advisor. Sobell's wife, his mother, and his children have stood by him, working for his freedom, and the family has maintained as close a relation as possible through prison visits and correspondence.

Donal E. J. MacNamara, Dean of the New York Institute of Criminology, describes Sobell as the ideal candidate for parole under every accepted criterion. Notables from throughout the country testified in Washington in behalf of Sobell at a parole hearing and recommended that he be allowed to return to society and make his contributions as a scientist.

Parole has been denied. No reasons have been cited.

WHP

The Rosenberg-Sobell case runs through the fabric of the last decade. There have been countless statements by authorities that Russian scientific capacities were woefully underestimated and Soviet development did not come from espionage. Yet two persons are buried in a grave on Long Island on the accusation that they gave Russia the atomic bomb.

Newspaper columnist Jack Scott has commented in the Vancouver Sun: "Sobell, himself, has continued to protest his innocence, although a confession, whether true or false, would lighten his staggering sentence . . . I happened to be reading a booklet on the witchcraft trials in Salem, Mass., when I came across the Sobell file. One paragraph tells of 13 women and six men hanged as witches and concludes, 'Fifty persons confessed and were freed.' The comparison with the Rosenberg-Sobell case is unavoidable."

FULL PAPER PURCHASED

Professor Francis D. Wormuth of the University of Utah, authority on Constitutional law, calls Sobell "the man in the iron mask of American jurisprudence" because of fear in Washington of opening the Pandora's box of the Rosenberg-Sobell case.

A committee of eminent Americans is seeking to form an independent Commission of Inquiry that would investigate the entire case from top to bottom and render a verdict in the light of present perspective.

Meanwhile, there is a continuing urgent effort to free Morton Sobell through renewed appeals in the courts, to the parole board, to President Kennedy for executive action, and to the public conscience.

**YOU CAN HELP**

1. Write to President Kennedy urging that he free Sobell and name an independent inquiry commission into the Rosenberg-Sobell case.
2. Show to your organization or home gathering the new 16mm sound film "Morton Sobell—A Plea for Justice" (30 minutes).
3. Send a contribution to the Sobell Committee at the address below to help carry on its work.
4. Circulate this booklet and other available material for more intensive study. The full trial record can be bought for \$6 per set of 8 volumes, or it can be borrowed.

**SOBELL COMMITTEE**

**940 Broadway, New York 10, N.Y.**

**AL 4-9983**

those who have urged Sobell's release on many grounds are:

Rev. Gross W. Alexander  
David Andrews  
Roger Baldwin  
Rabbi J. S. Bass  
Carleton Beals  
Helen M. Beardsley  
Mr. John C. Bennett  
Leo Berman  
Rabbi Samuel Bernstein  
Robert Bolt  
Rabbi Balfour Brickner  
Dr. Martin Buber  
Dr. Edmond Cahn  
Pablo Casals  
Lord Chorley  
Harold A. Crane  
Lloyd Donnell  
Rabbi Maurice B. Eisendrath  
Elizabeth, Queen Mother of Belgium  
Dr. Thomas I. Emerson  
Rev. John E. Evans  
James T. Farrell  
Rabbi Morris Fishman  
Rev. Kenneth Ripley Forbes  
Waldo Frank  
Rev. G. Shubert Frye  
Rev. Erwin A. Gaede  
Maxwell Geismar  
Rabbi Robert E. Goldburg  
Rabbi Israel Goldstein  
Prof. Erwin R. Goodenough  
Rev. Donald Harrington  
Dr. A. Eustace Haydon  
Nat Hentoff  
Rev. John Haynes Holmes  
Rabbi Philip Morowitz  
Leo Hurwitz  
Rev. John Paul Jones  
Rev. Joseph P. King  
Rev. Martin Luther King, Jr.  
William Kunstler  
Morris Laub  
Dr. Paul L. Lehmann  
Rabbi Arthur J. Lelyveld  
Doris Lessing  
Donal E. J. MacNamara  
Daniel G. Marshall  
Dr. Leo Mayer  
Milton Mayer  
Louis F. McCabe

Rev. Peter McCormack  
Sen. Lee Metcalf  
Dr. Uri Miller  
Gerhard O. W. Mueller  
Lewis Mumford  
Dr. Gardner Murphy  
Jerome Nathanson  
Dr. Reinhold Niebuhr  
Lord Boyd Orr  
Prof. Victor Paschkis  
Dr. Linus Pauling  
Dr. Dryden Linsley Phelps  
Clarence E. Pickett  
Prof. Dale Pontius  
Dr. Luis Sanchez Ponton  
Rabbi Emanuel Rackman  
Howard B. Radest  
Paul Ramsey  
Prof. Anatol Rapoport  
Prof. Oscar K. Rice  
Prof. Fred Rodell  
Lord Bertrand Russell  
Jean-Paul Sartre  
Prof. Malcolm Sharp  
Dr. D. R. Sharpe  
Alan Sillitoe  
Sydney Silverman, M.P.  
Harvey Swados  
Norman Thomas  
Rev. Francis S. Tucker  
Kenneth Tynan  
Dr. Harold C. Urey  
Mrs. Clara M. Vincent  
Rowland Watts  
Rabbi Jacob J. Weinstein  
Arnold Wesker  
Dr. Daniel Day Williams  
Prof. Francis D. Wormuth  
Belgian League for Rights for Man  
Christian Century  
The Nation Magazine  
The New Republic  
The New York Post  
The Progressive  
Social Action Commission of the  
Union of American Hebrew  
Congregations  
Thirty Members of Parliament, Britain  
Women's International League for  
Peace and Freedom  
1500 American Clergymen

For further information write:

**SOBELL COMMITTEE, 940 Broadway, New York 10, N.Y.**



DAD LIBERTAD A MORTON SOBELL

BEFRIA MORTON SOBELL

LIBEREZ MORTON SOBELL

LIBERTA PER MORTON SOBELL

שחררו את מורטון סובל!

I AM INNOCENT

FREE MORTON SOBELL

**Beg Bob Kennedy to Release Sobell**  
The wife and two children of Rosenberg...  
AMSTERDAM TELEGRAPH

**WIFE'S CAMPAIGN TO FREE SOBELL**  
Mrs. Sobell is campaigning with East Coast...  
LONDON DAILY TELEGRAPH

**HELEN SOBELL: 4. Mijn man werd onschuldig met de Rosenbergs veroordeeld**  
Mijn man werd onschuldig met de Rosenbergs veroordeeld...  
JEWISH GAZETTE - London

**Time for clemency**  
THE United States and the Soviet Union...  
JEWISH GAZETTE - London

**INCENTRO CON LA SIGNORA SOBELL**  
Mevr. Sobell: (OP DOORREIS) mijn man is onschuldig...  
ALGEMEEN DAGBLAD - Amsterdam

**POUR LIBÉRER MON FIL JE DEMANDE L'AIDE DE TOUTES LES PERSONNES ÉPRISES DE JUSTICE**  
nous dit Mme Rose Sobell...  
LIBÉRAIRES - Paris

**Wife in grey**  
Wife in grey...  
DAILY HERALD - London

**CLEMENCY PLEA FOR CONVICTED U. S. SCIENTIST**  
From Herbert S. Gold...  
PATRIKA - India

**Haar man zit al twaalf jaar onschuldig**  
Haar man zit al twaalf jaar onschuldig...  
DE WAARHEID VAN EATERDAG

**Wife in Britain**  
Wife in Britain...  
THE GUARDIAN - London

**ATTEMPT TO FREE SOBELL FREED**  
Wife in Britain...  
THE GUARDIAN - London

**Wife in Britain**  
Wife in Britain...  
THE GUARDIAN - London

**Wife in Britain**  
Wife in Britain...  
THE GUARDIAN - London

101-2483-

**TWAALF JAAR NA HET PROCES ROSENBERG**  
**Morton Sobell nog steeds in de gevangenis**

Argenson

De Amerikaanse regering heeft besloten om Morton Sobell, die in 1951 samen met zijn vrouw Ethel en zijn broer Julius Rosenberg veroordeeld werd voor het bezitten van atoomgeheim, nog twaalf jaar in de gevangenis te houden. Dit besluit is genomen ondanks het feit dat Sobell in 1959 al zijn straf had afgediend. De regering heeft aangegeven dat Sobell nog steeds een gevaar vormt voor de nationale veiligheid.

**HON KÄMPAR FÖR SIN MA**

Hon kämpar för sin ma. En kvinna som kämpar för sin man. En kvinna som kämpar för sin man. En kvinna som kämpar för sin man.

**La Soberanía de México y el Caso de Morton Sobell**

El caso de Morton Sobell, un ciudadano estadounidense acusado de espionaje, ha generado un gran interés en México. Muchos mexicanos se preguntan si el caso tiene alguna relación con la soberanía del país. El gobierno mexicano ha expresado su preocupación por el caso y ha pedido que se respeten los derechos de Sobell.

