

**FILE DESCRIPTION**

**NEW YORK FILE**

**SUBJECT** Morton Sobell

**FILE NO.** 100-37158

**VOLUME NO.** 40

**SERIALS** 2432

thru

2535

## **NOTICE**

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File No: 100-37158

Re: MORTON SOBELL

Date:

11/77

(month/year)

| Serial | Date    | Description<br>(Type of communication, to, from) | No. of Pages |          | *   | Exemptions used or, to whom referred<br>(Identify statute if (b)(3) cited) |
|--------|---------|--|--------------|----------|-----|--|
|        |         |  | Actual       | Released |     |  |
| 2432   | 1/6/67  | Cover Sheet for Informant Report                 | 2            | 0        | NO  |  |
| 2433   | 1/11/67 | Cover sheet for Informant Report                 | 2            | 0        | NO  |  |
| 2434   | 1/12/67 | CAPT. CFMS<br>NY Letter to SF                    | 7            | 0        | NO  |  |
| 2435   | 1/23/67 | COVER SHEET FOR INFORMANT REPORT                 | 2            | 2        | NO  |  |
| 2436   | 1/24/67 | Cover sheet for Informant Report                 | 2            | 0        | NO  |  |
| 2437   | 1/9/67  | Cover sheet for Informant Report                 | 1            | 0        | NO  |  |
| 2438   | 2/1/67  | Cover Sheet for Informant Report                 | 1            | 0        | NO  |  |
| 2439   | 1/31/67 | NY CAPT. CFMS NY<br>SA Letter to SAC             | 6            | 0        | NO  |  |
| 2440   | 1/31/67 | NY CAPT. CFMS NY<br>SA Letter to SAC             | 2            | 0        | NO  |  |
| 2441   | 2/15/67 | NY Airtel to HQ                                  | 2            | 0        | Yes | see Bufile 101-2483  |
| 2442   | 2/15/67 | Cover sheet for Informant Report                 | 2            | 0        | NO  |  |
| 2443   | 2/16/67 | COURT DOCUMENT (OPINION)                         | 81           | 81       | NO  |  |

\*Designated to or from Bureau and/or Albuquerque, New York

FBI/DOJ

| Serial | Date    | Description<br>(Type of communication, to, from) | No. of Pages |          | *   | Exemptions used or, to whom referred<br>(Identify statute if (b)(3) cited) |
|--------|---------|--|--------------|----------|-----|--|
|        |         |  | Actual       | Released |     |  |
| 2444   | 2/16/67 | NY Airtel to HQ                                  | 1            | 0        | Yes | see Bufile 101-2483  |
| 2445   | 1/23/67 | Cover sheet for Informant Report                 | 2            | D        | No  |  |
| 2446   | 2/17/67 | CAPT 1 CFM's<br>NY Letter to LA                  | 6            | Q        | No  |  |
| 2447   | 2/21/67 | NY Airtel to HQ                                  | 2            | 0        | Yes | see Bufile 101-2483  |
| 2448   | 2/23/67 | COVER SHEET FOR INFORMANT REPORT                 | 2            | D        | No  |  |
| 2449   | 2/27/67 | NY Airtel to HQ                                  | 1            | 0        | Yes | see Bufile 101-2483  |
| 2450   | 2/28/67 | NY to BS<br>Cover Sheet for Informant Report     | 2            | D        | No  |  |
| 2451   | 2/28/67 | NY to BS<br>Cover sheet for Informant Report     | 3            | D        | No  |  |
| 2452   | 2/28/67 | Cover Sheet for Informant Report                 | 1            | D        | No  |  |
| 2453   | 3/1/67  | Cover Sheet for Informant Report                 | 2            | D        | No  |  |
| 2454   | 3/3/67  | NY Airtel to HQ                                  | 1            | 0        | Yes | see Bufile 101-2483  |
| 2455   | 2/13/67 | Cover Sheet for Informant Report                 | 2            | D        | No  |  |



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|--------|---------|--|--------------|----------|-----|--|
|        |         |  | Actual       | Released |     |  |
| 2456   | 3/2/67  | CAPT: CFMS<br>NY LETTER to BS                    | 2            | 0        | NO  |  |
| 2457   | 3/13/67 | Cover Sheet for Informant Report                 | 1            | 0        | NO  |  |
| 2458   | 3/20/67 | CAPT:<br>SA LETTER to NY                         | 1            | 1        | NO  |  |
| 2459   | 2/17/67 | U.S.A.H. Letter to NY                            | 1            | 1        | NO  |  |
| 2460   | 3/21/67 | Cover Sheet for Informant Report                 | 2            | 0        | NO  |  |
| 2461   | 3/21/67 | Cover Sheet for Informant Report                 | 2            | 0        | NO  |  |
| 2462   | 3/21/67 | Cover Sheet for Informant Report                 | 3            | 0        | NO  |  |
| 2463   | 3/22/67 | CAPT: CFMS<br>NY Letter to BS                    | 7            | 0        | NO  |  |
| 2464   | 3/22/67 | Cover Sheet for Informant Report                 | 2            | 0        | NO  |  |
| 2465   | 3/22/67 | Cover Sheet for Informant Report                 | 2            | 0        | NO  |  |
| 2466   | 3/22/67 | CAPT: CFMS<br>NY Letter to BS                    | 2            | 0        | NO  |  |
| 2467   | 3/22/67 | NY Airtel to HQ                                  | 2            | 0        | Yes | see Bufile 101-2483  |

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|--------|---------|--|--------------|----------|-----|--|
|        |         |  | Actual       | Released |     |  |
| 2468   | 3/24/67 | NY <sup>CI</sup> SA Letter to NY <sup>NY</sup> SAC | 2            | 2        | No  |  |
| 2469   | 3/23/67 | AQ Letter to HQ                                    | 1            | 0        | Yes | see Bufile 101-2483  |
| 2469   | 3/23/67 | copy of letter                                     | 1            | 0        | Yes | see Bufile 101-2483  |
| 2470   | 3/29/67 | NY to CS<br>Cover Sheet for Informant Report       | 3            | D        | No  |  |
| 2471   | 3/29/67 | Cover Sheet for Informant Report                   | 1            | D        | No  |  |
| 2472   | 3/29/67 | cover sheet for<br>NY Informant Report to CG       | 3            | D        | No  |  |
| 2473   | 4/5/67  | Cover Sheet for Informant Report                   | 2            | D        | No  |  |
| 2474   | 4/21/67 | NY Report to HQ                                    | 8            | 0        | Yes | see Bufile 101-2483  |
| 2475   | 3/30/67 | Cover Sheet for Informant Report                   | 2            | D        | No  |  |
| 2476   | 3/13/67 | Cover Sheet for Informant Report                   | 2            | D        | No  |  |
| 2477   | 4/18/67 | NY Memo  | 17           | 17       | No  |  |
| 2478   | 4/18/67 | NY Airtel to HQ                                    | 2            | 2        | Yes | process third party  |

VOLUME

40

REVIEWED BY

JPD/SAS

File No:

100-37158

Re:

MORTON SOBELL

Date:

11/77

(month/year)

| Serial | Date    | Description<br>(Type of communication, to, from)              | No. of Pages |          | *   | Exemptions used or, to whom referred<br>(Identify statute if (b)(3) cited) |
|--------|---------|---|--------------|----------|-----|--|
|        |         |   | Actual       | Released |     |  |
| 2479   | 4/28/67 | NY AIRTEL TO HQ   | 1            | 0        | Yes | see Bufile 101-2483  |
| 2480   | 4/24/67 | COVER SHEET FOR INFORMANT REPORT                              | 2            | 0        | No  |  |
| 2481   | 4/25/67 | COVER SHEET FOR INFORMANT REPORT                              | 1            | 0        | No  |  |
| 2482   | 4/24/67 | NY LETTER TO SAC<br>CAPTIONED: CFMS                           | 2            | 0        | No  |  |
| 2483   | 4/26/67 | NY LETTER TO CG<br>CAPTIONED: CFMS                            | 4            | 3        | No  |  |
| 2484   | 4/27/67 | Cover Sheet for Informant Report                              | 3            | 0        | No  |  |
| 2485   | 4/27/67 | Cover Sheet for Informant Report<br>CAPTIONED: CFMS           | 2            | 0        | No  |  |
| 2486   | 5/8/67  | NY Letter to CV<br>CAPTIONED: PEOPLE'S WORLD REGISTRATION ACT | 9            | 0        | No  |  |
| 2487   | 4/14/67 | SA Letter to LA<br>CAPTIONED: CFMS                            | 4            | 4        | No  |  |
| 2488   | 4/5/67  | SA Letter to LA<br>3RD party (SOCC)                           | 3            | 2        | No  |  |
| 2489   | 12/2/66 | SAC Letter to ADIC J.F. MALONE                                | 2            | 0        | No  |  |
| 2490   | 5/12/67 | SA Letter to NY   | 2            | 2        | No  |  |

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|--------|---------|---|--------------|----------|-----|--|
|        |         |   | Actual       | Released |     |  |
| 2491   | 6/6/67  | NY Airtel to HQ                                   | 1            | 0        | Yes | see Bufile 101-2483  |
| 2492   | 6/15/67 | NY Airtel to HQ                                   | 4            | 0        | Yes | see Bufile 101-2483  |
| 2493   | 5/1/67  | CAPTIONED: LA SOBELL COMMITTEE<br>SA Letter to LA | 3            | 0        | NO  | P. 3 Dup Pages   |
| 2494   | 5/15/67 | Cover Sheet for Informant Report 2                | 2            | 0        | NO  |  |
| 2495   | 5/25/67 | Cover Sheet for Informant Report 2                | 2            | 0        | NO  |  |
| 2496   | 5/25/67 | Cover Sheet for Informant Report                  | 1            | 0        | NO  |  |
| 2497   | 5/29/67 | PH Letter to HQ                                   | 1            | 0        | Yes | see Bufile 101-2483  |
| 2497   | 5/29/67 | copy of letter                                    | 1            | 0        | YES | see Bufile 101-2483  |
| 2498   | 6/8/67  | Cover Sheet for Informant Report                  | 2            | 0        | NO  |  |
| 2499   | 5/24/67 | CAPTIONED: CFMS<br>SA Letter to SAC               | 2            | 0        | NO  |  |
| 2500   | 6/14/67 | CAPTIONED: CFMS<br>NY Letter to DE                | 9            | 0        | NO  |  |
| 2501   | 6/14/67 | HQ Airtel to NY                                   | 1            | 0        | Yes | see Bufile 101-2483  |

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File No: 100-37158

Re:

Morton Sobell

Date:

11/77  
(month/year)

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|--------|---------|--|--------------|----------|-----|--|
|        |         |  | Actual       | Released |     |  |
| 2501   | 6/14/67 | copy of airtel   | 1            | 0        | YES | see Bufile 101-2483  |
| 2502   | 6/27/67 | NY AIRTEL TO HQ  | 1            | 0        | YES | see Bufile 101-2483  |
| 2503   | 6/1/67  | COVER SHEET FOR INFORMANT REPORT                                 | 1            | 0        | NO  |  |
| 2504   | 6/20/67 | CAPTIONED: BUREAU CASES ON, APPEAL<br>SA LETTER TO NY            | 11           | 11       | NO  |  |
| 2505   | 6/23/67 | CAPTIONED: COMM. W/ 1ST UMBRIA CHURCH of L.A.<br>SA Letter to LA | 4            | 4        | NO  |  |
| 2506   | 6/16/67 | CAPTIONED: CFMS<br>SA Letter to SAC                              | 2            | 0        | NO  |  |
| 2507   | 6/27/67 | Cover Sheet for Informant Report                                 | 2            | 0        | NO  |  |
| 2508   | 6/27/67 | Cover Sheet for Informant Report                                 | 1            | 0        | NO  |  |
| 2509   | 6/27/67 | Cover Sheet for Informant Report                                 | 2            | 0        | NO  |  |
| 2510   | 7/3/67  | Cover Sheet for Informant Report                                 | 1            | 0        | NO  |  |
| 2511   | 7/7/67  | Cover Sheet for Informant Report                                 | 2            | 0        | NO  |  |
| 2512   | 6/28/67 | CAPTIONED: CFMS<br>SA LETTER TO NY                               | 6            | 0        | NO  |  |

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File No: 100-37158Re: MORRIS SABELLDate: 11/77  
(month/year)

| Serial | Date    | Description<br>(Type of communication, to, from)                | No. of Pages |          | *   | Exemptions used or, to whom referred<br>(Identify statute if (b)(3) cited) |
|--------|---------|---|--------------|----------|-----|--|
|        |         |   | Actual       | Released |     |  |
| 2513   | 7/13/67 | COVER SHEET FOR INFORMANT REPORT                                | 1            | D        | NO  |  |
| 2514   | 6/22/67 | CAPTIONED: CSJMS<br>SA LETTER TO LA                             | 8            | 8        | NO  |  |
| 2515   | 8/11/67 | CAPTIONED CFMS<br>SA LETTER TO SAC                              | 8            | D        | NO  |  |
| 2516   | 8/3/67  | DOCUMENT FROM U.S. COURT OF APPEALS<br>ENCLOSURE TO SERIAL 2517 | 2            | 2        | NO  |  |
| 2517   | 8/3/67  | SA Letter to NY   | 1            | 1        | NO  |  |
| 2518   | 8/3/67  | COVER SHEET FOR INFORMANT REPORT                                | 3            | D        | NO  |  |
| 2519   | 7/25/67 | HQ Letter to NY   | 1            | 0        | YES | see Bufile 101-2483  |
| 2520   | 8/1/67  | CAPTIONED: CFMS<br>NY Letter to AL                              | 9            | 0        | NO  |  |
| 2521   | 8/24/67 | Cover Sheet for Informant Report                                | 2            | D        | NO  |  |
| 2522   | 8/15/67 | Cover Sheet for Informant Report                                | 2            | D        | NO  |  |
| 2523   | 8/15/67 | Cover Sheet for Informant Report                                | 2            | D        | NO  |  |
| 2524   | 8/17/67 | Cover Sheet for Informant Report                                | 1            | D        | NO  |  |

\*Designated to or from Bureau and/or Albuquerque, New York

File No: 100-37158

Re:

Martin Sobell

Date:

11/77  
(month/year)

| Serial | Date     | Description<br>(Type of communication, to, from)      | No. of Pages |          | *   | Exemptions used or, to whom referred<br>(Identify statute if (b)(3) cited) |
|--------|----------|---|--------------|----------|-----|--|
|        |          |   | Actual       | Released |     |  |
| 2525   | 8/17/67  | Cover Sheet for Informant Report                      | 1            | 0        | NO  |  |
| 2526   | 8/17/67  | Cover Sheet for Informant Report                      | 1            | 0        | NO  |  |
| 2527   | 8/31/67  | CAPTIONED - L.A. Sobell Committee<br>SA Letter to LA  | 5            | 5        | NO  | P 5  |
| 2528   | 10/11/67 | CAPTIONED - CFMS<br>NY Letter to CV                   | 8            | 0        | NO  |  |
| 2529   | 8/30/67  | LETTER TO MEMBERS OF CFMS<br>ENCLOSURE TO SERIAL 2530 | 2            | 0        | NO  |  |
| 2530   | 10/11/67 | SA Letter to NY                                       | 1            | 0        | NO  |  |
| 2531   | 10/18/67 | NY Airtel to HQ                                       | 2            | 0        | YES | see Bufile 101-2483  |
| 2532   | 10/18/67 | Cover Sheet for Informant Report                      | 1            | 0        | NO  |  |
| 2533   | 10/24/67 | CAPTIONED: CFMS<br>NY Letter to WFO                   | 9            | 0        | NO  |  |
| 2534   | 11/2/67  | SA Letter to NY                                       | 1            | 1        | NO  |  |
| 2535   | 10/12/67 | NY TO LA<br>Cover Sheet for Informant Report          | 2            | 0        | NO  |  |

\*Designated to or from Bureau and/or Albuquerque, New York



PKC

Bill Dunnington # 031 15



FILE # 100-37158

SUBJECT MORTON SOBELL

SERIAL 2432 DATE 1-6-67

CONSISTING OF 2 PAGES

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

FILE # 100-37158

SUBJECT MORTON SOBELL

SERIAL 2433 DATE 1-11-67

CONSISTING OF 2 PAGES

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

FILE # L00-37158

SUBJECT MORTON SOBELL

SERIAL 2434 DATE 1-12-67

CONSISTING OF 7 PAGES

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

DATE: 1/23/67

|  |  |   |
|--|--|---|
| Date received<br><b>b7d</b> [redacted]   | Received from (name or symbol number)<br><b>b7d</b><br>[redacted] (reliable) | Received by<br>SA [redacted] <b>b7c</b>   |
| Method of delivery (check appropriate blocks)<br><input checked="" type="checkbox"/> in person <input type="checkbox"/> by telephone <input type="checkbox"/> by mail <input type="checkbox"/> orally <input type="checkbox"/> recording device <input checked="" type="checkbox"/> written by Informant |  |   |
| If orally furnished and reduced to writing by Agent:<br><u>Date</u><br>Dictated _____ to _____<br>Transcribed _____<br>Authenticated by Informant _____  |  | Date of Report<br>[redacted] <b>b7d</b><br>Date(s) of activity<br>[redacted] <b>b7d</b> |
| Brief description of activity or material<br>[redacted] <b>b7d</b>   |  | File where original is located if not attached<br>[redacted] <b>b7d</b>                 |
| Remarks:   |  |   |

- 1 - [redacted] **b7d**  
1 - [redacted]  
1 - 100-37158 (MORTON SOBELL) (31)  
1 - 100-107111 (CFMS) (42)

HEB:mcbb  
(4)

Post  
me 2/3/67

Block Stamp

100-37158-2435

|              |         |
|--------------|---------|
| SEARCHED     | INDEXED |
| SERIALIZED   | FILED   |
| JAN 23 1967  |         |
| FBI NEW YORK |         |

[redacted] **b7c**

NY 100-107111

[REDACTED] b7d

[REDACTED] b7d

[REDACTED] b7d

[REDACTED] b7d

The committee is in the process of forwarding receipts to recent contributors.

FILE # L00-37158

SUBJECT MORTON SOBELL

SERIAL 2436 DATE 1/24/67

CONSISTING OF 2 PAGES

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

FILE # 100-37158

SUBJECT MORTON SOBELL

SERIAL 2437 DATE 1-9-67

CONSISTING OF 1 PAGES

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

FILE # L00-37158

SUBJECT MORTON SOBELL

SERIAL 2438 DATE 2-1-67

CONSISTING OF 1 PAGES

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



FILE # 100-37158

SUBJECT MORTON SOBELL

SERIAL 2439 DATE 1-31-67

CONSISTING OF 6 PAGES

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

FILE # 100-37158

SUBJECT MORTON SOBELL

SERIAL 2440 DATE 1-31-67

CONSISTING OF 2 PAGES

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

FILE # 100-37158

SUBJECT MORTON SOBELL

SERIAL 2442 DATE 2-15-67

CONSISTING OF 2 PAGES

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

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- x

MORTON SOBELL,

Petitioner,

66 civil 1328

-against-

UNITED STATES OF AMERICA,

OPINION

Respondent.

----- x

APPEARANCES:

MARSHALL PEPLIN, ESQ.  
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New York, New York

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Attorneys for Petitioner

*Submitted by  
MSA Stone Williams  
2/16/67*

100-37158-2443

HON. ROBERT M. MORGENTHAU  
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United States Courthouse  
Foley Square  
New York, New York

Attorney for United States of America

ROBERT L. KING, ESQ.  
STEPHEN F. WILLIAMS, ESQ.  
Assistant United States Attorneys  
Of Counsel

EDWARD WEINFELD, D. J.

Petitioner, Morton Sobell, moves pursuant to 28 U.S.C., section 2255, to vacate and set aside a judgment of conviction entered upon a jury verdict returned in March 1951, under which he is now serving a thirty-year term of imprisonment.

Petitioner was tried and convicted together with Julius and Ethel Rosenberg upon an indictment which charged that they, together with David Greenglass, Anatoli A. Yakovlev and others to the grand jury unknown, had conspired from June 1944 to June 1950, in violation of the Espionage Act of 1917, (1) to communicate to the Soviet Union documents, writings, sketches, notes and information relating to the national defense of the United States with the intent that they be used to the advantage of the Soviet Union. Named as conspirators but not as defendants were Ruth Greenglass, the wife of David Greenglass, and Harry Gold.

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(1) 50 U.S.C. § 32(a), 40 Stat. 218 (1917), which was recodified in 1948 as § 794(a) and (b) of Title 18, 62 Stat. 737.

The indictment was severed as to Greenglass and also as to Yakovlev, an official attached to the Soviet Embassy, who had left the United States prior to the return of the indictment.

Greenglass pleaded guilty before the start of the trial. The principal testimony as to the conspiracy came from Greenglass, his wife and Harry Gold. After trial Greenglass was sentenced to a term of fifteen years. Gold, at the time of trial, was serving a thirty-year sentence imposed upon his plea of guilty in the District Court of Pennsylvania to an indictment charging him and Dr. Klaus Fuchs with conspiracy to violate the Espionage Act. Gold's testimony involved Fuchs, a British scientist, in the conspiracy charged in the instant indictment. The Rosenbergs took the witness stand. The petitioner did not testify.

The evidence of petitioner's participation in the conspiracy came principally from Max Elitcher, a college classmate of both petitioner and Julius Rosenberg. Elitcher, who within the indictment period

worked in the Navy Department and later in national defense plants engaged in classified projects, testified in substance that petitioner and Rosenberg had attempted to secure from him classified antiaircraft and fire control information for the Soviet Union, and had urged him not to leave his Navy Department job because he could be valuable there in espionage. Elitcher also testified that Sobell had in his possession material contained in a 35 millimeter film can described by Sobell as valuable information, and that he accompanied Sobell on the occasion of its delivery to Rosenberg. In addition, to establish consciousness of guilt, the government introduced evidence that petitioner fled to Mexico with intent not to return, and that the flight followed an escape pattern urged by Rosenberg upon the Greenglasses. The jury was instructed that if they disbelieved Elitcher they were to acquit the petitioner.

