

Letter to Director, FBI  
Re: MORTON SOBELL  
ESPIONAGE - R

~~SECRET~~

ALBERT MALTZ  
SECURITY MATTER

~~SECRET~~

It should be noted further that

~~SECRET~~

~~SECRET~~

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Letter to Director, FBI  
Re: MORTON SOBELL  
ESPIONAGE - R

ALBERT MALTZ  
SECURITY MATTER - C

CIA  
[REDACTED]  
~~SECRET~~

It is to be noted that the only individual known by this office to be deceased on the list observed by SA SWEET is former SA LEW C. TAYLOR.

[REDACTED]  
~~SECRET~~

[REDACTED]  
~~SECRET~~

[REDACTED]  
~~SECRET~~

~~SECRET~~

[REDACTED]  
~~SECRET~~

XXXXXX  
XXXXXX  
XXXXXXFEDERAL BUREAU OF INVESTIGATION  
FOIPA DELETED PAGE INFORMATION SHEET

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

- ☒ Deleted under exemption(s) b1 with no segregable material available for release to you.
- ☐ Information pertained only to a third party with no reference to you or the subject of your request.
- ☐ Information pertained only to a third party. Your name is listed in the title only.
- ☐ Documents originated with another Government agency(ies). These documents were referred to that agency(ies) for review and direct response to you.

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

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

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\_\_\_\_\_

☐ For your information: \_\_\_\_\_

\_\_\_\_\_

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

101-2483-1229

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XXXXXX  
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 X DELETED PAGE(S) X  
 X NO DUPLICATION FEE X  
 X FOR THIS PAGE X  
 XXXXXXXXXXXXXXXXXXXX

Letter to Director, FBI  
Re: MORTON SOBELL  
ESPIONAGE - R

~~SECRET~~

ALBERT MALTZ  
SECURITY MATTER - C

~~SECRET~~

~~SECRET~~

should not be disseminated outside the Bureau.

No local dissemination is being made of the above at this time because of its fragmentary nature.

Extra copies of instant letter have been prepared for the New York Office, and that office is requested to furnish any information.

~~SECRET~~

~~SECRET~~

Belmont  
Bronigan  
Lee

Assistant Attorney General  
William F. Tompkins (Orig & 1)

May 9, 1956

Director, FBI

MORTON SOBELL, with aliases  
ESPIONAGE - R

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 5-7-87 BY 3042 PWT-JAR

Reference is made to our memorandum of January 10, 1956, advising that Mrs. Rose Sobell, mother of the subject, stated in an interview in England that legal motions were being prepared in an effort to obtain a new trial.

Information has been received that a young man believed to be connected with the National Committee to Secure Justice for Morton Sobell was heard stating on May 1, 1956, that a motion for a new trial for Sobell will be filed within the next few days, and that Sobell's attorney is named Perlman. This is believed to be Marshall Perlman of the firm of Donner, Kincy and Perlman, 342 Madison Avenue, New York City. The basis of this motion is alleged to be the fact that the Government used perjured evidence in the original trial of Sobell and the Rosenbergs.

Assistant United States Attorney Silvio J. Mollo, Southern District of New York, advised our New York Office Perlman has requested Photostats of Government trial exhibits pertaining to Sobell, which he is willing to furnish to Perlman. Mr. Mollo further has reviewed a list of property taken from Sobell at the time of his arrest, which has not been returned to Sobell, and has stated he sees no reason for retaining the originals of this property. Mr. Mollo is of the opinion that returning these items will deprive Perlman of the argument that the Government is withholding Sobell's property and Photostats will be sufficient for the use of the Government in the event of a hearing.

MAILED 12  
MAY 9 1956  
COMM-FBI

By letter to the Attorney General dated November 24, 1954, you were advised of interviews of Sobell which were conducted in August and September, 1954, for the purpose of discussing with him the disposition of certain items taken from him at the time of his arrest. Prior to these interviews, Assistant United States Attorney Leonard B. Sand, Southern District of New York, approved the return of the items deemed not to be of value.

MAY 15 1956

101-2483

NOTE: This letter confirms conference held with Mr. Foley and Mr. Kelly of Department on 5-4-56.

JPL:bal

Tolson \_\_\_\_\_  
Boardman \_\_\_\_\_  
Nichols \_\_\_\_\_  
Belmont \_\_\_\_\_  
Harbo \_\_\_\_\_  
Mohr \_\_\_\_\_  
Parsons \_\_\_\_\_  
Rosen \_\_\_\_\_  
Tamm \_\_\_\_\_  
 Sizoo \_\_\_\_\_  
Winterrowd \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Holloman \_\_\_\_\_  
Gandy \_\_\_\_\_

66 MAY 11 1956

10-17-73  
WAB/DVN

~~CONFIDENTIAL~~

Letter to Assistant Attorney General  
William F. Tompkins

in the event of further legal action. Those items which Mr. Sand felt would be of value in the event of further legal action were retained by our New York Office.

On May 4, 1956, the above information was orally furnished to Messrs. William E. Foley and John Reilly of the Department of Justice by Special Agents William A. Brannigan and James P. Lee. Mr. Foley telephonically discussed the matter with you and advised that you stated some of this property was to be turned over to Sobell's attorney until the United States Attorney, Southern District of New York, personally furnished you with his recommendation concerning such action. At Mr. Foley's request, our New York Office was advised of your opinion on May 4, 1956, and was instructed to so advise Mr. Hollis.

~~CONFIDENTIAL~~

via lease line  
per Mr. Gammis  
cc

MAY 9, 1956

**SECRET**  
**DEFERRED**

**CABLEGRAM-ENCODE**

LEGAL ATTACHE, MEXICO, D. F.  
NORTON SOBELL, ESP-R. REURAIRGRAM MARCH TWENTYNINE LAST.  
MOTION FOR NEW TRIAL FILED BY SOBELL ATTORNEYS SDNY MAY EIGHT,  
BASED ON ALLEGATION GOVERNMENT USED PERJURED TESTIMONY AT  
TRIAL AND INTRODUCED DOCUMENTS REFLECTING DEPORTATION OF  
SOBELL FROM MEXICO WHICH GOVERNMENT KNEW TO BE FALSE.  
ADVISE IF FURTHER INFO RECEIVED FROM YOUR SOURCES AS SET  
OUT IN REAIRGRAM.

#439

NR. 091645

ENC. 7645-1650 BY BK

CK. 1605-1615 BY ml

APPROVED BY *max*

TYPED BY *max*

FILED BY

6-7-87

HOOVER

Classified by 3042 PWT JAA  
Declassify on: OADR

101-2483

JPL:rb

1 - Foreign Liaison Unit (route through for review)

NOTE: Reairgram advised that

[REDACTED]

This is followup since motion for new trial filed 5/8/56.

Classified by 2355 WAB/DVN  
Exempt from GDS, Category 2, 3  
Date of Declassification Indefinite

- Tolson
- Boardman
- Nichols
- Belmont
- Harbo
- Mohr
- Parsons
- Rosen
- Tamm
- Sizoo
- Winterrowd
- Tele. Room
- Holloman
- Gandy

NYA 8 RECORDS

**SECRET**

MAY 15 1956

68 MAY 17 1956

Spent via Cable 5/9/56 1:59 PM per mail

RECEIVED READING ROOM  
MAY 9 10 22 AM '56  
EX-122  
101-2483-1231  
WAB  
JPL

# Office Memorandum • UNITED STATES GOVERNMENT

TO : The Director

DATE: 5/10/56

FROM : J. P. Mohr

SUBJECT: The Congressional Record

Morton Sobell

Enc

Pages 3706-  
3707

## APPENDIX

Senator Langer, (R) North Dakota, extended his remarks to include a speech he made at Carnegie Hall in New York on September 29, 1955. References to the Director and the FBI were set forth in a memorandum earlier today.

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 5-7-87 BY 3042 PWT/JAR

EX-125

INDEXED - 84 | 101-2483-1232

NOT RECORDED  
191 MAY 16 1956

INITIALS ON ORIGINAL

In the original of a memorandum captioned and dated as above, the Congressional Record for 5-9-56 was reviewed and pertinent items were marked for the Director's attention. This form has been prepared in order that portions of a copy of the original memorandum may be clipped, mounted, and placed in appropriate Bureau case or subject matter files.

MAY 25 1956

Original filed in: 66-1731-1228

# Office Memorandum

UNITED STATES GOVERNMENT

TO : Mr. L. V. Boardman

**SECRET**

DATE: May 9, 1956

FROM : Mr. A. H. Belmont

CC - Boardman  
Belmont  
Nichols  
Branigan  
Lee

SUBJECT: MORTON SOBELL, was.  
ESPIONAGE - R

5-7-57  
Classified by 3042 PWT-JM  
Declassify on: OADR

Tolson \_\_\_\_\_  
Boardman \_\_\_\_\_  
Nichols \_\_\_\_\_  
Belmont \_\_\_\_\_  
Harbo \_\_\_\_\_  
Mohr \_\_\_\_\_  
Parsons \_\_\_\_\_  
Rosen \_\_\_\_\_  
Tamm \_\_\_\_\_  
 Sizoo \_\_\_\_\_  
Winterrowd \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Holloman \_\_\_\_\_

The attached article appearing in "The Washington Post and Times Herald" on May 9, 1956, contains a statement that Morton Sobell has filed a motion for a new trial. In this motion Sobell alleges that after he was arrested by the Mexican police, he was transported by automobile to the U.S. border. He continues that just before crossing the border, an FBI Agent entered the car and directed the driver to the U.S. Immigration Office in Laredo, Texas. The Director asked, "What about this?" Supervisors Rex I. Shroder and John W. Lewis arrested Sobell at Laredo, Texas. Both state that no FBI Agent entered the cars of the Mexican Federal Security Police which were transporting Sobell and his wife to Laredo.

NY Office by teletype 5/8/56 advised motion filed by subject pursuant to Title 18, USC, Section 2255, for a new trial, attacks validity of deportation of Sobell from Mexico and use of Immigration & Naturalization Service (I&NS) manifest to show Sobell was validly deported pursuant to authorized action of Mexican Govt. Claims testimony of Government witness James S. Huggins, I&NS, that Sobell was deported, was perjurious and Government suppressed info contradicting deportation. Alleges prosecution, through agents and representatives in U.S. and Mexico, planned and participated in Sobell's abduction and FBI agents and U.S. Embassy participated. Alleges further that extradition treaty with Mexico does not cover espionage and FBI and I&NS were cognizant of Mexican Govt. agencies handling extradition and deportation and knew that it was the secret police who seized and delivered Sobell.

Our investigation of Sobell showed he and family left U.S. by plane 6/22/50.

[REDACTED]

**SECRET**

Classified by 2355 GAB/DVB  
101-2483 Exempt from GDS, Category 2.3  
Enclosure Date of Declassification Indefinite

101-2483-1233

JPL:emb;mk  
(6)

RECORDED-66

11 MAY 16 1956


51 MAY 17 1956

EX-108

**SECRET**

Memorandum to Mr. Boardman

~~SECRET~~

 b1  
On 8/18/50 at 2:45 a.m. subject and family were driven across the International Bridge, Laredo, Texas, by Mexican police where they were then processed by U.S. I&NS Inspector James S. Huggins. After processing, Sobell was arrested by Bureau agents at 2:50 a.m. at the I&NS office, Laredo.

James S. Huggins testified as a Government witness at the Rosenberg-Sobell trial. He introduced an I&NS card, prepared at the time Sobell crossed the border, which had a notation indicating Sobell was deported. The purpose of this testimony was to thwart any defense attempt to claim Sobell was on a vacation and had voluntarily returned to the U.S.

No Mexican Govt. officials testified at the trial. Four Mexican nationals testified. The testimony of one showed Sobell claimed he was avoiding military service in the U.S. and made inquiries as to how to leave Mexico and also asked directions to the port of Vera Cruz. The testimony of the other three Mexican witnesses showed Sobell was in Vera Cruz and Tampico, Mexico, and while in those cities he used aliases. No cross-examination was made of the Mexican witnesses.

The Department was informed of the facts surrounding the arrest and deportation of Sobell by the MFSP. Further discussions were held with the U.S. Attorney, So. District of NY, concerning this matter during the preparation for the trial.

ACTION:

For your information. NY is forwarding Photostats of the motion papers filed and as soon as received these papers will be analyzed.

 ~~SECRET~~

Tolson \_\_\_\_\_  
 Nichols \_\_\_\_\_  
 Boardman \_\_\_\_\_  
 Belmont \_\_\_\_\_  
 Mason \_\_\_\_\_  
 Mohr \_\_\_\_\_  
 Parsons \_\_\_\_\_  
 Rosen \_\_\_\_\_  
 Tamm \_\_\_\_\_  
 Nease \_\_\_\_\_  
 Winterrowd \_\_\_\_\_  
 Tele. Room \_\_\_\_\_  
 Holloman \_\_\_\_\_  
 Gandy \_\_\_\_\_

MR. BAUMGARDNER

BAUMGARDNER

## Sobell Seeks New Trial; Says He's Perjury Victim

NEW YORK, May 8 (AP)—Morris Sobell, convicted as an atom spy with Ethel and Julius Rosenberg, sought a new trial today, claiming Government prosecutors knowingly used perjured testimony against him and suppressed evidence.

Sobell, now 33, was sentenced to 30 years in prison in April, 1951, and now is in Alcatraz Prison, San Francisco Bay. The Rosenbergs were electrocuted in Sing Sing Prison in 1953.



Sobell

U. S. Attorney Paul W. Williams said there was "no basis" for Sobell's new charges. The government will vigorously oppose his motion, Williams said.

Sobell appealed in Federal District Court for a new trial, charging that he was kidnaped from Mexico with his wife and two children in 1950 and not deported from Mexico as the United States Government claimed.

Papers filed in Sobell's behalf said three Mexicans representing themselves as secret police entered his apartment Aug. 18, 1950, and told him he was wanted for an Acapulco (Mexico) bank robbery.

Sobell said his credentials and other papers were seized

and he was knocked unconscious and taken by automobile to the United States. Just before crossing the border, he claimed, an FBI agent entered the car and directed the driver to the United States immigration office in Laredo, Tex.

He said Government records would show he was removed to the United States without the knowledge or approval of Mexican immigration authorities.

Sobell asked for a hearing to determine the issues and to set aside the sentence and judgment of conviction.

What about this?

101-2483-1234

MAY 16 1956

RECORDED-66

EX-108

REC'D - FBI

Wash. Post and Times Herald \_\_\_\_\_  
 Wash. News \_\_\_\_\_  
 Wash. Star \_\_\_\_\_  
 N. Y. Herald Tribune \_\_\_\_\_  
 N. Y. Mirror \_\_\_\_\_  
 N. Y. Daily News \_\_\_\_\_  
 Daily Worker \_\_\_\_\_  
 The Worker \_\_\_\_\_  
 New Leader \_\_\_\_\_

Date MAY 9 1956

ALL INFORMATION CONTAINED  
 HEREIN IS UNCLASSIFIED  
 DATE 5-7-87 BY 3042 PWT-JAL

51 MAY 17 1956

memo Belmont to Boardman

3-9-56

SPB:amly:mh

FEDERAL BUREAU OF INVESTIGATION  
U. S. DEPARTMENT OF JUSTICE  
COMMUNICATIONS SECTION

MAY 2 - 1956

TELETYPE

WASH 13 FROM NEW YORK

02

6-05 PM

DIRECTOR URGENT

Mr. Tolson  
Mr. Nichols  
Mr. Boardman  
Mr. Belmont  
Mr. Mason  
Mr. Mohr  
Mr. Parsons  
Mr. Rosen  
Mr. Tamm  
Mr. Nease  
Mr. Winterrowd  
Tele. Room  
Mr. Holloman  
Miss Gandy  
MR. DEANIGAN

MORTON SOBELL, WAS, ESPIONAGE - R, BUREAU FILE ONE ZERO ONE DASH TWO FOUR EIGHT THREE, RENE AIRTEL APR. TWENTY, FIFTYSIX. LIST OF SOBELL'S PROPERTY RETAINED IN NYO FURNISHED AUSA SILVIO J. MOLLO ON APR. TWENTYSIX, FIFTYSIX. ON MAY ONE, FIFTYSIX, EDWARD RANZELL, NY TIMES NEWSPAPER REPORTER, ADVISED THAT HE OVERHEARD A REMARK MADE BY A YOUNG MAN WHOSE IDENTITY HE DOES NOT KNOW, BUT WHO HE BELIEVES IS CONNECTED WITH THE NATIONAL COMMITTEE TO SECURE JUSTICE FOR MORTON SOBELL TO THE EFFECT THAT A MOTION FOR A NEW TRIAL WOULD BE FILED IN FEDERAL COURT WITHIN THE NEXT FEW DAYS, THE BASIS FOR WHICH WILL BE THAT THE GOVERNMENT USED PERJURED EVIDENCE IN HIS TRIAL, AND THAT THE ATTORNEY FOR SOBELL IS NAMED PERLIN FROM THE OFFICE OF ATTORNEY FRANK DONNER. /LAW FIRM OF DONNER, KINOY AND PERLIN, THREE FOUR TWO MADISON AVENUE, NYC./ MOLLO CONTACTED ON MAY TWO, FIFTY SIX AND WAS ADVISED INFO RECEIVED INDICATING MOTION FOR NEW TRIAL WOULD BE FILED IN A FEW DAYS ALLEGING GOVERNMENT'S USE OF

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 5-7-87 BY 3042 PWT/SSE

WVA END PAGE ONE

191-102111C  
10/10/10

3-5-86  
let to AA 6  
let to NY 5-9-86  
JPL:et

EX-120  
MAY 15 1956

101-2483-1235

PAGE TWO

PERJURED EVIDENCE. MOLLO STATED PERLIN REQUESTED PHOTOSTATS OF GOVERNMENT TRIAL EXHIBITS PERTAINING TO SOBELL WHICH HE IS WILLING TO FURNISH TO PERLIN. MOLLO ALSO ADVISED THAT AFTER CONSIDERING LIST OF SOBELL-S PROPERTY HE SEES NO REASON TO RETAIN ORIGINALS AND HE INTENDS TO RETURN BALANCE OF DOCUMENTS OBTAINED FROM SOBELL AT TIME OF HIS ARREST. HE REQUESTED NYO FBI PREPARE PHOTOSTATS OF SOBELL-S PROPERTY NOW RETAINED IN FBI OFFICE. STATED THAT RETURN OF ORIGINALS WOULD DEPRIVE PERLIN OF ARGUMENT THAT GOVERNMENT WITHHOLDING SOBELL-S PROPERTY AND THAT PHOTOSTATS SUFFICIENT FOR GOVERNMENT-S USE IN EVENT OF A HEARING. MOLLO REQUESTED THAT CHAIN OF EVIDENCE BE BE MAINTAINED BY EMPLOYEE WHO PHOTOSTATS DOCUMENTS AND AGENT WHO RECEIVES PHOTOSTATS INITIALING SAME. MOLLO REQUESTED PHOTOSTATS BE PREPARED BY MONDAY AFTERNOON, MAY SEVEN, ON WHICH DATE HE WOULD CONTACT PERLIN AND REQUEST HE APPEAR AT MOLLO-S OFFICE WHERE ORIGINALS WOULD BE RETURNED TO HIM. PHOTOSTATS WILL BE PREPARED AND INITIALED AS REQUESTED AND FURNISHED TO MOLLO ON AFTERNOON OF MAY SEVEN, UACB.

