

have no objection to his refreshing his recollection from documents, Mr. Chairman, but I do have objection to his having discussions with his wife or with his father on this matter. And I, therefore, would like the Chair to direct the witness not to do so.

THE CHAIRMAN: Is the witness in a position to verify the dates of his employment by telephone conversations with the present employer and also previous employers?

A I probably could get my present employer, but I probably couldn't get the previous--I don't know whether the old IRT system, you know since the City has taken that over, I don't know whether I could get any information from there or not. I don't know.

THE CHAIRMAN: Does the witness have documents at home which would verify or refresh his memory in these respects, such as his discharge papers from the Army---

A I have the discharge papers from the Army.

THE CHAIRMAN: ---the employment records that you might have filled out for applications, any other diary notes or pieces of evidence that actually prove to your mind the dates involved? I think the dates are very important.

A I could get the dates now, of my employment, the dates of my Army service, but as far as the exact date to check back, I don't know whether I still have the

Record which I think possibly is in the trunk, my record of being employed by the IRT Subway system, of being employed there. And then when the City took it over---

THE CHAIRMAN: I think---

A ---that is probably in the trunk, put away!

THE CHAIRMAN: I think all the dates are very important, Mr. Elwyn. I think some are perhaps more important than others and I think it is very vital that you determine when you went to work with your present employer.

A Right.

THE CHAIRMAN: The dates on which the premises of Apartment 6-I were vacated, the date on which the new lessee assumed occupancy and things of that sort. I think those dates are very important and if you could refresh your memory on those factors and be ready to testify on them immediately after lunch, I think we should recess until 1:30 or so. Would that give you time?

A That would give me time, I think.

THE CHAIRMAN: Would that be convenient to you, Mr. Rand?

MR. RAND: I'm sure no more inconvenient than it would be to you gentlemen. Will the Chairman request the witness not to discuss this matter with his wife or with his father, please?

THE CHAIRMAN: Well, I really don't know what our prerogative is on that. It's pretty hard to tell a man not to talk to his wife.

MR. RAND: Not to talk to his wife about this matter. I have no objection, Mr. Chairman, to his having lunch with his wife and talking about any other matters with her.

THE CHAIRMAN: I don't know what the enforcement procedures would be.

[Off-the-record discussion]

THE CHAIRMAN: I think, since we have indicated before this is an informal proceeding and the question of what powers the panel might have, the limitations on their powers and authority, that I can ask Mr. Elwyn to refrain from any discussions.

A Well, the only thing I would have to discuss with her probably is where a lot of the records are kept.

THE CHAIRMAN: I mean, as to what dates are pertinent in so far as the line of questioning that has been carried on here this morning. In other words, I'll ask that you not discuss with her the specific dates that have been mentioned here in relation to any of the facts and circumstances that Counsel is trying to establish for the record. In other words, it will be all right for you

ask her where these records are, and things of that sort, but not to discuss October 1, 1949, or any specific dates they relate to these circumstances.

MR. RAND: Will the Chair also instruct the witness not to discuss the substance of any of this matter. I have no objection to his asking where particular records are located, but I should like none of the substance to be discussed with any other witness.

THE CHAIRMAN: I think that is a reasonable request and I ask Mr. Elwyn to abide by that request.

A All right.

THE CHAIRMAN: This is a timely moment for a break and we can recess at this point and reconvene this afternoon at 1:30.

[The Board recessed at 12:10 p.m.  
to reconvene at 1:30 p.m.]



[The Board was reconvened at 1:40 p.m.]

THE CHAIRMAN: The hearing will be resumed.

Whereupon,

WILSON BRUCE DAYTON,

having been previously sworn, resumed the stand and testified further as follows:

QUESTIONS BY THE CHAIRMAN:

Q I think, to save time, perhaps the best thing to do is to ask Mr. Elwyn if he had an opportunity to refresh his memory on the dates that we were talking about just before the luncheon recess.

A Yes. The majority of the dates, yes.

Q Can we now ask you to restate for the record the dates of your employment?

A That's right.

Q Starting back before the war, your service in the Army, your present employment, the period of your present employment, and also the dates on which you say that you have seen Mr. Dayton.

A Yes. Well, I started to work for the subway in 1931. I worked there until the fall of 1947. And I worked in the country for one year, from the fall of 1947 -

until that following fall, October 1948.

Q By the country, you mean--

A It was Woodstock, New York.

Q Woodstock, New York, is that right?

A That's right. Then I started to work for the Corporation on October 1948 and am still there at the present time.

Q The Corporation being?

A The 65 Morton Street Realty Corporation.

Q What is the date that you say you saw Mr. Dayton sitting in Apartment 6-I at 65 Morton Street, sitting at the card table?

A I figure that out to be in 1949, in 1949. And to the best of my knowledge now, as I couldn't refer to my office when that apartment was rented, but to the best of my ability it was rented, we figure, on January 1, 1950, that the apartment was re-rented.

QUESTIONS BY MR. RAND:

Q When you say "we figure", what do you mean, Mr. Elwyn?

A That is the way I am speaking about figuring because I tried to get the office and I got Mr. Gerrlock's wife on the phone at her home. I couldn't get him. I

asked her if she knew anything about it. She said she didn't, but she said, "That is about the best way you can figure". So that is why I say "we", because I had to speak to the boss about getting certain dates.

Q You didn't speak to the boss, did you?

A No, I couldn't get him.

Q Did you speak to Mrs. Gerrlock instead, is that it?

A Yes.

Q Was it her recollection it was in January of 1950, sir?

A She said it was the possibility that it was in 1950. She told me that I would have to wait until later in the night to get the information because she would not vouch for this information she was giving.

Q Did she tell you the month when this was, Mr. Elwyn?

A No, she did not.

Q How did you determine that month then?

A I determined the month because I set down the date in my rent book.

Q Did you refer to your rent book during the lunch recess?

A Yes. I went home.

Q Did you bring the rent book with you, sir?

A I did not, because I'm not allowed to carry my rent book out.

QUESTIONS BY THE CHAIRMAN:

Q So, based on your records now---

A On my records dated in the rent book.

Q ---your recollection is that this apartment was re-rented to the present occupant---

A That's right.

Q ---on or about January 1950, is that right?

A That's right.

Q And that, prior to that time, you recalled---

A Prior to that time I seen Mr. Dayton in the apartment.

Q Do you know what month or when it was that you saw him, Mr. Elwyn?

A If it is prior to that, I would say it is in December.

Q You think it is in December of '49 that you saw him sitting in the apartment?

A That's right.

MR. RAND: May I inquire about that?

THE CHAIRMAN: Yes.

MR. RAND: Where do you keep your rent book at

home?

A I keep it locked up, of course!

MR. RAND: In where?

A I think that's my business, sir.

THE CHAIRMAN: In your premises?

A It's in my premises.

THE CHAIRMAN: I think that answers your question, doesn't it, Mr. Rand?

MR. RAND: No, and I have some further questions. I don't think that answers the question. I think we are entitled to have the rent book here, since he referred to it during the recess, as he testifies. What did you find in that rent book when you referred to it during the lunch recess, Mr. Elwyn?

A I referred to it to look up dates.

MR. RAND: Yes, but---

MR. STILES: Mr. Chairman, the witness refreshed his recollection. I don't see why we have to have the rent book here. We have the witness' testimony under oath.

MR. RAND: Sure, we had other testimony under oath this morning. I would like to know how he refreshes his recollection in an hour and a half. And I think I am entitled to know that.

THE CHAIRMAN: Would you state again for the record the documents you referred to during the luncheon

ness to refresh your memory, Mr. Elwyn?

A I referred to my rent book and I referred to my income tax forms to find out the exact time, my forms and my records from the time of employment and the rent book which I generally date, which once in a while I forget to date when a tenant comes in or goes out. They are generally dated though.

QUESTIONS BY MR. RAND:

Q If I may inquire, how many rent books do you have, Mr. Elwyn?

A I have one rent book.

Q For the entire period all the way back to 1948?

A I have the rent book back to 1932.

Q That is in one book?

A Yes.

Q When you went back to your apartment this afternoon, what did you look for in that rent book, sir?

A I was just looking for a date, that's all.

Q What date, sir? I mean, how did you determine this? How did you refresh your recollection, by looking in the rent book? Will you tell us exactly what you looked at and what you found?

A Well, I can refresh my memory by looking for

other people moving from one apartment to the other or--

Q Yes, but what did you look at during this recess? That is what I'd like to know, Mr. Elwyn.

A I told you what I looked at.

Q I don't like this answer, Mr. Chairman. I think we are entitled to know this. What pages of the rent book did you look for? What pages did you look at and what dates did you find written down there, Mr. Elwyn?

A The only thing I looked back in that rent book was back to the year that I figured that the apartment was rented.

Q What year was that?

A And I got that marked 1949-1950.

Q Will you describe for us exactly how that page looks, where you have it marked? You have just looked at the pages, you have told us.

A That's right.

Q How does that page appear in your rent book? You have just looked at it.

A How does that page appear?

Q Yes, how is it headed?

A On the top of that page it says, "Rents for the years 1949 and 1950."

Q That appears at the top of this?

A Yes, 65 Morton Street.

Q You looked at that page, is that right, sir?

A That's right.

Q And what did you find on that page which refreshed your recollection? What notation did you find on that page, Mr. Elwyn, that refreshed your recollection?

A I found a notation where one party moved from the apartment next door to another apartment on the same floor. I found that which was recorded there.

Q What was the name of the party who moved in the apartment, Mr. Elwyn?

A Brown moved from 6-H to 6-N.

Q Was that the first notation on that page? Was that the first item that appeared on the page that was headed, "Rents for 1949-1950"?

A That is about the first item.

Q What was the next item that you saw then, sir?

A Then the next item is where Sarant's name was crossed out and the name Donovan wrote in.

Q You mean on the next line appears the name Sarant, which is crossed out and "Donovan" written in?

A I'm not saying it's on the same one. You asked me what notations I seen.

Q That's right.



A That was your question. I didn't say that there was other apartments wrote down on that same line. All the apartments are listed down there and you asked me what notation. I'm giving you what notations were put down there.

Q Will you give it to us, sir?

A You said on the next line, I said not on the next line. This is a notation.

Q Where did the notation appear, on what part of the page, where Sarant was crossed out?

A It appears out in the middle, Sarant; the apartment and Sarant's name, and that is crossed out and then in the middle there it's marked "Donovan".

Q Is this about mid-way down the page, or is it at the bottom of the page, or is it at the top of the page, Mr. Elwyn?

A Probably mid-way of the page.

Q Don't you know, Mr. Elwyn? You just looked at it.

A Listen, sir, I had exactly one hour to go from here down to Greenwich Village and back and go through everything. You want me to especially go through notations like that? What the devil has that got to do with this case, I want to know. For two cents I'll forget about the whole thing and I'll walk out.

QUESTIONS BY THE CHAIRMAN:

Q Look, Mr. Elwyn, what we would like to do is this. We would like to try to get at the basic facts in this particular case and we have got to approach it on the basis that we have a reasonable cross examination. Now, we are anxious, all of us, at this point to really come down to some specific bare facts on what's involved. You have stated that, based on your best memory---

A That's right.

Q ---which you have refreshed during the lunch hours, that these are the dates that, as you testified---

A That's right.

Q ---and now Mr. Rand is trying to pinpoint exactly what record it is that you have referred to in order to clarify your thinking. And you say that on this particular book the name of Sarant has been deleted.

A That's right.

Q And the name Donovan substituted.

A That's right.

Q Is there a date beside that notation, a date as to when this occurred?

A No, we never put the date in. The date is missing.

Q Does the date appear on that sheet anywhere?

A No, the date does not appear on that sheet. That is why we say we have to go by memory/<sup>when</sup> that apartment was rented, according to our records on that, because that was not put into the book.

Q Do you have any rental receipts which would show when Sarant had paid his last payment and for what period? And the date on which Donovan commenced paying rent, would you have any receipts to show that?

A The office would have that.

Q But you wouldn't have that at your house?

A I haven't got that information.

Q And you haven't checked any records that would verify that fact?

A No, no records to go back to. You have to go through our main office, to get all that down there. That is strictly in our main office.

Q What about the income tax forms? Would that show which dates you were employed for what concerns?

A I looked that up. The income tax mostly was for the year 1947-48 when I was in the country because I had to split my income tax up because I worked for the subway part of the time and I worked for my uncle part of the time. And that is why I wanted to be exact on the date that I was there in the country. But, as far as the other, I —

can't have to look that up.

Q When will Mr. Orrlock be available? When will his records be available for you to see?

A I would have to call him, possibly tomorrow. His wife said she didn't expect him back to the office today. I got her at home. She said he may be in the house later tonight but he will not be in the office.

Q Well, I don't know what we can establish with any further questioning along this particular line. If he has divulged everything he knows about the time, the dates and the places, I think those are things we will just have to verify from other records.

MR. RAND: May I proceed, Mr. Chairman?

THE CHAIRMAN: Yes.

MR. SIPES: Let me inquire, Mr. Rand, how long do you expect to question this witness? Do you have any idea?

MR. RAND: I should think about another hour.

MR. SIPES: I'm going to have to suggest we put a more reasonable interpretation on this cross examination. I mean, after all, these witnesses have volunteered to come in here and I think that we could at the outset of Mr. Rand's inquiry, Mr. Chairman, establish a reasonable time period and then he can govern his more important questioning

frame his inquiry with the time limit very much in mind, rather than to spring a time limit on him right at the last minute. I think we ought to establish that at the outset. This thing can go on to unreasonable proportions, and I think it is getting into that now.

MR. RAND: Mr. Chairman, may I address myself very cursorily to Mr. Sipes' suggestion or request made to the Chair? I do not believe that limiting my cross examination would be permitting reasonable cross examination on behalf of the petitioner. I further am somewhat disturbed by the continual reference to these witnesses, or this particular witness, coming in voluntarily. I have never had any objection to the Board's non-consideration of the alleged statements made by the Elwyns. So far as I know, they have never been on the record. I have never been advised that the Elwyns' statements were on the record. I was satisfied with the record which we made before this Board in Washington somewhat more than a month ago.

Now, we came in voluntarily too, as it were. We filed a petition and we made a record. I take it that the Elwyns have been invited to come here as witnesses because the Board has before it some statements which purportedly were made by the Elwyns at some Government offices. We have never seen those statements. So far as we know, they

are not in the record. I am prepared, if the Board wishes it, to have the entire testimony of Mr. Elwyn stricken from the record and not be considered, if I can be assured that the record, as we know it today--and as we know it today--it consists solely of Mr. Dayton's testimony under oath--will be considered by the Board.

MR. SIPES: You know better than that, Mr. Rand, we have investigative records in this Government available to this Board that you cannot see.

MR. RAND: I fully realize that. But the continual emphasis on this man coming in voluntarily is--well, the reason why this man has to come in here is that the Board is being asked to consider, and I think improperly and unconstitutionally, the reports of other agencies as to statements these people are purported to have made at some previous time.

THE CHAIRMAN: Mr. Rand, did you not ask at our first hearing that you be given a chance to see the record and be confronted by the witnesses?

A No, I was asked---

THE CHAIRMAN: Or any persons who might have had any comments to make with respect to Mr. Dayton's whereabouts?

MR. RAND: I don't recall exactly. Of course I

have not been afforded a copy of the transcript of the hearing. I have merely seen it, so I don't recall what I said. But I do recall, Mr. Chairman, that I did at that time ask to be told what was in the record. I was denied that request, except that I was told by the Chair that there were other matters in the record.

THE CHAIRMAN: Didn't you at all times try and elicit from us as much of the record as you possibly could, within bounds?

MR. RAND: Now, Mr. Chairman, I---

THE CHAIRMAN: I mean to prepare your case, a reasonable approach.

MR. RAND: I have no objection to Mr. Elwyn's testimony being received.

THE CHAIRMAN: As a matter of courtesy, Mr. Rand, more than anything else, we have provided you an opportunity to see the persons on whom rest a certain part of this file. This has been done especially in this particular case, It's an exceptional arrangement in so far as previous hearings are concerned.

MR. RAND: Mr. Chairman, let me interrupt, if I may, to say that we appreciate that. We appreciate it, but we assume that the Chair and the Board have not done it solely as a matter of courtesy, although we appreciate the

Board's courtesy, but also as a matter of fair dealing and due process.

THE CHAIRMAN: Certainly an effort in that direction.

MR. RAHD: We have no objection to Mr. Elwyn's testimony being received.

THE CHAIRMAN: I think it is being done for your benefit. I think perhaps the panel might go into Executive Session to see whether we want to pursue this any further. It was my understanding that you, as Counsel for Mr. Dayton, had asked that we provide every facility available to you for you to have an opportunity to address yourself to the facts of record.

MR. RAHD: That is right, Mr. Chairman, but I do want to address myself and now I'm told that my cross examination must be cut off, and I believe with all due deference to the Board's and Mr. Sipes' unreasonable cutoff, I have no objection to this testimony going in.

THE CHAIRMAN: I thought it was at your particular request that this was being done.

MR. RAHD: I did not request it.

MR. SIPES: I think there is a statement in Mr. Dayton's affidavit that this matter has plagued him through the years and he would like to have it brought out



and a chance to ask more questions, and I think that at the last hearing he mentioned the meeting in the airport and there was only a chance for very brief questions. He wanted to ask him this and ask him that and one thing and another, if I remember it correctly. But I want to get one thing straight in this record; Mr. Rand has repeated the statement that he has no objection to Mr. Elwyn's testimony coming in. I want to make it abundantly clear for this record--it doesn't make any difference whether Mr. Rand has objection or not!

MR. RAND: I think that is so.

THE CHAIRMAN: That is clear. But, on the other hand, I think we ought to make it clear for the record that the panel considered asking these witnesses for the specific purpose of trying to develop the case and get at the facts. And we are trying to do that in an expeditious manner and we feel that perhaps there are some shortcuts that can be devised to get at the essential facts in so far as this gentleman knows and the other witnesses know. We feel that a reasonable cross examination might elude these facts. We feel that perhaps two hours and now almost a half again, 20 minutes or so, is perhaps reaching the point of reasonableness in so far as this particular witness is concerned.

Now, true, someone is going to have to be arbitrary about this because there is nothing nicer to a lawyer than to have a witness that he can work over back and forth to the nth degree and trace and retrace steps, but I think what we are trying to do now is allot a reasonable time limit on you and on us as to when we can release this witness from the chair. And I personally feel very keenly that we ought not to go on beyond another 30 minutes with Mr. Elwyn.

Now, if that is an unreasonable time limit, I'm afraid that we are going to have to then reach the point of being arbitrary. Thirty minutes is quite a little while, and it will afford you an opportunity to hit at the germane issues involved and to try to elicit all the pertinent facts in so far as this witness knows them. If we are going to have to take longer than that, then I think I will have to be arbitrary and make a ruling as to the time limit involved.

MR. RAND: I will do my best, Mr. Chairman, but let me just make one remark for the record. I do not seek to excuse myself so far as the infirmity of advocates is concerned. I realize that at times I may be as lengthy as other lawyers occasionally are. But I do want the Chair to know that every time I feel that I'm reaching the end

My cross examination I find a switch on the part of the witness as to dates. Now we are confronted, after a recess, with a witness coming in here and giving us an entirely new date. Strictly speaking, I'm entitled to cross examination as to the new date. We have a completely new pattern here now.

THE CHAIRMAN: We are limited to 30 minutes now. He has recast his statement in the light of new dates. Everything else being the same, I assume the dates are different perhaps from the ones he mentioned this morning, but it's based on refreshing his memory during the lunch hour. He has set forth categorically, as I have tried to bring out initially to shorten this hearing, a new set of dates or perhaps the same dates in a different way. I don't know which until we review the record. But, based on this restatement of dates, he has reconstituted his story in terms of new time elements. Can we proceed quickly to get at the facts involved?

MR. RAND: I will do my best, Mr. Chairman. If this man can give me facts, I'd like to elicit them. But I haven't heard any.

THE CHAIRMAN: Let's proceed and get at the bare facts.

QUESTIONS BY MR. RAND:

Q How did you fix on the date January 1950 during the luncheon recess, Mr. Elwyn?

A I fixed that because I tried to work out my record books and to the nearest of my record books there, I figured it up. I figured it was January 1950 that the apartment was re-rented.

Q Will you tell us, Mr. Elwyn, a bit about your mental processes, how did you figure it was January 1950? What, in your record books, refreshed your recollection.

A Because I also, looking back on the records and seeing when the one party moved into the apartment, moved from one apartment to the other, I took that date which I had, their date that they transferred from one apartment to the other.

Q What date was that, sir?

A The date was now September.

Q September of what year?

A September of 1949.

Q Who moved where?

A Browns moved from apartment--no, no, that is my mistake, that is my mistake. Browns moved on September 1950.

Q And the Browns' name appeared on the top of this page, is that right, Mr. Elwyn?

A That appeared on the notation.

Q And that was at the top of the page you were looking at, is that right?

A Just about the top, the notation.

Q And this notation, in which you found the name Sarant crossed out and the new name Donovan put in, was that in the middle of that page?