The petitioner's present charges are directed not against Elitcher, but the testimony



of Harry Gold, David Greenglass and John Derry, another government witness, and exhibits in evidence -- in broadest terms that the "government . . . knowingly created, contrived and used false, perjurious testimony and evidence and intentionally and wilfully induced and allowed government witnesses to give false, misleading and deceptive testimony in order to obtain the conviction of petitioner and his co-defendants." The "government," according to petitioner, is all-encompassing and includes "the prosecutive, investigative and other agencies of the United States and their agents or employees, as well as all those acting with its knowledge and at its behest, involved in the investigation and prosecution of this case."

Petitioner previously attacked his conviction upon direct appeal (2) and in five separate collateral proceedings, either under the Federal Rules

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(2) United States v. Rosenberg, 195 F.2d 583 (2d Cir.), rehearing denied, 195 F.2d 609 (2d Cir.), cert. denied, 344 U.S. 838, rehearing denied, 344 U.S. 889 (1952), leave to file a second petition for rehearing denied, Sobell v. United States, 347 U.S. 1021 (1954) motion to vacate orders denying certiorari and rehearing denied, 355 U.S. 860 (1957).

of Criminal Procedure or section 2255 of Title 28,  
(3)  
all of which failed. In the consideration of the  
charges here made the court has read the entire  
lengthy trial transcript, including the testimony of  
witnesses who are not impugned; also the various post-  
trial petitions by petitioner and those of his code-  
fendants in which he joined, and the trial and ap-  
pellate records of those proceedings.

The petitioner contends that in none of the  
prior proceedings were the issues here presented  
raised, and that some of the facts now relied on were  
not available until after 1963 and others not until

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(3) See *United States v. Rosenberg*, 108 F. Supp. 798 (S.D.N.Y.), aff'd, 200 F.2d 666 (2d Cir. 1952), cert. denied, 345 U.S. 965, rehearing denied, *Sobell v. United States*, 345 U.S. 1003 (1953); *United States v. Rosenberg*, 109 F. Supp. 108 (S.D.N.Y.), aff'd as to Rosenbergs, 204 F.2d 688 (2d Cir. 1953), aff'd as to Sobell, Oct. 8, 1953, Docket No. 22885, cert. denied, *Sobell v. United States*, 347 U.S. 904 (1954); *United States v. Sobell*, 109 F. Supp. 381 (S.D.N.Y. 1953); *United States v. Sobell*, 142 F. Supp. 515 (S.D.N.Y. 1956), aff'd, 244 F.2d 520 (2d Cir.), cert. denied, 355 U.S. 873 (1957), rehearing denied, 355 U.S. 920 (1958); *United States v. Sobell*, 204 F. Supp. 225 (S.D.N.Y. 1962), aff'd, 314 F.2d 314, cert. denied, 374 U.S. 857 (1963).

July 1966. The government, to the contrary, asserts that the present proceeding is a repetition of charges previously heard and determined on the merits and petitioner's application should be denied under section 2255, which provides that the "court shall not be required to entertain a second or successive motion for similar relief."<sup>(4)</sup> Finally, the government urges

that the records and files of this court not only show petitioner is not entitled to relief, but that his application is a flagrant abuse of section 2255 because it is totally groundless and because of failure to allege previously facts known or which with due diligence should have been known to him at the time of trial and on his various post-conviction applications.<sup>(5)</sup> Whatever the merits of these re-

spective contentions, petitioner's charges must be considered.

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(4) Sanders v. United States, 373 U.S. 1, 15-17 (1963); Price v. Johnston, 334 U.S. 266, 287-89 (1948).

(5) Sanders v. United States, 373 U.S. 1, 17-19 (1963); Price v. Johnston, 334 U.S. 266, 289-92 (1948). See also Iatham v. Crouse, 347 F.2d 359, 360 (10th Cir. 1965).

Cutting through the highly repetitious, voluminous, argumentative and conclusory allegations in this present application, the nub of petitioner's claim that he was denied a fundamentally fair trial is twofold: (1) that the prosecution by various means created in the minds of the court, jury and defense the false impression that Exhibit 8, a sketch, and testimony with respect thereto contained the secret and principle of the atomic bomb dropped at Nagasaki; (2) that the government knowingly permitted Harry Gold and David Greenglass to give perjurious testimony as to meetings between them on June 3, 1945 at Albuquerque, New Mexico, and corroborated this perjury through a forged hotel registration card,

Exhibit 16. We consider each claim separately.

A preliminary observation is in order. The constant repetition through the petition's 100 paragraphs of allegations of fraud, perjury, concealment of evidence and like epithets, and the "upon information and belief" charges make it desirable to state

what ordinarily would be assumed -- that reiteration of unsupported charges and conclusory allegations is (6) no substitute for factual allegations.

# I. THE EXHIBIT 8 CLAIMS

Exhibits 2, 6, 7 and 8, which represent the atomic information Greenglass testified he turned over for transmission to the Soviet Union, were the subject of petitioner's first section 2255 motion brought on in November 1952. In order properly to evaluate the current charges centering about Exhibit 8, the trial testimony with respect to and the former attack upon all the exhibits must be considered.

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- (6) Sanders v. United States, 373 U.S. 1, 19-22 (1963); Machibroda v. United States, 368 U.S. 487, 495 (1962); United States ex rel. McGrath v. LaVallee, 319 F.2d 308, 312 (2d Cir. 1963); United States v. Mathison, 256 F.2d 803, 805 (7th Cir.), cert. denied, 358 U.S. 857 (1958); United States v. Pisciotto, 199 F.2d 603 (2d Cir. 1952); United States v. Sturm, 180 F.2d 413, 414 (7th Cir.), cert. denied, 339 U.S. 986 (1950).

## The Trial Testimony

Greenglass was a high school graduate and had for limited periods attended Brooklyn Polytechnic and Pratt Institutes. After his induction into the Army, he was stationed, commencing in August 1944, at the Los Alamos project, New Mexico, where atomic bomb experimentation was being carried on and the most stringent security regulations were in effect. His particular experience was as a machinist and he was assigned to a machine shop in a group concerned with high explosives, headed by Dr. George B. Kistiakowski, and subsequently became foreman of the shop. His work consisted of machining various apparatus required in connection with experimentation on atomic energy, including a flat type lens mold and other molds then the subject of experimentation by Dr. Walter S. Koski.

Greenglass testified that while stationed at Los Alamos he became a member of the conspiracy in November 1944 at the instigation of the Rosenbergs, and that his activities extended to obtaining and transmitting classified information to them concerning

experiments, locations, personnel, security measures and the nature of the camouflage at the project. Exhibit 2 was a replica of a sketch of an explosive lens mold used in atomic bomb experiments at Los Alamos which he had prepared and delivered to the Rosenbergs, together with descriptive material and a full report of the experiments, as well as the names of scientists working there, in January 1945 while in New York City on a furlough.

Greenglass also testified that Exhibits 6 and 7 were schematic replicas of sketches of lens molds, one shown in an experimental set up which, together with a report on atomic experimentation, he delivered to Harry Gold on June 3, 1945 at Albuquerque, New Mexico. These exhibits he said were prepared from memory, Exhibits 2 and 7 during the trial, and Exhibit 6 at the time of his apprehension in June 1950.

After Greenglass had testified as to these exhibits he was excused and Dr. Koski was called. Dr. Koski testified that he was a professor of physical chemistry, a consultant in nuclear physics, and an

engineer at the Los Alamos laboratory from 1944 to 1947, associated with implosion research connected with the atomic bomb; that all work at Los Alamos was of a highly classified and secret nature; that Exhibits 2 and 6 were substantially accurate replicas of sketches he had made and submitted to the shop where Greenglass worked; that Greenglass had access to the information shown on those exhibits; that Exhibit 7 was a rough sketch of an experimental setup for studying cylindrical implosion; that the sketches and information which Greenglass testified he had given in connection therewith were reasonably accurate descriptions of the experiments and their details as he, Dr. Koski, knew them at the time.

Dr. Koski also testified that knowledge of his experiments would have been to the advantage of a foreign nation; that his experiments were in a new and original field. He further testified that one familiar with the field could ascertain from Exhibits 2, 6 and 7 the principle and idea of the lenses and the nature and the object of the activities then under



way at Los Alamos in relation to the production of the atomic bomb. Dr. Koski was not cross-examined by petitioner's counsel, although the Rosenbergs' counsel did inquire.

Following Dr. Koski's testimony Greenglass resumed the witness stand. Preliminarily he testified that in January 1945 Rosenberg had described a bomb (which he subsequently learned was the type dropped on Hiroshima) so that he, Greenglass, would know what to be on the lookout for; that thereafter he met persons at Los Alamos who worked in different units of the project, others who talked of the bombs, how they operate, and that he himself worked directly on certain apparatus that went into an atomic bomb. Greenglass further testified that in September 1945, while on furlough in New York City, he told Rosenberg he thought he had "a pretty good description of the atom bomb,"<sup>(7)</sup> whereupon, at Rosenberg's request, he drew and delivered to the Rosenbergs a sketch of a

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(7) Record, p. 490.

cross-section of an atomic bomb and about twelve pages of descriptive material. Exhibit 8, he testified, was a replica of that sketch. When the government offered it in evidence, counsel for petitioner's codefendants, the Rosenbergs, immediately moved to impound the exhibit; petitioner's counsel acquiesced in this request, and subsequently, after the exhibit was shown to the jury, it was impounded. The prosecution then asked Greenglass to state what was contained in the written material which accompanied the sketch. Before Greenglass could answer, the Rosenbergs' counsel stated he was prepared to stipulate that the sketch and twelve-page description were secret, confidential and concerned the national defense; however, Sobell's counsel refused.

Thereupon, with the consent of all counsel, Greenglass' testimony with respect to Exhibit 8 and the descriptive material, which relates to the component parts, mechanism and operation of an atomic bomb, was received in camera, although the press was permitted to remain, <sup>(8)</sup> as were representatives of the Atomic

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(8) The press was not enjoined to secrecy, but requested by the court to exercise "good taste." However,

Energy Commission.

John A. Derry, an electrical engineer, also testified as to Exhibit 8. Derry was assigned to the Manhattan District Project from December 1942 to August 1946 and was liason officer between General Groves, Commanding General of the entire Manhattan Project, and the Los Alamos laboratory. His duties required him to keep General Groves informed of the technical progress of the research, development and production phases of the atomic bomb project at Los Alamos. He testified that all activity and work at the project were highly classified and top secret; that he was informed of many of the experiments incidental to the development of the atomic bomb; that he knew what went into parts of it and understood the entire subject matter; that in 1945, on many occasions, he saw the actual bomb that was being developed. Derry testified that Exhibit 8 and the Greenglass descriptive

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footnote 8 cont'd

various publications, including "Life" and "Time," published in 1951 the substance of his testimony.

material related to the atomic bomb which was in the course of development in 1945; that they demonstrated with substantial accuracy the principle involved in its operation; that a scientist could perceive therefrom to a substantial degree what its actual construction was; that the information contained therein was top secret and related to the national defense of the United States; and that the information and sketch concerned a type of bomb similar to that dropped at Nagasaki.

#### The First Section 2255 Motion

The petitioner's first section 2255 attack was directed, among other matters, to Exhibits 2, 6, 7 and 8 and the testimony of Greenglass, Dr. Koski (9) and Derry with respect thereto. Three separate claims were made:

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(9) These charges contained in the Rosenbergs' 1952 petition were adopted by petitioner. Sobell's 1952 petition, ¶ 25; and November 25, 1952 Amendment to Petition. Also his Petition for Certiorari, p. 34, Sobell v. United States, No. 719 (1952).

(10)

(1) Concealment of Coached Evidence

Petitioner alleged that Greenglass had perjured himself to the knowledge of the prosecution when he swore he had prepared these exhibits from memory and had not been aided in their preparation by a scientifically trained person. No factual evidence was offered to support this charge. What was relied upon was the opinion of scientists, set forth in affidavits, that it was "improbable," "impossible" or "inconceivable" that Greenglass with his limited technical education could have prepared the sketches represented by Exhibit 8, (11) as well as 2, 6 and 7, (12) and the descriptive material showing the workings, mechanism and component parts of the Nagasaki type bomb without outside coaching or the use of reference books.

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(10) Rosenberg petition, (1952), pp. 64-68.

(11) Affidavit of Thomas R. Kaiser, questions 7 and 8, attached to Rosenberg petition, (1952).

(12) Affidavits of James G. Crowther, Thomas R. Kaiser, Jacques S. Hadamard and John D. Bernal, attached to Rosenberg petition, (1952).

(13)

(2) Claim of Lack of Secrecy

Another claim then advanced was that the atomic information transmitted to the Soviet Union

(14)

was not secret. Koski's testimony that the information contained in Exhibits 2, 6 and 7 was secret was challenged by a scientist who contended that this information was widely known and published throughout

(15)

the entire world. The petitioner branded Dr. Koski's testimony as false and argued that the classification by the government of the material was capricious and arbitrary. Although petitioner's scientist did not refer expressly to Exhibit 8 as he did to 2, 6 and 7, it is abundantly clear from

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(13) Rosenberg petition, (1952), p. 71, et seq.

(14) The opening paragraphs of petitioner's argument made clear that both Koski's and Derry's testimony was subject to attack. Rosenberg petition, (1952), p. 71.

(15) Affidavit of John D. Bernal, attached to Rosenberg petition, (1952). Challenged was Koski's testimony to the effect that Exhibits 2, 6 and 7 concerned "a new and original field," and could have been of advantage to a foreign nation. Record, p. 478.

(16) his opinion, (17) the petition, and his counsel's  
(18) oral argument that the attack on the secrecy ex-  
tended to all the atomic information. With respect  
to this claim of nonsecrecy, petitioner alleged that  
"the detail of the atom bomb is trivial technically  
and most inconsequential as a secret," (19) and in  
conclusion urged:

"5) The 'secret' which David Greenglass allegedly transmitted to the U.S.S.R. was no secret at all to any explosive expert.

(16) Affidavit of John D. Bernal, ¶ 5(b), attached to Rosenberg petition, (1952).

(17) Thus the petition attacked Derry's testimony as well as Koski's. Rosenberg petition, (1952), p. 71, and argued that the "method for the assembly of the fissile materials was just another detail." Id. at 80.

(18) The broadside nature of the attack appears from the oral argument of the motion. Petitioner asserted that "the alleged subjects of transfer from Greenglass to the petitioner Julius Rosenberg and the petitioner Ethel Rosenberg were, in fact, public property, and not secret." Transcript of Argument, November 28, December 1, 2, 1952, p. 41. He also asserted: "The third point shows that there were no secrets concerning (1) the alleged subjects of transfer here, and (2) with respect to any and all processes that went into the construction of the complete atom bomb that was first dropped at Hiroshima and later the improved bomb at Nagasaki . . . ." Id. at 108.

(19) Rosenberg petition, (1952), p. 81.

"6) The ability of any country to produce an atomic bomb rests upon its ability to mobilize the hundreds of thousands of scientists, technicians and laborers and its ability to make available the vast industrial plant required. It does not rest on stealing the 'secrets' of the United States." (20)

(3) Claim of Lack of Value to the Soviet Union (21)

Finally, petitioner claimed that the atomic information was of little or no value to the Soviet Union. Here he alleged that the Soviet Union "did in fact have the necessary scientists and technology for doing the job. . . . It did not need any American secrets to produce a bomb." (22) In support of this contention he relied upon the opinion of one of the scientists that "any advantage to any foreign nation by the divulging of the design of any particular lens would be nonexistent or very small. . . ." (23)

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(20) Rosenberg petition, (1952), p. 98.

(21) Id. at 74, et seq.

(22) Id. at 82.

(23) Affidavit of John D. Bernal, attached to Rosenberg petition, (1952).



The petitioner's charges and those of his codefendants were rejected by Judge Ryan without a hearing in a carefully considered opinion, (24) and his ruling affirmed upon appeal. (25)

### The Present Petition

In May 1966 Exhibit 8 and the Greenglass-Derry testimony with respect thereto were ordered unimpounded on petitioner's motion and thereafter he filed the present amended petition enlarging previous charges of prosecution misconduct. (26)

First: Petitioner, now offering the affidavits of a different group of scientists from those relied upon in the 1952 proceeding, again attacks the evidence

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(24) United States v. Rosenberg, 108 F. Supp. 798 (S.D.N.Y. 1952).

(25) United States v. Rosenberg, 200 F.2d 666 (2d Cir. 1952), cert. denied, 345 U.S. 965, rehearing denied, Sobell v. United States, 345 U.S. 1003 (1953).

(26) Petitioner in May 1966 filed a petition containing only the charges considered under Part II of this opinion.

of the atomic information transmitted through Greenglass to the Soviet Union. The charges center principally about Exhibit 8, Greenglass' testimony and Derry's testimony; also involved are Exhibits 2, 6 and 7. Whereas in the original section 2255 proceeding it was charged that Greenglass committed perjury to the knowledge of the government because, according to the first group of scientists, it was "improbable" or "inconceivable" that he could have drawn the exhibits, now he is faulted because Exhibit 8 and his exposition of the descriptive material fail to measure up to a scientific standard of perfection as to accuracy, precision and detail.

Whereas in the original proceeding Dr. Koski's  
(27)  
testimony was denounced as false, and later as the

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(27) His testimony "that the theory of 'implosion' utilized for the purpose of assembling the critical mass of fissionable metal was invented and developed at the Los Alamos Project." Rosenberg petition, (1952), p. 74. T

(28)  
"now apparent hoax," now Dr. Koski is accepted.  
Here the charge is that the government's failure to  
have him, a recognized scientist, instead of Derry,  
an electrical engineer, testify with respect to  
Exhibit 8 and the related testimony demonstrates  
that it knowingly introduced false evidence since  
the prosecution was aware that Koski or other scien-  
tists would not testify that the exhibit depicted  
with substantial accuracy the principle involved in  
the bomb developed at Los Alamos.

C  
The scientists, with respect to the unim-  
pounded evidence, according to one of them, pursued  
two inquiries:

(1) its accuracy and completeness as a  
description of the plutonium bomb developed at Los  
Alamos; and

(2) its possible value in assisting in the  
development and construction of a bomb by the Soviet  
Union.

(28) Sobell brief, (1952), p. 35, Court of Appeals  
Docket No. 22571.

With respect to the first inquiry, the scientists find errors and omissions in Exhibit 8 and in Greenglass' testimony as to what was contained in the twelve-page description. With respect to the second inquiry, the experts aver that the construction of an atomic bomb involved no single "secret" in the scientific sense, but did involve "a highly complex set of technical tricks, devices and processes, combined . . . with an immense and versatile industrial capability"; that before bomb construction can even begin, a nation must build a full-fledged atomic energy industry, and obtain an adequate supply of fissionable material, all of which require research, development and construction activities measured in hundreds of millions of dollars; that Greenglass' testimony of the sketches was deficient because it omitted the requisite scientific and technical information needed for plutonium production; that the information "was too incomplete, ambiguous and even incorrect to be of any service or value to the Russians in shortening the time required to develop their nuclear bombs."

Apart from the fact that the issue of the secrecy and value of the information to the Soviet Union was determined upon the merits in the first section 2255 motion, their criticism of Greenglass' testimony and his sketches is irrelevant in the light of the substance of his testimony. Their view might be relevant had Greenglass testified that he had purloined at Los Alamos and turned over to the Rosenbergs a set of blueprints, working drawings, dimensional plans and written specifications for the production of plutonium and the bomb, and that Exhibit 8 and the twelve-page description purported to convey this information. But this was neither Greenglass' testimony nor his role in the conspiracy. His role was to get classified information -- to get what he could.

Greenglass, it will be recalled, was given a description in January 1945 by Rosenberg of an atomic bomb to alert him to the type of classified information that was desired. He testified that this was the first time he ever heard a description of any

type of atom bomb, but after months of snooping, conversations, observations and his own machining work, in September 1945, as he informed his co-conspirators, he thought he had "a pretty good description of the atom bomb," and then drew the sketch and prepared the related material. Greenglass never claimed that he had obtained definitive documents, and on cross-examination readily acknowledged he had never taken such material and also that he was no scientific expert, although he knew something about the "basic theory of atomic energy."<sup>(29)</sup> Exhibit 8, as was expressly called to defense counsel's attention, contained the legend "not to scale."<sup>(30)</sup> It was represented as a schematic sketch,<sup>(31)</sup> not a blueprint, and there is no warrant for the contention that the jury or defense

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(29) Record, p. 612.

(30) Record, p. 499.

(31) As Greenglass testified with respect to the sketches, "None of those are to scale. So they are all schematic." Record, p. 462.

(32)

counsel were misled as to what it represented.

That the scientists do not grade Greenglass' drawing and his descriptive testimony one hundred per cent, judged by their scientific and engineering standards of the information required to enable the Soviet Union in 1945 to construct an atomic bomb is not the test of Greenglass' credibility as to what classified information he did deliver to the Rosenbergs in September 1945. Were there a complete consensus of all the learned atomic scientists in the world that his description was deficient, it would not draw in issue the truthfulness of his version of what he then transmitted to Rosenberg.

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(32) Upon the cross-examination of Greenglass, the following exchange occurred:

"THE COURT: . . . The charge here is not that he gave him everything that might have been accurate in every minute detail, but that he transferred secret material pertaining to National Defense.

"MR. E. H. BLOCH: That is correct.

"THE COURT: And whether he might have turned something over, miscalculating a figure or making an error here and there, is not material to the charge. . . ." Record, p. 613.

Second: It is next urged that Derry's opinion as an expert as to what the exhibit and the Greenglass description portrayed was false. Other than the contrary opinions of the scientists, nothing is presented to impugn Derry's testimony. The fact that they disagree with Derry's opinion does not establish its falsity. Significantly, one of the scientists concedes that judgment on the matter "must be a highly subjective one indeed." Derry's credibility was for the jury and not a panel of experts, who sixteen years after the event seek to undermine it. This aspect of petitioner's motion renews the earlier attempt, also on the basis of affidavits of scientists who neither saw nor heard the witnesses, to condemn them as untrustworthy. Petitioner may no more do so now than the Court of Appeals permitted (33) it to be done in 1952.