UNLESS ADVISED TO CONTRARY BY BUREAU

KELLY

MAY 5 6 11 PM '53

PLS HOLD

CC: MR. BELMONT  
AND SUPERVISOR  
DOM. INTEL. DIVISION

*Mr. Turner*

~~Mr. Belmont~~  
~~Mr. Brownigan~~  
Mr. Lee

SAC, New York (101-2483) (orig and 1)  
101-2483-1235  
Director, FBI (100-37150)

May 9, 1956

RECORDED - 88

EX - 120

NORTON SOBELL, was  
ESPIONAGE - R

ReurTel 5-2-56 advising that Silvio J. Nello, Assistant United States Attorney, Southern District of New York, stated he intended to return to Sobell's attorney the items of Sobell's property now in the possession of your office and had requested Photostats be prepared by the afternoon of May 7, 1956.

This matter was discussed with William E. Foley of the Department who telephonically contacted Assistant Attorney General William F. Tompkins, Internal Security Division. Mr. Tompkins stated none of this property should be returned to the subject's attorney until the United States Attorney, Southern District of New York, personally furnished him with his recommendations in this matter. You were telephonically instructed on May 4, 1956, not to turn these items over to Mr. Nello until such time as the United States Attorney has completed conferences with Mr. Tompkins. You were also instructed to advise Mr. Nello of the decision of Mr. Tompkins.

NOTE: This letter confirms instructions furnished to NYO telephonically on 5-4-56/

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JPL:et (4) ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 5-7-87 BY 3042 PWT-JAR

- Tolson \_\_\_\_\_
- Boardman \_\_\_\_\_
- Nichols \_\_\_\_\_
- Belmont \_\_\_\_\_
- Harbo \_\_\_\_\_
- Mohr \_\_\_\_\_
- Parsons \_\_\_\_\_
- Rosen \_\_\_\_\_
- Tamm \_\_\_\_\_
- Winterrowd \_\_\_\_\_
- Tele. Room \_\_\_\_\_
- Holloman \_\_\_\_\_
- Gandy \_\_\_\_\_

50 MAY 23 1956

MAILED 12  
MAY 9 1956  
COMM-FBI

*[Handwritten signatures and initials]*

3  
JUN 8

# AIRGRAM

Mr. Tolson	_____
Mr. Boardman	_____
Mr. Nichols	_____
Mr. Belmont	_____
Mr. Harbo	_____
Mr. Mohr	_____
Mr. Parsons	_____
Mr. Rosen	_____
Mr. Tamm	_____
Mr. Sizoo	_____
Mr. Winterrowd	_____
Tele. Room	_____
Mr. Holloman	_____
Miss Gandy	_____

*ef 10-1*

DECODE OF CODED MESSAGE NUMBER 995 DATED MAY 9, 1956  
AT MEXICO CITY, MEXICO. RECEIVED VIA AIRGRAM.

MR. J. J. NIGAN

MORTON SOBELL, ESPIONAGE - R. REBUCABLE INSTANT DATE. NO  
FURTHER INFO RECEIVED THIS OFFICE EXCEPT THAT SET FORTH IN  
LEGAT LETTER APRIL 30 LAST.

JOHN N. SPEAKES

*[Signature]*

RECEIVED

45-11-56

10:29 AM JW

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 5-7-87 BY 3042AT-JAR

*573*

*N*

101-248

RECORDED - 88

101-2483

1236  
1236  
cc: Mr. Belmont  
cc: Mr. Tamm

8 MAY 15 1956

EX-108

If the intelligence contained in the above message is to be disseminated  
outside the Bureau, it is suggested that it be suitably paraphrased in  
order to protect the Bureau's cryptographic systems.

58 MAY 11 1956

*mw.*

FEDERAL BUREAU OF INVESTIGATION  
U. S. DEPARTMENT OF JUSTICE  
COMMUNICATIONS SECTION

MAY 19 1956

TELETYPE

Mr. Tolson	
Mr. Nichols	
Mr. Boardman	
Mr. Belmont	✓
Mr. Mason	
Mr. Mohr	
Mr. Parsons	
Mr. Rosen	
Mr. Tamm	
Mr. Nease	
Mr. Winterrowd	
Tele. Room	
Mr. Holloman	
Miss Gandy	

*Br. Kiger*

*Arto*

WASHINGTON FROM NEW YORK 17

10

10-56P

DIRECTOR

....U R G E N T....

*cc 10-1*

MORTON SOBELL, WA, ESP-R. INFO RECEIVED FROM FORMER AUSA, SDNY, JAMES KILSHEIMER NOW IN PRIVATE PRACTICE IN NYC, BUT PARTICIPATED IN PROSECUTION OF THE ROSENBERGS AND SUBJECTS IN NINETEEN FIFTY ONE, THAT HE HAD BEEN CONTACTED BY USA-S OFFICE RE MOTION FILED BY SUBJECT-S ATTORNEY ON MAY EIGHT, FIFTY SIX. KILSHEIMER INDICATED HE WAS ACTING AS CONSULTANT IN INSTANT MATTER AND THAT MOTION BEING STUDIED TODAY. NY WILL ASCERTAIN WHO WILL ARGUE MOTION ON MAY TWENTY ONE, FIFTY SIX AND IDENTITY OF JUDGE WHO WILL HEAR ARGUMENT. BUREAU WILL BE KEPT ADVISED OF DEVELOPMENTS.

END

NY R 17 WA JFP

T U

RECORDED - 88

KELLY

*101-2483-1237*

20 MAY 15 1956  
REC'D - ECHAVAZ

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FEDERAL BUREAU OF INVESTIGATION  
U. S. DEPARTMENT OF JUSTICE  
COMMUNICATIONS SECTION

MAY 11 1956

TELETYPE

Mr. Tolson	_____
Mr. Nichols	_____
Mr. Boardman	_____
Mr. Belmont	_____
Mr. Mason	_____
Mr. Mohr	_____
Mr. Parsons	_____
Mr. Rosen	_____
Mr. Tamm	_____
Mr. Nease	_____
Mr. Winterrowd	_____
Tele. Room	_____
Mr. Holloman	_____
Miss Gandy	_____
6-45P	_____

WASHINGTON FROM NEW YORK 14

DIRECTOR

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 5-7-87 BY 3042 URGENT....

MORTON SOBELL, WAS, ESP - R. AUSA ROBERT KIRTLAND PREPARING  
GOVERNMENT ANSWER TO MOTION FILED BY SOBELL-S ATTORNEY ON MAY EIGHT  
LAST. ADVISED USA, SDNY, PAUL WILLIAMS IS GOING TO ARGUE THE  
MOTION ON MAY TWENTY ONE, STATED UNDERSTANDING THAT JUDGE IRVING  
KAUFMAN WOULD HEAR ARGUMENT BUT IDENTITY OF PRESIDING JUDGE  
INDEFINITE UNTIL ASSIGNMENT OF MOTIONS MADE NEXT WEEK. BUREAU  
WILL BE ADVISED WHEN ASSIGNMENT DEFINITE. KIRTLAND OF OPINION  
JUDGE SHOULD DISMISS MOTION BUT INDICATED CONCEPT ON POINT FOUR  
EIGHT OF PETITION ALLEGING THAT GOVERNMENT WITNESS HUGGINS OF INS  
WAS ADVISED AND KNEW SOBELL NOT DEPORTED FROM MEXICO, THAT HE AND  
OTHER INS OFFICE EMPLOYEES AT LAREDO, TEXAS, HAD BEEN INFORMED BY  
HECTOR OBREGON, CHANCELLOR OF THE MEXICAN CONSULATE AT LAREDO THAT  
SOBELL HAD NOT BEEN DEPORTED. REQUESTED THAT HUGGINS BE CONTACTED  
CONCERNING THIS ALLEGATION AS HE TESTIFIED THAT HE KNEW SOBELL WAS  
DEPORTED THROUGH OBSERVING HIS EJECTION FROM MEXICO BY MEXICAN

COPIES DESTROYED

R2 1 MAR 9 1961 RECORDED 88

END PAGE ONE

Mr. Belmont

EX-109

17 MAY 16 1956

MAY 23 1956

cc. Brangan

for adv. 5-11-56

ESP

"Teletype to San Antonio" 5-11-56

Brangan 10-1

101-24183-1238

PAGE TWO

POLICE. KIRTLAND DESIRES TO KNOW IF HUGGINS SO INFORMED BY OBREGON WHO HAS POSSIBLY BEEN CONTACTED BY DEFENSE FOR STATEMENT. BUREAU REQUESTED TO ASCERTAIN IF HUGGINS STILL STATIONED AT LAREDO, TEXAS, AND AUTHORIZE INTERVIEW.

KELLY

END

NY R14 WA NRB

TU

May 12, 1956

TELETYPE

URGENT

SAC, SAN ANTONIO (65-1436)

MORTON SOBELL, WAS., ESPIONAGE BARN R. SUBJECT FILED NOTICE OF MOTION FOR NEW TRIAL NOWY RETURNABLE MAY TWENTYONE NEXT. MAIN BASIS FOR MOTION IS PROSECUTION KNOWINGLY USED PERJURED TESTIMONY WHEN JAMES S. HUGGINS, INS INSPECTOR, LAREDO, TEXAS, TESTIFIED SOBELL WAS DEPORTED SINCE HUGGINS KNEW SOBELL WAS NOT LEGALLY DEPORTED. HUGGINS TESTIFIED HE KNEW SOBELL WAS DEPORTED FROM HIS OWN OBSERVATION BY NOTING SOBELL BEING BROUGHT TO INS STATION BY A SQUAD OF MEXICAN POLICE. DEFENSE CLAIMS HECTOR OBERGON, CHANT LOR, MEXICAN CONSULATE, LAREDO, TEXAS, INFORMED HUGGINS AND OTHER INS EMPLOYEES AT LAREDO WITHIN ONE DAY OF SOBELL'S DEPORTATION THAT SOBELL HAD NOT BEEN LEGALLY DEPORTED. LOCATE AND INTERVIEW HUGGINS CONCERNING THIS DEFENSE ALLEGATION. DETERMINE IF SUCH NOTICE WAS GIVEN TO INS LAREDO AND IF HUGGINS WAS AWARE OF IT PRIOR TO THE TIME HE TESTIFIED. SUTEL RESULTS OF INTERVIEW TO BUREAU AND NEW YORK OFFICE. GRADY HAS REQUESTED THIS INTERVIEW. IF HUGGINS NOT LOCATED IN LAREDO, TEXAS, DETERMINE PRESENT WHEREABOUTS AND SET OUT LEADS BY TELETYPE FOR HIS INTERVIEW. HANDLE PROMPTLY.

COPIES DESTROYED

R2 1 MAR 9 1961

cc - New York (for information)

Bufile 601-2483)

JPL:sam

Tolson \_\_\_\_\_  
 Boardman \_\_\_\_\_  
 Nichols \_\_\_\_\_  
 Belmont \_\_\_\_\_  
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 Tamm \_\_\_\_\_  
 Sizoo \_\_\_\_\_  
 Winterrowd \_\_\_\_\_  
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 Holloman \_\_\_\_\_  
 Gandy \_\_\_\_\_

FEDERAL BUREAU OF INVESTIGATION  
 U. S. DEPARTMENT OF JUSTICE  
 COMMUNICATIONS SECTION

MAY 12 1956

TELETYPE

55 MAY 22 1956

HOOVER

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EX-109

MAY 16 1956

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ALL INFORMATION CONTAINED  
 HEREIN IS UNCLASSIFIED  
 DATE 5-4-87 BY 3042 PWT-JAR

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 FBI  
 MAY 12 3 45 PM '56

Via Lease

MAY 14, 1956

**SECRET**  
**URGENT**

**CABLEGRAM-ENCODE**

cc-Boardman  
Belmont  
Lee

LEGAL ATTACHE, MEXICO, D.F.  
MORTON SOBELL, WAS., ESPIONAGE - R. FOR YOUR INFORMATION  
SUBJECT FILED PETITION MAY EIGHT LAST FOR A NEW TRIAL. MAIN  
ARGUMENT IS GOVERNMENT KNOWINGLY USED PERJURED TESTIMONY IN THE  
CASE OF INS INSPECTOR WHO TESTIFIED SOBELL WAS DEPORTED FROM  
MEXICO. DEFENSE CLAIMS SOBELL NOT LEGALLY DEPORTED, THEREFORE,  
INTRODUCTION OF SUCH EVIDENCE WAS PREJUDICIAL. INFORMATION  
PREVIOUSLY FURNISHED BY YOU [REDACTED]

[REDACTED]

HANDLE EXPEDITIOUSLY AND SUCCULE RESULTS OF  
YOUR INQUIRY.

NR. 442 / 14 213

ENC. 2133-2144 BY 6

CHK. 259-2346 BY 4

APPROVED BY [Signature]

TYPED BY [Signature]

JPL:emb  
101-3403

HOOPER

5-7-87  
Classified by 3042 PWT-JAR  
Declassify on OADR

CC-Foreign Liaison Unit (route through JPL:emb)

SEE COVER MEMO BELMONT TO BOARDMAN, caption, JPL:emb

- Tolson
- Boardman
- Nichols
- Belmont
- Harbo
- Mohr
- Parsons
- Rosen
- Tamm
- Sizoo
- Tele. Room
- Holloman
- Gandy

6 MAY 21 1956

Classified by 2353 WAB/DVN  
Exempt from GDS, Category 2, 3  
Date of Declassification Indefinite

RECORDED - 15

EX-109

**SECRET**

101-2483

MAY 16 1956

Sent via Cable 5-14-56 at 6:31 PM per [Signature]

## Office Memorandum • UNITED STATES GOVERNMENT

TO : A. H. Belmont *AB 5/17*

DATE: May 15, 1956

FROM : W. A. Branigan *WAB*SUBJECT: MORTON SOBELL, was.  
ESPIONAGE - RALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 5-7-87 BY 3042 AUT-JAR

Tolson	_____
Nichols	_____
Boardman	_____
Belmont	_____
Mason	_____
Mohr	_____
Parsons	_____
Rosen	_____
Tamm	_____
Nease	_____
Winterrowd	_____
Tele. Room	_____
Holloman	_____
Gandy	_____

On 5-15-56 at 4:30 p.m., Kevin Maroney of the Department telephonically contacted Supervisor J. P. Lee to ask two questions concerning the petition for new trial filed by subject. He noted the petition stated on page 15 that property was taken from Sobell at his arrest in Laredo, Texas, on 8-18-50 and he was not furnished a receipt. Maroney asked if this was correct. He was referred to report of SA Rex I. Shroder, San Antonio, 8-23-50 reflecting the arrest which reflects Sobell executed a receipt. Maroney was told there was no indication in report that Sobell asked for a receipt. Maroney also asked if dates cited by Sobell in petition, viz. 9-17 and 12-22-54, on which some property was returned, are the dates on which Sobell was interviewed by the Bureau. He was informed Sobell was interviewed 8-27, 9-11, 9-16 and 12-23-54 and was referred to report of SA Richard A. Minihan dated 4-13-55 at NY which sets out these dates and a summary of the interviews. A copy of this report has been furnished to Department previously. When interviewed, Sobell asked that his property be turned over to his attorney. Bufiles do not reflect exact dates property returned and it is believed Bureau should have this information even though Department has not requested it.

ACTION:

For your information. There is attached a teletype to San Francisco instructing that it sutel by 5-17-56 the dates on which Sobell's property was returned to his attorney.

101-2483  
Enclosure

cc - Belmont  
Branigan  
Nichols  
Lee

JPL:rmp:ums  
(5)

RECORDED - 88

101-2483-1241  
14 MAY 18 1956

WAB

GAL

MAY 16, 1956

cc - Mr. Nichols  
Mr. Belmont  
Mr. Brantigan  
Mr. Lee

TELETYPE

URGENT

RECORDED - 88

101-2483-1241

SAC, SAN FRANCISCO (65-4228)

MORTON SOBELL, WAS., ESPIONAGE - R. FOR INFORMATION, SUBJECT  
FILED PETITION FOR NEW TRIAL RETURNABLE FIVE TWENTY-ONE NEXT.  
PETITION CONTAINS STATEMENT SOBELL'S PROPERTY NOT RETURNED  
UNTIL NINE SEVENTEEN FIFTY-FOUR AND A FURTHER RETURN MADE  
TWELVE TWENTY-TWO FIFTY-FOUR. ALSO FBI BOUGHT TO RETURN PAIR OF  
EYEGLASSES IN NINETEEN FIFTY-FIVE. RETEL BY FIVE SEVENTEEN  
WHICH  
DATES ON/PROPERTY TURNED OVER TO SOBELL'S ATTORNEY.

HOOVER

101-2483

JPL:ums

(6)

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 5-7-87 BY 3042 PWT-JAR

Cover memo from Brantigan to Belmont prepared 5-15-56  
by JPL:rmp:ums in connection with this outgoing mail.