A Possibly the middle, yes, practically the middle of the page.

Q And that followed the notation on Brown, is that right?

A That's right.

Q And the Browns moved in September 1950?

A That's right.

Q Who accompanied you to the apartment during lunch recess, Mr. Elwyn?

A My wife, of course! We had to go out to eat.

Q Did your father accompany you too?

A My father went home by himself. He lives alone. He has lived alone since my mother died.

Q May we go back to where we were prior to the

luncheon recess, Mr. Elwyn. You stated that you had seen Mr. Dayton go in and out of the building on several occasions and you told us the first occasion, as you recalled it, was in September or October of 1949, is that correct?

A That's right.

Q Now, you say you were in the lobby of the building at the time.

A I was in the main hall.

Q And have you been able to refresh your recollection as to whether Mr. Dayton was leaving the building or entering the building, sir?

A That is something I could not state. I said said that before and I will still refrain from changing.

Q Do you recall what Mr. Dayton was wearing at that time, Mr. Elwyn?

A No, I do not.

Q Do you recall whether he was wearing a coat?

A At one time he was wearing a coat, I know.

Q At which time was that, sir?

A As I stated before, there was possible times there before in 1949 that I'm sure that I have seen him in the hall. I said that before and I still insist on it.

Q I realize that, Mr. Elwyn, but the first time you saw him, you don't recall whether he was wearing a coat?

A No, I do not.

Q Do you recall whether he mounted the stairs or descended the stairs when you first saw him?

A I seen him in the lower hall. I didn't see him at the stairway.

Q Did you see him go up the stairs at that point, sir?

A I did not see him go up or come down.

Q How long did you observe him, for about how long a period, Mr. Elwyn?

A Long enough to pass anybody in the hall.

Q Where were you going at the time?

A I don't know which way I was going, whether I was going, whether I was going in or out, myself.

Q Did you greet him?

A No, I didn't, because I at that time didn't know Mr. Dayton.

Q In fact, you didn't know where he was going, is that right, Mr. Elwyn?

A I did not.

Q When was the next time you saw him, Mr. Elwyn?

A Possibly a short time right after that, again in the hall.

Q Again you're saying possibly.

A I changed it. I said a short time right after that.

Q And during what month was that, sir?

A That was during September, September and October, both months.

Q That is, you saw him both months? Was it either September or October or was it in both months that you saw him?

A Both months.

Q So the second time was again in either one of those months. Where were you standing at that time, Mr. Elwyn?

A I told you I wasn't standing. I was going through the hall. I could have been going in or I could have been going out.

Q What was Mr. Dayton wearing at that time, if you recall, sir?

A I don't know.

Q Was he wearing a coat?

A That is what I said, I don't know.

Q Was he wearing a hat?

A I still don't know.

Q Did you see him mount the stairs or descend the stairs?



A I did not.

Q Did you know who he was at that time?

A No, sir.

Q Was this also a casual meeting in which you passed him by and he passed you by?

A That's right.

Q That was the second time, you say. Now, what's the third time you saw Mr. Dayton?

A Possibly the third time was when I seen him in the apartment.

Q Did you see him on any occasion prior to the time you saw him in the apartment, other than these two occasions you just mentioned, Mr. Elwyn?

A Not that I can remember.

Q You said before the lunch recess that you also saw Mr. Dayton in the Village, did you not, sir?

A I stated that I possibly could have seen him in the Village.

Q Can you tell us now under oath whether or not you did see him in the Village?

A I didn't see him in the Village myself, not on the street.

Q Did you see him anywhere else in the Village?

A On those dates I told you, yes.

Q I understand. I used to live there myself. Prior to the time, then, that you saw Mr. Dayton, as you testify, sitting by the card table, you now tell us under oath that you saw Mr. Dayton, so far as you can now recall, only on two occasions in the lobby, is that right?

A That's right.

Q And that you passed him by then and did not know who he was or where he was going, is that right?

A That's right.

Q And then, as I understand your testimony, you saw Mr. Dayton once at this card table and another time outside your doorway in the basement---

A That's right.

Q ---moving furniture, is that right?

A That's right.

Q Then the next time you saw Mr. Dayton was at the airport, is that right, at the Newark Airport?

A That's right.

Q And the next time after that was at Foley Square, is that right, Mr. Elwyn?

A That's right.

Q So you have seen Mr. Dayton, as you testify, on six occasions?

A That's right.

Q When did the FBI, without mentioning names, first inquire of you with respect to Mr. Dayton, sir?

A That was in 1950.

Q You have testified previously it was in 1951, did you not, Mr. Elwyn?

A I have got my dates straight since then, sir.

Q How did you refresh your recollection on this, Mr. Elwyn?

A Just according to my dates.

Q How did you determine now that it was in 1950 that the FBI saw you instead of 1951, as you previously testified? What happened during the luncheon recess that caused you to change your testimony?

A Just because I checked out my dates on the things where it is possible for anybody to make a mistake on a date after six or seven years. I don't think you're perfect either when it comes to that.

Q I have never professed to be so. I have never testified I saw Mr. Dayton. Now, tell me, Mr. Elwyn--

A Did you ever testify you seen anybody? Between me and you I don't think you could.

THE CHAIRMAN: We have got to shorten the time.

A No, between me and you, this man (indicating Mr. Rand), I wouldn't trust him any further than you can

show this building. I mean that.

THE CHAIRMAN: Strike that out of the record.

MR. RAND: I would like that to remain in the record, Mr. Chairman, if I may. I'd like the record to show that.

THE CHAIRMAN: We want to get along with the hearing.

A I only came here for a short time. My boss is going to dock me for this time, for being off.

THE CHAIRMAN: We understand that and we appreciate it very much.

A So I was only requested to come here for a short time and I don't see why all this stuff has got to come up like this. I gave him the date. I testified that I seen him, and that is all. I think that should be the end of it. I don't see why I should be held around here all day long. I may have my opinions of things and let other people have theirs. I think everybody has a right to their own opinion.

THE CHAIRMAN: As we said before, it's up to you, sir, as to whether you want to answer. It's up to you as to what you want to do.

A I think I have went through about enough of this! I have told him everything that is possible and, as

for as other records, he will have to check in with my office, which I stated before, to get the exact dates. Check with my office.

## QUESTIONS BY MR. RAND:

Q Will your office records show the name and date anywhere?

A Repeat that again?

Q Will your office records show the name and date?

A No, sir.

Q Do any of the records in your office contain a picture of Mr. Dayton?

A Not that I know of, sir.

Q So the records in your office aren't going to disclose anything with respect to Mr. Dayton, are they, Mr. Elwyn? They will disclose dates of occupancy, but not---

A Dates of occupancy, that's what you wanted. That is what you asked for.

Q When the FBI first inquired about Mr. Dayton, where did they make the inquiry, at your apartment?

A They made it at the office and at my apartment.

MR. SIPES: I don't think that is either proper or pertinent, Mr. Chairman.

MR. RAND: I think we can test the matter of identification here, Mr. Chairman. That is what I understand the Board is doing at this point. Mr. Elwyn apparently made a statement to the FBI and we are inquiring as to the validity and credibility of that statement.

MR. SIPES: That isn't what you asked. You asked where did they first inquire about Mr. Dayton.

MR. RAND: I'd like to know the circumstances under which this was done. I think---

MR. SIPES: I don't deny that you would like to know.

THE CHAIRMAN: How is that pertinent to the case, Mr. Rand?

MR. RAND: Let me withdraw the question. Mr. Elwyn, at the time inquiry was made about Mr. Dayton, were you shown any photographs by the representatives of the Federal Bureau of Investigation?

A I was----

MR. SIPES: Mr. Chairman, I object to that question. I object to that.

THE CHAIRMAN: I object to that. I think that is going beyond---

MR. RAND: May I state---

THE CHAIRMAN:---the scope of our reasonableness.

MR. RAND: Mr. Chairman, may I state my position for the record?

THE CHAIRMAN: For the record, yes.

MR. RAND: I should like to state that, as I understand it, Mr. Chairman, the purpose of interrogating Mr. Elwyn as a witness in this proceeding is in order to enable the Board, and the petitioner through his Counsel, to test the credibility and the accuracy of such reports as Mr. Elwyn may have made to the Federal Bureau of Investigation. It is in that connection that I'm seeking to determine and to show on the record a matter of the first identification and the first report made by Mr. Elwyn to the Federal Bureau of Investigation, I think I'm entitled to test.

MR. SIPES: Mr. Chairman, may I say there that such information as is necessary to this Board's making a fair and equitable judgment on that is in the record. And I would like also to quote for Mr. Rand Section 51.163 of the Board's rules that:

"The Board shall conduct the hearing proceedings in such manner as to protect from disclosure information affecting the national security or tending to disclose or compromise investigative sources or methods."

MR. RAND: Well, we are not doing that, Mr. Chairman. Mr. Elwyn has already testified that he talked

the FBI. He is not a confidential informant. I don't see where matters of security are involved in photographs here of Mr. Dayton.

THE CHAIRMAN: Why don't we do this, without proceeding on this line of questioning into too great detail, could you answer that one question, Mr. Elwyn? It's up to you. It's your decision. Do you feel disposed to answer his question about the photographs?

MR. PRICE: You mentioned earlier that you had been shown a photograph of another person who had been in there.

A Yes.

MR. PRICE: It would be perfectly all right, if you recall.

A Yes. They did show me a photograph of him.

MR. RAND: In what connection did they show that to you, Mr. Elwyn? Did they ask you a question, sir?

A They asked me if I knew the man, if he stayed in the house at any time. That is all.

MR. RAND: Without identifying them, how many photographs were shown to you at the time?

THE CHAIRMAN: Mr. Rand, I asked that we not pursue this line of questioning. I wanted him to answer that one question because he had alluded to it earlier this



ning, about the question of identifying the photographs. I think this line of questioning will get us into the procedures employed by the FBI in connection with their statutory requirement to make investigations, and I do not feel that we can allow that in this particular hearing.

MR. RAND: Mr. Chairman, may I note an exception in the record at this point as to the ruling of the Chair and may I state for the record that, although I did not know what Mr. Elwyn would testify to, I had hoped, had I been permitted to pursue this line of testimony, to prove on the record that the circumstances in which Mr. Elwyn made his first identification to the Federal Bureau of Investigation of Mr. Dayton as one of the persons in the apartment, Apartment 6-I at 65 Morton Street, was such as to make such identification unreliable and not worthy of credibility in a proceeding before this Board.

THE CHAIRMAN: Noted for the record.

QUESTIONS BY MR. RAND:

Q Mr. Elwyn, you said earlier this morning that you collected all the rents in the apartments, is that right?

A All the rents that people pay in the house. There are some of them who mailed a few checks to the office, but the majority of them I collect.

Q Did you ever collect any rents from Apartment 6-I?

A No, sir, I never did. That was mailed through the office.

Q Who advised you that it was mailed through the office, the office?

A The office, of course!

Q And they told you never to bother collecting rent, is that right?

A They said, "You don't have to bother with that apartment because the rent is always mailed in."

Q And you know of your own knowledge who mailed the rent in or from where it came, of your own knowledge, Mr. Elwyn, not by hearsay?

A No, I do not.

Q When you first saw Mr. Dayton in the hallway--as you have testified you have on these two occasions in September or October of 1949--did he look any different than he does today, sitting across the table from you?

A Yes, he was a little thinner.

Q And were there any different adornments about the face? Did he wear glasses?

A No, he did not.

Q Was there anything else about the face that was different?

A I didn't notice anything different. He has the same features today that he had then, except he is older today than what he was then.

Q When you saw him sitting in the apartment, whether it be in December of 1949 as you now testify or the other dates you have testified earlier, did he look any different, Mr. Elwyn?

A He needed a shave.

Q He did at that time?

A He needed a shave.

Q He was heavy-bearded?

A He wasn't too heavy, but he needed a shave from what I could see.

Q What happened to this furniture that was left in the basement, Mr. Elwyn?

A Well, it was taken away, sir.

Q You don't know by whom it was taken away, or when, do you?

A No, that I don't.

Q Was it taken away before you were approached by the Federal Bureau of Investigation people or after you were approached by the Federal Bureau of Investigation people?

A Before.

Q In order to get your testimony straight since the luncheon recess, are you now telling us that in your best recollection now, based upon your refreshing of recollection, that the apartment occupants changed from whom they may have been before, in the name of Sarant, to Donovan about January 1, 1950?

A That's right.

MR. SIPES: May I inquire one question, Mr. Chairman. I hope this doesn't---

THE CHAIRMAN: Make it brief.

MR. SIPES: I hope this doesn't give rise to more questions---

MR. RAND: It may.

MR. SIPES: Mr. Elwyn, you watched Mr. Dayton here a number of hours today. I would just like to ask you, Mr. Elwyn, is there in your mind any doubt whatever that this is the man that you saw in and around, as you have testified, Apartment 6-I, 65 Morton Street?

A There is no doubt whatsoever in my mind, which I have stated before and I still state, there is no doubt in my mind this is the same man.

MR. RAND: This has opened up a series of questions, Mr. Chairman.

MR. SIPES: In what line, Mr. Rand?

MR. RAND: Just in connection with this question:

THE CHAIRMAN: Didn't Mr. Sipes just ask for further verification of what you just asked Mr. Elwyn?

A You asked me the same question.

MR. RAND: May I ask these questions, Mr. Chairman?

QUESTIONS BY MR. RAND:

Q On the first occasion you saw Mr. Dayton you just brushed by him, is that right?

A That's right.

Q And on the second occasion you saw Mr. Dayton, you just brushed by him, is that right, sir?

A That's right.

Q And on the third occasion when you testify you saw Mr. Dayton in the apartment sitting at the card table, how long a period was it you observed him there, Mr. Elwyn?

A Maybe it was two to three minutes.

Q On the fourth occasion that you testify you saw Mr. Dayton, it was as he walked by the doorway of your apartment. How long did you observe him then, Mr. Elwyn?

A A few minutes.

Q When you were shown the photograph of Mr. Dayton, how long was that photograph before you?

A About 30 seconds, and taken away from me.

Q When you met him at the airport, how long a period was it that you saw Mr. Dayton?

A Oh,--how long a period I seen him?

Q How long did you observe him?

A He walked from the plane into the hangar, the airport---

THE CHAIRMAN: The terminal?

A He walked into the terminal and up to me.

QUESTIONS BY MR. RAND:

Q And then how long did you observe him, sir?

A Just long enough to shake hands with him.

Q And then he left?

A That's right. But he shook hands with my wife and my father too.

Q How long a period was he standing before you, would you say?

A A couple of minutes or more.

Q When you observed him in Foley Square there-- after, Mr. Elwyn, how long a period did you observe him?

A Maybe a half hour.

Q At Foley Square?

A Yes, sir.

Q So that your longest period of observation of Mr. Dayton, Mr. Elwyn, has been up at the Foley Square incident, is that right?

A That's right.

Q And at that time you knew that Mr. Dayton was Mr. Dayton, did you?

A That's right.

Q How many people, approximately, do you observe a year, in view of the fact that you're Superintendent of a large apartment building having 80 units in it?

A I view hundreds of them, and I remember the faces too, sir.

Q Have you ever met me before, Mr. Elwyn?

A No, I never did.

Q Thank you.

THE CHAIRMAN: Witness is excused.

MR. RAND: May I ask the Chair to request---

MR. SIPES: Thank you very much, Mr. Elwyn.

MR. RAND: ---to ask Mr. Elwyn to refrain from discussing this matter until we are through with the other witnesses?

THE CHAIRMAN: He will go through this other door, as a matter of fact.

[Witness was excused.]

MR. STILES: Mr. Chairman, I don't know whether your ruling covers the point on these next two witnesses.

THE CHAIRMAN: I was going to establish a 30-minute period for both of them.

MR. RAND: I don't think it will be adequate, Mr. Chairman. I'd like to get back to Washington too, I have an appointment tomorrow morning at Court and I realize this, but this is extremely important, Mr. Chairman. We don't know anything about these people. How am I ever going to find out what I ought to ask in 30 minutes?

THE CHAIRMAN: I think that 30 minutes will probably be a very reasonable time under the circumstances, Mr. Rand. If at the end of 30 minutes there is anything there that looks like it does great violence to your case I would be glad to review it, but I think a 30-minute limit would give you an opportunity to touch upon the cogent and germane problems at hand.

MR. RAND: I don't frankly know where we are.

THE CHAIRMAN: I have great confidence in your faculty at getting at the heart of these problems.

MR. RAND: Thank you, sir.

[Off-the-record discussion]

THE CHAIRMAN: Shall we call the next witness.



Whereupon,

MRS. FLOYD (JEANNE) ELWYN, JR.,

TESTIMONY  
Board of Passports  
ALLIANCE  
3-2-53  
NEW YORK, NY.

called as a witness in behalf of the Board, having been  
duly sworn, testified as follows:

QUESTIONS BY THE CHAIRMAN:

Q We are going to try and keep this to a minimum and we hope that you can give us a full disclosure of all the knowledge that you have in connection with the incident on which we are about to examine you. We hope that we will be as easy on you as possible and permit you to leave at the earliest possible moment. We are, however, anxious to cover certain basic facts and to get your first-hand knowledge and impressions of what transpired. Will you please state your name and address for the record.

A Joanne Elwyn. I live at 65 Morton Street.

Q Now, with that, I think that if you could very quickly tell us, the members of the panel, the people in this room, exactly what you know about Mr. Dayton, the times involved, the places, and any of the circumstances that surround your knowledge of this gentleman across the table from you (indicating Mr. Dayton).

A Well, my knowledge of Mr. Dayton is the day that the furniture was moved from Apartment 6-I into the

apartment outside of my door. At that time there was Mr. Dayton, Mr. Perl, and I believe it's Mr. Finestone. I'm not sure whether it is Mr. Finestone or Weinstone. They moved the furniture outside of my door. I had occasion to go out into the basement at the time and that is the time that I saw Mr. Dayton on the premises of 65 Morton Street.

Q Mrs. Elwyn, do you recall the date, the time, the day of the week, the time of the day, the month, the year, or any other factors?

A The exact date I can't say, due to the fact that I have, within the past year, been very ill.

Q Yes, mam.

A And I have tried to the best of my recollection to recall the exact date. I have some idea of the 29th of the month, somewhere around there. I am not positive. I couldn't swear to it.

Q Do you recall which month and which year?

A I think it was in January of 1950. I'm not sure. Recalling the tenant who is in the apartment now, that which I do know, exactly a week later when they took full possession of the apartment, a child was born in the same year and it will be five years old. I'm trying my best now. I can't swear to it exactly, but the child will

be five years old this year.

Q Do you recall the time of day it was or whether it was a week day or a Sunday?

A I think it might have been on a Sunday, I'm not sure.

Q You say that Mr. Dayton, Mr. Perl, and another gentleman---

A Mr. Finestone was there.

Q They were moving furniture down from 6-I to the basement right in front of your apartment?

A In front of my apartment, yes, sir.

Q Do you recall anything else about any of these gentlemen, how they were dressed?

A I believe they had on slacks. Mr. Perl did not. He had on a dark sweater and I think it was dark pants. But Mr. Dayton had on slacks and I think--I'm not sure--that Mr. Finestone did.

MR. SITES: Do you recall what kind of furniture it was they were moving?

A Well, to tell you the truth, it wasn't very much. I know there was a couch. There was a kitchen chair, I recall a basket. I think there was some kind of a little bridge table or drop-leaf table or something to that effect. And then there were a few little boxes with some things in

them. I believe they were kitchen utensils and things like that.

QUESTIONS BY THE CHAIRMAN:

Q Did these boxes have anyone's name on them? Or was this furniture identified in any way?

A No.

Q No tags or anything?

A No tags or anything on it. They asked permission of my husband to leave the things in the basement for the time being and they would have it out within a short time.

Q Did you come to the door and observe these three gentlemen?

A Yes, I did. I went out into the basement.

Q And this gentleman, Mr. Dayton here, (indicating), was he one of the three men there?

A Yes, he was one of the three men. That I do definitely remember.

Q Do you recall how long you observed them while standing there? Did you talk to them?

A No, I didn't speak to them. I have a line outside my door and I went over and put, I believe it was, a cloth that I had been using in the house on the line.

Q And if you want me to go into detail why I took the time to take a good look at the gentlemen, I will.

Q That is the point I thought you were going to discuss.

A Well, if you live in an apartment house and you have people talk about the "ghost" apartment, the thing seemed rather spooky, and things like that, I was rather curious to see who the people were who had been in the apartment. I can't say anything about who was in the apartment because I have never been into it, or anything else. But there is a natural curiosity when you hear these things.

Q Had there been rumors to this effect before this date, Mrs. Elwyn?

A Yes, the tenants had called it the "ghost" apartment.

Q Previous to this date?

A Previous to this date.

Q So you stood and observed these three individuals for some little time, did you?

A Well, I was inside the door first and then I walked outside the door. Mr. Dayton was on this side of the door (indicating the left side) and Mr. Finestone was on this side (indicating the right side), and Mr. Perl was standing further back by a cupboard that we have in the

hancement outside the door where we keep brooms and things like that.