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(33) United States v. Rosenberg, 200 F.2d 666, 670-71 (2d Cir. 1952), cert. denied, 345 U.S. 965, rehearing denied, Sobell v. United States, 345 U.S. 1003 (1953).



Third: Next it is contended that even if Derry did not knowingly testify falsely, the government knew that Derry was not an expert, but nevertheless had him testify that Exhibit 8 and the description represented with substantial accuracy a cross-section and the principle of the atomic bomb dropped at Nagasaki; that it knew his testimony was false and inaccurate; that it failed to call Dr. Koski or other government scientists since it knew they would not so testify. The accusation dissolves when considered against the indictment charge, the substance of the Greenglass-Derry testimony and the hypothesis upon which the scientists predicated their opinions.

The conspiracy charge was not limited to atomic bomb information. The crime charged was a conspiracy to communicate to the Soviet Union documents, writings, sketches, notes and information to be used to the advantage of the Soviet Union. This was made clear to the jury both during the

trial<sup>(34)</sup> and in the court's charge. The evidence established the transmittal by the conspirators of other classified material relating to the Los Alamos project, as well as secret information of other defense activities.

There is no evidential support for the charge that Derry was not an expert or that the government knew he was not an expert. His experience and the nature of his work in relation to atomic bomb activity and construction were fully stated. The petitioner did not concede his qualifications as an expert; this was challenged<sup>(36)</sup> and put in issue at the trial. The petitioner

- (34) During Greenglass' testimony the court admonished defense counsel in the presence of the jury: "You must remember that the conspiracy charge is a general statement to turn over information to the U.S.S.R. pertaining to national defense. It is not limited to atomic information." Record, p. 511.
- (35) In its charge to the jury the court stated: "Bear in mind . . . that the Government contends that the conspiracy was one to obtain not only atomic bomb information, but other secret and classified information . . . ." Record, p. 1557; also p. 1560.
- (36) Upon the ground that ". . . this witness has failed to qualify as an expert on the ingredients and their functions contained in the statement just read to him." Record, p. 910.

was free to call witnesses to contradict Derry, but failed to do so and no action of the government prevented him from doing so. Petitioner's related claim that had Dr. Koski testified with reference to Exhibit 8 his answers would have differed substantially from Derry's is unsupported.

The charge that the government knowingly fostered false testimony through Derry is based upon the scientists' opinions that Exhibit 8 and the Greenglass description, measured by their standard of scientific perfection, were "both qualitatively and quantitatively incorrect and misleading." Their opinion is based upon a self-propounded inquiry with respect to the now unimpounded material's "accuracy and completeness as a description of the plutonium bomb developed at Los Alamos in 1945." The scope of this inquiry is not the same as that directed to Derry at the trial. The questions put to him were:

"Q Does the knowledge as disclosed in the material . . . read in conjunction . . . with Exhibit 8 demonstrate substantially and with substantial accuracy the principle involved in the operation of the 1945 atomic bomb?

"A It does.

"Q Can a scientist and can you perceive what the actual construction of the bomb was?

(37)

"A You can."

The record does not support the charge that the government used Derry through these answers to obtain deceptive testimony.

Although the exhibit shown to Derry specified "not to scale," the scientists now, as did (38) one in the 1952 proceeding, condemn it and Derry's testimony because it was not so drawn. No statement, direct or indirect, was made either by Derry or the government that the exhibit and the Greenglass testimony purported to represent more than Derry's testimony indicates. Defense counsel acknowledged that the

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(37) Record, pp. 910-11.

(38) Affidavit of John D. Bernal, ¶ 5(b), attached to Rosenberg petition, (1952).

sketch and description were not "a complete description of the cross-section of the atomic bomb . . . and how it works and the principles under . . . which it works," (39) and himself developed that a twelve-page description of the atom bomb "would not, of course, be a complete description . . . ." (40)

(39) "MR. E. H. BLOCH: Would you say . . . that [Exhibit 8 and the Greenglass testimony] would represent a complete description of the cross-section of the atomic bomb and the function of the atomic bomb and how it works and the principles under . . . which it works?

"THE COURT: I don't think it was offered on the theory that it represented a complete -- is that true, or am I mistaken?

"MR. SAYPOL: Indeed not. As I said when I had the witness Koski on the stand, the import of this whole thing is that there was enough supplied to act upon --

"... You remember, your Honor, I used the colloquialism, tip off. That is exactly --

"THE COURT: I don't think it was offered as a complete or as a detailed description." Record, p. 915.

The prosecutor's references relate to the questioning of Koski with respect to Exhibits 2, 6 and 7: "And would I be exaggerating if I were to say, colloquially, that one expert, interested in finding out what was going on at Los Alamos, could get enough from those . . . exhibits in evidence which you have before you to constitute a tip-off as to what was going on at Los Alamos?" Record, p. 483.

(40) Record, pp. 914-15.

To fault the government because the sketch is inaccurate and incomplete, judged by scientific standards of "accuracy and completeness," is to fault it on the basis of questions which were impermissible in the light of the Greenglass evidence. A hypothetical question to any expert, whether called by the prosecution or the defense, could only have been posited on matters in evidence -- in this instance, the sketch and the Greenglass description of the twelve-page memorandum. But over and beyond this, an analysis of the scientists' affidavits, notwithstanding their depreciation of the Derry-Greenglass testimony, demonstrates the essence of Derry's foregoing testimony is not contradicted. Thus one of them states: "Re the nature of the information in Exhibit 8: the sketch presented is the kind I would use to explain the ideas involved in the bomb," [emphasis supplied] although understandably, in the light of the scope of the scientists' inquiry, he adds: "It can in no way be taken as an engineering drawing which could be used to construct the bomb." The same scientist, although of the view that

eventually the Russian scientists would probably have arrived at the design of an implosion bomb during the time required for plutonium production, and hence he "... would not expect the information in Exhibit 8 was able to save them any significant time in the development of an atom bomb," does add: "Instead, such information could save some effort." [Emphasis supplied.] How much effort could have been saved or advantage gained he does not opine.

Another scientist states that the Greenglass description "is correct in its most vague and general respects that explosive lenses were used to achieve implosion of a core containing plutonium and beryllium components, the overall system being arranged in an essentially spherically symmetrical configuration."

He queries himself and answers with respect to Derry's testimony:

"Does this constitute a 'substantially accurate representation of the principle' of the bomb? In my opinion, no. Nevertheless, it is clear that such a judgment must be a highly subjective one indeed. A diagram that may obviously represent a 'principle' to a research expert who has devoted years of hard work and worry to the

problem, and who cannot help but correct and fill in the gaps subconsciously with his own knowledge, may be totally useless to a technician who has actually to construct the device. We undoubtedly have such a situation in Exhibit 8."

Thus he acknowledges that it would not have been difficult for a scientist to fill in the gaps -- hardly different from Derry's testimony quoted above. And why it is assumed that classified information transmitted to a foreign power would not be evaluated by a research expert is not discussed.

Still a third scientist states: "While the sketch contained in government Exhibit 8 illustrates the general points: the use of explosive lenses to make spherical implosion; the use of electrical detonation for simultaneity; the use of a plutonium sphere, and the use of beryllium as one component, it is barren of any meaningful or correct quantitative information," and the description is in some respects erroneous. He continues: "It is a somewhat schematized cross-section, which might be called a pedagogical descriptive picture." Again it is observed that the criticism is based upon a standard of scientific perfection and detail and not upon the evidence given at the trial.



The government was not required to produce evidence to establish that the espionage agents had not achieved perfection because of their failure to obtain and transmit to the Soviet Union all scientific and engineering sketches and specifications required for large scale production and construction of the atomic bomb. The record makes clear that the hypothesis upon which the scientists base their criticism is not the hypothesis upon which the trial was conducted. Perhaps the short answer to their observations is the comment of Mr. Justice Douglas:

"The Rosenbergs obviously were not engaged in an exchange of scientific information in the interests of science."  
(41)

Fourth: Petitioner next contends that by the use of Derry's testimony, by leading questions put to witnesses, by making known the presence at the trial of representatives of the Atomic Energy Commission and other government representatives, by

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(41) Rosenberg v. United States, 346 U.S. 273, 318 (1953).

references to renowned scientists, and by other means the government sedulously and falsely established in the minds of the jury, court and defense that the Soviet Union had obtained the "secret" of the bomb long before it had been predicted the Soviet Union could have produced one; that by reason of the aforesaid government conduct, defense counsel were deceived into accepting the testimony as to the accuracy of the sketch as fact, in consequence of which they were trapped into moving to impound the evidence and into not offering scientific evidence to contradict the Greenglass-Derry testimony, with the result that the jury was led to accept Greenglass' entire testimony; that as a further result the defense counsel in various respects failed adequately and effectively to defend petitioner.

A review of the entire record reveals that this contention rests upon a distortion of the record, a disregard of the substance of the testimony, reference to matters out of context, and others not presented to or not occurring in the presence of the

(42)

jury and impermissible inferences.

The motion by the Rosenbergs' counsel to impound Exhibit 8 was spontaneous and indeed caught the prosecution by surprise. The assertion that defense counsel were

(42) A prime example of petitioner's manner of reading the record is his claim that the government, in using the word "secret" in connection with the atomic information, was representing that the sketches convey "the secret" of the bomb. A reading of the passages found objectionable by petitioner reveals that the government's reference, in words or substance, to "secret" was to the classified or confidential nature of the information. Thus, for example, the court suggested that the problem of public disclosure with respect to Greenglass' description of Exhibit 8 could be avoided by a stipulation that the matters contained therein "were of a secret and confidential nature." [Emphasis supplied.] Record, p. 501.

Again, throughout the petition, petitioner attacks the government's use of such terms as "sketch of the very bomb itself" and "cross section of the atom bomb itself" to describe the Exhibit 8 material. Petitioner's scientists do not contend that the sketch or description were of something other than the bomb. If a sketch of an object is inaccurate, it would still be a sketch of that object; it would simply be an inaccurate sketch. In using phrases such as these, the government was describing Exhibit 8 in ordinary language. Thus, in criticizing the accuracy of the exhibit, one of petitioner's scientists himself states: "The cross section and its description are not factually correct. . . ." See also nn. 43 and 44, infra.

intimidated in their action by references to and the presence of representatives of the Atomic Energy Commission is repelled by the fact that it was this (43) petitioner's counsel who in no uncertain terms, and as indeed was his right, refused to concede that the material was secret, classified and pertained to the national defense, in consequence of which witnesses were called to testify on this subject. Clearly the presence of these officials did not deter his counsel (44) from contesting the issue.

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(43) When asked to stipulate that the matter was secret and pertained to the national defense, petitioner's counsel stated: ". . . [W]e would not be defending the rights of our client properly by stipulating any such thing. We feel that our national defense is secure only in so far as . . . we secure the liberty of our present client, and tomorrow the next client, and so on, and because of that we feel that a confession [sic] of that kind would not be in the best interests of the defense of our client, not because of the nature of the testimony or anything like that." Record, p. 509.

(44) Petitioner's suggestion that the government supplied the initiative for the Rosenbergs' counsel's offer to stipulate that the sketch and the description were secret and concerned the national defense is not supported by the record. After the motion to impound Exhibit 8, the government asked Greenglass to tell exactly what the descriptive material

Petitioner professes to see a conspiracy to suppress evidence and to mislead his counsel in the failure of the prosecution to call Dr. J. Robert Oppenheimer, Dr. Harold C. Urey and Dr. George B. Kistiakowski to testify, although they were included in the list of potential witnesses served pursuant to 18 U.S.C., section 3432. The names of all those so listed were read to the jury on the voir dire to learn if any was known to the veniremen. Petitioner now asserts that because of this and other references to the three atomic scientists the government represented that they would testify, in consequence of which defense counsel were fraudulently induced to believe,

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footnote 44 cont'd

contained, and he was prevented from doing so by defense counsel's application that this matter, too, be kept secret. The prosecutor's statement with reference to his consultations with the AEC came after and in reply to this application by defense counsel. Also, the prosecutor's statement, as well as the comment that Derry's testimony was a "security matter" and would "establish the authenticity of the information that Greenglass gave to Rosenberg," was made out of the hearing of the jury. Record, pp. 499-501 and 902.

and the jury was impressed, that the scientists would testify that government Exhibit 8 and the related testimony represented a true and accurate cross-section and description of the bomb, and so counsel accepted the accuracy of the Greenglass-Derry testimony and were trapped into moving to impound and also into foregoing any challenge to its accuracy. This is another oft-reiterated allegation which is without support in the record or otherwise. No statement was made as to the nature of the testimony to be given by any of the listed witnesses. No representation, direct or indirect, was made as to what the three scientists would testify if called to the stand. When their names were mentioned to the jury, the trial had not begun and defense counsel were without knowledge of the contents of any of the exhibits in question or the nature of the Greenglass-Derry testimony with respect thereto. Moreover, as already noted, the fact is that after Exhibit 8 was in evidence, petitioner's counsel challenged its secrecy and pertinence to the national defense and did not at any time stipulate its accuracy or authenticity. Further, during the

trial and even before Derry was called, the defense

was advised by the prosecution that it did not in-

tend to call all witnesses listed, (45) since it be-  
(46)  
lieved additional testimony would be cumulative.

The defense could have compelled the appearance of  
these witnesses by direction of the court or by means  
of its processes; or, if it preferred not to have them  
testify, since they were in government service, it  
could have asked for an appropriate instruction to the  
jury on permissible inferences from the nonappearance  
of witnesses under the control of a party. (47) Further-  
more, this is not the first time that a claim has been  
made with respect to the failure to call Drs. Oppenheimer,

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(45) Record, p. 870. At another point, when a refer-  
ence was made to a doctor on the list who was not  
called, the following occurred:

"THE COURT: You mean to say that the Govern-  
ment has to call every witness listed on that?

"MR. A. BLOCH: I didn't say anything of the  
kind. I am just identifying the man." Record,  
p. 1325.

(46) Although the list contained the names of 100  
potential witnesses, only 22 testified.

(47) Indeed, defense counsel in his summation taxed  
the government for failure to call certain wit-  
nesses. Record, p. 1499.

Urey and Kistiakowski. As far back as 1952, upon the direct appeal, it was urged, "The prosecution failed to produce for examination the above named scientists, whose testimony could have clarified doubts about the accuracy of David [Greenglass], . . . with respect to his scientific exposition." (48)

Petitioner's attempt to bolster his argument with respect to the government's scientists by labelling "a deceptive ploy" the prosecution's questioning of Greenglass concerning scientists he knew were at Los Alamos is unavailing. The identity of these scientists was classified and Greenglass testified he transmitted their names to Rosenberg; the interrogation obviously was calculated to develop evidence in support of the charge.

There is no basis for the claim that the court was misled as to the importance of the atomic information insofar as this petitioner is

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(48) Rosenberg brief, (1951), p. 7, Court of Appeals Docket No. 22201.



concerned. The record makes clear that the court's evaluation of the importance of the atomic information played no part in its sentence of Sobell. Before imposing sentence upon him, the court stated: ". . . [T]he evidence in the case did not point to any activity on your part in connection with the atom bomb project."<sup>(49)</sup>

Fifth: Finally, the contention that the present claim is based upon newly discovered facts and therefore could not have been presented on prior applications and appeals because the material was impounded for sixteen years flies in the face of the record. Petitioner's statement that "The fact that it [the impounded material] would be available in a subsequent proceeding was itself impounded and not

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(49) Record, p.1620. Even as to the Rosenbergs' sentence, the importance of the atomic information to the Soviet Union was strongly challenged by the Rosenbergs' counsel in his argument upon sentencing, Record, p. 1608, and the court's evaluation of the importance of the material was attacked upon the direct appeal as "egregious" and with "little substance." Rosenberg brief, (1951), p. 139, Court of Appeals Docket No. 22201.

known to petitioner or his present counsel until the successful application made in petitioner's behalf in late April 1966" is simply contrary to the record. Petitioner heard his counsel acquiesce in the motion to impound. He saw the exhibit. He heard the detailed descriptive testimony relating to it. He knew its importance. He heard the court's statement that it would be available to the defense (50) at all times. Nor was the impounded material a forgotten incident. Repeated references were made to it during the trial and in various post-conviction proceedings. Its significance was not lost upon petitioner since that exhibit, together with Exhibits 2, 6 and 7 were the subject of his 1952 section 2255 proceeding. Petitioner has been described by one of his lawyers as "a scientist and holder of a Master's (51) degree. . . . clearthinking and articulate." He

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(50) "The stenographer will read it back to you any time you want it," and ". . . I may say to the defense, for any subsequent proceeding it will be made available." Impounded testimony, p. 4.

(51) Affidavit of Howard N. Meyer in support of Sobell petition, (1952), p. 28.

(52)

assisted in the preparation of his first petition,  
as he did in this one. Moreover, the printed record  
on direct appeal contains a reference to the availability  
of the impounded testimony. (53) Thus, in addition to  
petitioner and his trial counsel, who continued to rep-  
resent him in association with other counsel in several  
post-conviction proceedings, three of petitioner's pre-  
sent staff of six lawyers, who have represented him as  
far back as 1956, (54) knew from the printed record that  
the impounded material was available.

II. THE CLAIMS WITH RESPECT TO EXHIBIT 16  
AND TO THE GOLD-GREENGLASS MEETINGS  
ON JUNE 3, 1945

Harry Gold testified he had been a member  
of the Soviet espionage system from 1935 to shortly

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(52) Ibid.

(53) Before the impounded testimony was read to Derry,  
the court stated: "[T]here is to be no transcrip-  
tion made, and your stenographic minutes are to be  
considered impounded. Of course, if any counsel  
wants to have it read back for purposes of examina-  
tion, it may be made available for that purpose."  
Record, p. 903.

(54) See United States v. Sobell, 142 F. Supp. 515,  
517 (S.D.N.Y. 1956).

before his arrest by the Federal Bureau of Investigation in May 1950; that from March 1944 to late December 1946 his superior was Anatoli A. Yakovlev, whom he knew only as John. In May 1945 Yakovlev directed him to meet Klaus Fuchs on the first Saturday in June 1945 (June 2nd) at Santa Fe, New Mexico, and then to proceed to Albuquerque, New Mexico on an important mission. Yakovlev gave him the name of Greenglass with an address on High Street, Albuquerque; also the recognition signal "I come from Julius," a piece of a cardboard box cut irregularly, and \$500 cash for Greenglass. The identification pattern, the Greenglasses had previously testified, had been arranged between them and the Rosenbergs in January 1945 in New York City, when Greenglass was on furlough. Gold testified that, as directed, he met Fuchs on June 2, 1945 at Santa Fe and received from him classified information; that he went on to Albuquerque and sought Greenglass at the High Street address, but was told by an old man that the Greenglasses were out for the evening and would be in early the next morning; that he "finally managed" to obtain lodging in the hallway

of a rooming house, and on Sunday morning registered at the Hotel Hilton under his own name; that he went to the High Street address that morning, met the Greenglasses, to whom he introduced himself as "Dave from Pittsburgh," exchanged identification signals, and gave them the envelope containing the \$500 cash he had received from Yakovlev. Greenglass told Gold to return that afternoon, as the information was not ready. Upon his return he received from Greenglass an envelope which contained information on the atom bomb (Exhibits 6 and 7). Gold then returned to New York, arriving on June 5, 1945, and delivered to Yakovlev the material received from Greenglass and Fuchs.

The Greenglasses had previously testified to like effect with respect to the June 3 meetings with Gold. Mrs. Greenglass also testified that the next day, June 4, she deposited \$400 in an Albuquerque bank.

Neither counsel for the Rosenbergs nor for petitioner cross-examined Gold. Two additional

witnesses testified. Thereupon, at a bench conference, the prosecutor stated he had a photostat of the registration card of Harry Gold at the Hotel Hilton on June 3; that "the original [was] on the way, together with a witness if required"; (55) and also he had testimony as to the bank records; that he wanted to offer a photostat of the registration card as a record regularly kept in the course of business. Defense counsel stated they had no objection. The matter was repeated before the jury, the prosecutor stating, ". . . [T]he government has available a number of witnesses from distant places to establish the authenticity of the records, hotel registration records, (56) bank records." Exhibit 16 was received in evidence under a stipulation that "it was made in the regular course of business by the party whose records it comes (57) from." Thereupon both the face and reverse sides

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(55) Record, p. 867.

(56) Id. at 868.

(57) Id. at 869.

were read and exhibited to the jury. At the next trial session a photostat of a ledger sheet of the Albuquerque National Bank, together with a bank credit slip showing a deposit of \$400 to the account of Ruth Greenglass, were received in evidence as Exhibit 17.

Up to the filing of the present petition, Gold's testimony of the June 3 events not only has not been challenged, but was accepted. Rosenbergs' counsel, in his summation to the jury stated: "I didn't ask him one question because there is no doubt in my mind that he impressed you as well as impressed everybody that he was telling the absolute truth, the  
(58)  
absolute truth."

Now, more than fifteen years after the trial, petitioner charges that there were no June 3 meetings between Gold and the Greenglasses at Albuquerque; that their testimony was perjurious; that upon information and belief the government knew

their testimony was perjurious; that Gold was not registered at the Hotel Hilton on June 3, 1945; that Exhibit 16 showing Gold's registration at the hotel on June 3 is a forged, fraudulent and after-contrived document; that upon information and belief such false and perjured testimony and the forged and fraudulent exhibit "had been created and contrived by Gold and the government at the inducement and suggestion of the latter." There is not a word of direct evidence to support these serious charges made upon information and belief. Petitioner urges, however, that corrupt prosecution conduct may be inferred from Exhibit 16 itself; from the circumstances of its introduction into evidence; from the fact that allegedly the government, after trial, caused the destruction of the original (not in evidence) of Exhibit 16; and from pretrial statements of Gold which allegedly establish the falsity of his testimony and would have impeached his credibility, which were knowingly suppressed by the government.