**Coinculpe des Rosenberg**  
**Morton Sobell était-il coupable?**

Par CLAUDE RAUZY

La question de la culpabilité de Morton Sobell est toujours d'actualité. Les Rosenberg, Julius et Ethel, ont été accusés d'espionnage et de trahison. Morton Sobell, leur frère, a également été accusé. La question se pose: Morton Sobell était-il coupable? Les preuves sont encore floues et la justice doit trancher.

**documenti**

Una vittima di McCarthy  
**Un innocente da dodici anni nelle prigioni USA**

È l'ingegnere Morton Sobell, condannato di carcere senza prove, solo perché era stato di carcere amico di Julius ed Ethel. Chicago la rivelazione del governo.

**Kamp för rening i spionmål i USA**

En kamp för rening i spionmål i USA. En kamp för rening i spionmål i USA. En kamp för rening i spionmål i USA.

**Was jailed anti-semitis**  
**Wife seeks support Sir Barnett**

Was Morton Sobell sentenced to 30 years in prison by a United States court for espionage. His wife, Ethel, is seeking support from Sir Barnett. Sir Barnett is a prominent figure in the anti-semitic movement. He has been accused of anti-semitism and has been jailed. Ethel Sobell is seeking support from him.

**30 ans de prison pour MORTON SOBELL**  
**Aidez-moi à libérer mon mari de sa femme Helen**

THE SENTINEL - CHICAGO  
 MORTON SOBELL CASE

Israeli Intellectuals Petition For Release of Scientist Morton Sobell

**Wrouw zoekt herzie spionagevonniss in**  
**Mrs Sobell zeker van onschuld echtgenoot**

Wrouw zoekt herzie spionagevonniss in. Vrouw zoekt herzie spionagevonniss in. Vrouw zoekt herzie spionagevonniss in.

**Greenglass Free, Why Not Sobell?**

Greenglass Free, Why Not Sobell? Greenglass Free, Why Not Sobell? Greenglass Free, Why Not Sobell?

**HELEN SOBELL IN LONDON TO FIGHT FOR HUSBAND**

HELEN SOBELL IN LONDON TO FIGHT FOR HUSBAND. HELEN SOBELL IN LONDON TO FIGHT FOR HUSBAND. HELEN SOBELL IN LONDON TO FIGHT FOR HUSBAND.

**Why I am helping Mrs Sobell**

Why I am helping Mrs Sobell. Why I am helping Mrs Sobell. Why I am helping Mrs Sobell.

For further information contact:

COMMITTEE TO SECURE JUSTICE FOR MORTON SOBELL  
 940 Broadway, New York 10, New York • ALgonquin 4-9983



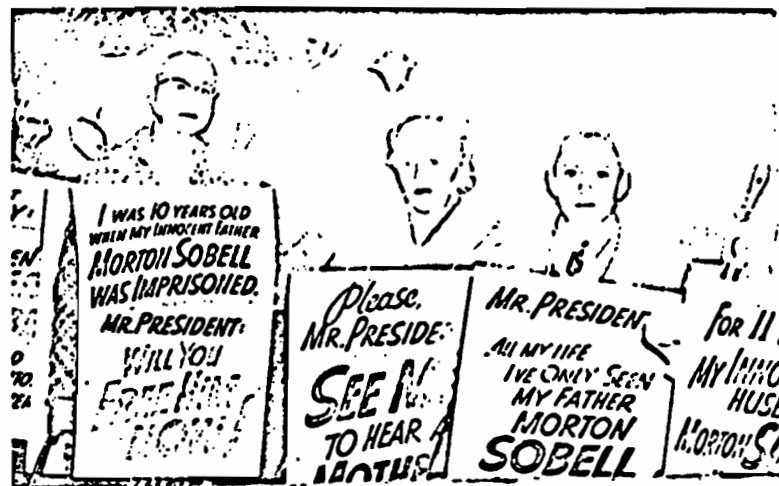
La famille Sobell (de gauche à droite) sa fille Sidney, la mère de Sobell, âgée de 67 ans, son fils Mark, âgé de 13 ans et son épouse Helen, feront appel aux Nations Unies au cours d'une manifestation publique devant le quartier général de l'UN à New York.

משפחת סובל (מימין לשמאל), הבת סידני, אמו של סובל רוז בה 67, בנו מרק בן 13 ואשתו הלן, מפגינות לפני מרכז האו"ם המאוחדות בניו יורק.

La familia de los Sobell (de izquierda a derecha), la hija Sidney, la madre de Sobell, Rosa, 67, el hijo Marco, 13, y esposa, Helena, apelan ante las Naciones Unidas en demostración pública a las puertas de la oficina central de las NU en Nueva York.

Familjen Sobell (fr.v.t.h.), dottern Sidney, Sobells mor Rose, 67 år, sonen Mark, 13 år, och hustrun Helen väddar till Förenta Nationerna i en demonstration utanför FNs högkvarter i New York.

La famiglia Sobell (da sinistra a destra), la figlia Sidney, la madre Rose, di 67 anni, il figlio Mark, di 13 anni, e la moglie Elena, fa appello alle Nazioni Unite in pubbliche proteste davanti all'ONU a New York.



DO NOT CROSS  
DEPT.

The Sobell family (left to right), daughter Sidney, Sobell's mother Rose, 67, son Mark, 13, and wife Helen, appeal to the United Nations in public demonstration outside UN headquarters in New York.

The following are among the internationally known who have appealed for Morton Sobell's release on many grounds:

הרשומים מטה הנם בין אישי ציבור בינלאומיים שחבצו את שחרורו של סובל מטעמים שונים:

Los siguientes se cuentan entre las figuras internacionales de renombre, que han apelado aduciendo multitud de razones, para que se le ponga en libertad:

Belgian League for the Rights of Man  
Bishop of Birmingham, England  
Robert Bolt, playwright, England  
Dr. Martin Buber, Israel  
Dr. Edmond Cahn, New York University Law School  
Bertil Carlman, Sweden  
Pablo Casals, Puerto Rico  
Lord Chorley, England  
Canon Collins, England  
Fru Ester Dahl, Sweden  
Elizabeth, Queen Mother of Belgium  
Dr. Thomas I. Emerson, Yale Law School, U.S.A.  
Michael Foot, Sydney Silverman, Stephen Swinger, and twenty-seven other British Members of Parliament, England  
Gerald Gardiner, Q.C., former Chairman of the General Council of the Bar of England  
Canon Bryan Green, England  
Dr. E. J. Jarus, chairman of the Israeli League for the Rights of Man, and twenty-four other eminent Israelis  
Rev. Martin Luther King, Jr., U.S.A.  
Morris Laub, Director of the Joint Commis-

Elenchismo, tra le personalita' internazionali che per ragioni varie hanno fatto appello per la liberazione di Sobell:

Bland de internationellt kända personligheter, som av många anledningar har väddat för Sobells befrielse äro följande:

Les noms suivants sont parmi ceux de renommée internationale qui, pour des raisons majeures réclament la mise en liberté de Sobell.

Doris Lessing, author, England  
Rev. Peter McCormack, former Protestant chaplain at Alcatraz, U.S.A.  
U.S. Senator Lee Metcalf, U.S.A.  
Cesare Merzagora, President of Italian Senate, Italy  
Dr. Reinhold Niebuhr, theologian, and fifteen hundred American Clergymen, U.S.A.  
Lord Boyd Orr, England  
Dr. Linus Pauling, scientist, U.S.A.  
Clarence E. Pickett, U.S.A.  
Dr. Luis Sanchez Ponton, Senior Professor of Law, University of Mexico  
Lord Bertrand Russell, England  
Jean-Paul Sartre, France  
Alan Sillitoe, author, England  
Donald Soper, England  
Bishop of Southwark, England  
Mervyn Stockwood, England  
Norman Thomas, civil libertarian, U.S.A.  
Kenneth Tynan, critic, England  
Dr. Harold C. Urey, scientist, U.S.A.  
Arnold Wesker, playwright, England  
Women's International League for Peace

Sobell was offered one way out: make a confession and accuse the Rosenbergs. "I am innocent," Sobell repeated. He would not buy his freedom by falsely accusing the Rosenbergs. He was put in Alcatraz, America's Devil's Island. Five years there could not break him. Public protests from throughout the world brought his transfer to a less severe prison.

**President John F. Kennedy**  
**The White House**  
**Washington, D. C.**  
**U. S. A.**

A Sobell se le ofreció una salida si confesaba, y acusaba a los Rosenberg. " Soy inocente ", repitió Sobell. No se avino a comprar su libertad acusando falsamente a los Rosenberg. Fue internado en Alcatraz, la Isla del Diablo americana. Cinco años ahí no pudieron quebrantar su espíritu. Protestas de los guardias del mundo indujeron a

Una protesta mundial puede liberarlo. Escriba a:

Best copy available



I 12 år har dessa ord från den amerikanske vetenskapsmannen Morton Sobell ljudit runt hela världen.