Q That was in January of '50?

A I cannot say positively. As I say, I have been quite ill. I had a serious operation last year. In fact, they tell me it's a miracle I'm here. And during this past year, naturally, I have taken quite a while to recuperate.

Q Let me ask you this, Mrs. Elwyn, do you recall ever having seen Mr. Dayton, other than on the occasion that you allege?

A I can't swear to it, but I believe that I did see Mr. Dayton in the hall.

MR. RAND: Mr. Chairman, may I interrupt and suggest that, unless the witness is prepared to swear to these statements she is making, the statements ought not be received in evidence. This is evidence under oath.

THE CHAIRMAN: She has sworn to the statements. The only thing she does not swear to is the precise date.

MR. RAND: No, I think she said she cannot swear to having seen him.

A I beg your pardon, Sir! I did not. I started to say, I believe that I seen Mr. Dayton in the hall one time, just passed him casually. But I'm not positive of it.

And that would be in the lower hall, because I seldom climb the stairs. It's only now and again do I ever go up the stairs, and that is if a tenant stipulates that something is coming and they want someone with them, if a package is coming or something like that, when it is being put in the apartment, if I would please, if my husband isn't around, go up and do it. And I do that as a favor, but it is not very often.

## QUESTIONS BY THE CHAIRMAN:

Q Do you recall when this happened that you may have seen him in the lower hall?

A That would have been, I think, several months prior to the date of the moving of the furniture into the basement.

Q It would have been prior to that time?

A Yes, it would have been prior to that time.

Q I see. But after the date of January, did you ever see this gentleman (indicating Mr. Dayton)?

A Oh, yes.

Q You have seen him?

A I saw him at the Newark Airport, I saw him in the Federal Building.

Q And those are the only times?

A I believe those are the only times since then.

that I have seen him, to the best of my recollection right now.

Q Which would be a maximum of four times?

A It would be about four times. As I say, the first time I'm not positive.

QUESTIONS BY MR. PRICE:

Q Have you ever seen a picture of Mr. Dayton?

A Yes, I have seen a picture. The FBI showed me a picture and asked me if I recognized him.

Q This was before the airport meeting?

A Yes, before the airport meeting. They brought several pictures in.

Q Why did they call this a "ghost" apartment? I'm still not quite clear on it.

A Well, it seemed that sometimes there didn't seem to be anybody there and the next time there would be a crowd and there would be package after package going out of the apartment. These are just statements made by people in the House and they were all rather curious as to what went on in the apartment. Of course, as I say, to my knowledge, I know nothing about the apartment whatsoever. I have never been in it. I don't know who was inside the apartment or anything to that effect. But just these statements and, I guess, my womanly curiosity got me, I wanted



see who was really connected with it in any way.

Q At the time you saw Mr. Dayton and these others--that is, what you thought at least was Mr. Dayton, and these others--had they put the furniture down, or were they still carrying the furniture, or what?

A They were carrying the furniture. I understand that there was another fellow there, which I didn't see. I only saw three men, but they say there was another fellow there but he claims he only came into the basement--at least he said so in front of me when he was brought back, that he came into the basement once with furniture that was sent in my apartment. And I believe he said that Mr. Dayton was there on that day. I'm not certain of that.

MR. RAND: May I ask that that be stricken from the record.

THE CHAIRMAN: That is hearsay and I think that--

A He said it in my presence.

MR. RAND: It is still hearsay. I think that the Chairman can make the ruling.

A That is quite all right.

THE CHAIRMAN: That's right. Rules of evidence don't apply, but I think that is something we can have stricken from the record. I don't see any point in having that included.

MR. RAND: Am I limited to a few questions, Mr. Chairman?

THE CHAIRMAN: Would you like to take over and ask a few questions, Mr. Rand?

MR. RAND: Yes.

QUESTIONS BY MR. RAND:

Q Mrs. Elwyn, were you ill at that time?

A No. My illness was due to an operation.

Q You were not climbing stairs at the time though, is that right?

A I did not go up the stairs too many times. In fact, I don't now, and I never did too much.

Q During the luncheon recess, Mrs. Elwyn, did you return home with Mr. Elwyn?

A Yes, I did.

Q And can you tell us what Mr. Elwyn did at the house?

A He checked the records of the rent book.

Q Can you tell us about this rent book? What sort of a book is it?

A Well, it's a book that goes back to the year 1929, in which we tried to keep accurate records if we can.

I have tried to recently put accurate dates in. At that time I just followed the procedure. When we first came

I just followed the previous procedure, which was just to change the names in the books, no dates or anything like that.

Q You were not certain of the exact date when this moving incident occurred?

A No, sir, I cannot say exactly. And I wouldn't want to stipulate a date when I can't remember exactly when it was.

Q You are not certain of the day of the week in which this occurred, are you, Mrs. Elwyn?

A Well, sir, it's going back about five years.

Q And you were not certain of the date of the moving, is that right?

A At the present time, no. Then I was.

Q When was this?

A When the occurrence happened I was certain of the date.

Q Did you know Mr. Perl before that day? Had you been introduced to him?

A No, I had never been introduced to Mr. Perl. I had seen--no, I had never seen Mr. Perl before.

Q And you didn't know who this gentleman was that you now say was Mr. Perl?

A I was told it was Mr. Perl, that that was his name.

Q Not at that time you didn't know his name

A No, I didn't know his name at that time.

Q Now that a Mr. Perl was supposed to--

Q Will you answer my question, please. You did not know at that time that that gentleman was Mr. Perl?

A No.

Q Did you know at that time that the gentleman whom you have identified as Mr. Finestone or Weinstone was Mr. Finestone or Mr. Weinstone?

A No, I believed he was Mr. Sarant.

Q Had you seen him before, Mrs. Elwyn?

A Yes.

Q And had he come down to you and identified himself as Mr. Sarant?

A That he had done. He had asked for the key of the apartment. He said he forgot the key.

Q And you had a key for the apartment?

A Yes.

Q Had you ever been introduced to the gentleman you have identified as being Mr. Dayton, prior to that time, Mrs. Elwyn?

A No.

Q And at that time <sup>you</sup> did not know that the gentleman was Mr. Dayton?

A I did not know his name, no, sir.

Q How long a period was it, Mrs. Elwyn, that you observed these three gentlemen in the hallway? Was it five minutes, ten minutes, or what?

A It was not in the hallway. It was in the basement, outside my door.

Q In the basement outside the door?

A Yes.

Q How long a time was that, Mrs. Elwyn, that you observed these three gentlemen in the basement outside the door?

A I would say approximately five minutes. They were moving this stuff around out there trying to place it.

Q And how long was it that you observed Mr. Dayton thereafter in the airport?

A Oh, the exact time I can't say exactly.

Q Well, was it five minutes, was it ten minutes, was it 30 minutes?

A I imagine we might have been--we will say, we might have been 15 minutes altogether at the airport.

Q How long was it you observed Mr. Dayton at Foley Square, Mrs. Elwyn?

A I think that was a little longer. I believe it was perhaps for a half hour. I can't say exactly.

Q You did not appear before the Grand Jury, did you, Mrs. Elwyn?

A No, I did not, sir.

Q You were never called?

A No.

Q Mrs. Elwyn, can you tell us what it was, if anything, about the gentleman you saw in the hallway that morning of the moving incident---

A I didn't see him in the hallway.

Q ---which so marked him for you that you were able to identify him from the photograph later on?

A The fact of the reports from tenants on the apartment.

Q What was it about this particular gentleman whom you have now identified as Mr. Dayton, was there anything striking about his appearance on that day when you saw him? Did he have any particular article of clothing on? Did he have a particular kind of a nose, or ears? What was it about him in that five minutes observation, if anything, which you found striking?

A Well, Mr. Dayton is not a large man.

Q That's right.

A He is rather small.

Q In your husband a large man, Mrs. Elwyn?

A Well, considerably larger than Mr. Dayton.

Q What else was there that was striking?

A I wouldn't say it was anything striking. It was just the fact that I took a close look at his features.

Q And what did you find about his features?

A What do you mean, do you want me to describe them?

Q No. What was there extraordinary about his features, if anything?

A There is nothing extraordinary about them, just an average looking man in my estimation.

Q He is an average looking man. Now, in this photograph that was shown you, Mrs. Elwyn, what sort of a photograph was it, was it a full body photograph?

A No, sir. It was the features (indicating from the chest up), just taken here.

THE CHAIRMAN: Up to the chest?

A Yes, up to the chest.

QUESTIONS BY MR. RAND:

Q Up to the chest?

A That's right, up to the chest.

Q It was the photograph of a man's head?

A That's right.

Q So there would be nothing in that photograph,

Would there, to indicate whether the individual was large or not large, would there?

A No. I was going by the features of his face as best I could recall them.

Q Which features you have now described as average?

A I believe they are.

Q That is all.

MR. SIPES: Do you know a <sup>Gary</sup> Pickard?

A Yes, I believe that was--the only time I saw him was when he was brought into the apartment by the FBI and he was introduced to me as Mr. Pickard.

THE CHAIRMAN: You may be excused. Thank you very much for coming down.

[Witness was excused.]

THE CHAIRMAN: We will examine the next witness.

Whereupon,

*Board of Passports*  
*TESTIMONY* 3-27-35  
MR. FLOYD ELWYN, SR., New York, NY.

called as a witness in behalf of the Board, having been duly sworn, testified as follows:

QUESTIONS BY THE CHAIRMAN:

Q Mr. Elwyn, we are hopeful that you will shed continued light on the matter that we have under interrogation



at the present time. We would like to have you start out, if you will, in a rather brief way and tell us the facts, the dates, the circumstances and any related items of interest that have a bearing on whether or not you know this gentleman across from you here, (indicating Mr. Dayton)

A I have seen him.

Q ---when you saw him, where he was when you saw him, the conditions under which you saw him, and anything that you think is of interest to this Board. But, first, would you give your name and where you're employed for the record, please?

A Floyd is the first name, Elwyn the last.

Q And your employment, where you are employed now, by whom?

A By the 65 Morton Street Realty Corporation.

Q How long have you been employed at this particular address?

A Well, if I ain't too much mistaken, it's the 19th day of February 1926.

Q That you have been employed at this particular address?

A Well---

Q Have you been continuously employed there since then?

A Yes.

MR. HAND: There has been no testimony, Mr. Chairman, that he is employed at this address. He has been employed, he said, by the Corporation.

QUESTIONS BY THE CHAIRMAN:

Q You have been employed by the 65 Morton Street Corporation?

A I was on the Morton Street side. Now I am at the Barrow Street side. I have been shifted just across the court.

Q Perhaps the best thing, if you will, then is to give us the facts relating to your knowledge of Mr. Dayton, when, where, and under what circumstances you have known him in the past.

A The dates, positive dates, I cannot give. I was trying to think this over first. It is somewhere between '44 and '50, somewhere between '44 or '43 and '50. It's somewhere in there that this man or a twin brother to him, the same—you know what I mean, see, there could be such a thing happened—but somewhere there I saw him in the 65 Morton Street entrance of the building on 65 Morton Street. That was the Corporation's name. That is what the Corporation is named after, you know, 65 Morton Street. I saw him there and I am not positive, I can't say, that I seen

him take mail out of the box. But it is kind of in my head that I did, but yet I wouldn't swear to that, you know. And then I saw him on the street.

Q Well, what about--

A I saw him on the landing one time. I won't say what landing it was, whether it was the third or the fourth floor, something like that. And then I saw him on Morton Street and I saw him on Barrow Street.

Q Both?

A And I also saw him, let's see, at 50--well, the Emerald Grocery Store is the name of it. I saw him in there.

MR. RAND: What was that, the Emerald Grocery Store?

A The Emerald Grocery Store. But what dates these are, you know how you see people and I can't give no date. I think it's 452 Hudson Street.

THE CHAIRMAN: Is that the grocery store?

A I think that is the number. It's the Emerald Grocery Store. And then the next I saw him was over at the airport, the Howark Airport. And then the next time I saw him he was on the corner of Morton Street and Hudson Street with Littlejohn, and I don't recall the partners' names.

THE CHAIRMAN: Littlejohn?

MR. RAND: This is an FBI agent?

A [nodding his head]

THE CHAIRMAN: Mr. Elwyn, when you saw Mr. Dayton on these various occasions, aside from the time that you said you saw him at Horton and Hudson Streets, was he in the company of anyone else or was he with anyone else that you recall?

A That, I could not say. You know how people in the hallway go. Whether he was with anybody or not, you know, that I couldn't say. But I think that he was. But, of course, I can't say, you know.

THE CHAIRMAN: What occasion have you to remember him specifically as against hundreds of other people that you might have seen during that period?

A Well, I can remember a lot of them that used to go up in there. I can remember a lot of people who used to go up in there.

MR. RAND: In where?

A In the house, in the building. You see, when I see somebody, I kind of look them over because, you know how things happen once in a while in those large houses, so for that reason you pay a little bit more attention to a man when you see him than you would to him out on the street.

## QUESTIONS BY THE CHAIRMAN:

Q Is there anything about his actions or anything of that sort that caused you to particularly remember him, Mr. Elwyn?

A No, I just sized him up, that was all. The first time I saw him there, you know, I sized him up.

Q What was your estimate of him? Did you feel he was a person that---

A No, I didn't.

Q ---you had some question about?

A When I sized him up and looked him over, that was the end of it. I didn't have no reasons to watch him or anything. I didn't think--well, you know.

Q When you saw him in the grocery store, did you observe him buying any particular foods?

A No, I didn't pay any attention to him. I just paid no attention any more. Maybe I spoke and maybe I didn't, you know.

Q What about this other street--Barrow Street was the other address?

A No, where I saw him was on Morton and Hudson Street. I may have spoke Barrow in there.

Q I thought you said something about having seen him also on Barrow Street. Do you recall seeing him on this other street?

A On Barrow Street?

Q Yes.

A No, I don't recall seeing him there. I wouldn't say I didn't, if he said I did, you understand. But just these other couple of times like that I noticed him.

Q Do you recall roughly the date when you saw him at the airport?

A No, I do not.

Q You don't know whether that was in '47, '48, '49 or '50, or even later?

A [Shaking his head] Oh, land, this is '55. No, I couldn't say, but I think it wasn't in the '40's. I don't think it was in the '40's.

Q You think it was later than that?

A I think it was, but I wouldn't say. Upjohn has the records to that, which will be given and the date on that, I suppose he has, you know.

Q Well, when you saw him on the landing, you say you don't recall which landing it was, the third or fourth?

A No, I passed him.

Q Was he coming up or going down, do you recall?

A I think he was coming down.

Q Did he have anything with him?

A He might have had a briefcase or something. You understand, I didn't pay no attention. I couldn't say.

Q How was he dressed, for the street?

A Yes, he had his coat on. Whatever color it was, I didn't pay no attention to it any more than I take a look, and that is all I did.

Q Did you speak to him?

A That I couldn't say, whether I said hello or howdy do, you know you generally speak to people.

Q Were you curious about where he was going or where he had come from?

A No, I wasn't, because there were several people who went upstairs there to the apartments, several people. Of course I had an idea, but nothing to it, you know what I mean, nothing to back it up.

QUESTIONS BY MR. SIPES:

Q Did you recognize Mr. Dayton when you came into the room just now, Mr. Elwyn?

A Certainly I recognized him.

Q Do you know a Gary Pickard?

A Who?

Q Gary Pickard, do you know him?

A [No response]

## QUESTIONS BY THE CHAIRMAN:

Q Do you know a gentleman by the name of Mr. Gary Pickard?

A The name sounds familiar but I couldn't say.

Q Do you know a Mr. Perl, Mr. William Perl?

A By sight, yes.

Q You know him?

A Yes, but I mean by sight. I saw Mr. Perl and also I called him Mr. Perlman because he received mail, which I know, by both names. Of course this is something that I happened to be there when the mailman was putting the mail in the boxes and he asked where the names were, you know what I mean, and I knew him better by the name of Perlman because we used to put everything in the box. You know what I mean, some of the mail came Perl and some came Perlman.

Q Did Mr. Dayton ever get any mail addressed to that house?

A There were several people got mail.

Q Do you remember Mr. Finestone?

A Finestone, I remember him. I remember the name, yes.

Q Do you remember Mr. Sarant?

A Oh, yes.



Q Do you know him personally?

A Yes.

Q You have seen him?

A Yes.

Q Do you know where these gentlemen lived--all or any of them that we have been talking about, Mr. Sarant, Mr. Finestone, Mr. Perl, Mr. Perlman, Mr. Dayton--do you know where they lived when they were at this address?

MR. RAND: Mr. Chairman, there has been no testimony that they lived at this address.

A They used to go in. Of course--pardon me, I am ahead of my story. Mr. Sarant had Apartment 6-I at 65 Morton street. And Mr. Perlman or Perl, whichever his name was, of course he got mail there too, at least I think he did--somebody did, anyhow, in the name of Perl and Perlman. Of course I called it Perlman. I thought maybe somebody didn't put the "man" on or something. But anyhow, he got mail in 6-I. They used to go up there. But whether they lived there or not, I do not know. Mr. Sarant had the apartment.

QUESTIONS BY THE CHAIRMAN:

Q Did you ever see Mr. Dayton go into that apartment?

A No, sir.

Q Or come out of that apartment?

A No, sir, I did not.

Q Did you ever see Mr. Dayton in the company of Mr. Perl or Mr. Perlman?

A I wouldn't say. Mr. Perlman might have been ahead of him or behind him or something; I wouldn't want to say and have them come out and say yes.

MR. RAND: Mr. Elwyn, did you ever see Mr. Perlman ahead of him, not where he might have been?

A No, I never did.

QUESTIONS BY THE CHAIRMAN:

Q Did you ever see them in the company of each other--Mr. Dayton, Mr. Sarant, Mr. Finestone, and Perlman?

A No. I saw several people together but I can't say they were in company with one another.

Q You have never seen this gentleman in the company of any one or all of those individuals?

A No, not to what I could say, you understand.

QUESTIONS BY MR. SIPES:

Q As I understood your testimony, when you first started your testimony you placed this somewhere between 1943 or '44 and 1950.

A Well, that is when Mr. Sarant had the apartment.

Q In 1943 and 1944?

A [Nodding his head]

Q Beginning back in that time somewhere, '43 and

'44---

A Yes.

Q ---and you placed the times that you believe you saw Mr. Dayton sometime after Mr. Sarant rented the apartment, and what terminal date did you use in arriving at this broad period here?

A Well, as near as I can relate it, you see, as near as I <sup>can</sup> get on to it, it is somewhere toward the latter part of the '40's that I saw Mr. Dayton, the latter part of the '40's.

Q Would you say it was after the war?

A Yes, it was after the war.

Q Well, that reduces the period down from '43 and '44 anyway.

MR. RAND: With the help of the Board's Counsel, of course.

MR. SIPES: We are down to some time after the war.

MR. RAND: I must object. This is clearly a leading question, Mr. Chairman.

MR. SIPES: I don't think that.

THE CHAIRMAN: Mr. Sipes was just trying to narrow

this thing down, Mr. Rand, to---

MR. RAND: Of course he was!

THE CHAIRMAN: ---to some period Mr. Elwyn is alleging that he saw Mr. Dayton. Mr. Sipes was just trying to find out, just as you would do, whether it was 1910 or 1950.

MR. RAND: I'm cross examining this witness. I am after the facts.

MR. SIPES: I'm after the facts just as much as you are, Mr. Rand.

MR. RAND: I appreciate that.

MR. SIPES: I have no objection to asking a question that I think I will get an unfavorable answer to. I'm working for the United States Government.

MR. RAND: I appreciate that, Mr. Sipes.

THE CHAIRMAN: We are all trying really to get the facts here and trying to establish what is involved and who saw them and knew about them.

MR. SIPES: There is no prohibition about Board's Counsel asking leading questions, in the first place.

THE CHAIRMAN: Well, we would hope not to get into too much of that type of interrogation on either side.

MR. SIPES: I could tell you a lot by my questions that would have been a lot of help to you.

MR. RAND: I'm sorry.

THE CHAIRMAN: Who is going to withdraw the objection?

MR. RAND: I will withdraw the objection.

THE CHAIRMAN: All right.

MR. SIPES: I will let Mr. Rand go ahead working to try and narrow down the period.

MR. RAND: And let me hang myself.

MR. PRICE: I wasn't quite clear in my mind, Mr. Elwyn, when did you say you first knew Mr. Dayton as Mr. Dayton?

A It was in the latter part of the '40's.

MR. PRICE: That you knew him as Mr. Dayton? How?

A Because I heard somebody call him that name. I couldn't say just who it was.

QUESTIONS BY THE CHAIRMAN:

Q You don't recall who?

A I don't recall who it was. It was somebody.

Q But you heard someone address him as Mr. Dayton?

A Yes.

Q Was that in connection with his visits to 65 Morton Street, or was it out at Hudson and Morton Streets?

A No, this was in the hall there, somewhere near the mail box when we were there at the mailbox.

Q But you don't recall who it was?