RECEIVED READING ROOM  
FBI  
JAN 16 2 26 PM '56  
U.S. DEPT. OF JUSTICE

COPIES DESTROYED

R21 MAR 9 1961

Tolson \_\_\_\_\_  
Boardman \_\_\_\_\_  
Nichols \_\_\_\_\_  
Belmont \_\_\_\_\_  
Harbo \_\_\_\_\_  
Mohr \_\_\_\_\_  
Parsons \_\_\_\_\_  
Rosen \_\_\_\_\_  
Tamm \_\_\_\_\_  
 Sizoo \_\_\_\_\_  
Winterrowd \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Holloman \_\_\_\_\_  
Gandy \_\_\_\_\_

FEDERAL BUREAU OF INVESTIGATION  
U. S. DEPARTMENT OF JUSTICE  
COMMUNICATIONS SECTION

MAY 16 1956

TELETYPE

55 MAY 24 1956

305 PM mb

WFB

ticklers: Belmont  
Lee

Assistant Attorney General (orig and one)  
William F. Tompkins

May 17, 1956

Director, FBI

MORTON SOBELL, with aliases  
ESPIONAGE - R

APPROPRIATE AGENCIES  
AND FIELD OFFICES

ADVISED BY ROUTING

SLIP(S) OF

DATE

10/17/77

My connection with the motion for a new trial filed by Morton Sobell in the Southern District of New York on May 8, 1956. A Photostat of the notice of motion and petition was furnished to Mr. Thomas Hall of your Department on May 10, 1956.

This petition states as the 48th point on page twelve that Government witness James E. Huggins, an employee of the Department of Justice (Immigration and Naturalization Service), was advised and knew that Sobell had not been deported from Mexico and that his entry on the Immigration and Naturalization Service manifest was false. Further, that Huggins and other Immigration and Naturalization Service employees at Laredo, Texas, were informed by Hector Rangel Obregon, Chancellor of the Mexican Consulate, Laredo, Texas, that Sobell had not been deported. This notification was allegedly made within one day after Sobell had arrived in Laredo, Texas.

James Huggins was interviewed on May 14, 1956, and denied knowledge that any employee of the Mexican Consulate at Laredo, Texas, had contacted him or any other employee of the Immigration and Naturalization Service, Laredo, Texas, with reference to Sobell either before or after the arrest and trial of Sobell. Huggins also disclaimed having ever been advised by anyone that Sobell's deportation was illegal. For your further information, Inspector Huggins suffered a heart attack in October, 1955, and has been convalescing on sick and annual leave since that date.

Elyse E. Colbert, Assistant Officer in Charge, Immigration and Naturalization Service, Laredo, Texas, advised that he knew one Hector Rangel as Chancellor of the Mexican Consulate, Laredo, Texas, during the period of Sobell's arrest. Colbert stated he cannot recall that this individual or any other employee of the Mexican Consulate ever contacted the Immigration and Naturalization Service, Laredo, Texas, with reference to Sobell or any other American deported from Mexico.

Tolson \_\_\_\_\_  
Nichols \_\_\_\_\_  
Boardman \_\_\_\_\_  
Belmont \_\_\_\_\_  
Mason \_\_\_\_\_  
Mohr \_\_\_\_\_  
Parsons \_\_\_\_\_  
Rosen \_\_\_\_\_  
Tamm \_\_\_\_\_  
Nease \_\_\_\_\_  
Winterrowd \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Holloman \_\_\_\_\_  
Gandy \_\_\_\_\_

101-2483

JPL:RMB  
(5)

MAILED 12 RECORDED 58  
MAY 17 1956  
COMM-FBI

EX-108

MAY 18 1956

WAB/DVA DECLASSIFIED BY 71-4913

10-17-75

1 MAY 29 1956

ON

10/17/75

~~CONFIDENTIAL~~

**Letter to Assistant Attorney General  
William F. Tompkins**

**This is to confirm the above information which was  
telephonically furnished to Kevin H. Hensley of your Department  
on May 16, 1956.**

MAY 17, 1956

TELETYPE

URGENT

BAC, OKLAHOMA CITY

MORTON SOBELL, WAS., ESPIONAGE - R. RE NEW YORK TEL FIVE  
FIFTEEN LAST. SUTEL STATUS OF INVESTIGATION REQUESTED RETEL.

HOOVER

JPL:URS *URS*(4)  
SC - 1 - NEW YORK (100-97158) (BY MAIL) (INFO)

101-2483

NOTE:

USA SD NY requested original airlines tickets issued to subject and wife in June, 1950, and documents pertaining to cancellation to return portion of tickets. Also requested information regarding the obtaining of certified copies of these tickets on March 27, 1951, by the defense. Subject has filed motion for new trial returnable 5-21 next. New York requested Oklahoma City sutel by 5-17. This is follow-up.

COPIES DESTROYED  
R2 1 MAR 9 1961

RECORDED 127

101-2483

MAY 18 1956

RECEIVED READING ROOM

MAY 17 12 43 PM '56

Tolson \_\_\_\_\_  
Nichols \_\_\_\_\_  
Boardman \_\_\_\_\_  
Belmont \_\_\_\_\_  
Mason \_\_\_\_\_  
Mohr \_\_\_\_\_  
Parsons \_\_\_\_\_  
Rosen \_\_\_\_\_  
Tamm \_\_\_\_\_  
Nease \_\_\_\_\_  
Winterrowd \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Holloman \_\_\_\_\_  
Gandy \_\_\_\_\_

FEDERAL BUREAU OF INVESTIGATION  
U. S. DEPARTMENT OF JUSTICE  
COMMUNICATIONS SECTION

MAY 17 1956

TELETYPE

MAY 24 1956

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 5-7-87 BY 3042 PWS-JAN

**DECODED COPY**

Tolson \_\_\_\_\_  
 Nichols \_\_\_\_\_  
 Boardman \_\_\_\_\_  
 Belmont \_\_\_\_\_  
 Mason \_\_\_\_\_  
 Mohr \_\_\_\_\_  
 Parsons \_\_\_\_\_  
 Rosen \_\_\_\_\_  
 Tamm \_\_\_\_\_  
 Nease \_\_\_\_\_  
 Winterrowd \_\_\_\_\_  
 Tele. Room \_\_\_\_\_  
 Holloman \_\_\_\_\_  
 Gandy \_\_\_\_\_

☒ **Radio**

☐ **Teletype**

*Brakeman*

FROM SAN FRANCISCO

5-16-56

NR 162155

TO DIRECTOR

URGENT

MORTON SOBELL, WAS., ESP - R. REBUTEL MAY 16. PROPERTY  
 TURNED OVER TO BARNET DREYFUS BY LETTERS DATED SEPTEMBER 17,  
 1954, DECEMBER 23, 1954 AND JULY 26, 1955.

RECEIVED:

7:51 PM RADIO

7:55 PM CODING UNIT

DEM

Mr. Belmont

ALL INFORMATION CONTAINED  
 HEREIN IS UNCLASSIFIED  
 DATE 5-9-97 BY 3042 PWT/2C

RECORDED - 23

EX-109

MAY 22 1956

FBI - WASH DC

If the intelligence contained in the above message is to be disseminated outside the Bureau, it is suggested that it be suitably paraphrased in order to protect the Bureau's cryptographic systems.

(original and one)

May 18, 1956

Assistant Attorney General  
William F. Tompkins  
Director, FBI

RECORDED - 83

101-2483-1244

EX-109

MORTON SOBELL  
ESPIONAGE - R

Reference is made to our memorandum of May 17, 1956, concerning the motion for a new trial filed by the subject.

On May 15, 1956, Kevin Maroney of your Department telephonically inquired if the dates cited in Sobell's petition, on which part of his property was returned were the dates on which he was interviewed by our agents. The dates cited in the petition were September 17 and December 22, 1954. Mr. Maroney was informed the dates of the interviews were August 27, September 11, September 16, and December 22, 1954. For your further information, Sobell's property was turned over to his attorney, Benjamin Dreyfus, San Francisco, California, by letters dated September 17 and December 23, 1954, and July 26, 1955.

The above information was telephonically furnished to Mr. Maroney on May 17, 1956.

JPL/eh  
(5)

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 5-9-87 BY 3042 PWT/STK

101-2483

- Tolson \_\_\_\_\_
- Nichols \_\_\_\_\_
- Boardman \_\_\_\_\_
- Belmont \_\_\_\_\_
- Mason \_\_\_\_\_
- Mohr \_\_\_\_\_
- Parsons \_\_\_\_\_
- Rosen \_\_\_\_\_
- Tamm \_\_\_\_\_
- Nease \_\_\_\_\_
- Winterrowd \_\_\_\_\_
- Tele. Room \_\_\_\_\_
- Holloman \_\_\_\_\_
- Gandy \_\_\_\_\_

COMM-FBI  
MAY 18 1956  
MAILED 28

101-2483

LICE  
NGM1

RECEIVED - BOARDING

WAB  
JFK

55 MAY 28 1956

## Office Memorandum • UNITED STATES GOVERNMENT

TO : L. V. Boardman *ph*

DATE: May 21, 1956

FROM : A. H. Belmont *ph*SUBJECT: MORTON SOBELL, was.  
ESPIONAGE - R

Tolson	_____
Nichols	_____
Boardman	_____
Belmont	_____
Mason	_____
Mohr	_____
Parsons	_____
Rosen	_____
Tamm	_____
Nease	_____
Winterrowd	_____
Tele. Room	_____
Holloman	_____
Gandy	_____

On May 21, 1956, at 11:55 a.m., Kevin Maroney of the Department called Supervisor J. P. Lee and advised that the hearing on Sobell's motion for a new trial, returnable today, had been postponed until May 28, 1956. This postponement was requested by Sobell's attorney since Thomas McBride, who is scheduled to argue the motion for Sobell, was out of town on another matter. Maroney also stated the motion will be heard by District Judge Irving R. Kaufman, trial judge in the Rosenberg-Sobell trial.

ACTION:

For your information.

101-2483

cc - Boardman  
Belmont  
LeeJPL:nlh  
(4) *nlh*RECORDED - 80  
EX-126101-2483-1245

16 MAY 22 1956

*Previous memo sent up 4/21/56**ESP*

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 6-7-87 BY 3042 PWT-JAC

*7303 A*  
58 MAY 24 1956

May 18, 1956

McC - Belmont  
Branigan  
Nichols  
Liaison  
TELETYPE  
Lee

URGENT

SAC, NEW YORK

WORTON HOBELL, WAS., ESPIONAGE - R. BY FILE ONE HUNDRED BASH  
THREE SEVEN ONE FIVE EIGHT. REURTEL MAY SIXTEEN LAST. CONCERNING  
POINT EIGHTY IN SUBJECT'S PETITION FOR A NEW TRIAL, STATE  
DEPARTMENT ADVISED ON MAY SEVENTEEN LAST IT HAS RECEIVED NO PROTEST  
EITHER IN WASHINGTON, D. C., OR MEXICO CITY FROM THE MEXICAN  
GOVERNMENT CONCERNING DEPORTATION OF SUBJECT. ALSO STATE  
DEPARTMENT HAS RECEIVED NO REPORT PREPARED BY CHANCELLOR, MEXICAN  
EMBASSY, LAREDO, TEXAS, RELATING TO SUBJECT. ADVISE USA NEWY  
OF ABOVE.

RECORDED - 93

HOOVER

101-2483-1246

101-2483

EX-134

MAY 22 1956

JPL:nlh  
(7)

NOTE: Cover memo Branigan to Belmont prepared by JPL:nlh on  
5-17-56 in connection with this outgoing mail.

INITIALED  
DIRECTOR'S OFFICE

FEDERAL BUREAU OF INVESTIGATION  
U. S. DEPARTMENT OF JUSTICE  
COMMUNICATIONS SECTION

MAY 18 1956

TELETYPE

RECEIVED-DIRECTOR  
COPIES DESTROYED

MAR 9 1961

MAY 24 1956

RECEIVED READING ROOM  
MAY 18 3 21 PM '56  
FBI

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 5-7-87 BY 3042 pwt  
WAT

Tolson  
Nichols  
Boardman  
Belmont  
Mason  
Mohr  
Parsons  
Rosen  
Tamm  
Nease  
Winterrowd  
Tele. Room  
Holloman  
Gandy

XXXXXX  
XXXXXX  
XXXXXXFEDERAL BUREAU OF INVESTIGATION  
FOIPA DELETED PAGE INFORMATION SHEET

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

☒ Deleted under exemption(s) b1 with no segregable material available for release to you.

☐ Information pertained only to a third party with no reference to you or the subject of your request.

☐ Information pertained only to a third party. Your name is listed in the title only.

☐ Documents originated with another Government agency(ies). These documents were referred to that agency(ies) for review and direct response to you.

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

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

☐ For your information: \_\_\_\_\_  
\_\_\_\_\_

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

101-2483-1247

XXXXXX  
XXXXXX  
XXXXXXXXXXXXXXXXXXXXXXXXXXX  
X DELETED PAGE(S) X  
X NO DUPLICATION FEE X  
X FOR THIS PAGE X  
XXXXXXXXXXXXXXXXXXXXX

FEDERAL BUREAU OF INVESTIGATION  
U. S. DEPARTMENT OF JUSTICE  
COMMUNICATIONS SECTION

MAY 17 1956

TELETYPE

Mr. Tolson	_____
Mr. Nichols	_____
Mr. Boardman	_____
Mr. Belmont	_____
Mr. Mason	_____
Mr. Mohr	_____
Mr. Parsons	_____
Mr. Rosen	_____
Mr. Tamm	_____
Mr. Nease	_____
Mr. Winterrowd	_____
Tele. Room	_____
Mr. Holloman	_____
Miss Gandy	_____

FBI OKLAHOMA CITY 5-17-56 5-29 PM CST WSW

DIRECTOR, FBI..... U R G E N T

MORTON SOBELL, WAS., ESPIONAGE - R. REBUTEL TODAY. RESULTS  
INVESTIGATION FURNISHED NEW YORK TODAY.

BRYCE

END

7-33 PM OK FBI WA WS

DISC

RECORDED - 52

EX-134

MAY 15 3 35 PM '56

RECEIVED TELETYPE UNIT

14 MAY 23 1956

MAY 15 8 15 PM '56

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 5-7-87 BY 3042 PWT-JAR

Mr. Belmont

12 cc Mr Lee

Teletype - Oklahoma City  
5-17-56  
5-29 PM

RECORDED - 52

MAY 18, 1956

Tick

- Mr. Lee

TELETYPE

101-2483-1248 URGENT

EX-134

SAC, OKLAHOMA CITY  
MORTON SOBELL, WAS.  
ESPIONAGE - R

REURTEL FIVE SEVENTEEN FIFTYSIX. BUREAU RESULTS  
OF INVESTIGATION YOUR OFFICE FURNISHED TO NEW YORK.

HOOVER

101-2483

JPL:sta

(3)

NOTE: USA SDNY requested original airline tickets to Mexico issued subject and wife in June, 1950, and documents pertaining to cancellation of return portion of tickets. Also requested information regarding obtaining of certified copies of these tickets on 3-27-51 by Sobell. Oklahoma City advised New York was given results of investigation 5-17-56.

FEDERAL BUREAU OF INVESTIGATION  
U. S. DEPARTMENT OF JUSTICE  
COMMUNICATIONS SECTION

MAY 18 1956

TELETYPE

COPIES DESTROYED  
MAR 3 1961

RECEIVED READING ROOM  
F.B.I.  
MAY 18 1 29 PM '56

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 5-7-97 BY 3042 PWT-J

- Mr. Tolson
- Mr. Nichols
- Mr. Boardman
- Mr. Belmont
- Mr. Mohr
- Mr. Parsons
- Mr. Rosen
- Mr. Tamm
- Mr. Nease
- Mr. Winterrowd
- Tele. Room
- Mr. Holloman
- Miss Gandy

53 MAY 28 1956

WAB  
JPL  
mt

Belmont  
Branigan  
Nichols  
Liaison  
Lee

Assistant Attorney General (Orig. & 1)  
William F. Tompkins

May 18, 1956

Director, FBI

MORTON SOBELL, with aliases  
ESPIONAGE - R

Reference is made to our Memoranda dated May 17 and 18, 1956, concerning the motion for a new trial filed by the subject.

This is to advise that the State Department advised on May 17, 1956, that it has received no protest from the Mexican Government either in Washington, D. C., or Mexico City concerning the deportation of Morton Sobell. Further, State Department advised it has received no report of investigation conducted by Chancellor Hector Rangel Obregon of the Mexican Consulate, Laredo, Texas, relating to the subject's deportation.

This is furnished to you for your information.

101-3483

JPL:nlh  
(8)

NOTE: Cover memo Branigan to Belmont prepared by JPL:nlh on 5-17-56 in connection with this outgoing mail.

RECORDED - 84 101-2483-724  
MAY 18 3 11 PM '56  
MAY 22 1956  
RECEIVED READING ROOM

- Nichols
- Boardman
- Belmont
- Mason
- Mohr
- Parsons
- Rosen
- Tamm
- Nease
- Winterrowd
- Tele. Room
- Holloman
- Gandy

MAILED 2  
MAY 25 1956  
COMM-FBI  
7603  
52 MAY 25 1956

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 5-7-87 BY 3042 RJS

## Office Memorandum • UNITED STATES GOVERNMENT

TO : A. H. Belmont

DATE: May 14, 1956

FROM : W. A. Branigan

SUBJECT: MORTON SOBELL, was.  
ESPIONAGE - R

Tolson	_____
Nichols	_____
Boardman	_____
Belmont	_____
Mason	_____
Mohr	_____
Parsons	_____
Rosen	_____
Tamm	_____
Nease	_____
Winterrowd	_____
Tele. Room	_____
Holloman	_____
Gandy	_____

On May 14, 1956, Section Chief W.A. Branigan and Supervisor J.P. Lee conferred with Kevin Mamroney and Marvin Seigel concerning instant case. The property taken from Sobell at the time of his arrest was reviewed and the items which had been returned to Sobell in 1954 were noted. Mr. Mamroney inquired if the Bureau had determined whether it had been determined from Higgins, I&NS inspector, Laredo, Texas, if he was told by the Mexican Consul, Laredo, on the day after Sobell's deportation (8/18/50) that Sobell was not legally deported. He was informed instructions had been issued to interview Higgins but results were not yet available.