The court has examined all the material relied upon by petitioner and finds that his charges



are not sustained, that the contended-for inferences are not warranted; further, that matter now claimed as newly or recently discovered has been known or available to him for many years, some of it as far back as the trial itself.

#### Exhibit 16

First: The claim that Exhibit 16 is forged rests in large measure upon the opinion of a handwriting expert with respect to certain figures and initials thereon compared with those on another Albuquerque Hilton Hotel registration card dated September 19, 1945. Each contains on its face a signature, Harry Gold, an address and the name of an employer. These appear to be in the same handwriting on each card and evidently no question is raised as to this portion. (59) Below, the following appears on Exhibit 16:

(59) Counsel upon the argument conceded that the Gold signatures on both cards were the same. SM 69.

| Arrived | Room | Rate                             | Clerk | Baggage |
|---------|------|----------------------------------|-------|---------|
| 6-3-45  | 1001 | 1.50<br>day rate<br>until 8 p.m. | ak.   |         |

The September 19 card contains the following under the corresponding legends:

|         |     |      |     |
|---------|-----|------|-----|
| 9-19-45 | 521 | 5.00 | ak. |
|---------|-----|------|-----|

Petitioner asserts that the initials "ak." reflect those of Anna Kinderknecht (now Mrs. Larry A. Hockinson), allegedly the room clerk at the Hilton Hotel in June and September 1945. The handwriting expert, based upon standard writings of Mrs. Hockinson, is of the opinion that she wrote the line of figures and initials appearing on the September 19 card, but that she did not write any of the figures or initials on the June 3 card, Exhibit 16.

The fact is that it hardly needed an expert to make this observation. Accepting the expert's opinion, it does not warrant the inference that the June 3 card was not a record kept in the regular course of the Hotel Hilton's business; neither does it warrant

the further inference that the card was fabricated and contrived by the government and Gold.

The card on its face has all the indicia of a registration card kept in the ordinary course of business by the Hotel Hilton; it is an Albuquerque Hilton card, bearing the appropriately printed title and number; the required descriptive information has been written upon it, and it bears the receipt and time stamp of that hotel. Taking as correct the expert's conclusion that the two cards are in different handwriting, it is by no means a reasonable inference that the June 3 card was not kept in the regular course of the business of the Hotel Hilton. (60) The

circumstance that at a public and busy hotel (61) the

(60) An affidavit submitted in support of petitioner's application states that the hotel was visited during the course of an investigation "and a number of people who had been employed there in 1945 and/or 1950 were interviewed."

(61) Gold described Albuquerque on June 2-3, 1945 to his lawyer: ". . . The town was literally, as they say, jumping. There was absolutely no room to be had anywhere." Transcript of Tape Recordings, June 14, 1950, Reel 4, p. 53.

same initials appear on the two cards and they and the data as to rate, stay, departure and room number are in different handwriting does not, in one fell swoop, permit the inference that it was "forged"; that the government knew it was forged or contrived its forgery; that Gold did not register at the Hotel Hilton on June 3; that he committed perjury as to meetings that day with the Greenglasses; that David Greenglass and his wife committed perjury in so testifying; that the prosecutor perpetrated a fraud when he stated a witness was on his way with the original to testify that it was kept in the regular and usual course of business; that a grand fraud had been perpetrated by the Federal Bureau of Investigation, the United States Attorney and government witnesses to establish falsely that meetings occurred on June 3 between Gold and the Greenglasses at Albuquerque so as to give credence to Gold's testimony that the day before he had met and received from Klaus Fuchs classified material in order thereby to tax petitioner and his codefendants with the well-publicized activities of Fuchs in the Soviet spy system.

The entire theory of a grand conspiracy is the product of a fertile imagination. The unrestrained hurling of invective, page after page, in the petition does not obscure the lack of evidence. A constant drumfire of vituperation does not establish basic facts which are required before inferences may reasonably be drawn to support charges of fraud and perjury.

Additionally and significantly, the petition is silent as to the absence of any affidavit from Mrs. Hockinson. She is one person still available who can testify with respect to the June 3 card, whether it was kept in the regular course of the hotel's business, whether it is authentic, and the practice with respect to the preparation of registration cards by the hotel clerks. The absence of an affidavit or an explanation for its omission takes on added significance since not only has her whereabouts been known from 1961 to experienced investigators who have interested themselves on behalf of petitioner, but she has cooperated with them; she has submitted

samples of her handwriting to and been in touch with them. Her availability has also been known to petitioner's counsel.

Nor do additional matters to which petitioner adverts warrant the inference that government agents participated and fostered perjury on the part of Gold and Greenglass and manufactured the June 3 registration card. The original of Exhibit 16 was returned by the FBI shortly after the trial to the Hotel Hilton, which allegedly destroyed it in 1957 in accordance with its policy as permitted by the laws of New Mexico. The government is accused of perfidious conduct in not retaining it and is charged with deliberately sending it on to the hotel, knowing that it would be destroyed, with intent thereby to prevent handwriting examination. This contention, so typical of others recklessly made without factual support, falls of its own weight. The original registration card is not the exhibit in evidence. The photostat is Exhibit 16. This has been and still is available for, and indeed has been inspected by, petitioner and his handwriting expert who has

( ) rendered an unequivocal opinion based thereon. Just why it should have been assumed that in 1967, ten years after it had been destroyed in normal routine practice, petitioner would charge the government with fraud based upon the return of the original to the hotel in 1951 is not apparent.

Equally without substance is the contention that the omission from Exhibit 16 of an FBI agent's initials, which appear on most of the other government exhibits, supports the claim that the document is a forgery. Exhibit 17, the bank record of the \$400 deposit by Ruth Greenglass on June 4 is also without an agent's initials. Its authenticity has not been challenged.

Great stress is laid upon the fact that Exhibit 16 on its reverse side contains a time stamp, "June 4, 1945," as contrasted with the June 3 date on the face thereof, whereas the September 19 card contains the corresponding date on the reverse side. Both sides of Exhibit 16 were read to the jury. The difference in dates was evident. Just why an inference of corrupt conduct should now flow from this

(.)  
circumstance is not clear -- any more than from the fact, noted by the handwriting expert, that erasures and smudges appear on both cards.

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Petitioner suggests that counsel did not cross-examine Gold in reliance upon the prosecution's statement that the hotel registration card was authentic and that the original was on its way. Apart from the distortion of the prosecution's statement in requesting a stipulation as to the photostat, there is no showing that a witness was not on the way with the original to testify that it was a registration card kept in the regular course of business. But more important, petitioner's suggestions that his counsel did not cross-examine Gold because he was misled is demonstrably false. Gold was still under direct examination on March 15 when the court adjourned for the day. The following morning, when he resumed the witness chair, the prosecutor stated he had no further questions. Thereupon both petitioner's and the Rosenbergs' counsel announced "no cross-examination." Government Exhibit 16 had not yet been offered. First Dr. George Bernhard testified and he was followed



(62)  
by William Danziger. Not until after they testified was government Exhibit 16 offered and received in evidence. (63)  
Thus it could not have played the slightest part in the decision not to cross-examine Gold.

Second: Petitioner next claims that Gold committed and the government suborned perjury and suppressed evidence which allegedly establishes Gold's perjury and would have impeached his testimony as to the June 3 incidents. Petitioner relies in the main upon recorded discs of interviews between Gold and his court-assigned counsel; also an extensive statement dated October 11, 1950, after he had pleaded guilty, which Gold sent from prison to his lawyers. (64)

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(62) Id. at 848-867.

(63) Id. at 867-869.

(64) The recorded discs; a complete transcription based upon taped recordings of these, and a transcription of excerpts therefrom were submitted. The October 11, 1950 statement, entitled "The Circumstances Surrounding My Work as a Soviet Agent - A Report" (hereafter cited October 11 Statement), is an amplification of a prior, July 20, 1950, statement. (The July 20 statement was not

The tape recordings and the October 11, 1950 letter to his lawyers were, of course, protected by the lawyer-client privilege, and afford no basis for charges of government suppression of evidence upon the trial assuming for the moment, as petitioner contends, they support his charges of perjury. However, with Gold's consent, the recordings and other statements to his lawyers were delivered to the FBI on October 21, 1953,

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footnote 64 cont'd

submitted.) The October 11 statement contains an account of Gold's motivation in becoming a Russian spy, biographical matter and details of his espionage activities, including references to the June 3, 1945 meetings with the Greenglasses at Albuquerque. In addition to these two items, petitioner relies upon: A 2-page listing by Harry Gold of interviews had with FBI agents during the period May 22, 1950 and July 19, 1950; An 8-page handwritten statement of Harry Gold entitled, "Chronology of Work for the Soviet Union," the first five pages being dated June 15, 1950, the last three pages being dated June 16, 1950; Letter from John D. M. Hamilton to H. M. Harzenstein of the Federal Bureau of Investigation at Philadelphia, turning over thirty-three discs and other matter; a portion of page 6 of a letter of John D. M. Hamilton, dated September 30, 1960, setting forth the hours spent by Gold with the FBI during 1950-1955; A Letter from James V. Bennett, Director of Bureau of Prisons, to John D. M. Hamilton, dated July 11, 1955.

(65) two and a half years after the trial. Petitioner urges the government is chargeable with prior knowledge of the contents of these statements, since he asserts similar statements were made to agents of the FBI, both before and after the appointment of counsel; moreover, he claims that once the government did obtain the lawyer-client statements late in 1953 they should have been made available to petitioner in connection with his post-conviction applications.

The circumstances surrounding those statements are of some importance. Agents of the FBI first interviewed Gold on May 15, 1950, and, as he told his counsel on June 1, from this interview Gold felt they had sufficient information "to convict him, of conspiracy at least, in connection with the Fuchs case." (66) On May 21 he submitted to voluntary custody,

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(65) Certiorari had been denied on October 13, 1952, Rosenberg v. United States, and rehearing denied on November 17, 1952, 344 U.S. 838 and 889.

(66) Transcript of Tape Recordings, June 1, 1950, Reel 1, p. 6.

and on the 22nd and 23rd confessed to espionage activities over an eleven-year period. But, as Gold later wrote, during these first days he sought to limit his confession to that which he thought the FBI already had knowledge of, his relationship with Klaus Fuchs, and to cover up the identities of others with whom he had espionage transactions. (67) In his effort not to inform on others, as he was later to acknowledge to his attorneys, he resorted to lies and evasions, but was aware that "even while endeavoring to cover up . . . I amazedly found myself irresistibly revealing more and more of the true facts." (68) The final decision to make a full and complete confession of his work as a courier in the Soviet spy system was greatly influenced by the fact that his father and brother, to whom he was deeply devoted and who were in disbelief that he was in any way implicated in any

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(67) October 11 Statement, published in 1956 as part of a Senate Internal Security Subcommittee Report, 84th Congress, 2d Session, p. 1083.

(68) Id. at 1084.

crime, were about to mortgage their home and go  
(69)  
into debt for his defense. Thereupon, on June  
1, 1950, he accepted court-assigned counsel upon con-  
dition that he be permitted to tell the entire story  
to the FBI, and that counsel "must agree to let me  
(70)  
plead guilty, because I was."

On June 1 Gold met briefly with his court-  
appointed counsel. Upon Gold's insistence that he  
wished to plead guilty, his lawyer emphasized that  
any hope for leniency required that he not withhold  
important information from the FBI. Gold thereupon  
talked with an FBI agent out of counsel's hearing,  
and counsel's contemporaneous understanding was that  
Gold gave him "information about several other people  
(71)  
... who had important places in the picture."

Gold's subsequent written statement of October 11, 1950

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(69) Ibid.

(70) Ibid. See also Transcript of Tape Recordings,  
June 1, 1950, Reel 1, p. 6.

(71) Transcript of Tape Recordings, June 1, 1950, Reel  
1, p. 8.

to his lawyer states he, on this occasion, told the agents of the FBI of the events of June 3, 1945 at (72) Albuquerque and the Greenglass' involvement.

Thereafter Gold and his counsel had four recorded interviews in June 1950 and one in August at Holmsburg Prison. At the first, on June 6, Gold's counsel advised him that the purpose of the interviews was to obtain an entire picture so as to present all ameliorating circumstances to the court at the time of sentence. To this end counsel suggested that the interviews "be broken into three sections": first, and to counsel most important, Gold's "life, irrespective of this offense," including his family, education and work, "leaving out all these other matters"; second, the charges and the facts he had given the FBI; and third, his philosophy and motives. (73) The interviews, accordingly, followed this pattern.

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(72) October 11 Statement, op. cit. supra note 67, at 1085.

(73) Transcript of Tape Recordings, June 6, 1950, Reel 1, pp. 15 and 17.

The remainder of the June 6 interview and a portion of the next, June 8, were taken up with matters not here relevant. Midway through the June 8 interview Gold commenced telling "everything, at least in substance, that . . . [he had] told the (74) FBI." [Emphasis supplied.] In the chronological sequence of his espionage activities Gold mentioned the trip to Santa Fe and Albuquerque, New Mexico on June 2 and 3, but elaboration was postponed for the next interview, which took place on June 14, 1950. At this June 14 interview Gold told his attorneys about his trip, at the direction of "John," to Santa Fe and Albuquerque over the weekend of June 2-3, 1945, and of his call on the "GI" in Albuquerque. He recited his unsuccessful efforts on the night of June 2 to contact the Greenglasses; his meeting with them the next morning; a verbal name identification; the afternoon meeting; the receipt of atomic energy information; the delivery of the \$500. In substance

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(74) Transcript of Tape Recordings, June 8, 1950, Reel 2, Side 2, p. 16.

his statement to his lawyers at the June 14 interview closely parallels his trial testimony. However, certain details to which he testified upon the trial were omitted, and in one instance there is an alleged contradiction. He did not mention the Greenglass name or address, but only referred to the GI and his wife. (75) He did not mention a piece of a cardboard box as the identification signal. (76) He did not mention "Julius" as the recognition signal; he said, "Bob sent me or Benny sent me or John sent me or something like that." (77)

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(75) Although Gold did not then recall the Greenglass name, he was able to direct the FBI to the house where they met, to describe roughly the appearance of both Ruth and David, to recall David was a GI, that Ruth had only recently come to Albuquerque, and to identify David as the GI, photographically, although he had aged and put on considerable weight. Transcript of Tape Recordings, June 14, 1950, Reel 5, pp. 37-44. It appears that as a result of data, description and information given by Gold to the FBI, Greenglass was identified and arrested on June 15, 1950.

(76) The recordings indicated that he would have omitted mention also of the verbal recognition signal had his lawyer not expressly inquired. Id. at 40.

(77) Listening to the passage in context, which reads, ". . . [W]hile this is not the exact recognition sign, I believe that it involved the name of a man and was something on the order of Bob sent



He did not mention Rosenberg's name, address or  
(78)

telephone number. He said he checked his bag  
(79)

at the railroad station. He did not mention  
(80)

registration at the Hotel Hilton. He said Yakovlev

told him there wasn't much point in getting in touch  
with the GI, whereas upon the trial he testified that

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footnote 77 cont'd

me or Benny sent me or John sent me or something  
like that," it is clear that "Bob, Benny or John"  
were offered to explain the nature of the recognition  
sign and that a man's name was involved.  
Recorded Sound Disc No. X-23, Soundscriber Locator  
5-6, June 14, 1950.

(78) Gold did, however, say that the GI told him he  
"expected to have a furlough about Christmas of  
1945, and he gave me the name or -- and the address,  
or much more likely, just the name and the telephone  
number of, I think, his father-in-law or possibly an  
uncle of his who lived somewhere in the Bronx of New  
York." Transcript of Tape Recordings, June 14, 1950,  
Reel 5, p. 41.

(79) Gold, upon the trial, gave no testimony at all as to  
his baggage. The June 3 registration card has no  
entry under the legend "baggage."

(80) However, in his June 14 recital to his lawyer of  
efforts to identify the GI and where the June 3  
meetings took place, among other matters he stated,  
"I have looked at dozens of reels of motion pictures,  
starting with the Hilton Hotel and going all the way  
past undoubtedly the street where this GI lived."  
[Emphasis supplied.] Transcript of Tape Recordings,  
Reel 5, p. 43.

(81)

Yakovlev said the information was very valuable.

(81) It is not altogether clear from the record that in fact this is a contradiction. At trial, Gold testified that in June 1945, Yakovlev told him that the information received from Greenglass had been very valuable [Record, p. 831], but that in November 1945, when Gold expressed a desire to meet with Greenglass or Rosenberg, Yakovlev told him to mind his own business and "cut me very short." [Record, p. 839.] In the October 11 Statement, op. cit. supra note 67, at 1085, apparently referring to the November meeting, Gold stated that Yakovlev had "subsequently - and with intent to mislead - told me that the information received was of no value." Describing these events to his counsel [Transcript of Tape Recordings, June 14, 1950, Reel 5, p. 42], Gold said that the trip to New Mexico ended the episode. "I never made any attempt to see him [Greenglass] again. I turned the information over to John. John never mentioned anything about it [apparently referring to further meetings between Greenglass and Gold] and on the one occasion when I did mention this man [Greenglass] sometime in the late fall of 1945 [the November meeting], John had said that we can forget all about him, that there wasn't much point in getting in touch with him. And I got from the manner in which he made the remark that apparently the information received had not been of very much consequence at all and that they believed that the risk attendant upon seeing him did not make any such effort worthwhile." Thus it is not clear from the June 14 recording and the October 11 Statement whether Gold was relating to his lawyers what Yakovlev told him at the June meeting, or the subsequent one in November when Gold believed Yakovlev intended to mislead him. Even assuming that there is an inconsistency, it relates solely to the question

Primarily, on the basis of the foregoing, Gold is accused of perjury and the government of suborning perjury and suppressing evidence. Considering the purpose and circumstances of the taped interviews, the omissions are of no special significance. And any delay in mentioning the June 3 Albuquerque incidents and the GI is accounted for by the chronological pattern of the interviews. Gold was recounting to his lawyer in compressed form, "at least in substance," the information he had related to the FBI over an extended period. (82) The lawyers' and the FBI inquiries were not on parallel courses. The nature of each inquiry was different. His counsel were seeking the substance of information furnished the FBI in order to present a plea in mitigation of the offense. The FBI

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footnote 81 cont'd

whether Gold, in his pretrial statements, had mentioned Yakovlev's characterization of the information as valuable, and lends no support to petitioner's allegations of perjury.

(82) By June 14, the third interview with his lawyers, Gold had been interviewed for approximately 90 hours by agents of the FBI. "A 2-page listing by Harry Gold of interviews had with FBI agents during the period May 22, 1950 and July 19, 1950."

was seeking minutiae of detail, leads and data to be investigated and verified. Further, when Gold finally decided to cooperate fully he was faced with the task of dredging his memory as to people, events and incidents spanning a decade of intrigue; the Greenglass incident itself occurred five years earlier. The recordings evince a clear purpose on the part of Gold and the FBI to avoid faulty accusations -- as Gold put it, "... bending over backwards in an effort not to do so." The check of his information and details involving others was time consuming. (83)

(83) A typical example: With reference to his efforts to identify the GI involved in the June 3 incident (later identified as Greenglass), Gold told his lawyers one day before Greenglass' arrest:

"I have -- would like to state one more thing. I have gone over and I have drawn a map of the area as well as I know. I have looked at maps of Albuquerque. I have looked at dozens of reels of motion pictures, starting with the Hilton Hotel and going all the way past undoubtedly the street where this GI lived.

"I have described in detail the approach to the house. I have described the appearance of the house from the outside. I have described the appearance of the porch, the appearance of the steps leading up to the apartment, the appearance of the apartment. I have described the appearance of the old man whom I saw that evening, and I believe I have identified him. I have even succeeded in

A careful reading of the transcripts of the recordings and all other material, rather than supporting petitioner's charges, strongly corroborates Gold's trial testimony. The substance of Gold's statement to his lawyer on June 14, one day before Gold's

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footnote 83 cont'd

picking out what I believe to be the correct house, even though the house was subsequently altered after '45 and the porch no longer existed but had been turned into a living room.

"And I believe that we had succeeded in identifying the person who was this GI. Our difficulties concerned -- he has put on, if it is the man, he has put on over thirty pounds. His wife has, who was only a girl and a very recent bride, has undoubtedly had a child or two and has matured considerably in appearance. But there are still many circumstantial factors which would lead us to believe that the man we have finally selected is the one.

"However, I would like to emphasize one point, and that is that I have been very careful, and so have the people from the FBI, in attempting to put the finger on a man merely to be able to do so, and that we are, if anything, bending over backwards in an effort not to do so. For instance, I looked at the pictures of several men before I finally picked out from them the one old man who I believe lived in the home at that time." Transcript of Tape Recordings, June 14, 1950, Reel 5, pp. 43-44.

The procedure followed to enable Gold to recall David Greenglass' name is described in the October 11 Statement, op. cit. supra note 67, at 1085.

arrest, is essentially the substance of his trial testimony; the major events, times, places and persons correspond. The pretrial statements, recorded or written, are as fully inculpatory of the Greenglasses as is Gold's trial testimony. The omissions and the claimed contradiction do not undermine the fabric of essential matters. The omissions, in the light of the limited purpose of his lawyers' inquiry were not material thereto. The omissions and the claimed inconsistency, themselves explained in the very statements submitted by petitioner, (84) do not even approach supporting the charge of perjury -- much less the charge (85) of government participation therein.

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(84) See nn. 75-81 supra. Petitioner refers to and indicates there were available to him an excerpt from a statement given by Gold to the FBI on May 22, 1950; a 26-page statement in Gold's handwriting dated July 20, 1950; a 76-page statement in Gold's handwriting dated October 23, 1950, and other documentary material. However, these were not submitted.