A No, I don't recall. You see, the mailboxes are about three steps down here (standing up and indicating) and here comes the stairs downstairs and there was somebody there (indicating), you know, and Mr. Dayton, if I recall right, was at the top of the steps and someone says, "There is no mail for you, Mr. Dayton", and he laughed and swung around. That was all. So that is the reason for the way I recall it as to Mr. Dayton, you know what I mean.

QUESTIONS BY MR. RAND:

Q May I take this incident again.

A Yes.

Q This was one of the times, I take it, that you saw Mr. Dayton in the entrance of 65 Morton Street, is that right, this incident you are talking about, when somebody addressed him?

A No, this was at the mailbox. The entrance was out there (indicating) and this is at the mailbox.

Q This is still an additional time you saw Mr. Dayton? You saw him not only at the entrance but at the mailbox, is that right, Mr. Elwyn?

A I saw him at the entrance, the stairs and in several places, you understand, yes.

Q I don't understand. That is what I'm trying to understand.

A I'm trying to make it plain.

Q I appreciate that. Was this person who addressed Mr. Dayton a woman or a man?

A It was a man's voice. I was busy with the mail, with some carrier there, giving him directions about this over here and that over there and so forth and I looked up and saw this gentleman.

Q It was not the carrier who addressed him?

A Oh, no.

Q And this gentleman appeared to know Mr. Dayton and said, "No mail for you, Mr. Dayton", is that right?

A He said--how does that come out again--"Oh, come on, Dayton, there's no mail for you", or something like that.

Q Well, was it, "Oh, come on, Dayton, there's no mail for you", or---

A It was something like that. I wouldn't say just the words, but it was a sentence similar to that.

Q He didn't use the first name, did he?

A Oh, no.

Q He said, "Dayton, there is no mail for you"?

A Yes, I think he did, like that, you know, smiled and reeled around and went---

Q Went where?

A Out the entrance. Whether he followed him out or whatever it was--

Q What do you mean "reeled around"? Was he facing the mailbox?

A Yes, he was facing the mailbox here (indicating).

Q And where was the entrance, beyond the mailbox?

A You turn and go off here (indicating) and go about 20 feet to the entrance (indicating).

Q Let me ask you, Mr. Elwyn, this. You stated on direct examination that you saw Mr. Dayton in the entrance of 65 Morton Street.

A Yes.

Q Well, when was that, what year?

A I can't give you the year. It is somewhere in the late '40's.

Q What season of the year was it?

A Let's see, Freddy was there.

Q Who is Freddy?

A That is my grandson. His name was Ties, Freddy Ties.

Q What season of the year was that?

A I don't

Q What season of the year was that, or can't you be certain of that, Mr. Elwyn?



A He, I can't. It wasn't cold weather, I know.  
But I mean, you know---

Q What was this gentleman, whom you have now identified as Mr. Dayton, wearing?

A Pardon me?

Q What was this gentleman, whom you have now identified as Mr. Dayton, wearing when you saw him at the entrance?

A That I couldn't say. He had a coat on, you know what I mean, full dress. But I couldn't say whether he had a tie on, you understand, and things like that.

Q Didn't you say you saw him on the street also?

A Yes.

Q What year was that?

A Oh, right along the same year, about the same year, or the next year.

Q What year? You haven't identified a year yet.

A Well, I can't identify a year because I had no reasons to mark it down, to make any notes of it.

Q What year was it when you saw Mr. Dayton on the landing, whether it be the third floor, second floor, or the first floor?

A I can't give you no dates at all. As I tell you, it's the latter part of the '40's. It might have

been '47, it might have been '49. I can't tell you what the dates were.

Q What year did you see him on Morton Street?

A Along the same time there.

Q But you can't give us any particular year or season?

A No. Well, pardon me--what time do you mean on Morton Street, the time he was with the officers?

Q No, the first time you saw him.

A The first time, I can't give you the dates then. I can give you the dates with the officers.

Q What year did you see him on Barrow Street?

A I can't say as I ever saw him on Barrow Street. I may have passed him, no doubt, they all traveled round that way and things. I may have seen him, but I just can't recall that I saw the man there.

Q You have testified on the record, as the record will show, that you saw him on Barrow Street, but you are now correcting the testimony.

A Did I?

THE CHAIRMAN: The record shows he testified both ways. Before, he initially said "yes" and in answer to my question he said "no" and now he is saying "no" again.

A You see the way it is, you see people and you

can't always place them right out, you know, because you can't expect anything like this.

THE CHAIRMAN: How old are you, sir, for the record? Or would you rather not say?

A Well, I was born in 1882.

QUESTIONS BY MR. RAND:

Q You don't recall the year or the season of the year when you saw Mr. Dayton in the Emerald Grocery Store, Mr. Elwyn?

A No, I do not.

Q You don't recall the year when you saw him right up opposite the mailbox when he reeled around?

A No, I cannot give you the dates on these things.

Q Nor can you give us the manner in which Mr. Dayton or this gentleman was dressed?

A No, I cannot. I cannot.

Q Was there anything extraordinary about Mr. Dayton's appearance?

A No. The first time I saw him I gave him the once-over, you understand, because there has been a lot of work every once in a while goes out and I just got a man's check a short time ago.

Q A man's what?

A I got his Federal check.

THE CHAIRMAN: Someone confiscated someone's Federal check?

A Yes, they got a hold of it. They jimmied the mailbox. And when you see somebody you don't know, you just give them a look-over.

QUESTIONS BY MR. RAND:

Q Before you saw Mr. Dayton at the airport, were you shown a picture of Mr. Dayton by the Federal Bureau of Investigation agents?

A Of course my memory isn't too good on that. I wouldn't say yes or no, whether they showed me a picture or not. They insisted I should come over there.

Q Over where, sir?

A To the airport.

Q And did you see Mr. Dayton again at Foley Square at a later time?

A Yes, I believe I did.

Q Were you called before the Grand Jury to testify?

A No.

Q You never have been called before the Grand

A No.

Q Mr. Elwyn, how long did you remain Superintendent in charge of 65 Morton Street house?

A In---

Q I mean, when did you give that up and take over the Barrow Street house? When was that?

A In 1930.

Q In 1930?

A Yes. Pardon me, in 1929.

Q That you took over the Barrow Street house?

A [Nodding his head]

Q And who took care of the Morton Street house?

A A fellow by the name of Harrison, William Harrison.

Q And since then you have at no time been in charge of the Morton Street house alone?

A Yes, I have.

Q When was this?

A In '42 or something like that. Harrison laid off then and I had charge of them. Then I put my grandson in--and I don't remember, and he was there a couple of years and then I had my other son, not the one that was here ahead of me, my other son who is up from the farming country, he was there a couple of years and then this fellow came.

Q And then this son came?

A [Nodding his head]

Q So for a long period of time you have not been directly in charge?

A No.

Q When you first met Mr. Sarant, did you know he was living in Apartment 6-1?

A Yes, sir.

Q With whom did he live there, if you know?

A That is a hard question to answer.

Q Did he have a wife?

A He did later, so they said.

Q You did not know his wife?

A I knew her by sight, yes.

Q You saw her?

A When I was told it was his wife.

Q And were there any children that you knew of in that apartment?

A No.

Q No children?

A That's right.

Q And did you continue to see his wife at the apartment in the late '40's?

A No. Sarant himself personally, either in '45

46, went to Syracuse and he used to drop backwards and forth. He still had the apartment.

Q And did he pay his rent to you?

A No, he paid it to the office.

Q Now, when your son, who has been here today, took over, did you discuss Mr. Sarant with him? Did you identify Mr. Sarant to your son? Did you point out who was Mr. Sarant?

A No, because Sarant was in Syracuse.

Q And did you see Mr. Sarant after that?

A Oh, yes, I saw him when he dropped around.

Q Was your son in your company when you saw Mr. Sarant?

A Well, that I wouldn't say, that I couldn't say. If he was, I introduced him, you know what I mean, if he was. But I couldn't say that. You know, the same way with my grandson and my other son, I couldn't say that. That is a hard thing for me to answer, you know.

Q You attempted to be extremely honest in the initial part of your direct testimony. You have said, is it not true, that there might have been another man who looked very much like Mr. Dayton looks, whom you may have seen, is that right?

A I got two grandsons that is twins.

Q They are?

A Yes.

Q Is it true there could have been someone else who looked like Mr. Dayton whom you saw?

A It could very well have been. But I haven't run across that party yet. There is no such a thing. We got a man who lives in the house on Barrow Street side, I got to look twice to tell him when his brother comes to visit him or I will say, "Hello, Dick". I got to get his face right up. There is some resemblance, you can see, always to the face, you know. And there was a police sergeant there who has two girls, Pat and Jane. And, land sakes alive! I got to get them right in the face too.

Q How far away is Abingdon Square from your apartment building, Mr. Elwyn?

A Abingdon Square? There is a square over there, and Abingdon Square is--let's see, we have a house there-- I don't know, on 11th Street. That is two blocks, two short blocks this side, so it is eight short blocks away.

Q Have you ever seen me around the Village, Mr. Elwyn?

A I think I saw you once.

Q And about when was that, sir?

A That was down at the Court.



Q That was down at Foley Square, is that right?

A [Holding his head]

Q And if I were to tell you I never was down at Foley Square when you were there, what would you say to that, sir?

A Well, it was a man who looks exactly like you who, I understand, resembled you a lot.

THE CHAIRMAN: The witness is excused. Thank you very much for coming, Mr. Elwyn.

A Gentlemen, I tried to make it square both ways as far as I could.

MR. SIDES: Thank you, Mr. Elwyn.

[Witness excused.]

THE CHAIRMAN: We have concluded this hearing.

MR. RAND: May I ask, Mr. Chairman, before the hearing is concluded, may I ask Mr. Dayton a few questions? This will be only five minutes.

THE CHAIRMAN: Five minutes? We only came here to hear the witnesses and have the witnesses cross examined and, while I would hesitate grievously not to give you the courtesy of making your presentation, frankly we have gotten the testimony in the record now, as I see it, in so far as we humanly can from these witnesses.

MR. RAND: May I just ask Mr. Dayton three or four questions, Mr. Chairman?

THE CHAIRMAN: If you can make it very brief, we will grant you this opportunity.

MR. RUPES: We did adjourn and we reopened here. So I think we better swear Mr. Dayton in again.

Whereupon,

BRUCE WELDON DAYTON,

called as a witness in his own behalf, having been duly sworn, testified as follows:

MR. RAND: Mr. Dayton, during this morning and afternoon, you have seen, have you not, in this hearing room and have heard testify three individuals who have been identified for the record as Floyd C. Elwyn, as Jeanne Elwyn, Mrs. Jeanne Elwyn, and, as I take it, Floyd Elwyn?

THE CHAIRMAN: Senior.

MR. RAND: Senior.

QUESTIONS BY MR. RAND:

Q Mr. Dayton, have you seen them, observed them and heard them testify here this morning and afternoon?

A Yes.

Q Mr. Dayton, can you tell us whether you have

seen any or all of these individuals before today?

A Yes, I have. I saw them, the three of them together, the first time that I have any recollection on August 8, 1950 in the company of special agents Littlejohn, Royal and Roney. Mr. Roney accompanied me from Ithaca. Mr. Littlejohn met him there to be with the others, Royal and Roney.

Q Did you see them on any other occasion, Mr. Dayton?

A Oh, I believe, April 17, 1951 I remember seeing the senior Mr. Elwyn, I don't recall seeing the younger Mr. Elwyn or his wife, in the Grand Jury waiting room at Foley Square.

Q Did you see the senior Mr. Elwyn when you went down, as you have testified, with the FBI agents to the Morton Street apartments?

A No, I didn't see him.

Q To the best of your recollection, testifying under oath, Mr. Dayton, have you seen either of these individuals on any occasion, other than the two occasions you have just testified to?

A On no other occasion.

Q This may be at the expense of repetition, for the record, Mr. Dayton, have you ever been in the apartment

building designated as 65 Morton Street on any occasion,  
other than the one occasion when you went down there with  
the FBI agents?

A No, sir, on no other occasion.

Q Do you remember the date when you went down  
with the FBI agents, sir?

A It was June of 1951. I believe that I was  
in New York from the 21st to the 24th of June and that was  
probably on the first day, on or about June 21, 1951.

THE CHAIRMAN: I believe you previously testified  
that you do not know William Perl.

A That's right. I have no recollection of ever  
meeting him.

MR. RAND: You were shown a picture of him, were  
you not, or a picture of a man who was identified as  
Mr. Perl?

A I didn't recognize him.

QUESTIONS BY THE CHAIRMAN:

Q I take it, from the question you answered  
about 65 Morton Street, that would apply to Apartment 6-I,  
whether it was in 65 Morton Street or in that specific  
area. You have never been in that particular apartment,  
have you?

A That's right.

Q The apartment he has described?

A I was never in that particular apartment, even with the agents.

Q So you have never been---

A That was in the building and we went to the sixth floor and we walked by it and he pointed out and said, "That is the apartment."

Q Were you ever in the basement of that building, Mr. Dayton?

A And then we went down to the basement and walked through the basement hall and Mr. Royal and the other agent with him---

MR. PRICE: Littlejohn?

A No, this was not Littlejohn. Littlejohn is a big, tall man. This was a short man. I think Nogalsky or something like that.

QUESTIONS BY THE CHAIRMAN:

Q Did you ever own a uniform of chino cloth, buntan cloth, the type that Mr. Elwyn described as having seen you wear? Have you ever owned or have you ever worn one?

A I have never owned any kind of a uniform.

Q This, I assume, from what he said, is the usual GI fatigues, the chino cloth, the slacks and the shirt. Have you ever--

A No.

Q Have you ever owned such an outfit?

A The only time I have ever worn khaki pants and khaki shirt--again, these were not military clothes, they are just from a department store, and of a khaki color--was when I was at the Cosmic Ray Laboratory in Colorado. This was in the summer of 1952.

Q That was the first you had ever bought this type that looked like the military type?

A Yes. I have had khaki pants before but never khaki pants and khaki shirts together.

Q Thank you very much, Mr. Dayton. Thank you, Mr. Rand.

MR. RAND: Thank you.

THE CHAIRMAN: We stand adjourned and we hope to give you an expeditious answer in connection with this whole matter.

MR. RAND: Thank you very much.

A I want particularly to say that I thank you for giving me this opportunity to have my Counsel cross examine these witnesses. It's something that the Justice

Department never afforded me.

[Witness was excused.]

THE CHAIRMAN: It's a good thing and certainly all of us are inclined to try our best to have all of the evidence involved in a particular case brought to light and if it can be done more expeditiously through confrontation, I suppose it should be done that way.

MR. LAM: It can be done only where the witnesses themselves volunteer their willingness to appear.

THE CHAIRMAN: We have no right to subpoena or anything of that sort in this type of hearing.

[The Board adjourned at 3:30 p.m.]

Julius Rosenberg Et Al

Referral

Passport

Office

No. 7



Ms. Barbara Ennis  
Freedom of Information Staff  
Office of Public Affairs  
Department of State  
Washington, D.C. 20520

## REFERRAL

**Reviewed by:**

AGENCY Passport Office

**No. of Pages  
Actual Released**

[illegible]

DIRECTOR, FBI (100-387835)

June 19, 1956

SAC, WFO (100-25474)

NATIONAL COMMITTEE TO SECURE JUSTICE  
IN THE ROSENBERG CASE, aka,  
IS-C; ISA OF 1950  
OO New York

Re WFO airtel March 13, 1956, advising that GLORIA AGRIN filed passport application on March 12, 1956, at Washington, D. C., for proposed six weeks travel abroad for business and pleasure. This airtel points out AGRIN passport application states she would confer with certain publishers in Europe regarding financial matters arising from their handling of the publication of the letters of JULIUS and ETHEL ROSENBERG.

The following information was brought to the attention of SA KENNETH J. HASER on June 14, 1956, by ASHLEY J. NICHOLAS, Chief, Passport Legal Division, Passport Office, Department of State.

Passport #874927 was issued to GLORIA AGRIN on March 13, 1956, valid to June 12, 1956, and good only for Switzerland, United Kingdom, France, Italy, Belgium, Netherlands, and countries enroute. This passport shows the following travel by bearer:

Entered Paris 4/7/56  
Departed Paris 4/17/56  
Entered London 4/17/56  
Departed London 4/30/56  
Entered Paris 4/30/56  
Departed France 5/5/56  
Entered Switzerland 5/5/56  
Entered Italy 5/5/56  
Departed Italy 5/13/56  
Entered France 5/13/56  
Departed France 5/19/56  
Entered Belgium 5/21/56  
Departed Belgium 5/29/56  
Entered France 5/29/56  
Departed France 6/9/56  
Arrived NYC 6/10/56

2 - Bureau (100-387835)

④ - New York (100-107111) (RM)

{ 1 -  
1 -

(Gloria Agrin)  
Blanch Freedman)

1 - WFO 100-25474

GMD:LEB (8)

100-107111-20  
SEARCHED \_\_\_\_\_ INDEXED \_\_\_\_\_  
SERIALIZED \_\_\_\_\_ FILED \_\_\_\_\_  
JUN 20 1956  
FBI - NEW YORK  
P. Friedman

WFO 100-25474

NICHOLAS advised that this passport was returned to the Passport Office on June 14, 1956, by BLANCH FREEDMAN, Attorney of NYC, and partner of AGRIN, as part of agreement with NICHOLAS when passport was issued to AGRIN that it would be returned when travel was completed.

The above is being supplied to the Bureau and New York for information. P.

100-107111-2093

## Office Memorandum • UNITED STATES GOVERNMENT

TO : Director, FBI

FROM : *Office* GUY HOTTEL, SAC, Washington Field

SUBJECT: THOMAS L. BLACK  
ESPIONAGE - R

DATE: June 16, 1950

Reurtel June 15, 1950, concerning FERDINAND T. HEENER.

[REDACTED]

[REDACTED] (b)(6)

[REDACTED]

[REDACTED]

[REDACTED]

(b)(6)

The foregoing information was obtained by SA J. V. JACKSON and has been furnished Philadelphia by separate letter.

FJD:cl  
65-5516

65-59181-1

JUN 16 1950

24

FBI

Julius Rosenberg EtAL

Referral  
Passport  
Office

No. 8

[illegible]

G.I.R.-1

## Office Memorandum • UNITED STATES GOVERNMENT

TO DIRECTOR, FBI (65-59242)

DATE: 1/31/56

FROM SAC, ALBANY (65-1664)

SUBJECT:

ALFRED EPAMINONDAS SARANT, was., ET AL  
ESPIONAGE - R  
(OO-Albany)Re: FREDERIC WILLIAM SCHULER

On June 9, 1955, a telephone call was placed from the summer residence of LOUISE SARANT, 1099 Taughannock Boulevard, Ithaca, New York, (a lakeside cottage) to FREDERICK SCHILLER, 2634 Park Place, Madison, Wisconsin, telephone # Cedar 3-5746. Investigation by the Milwaukee Office determined that this is the address of FREDERICK SCHULER, a high school teacher in Madison, Wisconsin, and further that SCHULER has a son, FREDERIC WILLIAM SCHULER, who was previously investigated under the Atomic Energy Act.

Investigation by the Boston Office determined that FREDERIC SCHULER (hereinafter referred to as SCHULER) was employed as a Project Manager by the National Research Corporation, 70 Memorial Drive, Cambridge, Massachusetts, from November 21, 1949, to May 5, 1952, when he resigned to take a trip abroad. He then visited Japan and later Europe, where he either married a Swiss girl or returned with her to the United States, where they were married. Additional information was developed that SCHULER is now employed by the Corning Glass Corporation, Corning, New York.

On September 15, 1955, a telephone call was placed from the SARANT cottage to Corning, New York, telephone 2-9696. Investigation by the Buffalo Office determined that is the phone issued to FREDERIC SCHULER, 105 East Third Street, Corning. Inquiry at the Corning Glass Works reflected that SCHULER has been employed as a research associate since 4/8/53. His wife is listed in personnel records as LILIANE SCHULER, who was

cc: 2-Bureau (65-59242) RM  
2-Buffalo (65-1993) RM  
2-Boston (65-3387) RM  
1-New York (65-15360) (Info) RM  
2-Albany (65-1664)

PFM: jck  
(8)

RECORDED-20

2 FEB 1 1956

INDEXED - 20

ESP/SEC

AL 65-1664

LILIANE SCHULER

MISS FREDERICK

William SCHUL

employed on a part-time basis by instant company as a foreign language secretary from 3/9/54, to 6/25/54. She was born 9/2/27, at Milano, Italy, and has applied for United States citizenship. An associate of SCHULER advised that he believed that SCHULER took a trip to Europe in the latter part of 1953, where he married a girl that he had previously met while on a world cruise in 1952. SCHULER and his wife also took a trip to Europe in 1954.