I 12 år, ända sedan han och hans fru och barn blevo kidnappade av FBI från deras semesterställe i Mexico, har Morton Sobell från sin fängelsecell utkämpat sin heroiska kamp mot McCarthyism.

1950 blev han inblandad i den ökända rättegången mot Julius och Ethel Rosenberg och blev då anklagad för förberedelse till spionage. Paret Rosenberg blev dömda till döden baserat på myten att de hade givit Ryssland "hemligheten" till atombomben. Samma domare gav Morton Sobell 30 år. Han blev dömd på ett enda vittnesmål som också erkände att han givit falsk vittnesed.

Sobell blev erbjuden en väg ut: erkänn och anklaga paret Rosenberg. "Jag är oskyldig," upprepade Sobell. Han vagrade att köpa sin fridom med falska anklagelser gentemot Rosenberg. Han blev sänd till Alcatraz, Amerikas Djävulsö. Fem år där kunde inte bryta ner honom. Efter protester från hela världen blev han slutligen förflyttad till ett mindre hårt fängelse.

Hans son som var en baby när Sobell blev arresterad, är nu 13 år. Sobells fru har strävat heroiskt i både Amerika och Europa för att vinna stöd för sin makes kamp. Sobells mor, som är 67 år, arbetar både dag och natt för att kunna se sin son fri igen. Kommittéer har bildats i Amerika och många andra länder.

Sådana välkända män som Bertrand Russell i England och Martin Buber i Israel tror på Sobells oskuld. Med Reinhold Niebuhr, Dr. Harold C. Urey, Rabbin Maurice Eisendrath och Norman Thomas i spetsen har tusentals präster, vetenskapsmän, advokater och många andra väddat för hans fridom. Många fördömer rättegången såsom orättvis och som en symbol för en epok av hysteri i Amerika. Andra säger att domen var rent övervåld.

Världen kan inte glömma paret Rosenbergs avrättning. Världen kämpar för frihet för Morton Sobell, som lider bakom galler i Atlanta Federal Penitentiary.

En världsomspännande protest kan befria honom. Skriv till:

President John F. Kennedy  
The White House  
Washington, D. C.  
U.S.A.

בנו, שהיה חינוך כאשר סובל נאסר הינו כיום בן 13. רעייתו של סובל נאבקה בגבורה הן באמריקה והן באירופה על מנח לזכות בחסיכה וסעד. אמו של סובל, בת 67, עובדת יומם ולילה כדי לראות את בנה חופשי. ועדות חוקנו ברחבי אמריקה ובעמים וארצות אחרות.

אנשי ציבור כברטראנד ראסל מאנגליה ומרטין בובר מישראל מאמינים כי סובל הינו חף מפשע. בארצות הברית, רינהולד ניהבור, ד"ר הארולד קייורי, רבני מוריס אייזנדראט ונורמאן תומאס עומדים בראש אלפים של שוחרי חירות בהבעת את שחרורו. רבים מגנים את משפטו כבלתי הוגן, כסמל לחקופה של היסטריה באמריקה. אחרים אומרים כי גזר הדין הוא מעצור.

העולם לא ישכח את הרוזנברגים שהוצאו להורג. העולם נלחם למען שחרורו של מורטון סובל, הנאנק מאחורי הסורגים של כלא אטלנטה.

מחאות העולם עשויות להביא לשחרורו:

כתוב אל:   
הנשיא   
הבית הלבן   
וואשינגטון, ד.   
20500

נא לשלוח מכתב

מזה 12 שנה שמלים אלו, היוצאות מפיו של המדען האמריקאי מורטון סובל, נשמעו ברחבי העולם.

מזה 12 שנה, מאז נחטפו הוא, אשתו וילדיהם מסקס הופשטם במכסיקו על ידי סוכני הבולשת המרכזית (פ.בי.אי.). קורא מורטון סובל מרג נלחם בגבורה מבין כחלי הכלא במקסיקו.

ב-1950 הוטל לתוך המשפט הנודע לשמנה של יוליוס ואתל רוזנברגר, באשמה של קשירת קשר לשם ביצוע מעשי ריגול. השופט דן את הזוג רוזנברגר למיתה על יסוד האגדה שהם פטרו לרוסיה את סוד המצאה האטומית. אותו שופט דן למאסר שלשים שנה את מורטון סובל. מאשימו היה עד יחיד שהודה כי נשבע לשקר.

לסובל הוצעה הצעה מוצא: להודות ולהאשים את הרוזנברגים. "אני חף מפשע" - חזר והשמיץ מורטון סובל. הוא סירב לקנות את חירותו בהאשמות-שא נגד הרוזנברגים. הוא נכלא בכלא אלקטראז, אי-השדית של אמריקה.

כפי שזכרנו, מזה 12 שנה מורטון סובל נלחם למען שחרורו. מחאות העולם עשויות להביא לשחרורו:

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Depuis 12 ans ces mots prononcés par le savant Américain Morton Sobell ont été répétés dans le monde entier.

Depuis 12 ans, du jour où il a été enlevé avec sa femme et ses enfants par le FBI, alors qu'il passait ses vacances au Mexique, Morton Sobell de sa prison a engagé une lutte héroïque contre le McCarthisme.

En 1950 il fut accusé dans le procès infamant de Julius et de Ethel Rosenberg de conspiration en cas d'espionnage. Le juge condamna à mort le couple Rosenberg d'après le mythe qu'ils avaient livré "le secret" de la bombe atomique à la Russie. Le même juge condamna Morton Sobell à 30 ans de prison. Son accusateur était seulement un témoin qui confessa avoir fait un faux serment.

On offrit à Sobell une chance: c'est à dire faire une confession et accuser les Rosenbergs. "Je suis innocent" répétait Sobell. Il refusa d'acheter sa liberté en accusant faussement les Rosenbergs. Il fut emprisonné à Alcatraz, l'Ile du Diable d'Amérique. Cinq longues années ne pouvaient briser sa résistance. Une protestation publique venue du monde entier provoqua son transfert dans une prison moins sévère.

Son fils, qui n'était qu'un bébé lorsque Sobell fut arrêté, a maintenant 13 ans. La femme de Sobell a lutté héroïquement à la fois en Amérique et en Europe pour obtenir de l'aide. La mère de Sobell âgée de 67 ans travaille jour et nuit pour la libération de son fils. Des comités ont été formés dans toute l'Amérique et dans beaucoup d'autres nations.

Des éminentes personnalités comme Bertrand Russell d'Angleterre et Martin Buber d'Israël croient dans l'innocence de Sobell. Aux États Unis Reinhold Niebuhr, le docteur Harold C. Urey, le Rabbini Maurice Eisendrath et Norman Thomas sont à la tête de milliers de libertaires, membres du clergé, savants, avocats et civils qui réclament sa mise en liberté. Beaucoup critiquent violemment son procès le trouvant injuste, symbolisant une ère d'hystérie en Amérique. D'autres déclarent que la sentence est outrageuse.

Le monde entier n'oubliera pas l'exécution des Rosenbergs. Il lutte pour obtenir la liberté de Morton Sobell, qui souffre dans sa cellule à l'Atlanta Federal Penitentiary.

Une protestation universelle peut le libérer. Ecrivez au:

Président John F. Kennedy  
The White House  
Washington, D. C.  
U.S.A.

Son 12 anni che queste parole profferite dallo scienziato americano Morton Sobell echeggiano pel mondo intero.

Son 12 anni che Morton Sobell - sin dal giorno che fu rapito assieme alla moglie ed i bambini durante un soggiorno nel Messico - combatte entro le mura della prigione una battaglia eroica contro il McCarthesimo.

Nel 1950 veniva coinvolto nello infame processo di Julius e Ethel Rosenberg, accusato di complotto al fine di spionaggio. Il giudice condannava a morte la coppia Rosenberg in virtù della leggenda che essi avevano consegnato alla Russia il "segreto" della bomba atomica. Il medesimo giudice decretava 30 anni di prigione per Morton Sobell. Il suo accusatore fu un unico testimone il quale poi si dichiarava spergiuro.

A Sobell veniva offerta una sola via di salvezza: rendere una confessione ed accusare i Rosenberg. "Sono innocente," protestava Sobell. Egli non volle comprare la propria libertà accusando falsamente i Rosenberg. Venne inviato ad Alcatraz, l'Isola del

Il figlio di Sobell, un bambino al tempo dell'arresto, e' ora tredicenne. La moglie di Sobell ha lottato eroicamente in America ed in Europa al fine di ottenere l'appoggio del pubblico. La madre di Sobell, di 67 anni, si prodiga giorno e notte al fine di ridare la libertà a suo figlio. Vari comitati si sono organizzati in America ed in molte altre nazioni.