(85) Cf. *Edwards v. New York*, 1 L. Ed.2d 17, 21-22 (1956); *Price v. Johnston*, 334 U.S. 266, 290-91 (1948); *United States v. Abbinanti*, 338 F.2d 331, 332 (2d Cir. 1964); *Burns v. United States*, 321 F.2d 893, 896-97 (8th Cir. cert. denied, 375 U.S. 959 (1963)); *Enzor v. United States*, 296 F.2d 62, 63 (5th Cir. 1961), cert. denied 369 U.S. 854 (1962).

Third: This is not to say, however, that contradictory statements or omissions could not have been used upon the trial in an effort to undermine Gold's testimony. But no request was made for such statements, and as already noted, cross-examination was waived.

Petitioner now asserts that he and his counsel were unaware until recently, of the existence of (86) prior statements, suggesting that such knowledge would have led trial counsel to cross-examine. But again the record contradicts the assertion. Counsel knew of Gold's background and activities. He was not a surprise witness suddenly called to the stand. Counsel knew that Gold was a self-confessed spy; that he had been interviewed extensively by agents of the FBI; that he had been cooperative with the authorities; that

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(86) Gold's October 11, 1950 Statement, op. cit. supra note 67, upon which petitioner relies in part, became a public document in December 1956, when it was issued by the Senate Subcommittee on Internal Security, before which Gold had testified. In December 1956 petitioner was represented by three of his present counsel.

he had testified before grand juries; that five months before the trial of this case he had testified as a prosecution witness at the Brothman trial (87) in this district; that in the latter case, in which he was named as a co-conspirator on a charge of conspiracy to obstruct justice involving the giving of false testimony before a grand jury, Gold admitted he had lied before the grand jury; that his disclosure of his espionage activities had engendered great publicity. (88)

There was ample basis on these matters alone for defense counsel to have undertaken a searching cross-examination in an attack upon Gold's credibility. Yet no request was made for pretrial statements, grand jury minutes, his trial testimony at the Brothman case (a matter of public record), or any other impeaching material. Trial counsel knew how to get impeaching matter within the then existing requirements. (89)

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(87) United States v. Brothman, S.D.N.Y., C. 133-106 (1950). Trial Transcript, pp. 199, 643-45, 650, 631-82, 748, 836.

(88) Record, pp. 568-70, 836, 981 and 1019.

(89) Record, pp. 288, 373-74. See United States v. Krulewitch, 145 F.2d 76, 78-80 (2d Cir. 1944).



They succeeded in obtaining Elitcher's statements to  
(90)  
the FBI and his grand jury testimony, and sought  
(91)  
to lay a foundation for Greenglass' prior statements.

The decision not to cross-examine, joined  
in by petitioner's counsel, was not inadvertent; it  
was deliberate. The Rosenbergs' counsel in his sum-  
mation told the jury: "[Gold] got his 30-year bit  
and he told the truth. That is why I didn't cross-  
(92)  
examine him." The thirty-year "bit" was the  
maximum prison term authorized under the then exist-  
(93)  
ing Espionage Act. Thus, there was no basis for  
effective cross-examination upon a claim that Gold's  
testimony was motivated by considerations of sentence.  
Further, defense counsel appraised Gold as "a very,

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(90) Record, pp. 430-31.

(91) Record, pp. 587, 613.

(92) Record, p. 1479.

(93) In 1954 the distinction with respect to the penalty  
in time of war was eliminated; violation at any time  
was made punishable "by death or by imprisonment for  
any term of years or for life." 68 Stat. 1219  
(1954).

(94)

very bright and intelligent person." These factors and a reading of his testimony, which is indeed impressive, suggests the reason counsel decided not to question him; cross-examination could well have served only to expand and emphasize the force of his testimony. That the decision was carefully weighed appears from the same counsel's acknowledgment on the first section 2255 motion that it "was a calculated judgment on . . . [his] part which involved certain risks which . . . [he] accepted." (95)

It is somewhat late in the day now to fault counsel for judgment on trial strategy. (96) Clearly this is

an attempt by petitioner to make the Jencks Act retroactive to 1951. Petitioner at his trial had a full opportunity, in consonance with the existing procedure,

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(94) Transcript of Argument, November 28, December 1, 2, 1952, p. 105.

(95) Id. at 107.

(96) See United States v. Garguilo, 324 F.2d 795, 796-97 (2d Cir. 1963); United States v. Gonzalez, 321 F.2d 638 (2d Cir. 1963); Brand v. United States, 301 F.2d 102 (10th Cir. 1962); United States v. Duhart, 269 F.2d 113, 115 (2d Cir. 1959).

to obtain all pretrial material, but by deliberate choice waived it.

Strictures, sometimes direct and sometimes oblique, are levelled against the trial attorneys, who continued to represent petitioner and his codefendants in several of the post-conviction proceedings, although the force of criticism is sought to be attenuated by further allegations that counsel were "misled," "deceived," "trapped," "coerced" and "intimidated" by governmental fraudulent conduct. These lawyers are no longer here to defend their professional conduct. But their defense is contained in the files of the vigorously contested trial, appellate and collateral proceedings. The case, which has been "scrutinized with extraordinary care" (97) and has had "painstaking consideration" (98) by each of the Justices of the Supreme Court, afforded ample opportunity for judgment of the lawyers' competency and whether they measured up to the task at hand. They were adjudged "highly

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(97) United States v. Rosenberg, 195 F.2d 583, 590 (2d Cir. 1952).

(98) Rosenberg v. United States, 346 U.S. 273, 293 (1953).

competent and experienced," (99) "singularly astute  
(100) and conscientious," and "lawyers who have ably  
(101) and courageously fought the Rosenbergs' battle."  
Nothing now asserted by petitioner or his present  
counsel warrants any change of judgment as to his  
(or the Rosenbergs') lawyers' professional competency  
in defending him.

In conclusion, the court, with respect to  
all charges, finds that petitioner was competently  
represented by counsel; that he has failed to sustain  
his charges; that the files and records of the case  
conclusively show that he is not entitled to relief,  
and that no act or conduct on the part of the govern-  
ment deprived him of a fundamentally fair trial.

The motion is denied in all respects.

Dated: New York, N. Y.  
February 14, 1967

EDWARD WEINFELD  
United States District Judge

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(99) United States v. Rosenberg, 195 F.2d 583, 593 (2d Cir. 1952).

(100) Id. at 596, n. 9.

(101) Rosenberg v. United States, 346 U.S. 273, 292 (1953).

FILE # 100-37158

SUBJECT MORTON SOBELL

SERIAL 2445 DATE 1-23-67

CONSISTING OF 2 PAGES

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

FILE # 100-37158

SUBJECT MORTON SOBELL

SERIAL 2446 DATE 2-17-67

CONSISTING OF 6 PAGES

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FILE # 100-37158

SUBJECT MORTON SOBELL

SERIAL 2448 DATE 2-23-67

CONSISTING OF 2 PAGES

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FILE # 100-37158

SUBJECT MORTON SOBELL

SERIAL 2450 DATE 2-28-67

CONSISTING OF 2 PAGES

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source. This serial bears the Classification  
Officers number [REDACTED]



FILE # 100-37158

SUBJECT MORTON SOBELL

SERIAL 2451 DATE 2-28-67

CONSISTING OF 3 PAGES

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Officers number [REDACTED]

FILE # 100-37158

SUBJECT MORTON SOBELL

SERIAL 2452 DATE 2-28-67

CONSISTING OF 1 PAGES

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Officers number [REDACTED]

FILE # 100-37158

SUBJECT MORTON SOBELL

SERIAL 2453 DATE 3-1-67

CONSISTING OF 2 PAGES

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FILE # 100-37158

SUBJECT MORTON SOBELL

SERIAL 2455 DATE 2-13-67

CONSISTING OF 2 PAGES

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FILE # 100-37158

SUBJECT MORTON SOBELL

SERIAL 2456 DATE 3-2-67

CONSISTING OF 2 PAGES

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FILE # 100-37158

SUBJECT MORTON SOBELL

SERIAL 2457 DATE 3-13-67

CONSISTING OF 1 PAGES

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source. This serial bears the Classification  
Officers number [REDACTED]

UNITED STATES GOVERNMENT

# Memorandum

TO : SAC, New York (100-37158)

DATE: 3/20/67

FROM : SA [REDACTED] b7c

SUBJECT: MORTON SOBELL  
ESP - R.

Subject is on the SI and an annual report or letter in lieu thereof is due, including submission of form FD-305.

Case is pending and assigned to SA [REDACTED] b7c

100 37158-2458

SEARCHED \_\_\_\_\_ INDEXED \_\_\_\_\_  
SERIALIZED YES FILED YES

MAR 20 1967

FBI - NEW YORK  
[REDACTED] b7c

United States Department of Justice

ADDRESS REPLY TO  
"UNITED STATES ATTORNEY"  
AND REFER TO  
INITIALS AND NUMBER

SFW

114868

UNITED STATES ATTORNEY  
SOUTHERN DISTRICT OF NEW YORK  
UNITED STATES COURTHOUSE  
FOLEY SQUARE 16  
NEW YORK, N. Y. 10007

February 17, 1967

Mr. [REDACTED] b7c  
Federal Bureau of Investigation  
201 East 69th Street  
New York, New York 10021

Re: Morton Sobell v. United States  
66 Civ. 1328

[REDACTED] b7c  
Enclosed herewith are copies of a revised set of pages 76 through 79 of Judge Weinfeld's February 14, 1967 opinion in the above matter. The resulting change is the insertion of the language starting "The thirty-year 'bit'" on the sixth line from the bottom on page 79 through the words "... force of his testimony" on the sixth line from the top on page 77. The other pages have been retyped but appear to be unchanged.

Judge Weinfeld's secretary also has called my attention to a typographical error on page 67. The last date appearing in Footnote (75) should read "June 15, 1950", instead of "June 15, 1945".

Very truly yours,

ROBERT M. MORGENTHAU  
United States Attorney

By: Stephen F. Williams  
STEPHEN F. WILLIAMS  
Assistant U.S. Attorney

Enclosures

100-37158-2459

|                |         |
|----------------|---------|
| SEARCHED       | INDEXED |
| SERIALIZED     | FILED   |
| FEB 21 1967    |         |
| FBI - NEW YORK |         |

ack. 2/20/67  
NY copy corrected  
& Bureau advised  
by airtel 2/20/67



FILE # 100-37158

SUBJECT MORTON SOBELL

SERIAL 2460 DATE 3-21-67

CONSISTING OF 2 PAGES

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FILE # 100-37158

SUBJECT MORTON SOBELL

SERIAL 2461 DATE 3-21-67

CONSISTING OF 2 PAGES

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FILE # 100-37158

SUBJECT MORTON SOBELL

SERIAL 2462 DATE 3-21-67

CONSISTING OF 3 PAGES

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Officers number [REDACTED]

FILE # 100-37158

SUBJECT MORTON SOBELL

SERIAL 2463 DATE 3-22-67

CONSISTING OF 7 PAGES

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information which would disclose an intelligence  
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FILE # 100-37158

SUBJECT MORTON SOBELL

SERIAL 2464 DATE 3-22-67

CONSISTING OF 2 PAGES

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

FILE # 100-37158

SUBJECT MORTON SOBELL

SERIAL 2465 DATE 3-22-67

CONSISTING OF 2 PAGES

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FILE # 100-37158

SUBJECT MORTON SOBELL

SERIAL 2466 DATE 3-22-67

CONSISTING OF 2 PAGES

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UNITED STATES GOVERNMENT

# Memorandum

TO : SAC 100-37158

DATE: 3/24/67

FROM : SA [REDACTED] b1c

SUBJECT: MORTON SOBELL  
ESP - R

On 3/21/67, AUSA Stephen F. Williams advised that he had heard that Marshal Berlin & William Kuntzler, attorneys for subject, were to speak at an affair to be held at Hunter College on April 11. He advised that since this matter is still pending in the Court of Appeals, this might constitute a violation of the Canon of Ethics. He requested any additional facts we might have regarding this.

On 3/22/67, Williams was advised that information previously received by this office indicated that the Committee to Free Morton Sobell had rented Hunter College Auditorium for April 11 and were planning to hold a

100-37158-2468

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| APR 2 1967     |         |
| FBI - NEW YORK |         |

*jfd*





Celebration to honor the 50<sup>th</sup> birthday of Sobell.

Meriam & Walter Schneir will act as M.C.

Scheduled Speakers are 3 scientists, Urey, Morrison & Leuschitz; also a Rabbi Jacob Weinstein from Chicago. Present info indicates that subjects' attorneys are listed as honored guests and will be on the stand, but are not listed as speakers. They plan to obtain messages of congratulations from any prominent person who has ever said anything favorable about the case. Entertainment will also be provided & the Schneir book will be promoted. The affair is open to the public for a donation of \$1.00 and they expect about 2,000 people. The affair has been advertised in the "National Guardian" and "The Worker" and they plan additional newspaper and radio advertisement.

Williams was advised that if he desired anyone from his office to attend to determine if legal aspects of the case would be discussed, this office could provide him with tickets.

FILE # 100-37158

SUBJECT MORTON SOBELL

SERIAL 2470 DATE 3-29-67

CONSISTING OF 3 PAGES

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Officers number [REDACTED]

FILE # 100-37158

SUBJECT MORTON SOBELL

SERIAL 2471 DATE 3-29-67

CONSISTING OF 1 PAGES

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

FILE # 100-37158

SUBJECT MORTON SOBELL

SERIAL 2472 DATE 3-29-67

CONSISTING OF 3 PAGES

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

FILE # 100-37158

SUBJECT MORTON SOBELL

SERIAL 2473 DATE 4-5-67

CONSISTING OF 2 PAGES

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

FILE # 100-37158

SUBJECT MORTON SOBELL

SERIAL 2475 DATE 3-30-67

CONSISTING OF 2 PAGES

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to Executive Order 11652 as it contains  
information which would disclose an intelligence  
source. This serial bears the Classification  
Officers number [REDACTED]

FILE # 100-37158

SUBJECT MORTON SOBELL

SERIAL 2476 DATE 3-13-67

CONSISTING OF 2 PAGES

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

~~SECRET~~

~~SECRET~~

A characterization of CPKS is attached hereto.

Classified by 204  
Exempt from GDS  
Date of Declassification 2-10-2004

~~SECRET~~

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

100 37158- 2477



~~CONFIDENTIAL~~

**Committee To Free Morton Sobell  
(CFMS)**

On February 25, 1967, and April 1, 1967, advertisements appeared in the "National Guardian" for a "Morton Sobell 50th Birthday Meeting" to be held at the Hunter College Auditorium, 69th Street between Park Avenue and Lexington Avenue, New York, New York, on April 11, 1967, from 7:00 to 10:00 p.m. The affair was sponsored by CFMS, 150 Fifth Avenue, New York City, New York. U

A characterization of the "National Guardian" is attached hereto.

On March 17, 1967, a confidential source provided a pamphlet being circularized by CFMS which announced "50th Birthday Meeting, Guest Speakers, Dr. Philip Morrison, Dr. Harold C. Urey, Rabbi J.J. Weinstein, Other Distinguished Guests, Marshall Perlin, William M. Kunstler, Arthur Kinoy, Attorneys for Morton Sobell; Mrs. Rose Sobell, Mrs. Morton Sobell; Guest Artist Barbara Dane, Folksinger ..... Contribution \$1.00, Send Birthday Greetings to : Mr. Morton Sobell, 31403 P.O. Box 1000, Lewisburg, Pa. 17837".

**Philip Morrison**

In testimony before a United States Senate Sub-committee hearing in May, 1953, Philip Morrison admitted that he joined the Young Communist League (YCL) when he was about 18 years old and that he became a member of the CP in 1939. U

YCL has been designated pursuant to Executive Order 10450.

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**Committee To Free Morton Sobell  
(CFMS)**

The April 13, 1964, issue of "New York Times" page 23, contained an advertisement of the Emergency Civil Liberties Committee (ECLC) setting forth the names of members of the Executive Committee of the National Council of ECLC. The name "Prof. Philip Morrison" was included on this list. U

A characterization of ECLC is attached hereto.

**Dr. Harold C. Urey**

Dr. Harold Clayton Urey, according to the records of the House Committee on Un-American Activities (HCUA) as of October 1, 1963, has been a sponsor or member of or otherwise affiliated with five subversive organizations cited by the United States Attorney General and fifteen organizations cited by the HCUA. U

**Rabbi Jacob Weinstein**

In January, 1965, a second confidential source advised that as of January, 1965, Rabbi Jacob Weinstein was a member of the Advisory Council of the National Committee to Repeal the McCarran Act. (NCRMC) U

In March 1963, a third confidential source advised that at the annual meeting of the Chicago Committee To Defend the Bill of Rights (CCDBR), which was held in Chicago on March 17, 1963, it was announced that

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Committee To Free Morton Sobell  
(CFMS)

Rabbi Jacob Weinstein had resigned as a  
member of CCDER Board of Officers because  
of pressure of other responsibilities.//

Characterizations of MCRMC and CCDER are attached hereto.

[REDACTED]

[REDACTED]

b1

[REDACTED]

b1

[REDACTED]

S

[REDACTED]

b1

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

**Committee To Free Morton Sobell  
(CHS)**

**William Kunstler**

An eighth confidential source advised on October 29, 1962, that a rally was held on October 24, 1962, sponsored by the New York Council to Abolish the House Un-American Activities Committee (NYCAHUAC) at the Manhattan Center, 34th Street and Eighth Avenue, New York City. William Kunstler spoke at that rally and told the audience that the House Committee on Un-American Activities (HCUA) interferes with social progress and the brotherhood of man. Kunstler called for the abolition of the HCUA. L

A 9th confidential source advised on February 25, 1964, that William Kunstler was a speaker before the National Lawyers Guild (NLG), National Convention, Detroit, Michigan, on February 21, and 22, 1964, and participated in panel discussions at this convention. L

A characterization of the NYCAHUAC and the NLG are attached.

**Arthur Kinoy**

A 10th confidential source advised on August 30, 1960, that Arthur Kinoy had attempted to set up a CP club of professionals following the 16th National CP Convention. L

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**Committee To Free Morton Sobell  
(CFMS)**

Helen Sobell

On February 2, 1944, [REDACTED] b7d  
an admitted member of the Communist Party  
(CP) from [REDACTED]  
[REDACTED] identified Helen Gurwits (Helen  
Sobell, Mrs. Morton Sobell) as a member  
of the Education and Literature Committee  
of the CP in Washington, D.C., as of February 1,  
1944.

Rose Sobell

During 1952, [REDACTED]  
[REDACTED] New York, advised that the Sobell family  
had resided at this address from about July,  
1931, to December, 1940. The source advised  
that on several occasions during this period  
Mrs. Sobell had [REDACTED]  
and the source added that, although he believed  
Rose Sobell to be a CP member because of this,  
he could not confirm her as a member of the CP  
or Communist front organization. U b7d

Barbara Dane

On November 8, 1965, an eleventh confidential  
source advised that Barbara Dane was the  
entertainer at a memorial meeting for Bob  
Thompson held in New York City on October 24,  
1965. U

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

**Committee To Free Morton Sobell  
(CFMS)**

**Bob Thompson**

On September 29, 1965, a twelfth confidential source advised that as of September, 1965, Bob Thompson was District Organizer for the New York District CP.

Robert Thompson died October 16, 1965.

On March 24, 1967, a 13th confidential source advised that Dr. Henry Linschitz had also agreed to speak at the CFMS rally on April 11, 1967.

On April 10, 1967, the first confidential source advised that on April 5, 1967, the members of the CFMS in New York City were advised that Rabbi Jacob J. Weinstein had pneumonia and would not be able to speak at the CFMS rally.

On April 12, 1967, a fourteenth confidential source advised that the CFMS sponsored rally at Hunter College Auditorium, East 69th Street at Lexington Avenue, New York City, was held from approximately 7:15 p.m. until after 10:00 p.m. on April 11, 1967. Between 1,000 and 1,500 people attended. Walter Schneir and Miriam Schneir, co-authors of "Invitation To An Inquest", acted as Master and Mistress of Ceremonies. Attorneys Marshall Perlin and William M. Kunstler were introduced, but did not speak. Attorney Arthur Kinoy was also mentioned, but was not present. Rose Sobell gave a short speech about the injustices done to her son. Helen Sobell gave a fund appeal for the efforts of CFMS. The main speeches were given by Dr. Philip Morrison, Dr. Henry Linschitz, and Dr. Harold Urey. ✓

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

**Committee To Free Morton Sobell  
(CFMS)**

Dr. Morrison gave a summary history of the development of bombs up to what we have today. He reviewed his participation in the development of the atomic bomb. He was of the opinion that the sketch of the atomic bomb involved in the Rosenberg - Sobell case was of no value. He opposed massive retaliation against any country and this retaliation in the long run would not benefit our country. J

Dr. Linschitz showed pictures of atom bomb sketch used in the Rosenberg - Sobell case and attempted to explain why he believed it was of no value. He believed that if some of the atomic scientists would have spoken out on this matter during the Rosenberg - Sobell trial, a different result might have taken place. He suggested that the atomic scientists would support Morton Sobell under the national and international atmosphere of today.

Dr. Harold Urey also spoke in support of Morton Sobell and indicated the sketch used in the Rosenberg - Sobell case was valueless to USSR.

After the speeches entertainment was provided by Barbara Dane.

All of the above information was substantially verified by the above eleventh and thirteenth confidential sources on April 12, 1967.

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~~CONFIDENTIAL~~

Committee To Free Morton Sobell  
(CFMS)

[REDACTED]

b1

[REDACTED]

b1

Harry Gold

Harry Gold, who was convicted of conspiracy to commit espionage and received 30 years imprisonment, testified as a government witness in the Rosenberg - Sobell trial. Gold served 15 years of his sentence in the custody of the United States Attorney General and was paroled in May, 1966. ]

All the above confidential sources have furnished reliable information in the past.

~~CONFIDENTIAL~~



## APPENDIX

1.