One Photostat of each of the following defense exhibits was left with Mr. Mamroney:

- 1) Ley de Extradicion de la Republica Mexicana, and translation of same;
- 2) Letter from Branch Office, Gobernacion Secretariat, Nuevo Laredo, dated 2/25/56, stating Sobell not deported through that port (Spanish & English) (Ex. 12)
- 3) Letter from Secretariat of Gobernacion, 4/13/56, showing Sobell legally entered Mexico (Ex. 6) (Sp. & Eng.)
- 4) Document of Secretariat of Gobernacion attesting that signatures on above documents are authentic (Sp. and Eng.) (Ex. 13)

(The translations were made by the defense and are part of the exhibits filed.)

Mr. Mamroney advised he would keep the Bureau advised of any developments.

ACTION:

None. For your information.

JPL:emb (4)  
CC: Belmont  
Branigan  
F. Lee

58 MAY 29 1956

RECORDED-125

101-2453 1250  
14 MAY 23 1956

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 5-7-87 BY 3042 PAF/AR

## Office Memorandum • UNITED STATES GOVERNMENT

TO : A. H. BELMONT *AB 5/14*

DATE: May 12, 1956

FROM : W. A. BRANIGAN *WAB*SUBJECT: MORTON SOBELL, was.,  
ESPIONAGE - R  
BUFILE 101-2483ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 5-7-87 BY 3042 PWT-JAR

Tolson	✓
Nichols	✓
Boardman	✓
Belmont	✓
Mason	✓
Mohr	✓
Parsons	✓
Rosen	✓
Tamm	✓
Nease	✓
Winterrowd	✓
Tele. Room	✓
Holloman	✓
Gandy	✓

On May 11, 1956, at 5:25 p.m., Kevin ~~Mc~~<sup>A</sup>ronney of Internal Security Division of the Department telephonically contacted Supervisor James P. Lee. He advised he had been talking with Assistant United States Attorney Robert Kirkland, Southern District of New York, concerning items taken from Sobell at the time of his arrest and wants to confer with Supervisor Lee on Monday, May 14, 1956, to go over the list of property that was taken from Sobell. He stated Kirkland is contemplating putting a statement in an affidavit that Sobell made no demands for the return of his property prior to the trial and he wanted to know if we had any information indicating such demands were made. This was exclusive of any motions he made in court as that was being checked by Kirkland.

Bufiles do not reflect that Sobell made any such demands prior to the trial. At the time of his arrest, the arresting agents offered to return to Sobell the unused portion of a round-trip airplane ticket for his step-daughter from New York to Mexico City. Sobell refused to sign a receipt for the ticket, stating he felt agents just wanted to get handwriting specimens. Further he said he wanted to send the ticket by registered mail and he didn't think he could do so from jail. *is true.*

Mc<sup>A</sup>ronney also stated he wanted to know if the statement in the petition that Chancellor Hector Rangel Obregon, Mexican Consulate, Laredo, Texas, told Immigration and Naturalization Service within a day after Sobell's deportation that he had not been deported legally. Bufiles do not reflect INS was so advised. Liaison has been requested to check with State Department to determine if a report made by Obregon was sent to Mexican Embassy, Washington, D. C., and a protest made and whether the report shows INS was advised within a day of the deportation that Sobell was not deported. San Antonio has been requested by teletype of 5/12/56 to interview Huggins.

RECORDED-125

ACTION:

and Section Chief

101-2483-1251

Supervisor Lee will confer with Mr. ~~Mc~~<sup>A</sup>ronney on the morning of Monday, May 14, 1956, along the lines set forth above MAY 23 1956

JPL:sq  
(4)

1 - Mr. Belmont

1 - Mr. Branigan

58 MAY 29 1956

Memo Belmont 5/14/56 *AB*

XXXXXX  
XXXXXX  
XXXXXXFEDERAL BUREAU OF INVESTIGATION  
FOIPA DELETED PAGE INFORMATION SHEET

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

- ☒ Deleted under exemption(s) b1 with no segregable material available for release to you.
- ☐ Information pertained only to a third party with no reference to you or the subject of your request.
- ☐ Information pertained only to a third party. Your name is listed in the title only.
- ☐ Documents originated with another Government agency(ies). These documents were referred to that agency(ies) for review and direct response to you.

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

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

\_\_\_\_\_

\_\_\_\_\_

☐ For your information: \_\_\_\_\_

\_\_\_\_\_

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

101-2483-1252

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

## Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. A. H. BELMONT

DATE: May 18, 1956

FROM : MR. C. E. HENNRICH

SUBJECT: MORTON SOBELL  
ESPIONAGE (R)

Tolson	_____
Nichols	_____
Boardman	_____
Belmont	_____
Mason	_____
Mohr	_____
Parsons	_____
Rosen	_____
Tamm	_____
Nease	_____
Winterrowd	_____
Tele. Room	_____
Holloman	_____
Gandy	_____

On the morning of May 18, 1956, Mr. Tom Hall of the Department called and said that it has definitely been decided that United States Attorney Williams will handle the arguments for the Government on Monday, May 21st, in this case. The arguments for the defense will be handled by Thomas McBride who is the attorney who handled the Philadelphia Smith Act cases and who is a very competent attorney according to Hall. The Government has completed its affidavit and basically this affidavit will point out:

- 1).....That Sobell's part in the espionage conspiracy was established by Elichter's testimony and that the evidence has not been attacked.
- 2).....That Sobell's flight to Mexico had been prearranged.
- 3).....That the contention that the evidence of flight to Mexico was essential to the Government's case is an afterthought of the defense.
- 4)..... That the evidence of deportation from Mexico which the Government utilized was not false and that all the circumstances bear out that he was deported.
- 5)..... That the flimsy charge that the Government used false testimony is absurd.
- 6)..... That the defense had more than ample opportunity to present all their arguments during the trial of the case and that all points raised in the motion have been presented in the past and have been rejected.

RECORDED - 86 101-2483 - 1253

EX-126 16 MAY 23 1956

## ACTION:

For your information.

CEH:mn

cc - Mr. Belmont  
Mr. Hennrich  
Mr. Brantigan  
Mr. LeeALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED

5-3-87

30 APR 1956

55 MAY 28 1956

## Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. A. H. BELMONT

DATE: May 21, 1956

FROM : MR. W. V. CLEVELAND

cc - Mr. Belmont  
Mr. Baumgardner  
Mr. Branigan  
Mr. Lee  
Mr. Cleveland

Tolson	_____
Boardman	_____
Belmont	_____
Mason	_____
Mohr	_____
Parsons	_____
Rosen	_____
Tamm	_____
Nease	_____
Winterrowd	_____
Tele. Room	_____
Holloman	_____
Gandy	_____

SUBJECT: MORTON SOBELL, was  
Espionage - RALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 5-7-87 BY 3042 PWT-JAR

The arguments in connection with a motion for a new trial regarding captioned case were scheduled to commence this morning, May 21, 1956. Attorneys for the Government and the defense appeared before Judge Sylvester Ryan in New York and the defense asked for one-week's continuance until Monday, May 28, 1956, on the grounds that they have retained a new attorney, Thomas McBride of Philadelphia. Judge Ryan agreed to the continuance in order to give McBride time to familiarize himself with the case.

The question then arose as to what judge would hear the arguments on the motion for a new trial on May 28th and Judge Ryan pointed out that it was the usual procedure for the judge who handled the sentencing to hear such a motion. Attorneys for both sides then went to Judge Kauffman's chambers and Judge Kauffman agreed to hear the motion on Monday, May 28th. USA Paul Williams, Southern District of New York, will argue this case for the Government. Copies of the Government's answering affidavit have been obtained by the New York Office and are being mailed to the Bureau today.

Bureau files reflect that Thomas D. McBride is a prominent Philadelphia attorney who has frequently handled cases of great local interest. He has been reported by informants as being anti-communist although a close friend of Louis E. McCabe, one of the defense attorneys cited for contempt by Judge Medina in the first New York Smith Act trial. He has been described by McCabe, however, as one of the worst "red batters" in Philadelphia. McBride was McCabe's attorney in connection with his appeal from the contempt sentence imposed on him by Judge Medina. McBride was listed on the invitations as one of the sponsors for a reception in honor of McCabe held by the Philadelphia Council of the Arts, Sciences and Professions on January 29, 1950. This organization has been cited by the HCUA as a communist front organization. McBride was defense attorney for Eric Winston who was tried for Fraud Against the Government for falsifying a PSQ in connection with defense industry employment. Winston was acquitted when the Government refused to grant the trial judge the opportunity to review reports of a confidential informant.

ACTION: The above information is being furnished to the Department by letter today.

WVC:mn

JUN 4 1956

101-2483-1254

Ticklers Mr. Belmont  
Mr. Branigan  
Mr. Lee

Assistant Attorney General  
William F. Tompkins

(Orig & 1)

May 21, 1956

Director, FBI

**MORTON SOBELL, with aliases  
ESPIONAGE - R**

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 5-7-87 BY 3042 PWT-JAR

Reference is made to our memorandum dated May 18, 1956, furnishing you information relating to the notice of motion for a new trial filed by the subject on May 8, 1956, in the District Court, Southern District of New York.

A footnote on page seventeen of the petition filed by the subject with the notice of motion refers to a statement of the Secretary of Foreign Relations (Mexico) made on November 22, 1951, in response to "Mexican protests of FBI activity in that country."

Following the arrest of Gus Hall, communist fugitive in Mexico, in October, 1951, communist propaganda was circulated claiming there were 2,000 FBI agents operating in Mexico. This statement, of course, is a complete falsehood. Further, the Department of State has received no protests from the Mexican Government concerning FBI agents in Mexico. Thus, the Mexican protests referred to in the petition undoubtedly refer to the communist propaganda mentioned above.

As a result of this communist propaganda, Manuel Tello, Foreign Minister of Mexico, made the following general statement of policy in a press conference on November 22, 1951:

"In view of the fact that on different occasions there have appeared in the press of this capital reports of alleged activities of agents of foreign countries, the Minister of Foreign Relations deems it pertinent to issue the following clarifications:

No arrangements exist between our government and other governments under which foreign investigators, or police agents, may engage in activities within the Republic.

101-8583

COMM-FBI  
MAY 22 1956  
MAILED 20

JPL:pb  
(6)

Cover memo, Branigan to Belmont, was prepared 5/18/56, by JPL:rmp, in connection with this outgoing.

8 MAY 29 1956

Tolson \_\_\_\_\_  
Nichols \_\_\_\_\_  
Boardman \_\_\_\_\_  
Belmont \_\_\_\_\_  
Mason \_\_\_\_\_  
Mohr \_\_\_\_\_  
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Winterrowd \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Holloman \_\_\_\_\_  
Gandy \_\_\_\_\_

**Letter to Assistant Attorney General  
William F. Tompkins**

"According to information furnished by other branches of the Executive, it is known that no tacit agreements exist between them and similar offices of other nations which would permit or provide for collaboration between such foreign agents and Mexican officials.

"Lastly, it should be pointed out that activities of this nature, within our national territory, would imply an intervention in matters which are within exclusive jurisdiction of the Government of Mexico. Therefore, such activities would be contrary to the rules of international law and would constitute a violation of our sovereignty which the Government of Mexico could in no way tolerate or consent to. In view of the foregoing, the appropriate authorities of our Government are making an investigation of this matter."

The above is furnished to you for your information.

CONFIDENTIAL

Lee

ht

Assistant Attorney General (orig. & 1)  
William F. Tompkins

May 22, 1956

Director, FBI

MORTON SOBELL, with aliases  
ESPIONAGE - R

Reference is made to our memorandum of May 18, 1956, furnishing information relative to subject's motion for a new trial filed in the Southern District of New York on May 8, 1956.

Information has been received from our New York Office that on May 21, 1956, attorneys for the Government and the defense appeared before United States District Court Judge Sylvester Ryan in the Southern District of New York. The defense requested a one-week continuance until Monday, May 28, 1956, on the grounds that they have retained a new attorney, Thomas McBride of Philadelphia, and he needs time to familiarize himself with the case. The question arose as to which judge would hear the arguments on the motion and Judge Ryan pointed out the usual procedure was for the sentencing judge to handle the motion. Attorneys for both sides went to the chambers of Judge Irving R. Kaufman and he agreed to hear the motion on May 28, 1956.

Our files reflect that Thomas B. McBride is a prominent Philadelphia attorney who has frequently handled cases of great local interest. Confidential informants, who have furnished reliable information in the past, report McBride to be anticommunist although a close friend of Louis F. McCabe, one of the defense attorneys cited for contempt by Judge Harold Medina in the first New York Smith Act trial. McBride has been described by McCabe as one of the worst "baiters" in Philadelphia. McBride was attorney for McCabe in his appeal from the contempt sentence imposed on him by Judge Medina. McBride's name has been listed on the invitations as one of the sponsors for a reception in honor of McCabe held by the Philadelphia Council of Arts, Sciences and Professions on January 20, 1950. The national council of this organization

MAILED 6  
MAY 2 - 1956  
COMM-FBI

Tolson \_\_\_\_\_  
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EPI  
APL: jdb

MAY 31 1956

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RECEIVED

COMM-FBI

WAB/DVN

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MAY 23 1956

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WHT  
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DECLASSIFIED ON 3-2-07  
BY 3042 PWT-JAR

**Memorandum to Assistant Attorney General  
William F. Tompkins**

has been cited by the House Committee on Un-American Activities as a communist front organization. McBride also appeared as a defense attorney for Eric Winston who was tried for Fraud Against the Government for falsifying a personnel security questionnaire in connection with defense industry employment. Winston was acquitted when the Government refused to grant the trial judge the opportunity to review reports of a confidential informant.

This is furnished to you for your information.

- Lee  
OK - VIA LEASE per Mr. [unclear]

CABLE  
URGENT - ENCODE

**SECRET** May 22, 1956

LEGAT, MEXICO CITY (orig. & 1)

MORTON SOBELL, WAS., ESPIONAGE - R. FOR YOUR INFORMATION,  
ARGUMENT ON MOTION FOR NEW TRIAL POSTPONED UNTIL MAY TWENTY-  
EIGHT NINETEEN FIFTY-SIX. ADVISE BUREAU BY MAY TWENTY-FIVE  
FIFTY-SIX STATUS OF ATTEMPTS BY [REDACTED]

101-2483

JPL:jdb  
(4)

HOOVER

Classified by 3042 PWT-JAN  
Declassify on OADR

cc - Foreign Liaison Unit (Route through for review)

NOTE: Subject deported from Mexico by Mexican Federal  
Security Police in August, 1950

This was requested by AUSA, SDNY **SECRET**

RECORDED-41

NR. 321986

101-2483-125726-1716 BY [unclear]

MAY 23 1956

CK 1973-1982 BY [unclear]

Classified by 2355 LAR/DV N

Exempt from GDS, Category 1, 2, 3

Date of Declassification Indefinite

APPROVED BY [unclear]

TYPED BY [unclear]

FILED BY [unclear]

Tolson \_\_\_\_\_  
Nichols \_\_\_\_\_  
Boardman \_\_\_\_\_  
Belmont \_\_\_\_\_  
Mason \_\_\_\_\_  
Mohr \_\_\_\_\_  
Parsons \_\_\_\_\_  
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Winterrowd \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Holloman \_\_\_\_\_  
Gandy \_\_\_\_\_

RADIO

MAY 22 1956

FEDERAL BUREAU OF INVESTIGATION  
U. S. DEPARTMENT OF JUSTICE  
COMMUNICATIONS SECTION

U. S. DEPT. OF JUSTICE

CIVILIAN SECTION

Sent via Cable 5/22/56 4:05 PM per [unclear]

FEDERAL BUREAU OF INVESTIGATION  
U. S. DEPARTMENT OF JUSTICE  
COMMUNICATIONS SECTION

MAY 8 - 1956

TELETYPE

Mr. Tolson \_\_\_\_\_  
Mr. Nichols \_\_\_\_\_  
Mr. Boardman \_\_\_\_\_  
Mr. Belmont \_\_\_\_\_  
Mr. Mason \_\_\_\_\_  
Mr. Mohr \_\_\_\_\_  
Mr. Parsons \_\_\_\_\_  
Mr. Rosen \_\_\_\_\_  
Mr. Tamm \_\_\_\_\_  
Mr. Nease \_\_\_\_\_  
Mr. Winterrowd \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Mr. Holloman \_\_\_\_\_  
Miss Gandy \_\_\_\_\_

WASH 13 FROM NY

9-21 PM

DIRECTOR

URGENT

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 5-7-87 BY 3042 PWT

MORTON SOBELL, WAS., ESP-R. PHOTOSTATIC COPY OF MOTION FILED BY ATTORNEY FOR MORTON SOBELL ON FIVE-EIGHT-FIFTY SIX IN USDC, SDNY OBTAINED AND FORWARDED TO BUREAU FIVE-EIGHT-FIFTYSIX. PETITION PURSUANT TO TITLE TWENTY EIGHT, USC, SECTION TWO TWO FIVE FIVE CONSISTS OF NINETEEN PAGES. ATTACKS VALIDITY OF DEPORTATION OF SOBELL AND USE OF IMMIGRATION SERVICE MANIFEST TO SHOW THAT SOBELL WAS VALIDLY DEPORTED PURSUANT TO AUTHORIZED ACTION BY THE MEXICAN GOVERNMENT. CLAIMS THIS FALSE EVIDENCE WAS USED AS CORROBORATION OF TESTIMONY GIVEN BY AN ADMITTED PERJURER, MAX ELITCHER WHO TESTIFIED SO AS TO SATISFY THE PROSECUTIONS NEEDS. BRANDS TESTIMONY OF GOVERNMENT WITNESS, JAMES S. HUGGINS OF INS, THAT SUBJ WAS DEPORTED AS PERJURIOUS AND THAT HE AND GOVT. WILFULLY SUPRESSED INFO CONTRADICTING DEPORTATION. CLAIMS PROSECUTION, THROUGH ITS AGENTS AND REPRESENTATIVES IN THE U.S. AND MEXICO PLANNED AND PARTICIPATED IN PETITIONERS ABDUCTION AND THAT AGENTS OF THE FBI AND U.S. EMBASSY IN MEXICO CITY PARTICIPATED. ALLEGES THAT LAWFUL MEANS OF OBTAINING CUSTODY OF SOBELL WAS BY EXTRADITION BUT EXTRADITION TREATY WITH MEXICO DOES NOT COVER ALLEGATION OF ESPIONAGE-THAT FBI AND INS AGENTS WERE COGNIZANT OF THE

END PAGE ONE

RECORDED - 93

101-2483-1258

11 MAY 24 1956

EX-100

1956

Mr. Belmont

2 JUN 8

cc Brangan

PAGE TWO

AGENCIES OF THE MEXICAN GOVT. HAVING JURISDICTION OVER EXTRADITION AND DEPORTATION AND KNEW IT WAS THE SECRET POLICE OF MEXICO CITY WHO SEIZED AND DELIVERED PETITIONER. PETITION ASKS FOR HEARING TO DETERMINE THE ISSUES AND THAT SOBELL BE PRESENT AT THE HEARING. RETURN DATE IS MAY TWENTY ONE FIFTYSIX. EXHIBITS ATTACHED TO PETITION ARE BEING PHOTOSTATED BY NYO AND WILL BE FORWARDED TO BUREAU ON MAY NINE FIFTYSIX.