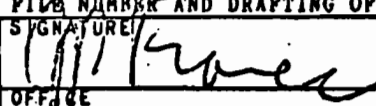
Persone insigni come Bertrand Russell d'Inghilterra e Martin Buber d'Israele credono nell'innocenza di Sobell. Negli Stati Uniti, Reinhold Niebuhr, il Dott. Harold C. Urey, il Rabbino Maurice Eisendrath e Norman Thomas marciano alla testa di migliaia di religiosi, scienziati, uomini di legge e difensori delle libertà civili nel fare appelli per la sua liberazione. Molti denunciano l'ingiustizia del suo processo, simbolo di un'era isterica in America. Altri detestano l'inumana condanna.

Il mondo non dimentica la morte dei Rosenberg. Il mondo vuole la liberazione di Morton Sobell, il quale langue dietro le sbarre del Penitenziario Federale di Atlanta.

La protesta del mondo può liberarlo. Scrivete a:

Il Presidente John F. Kennedy

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Department of State FORM DS-4 1-3-55		TRANSMITTAL SLIP		CLASSIFICATION UNCLASSIFIED	
				DATE August 23, 1963	
TO DEPARTMENT OF STATE		For the Attention of Mr. Stout			
FROM Amembassy ROME					
TO THE FOREIGN SERVICE			TO THE DEPARTMENT		
<input type="checkbox"/> For Transmittal to Addressee at the Discretion of Post <input type="checkbox"/> Post Information Only <input type="checkbox"/> Transmit to Foreign Office <input type="checkbox"/> Submit Report <input type="checkbox"/> Reply to the Individual			<input type="checkbox"/> Dept. Information Only <input type="checkbox"/> CERP Publications <input type="checkbox"/> Enclosure to Previous Despatch <input type="checkbox"/> Reply to Dept. Request		
<input type="checkbox"/> Transmit to: <input type="checkbox"/> Inform:			(U.S. Agency)		
REFERENCE Embassy's A-172 of August 2, 1963					
ITEMS/REMARKS <p>Attached is a letter from Mayor La Pira of Florence supporting and enclosing an appeal from Mrs. Helen Sobell in favor of her husband, Morton Sobell.</p> <p>The Embassy has acknowledged receipt of the Mayor's letter.</p>					
IN REPLY REFER TO FILE NUMBER AND DRAFTING OFFICE					
FILE NO.		SIGNATURE 			
CLASSIFICATION UNCLASSIFIED		OFFICE POL: JPF Fromer, First Secretary			

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*File*  
*AP*

*101-2483*

RECEIVED  
SEP 2 1963



IL SINDACO DI FIRENZE.

AUG 19 1963

12 agosto 1963

Cara Eccellenza,

Le sarò molto grato se vorrà inoltrare al  
Presidente Kennedy l'unita lettera con la quale la  
Signora Helen Sobell, nello spirito di pace e di amo  
re che ha improntato il pontificato di Giovanni XXIII  
d'immortale memoria, implora la liberazione del marito  
Morton Sobell, che sta scontando una dura condanna.

Da parte mia ritengo che un provvedimento di  
clemenza, dato anche lo stato di salute del prigionie  
ro, sarebbe favorevolmente accolto dall'opinione pub  
blica mondiale.

Mi creda, Eccellenza con rispettosa e viva  
cordialità,

(Giorgio La Pira)

*fronte!*  
*e*  
*acqua!*  
*in*  
*canto*  
*ben!*

allegata 1 lettera con opuscoli

—  
a Sua Eccellenza G. Frederick Reinhardt  
Ambasciatore degli Stati Uniti d'America  
R o m a

June 27, 1961

Dear Professor La Pira,

The hearts of the entire world was lifted by the encyclical of the beloved Pope John ~~XXIII~~. It is in that spirit of peace and love, and the respect with which it was greeted by our President Kennedy, that I ask for help for my husband, Morton Sobell.

My husband has been in prison for 13 years now. His health is failing and he is in the prison hospital. I pray for an intercession which will grant my husband freedom so that he may return to his loving family.

Throughout the world many great and good-hearted men have asked for my husband's freedom including most recently the chief rabbi of Israel. I urgently and respectfully ask you to use your good office in a deed of mercy and justice, and bring my request for freedom of my husband to the attention of President Kennedy.

Only good can come from ending the suffering of a lifetime of 13 long years for a man and his family. I hope with all my heart, and pray, for help.

Very sincerely yours,

Helen L. Sobell  
(Mrs. Morton Sobell)

Copy and translation from the Hebrew  
of the note of the Chief Rabbi.

Jerusalem, June 12, 1963

The President of the United States,  
The White House  
Washington, D.C.

Dear Mr. President,

We, the undersigned Israeli citizens, address you once again, Mr. President, on behalf of Morton Sobell, who has been in prison and separated from his family for 13 years. Five of these years were spent at Alcatraz. We understand he is now eligible for parole.

We further understand that a recent decision by a Federal court in New York infers that present American law would give Ethel Rosenberg a new trial if she were alive to-day. Morton Sobell too would have been entitled to a new trial at an earlier time, the court says, but now it is too late for him.

We of course can not enter into the legalities of the justice involved. We are certain, however, that you will agree with us that humaneness should guide justice in areas not reached by legalities.

It is not too late, Mr. President, for this man to rejoin his broken family and make a worthwhile contribution to society. Surely he has suffered enough.

An act of clemency on your part would gladden the hearts of America's friends the world over.

Martin Buber

Yits'hak (Isaac) Nissim  
The Chief Rabbi of Israel \*

Samuel Hugo Bergman

Professor Emeritus of Philosophy  
Hebrew University, Jerusalem.

Ephraim E. Urbach

Professor of Talmudic Literature  
Hebrew University, Jerusalem.

Ernst Simon

Professor of Education

\* Note of the Chief Rabbi:  
Without encroaching on the constitutional responsibilities of the U.S. Authorities and without interfering with the internal affairs of your country, I am taking the liberty of adding my voice to the request to turn your mind to the scale of merit when you consider the petition to show clemency to Morton Sobell in prison.

The association of the signers are listed as means of identification

UNITED STATES GOVERNMENT

# Memorandum

TO: DIRECTOR, FBI (101-2483)

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

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

DATE: 9/27/63

ReWFOlets 8/9/63 and 7/26/63.

Records of the U. S. Supreme Court, WDC, in No. 1333 Misc., SOBELL v USA, periodically checked to 9/27/63, show no additional action in this case since the Court extended the time within which a petition for rehearing could be filed to 8/6/63.

Since such petition was not filed within the time allotted, and no further action is indicated in the docket, this matter is herewith RUC.

- ② - Bureau
  - 2 - New York (100-37158) (RM)
  - 1 - WFO
- OMS:jir  
(5)

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 1/28/87 BY 3042PWT/ef

REG-20  
101-2483-1533

6 SEP 30 1963

EX-114

EST. SEC.

1 OCT 8 1963



~~SECRET~~

~~SECRET~~

October 2, 1963

BY COURIER SERVICE

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

1 - Mr. Belmont 1 - Mr. Niant  
1 - Mr. Evans 1 - Mr. Smith  
1 - Mr. Sullivan  
1 - Liaison Section  
1 - Mr. Baumgardner

Dear Mr. O'Donnell:

I have previously advised you concerning the continuing activity of the Committee to Secure Justice for Morton Sobell. The following information furnished by a confidential source abroad concerns the latest activity of the Committee.

[REDACTED]

[REDACTED]

This information is also being furnished to the Attorney General.

100-387225

1 - 100-387225 (Morton Sobell) sincerely yours, (SEE NOTE PAGE TWO)

W. J. [REDACTED]

ALL INFORMATION CONTAINED

HEREIN IS UNCLASSIFIED EXCEPT

WHERE SHOWN OTHERWISE.

~~SECRET~~

NOT RECORDED

126 OCT 7 1963

Classified by 2835  
Exempt from GDS, Category 1  
Date of Declassification Indefinite

DUPLICATE YELLOW

Excluded from automatic  
downgrading and  
declassification

58 OCT 9 1963

~~SECRET~~

4/28/87  
Classified by 3042 PWT/perp  
Declassify on: OADR 4/28/87



~~SECRET~~

Honorable P. Kenneth O'Donnell

~~SECRET~~

NOTE:

[REDACTED]

61  
Refer  
CIA

This correspondence is being classified "Secret"

[REDACTED]

Refer  
CIA

In previous correspondence, O'Donnell and the Attorney General have been furnished information concerning the Committee to Secure Justice for Morton Sobell. This information is also being disseminated to the intelligence agencies.

u

~~SECRET~~

~~SECRET~~

SECRET

The Attorney General

October 3, 1963

SECRET

Director, FBI

COMMITTEE TO SECURE JUSTICE  
FOR MARTIN SCHALL  
INTERNAL SECURITY - C  
INTERNAL SECURITY ACT OF 1950

1 - Mr. Belmont  
1 - Mr. Evans  
1 - Mr. Sullivan  
1 - Mr. Baumgardner  
1 - Mr. Eland  
1 - Mr. Smith

I have previously advised you concerning the continuing activity of the Committee to Secure Justice for Martin Schall. The following information furnished by a confidential source abroad concerns the latest activity of the Committee.