### 'NATIONAL GUARDIAN'

The "Guide to Subversive Organizations and Publications," revised and published as of December 1, 1961, prepared and released by the Committee on Un-American Activities, United States House of Representatives, Washington, D.C., contains the following concerning the "National Guardian":

#### "NATIONAL GUARDIAN .

- "1. 'established by the American Labor Party in 1947 as a "progressive" weekly \* \* \*. Although it denies having any affiliation with the Communist Party, it has manifested itself from the beginning as a virtual official propaganda arm of Soviet Russia.' (Committee on Un-American Activities, Report, Trial by Treason: The National Committee to Secure Justice for the ROSENBERGs and MORTON SOBELL, August 25, 1956, p. 12.)"

## APPENDIX

1.

### EMERGENCY CIVIL LIBERTIES COMMITTEE

The "Guide to Subversive Organizations and Publications," revised and published as of December 1, 1961, prepared and released by the Committee on Un-American Activities, United States House of Representatives, Washington, D.C., contains the following concerning the Emergency Civil Liberties Committee:

#### "Emergency Civil Liberties Committee

- "1. 'The Emergency Civil Liberties Committee is an organization with headquarters in New York, whose avowed purpose is to abolish the House Committee on Un-American Activities and discredit the FBI. \* \* \* The committee finds that the Emergency Civil Liberties Committee, established in 1951, although representing itself as a non-Communist group, actually operates as a front for the Communist Party. It has repeatedly assisted, by means of funds and legal aid, Communists involved in Smith Act violations and similar legal proceedings. One of its chief activities has been and still is the dissemination of voluminous Communist propaganda material.'

'FRANK WILKINSON was called as a witness when he appeared in Atlanta as a representative of the Emergency Civil Liberties Committee to propagandize against the Committee on Un-American Activities and to protest its hearings. In 1956 WILKINSON was identified as a Communist Party member by a former FBI undercover agent within the Party. Summoned at that time to answer the allegation, his reply to all questions was, "I am answering no questions of this committee." This also became his stock reply to questions when he appeared during the Atlanta hearings. \* \* \* WILKINSON has since been convicted of contempt of Congress and sentenced to one year in jail.

APPENDIX

2.

EMERGENCY CIVIL LIBERTIES COMMITTEE (CONT'D)

'Disputing the non-Communist claim of the organization, the committee finds that a number of other individuals connected with the ECLC also have been identified under oath as Communists.

\* \* \*

(Committee on Un-American Activities, Annual Report for 1958, House Report 187, March 9, 1959, pp. 34 and 35.)

'To defend the cases of Communist law-breakers, fronts have been devised making special appeals in behalf of civil liberties and reaching out far beyond the confines of the Communist Party itself. Among these organizations are the \* \* \* Emergency Civil Liberties Committee. When the Communist Party itself is under fire these fronts offer a bulwark of protection.'

(Internal Security Subcommittee of the Senate Judiciary Committee, Handbook for Americans, S. Doc. 117, April 23, 1956, p. 91.)"

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APPENDIX

NATIONAL COMMITTEE FOR REPEAL OF THE  
MC CARRAN ACT, Formerly known as  
National Committee to Repeal the  
McCarran Act (1963)

A source advised during May, 1966, that the National Committee for Repeal of the McCarran Act (NCRMA) continues to maintain a mailing address of Room 318, 431 South Dearborn Street, Chicago, Illinois, in connection with requests for financial donations.

This source advised on May 11, 1966, that LILLIAN BERMAN, Executive Secretary of the NCRMA, moved from Chicago, Illinois, to New York, New York, in 1965, and continues to operate the NCRMA from that city.

This source advised during May, 1966, that the NCRMA was the outgrowth of an Ad Hoc Committee of Initiators, headed by Professor CLYDE MILLER of New York, who solicited signatures to a Petition to the President of the United States in 1962 which called for the repeal of the McCarran Act. The NCRMA held its formation meeting at Chicago on May 18, 1963; the stated purpose of the committee is to seek repeal of the Internal Security Act of 1950 as amended.

A second source advised in May, 1964, that the Communist Party, USA (CP) interest in NCRMA had been to give it full support and approval, and the CP took the position that the committee composition must be extremely broad and the Party's direct influence must be kept to a minimum. The CP believed the new committee would serve its purpose in fighting the McCarran Act alone and the CP had everything to gain by taking this position. LILLIAN BERMAN, NCRMA Executive Secretary, is not a CP member, but knowingly accepts support and advice from the CP leadership on behalf of this committee.

CLYDE MILLER, according to the "Daily Worker," issue of March 5, 1941, was a signer of a statement to the President defending the CP.

The "Daily Worker" was an East Coast communist daily newspaper which ceased publication January 13, 1958.

CHICAGO COMMITTEE TO DEFEND  
THE BILL OF RIGHTS

The Chicago Committee to Defend the Bill of Rights (CCDBR) maintains headquarters in Rooms 801-803, 431 South Dearborn Street, Chicago, Illinois.

A source advised in July, 1960, that RICHARD CRILEY, then a member of the Civil Liberties Commission of the Communist Party (CP) of Illinois, met with key leaders of the CP and was authorized by the CP to form a new organization with broad mass support so long as the new organization would protect the Party interests.

This source advised in October, 1960, that on October 28, 1960, CRILEY reported to the CP leadership that the CCDBR had been organized. He outlined its aims and purposes as being to obtain mass support to abolish the House Committee on Un-American Activities (HCUA) and to defend Smith Act and Taft-Hartley victims. He said there would be no formal affiliation with any other national organization having the same purposes. The CP leadership agreed with the general direction of the CCDBR as outlined by CRILEY.

A second source advised on October 31, 1960, that the CCDBR was formally organized on October 26, 1960, with RICHARD CRILEY as Executive Secretary after he motivated organizing the meeting of October 26, 1960.

A third source advised on May 11, 1966, that the original stated purposes for the CCDBR continue to be adhered to, with CRILEY continuing as the motivating force behind the Committee. The Board of Directors, however, now includes many individuals in the religious, educational and labor fields who are not known as CP members.

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APPENDIX

~~CONFIDENTIAL~~

1.

NATIONAL COMMITTEE TO ABOLISH THE  
HOUSE UN-AMERICAN ACTIVITIES COMMITTEE  
Known in the New York City area as  
The New York Friends of the National Committee  
to Abolish the House Un-American Activities Committee

A source advised that on December 15, 1965, it was decided by the Executive Committee of the New York Council to Abolish the House Un-American Activities Committee (NYCAHUAC) to dissolve and turn over its work in the New York City area to the National Committee to Abolish the House Un-American Activities Committee (NCAHUAC).

According to the source, the NCAHUAC established at that time a group called the New York Friends of the NCAHUAC (NYF). The source stated that NYF would handle all abolition work in the New York City area and would engage primarily in political and fund raising activities.

The source advised that as of June 3, 1966, the NYF was continuing to function in the New York City area.

~~CONFIDENTIAL~~

1.

APPENDIX

NATIONAL LAWYERS GUILD

The "Guide to Subversive Organizations and Publications," revised and published as of December 1, 1961, prepared and released by the Committee on Un-American Activities, United States House of Representatives, Washington, D.C., contains the following concerning the National Lawyers Guild:

"National Lawyers Guild

- "1. Cited as a Communist front.  
(Special Committee on Un-American Activities, House Report 1311 on the CIO Political Action Committee, March 29, 1944, p. 149.)
- "2. Cited as a Communist front which 'is the foremost legal bulwark of the Communist Party, its front organizations, and controlled unions' and which 'since its inception has never failed to rally to the legal defense of the Communist Party and individual members thereof, including known espionage agents.'  
(Committee on Un-American Activities, House Report 3123 on the National Lawyers Guild, September 21, 1950, originally related September 17, 1950.)
- "3. 'To defend the cases of Communist lawbreakers, fronts have been devised making special appeals in behalf of civil liberties and reaching out far beyond the confines of the Communist Party itself. Among these organizations are the \* \* \* National Lawyers Guild. When the Communist Party itself is under fire these offer a bulwark of protection.'  
(Internal Security Subcommittee of the Senate Judiciary Committee, Handbook for Americans, S. Doc. 117, April 23, 1956, p. 91.)"

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X

APPENDIX

1.

COMMITTEE TO FREE MORTON SOBELL

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

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

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

The Address Telephone Directory for the Borough of Manhattan, New York City, published by the New York Telephone Company on August 18, 1966, lists the above Committee's address as 150 Fifth Avenue, New York, New York.

CONFIDENTIAL

X

22 24



4/18/67

**AIRTEL**

**TO : DIRECTOR, FBI (100-387835)**

**FROM : SAC, NEW YORK (100-107111)**

**SUBJECT: COMMITTEE TO FREE MORTON SOBELL  
IS - C,  
ISA, 1950**

**Re NY airtel to Bureau, 3/13/67.**

Enclosed herewith for Bureau are 5 copies,  
for Boston and Chicago 1 information copy of a LHM on the  
CFMS Rally, 4/11/67, celebrating the 50th Birthday of  
MORTON SOBELL.

A copy of this LHM has been provided to USA,  
SDNY, per his request.

The following sources were used in attached LHM:

1. [REDACTED]
2. [REDACTED]
3. [REDACTED]
4. [REDACTED]
5. [REDACTED]
6. [REDACTED]
7. [REDACTED]

b7d

- 3- Bureau (Encls. 5) (RM)
- 1- Boston (100-27290) (Encl. 1) (INFO) (RM)
- 1- Chicago (100-25530) (Encl. 1) (INFO) (RM)
- 2- New York  
(1) 100-37158) (MORTON SOBELL)

HPB:ptp  
(8)

100-37158-2478

|                |         |
|----------------|---------|
| SEARCHED       | INDEXED |
| SERIALIZED     | FILED   |
| APR 18 1967    |         |
| FBI - NEW YORK |         |

[REDACTED]

b7c

**AIRTEL**

**NY 100-107111**

8.

9.

10.

11.

12.

13.

14.



b7d

The attached LHM has been classified "CONFIDENTIAL" to protect informants 1,4 through 8, and 10 through 14. These informants are of continuing value and the unauthorized disclosure of the information furnished could reasonably identify these informants and therefore affect the national security interests.

FILE # 100-37158

SUBJECT MORTON SOBELL

SERIAL 2480 DATE 4-24-67

CONSISTING OF 2 PAGES

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

FILE # 100-37158

SUBJECT MORTON SOBELL

SERIAL 2481 DATE 4-25-67

CONSISTING OF 1 PAGES

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

FILE # 100-37158

SUBJECT MORTON SOBELL

SERIAL 2482 DATE 4-24-67

CONSISTING OF 2 PAGES

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

FILE # 100-37158

SUBJECT MORTON SOBELL

SERIAL 2483 DATE 4-26-67

CONSISTING OF 4 PAGES

24

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



SEARCHED \_\_\_\_\_ INDEXED \_\_\_\_\_  
SERIAL \_\_\_\_\_ FILED \_\_\_\_\_  
APR 27 1967  
NEW YORK

NY 100-107111

Identity of Source:

[REDACTED] **b7d**  
(reliable-  
conceal)

Description of Info:

Info re rally sponsored  
by the Committee to  
Free Morton Sobell,  
celebrating 50th birth-  
day of MORTON SOBELL  
at Hunter College  
Auditorium, NYC,  
4/11/67

Date Received:

4/14/67

Received By:

SA [REDACTED] **b7c**  
(Written)

Original Location:

[REDACTED] **b7d**

All necessary action taken. Information  
furnished Bureau in LHM, dated 4/18/67.

A copy of informant's report follows:



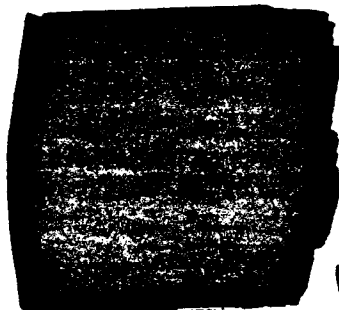
NY 100-107111

April 12, 1967

The Committee to Free Morton Sobell held a rally at Hunter College Assembly Hall, 69th Street and Lexington Avenue, on the evening of April 11, 1967. The hall was almost full. The rally commenced at 7:20 p.m. and ended at 10:15 p.m. Committee members participating were:



b7d



b7d

Mr. ZION, of the "New York Times," and WILLIAM KUNSTLER were in the audience.

The guest speakers were WALTER and MIRIAM SCHNEIR, Dr. LINSCHITZ, Dr. MORRISON, Dr. UREY, ROSE SOBELL, and HELEN SOBELL. BARBARA DANE was the guest artist. b7d

Dr. LINSCHITZ projected the bomb sketch on a screen. He indicated that the sketch was not drawn to scale and that there was no mention as to the type of metals used.

The SCHNEIRS and HELEN SOBELL read messages from BERTRAND RUSSELL, JOHN HENRY FAULK, Dr. MARTIN LUTHER KING, and others intermittently during the rally.

Dr. MORRISON spoke at length discussing his participating of the development of the Atomic bomb.

HELEN SOBELL asked for contributions from the audience and a collection was taken.

HAROLD UREY praised the SCHNEIRS for contributing new evidence. He also made mention of the "I come from Julius" phrase during his talk.

FILE # 100-37158

SUBJECT MORTON SOBELL

SERIAL 2484 DATE 4-27-67

CONSISTING OF 3 PAGES

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

FILE # 100-37158

SUBJECT MORTON SOBELL

SERIAL 2485 DATE 4-27-67

CONSISTING OF 2 PAGES

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

FILE # 100-37158

SUBJECT MORTON SOBELL

SERIAL 2486 DATE 5-8-67

CONSISTING OF 9 PAGES

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

OFFICE MEMORANDUM \*\*\* UNITED STATES GOVERNMENT

TO: SAC, LOS ANGELES (97-16)

DATE: 4/14/67

FROM: SA [REDACTED] b7c

SUBJECT: "PEOPLE'S WORLD" (PW)  
REGISTRATION ACT

| SOURCE         | ACTIVITY  | RECEIVED       | AGENT  | LOCATION       |
|----------------|---|----------------|--------|----------------|
| [REDACTED] b7d | So. Calif. Committee for the PW, [REDACTED] b7d | [REDACTED] b7d | Writer | [REDACTED] b7d |

Informant furnished a report which has been Xeroxed and is attached.

- CC: 1 - BOSTON (REGISTERED)  
100- [REDACTED] b7d (Retained copy maintained in file [REDACTED])
- 1 - SAN FRANCISCO (REGISTERED)  
100- [REDACTED] b7d
- 1 - NEW YORK (REGISTERED)  
100- (MORTON SOBELL)

[REDACTED] b7d

100  
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[REDACTED]

b7d

100-37158-2487

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|----------------|---------|
| SEARCHED       | INDEXED |
| SERIALIZED     | FILED   |
| MAY 5 1967     |         |
| FBI - NEW YORK |         |

b7c

COPIES CONTINUED ON PAGE 2.

jco:klb  
(36)

Read by

[Signature]

LA 97-16

COPIES CONTINUED

|                                |                                |
|--------------------------------|--------------------------------|
| 100- [REDACTED]                | 100- [REDACTED] b7d            |
| 100- [REDACTED]                | 100- [REDACTED]                |
| 100- [REDACTED]                | 100- [REDACTED]                |
| 100- [REDACTED]                | 100- [REDACTED]                |
| 100- [REDACTED]                | 100-68891 (SPRING MOBILIZATION |
| 100- [REDACTED]                | COMMITTEE TO END THE           |
| 100- [REDACTED] b7d            | WAR IN VIET NAM)               |
| 100- [REDACTED]                | 100-41648 (COMMITTEE TO SECURE |
| 100- [REDACTED]                | JUSTICE FOR MORTON             |
| 100- [REDACTED]                | SOBELL)                        |
| 100- [REDACTED]                | 100- [REDACTED]                |
| 100-23423 (POLITICAL ACTIVITY) | 100- [REDACTED]                |
|                                | 100- [REDACTED] b7d            |

ACTION:

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

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

INDEX: [REDACTED]

b7d

A meeting of the So. Calif. Committee for the People's World was held [REDACTED] at the Hungarian Hall, 1251 So. St. Andrews Pl., Los Angeles, California.

[REDACTED]

b7d

The plans for the George Sandy affair to be held Sunday, April 23, 1967 at Hungarian Hall, were discussed. It is hoped that a person of some distinction will be able to chair this affair as Sandy is not too well known except among those working with the P.W. There will be entertainment by a singer named Scales and Waldemar Hille. Other entertainers may run the program too long and too expensive so it will be left as it is. Greeters will be from other progressive press, such as Maymudes from the Freiheit and perhaps the editor of the Hungarian Press since the affair will be at the Hungarian Hall.

Sol reported that attempts to obtain the Ambassador Hotel for the annual banquet are still being made. The feeling is that they are being given the run around but are waiting for a call from the Ambassador to verify a date that was given them by a person to whom they spoke. So far he has not called as he had promised. In the meantime other places should be looked into and various recommendations were made. Sadde suggested that Dodo's Music Center be contacted just in case no other place is available.

There was quite a lengthy discussion on the theatre party that is being held Friday, March 31, to see 'Burn, Baby Burn'. It was finally agreed to let the discussion be handled as best it can be by Frank Greenwood, who is the author of the play. Bill Taylor, Emil Freed and Sadie have expressed a desire to take the floor in the discussion and it is hoped that others will be careful in what they say so as not to make the players and author think we have come there to tell them what to do but that we wish to have a better understanding between Negro and Jews so that they will see the 'real enemy'. Even several of those present were not too clear on whether our role in this is correct and expressed the feeling that we need more clarification among our own people on their understanding of the role of the Jew and the Negro and their relationship in this society.

A report on the Scott Nearing affair which was held a short time ago showed that there were 55 people present with 50 paying. This was a quickly gotten together affair and very successful as far as content was concerned.

Several announcements were made. Minnie stated that she felt the April 15 affair in San Francisco was very important and all those wishing to attend get in touch with the committee for transportation and housing. Anna Mandelmen reported that the Sobell committee is celebrating Morton Sobell's birthday with a party on May 14th. Larry Pacifico reported that the dinner honoring Elsie Monjar is being held May 21 from 1:30 to 4:30 at a Chinese Restaurant. Mike Gold is in the hospital as is his wife who broke her ankle. He is in the hospital under his real name of Michael Granich.

Sadie reported that Don Wheeldon is rejoining the staff of the P.W. She also asked that we try to reach 75% of the drive by [REDACTED] b7d

Everyone is urged to work as hard as they can in the campaign in the coming elections as this being an election that will not draw out too many voters and the threat to candidates that are being recommended.



FILE # 100-37158

SUBJECT MORTON SOBELL

SERIAL 2488 DATE 4-5-67

CONSISTING OF 3 PAGES

*Pg 2*

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

OFFICE MEMORANDUM \*\*\*\* UNITED STATES GOVERNMENT

TO: SA, LOS ANGELES (100-41648) DATE: 4/5/67  
 FROM: SA [REDACTED] b7c  
 SUBJECT: COMMITTEE TO FREE MORTON SOBELL  
 IS - C

| SOURCE         | ACTIVITY                                 | RECEIVED       | AGENT  | LOCATION       |
|----------------|--|----------------|--------|----------------|
| [REDACTED] b7d | Info re Committee to Free Morton Sobell. | [REDACTED] b7d | Writer | [REDACTED] b7d |

Informant furnished a report which has been Xeroxed and is attached

ACTION:

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

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

INDEX: KLAC

CC: 3 - NEW YORK (REGISTERED)  
 100-107111 (COMMITTEE TO FREE MORTON SOBELL) (Retained copy maintained in file)  
 100- (MORTON SOBELL)  
 100- [REDACTED] b7d

100- [REDACTED] b7d  
 100- [REDACTED] b7d  
 100- [REDACTED] b7d  
 100- 55955 (KREKO)  
 100- [REDACTED] b7d  
 100- [REDACTED] b7d

CEW:klb

Read by CEW

100-37758-2488

|  |   |
|--|---|
| SEARCHED <input checked="" type="checkbox"/>   | INDEXED <input checked="" type="checkbox"/> |
| SERIALIZED <input checked="" type="checkbox"/> | FILED <input checked="" type="checkbox"/>   |
| MAY 5 1967                                     |   |
| FBI - NEW YORK                                 |   |

[REDACTED] b7c

APPENDIXCOMMITTEE TO FREE MORTON SOBELL

A source advised on March 9, 1967, that the Los Angeles Committee to Free Morton Sobell is the Los Angeles, California, affiliate of captioned organization. In August, 1966, the name "Committee to Free Morton Sobell" first appeared on literature issued by the Committee.

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

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

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

The Address Telephone Directory for the Borough of Manhattan, New York City, published by the New York Telephone Company on August 18, 1966, lists the above Committee's address as 150 Fifth Avenue, New York, New York.

FILE # 100-37158

SUBJECT MORTON SOBELL

SERIAL 2489 DATE 12-2-66

CONSISTING OF 2 PAGES

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

UNITED STATES GOVERNMENT

# Memorandum

TO : SAC, NEW YORK (100-37158)

DATE: 5/12/67

FROM : SA [REDACTED] b7c

SUBJECT: MORTON SOBELL  
ESP - R

Reference is made to the request on 5/8/67 from [REDACTED] for information as to the possible identity of an aunt of MORTON SOBELL (a sister of his mother) who was in Paris, France on 4/11/67. b7d

The writer canvassed SAS who are familiar with the members and activities of the Committee to Free Morton Sobell, and the activities of HELEN SOBELL and ROSE SOBELL, wife and mother of subject. These SAS advised they did not know of any sister of ROSE SOBELL, nor of any relative of SOBELL who resides in Paris.

The writer reviewed all of the background information which is contained in the file of ROSE SOBELL, and the following was noted:

ROSE SOBELL was the daughter of MICHAEL and IDA PASTERNAK, both of whom were born in Poland. In recoding background information, ROSE never listed any sisters. She did list three brothers, all of whom are married, as follows:

MORRIS PASTERNAK (100-52334)  
Wife - FLORENCE (100-55806)

Both presently  
reside in NYC

LOUIS PASTERNAK (100-96057)  
Wife - FANNIE

He died in 1965.  
She continues to  
reside in NYC.