Files of the Passport Office, Department of State, Washington, D.C., reflect that

[REDACTED]

b6

It is very probable that SCHULER is a friend WELDON BRUCE DAYTON, rather than of LOUISE SARANT, since DAYTON is also employed at the Corning Glass Works. Through DAYTON, who is an intimate acquaintance of LOUISE SARANT, it is possible that SCHULER and his wife received an invitation to visit the SARANT cottage on Cayuga Lake. This would explain a telephone call from the cottage to SCHULER's father in Madison. It is believed that an interview with SCHULER would explain this relationship as well as develop any information indicating any possible contact of ALFRED SARANT by SCHULER during his trip to Europe. Accordingly, Bureau authority is being requested for the Buffalo Office to interview SCHULER concerning his knowledge of either ALFRED or LOUISE SARANT.

MASS

See 789  
See 784

[REDACTED]

b1



AL 65-1664

Re: BEATRICE SAN GIOVANNI, nee Shapanka,  
aka Beatrice Fitzpatrick *N.J.*

Re Newark letter to Bureau, dated December 20, 1955, which reflects that this individual was contacted on 5/5/54, by Agents of the Newark Office, at which time she refused to be interviewed and walked away. Based upon this information, it does not seem desirable to request Bureau authority to interview her in connection with instant case. *L*

Re: LEONARD JAMES EYGES *b1*



If EYGES is ever interviewed concerning his association with CASSIN, it is suggested that he also be questioned concerning WELDON BRUCE DAYTON and ALFRED and LOUISE SARANT. *L*

# FEDERAL BUREAU OF INVESTIGATION

Form No. 1

THIS CASE ORIGINATED AT **ALBANY**

~~CONFIDENTIAL~~

REPORT MADE AT <b>WASHINGTON, D. C.</b>	DATE WHEN MADE <b>1/24/56</b>	PERIOD FOR WHICH MADE <b>12/19/55</b>	REPORT MADE BY <b>HOWARD FLETCHER, JR. smt</b>
TITLE <b>ALFRED EPAMINONDAS SARANT, was. et al</b>			CHARACTER OF CASE <b>ESPIONAGE - R</b>

**SYNOPSIS OF FACTS**

File of Passport Office, Department of State, reflects



AGENCY RAB, CIA, STATE, G-2.

REQ. REC'D \_\_\_\_\_  
DATE FORW. 1-10-56  
HOW FORW. R/slip  
BY gpl/jhr

- RUC -

**DETAILS: AT WASHINGTON, D. C.**

~~ALFRED EPAMINONDAS SARANT~~  
T-1, who has provided reliable information in the past, provided information in August, 1955 that a call had been placed from the residence of the subject's wife, LOUISE SARANT, Ithaca, New York, to FREDERICK SCHILLER, 2634 Park Place, Madison, Wisconsin, telephone Cedar 3-5746 on June 9,


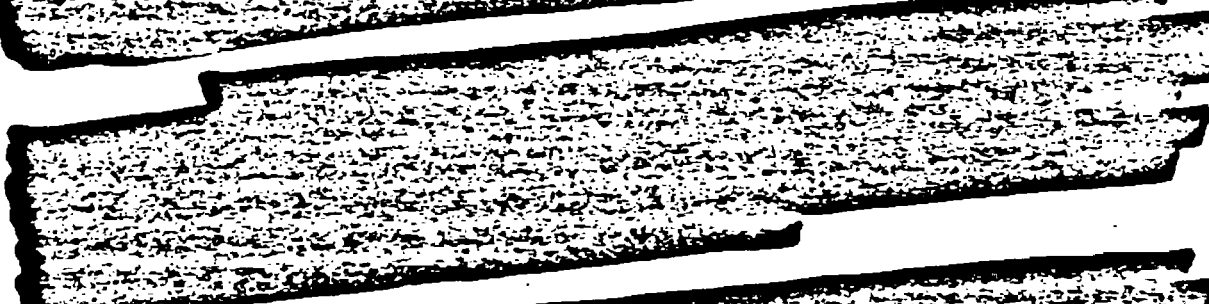

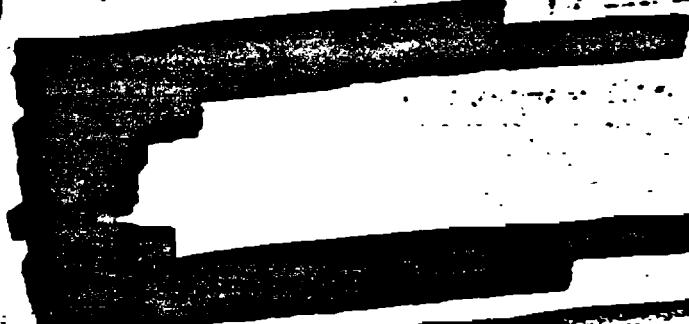


The Madison, Wisconsin City Directory did not contain any information pertaining to FREDERICK SCHILLER. The current Madison, Wisconsin Directory did not list any FREDERICK SCHILLER but did list FREDERICK SCHULER as a

APPROVED AND FORWARDED: 	SPECIAL AGENT IN CHARGE	DO NOT WRITE IN THESE SPACES	
COPIES OF THIS REPORT 5-Bureau (65-59242) (Encls 1) 3-Albany (65-1664) (Encls 1) 1-Washington Field (65-5514)		<b>65-59242-776</b>	<b>RECORDED</b>  <b>INDEXED</b>
		(RM) JAN 5 1956	

PROPERTY OF FBI - THIS CONFIDENTIAL REPORT AND ITS CONTENTS ARE LOANED TO YOU BY THE FBI AND ARE NOT TO BE DISTRIBUTED OUTSIDE AGENCY TO WHICH LOANED. **JAN 11 1956**

WFO 65-5514

*CONFIDENTIAL*  
*REITAN SCHULE*  
resident of 2634 Park Place with telephone number Cedar 3-5746.  
Files of the Passport Office, Department of State, were  
reviewed pertaining to



WFO 65-5514

[REDACTED]

[REDACTED]

[REDACTED]


- RUC -

<u>Identity of Source</u>	<u>Date of Activity Or Description of Information</u>	<u>Date Received</u>	<u>Agent to whom Furnished</u>	<u>File Number where Located</u>
T-1: <del>DONALD REBERT</del> Manager, Ithaca Office, New York Telephone Co.	Toll record telephone numbers 3-1665, 2650 and 8488, all issued to VICTOR D. K. ROSS and assessed to LOUISE SARANT	9/23/55	PETER F. MAXSON	65-5514-160

Careful consideration has been given to the source concealed and the T Symbol was utilized in the report only in the instance where the identity of the source must be concealed.

REFERENCE: Report of SA EDWARD J. DUNN, Jr., made at Boston, Massachusetts November 30, 1955. 772-

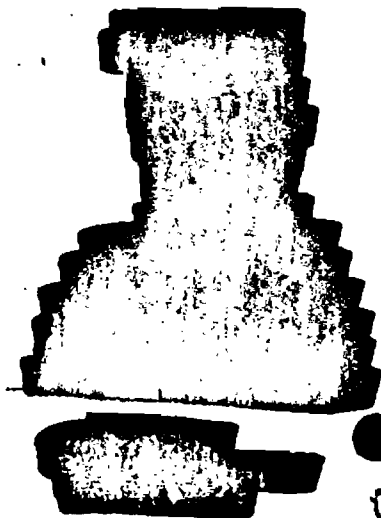
ENCLOSURES TO BUREAU

One photo of 

b6

ALFRED EPAMINONDAS SARANT,  
was. et al  
ESPIONAGE - R

WFO 65-5514  
BU 65-59242



b6

Julius Rosenberg EtAl

Referral

Passport

Office

No. 9

appeal to: Mrs. Barbara Ennis  
 Freedom of Information Staff  
 Office of Public Affairs  
 Department of State  
 Washington, D.C. 20520

REFERRAL

Packet # 9

Reviewed by: eah/len

AGENCY

Passport Office

No. of Pages  
 Actual Release

Subject and File Number

Serial

Date

Document Description

Weinstein (HQ) 65-60359	NR	4/3/68	State Dept letter to HQ	1	1
Weinstein (AQ) 65-60359	112	5/13/68	NY LETTER TO HQ/W/ ENC.	1/5	6
Weinstein (HQ) 65-60359	125	8/22/72	SF Report to HQ	16	16.
Grinstone (NY) 65-15735	780	1/7/71	STATE Dept letter to HQ	1	1
Dayton (HQ) 65-59336	339	7/11/58	WFO LETTER TO HQ/W/ ENC.	1/1	2
Dayton (HQ) 65-59336	360	7/20/59	LA LETTER TO HQ	2	2
Dayton (HQ) 65-59336	348	10/2/58	HQ LETTER TO LA	1	1
Dayton (HQ) 65-59336	249	5/24/55	BU REPORT TO HQ/W/ COPY	1/1	12
Dayton (HQ) 65-59336	255	10/18/55	Brannigan Memo to Belmont	1	1
Perl (HQ) 65-59312	314	3/13/51	WFO teletype to HQ & NY	1	1





DEPARTMENT OF STATE

Washington, D C 20520

April 3, 1968

FEI LIAISON:

FOR INFORMATION ONLY

RE:

James WEINSTEIN

BORN: July 17, 1926

PLACE: New York City

RESIDENCE:

216 Filbert Street  
San Francisco, California 94133

BUREAU FILE NUMBER:

65-60359

WASHINGTON FIELD OFFICE:

65-5521

PASSPORT NUMBER:

J316358 issued March 28, 1968  
at San Francisco

ATTORNEY:

TRAVEL PLANS

PORT OF DEPARTURE:

New York City

DATE OF DEPARTURE:

September, 1968 **65-60359**

MEANS OF TRANSPORTATION:

Unknown

PROPOSED LENGTH OF STAY:

Two months

COUNTRIES TO BE VISITED:

France, England, Italy

PURPOSE OF TRIP:

Pleasure

PASSPORT OFFICE  
Robert D. Johnson

Copy to 205-6-1000-646  
Routing slip for  
☐ info ☐ action  
date 4-10-68  
by [signature]

54 APR 16 1968

UNITED STATES GOVERNMENT

# Memorandum

TO : DIRECTOR, FBI (65-60359)

FROM : *[Signature]* SAC, NEW YORK (65-15773) (C)

SUBJECT: EDWARD JAMES WEINSTEIN aka  
SM-C  
(OO:NY)

DATE: MAY 13 1968

*Photo C*  
*Agree*  
*4-27*  
*APC*

Reference is made to US Department of State, Passport Office letter, dated 4/3/68; SFlet to New York, dated 4/23/68, captioned "JAMES WEINSTEIN; SM-C" (Interoffice).

Enclosed herewith are nine copies for the Bureau and two copies of a LHM for San Francisco, concerning travel by EDWARD JAMES WEINSTEIN.

*Le  
hois  
Weinstein  
ontag*

The following are the sources used in the enclosed

LHM:

1. *[Redacted]*  
(Former)
2. *[Redacted]*
3. *[Redacted]*
4. *[Redacted]*  
(Former)

*b7D*

*Declassified by 4417 on 12-7-76*

EDWARD JAMES WEINSTEIN is on the Reserve Index-B of the NYO.

The NYO will remain office of origin in instant case inasmuch as the subject is due back to his residence in NYC, in July, 1968, from San Francisco.

- 4 - Bureau (Encls. 9) (RM)
- 2 - San Francisco (100-60740) (Encls. 2) (RM)
- 1 - New York

FXG:mfk  
(7)

REC-14

EX-100

*65-60359-112*

MAY 15 1968

*cc LHM to: Paris, Rome, AAO, [unclear], [unclear] (RM)*  
*by routing slip for [unclear] & [unclear]*  
*7/27/68*  
*[Signature]*



*proper offices and agencies advised by RPS on 12/15/76*  
*6/17/75*



CONFIDENTIAL

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

New York, New York

May 13, 1968

In Reply, Please Refer to  
File No. Bufile 65-60359  
NYfile 65-15773

ANNE ~~FARRAR~~  
ANNE ~~WEINSTEIN~~  
MRS. EDWARD JAMES ~~WEINSTEIN~~

Edward James Weinstein 905 WEST END AVE, N.Y., N.Y.  
Security Matter-C

BORN-9-13-39

CALIF. D.C.

On April 3, 1968, the Passport Office, United States Department of State (USDS), Washington, D.C., disclosed that the subject, under the name James Weinstein was issued passport number J 316358 on March 28, 1968, at San Francisco, California, for a two month trip in September, 1968, to France, England, and Italy, for the purpose of pleasure. The subject, who will depart from New York City, did not list a means of departure. The subject listed his address as 216 Filbert Street, San Francisco, California, 94133 and his date of birth as July 17, 1926, at New York City.

On April 2, 1968, Madeline Ebinger, Clerk, Passport Agency, 450 Golden Gate Avenue, San Francisco, advised that James Weinstein, born July 17, 1926, New York City, filed a United States passport application which contained the following information:

211 CENTRAL PARK WEST N.Y., N.Y.

James Weinstein resides at 216 Filbert Street, San Francisco, and his occupation was listed as a historian. His father was listed as Joseph Weinstein, New York City, born November 13, 1899, and his mother's maiden name was listed as Hilda Kaufman, born New York City on January 16, 1907. James Weinstein was last married on August 17, 1967, to Anne Farrar, born September 13, 1939, in Washington, D.C. Weinstein indicated he would be departing from the United States, in September, 1968, for a pleasure trip to France, England, and Italy. The proposed length of stay abroad was two months, and his port of departure listed as New York City. In the event of death or accident, he requested that his father, Joseph Weinstein, 211 Central Park West, New York, New York, be notified. Weinstein was issued passport number J 316358.

NEE  
HILDA KAUFMAN WEINSTEIN

MRS. JOSEPH WEINSTEIN

BORN-1-16-07-N.Y., N.Y.

N.Y.

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

ENCLOSURE

GROUP 1  
Excluded from automatic  
downgrading and  
declassification

65-60359-112

NY 65-15773

Enclosed LHM is classified "~~Confidential~~" since it contains information from the above four sources. It is felt the unauthorized disclosure of the information attributed to these sources could compromise them and thus be injurious to the national defense.

In lieu of the fact the subject is a NYO subject who is due back in New York City in July, 1968, the San Francisco Division is requested to discontinue its investigation.

This case is being placed in a closed status by the NYO, and will be reopened in July, 1968, to verify his return to New York City and his contemplated trip abroad in September, 1968.

CONFIDENTIAL

Edward James Weinstein

On April 26, 1968, [REDACTED] b7D

b2 [REDACTED] New York City, advised Special Agent (SA) [REDACTED] that the subject resides in Apartment 34, 905 West End Avenue, New York City, under a lease that expires on March 31, 1969. b7D

[REDACTED] advised that Weinstein subleased his apartment a few months ago and went to San Francisco, California, to reside until the first of July, at which time he will return to his New York City residence and take up his residency.

[REDACTED] self-admitted member of the Student Section of the Communist Party (CP) at Cornell University, from the end [REDACTED] was interviewed at the New York Office (NYO) of the Federal Bureau of Investigation (FBI) during March, 1954, at which time she described Edward James Weinstein as follows: b7D

After reviewing photographs in a Cornell yearbook, Mrs. Kleinberg identified the subject as being in attendance at meetings of the Student Section of the CP at Cornell University. She stated she could not say that Weinstein was a member of this group as she had not seen his CP membership card, but had assumed all were members because they attended meetings. She recalled that Weinstein was a member of the class of 1949, and for a period, was a regular attendant at these meetings. She recalled that he was wealthy and ashamed of it. She stated that after Weinstein started to attend meetings, she had a recollection that he had been excused or exempt from attending meetings in the past.

A source, who has furnished reliable information in the past, advised on January 7, 8, 1954, that he believed the subject was a member of the CP while a student at Cornell University during 1948 and 1949, but was unable to recall the subject's attendance at any specific CP meetings.

CONFIDENTIAL

Edward James Weinstein

The first confidential source advised on October 20, 1953, that while attending a Labor Youth League dance on December 18, 1953.

[REDACTED]

b7D

The Labor Youth League was designated pursuant to Executive Order 10450.

Assistant United States Attorney (AUSA) John Foley, Southern District of New York (SDNY) advised on April 17, 1951, that the subject appeared before the Grand Jury, SDNY, on that date.

[REDACTED]

b3.

The first source advised on December 23, 1953, that the subject was an organizer in the Labor Youth League (LYL) during 1950 and 1951. The source stated Weinstein attended LYL social events and dances and as recently as December 8, 1953, attended a LYL dance at Yugoslav Hall, New York City. The source added that the subject is not officially listed at the LYL as an organizer, but in the source's opinion acts as an organizer or an official.

The first source further advised during April and May, 1954, that the subject was presently active in starting a new LYL club on Stanton Street, New York City. The subject continued to be active in the LYL and attended street meetings in New York City on April 21, 1954. It was noted that a meeting of the LYL, scheduled to be held at a hall on Stanton Street on April 30, 1954, was held instead at the subject's apartment on that date.

A second source, who has furnished reliable information in the past, advised on November 10, 1954, that he has associated with Weinstein in the LYL. He stated that Weinstein was a present LYL member and gives substantial financial support to the LYL and the CP.

b7D

CONFIDENTIAL

**Edward James Weinstein**

A third source advised on November 15, 1954, that the subject was one of five individuals observed distributing LYL literature in the main gate of the Republic Steel Company, Buffalo, New York, on October 30, 1954.

A fourth source, who has furnished reliable information in the past, advised in 1951, that Edward Weinstein was a roommate of Maxwell Finestone, the last man recruited by Julius Rosenberg into his espionage apparatus. Finestone and Weinstein, known to be acquainted since their student days at Cornell University, 1949, resided together at 412 East 9th Street, New York City, during February, 1950.

- Julius and Ethel Rosenberg were convicted in the United States District Court (USDS), Southern District of New York, on March 29, 1951, of conspiracy to commit espionage on behalf of the Soviet Union. The Rosenbergs were sentenced to death on April 5, 1951.

Julius and Ethel Rosenberg were legally executed at Sing Sing Prison, Ossining, New York, on June 15, 1953.

The following is a description of Edward James Weinstein:

Name:	Edward James Weinstein
Race:	White
Sex:	Male
Date of Birth:	July 17, 1926
Place of Birth:	New York, New York
Height:	6'
Hair:	Brown
Eyes:	Brown
Occupation:	Historian

## FEDERAL BUREAU OF INVESTIGATION

REPORTING OFFICE <b>SAN FRANCISCO</b>	OFFICE OF ORIGIN <b>SAN FRANCISCO</b>	DATE <b>8/22/72</b>	INVESTIGATIVE PERIOD <b>7/5 - 8/14/72</b>
TITLE OF CASE <b>EDWARD JAMES WEINSTEIN, aka</b>		REPORT MADE BY <b>[REDACTED] b7c</b>	TYPED BY <b>mbw</b>
		CHARACTER OF CASE <b>SM - RA</b>	

## REFERENCES:

San Francisco letter to New York, 4/23/68 (I.O.).  
 New York letters and LHMs to Bureau, 5/13/68 and 7/26/68.  
 San Francisco letters to Bureau, 8/21/68 and 9/27/68.  
 New York PD-128, 9/10/68.  
 Washington Field letter to Bureau, 11/27/68.  
 San Francisco letter and LHM to Bureau, 12/6/68.  
 Legat, Rome, letters to Bureau, 8/29/68, 10/24/68, and 12/30/68.  
 New York letter to San Francisco, 1/13/69 (I.O.).  
 Legat, Ottawa, airtels to Bureau, 1/17/69 and 2/7/69, captioned "GERALD BERNARD SPERLING; IS - CU", (Bureau file 105-147200).  
 San Francisco airtel to Bureau, 4/11/69, captioned "GERALD BERNARD SPERLING; IS - CU".

CC TO: *14710*  
 REQ. REC'D *4-27*  
 MAY 1 1975  
 ANS.  
 BY: *ABW*

## ACCOMPLISHMENTS CLAIMED

CONVIC.	AUTO.	PUB.	FINES	SAVINGS	RECOVERIES	ACQUIT-TALS	CASE HAS BEEN:
							PENDING OVER ONE YEAR <input type="checkbox"/> YES <input type="checkbox"/> NO
							PENDING PROSECUTION OVER SIX MONTHS <input type="checkbox"/> YES <input type="checkbox"/> NO

APPROVED

SPECIAL AGENT  
IN CHARGE

COPIES MADE:

- 5 - Bureau (65-60359) (RM)  
 1 - Secret Service, San Francisco (Class 7) (RM)  
 3 - San Francisco (100-60740)

DO NOT WRITE IN SPACES BELOW

65-60359-125

NO AUG 30 1972

REC-9  
SE-111

## Dissemination Record of Attached Report

Agency	2RAO, SS+photo, CDA(CS)
Request Recd.	
Date Fwd.	9/22/72
How Fwd.	6-6, FP376, 0-14F
By	DR

Narrations

COVER PAGE

per official info  
 added by 45 on 12/20/74  
 47/76

*[Handwritten signature]*

SEP 25 1972  
 1 set destroyed



SP 100-60740

ZJ:mbw

Bureau letter to San Francisco, 2/2/72,  
captioned "SECURITY INVESTIGATIONS OF  
INDIVIDUALS (NEW LEFT SECTION)".