[REDACTED]

This information is also being furnished to the Honorable F. Kenneth S. Dannelly, Special Assistant to the President.

Classified by 205 PWT/for  
Declassify on: OADR

Classified By 2555  
Exempt from GDS, Exempt from E.O. 11652

1 - The Deputy Attorney General REC-D BERNON (SEE NOTE PAGE TWO)

1 - Mr. J. Walter Yeagley  
Assistant Attorney General

1 - Mr. Richard A. Chappell  
Chairman, Board of Parole

1 - Mr. J. Edgar Hoover (13)  
1 - Mr. J. Edgar Hoover (13)

1 - Mr. J. Edgar Hoover (13)

1 - Mr. J. Edgar Hoover (13)

1 - Mr. J. Edgar Hoover (13)

101-2483-

NOT RECORDED  
102 OCT 8 1963

SECRET

GROUP 1  
Excluded from automatic  
downgrading and  
declassification

DUPLICATE TELETYPE

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE.

Refer  
CIA

ORIGINAL FILED IN 100-322801-2999

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

DATE 10/1/63

**SECRET**

**The Attorney General**

**SECRET**

**NOTE:**

[REDACTED]

*Refer  
CIA*

**This correspondence is being classified "Secret"**

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

**SECRET**

**SECRET**

**CONFIDENTIAL**

*Declass.*

The Attorney General

October 7, 1963

Director, FBI

**COMMITTEE TO SECURE JUSTICE  
FOR MORTON SOBELL  
INTERNAL SECURITY - C  
INTERNAL SECURITY ACT OF 1950**

- 1 - Mr. Belmont
- 1 - Mr. Evans
- 1 - Mr. Sullivan
- 1 - Mr. Bland
- 1 - Mr. Baumgardner
- 1 - Mr. Rosack

A confidential source who has furnished reliable information in the past furnished the following information regarding the continuing activity of the Committee to Secure Justice for Morton Sobell.

Helen Sobell, wife of Morton Sobell, announced at a meeting held October 2, 1963, that she has been in contact with a group of "very important people in Washington, D. C.," who have advised that they would work voluntarily to obtain executive clemency for Morton Sobell if the Committee would not do anything to embarrass President Kennedy or his administration for three months. Mrs. Sobell indicated she could not reveal the identities of the people involved other than to say they were "close" to the President. According to Mrs. Sobell there is no other avenue open to Morton Sobell except executive clemency. After some discussion it was agreed not to hold demonstrations or picket at places where the President is to appear.

This information has also been furnished to Honorable F. M. Kennedy, Special Assistant to the President.

**ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED**

100-387633

DATE 4/28/87 BY 3040 AWT/10/87

101-2483-

1 - The Deputy Attorney General

1 - Mr. J. Walter Fogley  
Assistant Attorney General

1 - Mr. Richard A. Chappell  
Chairman, Board of Parole

1 - 101-2483 (Morton Sobell)

NOT RECORDED

126 OCT 7 1963

*Declassified 10/8/85*  
*#2355-101-2483*

**CONFIDENTIAL**

**SEE NOTE PAGE 2**

TPR:MAR  
(13)

**DUPLICATE YELLOW**

79 OCT 8-1963

GROUP  
Excluded from automatic  
downgrading and  
declassification

APPROPRIATE AGENCIES  
AND FIELD OFFICES  
ADVISED BY ROUTING  
SLIP(S) OF DECLASS/FIC  
DATE 10-19-77 DWAB/R

CONFIDENTIAL

The Attorney General

NOTE:

The above information was obtained from [REDACTED] and furnished to the Bureau by airtel 10/3/63. This communication is classified "Confidential" as it emanates from a source, the unauthorized disclosure of which could be prejudicial to the defense interests of the United States.

In previous correspondence O'Donnell and the Attorney General have been furnished information concerning the Committee to Secure Justice for Morton Sobell. This information is also being disseminated to the intelligence agencies.

*DeLoach*  
CONFIDENTIAL



**CONFIDENTIAL**

- 1 - Mr. Belmont  
1 - Mr. Evans  
1 - Mr. Sullivan  
1 - Liaison  
1 - Mr. Bland  
1 - Mr. Baumgardner  
1 - Mr. Rosack

October 7, 1949

**BY COURIER SERVICE**

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

Dear Mr. O'Donnell:

A confidential source who has furnished reliable information in the past furnished the following information regarding the continuing activity of the Committee to Secure Justice for Martin Luther King, Jr.

Elson Sobell, wife of Morton Sobell, announced at a meeting held October 2, 1963, that she has been in contact with a group of "very important people in Washington, D. C.," who have advised that they would work voluntarily to obtain executive clemency for Morton Sobell if the Committee would not do anything to embarrass President Kennedy or his administration for three months. Mrs. Sobell indicated she could not reveal the identities of the people involved other than to say they were "close" to the President. According to Mrs. Sobell there is no other avenue open to Morton Sobell except executive clemency. After some discussion it was agreed not to hold demonstrations or picket at places where the President is to appear.

This information has also been furnished to the Attorney General.

**100-387830**

Sincerely yours,

NY 101-3423 (Morton Schell)

**NOT RECORDED**

128 OCT 8 1963

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED

DATE 2/29/99 BY 3042 PWT/bph

**TYPE : MAX  
(10)**

61 OCT 14 1962  
DUPLICATE YELLOW

F-229

# CONFIDENTIAL

**SEE NOTE PAGE 2**

~~SECRET~~ 1

Excluded from automatic  
downgrading and  
declassification *Decla*

#2355 LUAB

~~CONFIDENTIAL~~

*De class.*

Honorable P. Kenneth O'Donnell

NOTE:

*b2  
b7D*

The above information was obtained from [REDACTED] and furnished to the Bureau by airtel 10/3/63. This communication is classified "Confidential" as it emanates from a source, the unauthorized disclosure of which could be prejudicial to the defense interests of the United States.

In previous correspondence O'Donnell and the Attorney General have been furnished information concerning the Committee to Secure Justice for Morton Sobell. This information is also being disseminated to the intelligence agencies.

~~CONFIDENTIAL~~

*- 2 -*

*De class.  
Rus*

UNITED STATES GOVERNMENT

# Memorandum

TO : DIRECTOR, FBI (101-2483)

DATE: 10/7/63

FROM : SAC, KANSAS CITY (65-1311) - P -

SUBJECT: MORTON SOBELL  
ESP - R

OO: NEW YORK

Re Bureau letter to Kansas City, 8/2/63, and Kansas City letter to Bureau, 8/23/63.

On 9/24/63, MELVIN LEMONS, Secretary to Warden, Medical Center for Federal Prisoners, Springfield, Missouri, made available subject's record which reflected that a Special Progress Report was made on 8/19/63. This report stated that the Medical Center Staff was unable to identify any organic disease process.

The file also contained a letter addressed to ELEANOR JACKSON PIEL, Attorney, Donner and Piel, Attorneys at Law, 36 West 47th Street, New York 36, New York. The letter was signed by JAMES V. BENNETT, Director. In this letter, Mr. BENNETT advised, "that the complete examinations which were made at the Medical Center have not revealed any significant organic basis for Mr. SOBELL's complaint. The staff at the Medical Center has attempted to interpret their findings to Mr. SOBELL and they have recommended that he continue to receive such symptomatic treatment, including dietary measures as may be indicated."

2 - Bureau (RM)  
2 - New York (100-37158) (RM)  
2 - Kansas City  
JED:rd  
(6)

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

REC-57

101-2483-1534  
2 OCT 1963

59 OCT 16 1963



UNITED STATES GOVERNMENT

# Memorandum

TO : DIRECTOR, FBI (101-2483)

DATE: 11/27/63

FROM : SAC, KANSAS CITY (65-1311) - P-

SUBJECT: MORTON SOBELL  
ESP - R

OO: New York

Re Kansas City Letter to Bureau, dated October 7, 1963; Los Angeles Teletype to Kansas City, dated November 18, 1963.

For information of the Bureau, Los Angeles Division by Teletype dated November 18, 1963, captioned "COMMITTEE TO SECURE JUSTICE FOR MORTON SOBELL, IS-C," conformed that information had been received on November 18, 1963, that HELEN SOBELL leaves Los Angeles Tuesday, November 19, 1963, to fly to Springfield, Missouri to visit MORTON SOBELL. She plans to go to Chicago after visit, but no date was mentioned. HELEN SOBELL had previously indicated she planned to go to Minneapolis, but no further mention of these plans were made.