KELLY

END AND ACK

NY 13 WA NRB

TUDIS

## Office Memorandum • UNITED STATES GOVERNMENT

~~SECRET~~

TO : L. V. Boardman

DATE: May 11, 1956

FROM : A. H. Belmont

5-7-87  
 Classified by 3042/WT-JAN Nichols  
 Declassify on: OADR  
 CC - Boardman  
 Belmont  
 Branigan  
 Lee  
 Liaison

SUBJECT: MORTON SOBELL, was.  
 ESPIONAGE - R

Tolson  
 Boardman  
 Nichols  
 Belmont  
 Harbo  
 Parsons  
 Rosen  
 Tamm  
 Sizoo  
 Winterrowd  
 Tele. Room  
 Holloman  
 Gandy

**SYNOPSIS:** Subject on 5/8/56 filed Notice of Motion, returnable 5/21/56, requesting sentence be set aside or he be given a new trial. Main contention is Sobell was illegally deported from Mexico and Government was aware of this and used perjurious testimony that Sobell was legally deported to his prejudice. This refers to testimony of Immigration & Naturalization Service (I&NS) Inspector James. S. Huggins, Laredo, Texas, who introduced manifest card with words thereon, "Deported from Mexico." Huggins in testimony stated he prepared this card in regular course of business and put notation on from his own observations when Sobell was escorted to his office by about 9 Mexican police. Sobell states power to institute such proceedings rests with Secretariat of Gobernacion (Interior) and Department of Immigration, not with Mexican Federal Security Police (MFSP), and prosecution knew this when Huggins testified. Sobell alleged prosecution, through agents in U.S. and Mexico, planned and participated in his seizure and delivery to the U.S. Claims U.S. knew this as result of investigation in Mexico by USA Saypol, Southern District of NY (SDNY), and his assistant, Roy Cohn. Saypol and Cohn did travel to Mexico to interview prospective witnesses. Sobell claims U.S. agent talked to woman in Sobell's apartment house in Mexico City on day of arrest, showing Sobell's picture and stating he was wanted for kidnapping. Bufiles reflect

~~SECRET~~

Sobell claims his documents and property, seized by MFSP and turned over to FBI and thus by unlawful search and seizure, evidence was suppressed which could have helped him establish innocence. Bufiles reflect Sobell's person and luggage were searched by Customs officials in Sobell's presence and these items taken by FBI pursuant to a lawful arrest. Petition also quotes Director's testimony before House Appropriations Committee, Feb. 1951, concerning the extradition of a parole violator from Mexico to show the FBI knows extradition is proper method to remove a prisoner. Petition also quotes Director's statement to International Association of Chiefs of Police Convention 12/10/45 to show the Bureau has liaison agents in Mexico and petition their actions are a violation of Mexican sovereignty. Bufiles

reflect we have never received a protest from Mexican Govt. Petition cites statement Secy. Foreign Relations (Mexico) made 11/22/51 in response to Mexican protests of FBI activity there. Bureau never received any protest.

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Classified by 1042-2-6-48-100

Exempt from GDS, Category 1, 2, 3

Date of Declassification Indefinite

ENCLOSURE

17-75

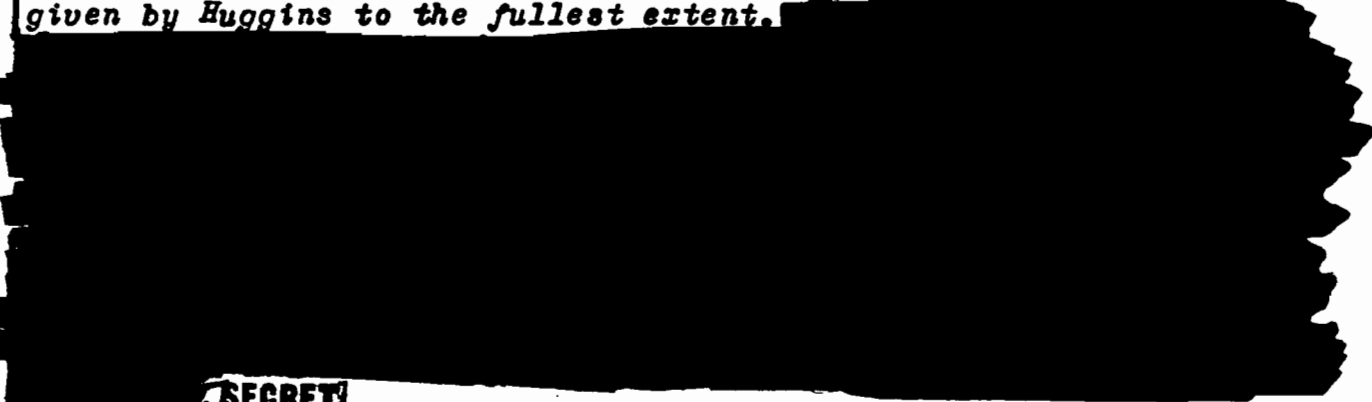
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Memorandum to Mr. Boardman

from Mexican Government. We are checking to locate statement. Petition claims Mexican Consulate, Laredo, Texas, conducted investigation and furnished results to Mexican Embassy, Washington, D. C., and it is believed a protest was made to State Dept. Bufiles contain no record of any such protest. Petition also claims FBI agent crossed to Mexican side of International Bridge, got into MFSP car, and directed driver to INS office. Both agents who arrested Sobell deny that any FBI agent either crossed the border or got into the car.

Analysis:

An analysis of this petition reflects it is not primarily concerned with the method of Sobell's eviction from Mexico but raises the point that the Government knew Sobell had not been legally deported, i.e., extradited, and the Government's action in placing Inspector Huggins on the stand and Saypol's remarks in summation got over to the jury the impression that Sobell was legally deported. It is noted Huggins in his testimony stated that no one told him to make the notation on the card but he made it as a result of his own observation of Sobell being escorted to INS by a squad of Mexican police. Both of Sobell's defense attorneys cross-examined Huggins and had every opportunity to explore the testimony given by Huggins to the fullest extent.



~~SECRET~~

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RECOMMENDATIONS:

1) Liaison Section should contact State Department to determine if any protest has been made by the Mexican Government concerning the deportation of Sobell. Liaison should also determine if the alleged report of the Chancellor of the Mexican Consulate

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~~SECRET~~

Memorandum to Mr. Boardman

at Laredo was sent to the Mexican Embassy in Washington, as a result of which protests were made, and whether that report shows the Chancellor advised INS the day after Sobell's arrest that he was not legally deported.

5/16 Jas. P. McDonnell, State requested to determine above.  
5/17/52 McDonnell, advised that no protest rec'd as State from Mexican Govt re this matter. State has no knowledge of report from Mexican Chancellor, Laredo to Mexican Embassy. OSHB

2) This matter is being closely followed with the Department and the New York Office has been instructed to follow it closely with the U.S. Attorney, Southern District of NY.

3) We are checking to see if the statement of the Secretary of Foreign Relations of Mexico, allegedly made 11/22/51, was actually made and are attempting to obtain a copy of this statement.

5/17/52 McDonnell, State, furnished Bureau with text of newspaper article dated 11/22/51 from Mexico City containing statement by Secy. of Foreign Relations, Mexico. No formal presentation re this handed State by Mexicans. OSHB.

4) There is attached a cable to the Legal Attache, Mexico,

~~SECRET~~

b1

✓  
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Memorandum to Mr. Boardman

DETAILS:

On 5/8/56 subject filed a Notice of Motion requesting his sentence be set aside or that he be given a new trial and requesting a hearing to determine the issues. Attached is a Photostat of this Notice of Motion and Petition. Main basis of petition is that Sobell was illegally deported from Mexico and the prosecution, aware of this, prejudiced Sobell by introducing into evidence alleged false info that the deportation was legal.

Sobell claims the manifest card with the words thereon, "Deported from Mexico," introduced at the trial by INS Inspector James S. Huggins, was false and Huggins knew it. Huggins appeared as a Govt. witness and testified he prepared this card in the regular course of business and wrote "Deported from Mexico" on it from his own observations based on fact Sobell was escorted to his office by about 9 Mexican police officers. Sobell claims statements of prosecution during the trial and summation about his deportation were prejudicial and without this evidence he might have been acquitted. He alleges Govt. used this evidence to negate any inference he would have voluntarily returned to the U.S.

The petition contains Sobell's story of his arrest and deportation to Laredo, Texas, by MFSP and claims an FBI agent got into car on the Mexican side of the border and instructed the driver to proceed to INS office. The agents who arrested Sobell state this is not correct and that no agents entered this car and only Mexican officials and the Sobell family were in the cars when they arrived at INS station. Sobell continues that after signing the manifest card he was placed in custody by SA John W. Lewis and in a footnote states he was arrested without a warrant. A complaint was filed and a warrant issued 8/3/50 in the SDNY and Sobell was arrested and arraigned 8/18/50 before U.S. Commissioner, So. District of Texas, on the basis of a certified copy of this complaint and warrant.

The petition states Sobell was not deported from Mexico since the power to institute and execute deportation proceedings is vested solely in the Department of Immigration and Secretariat of Gobernacion (Interior). Sobell claims his removal was effected without the knowledge of Mexican immigration officials and the MFSP have no authority to act in immigration matters.

Petition states through agents in the U.S. and Mexico, the prosecution planned and participated in his unlawful seizure

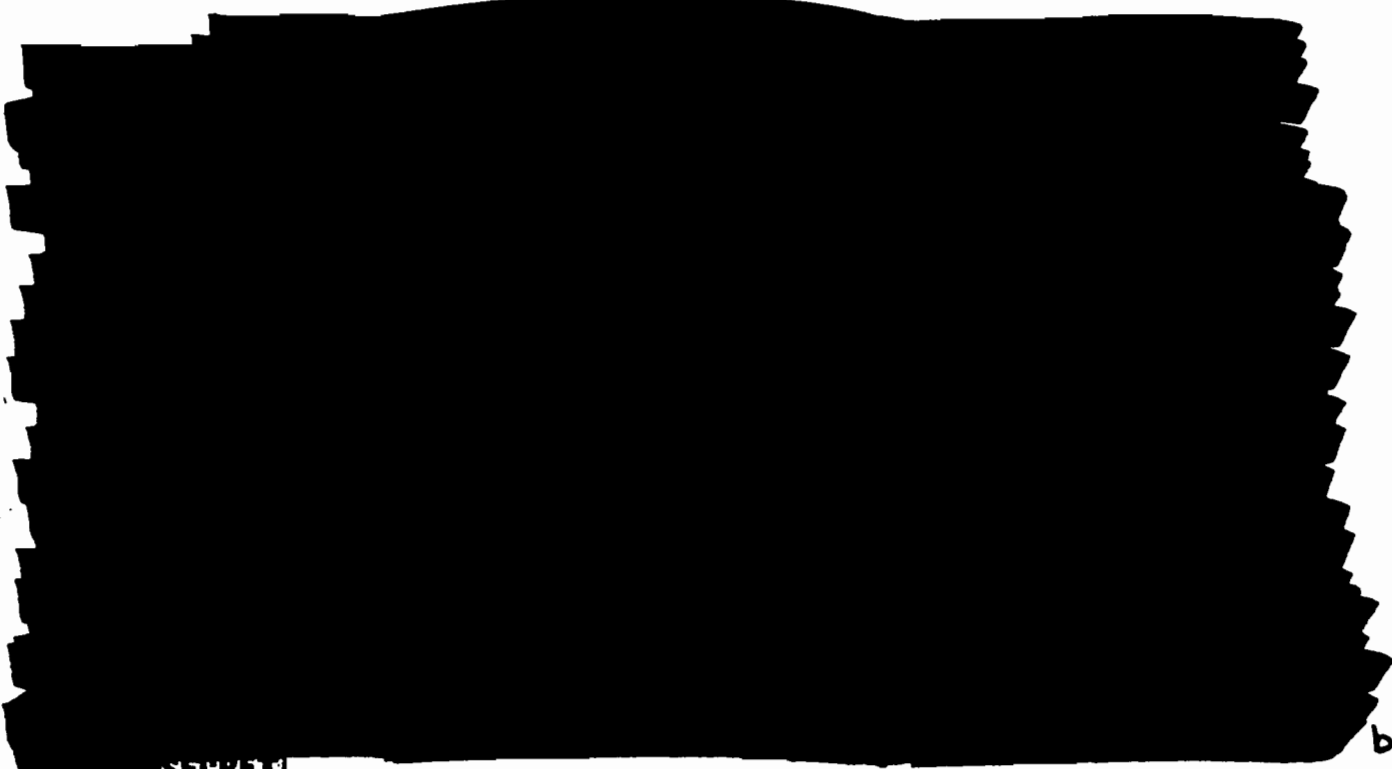
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~~SECRET~~

Memorandum to Mr. Boardman

in Mexico City and removal to Laredo, Texas. Sobell claims Huggins knew he was not deported since the Chancellor of the Mexican Consulate, Laredo, so advised INS the day after the deportation. Petition continues that at the same time Huggins was informed, FBI agents John W. Lewis, Rex I. Shroder and Leo H. Frutkin were in Laredo in touch with Huggins. This statement is not correct. SA's Shroder and Lewis state they did not again see Huggins in Laredo after the arrest of Sobell. SA Frutkin was not in Laredo. The petition identifies Agent Lewis as one who sat at the prosecution table throughout the trial. This is not correct. With court permission, former SA's John A. Harrington and William F. Norton sat at the counsel table during the trial. SA Lewis sat at the table on two occasions when Harrington was ill.

Sobell also states prosecution knew the facts concerning his arrest as a result of personal investigation in Mexico by the USA, SDNY, Irving Saypol, and his assistant, Roy Cohn. Saypol and Cohn did go to Mexico before the trial to interview prospective witnesses.



~~SECRET~~

~~SECRET~~

~~SECRET~~ b1

~~SECRET~~

Memorandum to Mr. Boardman

The petition again repeats the allegation that an FBI agent walked over to the Mexican side of the bridge and entered the MFPS car. It is also alleged one agent said, "I hated to do it this way, but it was the only way we could." The agents participating in the arrest advised no such statement was made.

Petition alleges the MFSP turned over to the FBI documents and belongings of Sobell and thus prosecution used unlawful search and seizure to suppress evidence which would have been helpful. The truth is that Sobell's person and luggage were searched by Customs Inspectors Dunham and Scherr in Sobell's presence after he was processed by INS. These items were then taken by FBI agents, pursuant to the lawful arrest of Sobell and Sobell executed a receipt for these items.

To show the FBI is cognizant of the fact that extradition is the lawful procedure by which a person is removed from Mexico, the petition in a footnote on p. 15 cites from the Director's testimony before the House Committee on Appropriations on 2/15/51. This testimony dealt with the Identification Division and tells of a parole violator located in Mexico City through his fingerprints and that he would be extradited to the U.S. The petition also points out the prosecution knew Sobell could not be extradited as the treaty on extradition between the U.S. and Mexico does not include conspiracy to commit espionage as a ground.

Petition also cites the Director's statement to the 52nd Annual Meeting of the International Association of Chiefs of Police, Miami Beach, Florida, 12/10/45, concerning liaison agents and the cooperation they received. This is quoted to show that the FBI has had agents over the years in Mexico who conduct investigations on behalf of the U.S. in coordination with Mexican police officials. The petition continues these activities are unlawful and in violation of the sovereignty of Mexico and to support this claim, a statement of the Secretary of Foreign Relations (of Mexico) made 11/22/51 is set forth and it is stated it was made in response to Mexican protests of FBI activity in that country.\* We have never received any protest from the Mexican Government relative to the activities of our Legal Attaches in that country.

Petition also claims the report of the Chancellor of the Mexican Consulate, Laredo, Texas, was sent to the Mexican Embassy in Washington and on information and belief it is stated

\* We are checking to locate the statement of the Mexican Secretary of Foreign Relations.

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Memorandum to Mr. Boardman

he made representations to the U.S. Government. Bufiles do not reflect any information relating to such a protest.

Exhibit 6 is a statement in Spanish and a translation thereof from the Secretariat of Gobernacion office, General Direc. of Population, Department of Immigration, that Sobell and family entered Mexico in June, 1950. Exhibit 12 is a statement from the Secretariat of Gobernacion, Nuevo Laredo, Mexico, that Sobell was not officially deported by the Secretariat of Gobernacion through that port. [REDACTED]

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

MERTON SCHILL,

Defendant.

No. 6134-245

NOTICE OF MOTION

S I R S :

PLEASE TAKE NOTICE that upon the petition of MERTON SCHILL, and the appendices and exhibits attached thereto, and on the files and records of this case, the undersigned will move this Court at a Criminal Part to be held thereof, on May 21, 1956, at 10:30 o'clock in the forenoon, or as soon thereafter as counsel can be heard, for

(1) an order granting a hearing to determine the issues and make findings of fact and conclusions of law with respect thereto, and upon such findings of fact and conclusions of law, for an order vacating and setting aside the sentence and judgment of conviction and discharging the petitioner forthwith from detention and imprisonment or, in the alternative, granting him a new trial;

(2) an order that petitioner be present at the hearing aforesaid; and  
for such other and further relief as to the Court may

enclosure 101-2483-1259

to just and proper in the premises.