JOSEPH PASTERNAK (100-108654)  
Wife \* IDA (100-95361)

Case file on  
either. Info in NY  
files reflects that  
in 1958 they resided  
in L.A., Calif.

1- 100-128869 (Rose Sobell)

1- [REDACTED] b7d

PPD:vm  
(3)



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

100-37158-2490  
SEARCHED INDEXED  
SERIALIZED FILED  
MAY 17 1967  
FBI - NEW YORK  
JMS

A review of the file on MORRIS PASTERNAK and FLORENCE PASTERNAK, reflects that they presently reside at 41-44 48th Street, Long Island City. On 4/19/66, FLORENCE PASTERNAK, born 7/21/04 in Poland, obtained a passport, # G 307366, stating that she planned to depart for a two months trip with her husband to England, France, and Italy, departing from the US in September, 1966. This trip was apparently cancelled because her husband was ill. The file indicated that they were both last observed in NYC on 3/1/67. No information was reflected which would indicate that they are presently out of the country, however, this is possible since they both has passports.

It was noted in the file of MORRIS PASTERNAK that in an employment application in 1944, he listed among his relatives the following:

- Brother - JOSEPH
- Brother - LOUIS
- Sister - CHANTZA WEINSTEIN, born in Poland, residing in Bronx, NY and US citizen.
- Sister - DORA RUCHAMES, born in Poland, residing in Bronx, NY and US citizen.

It is noted the above sisters of MORRIS would also be sisters of ROSE SOBELL, unless they were sisters-in-law of MORRIS. Files of the NYO fail to reflect any additional information regarding either, and their present whereabouts is unknown. They might also be deceased

From the above, it would appear that the only aunt of subject who could be in Paris and who is a sister of ROSE SOBELL, would be CHANTZA WEINSTEIN or DORA RUCHAMES. FLORENCE PASTERNAK, who is an aunt of subject, could also be in Paris, however, she is the sister-in-law of subject. ROSE.

FILE # 100-37158

SUBJECT MORTON SOBELL

SERIAL 2493 DATE 5-1-67

CONSISTING OF 3 PAGES

*Pgs 1 and 2*

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

*Pg. 3 is duplicate*

FILE # 100-37158

SUBJECT MORTON SOBELL

SERIAL 2494 DATE 5-15-67

CONSISTING OF 2 PAGES

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



FILE # 100-37158

SUBJECT MORTON SOBELL

SERIAL 2495 DATE 5-25-67

CONSISTING OF 2 PAGES

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

FILE # 100-37158

SUBJECT MORTON SOBELL

SERIAL 2496 DATE 5-25-67

CONSISTING OF 1 PAGES

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

FILE # 100-37158

SUBJECT MORTON SOBELL

SERIAL 2498 DATE 6-8-67

CONSISTING OF 2 PAGES

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

FILE # 100-37158

SUBJECT MORTON SOBELL

SERIAL 2499 DATE 6-24-67

CONSISTING OF 2 PAGES

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

FILE # L00-37158

SUBJECT MORTON SOBELL

SERIAL 2500 DATE 6-14-67

CONSISTING OF 9 PAGES

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

FILE # L00-37158

SUBJECT MORTON SOBELL

SERIAL 2503 DATE 6-1-67

CONSISTING OF 1 PAGES

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

UNITED STATES GOVERNMENT

MEMORANDUM

TO: SAC, NEW YORK (62-00)

DATE: 6/20/67

FROM: SAA [REDACTED] b7c

SUBJECT: BUREAU CASES ON APPEAL

Liaison with AUSAs JEROME DITORE, Appeals Attorney, EDNY, and MICHAEL W. MITCHELL, Chief Appellate Attorney, SDNY, discloses the Bureau cases listed below are on appeal. Reference is made to the Manual Of Rules and Regulations, Part II, Section 8K, Page 22, which states the Office of Prosecution is to follow every Bureau case in which a conviction is appealed to the Court of Appeals. (THE CASE AGENT SHOULD FOLLOW THE APPEAL AND OBTAIN COPIES OF BRIEFS OF BOTH THE APPELLANT AND THE GOVERNMENT AND FORWARD THEM TO THE BUREAU, BY COVER LETTER TOGETHER WITH A SUMMARY OF THE POINTS RAISED ON APPEAL AND THE GOVERNMENT'S ANSWERS THERETO).

The appealed cases set forth by memorandum of SA [REDACTED] to the SAC, NY, dated 1/6/67, entitled "BUREAU CASES ON APPEAL" (62-00), which have been affirmed or otherwise disposed of, are not included in the list below: b7c

- 1- New York (62-00)
- 1- SAC RICHARD J. BAKER
- 1- Supv. [REDACTED] b7c
- 1- Supv. Desk #24
- 1- Supv. Desk #241
- 1- Supv. Desk #26
- 1- Supv. Desk #261
- 1- Supv. Desk #21
- 1- Supv. Desk #20
- 1- Supv. Desk #251
- 1- Supv. Desk #27
- 1- Supv. Desk #222
- 1- Supv. Desk #42

WM:JMR

*all info re appeal  
including briefs  
has been furnished  
to Bureau  
Hd.*

100-37158-2504

|                |         |
|----------------|---------|
| SEARCHED       | INDEXED |
| SERIALIZED     | FILED   |
| JUN 20 1967    |         |
| FBI - NEW YORK |         |



[REDACTED] b7c





NY 62-00

COPIES CONTINUED:

|             |   |     |
|-------------|---|-----|
| 1- New York |  | b7c |
| 1- New York |   |     |
| 1- New York |   |     |
| 1- New York |   |     |
| 1- New York |   |     |
| 1- New York | (100-37158)   |     |
| 1- New York |  | b7c |
| 1- New York |   |     |
| 1- New York |   |     |

NY 62-00

SOUTHERN DISTRICT OF NEW YORK

NY File #

TITLE AND CHARACTER

Remarks

b7c [REDACTED]

HERBERT ARTHUR ELLENBOGEN  
BRIBERY; FAG

Notice of Appeal  
Filed, 1/24/67.  
Notice of motion  
to appeal in  
forma pauperis.  
Counsel appointed.

b7c [REDACTED]

JEFFREY BUJESSE  
BR

Notice of appeal  
filed on 4/14/64.  
On 12/14/64, appli-  
cation to proceed  
in forma pauperis  
granted. On  
3/2/66, another  
notice of appeal  
filed and record  
docketed on 6/3/66

b7c [REDACTED]

JOSEPH NADLER; ET AL  
CARL MARCUS  
ITSP-MT  
Appellant-CARL MARCUS

Notice of appeal  
filed 11/16/64.  
Record docketed  
1/7/65. Extension  
to file brief  
until 2/28/67.

b7c [REDACTED]

ALAN LOUIS FISHER; ET AL  
ITSP-MT;OOJ;CONSPIRACY  
Appellants-MARTIN L. CARBONE

Notice of appeal  
filed 12/16/65.  
Argued 6/20/66,  
conviction affirm-  
ed 9/12/66. Peti-  
tion for Writ of  
Certiorari applie-  
for in November,  
1966.

NY 62-00

NY File #

TITLE AND CHARACTER

Remarks

|                |   |  |
|----------------|---|--|
| b7c [REDACTED] | ROBERT WALTER COWAN<br>TFIS   | Notice of appeal<br>filed 12/6/65. No<br>further information.  |
| b7c [REDACTED] | DANIEL FRANK JOHNSON<br>TFIS  | Notice of appeal filed<br>11/24/65; record<br>docketed 1/3/66.<br>Argued 6/7/67.   |
| b7c [REDACTED] | KENNETH WILLIAM GRANDY<br>CRIME ON HIGH SEAS  | Notice of appeal<br>filed 9/24/65. No<br>further action.   |
| b7c [REDACTED] | IRVING SCHWARTZBERG, aka;<br>ET AL<br>ITAR-PROSTITUTION; WSTA;<br>PERJURY<br>Appellant-HENRY B.<br>MC FARLAND | Notice of appeal<br>filed 6/22/66. Con-<br>viction affirmed on<br>12/29/66. Petition<br>for Writ of<br>Certiorari, 3/28/67.                    |
| b7c [REDACTED] | PHILIP N. CUCCIA; ET AL<br>TFIS<br>Appellant-CHARLES KASSEIMAN  | Notice of appeal<br>filed 5/9/66.  |
| b7c [REDACTED] | SAUL I. BIRNBAUM<br>BRIBERY   | Notice of appeal<br>filed 4/4/66; record<br>docketed 5/13/66.<br>Conviction affirmed<br>2/10/67. Writ of<br>Certiorari applied<br>for 5/26/67. |
| b7c [REDACTED] | DAVID ARTHUR GEAREY<br>[REDACTED] SSA, 1948   | New Notice of Appeal<br>4/24/67. Argued<br>6/20/67.  |

NY 62-00

NY File #

TITLE AND CHARACTER

Remarks

|                |  |   |
|----------------|--|---|
| b7c [REDACTED] | THADDEUS GRIFFIN, JR.<br>[REDACTED] b7c<br>SSA, 1948                                   | Notice of appeal filed<br>1/26/66; record<br>docketed 6/16/66;<br>argued 6/6/67.                                      |
| b7c [REDACTED] | GEORGE PHILLIP BARTON; ET AL<br>ITSP<br>Appellant-RALPH H. RAPP                        | Notice of appeal filed<br>1/29/64; record<br>docketed 3/26/64.  |
| b7c [REDACTED] | VEDAT SILAHTAROGLU, dba<br>Turkish Trading Company,<br>New York, New York;<br>ITSP-FBW | Notice of appeal filed<br>4/22/66; record<br>docketed 5/31/66.  |
| b7c [REDACTED] | DAVID J. MILLER<br>SSA, 1948   | Conviction affirmed;<br>motion to reopen<br>with U.S. Supreme<br>Court.   |
| b7c [REDACTED] | FRANK GIAMPETRUZZI; ET AL<br>Appellant-MARVIN FEINBERG                                 | Argued 11/18/66;<br>decision reserved.  |
| b7c [REDACTED] | THOMAS CHARLES CORNELL<br>SSA, 1948  | Notice of appeal filed<br>11/30/66. Record<br>docketed 1/12/67.<br>Motion 5/31/67, for<br>extension to file<br>brief. |
| b7c [REDACTED] | DONALD DE SIMONE<br>FRA  | Notice of appeal filed<br>9/29/66. Motion for<br>forma pauperis,<br>11/14/66.   |
| b7c [REDACTED] | MARC PAUL EDELMAN<br>SSA, 1948   | Notice of appeal filed<br>11/30/66. Record<br>docketed, 1/12/67;<br>argued 6/26/67.                                   |

NY 62-00

NY File #

TITLE AND CHARACTER

Remarks

|                |   |   |
|----------------|---|---|
| b7c [REDACTED] | ROY LISKER<br>SSA, 1948                                     | Notice of appeal filed<br>11/30/66. Record<br>docketed, 1/12/67.  |
| b7c [REDACTED] | THOMAS SMITH<br>TFIS  | Notice of appeal filed<br>12/7/66; Forma pauperi:<br>granted by judge on<br>12/7/66. Record docket-<br>ed 4/3/67; argued<br>6/5/67. |
| b7c [REDACTED] | PAUL ARMETTA<br>ITSMV                                       | Argued 4/5/67;<br>Conviction affirmed<br>5/4/67.  |
| b7c [REDACTED] | LARRY KNOHL<br>COJ  | Argued, 2/21/67;<br>decision reserved.  |
| b7c [REDACTED] | MURRAY PACKING COMPANY<br>NBA<br>Appellant-PETER CASTELLANA | Argued 5/9/67;<br>conviction affirmed<br>5/22/67.   |
| b7c [REDACTED] | THOMAS PETER KAPATOS  | Argued 3/13/67;<br>conviction affirmed-<br>3/15/67; petition for<br>Writ of Certiorari<br>filed 5/12/67.                            |
| b7c [REDACTED] | M. RAYMOND ADLER<br>TFIS                                    | Argued 5/18/67;<br>decision reserved.   |
| b7c [REDACTED] | DONALD ANDERSON<br>TFIS                                     | Notice of appeal filed<br>11/23/66. Record<br>docketed 5/17/67;<br>argued 6/13/67.  |

NY 62-00

NY File #

TITLE AND CHARACTER

Remarks

|                |                                      |   |
|----------------|--------------------------------------|---|
| b7c [REDACTED] | ROBERT WHITE<br>BR                   | Notice of appeal filed<br>12/10/65. No<br>further action.                         |
| b7c [REDACTED] | CHARLES BENNETT<br>TFIS              | Notice of appeal<br>filed 5/31/67.  |
| b7c [REDACTED] | ALEK DI BRIZZI<br>IMRDA              | Notice of appeal filed<br>4/25/67.  |
| b7c [REDACTED] | ARTHUR J. FISHER<br>TAFT-HARTLEY ACT | Notice of appeal filed<br>5/3/67.   |
| b7c [REDACTED] | JAMES FRANKENBERRY, JR.<br>ITSMV     | Notice of appeal<br>filed 6/1/67.   |
| b7c [REDACTED] | EDWARD S. FRIEDLAND<br>ITSP          | Notice of appeal filed<br>5/22/67.  |
| b7c [REDACTED] | STANLEY LORENZO GARLAND<br>SSA, 1948 | Notice of appeal filed<br>1/18/67.  |
| b7c [REDACTED] | WILLIAM VITO MONACO<br>TFIS          | Notice of appeal filed<br>10/2/64. Still pending                                  |
| b7c [REDACTED] | RICHARD THOMAS HART<br>TFIS          | Notice of appeal<br>filed 1/24/67. Record<br>docketed 2/23/67.                    |
| b7c [REDACTED] | CHARLES W. DEATON<br>ITSP            | Notice of appeal filed<br>1/9/67. Record<br>docketed 3/24/67;<br>argued 6/8/67.   |
| b7c [REDACTED] | ARMOND F. SACASAS, JR.<br>BR         | Notice of appeal<br>filed 2/24/67; record<br>docketed 4/20/67;<br>argued 6/26/67. |

NY 62-00

NY File #

TITLE AND CHARACTER

Remarks

100-37158

MORTON SOBELL  
SM

Notice of appeal file  
3/7/67. Record  
docketed 4/20/67; arg  
ed 6/15/67.

b7c

C. PARKE MASTERSON  
BANKRUPTCY

Notice of appeal file  
3/15/67. Record  
docketed 5/5/67; argu  
ed 5/18/67; decision  
reserved.

NY 62-00

EASTERN DISTRICT OF NEW YORK

NY File #

TITLE AND CHARACTER

Remarks

b7c

ARTHUR B. CIVARDI; ET AL  
BRIBERY; PERJURY  
Appellant-JAMES DE VITO

Notice of appeal filed  
12/7/66. Awaiting  
filing of brief.

b7c

THOMAS DANIEL MATTIO  
TFIS

Notice of appeal filed  
8/16/66. Record  
docketed 11/23/66.  
Awaiting application for  
forma pauperis and  
assignment of counsel.

b7c

FRANK GUGLIELMINO;  
JOHN TESTA  
NBA

Notice of appeal filed  
1/13/67; record  
docketed 2/23/67.  
Briefs filed by  
appellant 4/20/67;  
Government's answer-  
5/12/67;  
argued 5/18/67;  
decision reserved.

b7c

GEORGE R. WILLIAMS;  
LOUIS VARICK, JR.;  
STANLEY WARD;  
HERBERT WALLACE;  
RONALD KIRKLAND  
BR

Notice of appeal  
filed 3/31/67.



NY 62-00

NY File #

TITLE AND CHARACTER

Remarks

JOHN FRANCHESE;  
JOSEPH FLORIO;  
JOHN MATERA;  
DAVID CRABBE;  
NICHOLAS TOTERI  
BR

Notice of appeal  
filed 4/14/67.

WILLIAM F. FORTUNATO  
FRA

Notice of appeal  
filed 6/2/67.

UNITED STATES GOVERNMENT

# Memorandum

TO : SAC, LOS ANGELES (100-33973)

DATE: 6/23/67

FROM : SA [REDACTED] b7c

SUBJECT: COMINFIL FIRST UNITARIAN CHURCH  
OF LOS ANGELES  
IS-C

| SOURCE | ACTIVITY | RECEIVED | AGENT | LOCATION |
|--------|----------|----------|-------|----------|
|--------|----------|----------|-------|----------|

[REDACTED]  
b7d  
(conceal)

Morton  
Sobell  
dinner  
sponsored by  
First Unitarian  
Church, 5/14/67.

[REDACTED] Writer  
b7d

[REDACTED] b7d

Source's report has been Xeroxed and is attached.

## ACTION:

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

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

## INDEX:

cc: 2 - NEW YORK (REGISTERED)  
100- [REDACTED] (MORTON SOBELL)  
100- [REDACTED] b7d

[REDACTED] b7d  
100- [REDACTED] b7d  
100- [REDACTED]  
100-49569 (JWCC)  
100- [REDACTED]  
100- [REDACTED]  
100- [REDACTED] b7d

DWM:LAL  
(10)

Read by [REDACTED]

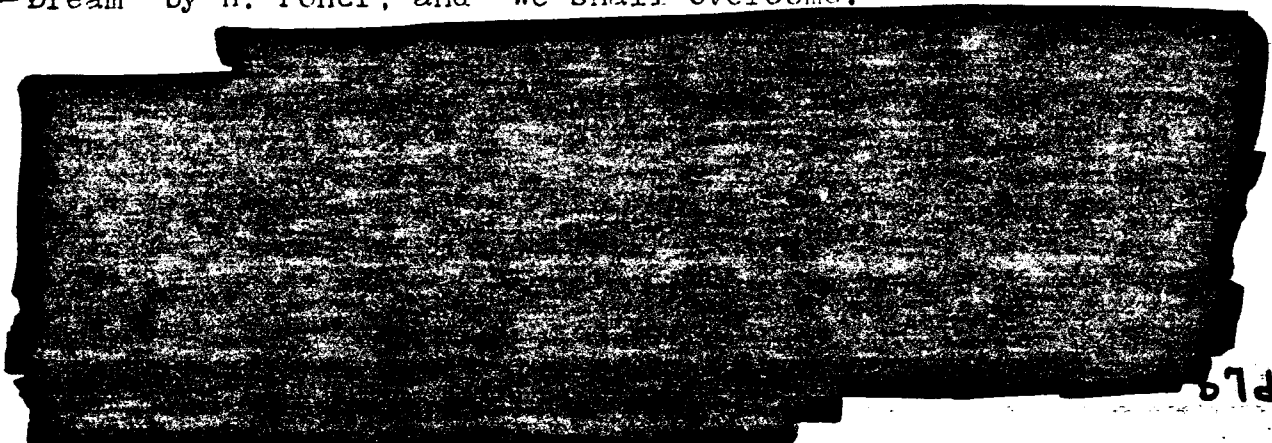
b7c 100-37158-2505

|                |         |
|----------------|---------|
| SEARCHED       | INDEXED |
| SERIALIZED     | FILED   |
| JUL 3 1967     |         |
| FBI - NEW YORK |         |

REPORT ON MORTON SOBELL DINNER

On May 14, 1967, at Larchmont Hall, 118 N. Larchmont, Los Angeles, a birthday dinner celebration was held in honor of Morton Sobell, from 2:00--5:30 P.M., at three dollars a plate. There appeared to be about three-hundred people present. Among them was Sophie Davidson who announced names of people who had made large contributions to the Sobells and their legal efforts-- Mr. Charles Small, Mr. Fineberg, a couple from Mexico City, the Parent Reading Circle in Santa Monica, the Westside Jewish Cultural Club, et. al. Later, it was reported that \$1,200 had been collected for the benefit.

An elderly stooped-over man played the guitar as the group sang songs: "This Land is Your Land," "The Strangest Dream" by H. Foner, and "We shall Overcome."



Mr. Mervin (?), author of Invitation to an Inquest, was the principle speaker. His topic concerned the injustices Mr. Sobell and his attorneys have suffered at the hands of the FBI and the U.S. judicial system. He attempted to demonstrate through various examples how Sobell's lawyers were supposedly thwarted in their attempts to obtain legal evidence concerning Sobell's innocence. Mr. J. Edgar Hoover and the Federal agency were derided continually throughout the speech. It appeared

as though he were reading excerpts from his book. He also mentioned that he had spoken to many young high school and college people, most recently being Hunter College in the east, and he claimed that they are enthusiastic about the case and its future appeal.

Before the meeting was ended Don Freed stepped up to the podium to state that he had submitted his play, The United States vs. the Rosenbergs and Sobell, to a theater group in London for consideration. He also called for unified support on June 23 when a large rally will be held at the Century City Plaza to protest the war, and "overthrow the Johnson campaign and administration."

[REDACTED] b7d

APPENDIXCOMMUNIST INFILTRATION OF THE  
FIRST UNITARIAN CHURCH OF LOS ANGELES

A source advised on July 25, 1966, that the premises of the First Unitarian Church of Los Angeles, 2836 West 8th Street, Los Angeles, California, have been utilized for meetings by Communist Party members and sympathizers over a period of years. Speakers and lecturers at the church frequently espouse Communist causes or follow the Communist Party line. Communist front group literature is distributed at the church. The church is used by some Communist Party members for "mass concentration" work.

This same infiltration extends to adjuncts of the church such as the Unitarian Public Forum and the Fellowship for Social Justice, formerly known as the Unitarian-Universalist Fellowship for Social Justice.

STEPHEN H. FRITCHMAN has been minister of the church since 1943.

Reverend STEPHEN H. FRITCHMAN is described in the Fourth Report, Un-American Activities Committee in California, 1948, page 115, as a very active "Communist front" and connected with numerous "Communist front organizations and activities."

Membership in the First Unitarian Church does not, of itself, connote membership in or sympathy with the Communist Party.