- p\* -

ADMINISTRATIVE

Two (2) copies of an FD-376 are stapled to this report.

United States Government records mentioned in report are passport records as contained in United States Department of State, Passport Office letter, dated 4/3/68.

San Francisco Police Department records were reviewed by SC [REDACTED] b7c

Dunn and Bradstreet records were reviewed by SC [REDACTED] b7c

[REDACTED]

Subject has been recommended for ADEX by separate correspondence. b7E

A succinct summary of Subject's previous activity is also being submitted by separate correspondence.

This report is classified "CONFIDENTIAL" inasmuch as unauthorized disclosure of information received from SF T-1 and SF T-4 through SF T-8, contained herein, could be prejudicial to the defense interests of the nation.

INFORMANTS

IDENTITY OF SOURCE

SF T-1  
is [REDACTED] b7c

FILE WHERE LOCATED

Characterization of ANNE FARRAR

SP 100-60740

BJ:mbw

IDENTITY OF SOURCE

FILE WHERE LOCATED

SP T-2 ✓

is [REDACTED]

SP 100-60740-97

SP T-3 ✓

is [REDACTED]

100-69522-123, 103

SP T-4 ✓

is [REDACTED]

SP T-5 ✓

is [REDACTED]

SP T-6 ✓

is [REDACTED]

SP T-7 ✓

is [REDACTED]

100-60740-122

SP T-8 ✓

is [REDACTED]

100-60740-122

Other confidential informants contacted were:

INFORMANT.

DATE

CONTACTED BY

[REDACTED]

8/1/72

SA [REDACTED]

[REDACTED]

8/1/72

SA [REDACTED]

[REDACTED]

8/11/72

SA [REDACTED]

[REDACTED]

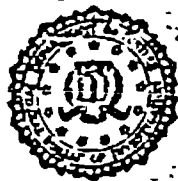
8/11/72

SA [REDACTED]

LEAD

SAN FRANCISCO

AT SAN FRANCISCO, CALIFORNIA. Will await  
Bureau decision with regard to recommendation of Subject  
for ADEX.



UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION

WASHINGTON, D.C. 20535

In Reply, Please Refer to  
File No.

~~CONFIDENTIAL~~

Director  
United States Secret Service  
Department of the Treasury  
Washington, D. C. 20220

August 22, 1972

RE: EDWARD JAMES WEINSTEIN

Dear Sir:

The information furnished herewith concerns an individual or organization believed to be covered by the agreement between the FBI and Secret Service concerning protective responsibilities, and to fall within the category or categories checked.

1. ☐ Threats or actions against persons protected by Secret Service.
2. ☐ Attempts or threats to redress grievances.
3. ☐ Threatening or abusive statement about U. S. or foreign official.
4. ☐ Participation in civil disturbances, anti-U. S. demonstrations or hostile incidents against foreign diplomatic establishments.
5. ☐ Illegal bombing, bomb-making or other terrorist activity.
6. ☐ Defector from U. S. or indicates desire to defect.
7. ☒ Potentially dangerous because of background, emotional instability or activity in groups engaged in activities inimical to U. S.

Photograph ☐ has been furnished ☒ enclosed ☐ is not available.

Very truly yours,

L. Patrick Gray, III  
Acting Director

1 - Special Agent in Charge (Enclosure(s)) 2  
U. S. Secret Service, San Francisco

Enclosure(s) 2 (Upon removal of classified enclosures, if any, this transmittal form becomes UNCLASSIFIED)

~~CONFIDENTIAL~~

UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION

~~CONFIDENTIAL~~

Copy to:

1 - Secret Service, San Francisco  
(Class 7) (RM)

Report of:

Date:

8/22/72

Office: San Francisco, California

Field Office File #:

100-60740

Bureau File #: 65-60359

Title:

EDWARD JAMES WEINSTEIN

Character:

SECURITY MATTER - REVOLUTIONARY ACTIVITIES

Synopsis:

EDWARD JAMES WEINSTEIN, commonly known as JAMES WEINSTEIN, born 7/17/26, in New York City, New York, resides at 1455 Kearny Street, San Francisco, California, and is President of Agenda Publishing Company, which publishes the "Socialist Revolution", and operates the Modern Times Bookstore, 3800 17th Street, San Francisco, California. Subject was elected to New American Movement (NAM) National Interim Committee (NIC) on 11/28/71, at NAM National Conference, held 11/26 - 28/71, in Davenport, Iowa. Subject reported as attending NAM meetings in San Francisco Bay area during period 12/71 to 6/72. Subject reported in early 1972 as one of the NAM Newspaper Collective responsible for putting out the paper until June, 1972. Subject attended Founding Convention of NAM, held 6/21 - 25/72, in Minneapolis, Minnesota, and was elected to NIC. Subject and wife listed as two of nine individuals on the Editorial Board of "Socialist Revolution" according to 1972 issues of "Socialist

~~CONFIDENTIAL~~

Group 1  
Excluded from automatic  
downgrading and  
declassification

SF 100-60740  
ZJ:mbw

Revolution". Issues of "Socialist Revolution", in 1972, attributed publication preparation to ten individuals, including Subject and his wife.

- P\* -

DETAILS:

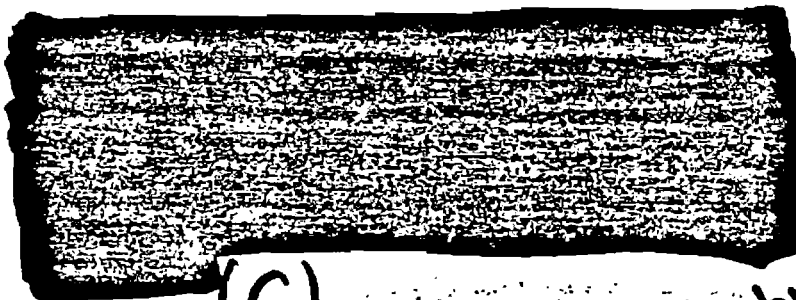
I. BACKGROUND

A. BIRTH DATA AND CITIZENSHIP

United States Government records, Washington, D.C., revealed on April 3, 1968, that JAMES WEINSTEIN was born on July 17, 1926, in New York City, New York, and is a United States citizen.

B. MARITAL STATUS

United States Government records, Washington, D.C., revealed, on April 3, 1968, that Subject was last married on August 17, 1967, to ANNE FARRAR, born September 13, 1939, in Washington, D.C.



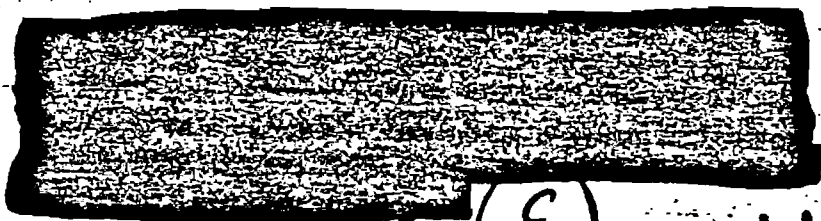
(C)

SF T-1  
July 29, 1968

b1

SP 100-60740

EJ:mbw



(C)  
SP T-1

August 26, 1968

C. IDENTIFICATION RECORD

Files of the San Francisco Police Department, reviewed on August 14, 1972, failed to reveal any record identifiable with Subject.

D. EMPLOYMENT

[ United States Government records, Washington, D.C., revealed on April 3, 1968, that Subject is a historian.

Records of San Francisco Registrar of Voters, reviewed on July 27, 1972, revealed that Subject's occupation was listed as historian.

Records of Dunn and Bradstreet, San Francisco, California, revealed on June 21, 1972, that JAMES WEINSTEIN is President of the Agenda Publishing Company, 396 Sanchez Street, San Francisco, California, which publishes the "Socialist Revolution" and operates the Modern Times Bookstore, 3800 17th Street, San Francisco, California. ANNE FARRAR is Vice-President of the Agenda Publishing Company. The Agenda Publishing Company was incorporated in California on July 23, 1969. The first issue of "Socialist Revolution" was published in late 1969. The Agenda Publishing Company moved from 1445 Stockton Street, San Francisco, California, in November, 1971, to its current location. The Modern Times Bookstore was opened

SP 100-60740

ZJ:mbw

in November, 1971. According to the Dunn and Bradstreet report, JAMES WEINSTEIN was a writer during the period 1967 to 1969. Prior to this, he was an editor of "Studies on the Left", from 1959 to 1967. JAMES WEINSTEIN has a Master of Arts degree in history from Columbus University.

"Socialist Revolution" and "Studies on the left" are characterized later in this report.

#### E. RESIDENCES

On April 26, 1969, [REDACTED]

[REDACTED] New York, advised that Subject was residing in Apartment 34, at 905 West End Avenue, New York City, New York, under a lease expiring on March 31, 1969. Subject subleased the apartment and was at that time in San Francisco, California. b7D

United States Government records, Washington, D.C., revealed on April 3, 1968, that JAMES WEINSTEIN was residing at 216 Filbert Street, San Francisco, California.

Records of San Francisco Registrar of Voters, revealed on July 27, 1972, that JAMES WEINSTEIN, formerly of 216 Filbert Street, San Francisco, California, was residing at 1455 Kearny Street, San Francisco, California, at the time he registered to vote on August 21, 1971.

Subject continues to reside at 1455 Kearny Street, San Francisco, California.

[REDACTED]  
August 1, 1972 b7E



SF 100-60740

ZJ:mbw

**F. PASSPORT INFORMATION**

United States Government records, Washington, D.C., revealed on April 3, 1968, that JAMES WEINSTEN was issued Passport Number J-316358 on March 28, 1968, at San Francisco, California. On Subject's passport application, dated March 26, 1968, Subject indicated he would be departing from the United States in September, 1968, for a pleasure trip to France, England, and Italy.

**II. CONNECTIONS WITH THE  
COMMUNIST PARTY (CP)  
AND RELATED ORGANIZATIONS**

**A. CP**

Confidential informants familiar with certain phases of CP activity in the San Francisco Bay area advised in August, 1972, that they had no information regarding Subject.

**B. NEW AMERICAN MOVEMENT (NAM)**

NAM is an organization committed to democratic socialism which is defined as a society characterized by economic, racial, and sexual equality; by collective ownership and democratic control of means of production; by the right to organize independent political parties and independent trade unions; and by the freedom to strike by freedom of speech, freedom to demonstrate, and freedom of press.

At the National Conference of the NAM, held November 26 through 28, 1971, at Hotel Blackhawk, 6th Street and Perry, Davenport, Iowa, Subject was nominated



SP 100-60740  
EJ:mbw

and elected to the National Interim Committee (NIC). Approximately 400 individuals participated in the conference.

SP T-2  
December 1, 1971

Subject was elected to the NIC of the NAM on November 28, 1971.

SP T-3  
January 31, 1972

Subject was one of three speakers at a meeting of the NAM on December 12, 1971, in the Baobab Room, Merrill College, University of California at Santa Cruz. Each of the speakers discussed the NAM and its aims.

SP T-4  
December 13, 1971  
SP T-5  
December 14, 1971

At a meeting of the NIC, held on December 17 through 18, 1971, in Chicago, Illinois, it was decided that a committee of NIC and non NIC individuals should be selected whose duty it would be to choose travelers to represent the different areas of the country. Subject was chosen to represent the northwest section of the country and was one of five NIC members who were chosen either to represent an area or to choose someone to do so on this travelers committee. It was also decided that Subject should be responsible with the Berkeley Newspaper Staff for the NAM newspaper until at least June, 1972.

SP T-3  
January 31, 1972

According to the February, 1972, issue, volume one, number four, of the "New American Movement Newspaper", the official publication of the NAM, Subject was elected to the NIC of the NAM on November 28, 1971. This issue

SP 100-60740

ZJ:mbw

also listed the Subject as one of the newspaper collective responsible for putting out the February, 1972, issue.

According to the April, 1972, issue, volume one, number six, and the May, 1972, issue, volume one, number seven, of the "New American Movement Newspaper", Subject is still listed as on the NIC of the NAM. These issues also listed Subject as on the newspaper collective responsible for putting out the April, 1972 and May, 1972, issues.

Subject attended a meeting of the NAM on June 7, 1972, at 396 Sanchez Street, San Francisco, California. Whenever an argument needed settling or a specific question needed answering, Subject was the individual who settled the argument or answered the question, based on decisions arrived at at the Davenport Conference of the NAM.

SP T-6

June 13, 1972

Subject attended the NAM Pounding Convention, held June 21 through 25, 1972, at the Pick-Nicollet Hotel, Minneapolis, Minnesota. On the evening of June 22, 1972, the introduction of the NIC's Draft Political Statement was held in the Lakeland Room, and Subject was one of four individuals, each of whom took two sections of the revised Draft Political Statement and discussed them. On the evening of June 23, 1972, Subject made a resolution regarding the NAM newspaper. He stated that the newspaper should have a new direction and should come from the Media Workshop and Newspaper Collective. He also stated that the newspaper should contain an internal newsletter within the newspaper which should be sent to all NAM chapters. This resolution was passed.

SP T-4

June 27, 1972.

Subject was one of the thirteen individuals elected to the NIC of the NAM at the NAM Pounding Convention,

SF 100-60740

EJ:mbw

held June 22 through 25, 1972, at the Pick-Nicollet Hotel,  
Minneapolis, Minnesota.

SF T-7

June 26, 1972

SF T-8

June 26, 1972

### C. "SOCIALIST REVOLUTION"

The "Socialist Revolution" is self-described as a successor publication to "Studies on the Left" which ceased publication in 1967 because of political differences among the editors. Several of the former editors of "Studies on the Left" are now editors of the new "Socialist Revolution".

In an issue of the "Guardian", dated November 15, 1969, the publication "Socialist Revolution" was described in the following way:

"Advanced industrial society has transformed the class struggle. Internationally, it has meant a worldwide imperialist system dominated by the United States. Within America, it has transformed the nature of work and therefore the nature of the working-class. To help comprehend this conformation, a prerequisite to the development of mass socialistic consciousness is the purpose of 'Socialist Revolution'".

The "Guardian" is self-described as an "independent radical news weekly" which takes a strong left position but is not identified with any organized group. It is considered to be the largest radical weekly in America.

SP 100-60740

XJ:mbw

The January-February, 1970, March-April, 1970, and the May-June, 1970, issues of the "Socialist Revolution" included JAMES WEINSTEIN and ANNE FARRAR as two of nine individuals on the Editorial Board of "Socialist Revolution".

The January-February, 1972, March-April, 1972, and the May-June, 1972 issues of the "Socialist Revolution" attributed publication preparation to ten people, including JAMES WEINSTEIN and ANNE FARRAR.

#### D. BAY AREA SCHOOL

The Bay Area School has been self-described in pamphlets as a new alternative college that aims toward a socialist society suited to American conditions. The faculty and guest lecturers are drawn from various universities in the San Francisco area, as well as from the San Francisco Bay area radical community.

A pamphlet entitled "The Bay Area School, Winter, 1972" listed lecture-discussion courses to be taught the winter, 1972, session for the Bay Area School. Included was the course "Old Left, New Left", a ten week course being taught by JAMES WEINSTEIN.

#### III. DESCRIPTION

The following is a description of Subject as obtained from United States Government records, Washington, D.C.; Department of Motor Vehicles records, Sacramento, California; and Registrar of Voters records, San Francisco, California:

SP 100-60740

2J:mbw

~~CONFIDENTIAL~~

*Mrs* ~~EDWARD JAMES WEINSTEIN~~  
Name  
Commonly known as James Weinstein  
Alias Jimmy Weinstein  
Sex Male  
Race White  
Date of birth July 17, 1926  
Place of birth New York City, New York  
Residence 1455 Kearny Street  
San Francisco, California

Height 6 feet  
Weight 170 pounds  
Hair Brown  
Eyes Brown  
Occupation Historian - writer  
Marital status Married  
Wife ~~ANNE FARRAR WEINSTEIN~~

Date of birth September 13, 1939  
Place of birth Washington, D.C.

Relatives

Father ~~JOSEPH WEINSTEIN~~  
Date of birth November 13, 1899  
Place of birth New York City, New York

Mother ~~HILDA KAUFMAN WEINSTEIN~~  
Date of birth January 16, 1907  
Place of birth New York City, New York

Social Security

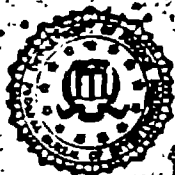
Account Number 086-22-0539

Passport Number

J-316358

(issued March 28, 1968  
at San Francisco, California)

~~CONFIDENTIAL~~



UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to  
File No. J. J. 100-1

San Francisco, California

August 22, 1972

Title EDWARD JAMES WEINSTEIN

Character SECURITY MATTER - REVOLUTIONARY ACTIVITIES

Reference San Francisco report of SA [REDACTED]  
[REDACTED] dated and captioned as above.

570

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





46-30-32-71  
January 7, 1971

FBI LIAISON:

FOR INFORMATION ONLY

1781-30-32-71  
DATE OF BIRTH:

July 28, 1922

PLACE OF BIRTH:

Boston, Mass. USA

RESIDENCE:

Accord, New York 12404

BUREAU FILE NUMBER:

65-60203

WASHINGTON FIELD OFFICE:

PASSPORT NUMBER:

A2023102

DATE OF ISSUE:

Nov. 10, 1970

PLACE OF ISSUE:

Boston, Mass

SOCIAL SECURITY NUMBER:

PROPOSED TRAVEL PLANS

DATE OF DEPARTURE:

November, 1970

PURPOSE OF TRIP:

Vacation

LENGTH OF STAY:

2-3 weeks

MEANS OF TRANSPORTATION:

Air

COUNTRIES TO BE VISITED:

England, France

PT/L-25  
5-70

RECEIVED WITH BUREAU  
WHITING SLIP DATED 1/19/71

65-15735-980

SEARCHED	INDEXED
SERIALIZED	FILED
FBI - NEW YORK	



Office Memorandum • UNITED STATES GOVERNMENT

TO : DIRECTOR, FBI (65-59336)

DATE: 7/11/58

FROM : *McA* SAC, WFO (65-5559)

SUBJECT: WELDON BRUCE DAYTON  
ESPIONAGE - R;  
PERJURY  
(OO:LA)

Re WFO letter dated 6/18/58 in captioned case.

*Encl*  
On 6/25/58, Mr. ROBERT D. JOHNSON, Passport Office, Department of State, furnished SA HILMER H. KREBS a memo concerning subject dated 6/25/58.

A copy of this memo is being furnished to the Bureau and LA for information purposes.

- ② Bureau (Encl. 1)
- 2-Los Angeles (65-5087)(Encl. 1)(RM)
- 1-WFO

CAM:SJS  
(5)

RECEIVED - FBI  
JUL 14 1958

REC-12 8 25 BH.28

EX 108

12 JUL 14 1958

ENCLOSURE  
REC-12 77 12 3 15 BH.28

EX 108 77 12 3 15 BH.28  
LIAE DIA  
E B I

77 JUL 22 1958

65-59336-33

June 25, 1958

VHI Liaison:

Re:

Present Address:

Bureau File Number:

Passport Number:

Re Communist Party  
Memberships:

Attorney:

For Information Only

Weldon Bruce Dayton  
Born February 10, 1918 - St. Helena, Calif.

Malibu Island  
Long Beach, California

65-59336

1139166 issued June 24, 1958

In his affidavit executed on June 14, 1958  
Mr. Dayton denied past and present membership  
in the Communist Party.

Harry I. Gand  
736 Wyatt Building  
777-11th Street, N. W.  
Washington, D. C.

Travel Plans on Passport Application Executed on March 5, 1958

Port of Departure:

New York, N. Y.

Date of Departure:

August 11, 1958

Means of Transportation:

R.M.S. Queen Mary

Proposed Length of Stay:

3 years and 4 months

Countries to be visited:

Great Britain, Holland, Belgium, France,  
Switzerland, Italy and India

Purpose of trip:

To accept a 3-year appointment at the  
Tata Institute of Fundamental Research,  
Bombay, India

Weldon Bruce Dayton was one of the cases pending in the United  
States Supreme Court. The decision of June 16, 1958 indicated that  
passports cannot be denied on grounds of an applicant's beliefs or  
associations.

PASSPORT OFFICE

FT/L - Robert D. Johnson

65-59336-339  
ENCLOSURE

# Office Memorandum • UNITED STATES GOVERNMENT

TO : DIRECTOR, FBI (65-59336)

DATE: July 20, 1959

FROM : SAC, LOS ANGELES (65-5087)

SUBJECT: WELDON BRUCE DAYTON  
ESPIONAGE - R; PERJURY  
OO: Los Angeles.

Re Washington Field letter to Los Angeles, dated 6/30/59, and Bulet to CIA, dated 6/19/59, a copy of which was designated for the Los Angeles Office.

On 7/14/59, Mrs. KATY SHAW, owner, 114 Grand Canal, Balboa Island, California, advised DAYTON and his wife, BETTY, and DAYTON's two children, left her residence on 6/26/59. She said when they left DAYTON furnished her the following itinerary:

Leaving Balboa Island, he would drive in his 1949 Oldsmobile automobile, a four-door sedan, beige in color, and trailer to Sacramento, California, where he would visit with his mother. He said he intended to either sell or store his trailer at Sacramento.