Dated: New York, N. Y.  
May 8, 1935.

Yours, etc.

BERNARD, KIRBY & PHILLIPS

by BERNARD, KIRBY & PHILLIPS

342 Madison Avenue  
New York 17, N. Y.

BERNARD KIRBY  
57 Post Street  
San Francisco 4, California

Attorneys for Defendant.

United States District Court  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

WALTER S. SUGAR

Defendant

No. C-34,245

Petition Pursuant to  
Title 28, U. S. C.,  
Section 2255

*In the Matter of Walter S. Sugar*

The petitioner, Walter S. Sugar, respectfully represents:

FIVE. The petitioner is unlawfully and unjustly being deprived of and is presently being held in the Alcatraz Penitentiary, a federal penal institution, acting as the agent and under the direction of the Attorney General of the United States, and his authorized representatives, to whose custody he was committed, under and by virtue of a judgment entered on a conviction issued by the United States District Court for the Southern District of New York dated and filed April 3, 1951.

SIX. The indictment against petitioner, returned on January 31, 1951, charged on a single count that he had conspired with others to transmit to the Union of Soviet Socialist Republics documents, writings, sketches, notes and information relating to the national defense of the United States in violation of Section 34 of Title 18 of the United States Code.

THREE. Petitioner was tried together with co-defendants Julius and Ethel Rosenberg before Judge and jury from March 6 to 29, 1951, when the jury returned a verdict of guilty against the petitioner.

FOUR. On April 3, 1951, petitioner was sentenced and committed to the custody of the Attorney General, or his authorized representative, to imprisonment for a period of thirty years.

SEVEN. On November 26, 1951, after petitioner had been incarcerated in the Federal House of Detention and Alcatraz Penitentiary, the Attorney General, through his authorized representative, caused and secured the transfer of petitioner to Alcatraz Penitentiary, where the petitioner has remained and is now detained.

EIGHT. Petitioner duly appealed to the United States Court of Appeals for the Second Circuit from the aforesaid judgment of conviction. On February 25, 1952, that Court affirmed the judgment of conviction, Judge Frank dissenting. The Court's opinion is reported at 185 F. 2d 583. On April 8, 1952, the Court denied a petition for rehearing. 185 F. 2d 690.

NINE. Petitioner duly petitioned the Supreme Court of the United States for a writ of certiorari to review the decision of the United States Court of Appeals for the Second Circuit. On October

On 1902, the United States Supreme Court entered an order denying said petition. 34 U.S. 518. On November 17, 1901, the United States Supreme Court entered an order denying petitioner's petition for rehearing. 34 U.S. 520.

### Grounds for Relief

First. Petitioner makes this application proving that his sentence is void and his sentence is null and void and is discharged from detention and imprisonment pursuant to the provisions of Section 2255 of Title 28 of the United States Code on the ground that his conviction was unlawful and is hereby declared in violation of the Constitution and laws of the United States, and that the sentencing court was without jurisdiction to impose the sentence, the said judgment being subject to collateral attack.

Second. Petitioner makes this application on the grounds that the prosecution with intent knowingly and intentionally used false and perjured testimony and evidence, made false representations to the Court, and suppressed evidence which would have impeached and refuted testimony given against petitioner, all to cause and sustain his conviction, thereby rendering the judgment and sentence null and void and making it subject to collateral attack.

Third. The prosecution in the course of the trial introduced evidence to prove that petitioner was deported by the Government of Mexico. The testimony in support of this contention was perjured; the testimony evidence introduced in support thereof was false. This false evidence was essential to the prosecution's entire case against petitioner. The prosecution knowing this evidence to be false and with intent knowingly and intentionally used it to the prejudice of petitioner thereby depriving him his constitutional right to a fair trial.

Fourth. No previous application for relief on the grounds set forth herein has been made.

28 U.S.C. § 2255

Section 2255 of Title 28 of the United States Code.

Any person who is in custody under sentence of a court of the United States claiming to be entitled to his discharge on the ground that the sentence was imposed in violation of the Constitution and 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 entitled to collateral attack, may move the court which imposed the sentence to vacate, set aside or correct the sentence.

Section 2255 of Title 28 of the United States Code.

Section 2255 of Title 28 of the United States Code. The court shall, on its own motion, show cause why the sentence should not be vacated, set aside or corrected. 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. It is not to be taken as an objection that the judgment was rendered without consideration, or that the sentence imposed was not authorized by law, or otherwise, open to collateral attack, if the court has been made a denial or infringement of the constitutional rights of the prisoner as to 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.

Section 2255 of Title 28 of the United States Code. The court shall, on its own motion, show cause why the sentence should not be vacated, set aside or corrected. 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. It is not to be taken as an objection that the judgment was rendered without consideration, or that the sentence imposed was not authorized by law, or otherwise, open to collateral attack, if the court has been made a denial or infringement of the constitutional rights of the prisoner as to 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.

Twelfth: The prosecution, through the direct testimony of Government witness James S. Huggins and through Government Exhibit 25A (Exhibit 2), presented evidence that petitioner had been deported from Mexico by the Mexican Government. This evidence was known by the prosecution to be false.

Thirteenth: During the direct examination of Government witness Manuel Omar de las Rios by Assistant Prosecutor Roy Cohn, the following question was asked (R. 925):

"Q. Do you know approximately what date Sobell was deported to the United States by the authorities?"

Counsel for petitioner objected, and the following colloquy ensued (R. 926):

"Mr. Cohn. Of course, your Honor, I am asking a question I think we have other proof coming.

"The Court: You have other proof coming of deportation?"

"Mr. Cohn: Yes, your Honor."

Fourteenth: Subsequently, the prosecution sought to introduce Government Exhibit 25, purportedly a copy of a manifest made in the regular course of business by the Laredo, Texas, office of the Immigration and Naturalization Service of the Department of Justice of the United States (R. 938).\*

The sole purpose of the prosecution in offering this document was to establish that petitioner had been validly deported pursuant to an authorized action by the Government of Mexico.\*\* The rest of the entries had no significance. Mr. Cohn, in tendering the exhibit, stated (R. 938):

"Your Honor, the Government now offers in evidence a record from the Immigration and Naturalization Service of the Department of Justice of the United States, duly and properly authenticated concerning the circumstances of the departure of Sobell from Mexico to the United States."

Upon petitioner's insistence and over the prosecution's vigorous opposition, the Court ruled that Huggins be produced (R. 941-942).

Fifteenth: The following day, March 21, 1951, the prosecution tendered James S. Huggins, immigration inspector of the Immigration and Naturalization Service of the Department of Justice, stationed in Laredo, Texas. He produced Government Exhibit 25A and identified it as the manifest of petitioner, a contemporaneous document made and kept by him in the regular course of his duties as an Immigration and Naturalization Service inspector (R. 1024). The exhibit pur-

\* In fact, Government Exhibit 25 was not an exact duplicate of the manifest compare Government Exhibits 25 and 25A (a photostatic copy substituted for the original). Exhibits 1 and 2 attached hereto.

\*\* See brief of prosecution to Court of Appeals, pp. 65-67.



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### The False Representations to the Court

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lenging the personal jurisdiction of the Court. In the course of the argument on the motion, Mr. Saypol declared the motion should be denied because petitioner's affidavit contained falsehoods and therefore should be totally disregarded. Mr. Saypol, alluding to petitioner's claim that he had lawfully entered Mexico and had been improperly returned to the United States, stated (R. 1598-1599):

"This very affidavit contains a falsehood in the statement that there was exhibited amongst other things to the Mexican authorities visas. Counsel ought to know that his client never went into Mexico with a visa. It is evident in the failure to disclose that when this defendant arrived in Laredo, and was taken into custody by American agents, that arrest was effected pursuant to a lawful warrant.\* It is evident in the fact that throughout this trial there sat in this courtroom the wife of the defendant, as to whom the affidavit states that she was present and we know that she was present from the time of the arrest until the time *the final act of deportation was effected at Laredo*, and yet not a word of testimony was heard from Mrs. Sobell.

"The Court: I think I have enough.

"Mr. Saypol. The whole affidavit portrays certainly that this defendant was not honorably escorted from Mexico, but that *literally he was kicked out as a deportee.*" (Emphasis supplied.)

The representations that petitioner had entered Mexico without a visa (tourist card) and was subsequently deported by the Government of Mexico were both false, as the prosecutor then and there well knew.

#### The Significance of the False Evidence

EIGHTEENTH: The false evidence of petitioner's deportation from Mexico was essential to the prosecution's case. Its materiality and relevancy were recognized by both the trial and appellate courts.

Petitioner has consistently maintained his absolute innocence of the crime charged. Only one witness at the trial, Max Elitcher, attempted to associate petitioner with the alleged conspiracy. He was an admitted perjurer and, if believed, a co-conspirator with obvious motive and interest in testifying so as to satisfy the prosecution's needs. The false evidence was used as additional proof of petitioner's participation in the conspiracy. If the false evidence had not been offered as corroboration of Elitcher's testimony, the trial court should have directed a judgment of acquittal. Absent this evidence, the jury might well have returned a verdict of not guilty.

The evidence was used to represent falsely that petitioner would not have returned voluntarily to the United States. Moreover, the prosecution suppressed the fact that they had denied him the opportunity to return on his own accord.

NINETEENTH: Petitioner did not leave the United States to avoid prosecution or apprehension by the authorities, nor was his departure in any way related to the arrest of Greenglass or a purported involve-

\* But see footnote on p. 19 *infra*.

ment in criminal activities. He had committed no crime and had no consciousness of guilt. The criminal authorities had not evidenced any desire to interview or apprehend him, nor was he aware of any reason why they should.\* His departure was lawful and not surreptitious and his identity was not hidden. (See paragraphs 28, 29, 32, 37, *infra*.)

**Twentieth:** The prosecution used the false evidence of a deportation from Mexico to distort petitioner's innocent and lawful departure from the United States. It falsely pictured a desire to visit Mexico as a plan to avoid apprehension because of a consciousness of guilt. As a result of the false testimony, petitioner's stay in that country was represented as evidence of his involvement in a criminal conspiracy.

The prosecution utilized the testimony of the claimed deportation by the Government of Mexico to negate any inference that petitioner would have voluntarily returned to the United States. It sought to establish that his delivery to the American authorities was the result of judicial process and official action of the Government of Mexico. The prosecution knew that its own actions had denied petitioner the opportunity to return voluntarily to the United States. Nevertheless, it sought to establish that petitioner would not willingly return and therefore had to be deported, suppressing the circumstances of his removal.

**Twenty-first:** The Court in its charge to the jury recognized the importance of this evidence. It related the prosecution's testimony of Sobell's involuntary deportation by the Mexican Government to the evidence of the conspiracy, stating (R. 1559-1560):

"Finally, the prosecution says that when the conspiracy was uncovered by the arrest of Dr. Klaus Fuchs and later of Harry Gold in February and May of 1950 respectively, the defendants, fearful of being apprehended, attempted to flee and that their attempts to flee followed a pattern which also indicates a preconceived plan—that Morton Sobell did reach Mexico and assumed many aliases there while seeking means of exiting from the country, and that he was apprehended only after being delivered to the United States by the Mexican authorities; that Julius Rosenberg intended to flee the country and that he and Ethel Rosenberg and their children obtained passport photos from Mr. Schneider for that purpose, and that he also asked the Greenglasses to flee, and to further that purpose he gave David Greenglass \$5000 and elaborate instructions whereby he could reach Czechoslovakia from Mexico, and that he also asked Dr. Bernhardi as to the required inoculations in order to go to Mexico.

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"I charge you that no inference is to be drawn against the defendants Julius and Ethel Rosenberg because of the incidents relating to Morton Sobell's journey to and trips in Mexico except that *you may consider whether such journey or trips show a preconceived plan as part of the conspiracy to be followed by the conspirators in attempting to escape the country.*" (Emphasis supplied.)

\* The complaint against petitioner was not issued until August 3, 1950, a month and a half after his departure. It charged five overt acts, none of which were proved in the trial.

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The Court then charged the jury as to the significance of the "flight" testimony in other respects, namely, as evidence of consciousness of guilt and corroboration of the other testimony (R. 1559-1560):

"As to any evidence of flight adduced by the Government in this case, I charge you: Evidence of flight does not create any presumption of guilt, although it is a legitimate ground for an inference of a guilty mind, if the jurors conclude that such inference is justified. Flight is a circumstance which the jury may consider as having a tendency to prove the guilt of a defendant, as an indication of a consciousness of guilt. It should not be considered alone and by itself. It must be weighed with all of the surrounding circumstances, and of course, it should be considered together with all the other evidence in the case in determining the guilt or innocence of these defendants."

**TWENTY-SECOND:** The United States Court of Appeals, in finding Government Exhibit 25A admissible, held that the evidence of deportation was an essential part of the prosecution's case (195 F. 2d at 602):

"The prosecution introduced as an entry 'in the regular course of business' a card made by an immigration inspector at the time Sobell re-entered the United States, stating that he had been 'Deported from Mexico.' This evidence is attacked as both irrelevant and hearsay. But Sobell's forced return to the United States was certainly relevant to the government's theory that he had fled to Mexico to escape prosecution, for otherwise the jury might have inferred that he had returned voluntarily to stand trial."

**TWENTY-THIRD:** The prosecution itself, in its brief to the United States Court of Appeals, *United States v. Rosenberg*, *supra*, pp. 65-66, acknowledged that the claim that petitioner was deported from Mexico was essential to its case:

"Evidence of Sobell's deportation was plainly relevant on the question of flight. Had it not been for that evidence the jury might have inferred that Sobell returned to the United States voluntarily (perhaps from a vacation in Mexico), and that he had always intended to do so. Thus, proof that his return was involuntary, in conjunction with proof of his activities in Mexico, tended strongly to show that his trip to Mexico was prompted by a desire to escape prosecution. As such it was persuasive evidence of his consciousness of guilt."

The prosecution used the proof of deportation to establish that petitioner's trip abroad was to avoid the prosecuting authorities, and that hence his mere presence in Mexico was evidence of guilty flight.

**TWENTY-FOURTH:** The false evidence necessarily must have imported to the jury that petitioner was engaged in a conspiracy and fled with the intention of permanently removing himself from the United States. Such evidence inferred he had entered Mexico illegally, there had continued his illicit activities, and consequently was deported by the Government of Mexico.

**TWENTY-FIFTH:** The phrase, "Deported from Mexico," imported to the jury that petitioner's removal from the United States was

the Government of Mexico, taken over his opposition. The false evidence gave the appearance that petitioner had been subjected to a deportation proceeding in which the evidence presented established a *prima facie* case of petitioner's guilt and caused the Mexican Government to take such drastic action.

**TWENTY-SIXTH:** The prosecution's claim that petitioner was deported from Mexico came as a surprise to the defense. Petitioner's lack of familiarity with the procedures and laws of Mexico placed him at a severe disadvantage. He was confronted with a certified document of the United States Government and the sworn testimony of an official in the employ of the Department of Justice as well as statements by the prosecution. He conjectured that the evidence might be unassailable. It served to confuse and impede the petitioner's defense. Much time has been required to uncover the proof establishing the prosecution's knowledge of the falsity of the evidence.

#### The Abduction From Mexico

**TWENTY-SEVENTH:** The false and perjured evidence was essential to the prosecution's case. The prosecution knew that its agents of the Department of Justice were parties to the illegal seizure and removal of petitioner to the United States. It knew that he was prevented from returning voluntarily to the United States. The prosecution was aware that his abduction violated international law and treaties, as well as the laws of the United States and Mexico.

**TWENTY-EIGHTH:** On June 22, 1960, petitioner and his family left on a trip for Mexico. Prior to departure they obtained tourist cards in their own names from the Mexican Consulate. Petitioner purchased tickets to Mexico City in his own name from American Airlines, for himself and his family (Exhibit 3). The manifest of the air flight bore the names of petitioner and his family (Exhibit 4). Upon landing in Dallas, Texas, on his way to Mexico, petitioner, to avoid custom duties on his planned return, registered, in his own name, certain camera equipment with United States customs officials (Exhibit 5). Prior to boarding the plane for the flight from Dallas to Mexico City, petitioner was required to show his tourist card (Appendix B, article 75).\*

**TWENTY-NINTH:** Petitioner arrived in Mexico on June 23, 1960. He and his family were required to show their tourist cards (*visas*) to the Mexican immigration officials (Appendix B, article 59). The records of the Department of Immigration of Mexico reveal that Morton Sobell bearing tourist card number 70638 entered that day by air from New York (Exhibit 6).\*\* Petitioner, in his own name, rented

\* Appendices A, B, C, and D to this petition contain respectively the Constitution of the United States of Mexico, the General Law of Population with Regulations of the same, the Law on Extradition of Mexico, and the Regulations of the Preventive Police of the Federal District of Mexico. Pertinent provisions of these Mexican laws have been translated into English for the Court's convenience.

\*\* Exhibits 4 and 6 also show that his wife and children entered Mexico at the same time in the company of petitioner.

living quarters for himself and his family (Exhibit 7, petitioner's rent receipts). On his person, petitioner carried his birth certificate, social security card, membership card in a scientific organization, driver's license, and other documents accurately reflecting his identity (Exhibits 8, 9, 10, 11).

**THIRTIETH.** Petitioner would have voluntarily returned to the United States, had it not been for his unlawful abduction on August 16, 1960.

**THIRTY-FIRST.** On the afternoon of August 16, 1960, petitioner and his family had gone on a picnic. They returned to their apartment and were completing their supper when there was a knock on the door. Three Mexicans in civilian clothes, who identified themselves as officers of the Secret Police of the Federal District of Mexico,\* entered the apartment and seized the petitioner. They said that petitioner was "Johnny Jones" and was wanted for robbing a bank in Acapulco. Petitioner stated that he was Morton Sobell. He fruitlessly demanded that he have an opportunity to call the United States Embassy to prove his identity and obtain protection. The officers seized and refused to return the credentials he tendered to establish his identity. Additional police came to his apartment.

Petitioner was physically assaulted, rendered unconscious, and placed into an automobile. He was taken to the office of the *Direccion Federal de Seguridad* of the Federal District of Mexico. There he was assaulted again when he inquired as to the purpose of his detention.