On November 4, 1963, HELEN L. SOBELL wrote a letter to the Medical Center informing them that she planned to visit her husband on November 20, 1963. She will also be here on November 23, and also requests visiting time on November 21, 1963 and November 22, 1963. On November 8, 1963, Medical Center acknowledged her letter, and informed her that she would be permitted to visit her husband for one hour on November 21, and November 22, and that she will be permitted to visit with him full time on November 20 and 23, 1963. This letter was sent to her at her home address, shown as Apartment 5-B, 30 Charlton Street, New York 14, New York.

- ② - Bureau (RM) 1-2-647203  
1 - Chicago (100-25530)(Info)(RM)  
1 - Los Angeles (100-41648)(Info)(RM)  
1 - Minneapolis (100-8894)(Info)(RM)  
2 - New York (100-37158)(RM)  
2 - Kansas City

JAM:JB  
(9)

REC-53

DEC 2 1963

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 7/28/87 BY 3012 AUC/STP

SOVEREIGN ACTION

82 DEC 12 1963

A review of SOBELL's file reflects that on October 10, 1963, Mrs. ELEANOR JACKSON PIEL, DONNER and PIEL, Attorneys-at-Law, 36 West 44th Street, New York 36, New York, sent a letter to JAMES V. BENNETT, Director, Bureau of Prisons, Washington, D. C. This letter in part states as follows:

"It was her understanding that when the medical tests were finished, the results would be made available for Dr. Sidney Greenberg to review. I wonder whether it would be possible to have a meeting between Greenberg and a doctor from the Bureau, so as to assess his present condition. He has informed me he is much improved; however, he is still on sedation, and suffers acute discomfort if he varies in any way from a most strict diet which he now follows. Do your findings indicate that there is no organic condition which requires him to have sedation, or follow a diet. There is still a question in Dr. Greenberg's mind, with regard to the possibility of gall stones in the common bile duct which may not have been removed in the gall bladder surgery he had in the fall of 1961.

"Another problem is whether or not he will stay in Springfield, or go to Lewisburg or elsewhere. If he is transferred, we would like to have him sent to Lewisburg, rather than Atlanta."

This letter was referred to Dr. HARRIS, Warden, Medical Center for Federal Prisoners, by CHARLES E. SMITH, MD, Medical Director for the Bureau of Prisons for HARRIS' comments.

Warden JESSE HARRIS, Medical Center for Federal Prisoners, Springfield, Missouri, wrote the following letter to Dr. SMITH at the Bureau of Prisons, Washington, D. C., which in part reads as follows:

"SOBELL was received here on May 30, 1963, moved from the Quarantine Area to the Acute Medical Ward for evaluation on June 3, 1963. He was placed initially on a high protein, high coloric diet, which has continued to the present. He was also placed on 'Elizir Phenobarital, 10cc Q.I.D.,' and this continued the end of June. Probanthine, 15 mgs Q.I.D. started June 3, and is the only medication he continues to be on currently. He did receive for about two weeks Acidulin which is a hydrachoric acid preparation, which was suggested on a trial basis by our Consultant in internal medicine. However, there was no change in

symptomatology on this and it was discontinued. The only other treatment has been prescribing hot soaks and bacitracin ointment to a lesion on his right hand for one week in July. He was transferred to the chronic medical ward June 27, 1963.

"The two staff physicians, Dr. Dunaway, and Dr. Hermance, of opinion that although did not believe any organic illness, his psychiatric type of management would, for time being, best be handled by giving him some leeway in selection of food items. On October 27, 1963, a correctional officer reported that Sobell was trying to eat off the regular cart saying nothing to eat that he cares for on the diet cart. He complains about food most of the time.

"He has gained 11 lbs. since his admission to the Medical Center, and on October 6, 1963 he weighed 139 lbs.

"So far as possibility of gall stones remaining in the common bile duct, did not explore this since subject had had back in January 1963, an intravenous cholangiogram which was perfectly normal. This of course outlines the remnants of the bile duct and ruled out any obstructive phenomena, and there was no evidence of any stones.

"He now works in X-Ray and has been fairly content. Consideration can be given to transfer in about June or July of 1964, which will have given the Institution approximately one year to observe his progress."

For information of all offices HELEN SOBELL visited her husband, November 20, 1963, at the prison.

The Bureau is requested to advise as to whether or not they still would like the file at the Medical Center reviewed periodically regarding SOBELL's physical condition.

1 - Kleinkauf  
1 - Lee

SAC, Kansas City (65-1311)

12/9/63

Director, FBI (161-3483) - 1535

REC-125

MORTON SOBELL  
ESPIONAGE - R

Bourlet 11/27/63.

Bureau desires to have Sobell's medical file checked periodically to determine the extent of his illness and his progress in recovering from same. As you were advised in Bureau letter 2/2/63, Sobell's sympathizers have been attempting to use his alleged illness as a reason for accelerating his release from prison. Statements have been made by Mrs. Sobell that keeping her husband in prison is a matter of life or death with him.

In view of the above, the Bureau desires to have accurate information concerning Sobell's physical condition for information purposes. You should recheck this file each 90 days to determine the status of Sobell's treatment.

- 1 - Chicago (100-35530)
- 1 - Los Angeles (100-41642)
- 1 - Minneapolis (100-8294)
- 1 - New York (100-37158)

JPL:pa  
(9)

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 4/28/87 BY [signature]

NOTE:

Sobell was convicted along with Julius and Ethel Rosenberg of conspiracy to commit espionage and is currently serving a sentence of 30 years. He has become a popular cause with procommunist groups and his wife is a paid employee of the Committee to Secure Justice for Morton Sobell. All legal attempts to obtain a reversal of his conviction have been made with negative results. In an attempt to create sympathy for him Mrs. Sobell claims that he is very sick and keeping him in prison might cause his death. Sobell is presently at the Medical Center for Federal Prisoners, Springfield, Missouri, where he is undergoing treatment. From an examination of his medical report it would appear that he did have gallstones; however, that situation was cleared by an operation and he is currently under observation until June or July, 1964.

Tolson \_\_\_\_\_  
Belmont \_\_\_\_\_  
Mohr \_\_\_\_\_  
Casper \_\_\_\_\_  
Callahan \_\_\_\_\_  
Conrad \_\_\_\_\_  
DeLoach \_\_\_\_\_  
Evans \_\_\_\_\_  
Gale \_\_\_\_\_  
Rosen \_\_\_\_\_  
Sullivan \_\_\_\_\_  
Tavel \_\_\_\_\_  
Trotter \_\_\_\_\_  
Tele. Rm. \_\_\_\_\_  
Holmes \_\_\_\_\_  
Gandy \_\_\_\_\_

DEC 9 1963

DEC 6 - 1963  
COMM-FBI

MAIL ROOM ☐ TELETYPE UNIT ☐

9/11

OSOBELL (III,10)

On July 11, the Supreme Court granted petitioner's motion for an extension of time to file petition for rehearing to August 6.

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED

DATE 4/25/87 BY 3042 PWS/vf

101-2483

NOT RECORDED

11 OCT 18 1963

101-2483

5-12-63

Information included in Internal Security Division Bi-Monthly  
Status Report as of August 31, 1963.

53 OCT 21 1963



ORIGIN/ACTION

DEPARTMENT OF STATE

15 AIRGRAM

CSM 9-3 U.S./SOBELL

MORTON

FOR RM USE ONLY

RM/R	REP	AF
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ARA	EUR	FE
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EA	CU	INR
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E	P	IO
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	SY	
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AGR	COM	FRS
INT	LAB	TAR
TR	XMB	AIR
ARMY	CIA	NAVY
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OSD	USIA	NSA
		3
	JUS	FBI
	1	1

A-72

UNCLASSIFIED

HANDLING INDICATOR

TO : Amembassy BRUSSELS

FROM : Department of State, Washington

DATE: Dec 5 7 04 PM '63

SUBJECT: Petition demanding the release of Morton Sobell.

REF: Emb A-508, November 27, 1963

The Department has transmitted the petition on behalf of Morton Sobell to the United States Pardon Attorney for consideration and disposition. Embassy will be duly informed of any appropriate action taken regarding this matter.

RISK

KLEIN, PAUL (Ref)

7-10  
101-2483

101-2483

NOT RECORDED

3 DEC 10 1963

SECRET

UNCLASSIFIED

FOR DEPT. USE ONLY

Dated by:

L.I./EUR: TTF/Hubb: baw 12-4-63

Contents and Classification Approved by:

L.I./EUR - Mr. Ely Maurer

Clearances:

72 DEC 12 1963

W.E. Graham

H.C.

UNITED STATES GOVERNMENT

# Memorandum

TO : DIRECTOR, FBI (101-2483)

DATE: 1/7/64

FROM : SAC, KANSAS CITY (65-1311) -P\*-

SUBJECT: MORTON SOBELL  
ESPIONAGE - R

*Handwritten signature and initials (Lufu)*

Re Bulet to Kansas City dated 12/9/63.