From Sacramento, he planned to drive to Weatherford, Texas, where he would stay with his mother-in-law, Mrs. N.V. LEE, 817 South Waco, Weatherford, Texas. He said he expected to arrive at Weatherford, Texas, on approximately 7/4/59. He said he intended to leave Weatherford, on approximately 7/16/59, and then drive to New York City, where he could be contacted in care of Mr. HARRY I. RAND, 3059 Fairfield Avenue, New York 63, New York.

Mrs. SHAW stated it is her impression DAYTON informed her he would leave New York City with his family en route to Switzerland on 7/19/59, on board the SS United States. She continued that in Switzerland he said he could be contacted at the Physikalisches Institut, Langgasstrasse 7., Berne, Switzerland.

- ③ - Bureau (65-59336) (Registered)
- 1 - Dallas (Info.) (Registered)
- 2 - New York City (65-15403) (Registered)
- 1 - San Francisco (65-4233) (Info.) (Registered)
- 1 - Los Angeles (65-5087)

HFA:HMS

(8)

EX-132

REC-33

12 JUL 24 1959

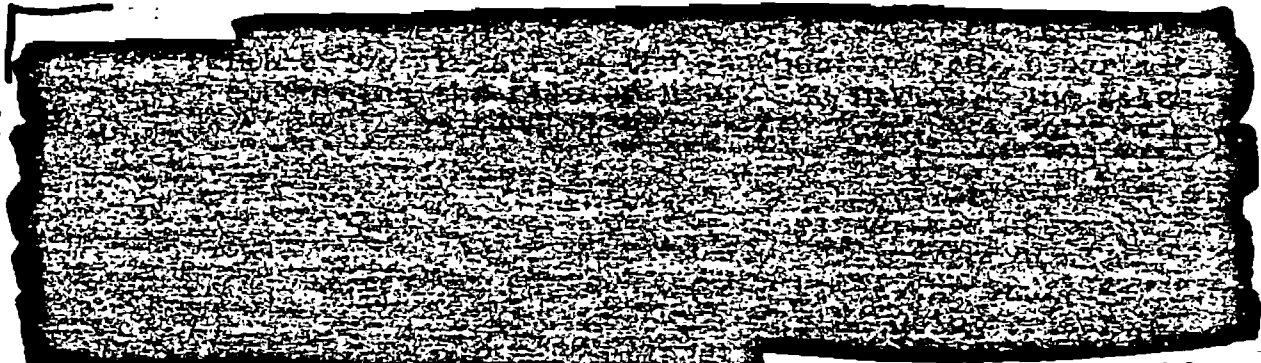
Let to CIA  
State 1-Paris  
1-New Angeles  
1-AAG:SD  
3PL:ce  
7/1/59

65-59336-360

ESP/SEC

LA 65-5037

Mrs. SHAW stated that DAYTON and his wife left with only \$400.00 and were somewhat concerned over their limited finances. She said DAYTON had obtained a Research Grant at the University of Switzerland, but that it did not pay as much as he had originally hoped. She said he indicated that he intended to stay in Europe for the next two years. She said his daughter had won two scholarships upon graduating from high school, and that his daughter would return next year to take advantage of the scholarship. Mrs. SHAW advised that she would keep the FBI informed of any communications she received from DAYTON or his family.



(b)(6)  
This matter will be continued to be followed by the Los Angeles Office and pertinent information will be reported promptly. FD-122 has been submitted reflecting DAYTON's change of address and employment.

LEADS

NEW YORK CITY OFFICE:

*file 362*  
At New York City, New York

Will verify subject's departure from the United States.

LOS ANGELES OFFICE:

At Los Angeles, California

Will, upon notification of subject's departure, submit FD-122 and place stops with the Immigration and Naturalization Service.

*file 362*  
An information copy of instant letter has been designated for the San Francisco and Dallas Offices in view of subject's intended visit to Sacramento, California, and Weatherford, Texas.

- P -

1 Mr. Lee

SAC, Los Angeles (65-5087)

October 2, 1958

Director, FBI (65-59336)

WELDON BRUCE DAYTON  
ESPIONAGE - R

A review of instant file reflects that Department of State advised that Passport Number 1139166 was issued on June 24, 1958, to the subject.

You should advise the Bureau promptly if any information is received indicating that Dayton is making plans to leave the United States. A report setting forth the results of the investigation conducted to date should be promptly submitted by all offices receiving a copy of instant letter.

1 - Albany (65-1676)

1 - San Francisco (65-5293)

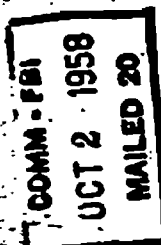
JPL:tn  
(6)

REC-14

65-59336-348

BZI-Y

14 OCT 3 1958



60 OCT 7 1958

MAIL ROOM

# FEDERAL BUREAU OF INVESTIGATION

Form No. 1

THIS CASE ORIGINATED AT **BUFFALO**

REPORT MADE AT <b>BUFFALO, N. Y.</b>	DATE WHEN MADE <b>5/24/55</b>	PERIOD FOR WHICH MADE <b>4/25; 5/2, 10, 11, 12, 13, 15, 16, 19/55</b>	REPORT MADE BY <b>LOWEN E. BIDWELL</b>
TITLE <b>WELDON BRUCE DAYTON</b>		CHARACTER OF CASE <b>ESPIONAGE - R PERJURY</b>	
APPROPRIATE AGENCIES AND FIELD OFFICES ADVISED BY ROUTING SLIP(S) OF DATE <b>3/4/55</b>			

**SYNOPSIS OF FACTS:**

WELDON BRUCE DAYTON continues employment in Color Tube Project at Corning Glass Works (key facility) as Senior Research Physicist, and resides 24 West Second Street, both Corning, N. Y. Subject has no access to classified material and devotes attention to glass research. Summary set out of testimony given on 1/18/55 and 3/29/55 before Hearing Panel, Board of Passport Appeals, Department of State, held in connection with DAYTON's appeal of a State Department decision denying him a passport for travel to India.

O-1 sent to Buffalo 7/15/55. JPF:ju  
BU, O-1 (7/15/55) RWS 7/30/55 -P-  
BU file 7/29/55 JPL

ATTN: RAB, ONI, State  
DATE 6-7-55  
NOW FOR R/S  
BY JPL

**DETAILS:**

AT CORNING, NEW YORK

DONALD M. WARING, Supervisor of Personnel, Corning Glass Works, said his records reflect subject continues his residence at 24 West Second Street, Corning, and continues employment as Senior Research Physicist by the Corning Glass Works. WARING said he continues to have frequent contact with subject but that any conversation he has had with subject dealt exclusively with research work he is doing on the Color Tube Project. He said subject has never indicated an interest in other activities within the Laboratory.

COPIES DESTROYED

R 584 NOV 22 1950

APPROVED AND FORWARDED  <b>JR</b>	DO NOT WRITE IN THESE SPACES  <b>65-59336-249</b>
COPIES OF THIS REPORT 5 Bureau (65-59336) (RM) 3 3 Buffalo (65-2007)	<div style="text-align: center;">MAY 26 1955</div> <div style="text-align: center;">JUN 1 1955</div>
<div style="text-align: right;">DECLASSIFIED BY 1776/a</div>	

BU 65-2007

Doctor HARRISON W. HOOD, a Research official, said he has continued to have daily contact with subject at work, his present work being that of research on the Color Tube Project, and has always found subject extremely cooperative and intelligent in discussing the problems confronting him. Doctor HOOD said he was unaware of any outside activities on the part of the subject, noting that he is extremely interested in the welfare of his children, sending them to dancing school and the like. Doctor HOOD said there was no indication of subversive interests on the part of the subject.

Doctor EDWIN L. GUYER, Director of Research, said that subject is directly responsible to him for his work on the Color Tube Project, a project that he is not necessarily interested in, but one in which he is doing excellent work for the company. He said subject is generally resentful of any pressure brought upon him, but his attitude and cooperativeness are excellent. Doctor GUYER said nothing of a derogatory nature has been brought to his attention regarding the subject.

SUMMARY OF PROCEEDINGS RELATIVE  
TO ACTION ON SUBJECT'S PASSPORT  
APPLICATION BEFORE HEARING PANEL,  
BOARD OF PASSPORT APPEALS, DEPART-  
MENT OF STATE

Sessions of the Hearing Panel of the Board of Passport Appeals, United States Department of State, were held at Washington, D. C. on January 18, 1955, and at New York, New York, on March 29, 1955, for the purpose of giving consideration to an appeal from a decision by the State Department relative to a passport application executed by WELDON BRUCE DAYTON.

In a preliminary statement, the Chairman of the Hearing Panel, Mr. BELTON O. BRYAN, declared that Mr. DAYTON had applied for a passport on March 5, 1954 to enable him to travel to India (Via Great Britain, Holland, Belgium, France, Switzerland and Italy) for the purpose of accepting a three-year appointment at the Tata Institute of Fundamental Research,



BU 65-2007

Bombay, India. This passport was denied by the State Department on the ground that it would be contrary to the best interests of the United States to provide Mr. DAYTON with passport facilities.

The decision of the State Department was based on Mr. DAYTON's association with persons suspected of being members of the Soviet espionage ring of JULIUS ROSENBERG, and DAYTON's alleged presence at Apartment 6-I, 65 Morton Street, New York City, which apartment was allegedly used for the microfilming of material obtained for the use of a foreign government. Specifically, it was alleged that DAYTON had been present at the Morton Street apartment in July or August 1949, and during the latter part of January 1950.

The State Department's decision also gave consideration to DAYTON's relationship with ALFRED SARANT, the lessee of Apartment 6-I, 65 Morton Street, New York City.

DAYTON's association with various Communists and his connection with an organization known as the Science for Victory Committee were also factors in the State Department's decision, according to Mr. BRYAN.

In sworn testimony given before the Hearing Panel on January 18, 1955, WELDON BRUCE DAYTON stated he applied for a passport to enable him to travel to India so that he might accept a position at the Tata Institute for Research, Bombay, India, where he contemplated engaging in cosmic ray research in collaboration with his close friend, BERNARD PETERS, whom he has known for sixteen years, and who, DAYTON testified, holds the Chair of Experimental Physics at Tata Institute.

In explanation of his past activities, DAYTON testified that he was formerly the Chairman of an organization known as the Science for Victory Committee in 1943 - 1944. He described this Committee as a California group whose purpose was



to mobilize support for the Science Mobilization Bill, a proposal introduced in the United States Senate by Senator HARLEY F. KILGORE.

DAYTON identified, among those persons interested in the Science for Victory Committee, BERNARD ~~WATERS~~, FRANK COLLINS, SANDRA COLLINS, ROSE ~~SEGURE~~, JOHN ~~SCHUYTEN~~, JUDY ROSEBERG and ALFRED MARSHAK. He testified that none of these individuals was known to him as a Communist and that he had no knowledge that the Science for Victory Committee was a Communist-dominated organization. To the contrary, DAYTON testified, he considered himself the dominant influence of this Committee, and that he has never been a Communist.

DAYTON further elaborated that the Science for Victory Committee was established at a meeting of the FAECT (Federation of Architects, Engineers, Chemists and Technicians), a labor union.

DAYTON testified that he had known ALFRED SARANT since 1946 as a family friend and neighbor in Ithaca, New York. He stated in July 1950, his former wife, CAROL DAYTON, left him without notice to live in cohabitation with ALFRED SARANT, and that their last known whereabouts was Hermosillo, Mexico, as of the latter part of 1950.

DAYTON testified that in the middle of 1950 he suspected that a romantic interest was developing between his former wife and ALFRED SARANT but that his first knowledge that his former wife and ALFRED SARANT had taken up cohabitation was received when he received a note from CAROL DAYTON mailed from Tucson, Arizona. In this note, CAROL DAYTON admitted that she was living with ALFRED SARANT.

DAYTON testified that he had heard Mr. and Mrs. ALFRED SARANT refer to the fact that they once lived in an apartment on Morton Street, New York City, but up until 1950 or 1951, DAYTON was of the impression that they had discontinued their tenancy at this apartment about 1946, which was the year they took up residence in Ithaca, New York.

DAYTON denied that he had ever visited the apartment house at 65 Morton Street, New York City, prior to April 1951 when he was escorted to this address by FBI agents. He declared that any allegations to the contrary were based on an erroneous identification.

DAYTON related that in connection with allegations that he had been a visitor to the apartment house at 65 Morton Street, New York City, during 1950, he voluntarily proceeded to Newark, New Jersey to resolve such allegations. At Newark, he said, he met FLOYD ELWYN, SR., FLOYD ELWYN, JR., and Mrs. FLOYD ELWYN, JR., all of whom declared in DAYTON's presence that they had seen him previously at an apartment at 65 Morton Street, New York City, in January of 1950. DAYTON denied that he had been in New York City at any time during January 1950 and added that he had attended a meeting of the American Physical Society at New York City on February 2 - 4, 1950.

DAYTON presented documents consisting of a cyclotron log book and a data book, compiled incidental to his studies at Cornell University in 1950, to demonstrate that he was engaged in an experiment at Cornell throughout the month of January 1950 except for the one date of January 21, 1950. He explained that neither document would establish his presence at Cornell University on January 21, 1950, and that he could not positively establish his whereabouts on January 21, 1950 although he was virtually certain that he was at home in Ithaca, New York.

DAYTON testified that at no time during the months of July and August 1949 and January 1950 was he present at New York City. He stated he had been told by Mrs. ALFRED SARANT that the SARANT family had lived at 65 Morton Street, New York City, prior to 1946. He declared it was his understanding that subsequent to 1946 this apartment had been sublet and that among the subtenants was one MAX FINESTONE, a friend of ALFRED SARANT whom DAYTON had met on a few occasions at Ithaca.

When questioned concerning other persons known to him who had resided at 65 Morton Street, New York, DAYTON recalled having met one BARRY or GARY PICKARD who informed him in April 1951 that he had formerly resided at 65 Morton Street. This individual, according to DAYTON, was a person whom he had met incidental to a Grand Jury session at which DAYTON testified at New York City in April 1951. DAYTON recalled that on this occasion PICKARD professed to have been previously introduced to DAYTON by MAX FINESTONE.

DAYTON denied that he had ever been in New York City in the company of ALFRED SARANT.

With reference to his acquaintance with BERNARD PETERS, DAYTON testified that he first met PETERS at the University of California in 1938, at which time they were fellow students. He related that the PETERS family and the DAYTON family had taken many pleasure trips together and that BERNARD PETERS and himself have the same scientific interests. He stated he had strong reason for believing that during the period of his acquaintance with BERNARD PETERS and HANNAH PETERS, the wife of BERNARD PETERS, neither were members of the Communist Party. DAYTON added that he adhered to this estimate of BERNARD and HANNAH PETERS notwithstanding the characterization of HANNAH PETERS as an "organizer of the Professional Section of the Communist Party, Alameda County, California" in testimony given before a special panel of the Atomic Energy Commission in the matter of Doctor J. ROBERT OPPENHEIMER (former Chairman of the Atomic Energy Commission General Advisory Board who was removed from his duties for security reasons in 1954). DAYTON explained, however, that he had discussed political matters with HANNAH PETERS much less than with BERNARD PETERS and he declared that he could not state positively that HANNAH PETERS had not filled such a role in the Communist Party.

DAYTON testified that he has never been a member of the Communist Party and that among the many organizations designated by the Attorney General of the United States pursuant to Executive Order 10450, he had belonged only to the Joint Anti-Fascist Refugee Committee. He added that he had

never engaged in activities which support the Communist movement, nor had he ever engaged in any activities as a result of direction, domination or control exercised over him by the Communist movement, nor did he propose to engage in such activities in the future.

Professor DALE R. CORSON, Cornell University, Ithaca, testified on January 18, 1955 at the same hearing that DAYTON had been a student under his guidance in 1949 and 1950. Doctor CORSON elaborated on the significance of entries in the cyclotron log which he explained as indicating positively that DAYTON was at Cornell University daily during the period January 23 - 28, 1950 for periods of several hours on each day and that DAYTON must have been at Cornell for lengthy periods each day, at least up to January 30, 1950. Doctor CORSON added that from recollection he was quite certain that DAYTON was engaged at the University continuously throughout the month of January 1950.

At a session of the Hearing Panel of the Board of Passport Appeals, Department of State, held at New York City on March 29, 1955, also to consider testimony in regard to the State Department's denial of a passport to the subject, it was explained at the outset of the session that its purpose was to ascertain the facts concerning an alleged visit in 1949 by the subject to Apartment 6-I, 65 Morton Street, New York City. It was recited that this apartment had formerly been leased by ALFRED SARANT in 1949 and 1950.

In sworn testimony, FLOYD C. ELWYN, JR., superintendent of the apartment house at 65 Morton Street, New York City, identified WELDON BRUCE DAYTON, then present in the hearing room, as a person he had observed in Apartment 6-I, 65 Morton Street, New York City, in 1949 or 1950 when that apartment was in the process of being vacated by the lessee, ALFRED SARANT. Mr. ELWYN, JR. gave testimony that upon meeting

DAYTON in the SARANT apartment, they engaged in a brief conversation relative to the vacating of the apartment by SARANT and the disposition of the furniture in that apartment. Mr. ELWYN, JR. quoted DAYTON as attributing ownership of the furniture to "Mr. FINESTONE." Mr. ELWYN, JR. also explained that on this occasion before he entered the apartment, he knocked on the door and upon receiving no response, he entered the apartment with his house key on the assumption that the apartment was not then occupied and that it was in the process of being vacated. Mr. ELWYN, JR. also testified that a few days after this incident, he again saw DAYTON in the basement of the 65 Morton Street apartment house. He stated that on the latter occasion Mr. DAYTON, in company with one Mr. FINESTONE and one "PERL", was storing furniture moved from Apartment 6-I. NY

Mr. ELWYN, JR. also testified that mail addressed to Mr. DAYTON was delivered to the 65 Morton Street apartment, he having become aware of this by reason of a letter carrier's inquiry concerning the proper routing of mail addressed to "DAYTON" at the 65 Morton Street apartment house.

Mrs. JEANNE ELWYN, wife of FLOYD C. ELWYN, JR., 65 Morton Street, New York City, testified that at the time apartment 6-I was being vacated (in 1949 or 1950), she observed WELDON BRUCE DAYTON, one Mr. PERL, and one Mr. FINESTONE outside her basement apartment, at which time they called to obtain permission from her husband temporarily to store some furniture from Apartment 6-I in the basement of the apartment house. Mrs. ELWYN, JR. testified that she observed these three men carefully because she knew they had some connection with Apartment 6-I. She explained that Apartment 6-I was commonly referred to by other tenants of 65 Morton Street as the "ghost apartment."

FLOYD ELWYN, SR., an employee of the testified 65 Morton Street Realty Corporation, testified that in connection with his custodial duties at 65 Morton Street, New York City, he saw WELDON BRUCE DAYTON within the confines of NY

BU 65-2007

the 65 Morton Street apartment house on at least one occasion between 1943 and 1950 and on other occasions in the vicinity of 65 Morton Street. Mr. ELWYN, SR. also stated he became aware of the subject's name on an occasion when an unidentified person while checking the mailboxes at 65 Morton Street addressed the subject as "Mr. DAYTON" and advised him there was no mail for him.

WELDON BRUCE DAYTON again testified before the Hearing Panel at its session of March 29, 1955. Mr. DAYTON testified that the only occasion on which he ever visited 65 Morton Street, New York City was in the company of FBI Agents in June 1951 and that on no occasion had he ever been in Apartment 6-I, 65 Morton Street. Mr. DAYTON further testified that the only occasions on which he had ever previously seen FLOYD ELWYN, SR., FLOYD ELWYN, JR. or JEANNE ELWYN were on August 8, 1950 when they were in the company of FBI Agents in New York City, and on April 17, 1951 at the U.S. Court House, Foley Square, New York City, when he saw only FLOYD ELWYN, SR.

-P-

BU 65-2007

The Corning Glass Works, Corning, New York, is a key facility as listed on the 1954 Key Facility List issued by the Department of Defense. Its geographical reference number is 31200, with the Navy having security responsibility and the Army an interested agency.

An authorized mail cover placed with the Corning, New York Post Office for the period March 15, 1955 to April 14, 1955 reflects that the subject has been in correspondence with the following:

J. BREGMAN,  
72 Freeman's Avenue,  
Cambridge, Mass.

B. PETERS,  
53 Redder Road  
Bombay 26, India

DOUGLAS  
3630 Seaview,  
Corona Del Mar, Calif.

1833 Los Robles,  
North Sacramento 15, Calif.

MARJORIE MURRAY BUHNT, M.D.  
227 Willard Way  
Ithaca, N. Y.

These correspondents have been fully identified during the course of previous investigation.

#### LEADS

BUFFALO DIVISION

AT BUFFALO, NEW YORK

Will continue to follow and report subject's activities.