**FILE #** 100-37158

**SUBJECT** MORTON SOBELL

**SERIAL** 2506 **DATE** 6-16-67

**CONSISTING OF** 2 **PAGES**

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

FILE # 100-37158

SUBJECT MORTON SOBELL

SERIAL 2507 DATE 6-27-67

CONSISTING OF 2 PAGES

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

FILE # L00-37158

SUBJECT MORTON SOBELL

SERIAL 2508 DATE 6-27-67

CONSISTING OF 1 PAGES

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



FILE # 100-37158

SUBJECT MORTON SOBELL

SERIAL 2509 DATE 6-27-67

CONSISTING OF 2 PAGES

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

FILE # 100-37158

SUBJECT MORTON SOBELL

SERIAL 2510 DATE 7-3-67

CONSISTING OF 1 PAGES

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

FILE # 100-37158

SUBJECT MORTON SOBELL

SERIAL 2511 DATE 7-7-67

CONSISTING OF 2 PAGES

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

FILE # 100-37158

SUBJECT MORTON SOBELL

SERIAL 2512 DATE 6-28-67

CONSISTING OF 6 PAGES

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

FILE # 100-37158

SUBJECT MORTON SOBELL

SERIAL 2513 DATE 7-13-67

CONSISTING OF 1 PAGES

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

OFFICE MEMORANDUM UNITED STATES GOVERNMENT

TO: SAC, LOS ANGELES (100-41648)

DATE: 6/22/67

FROM: SA [REDACTED] b7c

SUBJECT: COMMITTEE TO SECURE JUSTICE  
FOR MORTON SOBELL (CSJMS)  
IS-C

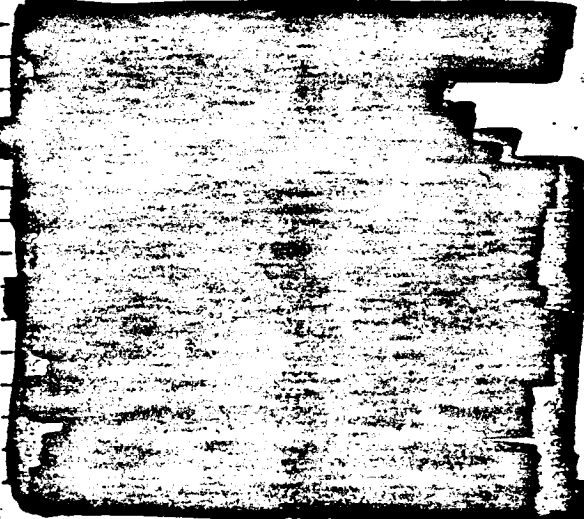
| SOURCE         | ACTIVITY                 | RECEIVED       | AGENT  | LOCATION       |
|----------------|--------------------------|----------------|--------|----------------|
| [REDACTED] b7d | CSJMS meeting on 5/14/67 | [REDACTED] b7d | Writer | [REDACTED] b7d |

Informant furnished a typewritten report which has been Xeroxed and is attached.

CC: 3 - NEW YORK (REGISTERED)

100- [REDACTED] b7d  
100- (ROSE SOBELL)  
100- (MORTON SOBELL)

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100-37158-2514

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| SEARCHED       | INDEXED |
| SERIALIZED     | FILED   |
| JUN 27 1967    |         |
| FBI - NEW YORK |         |

[REDACTED] b7c

COPIES CONTINUED ON PAGE 2.

LFW:LAL  
(39)

Read by

RFW

**COPIES CONTINUED:**

[illegible]

b7d

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

**INDEX:**

b7d

Morton Sobell's 50th Birthday  
Larchmont Hall-118 N.Larchmont Blvd., L.A., Calif.  
Speaker-Walter Schneir-co-author "Invitation to an Inquest".  
May 14, 1967--2 PM b7d  
1.

About 215 people attended meeting  
\$ 1,352.00---announced as amount collected  
from floor--during program---

[REDACTED] chairman--- b7d.  
Announced Jewish Choral Society concert at Wilshire  
Ebell Theatre Sun. May 21st at 2:30  
Announced 17th Annual Festival of Nationalities, June  
11th---  
Waldemar Hille----

Led the people in singing songs, including "We Shall  
Overcome"--an anti-Vietnam war song--  
Sophie Davidson-----

Introduced by chairman, as longtime friend and member of  
the Sobell Committee-----

Greeted all mothers present, especially Rose Sobell--  
spoke of her unhappy situation of having to bear her son's  
unjust imprisonment--said his case would be taken to higher  
courts in a fight to set him free--

Said Rose Sobell had visited Morton Sobell in prison,  
within the last two weeks--found him well and in good spir-  
its--because of his many friends who were working on his  
behalf to free him--

Said in order to secure the best lawyers for the above  
defense, money was needed, urged everyone to give as much as  
possible--

She announced that Bertha and Charles Small, of Mexico  
City had sent check for \$ 100.00--Betty and Ken Rottger  
gave check for \$ 25--Ana Mandelman, who was on a tour, sent  
\$ 10--Rosenstein \$ 100---anonymous \$ 100--  
Walter Schneir---

Introduced as co-author of "Invitation to an Inquest",  
said they had worked hard to uncover & publicize unanswered  
questions re: the Rosenberg-Sobell case.

Said he had participated in Apr. Peace Mobilization  
March in New York--said it was wonderful experience--that  
one half million people marched--

Said pro-Vietnam war marchers in New York--numbered  
according to N.Y. Times, 70,000 and N.Y. Daily News 75,000--  
but those who marched reported erroneously 250,000 par-  
ticipated--



Morton Sobell's 50th Birthday  
Larchmont Hall-118 N.Larchmont Blvd., L.A., Calif.  
May 14, 1967--2 PM

b7d

2.

Walter Schneir---cont'd---

Spoke of importance of fighting against the war in  
Vietnam--and policies of Pres. Johnson---

Read his speech about Rosenberg case--regarding cer-  
tain unsubstantiated evidence, forged and missing doc-  
uments-FBI testimony--hotel registrations etc. upon  
which the Rosenbergs were convicted and sentenced--along  
with conviction and imprisonment of Morton Sobell.

Said Morton Sobell case would be appealed to highest  
courts in order to have him freed and declared innocent.

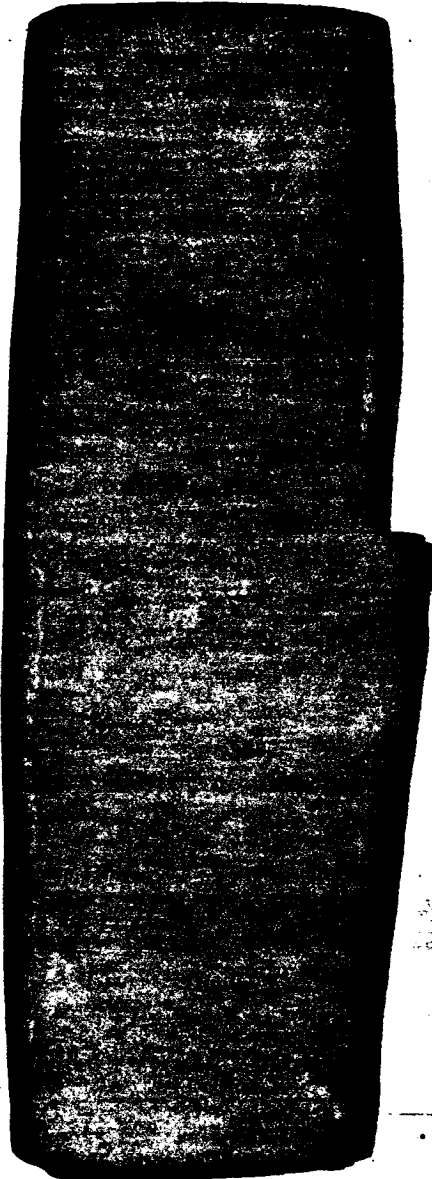
Many in the audience left during speech of Walter Schneir.

The book, "Invitation to an Inquest", was sold after the meet-  
ing. Walter Schneir autographed the copies---

Marion Miller sold tickets to the Jewish Chorus Concert at  
Wilshire Ebell Theatre, May 21st---

Morton Sobell's 50th Birthday  
Larchmont Hall-118 N.Larchmont Blvd., L.A., Calif.  
May 14, 1967--2 PM--Walter Schneir-co-author of "Invitation to  
an Inquest". b7d

Seen at the meeting--names phonetically  
spelled.

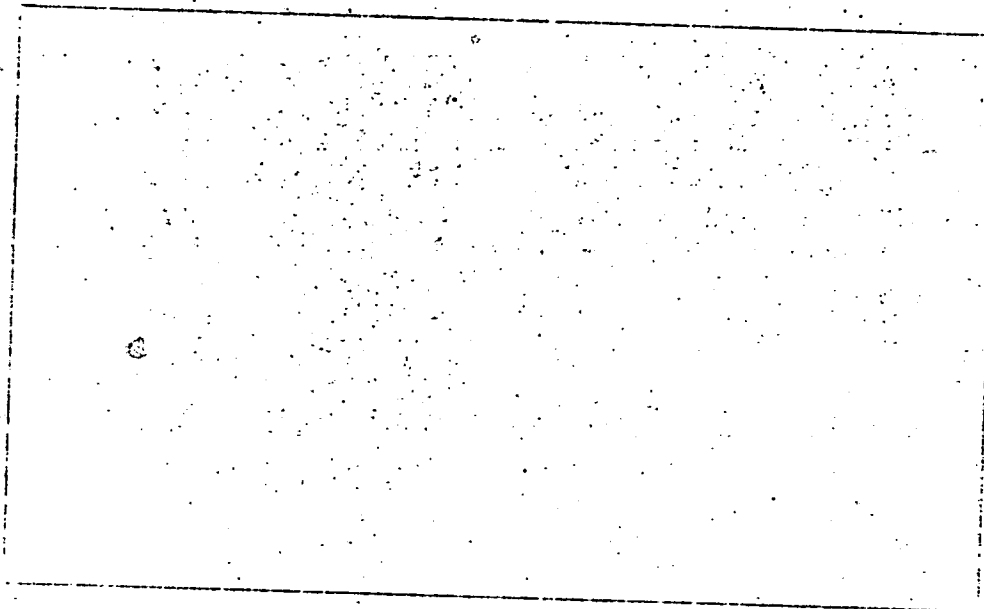


b7d

Morton Sobell's 50th Birthday [REDACTED] b7d  
Larchmont Hall-118 N.Larchmont Blvd., L.A., Calif.  
Speaker-Walter Schneir--co-author -"Invitation to an Inquest".  
May 14, 1967--2 PM---

Sophie Davidson gave a convincing pitch for money to fight for Morton Sobell in higher courts. She looked quite presentable, in a black lace dress with an orchid corsage.

The people who attended the meeting appeared to be rather bored with the speech of Walter Schneir-however they contributed generously to the cause of Morton Sobell.



Morton Sobell's 50th Birthday

Larchmont Hall-118 N.Larchmont Blvd., L.A., Calif.

Speaker-Walter Schneir-co-author, "Invitation to an Inquest".

May 14, 1967---2 PM

At the meeting---

b7d

b7d

b7d

APPENDIXCOMMITTEE TO FREE MORTON SOBELL

A source advised on March 9, 1967, that the Los Angeles Committee to Free Morton Sobell is the Los Angeles, California, affiliate of captioned organization. In August, 1966, the name "Committee to Free Morton Sobell" first appeared on literature issued by the Committee.

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

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

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

The Address Telephone Directory for the Borough of Manhattan, New York City, published by the New York Telephone Company on August 13, 1966, lists the above Committee's address as 150 Fifth Avenue, New York, New York.

FILE # L00-37158

SUBJECT MORTON SOBELL

SERIAL 2515 DATE 7/11/67

CONSISTING OF 8 PAGES

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

UNITED STATES COURT OF APPEALS  
FOR THE SECOND CIRCUIT

No. 507—September Term, 1966.

(Argued June 15, 1967

Decided June 26, 1967.)

Docket No. 31259

MORTON SOBELL,

*Petitioner-Appellant,*

—v.—

UNITED STATES OF AMERICA,

*Respondent-Appellee.*

Before:

HAYS and FEINBERG, *Circuit Judges*  
and McLEAN, *District Judge.\**

Appeal from denial without a hearing of an application  
under 28 U. S. C. §2255.

Affirmed.

\* Of the Southern District of New York, sitting by designation.

2641

100-37158-2516

|                |         |
|----------------|---------|
| SEARCHED       | INDEXED |
| SERIALIZED     | FILED   |
| AUG 2 - 1967   |         |
| FBI - NEW YORK |         |

gib

MARSHALL PERLIN, New York, New York (William M. Kunstler and Arthur Kinoy, New York, New York, Malcolm Sharp, Albuquerque, New Mexico, Benjamin O. Dreyfus, San Francisco, California, and Vern Countryman, Lexington, Massachusetts, on the brief), for *Appellant*.

ROBERT L. KING, Special Assistant United States Attorney, New York, New York (Robert M. Morgenthau, United States Attorney for the Southern District of New York, Stephen F. Williams, Daniel R. Murdock and Michael W. Mitchell, Assistant United States Attorneys, on the brief), for *Appellee*.

---

PER CURIAM:

The order of the district court denying the petition without a hearing is affirmed on the opinion of Judge Weinfeld, 264 F. Supp. 579 (S. D. N. Y. 1967).

2642

200-6-27-67

USCA-3571

RECORD PRESS — 95 Morton Street — New York 14, N. Y. — Chelsea 3-5775

88



UNITED STATES GOVERNMENT

# Memorandum

TO : SAC, NEW YORK (100-37158)

DATE: 8/3/67

FROM :

[REDACTED] b7c

SUBJECT: MORTON SOBELL  
ESP - R

Attached herewith is a copy of the decision of the US Court of Appeals, dated June 26, 1967, which was rendered in connection with the appeal filed by subject.

The above was furnished by AUSA STEPHEN F. WILLIAMS on 7/6/67, and is being filed for information.

AUSA WILLIAMS advised that with regard to the various exhibits and other items that were lent to him by this office in connection with the most recent appeal of the subject, that he would prefer to wait until the case has cleared the Supreme Court before returning these items to this office. He was advised that we had no objection to this.

100 37158-2517

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|----------------|---------|
| SEARCHED       | INDEXED |
| SERIALIZED     | FILED   |
| AUG 3 - 1967   |         |
| FBI - NEW YORK |         |

*Joos*



FILE # 100-37158

SUBJECT MORTON SOBELL

SERIAL 25 18 DATE 8-3-67

CONSISTING OF 3 PAGES

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FILE # 100-37158

SUBJECT MORTON SOBELL

SERIAL 2520 DATE 8-1-67

CONSISTING OF 9 PAGES

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Officers number [REDACTED]

FILE # 100-37158

SUBJECT MORTON SOBELL

SERIAL 2521 DATE 8-24-67

CONSISTING OF 2 PAGES

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FILE # 100-37158

SUBJECT MORTON SOBELL

SERIAL 2522 DATE 8-15-67

CONSISTING OF 2 PAGES

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FILE # 100-37158

SUBJECT MORTON SOBELL

SERIAL 2523 DATE 8-15-67

CONSISTING OF 2 PAGES

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**FILE #** 100-37158

**SUBJECT** MORTON SOBELL

**SERIAL** 2524 **DATE** 8-17-67

**CONSISTING OF** 1 **PAGES**

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information which would disclose an intelligence  
source. This serial bears the Classification  
Officers number [REDACTED]

FILE # 100-37158

SUBJECT MORTON SOBELL

SERIAL 2525 DATE 8-17-67

CONSISTING OF 1 PAGES

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information which would disclose an intelligence  
source. This serial bears the Classification  
Officers number [REDACTED]



FILE # L00-37158

SUBJECT MORTON SOBELL

SERIAL 2526 DATE 8-17-67

CONSISTING OF 1 PAGES

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to Executive Order 11652 as it contains  
information which would disclose an intelligence  
source. This serial bears the Classification  
Officers number [REDACTED]

OFFICE MEMORANDUM UNITED STATES GOVERNMENT

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

DATE: 8/31/67

| SOURCE                      | ACTIVITY  | RECEIVED | AGENT  | LOCATION       |
|-----------------------------|---|----------|--------|----------------|
| [REDACTED]<br>(conceal) b7d | Meeting<br>sponsoring ROSE<br>SOBELL on<br>8/12/67. | 8/16/67  | Writer | [REDACTED] b7d |

Informant's report is quoted as follows:

"Los Angeles, Calif.  
 Aug. 14, 1967

"Date: Aug. 12, 1967.

"Time: 12 noon

"Place: Hungarian Hall  
 1251 So. St. Andrews Pl., L.A.

"Sponsor, a group of woman who volunteer their time  
 to raise money to free MORTON SOBELL from prison.

CC: 2 - NEW YORK (REGISTERED)  
 100- (ROSE SOBELL)  
 100- (MORTON SOBELL)

100-  
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 100-3267 (ACTU)

CEW:LAL  
 (10)

Read by CEW

SEARCHED INDEXED  
 SERIALIZED FILED  
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mev  
 b7c

LA 100-41648

"'Advertised in the People's World.'

"Function, Speaker Mrs. ROSE SOBELL.

"Mrs. SOBELL was introduced by Mrs. SOPHIE DAVIDSON of Los Angeles.

"Mrs. SOBELL spoke of her son's life in prison, of his love to his family, and all those present who gave so much for him.

"Mrs. SOBELL said the U.S. Govt. was trying to destroy her son's brilliant mind, or just plain silence him as they did the ROSENBERGS.

"Mrs. SOBELL said her son told her he had requested to go to college where other prisoners were going even gangsters, but he was denied.

"Mrs. SOBELL said she receives money from all over the world for her son's defense.

"Mrs. SOBELL said her son keeps up on world affairs. He can talk on any subject so he might be able to pick up life where he left off.

"Mrs. SOBELL said only thing kept to son alive were his wonderful friends on the outside world. She said it will take several thousands more dollars to defend her son.

"That her son should be out of prison in 1968, but the govt. is going to try, and hold him until 1970. She said they could only keep him 2/3 of his imposed sentence. There were app. seventy-five persons present. A great number of them were borned in the Afkraine Russia and spoke very critical of the U.S. and its policys in the Middle East. A Mrs. DORA ALDER told of going to Russia on five different occassions talking about this SOBELL case, also went to five other countries, all the places were very much aware of the bad treatment the U.S. had given these people.

LA 100-41648

[REDACTED]

"There were two singers introduced by NATE FALLER of L.A. Mr. FALLER remarked they were the singers for all the peace rallies. They were Mr. & Mrs. LEONARD POTASH, the following songs were sung. Some were in Yiddish, Spanish, and English:

"Masters of War  
Black Angel  
Hiroshima Girl  
We will break those prison walls  
Freedom is for dying

"They took up a collection twice once for the paper money, then again for the change [REDACTED]

"It was announced that one hundred dollars was donated by the American Civil Liberties Union twenty-five dollars by LILLIAN SMITH.

[REDACTED] They passed a petition to be signed to place on the ballot another choice of Party, but stated it did not effect what ever party you were at present.

[REDACTED]

[REDACTED]

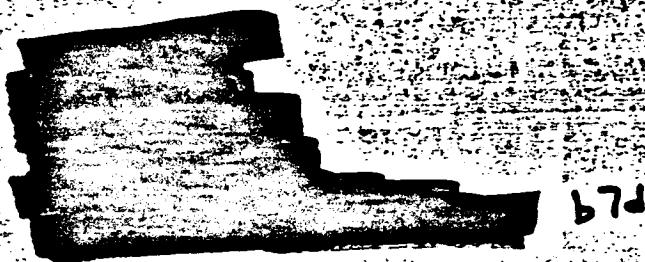
ACTION:

Informant was thoroughly interviewed concerning the above and could add nothing further. All necessary action in connection with this memo has been taken by the writer.

INDEXING ON NEXT PAGE

LA 100-41648

INDEX:



b7d

APPENDIX

COMMITTEE TO FREE MORTON SOBELL

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

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

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

The Address Telephone Directory for the Borough of Manhattan, New York City, published by the New York Telephone Company on March 20, 1967, lists the above Committee's address as 150 Fifth Avenue, New York City.

FILE # L00-37158

SUBJECT MORTON SOBELL

SERIAL 2528 DATE 10-11-67

CONSISTING OF 8 PAGES

is exempt from disclosure, in its entirety,  
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Officers number [REDACTED]



FILE # 100-37158

SUBJECT MORTON SOBELL

SERIAL 2529 DATE 8-30-67

CONSISTING OF 2 PAGES

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FILE # 100-37158

SUBJECT MORTON SOBELL

SERIAL 2530 DATE 10-17-67

CONSISTING OF 1 PAGES

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to Executive Order 11652 as it contains  
information which would disclose an intelligence  
source. This serial bears the Classification  
Officers number [REDACTED]

FILE # 100-37158

SUBJECT MORTON SOBELL

SERIAL 2532 DATE 10-18-67

CONSISTING OF 1 PAGES

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to Executive Order 11652 as it contains  
information which would disclose an intelligence  
source. This serial bears the Classification  
Officers number [REDACTED]

FILE # 100-37158

SUBJECT MORTON SOBELL

SERIAL 2533 DATE 10-24-67

CONSISTING OF 9 PAGES

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

UNITED STATES GOVERNMENT

# Memorandum

TO : SAC, NEW YORK (100-37158)

DATE: 11/2/67

FROM : [REDACTED] b7c

SUBJECT: MORTON SOBELL  
ESP-R

On 6/15/67 the following exhibits were turned over to  
USA S.F. Williams, SDNY

1B 519 & 520

Exhibits will be held until prosecutive action is completed.

100-37158-2534

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| SEARCHED       | INDEXED |
| SERIALIZED     | FILED   |
| NOV 1967       |         |
| FBI — NEW YORK |         |

*[Signature]*

1-NY 100-37158  
1-BULKY EXHIBITS  
PFD/ms

FILE # 100-37158

SUBJECT MORTON SOBELL

SERIAL 2535 DATE 10-12-67

CONSISTING OF 2 PAGES

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