The following investigation was conducted by SA  
JAMES A. MITCHELL:

## AT SPRINGFIELD, MISSOURI

On 12/20/63, MELVIN LEMONS, Secretary to the Warden, Medical Center for Federal Prisoners, made available their file # 14535-H pertaining to SOBELL. This file contains a copy of a letter written by the Bureau of Prisons, Washington, D. C., to Mrs. ELEANOR J. PIEL, Donner & Piel, Attorneys at Law, 36 West 44th Street, New York 36, New York, under date of 11/19/63. The letter informs SOBELL's progress entirely satisfactory and, in part, adds there is no organic basis for complaints about his gastrointestinal tract, but he has been put on a diet. A mild sedative has been prescribed for the symptomatic relief of tension. Under this regime, he has gained 11 pounds since admittance here. It is noted that Dr. GREENBERG has been concerned about the possibility of a residual gallstone in the common bile duct. An intravenous cholangiogram performed in January, 1963 was perfectly normal, no evidence of any stones or any other obstructive phenomena in the remnants of the bile duct. There are no plans to transfer him, and it is best for him to stay here for continued observation and treatment which have proven to be so beneficial thus far. He has been assigned to the X-Ray Department since 7/22/63.

Case being placed in a P\* status for 90 days, at which time the Medical Center records will again be reviewed.

2-Bureau(RM)  
2-Kansas City  
JAM:lw  
(4)

101-2483-1536

ALL INFORMATION CONTAINED

HEREIN IS UNRECORDED 11 JAN 10 1964

DATE 4/28/81 BY 304001Z/JP

57 JAN 20 1964

*Handwritten and stamped notes:*  
716  
SOVIET UNION  
*Handwritten signature*

## FEDERAL BUREAU OF INVESTIGATION

~~CONFIDENTIAL~~

REPORTING OFFICE <b>NEW YORK</b>	OFFICE OF ORIGIN <b>NEW YORK</b>	DATE <b>JAN 15 1964</b>	INVESTIGATIVE PERIOD <b>12/16-31/63</b>
TITLE OF CASE <b>MORTON SOBELL aka</b>		REPORT MADE BY <b>CARLYLE W. MILLER</b>	TYPED BY <b>HMG</b>
		CHARACTER OF CASE <b>ESPIONAGE - R</b>	

REFERENCE:

Report of SA CARLYLE W. MILLER, 12/11/62,  
at New York.

ADMINISTRATIVE:

APPROVED <i>[Signature]</i>	SPECIAL AGENT IN CHARGE	DO NOT WRITE IN	Declassify on: OADR
COPIES MADE: 3-Bureau (101-2483) (RM) 1-New York (100-37158)		101-2483-	537 REC-5
ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT JAN 17 1964 WHERE SHOWN OTHERWISE.		EX-11	
DISSEMINATION REPORT OF ATTACHED REPORT AGENCY: <b>RA</b> REQUEST RECD: <b>JAN 28 1964</b> DATE FWD: <b>1-24-64</b> HOW FWD: <b>0-6</b> BY: <b>[Signature]</b>		Classified by <b>2355</b> Exempt from automatic declassification Date of Declassification Indefinite SOF 3002 APPROPRIATE AGENCIES AND FIELD OFFICES ADVISED BY ROUTING SLIP(S) DATE <b>4/25/88</b>	

~~CONFIDENTIAL~~



~~CONFIDENTIAL~~

NY 100-37158

[REDACTED]

b1

[REDACTED]

b1

The above information was set forth in the Administrative section of this report rather than the Details, because the nature of the information tends to identify [REDACTED] (c) the source thereof.

b1

INFORMANTS:

Identity of Source

File Number Where Located

NY T-1  
[REDACTED]

[REDACTED]

b2  
b20

COVER PAGE

-B-

~~CONFIDENTIAL~~

NY 100-37158

1. ☒ Subject's name is included in the Security Index.
2. ☒ The data appearing on the Security Index card are current.
3. ☐ Changes on the Security Index card are necessary and Form FD-122 has been submitted to the Bureau.
4. ☒ A suitable photograph ☒ is ☐ is not available.
5. ☒ Careful consideration has been given to each source concealed and T symbols were utilized only in those instances where the identities of the sources must be concealed.
6. ☐ Subject is employed in a key facility and is charged with security responsibility. Interested agencies are \_\_\_\_\_
7. ☒ This report is classified CONFIDENTIAL because (state reason) it contains information furnished by [REDACTED] a confidential informant of continuing value, the disclosure of which would tend to disclosed the informant's identity and, thereby, adversely affect the national interests of this country. b2 b7D
8. ☐ Subject previously interviewed (dates) \_\_\_\_\_
- ☐ Subject was not reinterviewed because (state reason) \_\_\_\_\_

9. ☐ This case no longer meets the Security Index criteria and a letter has been directed to the Bureau recommending cancellation of the Security Index card.
10. ☒ This case has been re-evaluated in the light of the Security Index criteria and it continues to fall within such criteria because (state reason) subject is incarcerated at the Medical Center for Federal prisoners, Springfield, Missouri, following his conviction on 3/29/51, in the USDC, SDNY, NYC, for Conspiring to Commit Espionage on behalf of the Soviet Union. The Committee to Secure Justice for Morton Sobell is actively engaged in efforts to have him released.
11. ☒ Subject's SI card ☐ is ☒ is not tabbed Detcom.
- ☒ Subject's activities ☐ do ☒ do not warrant Detcom tabbing.

COVER PAGE

-C\*-

~~CONFIDENTIAL~~  
~~CONFIDENTIAL~~

**UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION**

**CONFIDENTIAL**

Copy to:

Report of:

**CARLYLE W. MILIER**

Office: New York, New York

Date:

**JAN 15 1964**

Field Office File No.:

**100-37158**Bureau File No.: **101-2483**

Title:

**MORTON SOBELL aka**

Character:

**ESPIONAGE-R**

Synopsis:

On 5/30/63, subject was transferred to the Medical Center for Federal Prisoners, Springfield, Missouri. Director JAMES F. BENNETT, Bureau of Prisons, subsequently advised ELEANOR JACKSON PIEL, subject's attorney, by letter that complete examinations made at the Medical Center had not revealed any significant organic basis for MORTON SOBELL's complaint. On 2/6/63, the US Court of Appeals, Second Circuit, denied subject's appeal to have his conviction and sentence vacated. SOBELL petitioned the US Supreme Court to issue a writ of certiorari to review this decision and on 6/17/63, it was ascertained that his petition for certiorari had been denied. On various dates during 1963, it was reported that subject's wife, HELEN SOBELL continued to participate in activities of the subject's Committee to Secure Justice for Morton Sobell, and that she was a National Staff member of that organization.

-C-

APPROPRIATE AGENCIES

FIELD OFFICES

ADVISED BY ROUTING

SLIP(S) OF

DATE 10-19-77

WRB/REC

Excluded from automatic  
downgrading and  
declassification

Declassified 10/8/75  
#2355 WAB  
Ruc

**ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED**

**DATE 4/28/87 BY 3042/ewj/gh**

NY 100-37158

DETAILS:

Place of Incarceration

On July 8, 1963, Mr. MELVIN IEMMON, Secretary to the Warden, Medical Center for Federal Prisoners, Springfield, Missouri, made available the record which reflected that SOBELL was transferred to that institution from the United States Penitentiary Atlanta, Georgia, on May 30, 1963, and was assigned the prisoner number 145335-H.

Status of Health

Mr. IEMMON advised on July 8, 1963, that when admitted to the Medical Center for Federal Prisoners, MORTON SOBELL's diagnosis was as follows:

"Psychophysiologic gastro intestinal reaction; treatment recommended: G. I. series work-up."

On August 14, 1963, Mr. IEMMON advised that MORTON SOBELL's file contained a letter dated June 26, 1963, written by Dr. MILOFSKY, Psychiatry. Dr. MILOFSKY stated in this letter that the "G. I." complaint may well derive from some emotional conflict and with negative medical work-up he would recommend psychotherapy. He advised that he would recommend no tranquilizing medication nor any sedative since SOBELL was psychologically healthy enough not to require them. In addition, the letter contained the following statement by Dr. MILOFSKY:

"At present I think that his symptomatology ~~statement~~ leads him to a misguided pseudoexperimental approach to his gastro intestinal problem so that his wishes to ~~play at~~ being a patient seem to have the upper hand; or rather he plays at being doctor."

On September 24, 1963, Mr. IEMMON made available MORTON SOBELL's record, which reflected that a special progress report was made on August 19, 1963, which stated that the Medical Center staff was unable to identify any organic ~~disease~~ process. The file also contained a letter addressed to ELEANOR JACKSON RIEL, the subject's attorney, 36 West 47th Street, New York 36, New York, which was sent by JAMES F. BENNETT, Director, Bureau of Prisons. In this letter Mr. BENNETT advised:

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"that the complete examinations which were made at the Medical Center have not revealed any significant organic basis for Mr. SOBELL's complaint. The staff at the Medical Center ~~has~~ attempted to interpret ~~their~~ findings to Mr. SOBELL and they have recommended that he continue to receive such symptomatic treatment including dietary measures as may be indicated."