Petitioner was kept in a room under guard until four o'clock of the morning of August 17, 1960. Throughout this time, no legal proceedings were held, no hearing was conducted, nor was petitioner presented with any charges or warrant of arrest or written authority for the action taken. He was not seen by any representative of the Mexican immigration or diplomatic services.

**THIRTY-SECOND.** After removing petitioner from his apartment, the police seized Helen Sobell, his wife, and took her to their office. Petitioner's two children were tended by a neighbor until they, too, were brought to the police headquarters some time later that evening.

**THIRTY-THIRD.** At four o'clock in the morning, petitioner was placed under guard in an automobile. His wife and children were put into a separate automobile in custody of police officers. Both cars then drove north towards the United States. At periodic stops en route, a guard made a telephone call.

**THIRTY-FOURTH.** At approximately 3:00 A. M. on August 18, after almost a complete day of continuous driving, petitioner arrived in Nuevo Laredo. The car stopped near a public square, several blocks from the international bridge which connects Mexico and the United States. Following another telephone call, a guard informed petitioner that they had received further instructions. After waiting ten

\* The Secret Service Police of the Federal District of Mexico are local police limited to the Federal District of Mexico and have no authority to act in immigration matters (Appendix D).

minutes, the car drove on to the bridge. Prior to crossing over to the American side, an agent of the Federal Bureau of Investigation entered the automobile and instructed the driver to continue to the United States immigration office in Laredo, Texas. The agent stated he had been waiting for petitioner for many hours (R. 1034).

**THIRTY-FIFTH:** At the United States immigration office, petitioner was removed from the car by the FBI agent and taken before the witness Huggins and was told to sign a card. He was then immediately placed in custody by John W. Lewis, an FBI agent (R. 1031). The baggage of petitioner and his wife was examined and various objects removed. In petitioner's presence, one of the Mexican Secret Police turned over to the FBI the personal documents that had been unlawfully taken from him in Mexico City.

Petitioner informed both agent Lewis and Huggins of his unlawful abduction by the Mexican secret police.

**THIRTY-SIXTH:** Petitioner was then removed to the Webb County Jail in Laredo, Texas, where he was subsequently brought before United States Commissioner Frank Y. Hill. There the FBI agents showed him personal effects which had been stolen from his person and apartment in Mexico and questioned him in respect thereto.

#### **The Evidence of Deportation Was in Fact False**

**THIRTY-SEVENTH:** Petitioner was not deported from Mexico. The power to institute and execute deportation proceedings is vested solely in the Department of Immigration of the Secretariat of Gobernacion (Appendices A and B). Records reflecting the entry, status and conditions of departure of all aliens are kept by the Department of Immigration in Mexico City. Local immigration offices are required to maintain similar records (Appendix B).

**THIRTY-EIGHTH:** The records of the Department of Immigration at Nuevo Laredo reveal that petitioner was never deported (Exhibits 12, 13).

**THIRTY-NINTH:** Further, records of the Department of Immigration affirmatively establish that the abduction of petitioner and his removal to the United States were executed without the knowledge or approval of the immigration authorities of the Government of Mexico.

**FOURTIETH:** When the chief of immigration at Nuevo Laredo first learned of the unlawful transfer of petitioner, he at once communicated with the Department of Immigration in Mexico City, stating that secret service agents of Mexico City had evaded the Department of Immigration in taking petitioner to the United States at 3:45 A. M. on August 18, 1960.

**FOURTY-FIRST:** Pursuant to the request of the chief of immigration at Nuevo Laredo, an immediate investigation was made by Hector Rangel Obregon, chancellor of the Mexican consulate in Laredo, Texas.

The consulate acquired some information from American newspapers and further found it necessary to go to the United States

immigration officers at Laredo, Texas, to obtain any details of the matter, since the Mexican Government was totally unaware of the facts.

**FOURTH-ANNO:** In September 1950, the Department of Immigration advised its office in Nuevo Laredo that steps had been taken to prevent such violations of the laws of Mexico in the future.

**FOURTH-THREE:** The constitution and laws of Mexico afford further proof that petitioner was not deported by its authorities. These enactments establish the rights of aliens, the manner in which a deportation may be effected, as well as the grounds therefor.

Deportation proceedings must be instituted by formal written charges and must be reviewed and approved by the Secretary or Under Secretary of the Secretariat of Gobernacion. His decision in turn is reviewable by the courts (Appendices A and B).

No arrest or detention may be carried out without a warrant based on a written charge (Appendix A, article 16). The police of the Federal District of Mexico have no authority to act in immigration matters (Appendix D). The immigration authorities maintain special places of detention for aliens subject to action by that department (Appendix B, article 74). In the event of deportation, documents are prepared, entries are made in the records of the Immigration Department, and circulars announcing the fact are transmitted to all ports and frontier stations of Mexico (Appendix B; Exhibit 14).

**FOURTH-FOUR:** The deportee is brought to the frontier, accompanied by immigration officers, and turned over to the local immigration authorities. Docket entries are there made and documents filed. Thence the deportee is taken to the international boundary by the Mexican immigration officials (Appendix B; Exhibit 14). All such procedures are carried out during regular working hours, i.e., between 9:00 A. M. and 6:00 P. M. (Appendix B, article 32). Prior to crossing the border, the immigration authorities of Mexico present a mimeographed form to the alien advising him he may not return, and of the penalty if he attempts to do so (Appendix B; Exhibit 14).

**FOURTH-FIVE:** The seizure of petitioner in Mexico was carried out by Mexican police having no jurisdiction over the matter. His removal was carried out at a time not authorized by law. No warrant was issued nor written charges made. There were no deportation proceedings. The immigration authorities of Mexico were not parties to the abduction. The records of Gobernacion and its Department of Immigration affirmatively show that petitioner was not deported.

#### **The Prosecution Knowingly, Willfully and Intentionally Used False and Perjured Evidence**

**FIFTH-ONE:** The prosecution knew, long prior to petitioner's trial, that he had not been deported from Mexico. The prosecution knew, at the very time Huggins testified, that his testimony concerning petitioner's deportation from Mexico was perjurious. The prosecution and Huggins knew, at the very time Government Exhibits 25 and 25A were tendered, that the statement therein, "Deported from Mexico," was false.

Forty-seventh: The prosecution, through its agents in the United States and Mexico, planned and participated in the unlawful seizure of petitioner in Mexico and his removal to Laredo, Texas. The prosecution knew that its unlawful actions had deprived petitioner of the opportunity to return voluntarily to the United States. No other conclusion was open to the jury but that petitioner returned to the United States contrary to his will.

Forty-eighth: Government witness Huggins, an employee of the Department of Justice, was advised and knew that petitioner had not been deported from Mexico, and that the entry to that effect on Government Exhibit 25A was false.

Within a day of petitioner's arrival in Laredo, Texas, Huggins and other employees of the United States immigration office at Laredo, Texas, were informed by Hector Rangel Obregon, chancellor of the Mexican consulate at Laredo that petitioner had not been deported. Sr. Obregon expressed concern and alarm that this matter had been handled without the knowledge or approval of the Mexican Government or its duly constituted authorities.

Forty-ninth: The prosecution and the witness Huggins wilfully, knowingly and intentionally suppressed the fact that they had information directly contradicting the claim that petitioner was deported.

Fiftieth: This information was transmitted to the prosecution. At the very time Huggins was informed by the Mexican consulate that there was no deportation, FBI agents John W. Lewis, Rex T. Shroder and Leo H. Frutkin were in Laredo, Texas, and in touch with Huggins and the United States immigration office. They had been sent to Laredo, Texas, at the direction of the prosecution.

FBI agent Lewis, who aided the prosecution in its pretrial preparation, sat at the prosecution's table throughout the trial.

Fifty-first: Mr. Saypol was fully informed of the circumstances of petitioner's seizure, from the abduction in Mexico to the time he arrived in Laredo. This is indicated in his statement:

• • • we know that she [Mrs. Sobell] was present from the time of the arrest until the time the final act of deportation was effected at Laredo • • • (R. 1598-1599).

Fifty-second: The prosecution further knew of the facts leading to petitioner's removal to the United States as a result of personal investigations in Mexico by Messrs. Cohn and Saypol, on at least one occasion (R. 1598).

Fifty-third: The prosecution, through its agents and representatives in the United States and Mexico, planned and participated in petitioner's abduction. The seizure was carried out pursuant to its plans and directions. Both agents of the FBI and of the United States Embassy in Mexico City participated in the action.

Fifty-fourth: At approximately 3:00 P. M. on August 16, 1950, the day of the abduction, a United States agent arrived at petitioner's residence (153 Calle de Cordova, Mexico, D.F.), and there interviewed

a woman. The agent showed her a picture of petitioner and asked her for his apartment number. He informed her that petitioner was a criminal, sought by the authorities of the United States for kidnapping a child. She suggested to the agent that he return in three hours to obtain this information from the superintendent of the building.

FIFTY-FIFTH: At approximately 6:00 P. M. that day, a young woman arrived in a taxi, approached the same woman and identified herself as a cashier in a supermarket. She described petitioner and his family and asked in what apartment they lived, explaining that she sought the return of money given them by mistake. Upon receiving the information, she did not enter the house but immediately departed. A few hours later, a Mexican in civilian clothes approached one of the residents of the apartment house, displayed a Secret Police badge, and told her that petitioner was a criminal. He requested that no one be informed of petitioner's anticipated seizure.

FIFTY-SIXTH: Later that same evening, Senora Elizabeth Avila De Soto, who was employed as a domestic worker by the Sobells, was informed upon arriving at the apartment that petitioner and his wife had been taken away by the police and that the children were in the care of Senora Rios (wife of Government witness Rios). At approximately 10:00 P. M. on August 16, 1950, Mexican Secret Service Police again came to petitioner's apartment. They advised Senora De Soto that they were the ones who had seized petitioner and his wife, and were going to search the premises. They stated that they were acting as agents and representatives of the United States Government.

They searched the apartment, opening a wall safe, and removed money, papers of petitioner and his wife, and all their personal effects. Over Senora De Soto's objections the police also took her clothing and belongings.

FIFTY-SEVENTH: Senora De Soto was again visited by the same Mexican Secret Service men several days after the kidnapping and interrogated at length. In reply to their questions she informed them that petitioner and his family had not acted in a suspicious manner and had not sought to hide their identity.

At this interview Senora De Soto requested that the police return her property they had taken on the night of the abduction. The officers told her that the United States Embassy was holding her belongings and that she should go there to request their return.

FIFTY-EIGHTH: On the night of the kidnapping, Senora Rios was visited by several of the Mexican police officers who had seized petitioner. Two days later they returned, accompanied by an agent of the FBI, who interviewed both Sr. Rios and his wife. The agent exhibited a photostatic copy of an envelope which he stated was taken from petitioner's apartment, and made inquiries relating thereto.

FIFTY-NINTH: Within a period of ten days after the kidnapping, Rios was seen by the FBI on three occasions and at least in one instance was taken to the United States Embassy for interrogation. Approximately a month after the kidnapping, he was visited at his place of business by prosecutors Roy Cohn and Irving Saypol and an FBI agent.

SIXTIETH: The prosecution, acting in Mexico through the United States Embassy, the FBI and the Secret Police of Mexico City, engaged in a coordinated scheme to seize petitioner, prevent his voluntary return to this country, and circumvent the protection afforded him by the Constitution and laws of Mexico and the Treaty on Extradition.\* The United States Embassy and the FBI in Mexico worked with the Mexican Secret Police on the day of the abduction and thereafter. The United States Embassy in Mexico City served not only as a place of interrogation, but took custody of some of the property and documents seized from petitioner's apartment by the Mexican Secret Police.

SIXTY-FIRST: The circumstances surrounding the delivery of petitioner to the FBI in Laredo, Texas, provide further proof that the prosecution had knowledge of the time and manner of his seizure and coordinated its actions with the Secret Police in Mexico City from the very beginning.

SIXTY-SECOND: After the Mexican Secret Police had brought petitioner to the offices of the *Dirección Federal de Seguridad*, the American authorities were notified that he had been seized. Agents Lewis, Frutkin and Shroder thereupon proceeded to Laredo, Texas, to take petitioner into custody.

SIXTY-THIRD: While carrying petitioner to Laredo, Texas, the Mexican Secret Police made periodic phone calls, indicating their progress and expected time of arrival. Huggins and L. C. Taylor, agent of the FBI stationed in Laredo, Texas, working with the New York agents, made the necessary arrangements to receive petitioner. Aware of the fact that Helen Sobell and the children were also arriving, the FBI obtained the assistance of a doctor, as well as of a matron to tend to the children. All of these persons were present at the time of petitioner's arrival at approximately 3:45 A. M. on August 18, 1950.

SIXTY-FOURTH: Petitioner's arrival in Laredo, Texas, was fully anticipated by the prosecution. Huggins acknowledged that he had been waiting for petitioner (R. 1034). The Mexican Secret Police advised the FBI when they were about to cross over to the United States. An FBI agent then left the United States, walked over to the Mexican side of the bridge and entered petitioner's car. The agent acknowledged they had been expecting him for several hours.

After petitioner was brought into the United States immigration office, one of the agents said, "I hated to do it this way, but it was the only way we could."

SIXTY-FIFTH: After being temporarily detained by the United States immigration officers, Helen Sobell asked Huggins whether, if she so desired, she could reenter Mexico. Huggins, knowing that neither petitioner nor his wife had been deported, was unable to make a responsive answer. Neither he nor any of the FBI agents ever claimed Mrs. Sobell had been deported. Ignoring the Mexican police who were present at the time, Huggins discussed the matter with the FBI and then told Mrs. Sobell that she should not return to Mexico, because the American authorities did not wish her to do so.\*\*

\* Seizure of petitioner in Mexico, not authorized by warrant, violated its Constitution and laws (see Article 16 of the Constitution of Mexico).

\*\* Contrary to the notation found on Government Exhibit 25-A Mrs. Sobell was not deported.

SIXTY-SIXTH: Pursuant to the directions of the prosecution, the Mexican Secret Police delivered the documents and belongings of petitioner which they had seized in Mexico City to agents of the Federal Bureau of Investigation in Laredo, Texas.\* These documents were in turn transmitted to the prosecution along with information on how they were obtained.

SIXTY-SEVENTH: The prosecution used the unlawful search and seizure as a means of suppressing evidence which would have been helpful to petitioner in establishing his innocence. Among the documents seized were petitioner's tourist card (visa), which evidenced his lawful entry into Mexico, and his vaccination certificate, which was obtained in preparation for his return to the United States. To this day these documents have not been returned.\*\*

SIXTY-EIGHTH: The prosecution and the FBI were fully cognizant of the fact that extradition was the lawful procedure to obtain custody of petitioner.\*\*\*

SIXTY-NINTH: The United States and Mexico are bound by a treaty on extradition which specifies the grounds for extradition and the procedures to be followed by the signatories.§

\* A number of these items bear the notation "R.I.S. 8/18/50" indicating their delivery to Rex I. Shroder, FBI agent from New York, who was present in Laredo at the time petitioner was brought there by the Mexican police.

\*\* In addition to the items mentioned above, there are other documents and personal property which have never been returned. Petitioner was never given a receipt for the property taken.

It was not until September 17, 1954, that the FBI returned to petitioner some of the items which were stolen from him, including his wallet, a round trip airline ticket, and a receipt from the Bureau of Customs dated June 23, 1950, at Dallas, Texas. The latter item establishes that petitioner did not enter Mexico surreptitiously, but proclaimed his identity and destination, and indicated an intention of returning to the United States. (See Exhibit 5.)

It was not until December 22, 1954, that a further partial return of petitioner's personal effects took place. Among these items were his birth certificate, operator's license, social security card and rent receipts. (See Exhibits 7, 8, 9 and 11.) Subsequently, in 1955, the FBI sought to return a pair of glasses purportedly belonging to petitioner. It was at this time that request was made in his behalf that the authorities return the rest of the personal effects unlawfully taken and held by the Department of Justice.

\*\*\* See 82nd Cong., 1st Sess., House Committee on Appropriations, Hearings, *Department of Justice Appropriations for 1952*, testimony of J. Edgar Hoover, Director, Federal Bureau of Investigation, February 15, 1951, p. 312. Mr. Hoover revealed not only his knowledge of extradition proceedings as the means of lawfully obtaining custody of a United States fugitive, but further his close cooperation with the police officials of Mexico City. He stated:

"There are many fugitives in this country who would never have been located had it not been for the service rendered to law enforcement by the Identification Division. This service extends not only through the identification of persons who have become fugitives from justice within the United States, but also outside of the United States.

"Recently we received the fingerprint record of a man arrested by the Mexican police in Mexico City for fraud. A check of our files revealed that he was wanted in California as a parole violator. As a result of this identification, this man would be extradited and sent back to the penitentiary in California."

§ Treaty on Extradition between the United States and Mexico, signed on February 22, 1892, at Mexico City, 31 Stat. 1818. This treaty was supplemented in 1902, 1925, and 1939.

SIXTY-SIXTH: The prosecution knew that petitioner could not be extradited. The crime with which he was charged, conspiring to commit espionage, is not a ground for extradition under the aforesaid treaty (Article II). The treaty specifically excludes extraditions for crimes of a political nature (Article III, paragraph 2).<sup>\*</sup> Yet the prosecution adduced evidence of petitioner's purported political association and activities as an aggravating and motivating element of the offense.<sup>\*\*</sup>

SEVENTY-FIRST: Moreover, the prosecution would have been required to present proof at a hearing before a Mexican court, to prove the *corpus delicti* and to adduce evidence to establish the probable guilt of petitioner. The court's judgment would have been subject to examination by the President and review by another court.<sup>\*\*\*</sup>

SEVENTY-SECOND: Had the prosecution complied with the requirements of the extradition treaty, petitioner would have expressed his desire and intention of returning voluntarily to the United States. Thus the prosecution would have been unable to claim that petitioner's trip to Mexico constituted evidence of guilty flight, and that petitioner did not voluntarily return.

SEVENTY-THIRD: The prosecution and the agents of the FBI avoided the problems posed by the treaty on extradition by arranging for the seizure of petitioner by the Mexico City Secret Police without the knowledge or approval of the Mexican Government.