Following SOBELL's transfer to the Medical Center for Federal Prisoners, Springfield, Missouri, Warden JESSE HARRIS of that institution wrote a letter to Dr. CHARLES E. SMITH, Medical Director for the Bureau of Prisons, Washington, D. C., which reads in part as follows:

"SOBELL was received here on May 30, 1963, moved from the Quarantine Area to the Acute Medical Ward for evaluation on June 3, 1963. He was placed ~~in~~ placed initially on a high protein, high caloric diet, which has continued to the present. He was also placed on 'Elizir Phenobarital, 10cc Q.I.D.,' and this continued the end of June. Probanthine, 15 mgs Q.I.D. started June 3, and is the only medication he continues to be on currently. He did receive for about two weeks Acidulin which is a hydrachloric acid preparation, which was suggested on a trial basis by our Consultant in internal medicine. However, there was no change in symptomatology on this and it was discontinued. The only other treatment has been prescribing hot soaks and bacitracin ointment to a lesion on his right hand for one week in July. He was transferred to the chronic medical ward June 27, 1963.

"The two staff physicians, Dr. DUNAWAY, and Dr. HERMANCK, of opinion that although did not believe any organic illness, his psychiatric type of management would, for time being, best be handled by giving him some leeway in selection of food items. On October 27, 1963, a correctional officer reported that SOBELL was trying to eat off the regular cart saying nothing to eat that he cares for on the diet cart. He complains about food most of the time.

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"He has gained 11 lbs. since his admission to the Medical Center, and on October 6, 1963, he weighed 139 lbs.

"So far as possibility of gall stones remaining in the common bile duct, did not explore this since subject had had back in January 1963, an intravenous cholangiogram which was perfectly normal. This of course outlines the remnants of the bile duct and ruled out any obstructive phenomena, and there was no evidence of any stones.

"He now works in X-Ray and has been fairly content. Consideration can be given to transfer in about June or July of 1964, which will have given the Institution approximately one year to observe his progress."

#### Legal Proceedings

Assistant United States Attorney ROBERT GENIESSE, Southern District of New York, New York City, advised SA EDWARD F. MC CARTHY on February 7, 1963, that the United States Court of Appeals, 2nd Circuit, had on the previous day denied subject's appeal to have his conviction and sentence vacated.

Records of the United States Supreme Court, Washington, D. C., reviewed by SA RALPH C. VOGEL on April 17, 1963, under number 133MISC, revealed that on April 5, 1963, MORTON SOBELL petitioned that a writ of certiorari be issued to review the decision of the United States Court of Appeals for the 2nd Circuit affirming an order of the District Court for the Southern District of New York denying SOBELL's motion to vacate his conviction and sentence, pursuant to Title 28, United States Code, Section 2255 and, in the alternative to reduce his sentence pursuant to Rule 35 of the Federal Rules of Criminal Procedure.

On June 17, 1963, it was ascertained at the Office of the United States Supreme Court that MORTON SOBELL's petition for certiorari had been denied.

Mr. EDWARD SCHADE, United States Supreme Court, Washington, D. C., advised on July 23, 1963, that on July 9, 1963, MORTON SOBELL filed application for extension of time to file a petition for rehearing. A court order by Justice STEWART was issued granting such extension of time to August 6, 1963.



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Periodic contact with Mr. SCHADE was maintained and on September 27, 1963, he advised that no such petition had been filed on behalf of MORTON SOBELL within the allotted time.

Committee to Secure Justice for Morton Sobell (CSJMS)

The CSJMS is characterized in the appendix section of this report.

NY T-1 advised on various dates during 1963, that the subject's wife, HELEN SOBELL, continued to participate in the activities of the CSJMS and that she was a national staff member of that organization.

NY 100-37158

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APPENDIX

COMMITTEE TO SECURE JUSTICE  
FOR MORTON SOBELL

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

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

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

The Address Telephone Directory for the Borough of Manhattan, New York City, as published by the New York Telephone Company, on April 16, 1963, lists the "Committee to Secure Justice for Morton Sobell" (CSJMS) as being located at 940 Broadway, New York, New York.





In Reply, Please Refer to  
File No.

UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION  
New York, New York

JAN 15 1964

Title Morton Sobell

Character Espionage-R

Reference is made to the report  
of Special Agent Carlyle W. Miller, dated and captioned  
as above at New York.

All sources (except any listed below) whose identities  
are concealed in referenced communication have furnished reliable  
information in the past.

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 4/28/87 BY 3042 am/hf

FBI

Date: 5-4-64

Transmit the following in \_\_\_\_\_  
(Type in plain text or code)Via AIRTEL AIRMAIL  
(Priority or Method of Mailing)

TO: DIRECTOR, FBI (101-2483)  
 FROM: SAC, KANSAS CITY (65-1311) P\*  
 RE: MORTON SOBELL, aka  
 ESPIONAGE - R  
 OO: New York

*Handwritten:* Ker [unclear] / [unclear]  
 [unclear]

Re 0-1 form from the Bureau dated 4-27-64 regarding present status of this case.

On 5-1-64, MELVIN LEMONS, Secretary to the Warden, Medical Center for Federal Prisoners, Springfield, Mo., advised SA JAMES A. MITCHELL that subject remains confined at the hospital and there has been no change in his condition and no plans to transfer him to another institution.

His file reflects that on 2-18-64 he requested to see the doctor about dietary problems. Dr. P. J. CICCONE noted on the request that he talked to SOBELL and he made various complaints about his diet and this was being discussed with Mr. MANION, Food Administrator.

SOBELL has been working as an X-ray technician since 7-22-63 and has been receiving above average work reports.

The file does not contain any further letters since last checked from his attorney or his wife requesting any special treatment or favors for SOBELL.

3 - Bureau (RM)  
 2 - Los Angeles (65-5082) (RM)  
 2 - New York (100-37158) (RM)  
 2 - Kansas City

JAM:beg  
 (9)

REC-122 101-2483-1538

ALL INFORMATION CONTAINED  
 HEREIN IS UNCLASSIFIED  
 DATE 4/28/87 BY [unclear]

*Handwritten:* MAY 6 1964  
 SOVIET SECTION

Approved: 64 MAY 12 1964 Special Agent in Charge

Sent \_\_\_\_\_ M Per \_\_\_\_\_

*Handwritten:* MAY 5 1964

KC 65-1311

This case will be continued in a pending inactive status until 8-1-64, UAC. The Medical Center will advise if there is any change in subject's condition or if plans are being made to transfer him to another facility.

LEAD;

KANSAS CITY DIVISION

At Springfield, Missouri

On or about 8-1-64, recheck the Medical Center for current status of subject.



# CONFIDENTIAL

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

New York, New York

May 5, 1964

In Reply, Please Refer to  
File No.

Bureau 101-2483  
New York 100-37158

Re: Morton Sobell

APPROPRIATE AGENCIES  
AND FIELD OFFICES  
ADVISED BY ROUTING  
SLIP OF

DATE 10-19-77 WAB/REC

Morton Sobell was born on April 11, 1917, in New York City. He received a Bachelor of Electrical Engineering Degree from the City College of New York in 1938, and a Master of Electrical Engineering Degree from the University of Michigan in 1941. He married Helen Levitov Gurewitz on March 10, 1945. His last place of employment was the Reeves Instrument Company, New York City, where he was employed as an Electrical Engineer. Morton Sobell is currently incarcerated at the Medical Center for Federal Prisoners, Springfield, Missouri.

Following is a physical description of Morton Sobell:

Sex	Male
Race	White
Height	Five feet eight inches
Weight	140-145 pounds
Hair	Brown
Eyes	Hazel-wears thick lens glasses
Complexion	Dark
Build	Medium

On June 22, 1950, Morton Sobell, along with his wife, son and stepdaughter, departed for Mexico City. On August 17, 1950, he was deported by Mexican authorities to the United States border at Laredo, Texas. He was arrested on August 18, 1950, for violation of the Espionage-Conspiracy Statute, the arrest being based on a complaint and warrant filed in the United States District Court for the Southern District of New York, New York City, on August 3, 1950. On January 31, 1951,

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6 MAY 8 1964

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WAB-PUC

101-2483-  
MAY 15 1964  
SUB CONTROL

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DATE 4/22/82 BY SP-6 BJS/baw

1 cc Secret Service  
Note - The name is called  
to attention in connection  
with an responsibility in  
protecting the President of the US  
1 cc NY  
Not - I missed the LHM  
to see in case file  
5/11/64  
JFK/RLS  
100-47205

53 MAY 13 1964