SEVENTY-FOURTH: In the execution of this plan, the FBI utilized its close relationships with the local police officials. § The FBI over the years had agents in Mexico who conducted investigations on behalf of the United States in coordination with Mexican police authorities. §§

\* The Treaty on Extradition must be read in light of the Extradition Law of the United States of Mexico which provides that an alien may not be extradited from Mexico if the offense is connected with matters of a political nature (Appendix C, article 4).

\*\* See testimony of Elizabeth Bentley (R. 964-1024); charge of the Court to the jury (R. 1558); comments on sentencing (R. 1601-1603; 1612-1615).

\*\*\* Law of Extradition of the Republic of Mexico, May 19, 1897, Appendix C, Article 8, Convention between the United States of America and Other American Republics, signed at Montevideo, December 26, 1933. U. S. Treaty Series No. 882.

§ See footnote 3, p. 15, *supra*.

§§ See statement of J. Edgar Hoover, Director of the Federal Bureau of Investigation, at the 52d Annual Meeting of the International Association of Chiefs of Police, Miami Beach, Florida, December 10, 1945:

"It was our happy privilege to be closely associated with the security and intelligence authorities in the British Isles \* \* \* and with similar agencies in all of the countries in the South from Mexico to Chile.

\* \* \* FBI liaison agents, stationed from Canada to the tip of South America, received the highest degree of aggressive cooperation."

See also, *The Story of the Federal Bureau of Investigation*, Department of Justice, 1945, p. 12, stating that "FBI liaison agents" were stationed in and cooperated with police officials in all the countries of Latin America.

These activities were known to be unlawful and in violation of the sovereignty of Mexico.\*

SEVENTY-FIFTH: In addition, the events of the morning of August 18, 1950, the circumstances surrounding petitioner's delivery, the information subsequently obtained from Mexico, and the later investigations, all clearly revealed to the prosecutors as well as to the agents and employees of the Department of Justice involved the facts of petitioner's seizure.

SEVENTY-SIXTH: Upon arriving in Laredo, Texas, petitioner immediately informed the FBI and United States immigration officials that he had been kidnapped, physically assaulted, accused of robbing a bank in Acapulco, presented with no written charges or warrant of arrest, and that no proceedings had been held in Mexico.

SEVENTY-SEVENTH: Huggins and FBI agent Taylor, both employees of the Department of Justice, were fully cognizant of the procedures followed in deportation and extradition cases. They knew which agencies of the Mexican Government had jurisdiction over such matters.

The FBI regularly assigns one of its agents to work with the immigration offices at each United States port of entry. In August, 1950, agent L. C. Taylor, was stationed at Laredo, Texas, for these purposes. In the course of their duties, both he and Huggins were in contact with the local Mexican immigration officials. Both Huggins and the FBI well knew that it was the secret police of Mexico City who seized and delivered petitioner (Government Exhibit 25A, R. 1030).

SEVENTY-EIGHTH: The FBI and Huggins noted that petitioner arrived at 3:45 o'clock in the morning. His appearance clearly indicated that he had been physically assaulted. They were aware that the required deportation procedures had not been complied with. Petitioner's exit has not been processed by Mexican immigration authorities in Nuevo Laredo. He had not received or signed the necessary documents, requisite for all deportees, prior to leaving Mexico.\*\* The FBI and Huggins knew that no Mexican authorities, not even the secret police, claimed that petitioner was deported (R. 1026-1027, 1035-1036).

SEVENTY-NINTH: In the event of a deportation, the Mexican Government advises the United States Embassy in Mexico City of the

\* See the statement of the Secretary of Foreign Relations, November 22, 1951, in response to Mexican protests of FBI activity in that country:

"There exists no agreement between our government and any other by virtue of which foreign investigation agents and police may carry out activities in the Republic.

\* \* \* \* \*

"It is proper to make it clear that activities of this nature, on national territory, would imply an intervention in affairs that are the exclusive jurisdiction of the Government of Mexico and, as such, would be repugnant to the standards of international law and would constitute a violation of our sovereignty which the Government of Mexico cannot in any way tolerate, much less consent to \* \* \*"

\*\* Prior to deportation the immigration office of Mexico at the point of exit requires a deportee to sign a statement that he will not return without the express permission of the Secretariat of Gobernacion (Exhibit 14).

pending action. The Embassy thereupon notifies the United States immigration authorities at the point of entry. In the present case, the Embassy was not so informed, nor did it so advise the immigration offices at Laredo, Texas.

**EIGHTIETH:** The report on the investigation conducted by Chancellor Hector Rangel Obregon of the Mexican Consulate in Laredo (see paragraph 41, *supra*) was sent to the Mexican Embassy in Washington, D. C. That Embassy, upon information and belief, made representations in the matter to the United States Government.

**EIGHTY-FIRST:** For a period of months after petitioner's abduction, the prosecution conducted an investigation in Mexico to obtain evidence for the trial.\*\* This investigation was carried out by agents of the FBI in close cooperation with local police officials as well as the United States Embassy in Mexico. On behalf of the prosecution, Edwin L. Swift visited and interviewed Government witnesses Espinosa and Broccado in Vera Cruz and Bautista in Tampico.

**EIGHTY-SECOND:** The prosecution was acquainted with the facts set forth above (paragraphs Seventy-fifth through Eighty-first) through reports and information received from the FBI and the United States immigration authorities.

**EIGHTY-THIRD:** Mr. Saypol, in opposition to petitioner's motion for arrest of judgment, knowingly represented to the Court that the affidavit submitted in support thereof was false, stating that petitioner was deported and that his very entry into Mexico was illegal (see Paragraph 17, *supra*; R. 1598-1599). He sought thereby to discredit the affidavit in the eyes of the Court.

**EIGHTY-FOURTH:** As set forth in the present petition, the prosecutor well knew that petitioner had lawfully entered Mexico with a tourist card (visa) and had not been deported from Mexico (see Exhibits 6 and 12).

**EIGHTY-FIFTH:** Petitioner was denied a fair trial and deprived of his constitutional rights. The prosecution's knowing use of perjured evidence and its suppression of the facts destroyed the validity of the proceedings and the sentence based thereon.

Petitioner has been wrongfully caused to suffer a thirty-year sentence. He has been incarcerated in Alcatraz Penitentiary. The punishment of petitioner and his family has been cruel and extreme. But beyond such humanitarian considerations, the law demands rectification of this miscarriage of justice.

\* "In all cases in which a national of one of the high contracting parties is to be deported or expelled from the territory of the other, and in the cases in which a national of either country subject to deportation is allowed voluntarily to depart for the country of his nationality in lieu of deportation, due notice will be given the proper consular representative of the country of such national."

Article VII, Convention between the United States and Mexico to Prevent Smuggling and for Other Purposes, signed at Washington, December 23, 1925, U. S. Treaty Series No. 732.

\*\* Prosecutors Colm and Saypol traveled to Mexico on at least one occasion to participate in the investigation (paragraph 52, *supra*).

As Mr. Justice Frankfurter recently stated:

"The untainted administration of justice is certainly one of the most cherished aspects of our institutions. Its observance is one of our proudest boasts."

To restore the integrity of the administration of justice the relief sought herein should be granted.

Wherefore, petitioner asks that upon this petition, the Court

(1) Grant a hearing to determine the issues and make findings of fact and conclusions of law with respect thereto; and upon such findings of fact and conclusions of law vacate and set aside the sentence and judgment of conviction and discharge petitioner forthwith from detention and imprisonment or in the alternative grant him a new trial;

(2) Order that petitioner be present at the hearing aforesaid; and for such other and further relief as to the Court may seem just and proper in the premises.

Dated, May, 1956.

MORTON SOBELL,  
By His Attorneys,

DONNER, KINOV & PERLIN,  
342 Madison Avenue,  
New York, New York.

BENJAMIN DREYFUS,  
57 Post Street,  
San Francisco, California.

*Manhattan*

UNITED STATES OF AMERICA

IN SENATE

WITNESSETH

NOTICE OF FILING  
OF PATENT

IN SENATE

OF PATENT

UNITED STATES OF AMERICA

IN SENATE

OF PATENT

Routing Slip  
FD-4 (8-18-34)

To **BUREAU**

Date **5/8/56**

☐ Director

FILE #

Att. ....

Title **MORTON SOBELL, was.**

☐ SAC

**ESPIONAGE - R.**

☐ ASAC

☐ Supv.

☐ Agent

☐ SE

☐ CC

☐ Steno

☐ Clerk

**ACTION DESIRED**

☐ Reassign to

☐ Initial & return

☐ Open Case

☐ Send Serials

☐ Search & return

☐ Expedite

☐ Recharge serials

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☐ Call me

☐ Submit report by

☐ Return serials

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☐ Submit new charge-out

☐ Bring file

☐ File

☐ Leads need attention

☐ Delinquent

☐ Return with explanation or notation as to action taken.

**TAKE IMMEDIATELY TO**  
**INSPECTOR CARL HENNRICH.**

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE **5-7-87** BY **3042 PWT-JAR**

SAC

Office

**James J. Kelly**  
**New York**

FEDERAL BUREAU OF INVESTIGATION  
U. S. DEPARTMENT OF JUSTICE  
COMMUNICATIONS SECTION

MAY 14 1956

TELETYPE

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Mr. Tolson	_____
Mr. Nichols	_____
Mr. Boardman	_____
Mr. Belmont	_____
Mr. Mohr	_____
Mr. Parsons	_____
Mr. Rosen	_____
Mr. Tamm	_____
Mr. Nease	_____
Mr. Winterrowd	_____
Tele. Room	_____
Mr. Holloman	_____
Miss Gandy	_____

MORTON SOBELL, WAS, ESP-R. REREPORT SA JOHN N. SPEAKES, AUG. TWENTY-  
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EX-109

Mr. Belmont

ALL INFORMATION CONTAINED  
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EX-109 LEGAL ATTACHE (65-268) (orig 000000)  
MEXICO CITY, MEXICO

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as 1 Foreign Liaison Unit route through for review

Classified by 3395 WAB/6VJ  
Exempt from GDS, Category 1, 3  
Date of Declassification Indefinite

- Tolson
- Nichols
- Boardman
- Belmont
- Mason
- Mohr
- Parsons
- Rosen
- Tamm
- Nease
- Winterrowd
- Tele. Room
- Holloman
- Gandy

58 JUN 4 1956

**SECRET**

FBI - JUSTICE  
FBI - DEPT. OF JUSTICE

Sent via Cable 5-15-56 at 8:44 PM per mek

awab

FEDERAL BUREAU OF INVESTIGATION  
U. S. DEPARTMENT OF JUSTICE  
COMMUNICATIONS SECTION

MAY 15 1956

TELETYPE

RELAY

FBI, SAN ANTONIO

5-15-56

PXXX 6-35 PM CST

DIRECTOR, FBI AND SAC, NEW YORK

URGENT

MORTON SOBELL, WAS., ESPIONAGE DASH R. REBUTEL MAY TWELVE

I & NS INSPECTOR JAMES S. HUGGINS, LAREDO, TEXAS, CONTACTED

MAY FOURTEEN LAST, DENIED KNOWLEDGE THAT ANY EMPLOYEE OF THE

MEXICAN CONSULATE, LAREDO, TEXAS, HAD CONTACTED HIM OR

ANY OTHER EMPLOYEE OF I & NS, LAREDO, WITH REFERENCE TO

SOBELL, EITHER BEFORE OR AFTER SOBELL-S ARREST OR SUBSEQUENT

TRIAL. HUGGINS FURTHER DISCLAIMED HAVING EVER BEEN ADVISED

BY ANYONE THAT SOBELL-S DEPORTATION WAS ILLEGAL. FOR THE

INFORMATION OF BUREAU AND NEW YORK, INSPECTOR HUGGINS SUFFERED

SEVERE HEART ATTACK APPROXIATELY OCTOBER FIFTEEN LAST, AND

HAS BEEN CONVALESCING ON SICK AND ANNUAL LEAVE SINCE THAT DATE.

CLYDE E. COLBERT, ASSISTANT OFFICER IN CHARGE, I & NS, LAREDO,

ADVISED THAT HECTOR OBREGON UNKNOWN TO HIM BUT KNEW A HECTOR RANGEL

/ OBREGON/ AS CHANCELLOR OF THE MEXICAN CONSULATE, LAREDO,

DURING PERIOD OF SOBELL-S ARREST. THIS INDIVIDUAL IS PRESENT

VICE CONSUL OF THE SAME CONSULATE. COLBERT CANNOT RECALL THAT

THIS INDIVIDUAL OR ANY OTHER EMPLOYEE OF THE MEXICAN CONSULATE

EVER CONTACTED I & NS, LAREDO, WITH REFERENCE TO SOBELL OR ANY

OTHER AMERICAN DEPORTED FROM MEXICO. RUC. 50 V.

WERNER

CORR TIME SHUD BE 6-25

END ACK PLS FOR RELAY

HOLD

OK

8-30 PM OK FBI WA MET FOR RELAY

Mr. Tolson	
Mr. Nichols	
Mr. Boardman	
Mr. Belmont	
Mr. Mason	
Mr. Mohr	
Mr. Parsons	
Mr. Rosen	
Mr. Tamm	
Mr. Nease	
Mr. Winterrowd	
Tele. Room	
Mr. Holloman	
Miss Gandy	

LAST.

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 5-1-87 BY 3042/PLJ

COPIES DESTROYED  
RB 1 MAR 9 1961

Mr. Belmont

RECORDED - 93

EX - 109

11 MAY 24 1956

Trans. to [signature]

FEDERAL BUREAU OF INVESTIGATION  
U. S. DEPARTMENT OF JUSTICE  
COMMUNICATIONS SECTION

MAY 15 1956

TELETYPE

Mr. Tolson	_____
Mr. Nichols	_____
Mr. Boardman	_____
Mr. Belmont	_____
Mr. Mason	_____
Mr. Mohr	_____
Mr. Parsons	_____
Mr. Rosen	_____
Mr. Tamm	_____
Mr. Nease	_____
Mr. Winterrowd	_____
Tele. Room	_____
Mr. Holloman	_____
Miss Gandy	_____

WASH 14 FROM NEW YORK  
DIRECTOR URGENT

15 5-25 PM

MORTON SOBELL, WAS, ESPIONAGE - R. REREP SA HARRY W. HANKINSON, TEN ELEVEN FIFTY, AT OKLAHOMA CITY. ATTORNEY FOR SUBJ FILED MOTION FOR NEW TRIAL ON FIVE EIGHT FIFTY SIX, USDC, SDNY. EXHIBIT THREE FILED WITH MOTION REFLECTS PHOTOSTAT OF SUBJ-S AND WIFE-S AMERICAN AIRLINES TICKETS WITH TYPED NOTE "CONFORMED TO AND CERTIFIED TO BE A TRUE COPY OF THE ORIGINAL DOCUMENT" AND A NOTE DATED THREE TWENTY SEVEN FIFTY ONE AND SIGNED BY G. B. JONES, TREASURY - INSURANCE FOR AMERICAN AIRLINES, USA, SDNY, REQUESTS INQUIRY BE MADE AT AMERICAN AIRLINES FOR INFO REGARDING THE OBTAINING OF INSTANT EXHIBIT BY DEFENSE. ALSO REQUESTS THAT IF AVAILABLE, THE ORIGINAL TICKETS ISSUED TO SUBJ AND HIS WIFE, AND ANY DOCUMENTS PERTAINING TO THE CANCELLATION OF THE RETURN PORTION OF THE TICKETS, BE OBTAINED TO COUNTER SUBJ-S CONTENTION THAT HE INTENDED TO RETURN TO THE US VOLUNTARILY. EXPEDITE BY MAY SEVENTEEN FIFTYSIX.

COPIES DESTROYED

MAR 9 1961  
KELLY

EX-109

RECORDED - 93

OKLAHOMA CITY ADVISED

Mr. Belmont

11 MAY 24 1956

NY R 14 WA CS

TU DISC

55 JUN 6 1956

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 5-7-87 BY 3042 PWT-MR

## Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. A. H. BELMONT

DATE: May 15, 1956

FROM : MR. C. E. HENNRICH

SUBJECT: MORTON SOBELL  
ESPIONAGE (R)ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 5-1-87 BY 3042 PWT-JAR

Tolson	_____
Nichols	_____
Boardman	_____
Belmont	_____
Mason	_____
Mohr	_____
Parsons	_____
Rosen	_____
Tamm	_____
Nease	_____
Winterrowd	_____
Tele. Room	_____
Holloman	_____
Gandy	_____

As you know, the hearing on the motion for a new trial in this case is scheduled to be argued on May 21, which is next Monday. While talking with Supervisor McAndrews of New York on May 15th I instructed that any necessary leads to obtain information needed by the United States Attorney's office should be set out most expeditiously and if any action is needed by the Bureau the New York Office should call the Bureau so that we can get things handled promptly.

McAndrews stated that the Government's affidavit in this case is being prepared by Assistant United States Attorney Kirtland. USA Williams is scheduled to handle the arguments on the motion. The Government has called in former AUSA James Killsheimer to assist in preparing the papers in this case. It appears that no one who is presently employed in the USA's office in New York has knowledge of the previous trials and motions. Killsheimer, Saypol, and Roy Cohen handled the original trial of Sobell and the Rosenbergs. Killsheimer did the legal research and following the trial handled all arguments and motions in the appeals courts and in the lower courts. He is thoroughly familiar with all of the ramifications in the case both as to facts and to law.

McAndrews commented that on May 15th Kirtland was making inquiries regarding a meeting of the Sobell Committee which is occurring in New York this week. He inquired as to the purpose of the meeting and whether there would be monies collected there and whether the monies would be used in connection with the motion which has presently been filed, et cetera. Killsheimer pointed out to him that his job at the moment is not fighting communism and the activities of the Sobell Committee but to meet the motion which has been filed by the defense. Killsheimer stated that the motion in its entirety has previously been argued in one form or another and can be properly met. McAndrews stated that it was his opinion, shared in by others in the New York Office who are familiar with this matter, that Killsheimer undoubtedly would be the best qualified person to handle the arguments on this motion. While he did not see how the Bureau could do anything about telling the Department that Killsheimer should be assigned to handle this function, he, nevertheless, wanted the Bureau to know that the New York Office definitely feels that Killsheimer is the best qualified person to handle the matter.

55 JUN 8 1956  
(4) Mr. Belmont  
Mr. Branigan  
Mr. Hennrich

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11 MAY 24 1956

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