ADMINISTRATIVE PAGE

BU 65-2007

REFERENCE

Report of SA LOREN E. BIDWELL dated 3/4/55 at Buffalo, N. Y.

ADMINISTRATIVE PAGE - cont'd



# FEDERAL BUREAU OF INVESTIGATION

Form No. 1

THIS CASE ORIGINATED AT

**BUFFALO**

REPORT MADE AT <b>BUFFALO, N. Y.</b>	DATE WHEN MADE <b>5/21/55</b>	PERIOD FOR WHICH MADE <b>4/25, 5/2, 12, 13, 15, 18, 19/55</b>	REPORT MADE BY <b>LOREN E. BIGNALL</b>
TITLE <b>WELDON BRUCE DAYTON</b>			CHARACTER OF CASE <b>ESPIONAGE - R PERJURY</b>

**SYNOPSIS OF FACTS:**

**WELDON BRUCE DAYTON** continues employment in Color Tube Project at Corning Glass Works (key facility) as Senior Research Physicist, and resides 24 West Second Street, both Corning, N. Y. Subject has no access to classified material and devotes attention to glass research. Summary set out of testimony given on 1/18/55 and 3/29/55 before Hearing Panel, Board of Passport Appeals, Department of State, held in connection with DAYTON's appeal of a State Department decision denying him a passport for travel to India.

-P-

**DETAILS:**

**AT CORNING, NEW YORK**

**DONALD M. WARING**, Supervisor of Personnel, Corning Glass Works, said his records reflect subject continues his residence at 24 West Second Street, Corning, and continues employment as Senior Research Physicist by the Corning Glass Works. WARING said he continues to have frequent contact with subject but that any conversation he has had with subject dealt exclusively with research work he is doing on the Color Tube Project. He said subject has never indicated an interest in other activities within the Laboratory.

APPROVED AND FORWARDED:	SPECIAL AGENT IN CHARGE	DO NOT WRITE IN THESE SPACES
		<div style="font-size: 2em; font-weight: bold; transform: rotate(-15deg); display: inline-block;"> DECLASSIFIED BY 4913 ON 3-4-78 </div>
COPIES OF THIS REPORT		
5 - Bureau (65-59336) (RM) 3 - Buffalo (65-2007)		

## Office Memorandum • UNITED STATES GOVERNMENT

TO : A. H. BELMONT *Wick*

FROM : W. A. BRANIGAN *WAB*

SUBJECT: WELDON BRUCE DAYTON  
ESPIONAGE - R  
PERJURY

DATE: October 18, 1955

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

Dayton has been under investigation since July, 1950, due to association with Alfred Sarant, suspected member of the Rosenberg espionage ring. Sarant fled the United States with Dayton's wife after the arrest of Rosenberg in August, 1950, and their present location is unknown. Sarant had an apartment at 65 Morton Street, New York City, believed to have been used by members of the Rosenberg ring for espionage purposes. Dayton has been placed at this apartment in January, 1950, along with William Perl, another member of the Rosenberg ring, by four witnesses. Dayton denied this before a Federal Grand Jury in 1951; U.S. Attorney, SDNY, considered perjury action but no action was authorized.

In June, 1954, Dayton applied for a passport to go to India which was denied. Denial was appealed to the Board of Passport Appeals which held hearings January 18 and March 29, 1955. At the later hearing testimony was taken from three persons who had originally been located by the Bureau.

By attached letter 10/12/55 State Department advised that after a review of the record the Secretary of State disapproved subject's request for passport and subject was so advised by letter 9/7/55.

ACTION:

For your information.

Enclosure  
65-59336  
JPL:bob  
(4)

Ticklers - AHBelmont  
WABranigan  
JPLee

RECORDED - 42

65-59336 255  
12 OCT 20 1955

71 OCT 20 1955

Mr. Tolson	_____
Mr. Ladd	_____
Mr. Clegg	_____
Mr. Glavin	_____
Mr. Nichols	_____
Mr. Rosen	_____
Mr. Tracy	_____
Mr. Harbo	_____
Mr. Belmont	_____
Mr. Mohr	_____
Mr. Nease	_____
Miss Gandy	_____

3/13/51

WASHINGTON AND NEW YORK FROM WASHINGTON FIELD

13

2:30PM

DIRECTOR AND SAC URGENT

WILLIAM PERL, WA, ESPIONAGE DASH R. [PASSPORT DIVISION, STATE, RECORDS

REFLECT WILLIAM PERL, BORN OCTOBER ONE, NINETEEN EIGHTEEN, NYC, FILED

APPLICATION ON FEBRUARY TWENTY ONE, NINETEEN FIFTY ONE, NY, PP AGENCY,

STATE, FOR RENEWAL OF PP NUMBER ONE SEVEN NINE FOUR TWO THREE, ORIGINALLY

ISSUED MARCH TWENTY NINE, NINETEEN FORTY EIGHT. CURRENT APPLICATION REFLECTS

PERL INTENDS TO DEPART FROM NYC MAY TWENTY NINE, NINETEEN FIFTY ONE, ON SS

VOLENDAM FOR PROPOSED FOUR MONTHS PLEASURE TRAVEL FRANCE, SWITZERLAND, ITALY

AND POSSIBLY ENGLAND. PERL REQUESTED PP BE MAILED ONE NAUGHT FOUR EAST

THIRTY EIGHTH, NYC. PD, STATE, WILL NOTIFY DEPARTMENT OF JUSTICE AND WILL

AWAIT JUSTICE INSTRUCTIONS CONCERNING ISSUANCE OF PASSPORT.]

Cueg  
STEIN

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
EXCEPT WHERE SHOWN  
OTHERWISE.

HWB:BR  
65-5543

RECORDED - 11  
STAMP

65-59312-314

65 APR 9 1951

Julius Rosenberg EtAl

Referral

Passport

Office

No.

10

Ms. Barbara Ennis  
Freedom of Info. Staff  
Office of Public Affairs  
Dept. of State  
Wash. D.C. 20520

## REFERRAL

**Reviewed by:**

**AGENCY**

AGENCY State / Passport office

**No. of Pages**

**Actual Released**

[illegible]

UNITED STATES GOVERNMENT

# Memorandum

TO : DIRECTOR, FBI (65-59312)

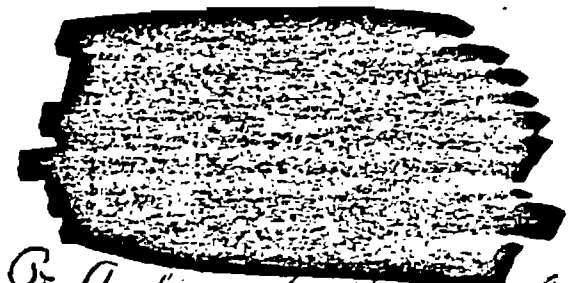
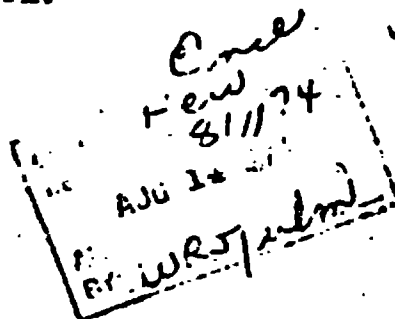
FROM : *WJ/gib* SAC, NEW YORK (65-15381)(C)

SUBJECT: WILLIAM PERL aka  
ESP-R

DATE: 6/16/69

Re Bureau routing slip 5/21/69 with State Department memorandum 5/9/69.

Enclosed herewith are original and 6 copies of LHM on subject for dissemination to CIA and appropriate security service abroad if desired. No investigation is being requested but it is believed desirable that CIA and/or appropriate security service in Denmark (if possible) be alerted to subject's intended travel to Denmark.



*Re Andrew Arthur Perl (son)*

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

REC-42

65-59312-996

RFM:ms  
(3)

10 JUN 18 1969

*Lil*  
SOVIET SECTION



7 JUN 22 1969

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



UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

New York, New York

June 16, 1969

In Reply, Please Refer to  
File No.

William Perl

Robert D. Johnson, Passport Office, United States State Department, Washington, D.C., advised on May 9, 1969, that Passport Number K652473 was issued at New York City on April 30, 1969, to William Perl, 5425 Valles Avenue, Apartment 2J, New York, New York 10471, for a six day trip via air, departing June 21, 1969 to Denmark to attend a symposium. His port of departure was not known.

William Perl who is also known as William Mutter-perl, was born October 1, 1918, in New York City. He is employed in biochemical research work at the New York University Laboratory, Building F, Goldwater Hospital, Welfare Island, New York, New York. He is described as white, male, 51 years old, 6 feet 3 inches, 185 pounds, dark hair, dark complexion.

William Perl was convicted on two counts of perjury on May 22, 1953, in the United States District Court, Southern District of New York (SDNY), in that he denied before a Federal Grand Jury that he knew Julius Rosenberg and Morton Sobell. Perl was sentenced to five years imprisonment and was released from the United States Penitentiary, Terre Haute, Indiana, on February 10, 1957.

Julius and Ethel Rosenberg and Morton Sobell were convicted of conspiracy to commit espionage on behalf of the Soviet Union on March 29, 1951. Julius and Ethel Rosenberg were legally executed on June 15, 1953 and Morton Sobell was recently conditionally released from the Federal Penitentiary where he had been serving a sentence of 30 years imprisonment.

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

65-59312-996  
ENCLOSURE



UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

New York, New York  
June 16, 1969

In Reply, Please Refer to  
File No.

William Perl

Robert D. Johnson, Passport Office, United States State Department, Washington, D.C., advised on May 9, 1969, that Passport Number K652473 was issued at New York City on April 30, 1969, to William Perl, 5425 Valles Avenue, Apartment 2J, New York, New York 10471, for a six day trip via air, departing June 21, 1969 to Denmark to attend a symposium. His port of departure was not known.

William Perl who is also known as William Mutter-Perl, was born October 1, 1918, in New York City. He is employed in biochemical research work at the New York University Laboratory, Building F, Goldwater Hospital, Welfare Island, New York, New York. He is described as white, male, 51 years old, 6 feet 3 inches, 185 pounds, dark hair, dark complexion.

William Perl was convicted on two counts of perjury on May 22, 1953, in the United States District Court, Southern District of New York (SDNY), in that he denied before a Federal Grand Jury that he knew Julius Rosenberg and Morton Sobell. Perl was sentenced to five years imprisonment and was released from the United States Penitentiary, Terre Haute, Indiana, on February 10, 1957.

Julius and Ethel Rosenberg and Morton Sobell were convicted of conspiracy to commit espionage on behalf of the Soviet Union on March 29, 1951. Julius and Ethel Rosenberg were legally executed on June 15, 1953 and Morton Sobell was recently conditionally released from the Federal Penitentiary where he had been serving a sentence of 30 years imprisonment.

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

65-59312-996



FEBRUARY 20, 1952

URGENT

CONFIDENTIAL LOCAL ATTACHE  
MEXICO, D. F.

PAGELL FINESTONE, WAS. ESPIONAGE DASH R.

AT FILE

APPLICATION SUBJECT ADVISED WAS FOR PLEASURE TRIP OF ONE OR TWO MONTHS  
DURATION AND EXHIBITED PASSPORT ONE SIX NINE TWO ZERO SIX WHICH ACCORDING  
TO INFORMATION PREVIOUSLY RECEIVED FROM PASSPORT DIVISION, DEPARTMENT OF  
STATE, WAS APPARENTLY SEAMAN PASSPORT ONE SIX NINE TWO ZERO SIX ISSUED JAN  
THIRTY EIGHT, NINETEEN FORTY FOUR. INDETERMINABLE FEB NINETEEN LAST. BUFILES OBTAIN  
ONLY ONE IDENTIFIABLE REFERENCE TO WALTER R. WISS INDICATING WISS ENDORSED  
FIFTY DOLLAR CASH CHECK DATED SEPTEMBER TWENTY FOUR, NINETEEN FIFTY ONE,  
CHARGED TO FINESTONE'S ACCOUNT. BY BEING REQUESTED TO FURNISH ADDITIONAL  
INFORMATION RE WISS AND ATTENTION BEARING NINETEEN FIFTY TWO LICENSE PLATE  
Q X SIX ONE FIVE FOUR.

HOOVER

Classified by 4013  
Exempt from GDS Category 3  
Date of Declassification Indefinite

65-60203

cc - New York City Hall

EFE:chj

cc - Foreign Service Desk

RADIO COMMUNICATIONS

RECORDED 47

FEB 26 1952

65-60203-90

DVLE 81123  
211B(2) 1123  
ICE2  
1123

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
EXCEPT WHERE SHOWN  
OTHERWISE

CONFIDENTIAL OF THE  
E B I  
RECEIVED-700

64 MAR 5 1952

sent via Cable 2-20-52 9:12 PM

UNITED STATES GOVERNMENT

# Memorandum

TO : SAC (100-New)

DATE: 4/2/68

FROM :

SA [REDACTED]

(b)(7)(c)

SUBJECT: JAMES WEINSTEIN  
SM-C

*See 11-0 v  
C. 11-0 v*

On 4/2/68, MADELINE EBINGER, Clerk, Passport Agency 450 Golden Gate Ave., SF, made available a copy of passport application of JAMES Weinstein, born 7/17/26 in New York. A review of indices cards indicate subject may be a New York subject.

RECOMMENDATION: It is suggested that a correlation memo be prepared to ascertain whether a letter should be written to New York.

*for review  
w/4.  
with C/Memo  
1013-9124*

100-60742-1

SEARCHED	INDEXED
SERIALIZED	FILED
APR 3 1968	
FBI - SAN FRANCISCO	

(b)(7)(c)

FATHER'S NAME <b>Joseph Weinstein</b>		FATHER'S PLACE OF BIRTH <b>New York City</b>		FATHER'S DATE OF BIRTH <b>1/13/1899</b>		<input checked="" type="checkbox"/> U.S. CITIZEN <input type="checkbox"/> NOT U.S. CITIZEN	
MOTHER'S MAIDEN NAME <b>Hilda Kaufman</b>		MOTHER'S PLACE OF BIRTH <b>New York City</b>		MOTHER'S DATE OF BIRTH <b>1/16/1907</b>		<input type="checkbox"/> U.S. CITIZEN <input type="checkbox"/> NOT U.S. CITIZEN	
<input type="checkbox"/> I WAS NEVER MARRIED <input checked="" type="checkbox"/> I WAS LAST MARRIED ON <b>Aug 18, 1967</b>				TO (If all legal name - complete whether unchanged or changed) <b>Anne Faria</b>			
WHO WAS BORN AT <b>Washington, D.C.</b>				OR (Date of birth) <b>9/13/39</b>			
<input checked="" type="checkbox"/> WHO IS A U.S. CITIZEN <input type="checkbox"/> WHO IS NOT A U.S. CITIZEN				<input type="checkbox"/> MARRIAGE NOT TERMINATED <input type="checkbox"/> MARRIAGE TERMINATED BY (DEATH) (DIVORCE) ON			
Do not complete the following information on all other marriages which occurred before March 3, 1931. (Add supplementary page if necessary)							
PREVIOUSLY MARRIED ON				TO (If all legal name)			
WHO WAS BORN AT				OR (Date of birth)			
<input type="checkbox"/> FORMER HUSBAND OR WIFE WAS U.S. CITIZEN <input type="checkbox"/> FORMER HUSBAND OR WIFE WAS NOT U.S. CITIZEN				PREVIOUS MARRIAGE TERMINATED BY (DEATH) (DIVORCE) ON			

PROPOSED TRAVEL PLANS		PURPOSE OF TRIP		LIST EACH COUNTRY TO BE VISITED	
TRAVELING BY ORGANIZED TOUR? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		APPROXIMATE DATE OF DEPARTURE <b>SEPT 1968</b> NUMBER OF PREVIOUS TRIPS ABROAD WITHIN LAST 12 MONTHS <b>Pleasure</b>		<b>France, England, Italy</b>	
PORT OF DEPARTURE <b>NYC</b> NAME OF SHIP OR AIRLINE		MEANS OF TRANSPORTATION SHIP <input type="checkbox"/> AIR <input type="checkbox"/> OTHER <input type="checkbox"/> DEPARTURE <input type="checkbox"/> RETURN <input type="checkbox"/>		PLEASE INDICATE WHETHER YOU EXPECT TO TAKE ANOTHER TRIP ABROAD <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO OF YES, WITHIN <input type="checkbox"/> YEAR <input type="checkbox"/> 2 YEARS <input type="checkbox"/> 3 YEARS	
PROPOSED LENGTH OF STAY <b>2 mos.</b>					
BY PERMANENT RESIDENCE (Street address, City, State) (If same as in mailing block, write "Same") <b>Same</b>				COUNTY OF RESIDENCE <b>San Francisco</b>	

IN THE EVENT OF DEATH OR ACCIDENT NOTIFY		
NAME OR FULL	RELATIONSHIP	STREET ADDRESS, CITY, STATE
<b>Joseph Weinstein, Father 211 Cent. Park West, N.Y., NY</b>		

I have not (and no other person to be included in the passport has), since acquiring United States citizenship, been naturalized as a citizen of a foreign state; taken an oath or made an affirmation or other formal declaration of allegiance to a foreign state; entered or served in the armed forces of a foreign state; accepted or performed the duties of any office, post, or employment under the government of a foreign state or political subdivision thereof; made a formal renunciation of nationality either in the United States or before a diplomatic or consular officer of the United States in a foreign state; ever sought or claimed the benefits of the nationality of any foreign state; or been convicted by a court or court martial of competent jurisdiction of committing any act of treason against, or attempting by force to overthrow, or bearing arms against, the United States, or conspiring to overthrow, put down or to destroy by force, the Government of the United States.

If any of the above-mentioned acts or conditions have been performed by or apply to the applicant, or to any other person to be included in the passport, the portion which applies should be struck out, and a supplementary explanatory statement under oath (or affirmation) by the person to whom the portion is applicable should be attached and made a part of this application.)

I solemnly swear (or affirm) that the statements made on all the pages of this application are true and that the photograph attached is a likeness of me and of those persons to be included in the passport.

#### OATH OF ALLEGIANCE

Further, I do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; and that I take this obligation freely, without any mental reservation, or purpose of evasion; So help me God.

Subscribed and sworn to (affirmed) before me this

(To be signed by Applicant in presence of a Clerk of Court or Passport Agent)

AGENT - DEPARTMENT OF STATE

**150-60740-1**

**MAR 23 1968**

(SEAL OF COURT)

(Signature of Clerk of Court or Passport Agent)

**San Francisco, California**

Clerk of the

Court or Passport Agent at

NOTE: False statements made knowingly and willfully in passport applications or in affidavits or other documents submitted therewith are punishable by fine and/or imprisonment under the provisions of 18 USC 1001 and/or 18 USC 1543. 18 USC 1543 provides for a fine and/or imprisonment for the obstruction or facilitation of a passport issued pursuant to this application. 18 USC 1544 provides for a fine and/or imprisonment for the use of a passport in violation of the restrictions thereon.

DEPARTMENT OF STATE  
PASSPORT APPLICATION

(Before Completing this Application, Read Information for Passport Applicants on Page 4)

PART I - TO BE COMPLETED BY ALL APPLICANTS-PLEASE TYPE OR PRINT

(First name) (Middle name) (Last name)

James Weinstein a citizen  
of the United States, do hereby apply to the Department of State for a passport.

HOME PASSPORT TO  
STREET 216 Filbert St.

CITY San Francisco STATE California

ZIP CODE 94133

IN CARE OF

DATE OF BIRTH (Month, day, year) July 17, 1926 PLACE OF BIRTH New York City

HEIGHT 6-2 COLOR OF HAIR Br COLOR OF EYES Br APPROXIMATE DATE OF DEPARTURE Sept.

WHOLE DISTINGUISHING MARKS None OCCUPATION Historian

PERSONS TO BE INCLUDED IN PASSPORT (Include photographic likenesses in group photo)

This section to be completed only if wife or husband is to be included in applicant's passport

WIFE'S (HUSBAND'S) FULL LEGAL NAME - Please Type or Print

This section to be completed only if children are to be included in applicant's passport - Please Type or Print

NAME IN FULL	PLACE OF BIRTH (City, State or Country)	DATE OF BIRTH	REMOVED IN THE U.S. FROM

IF PASSPORT PREVIOUSLY APPLIED FOR, GIVE YEAR \_\_\_\_\_ (AND NAME IF DIFFERENT FROM PRESENT NAME) FOR EACH PERSON INCLUDED IN THIS APPLICATION WHO HAS RECEIVED A PASSPORT, COMPLETE INFORMATION BELOW:

STATE & DATE BIRTH

GRADE

PASSPORT NO.

DATE OF ISSUE

CANCELED OR OTHER  
DISPOSITION (specify)

APPLICANT

SPOUSE

CHILDREN



EX-26-53-750019

EX-26-53-750019

LI 12221

LI 12221

9.00

1.00

EX-26-53-750019  
100-60740-1

COVER - YOU MUST COMPLETE PAGE 2

FORM APPROVED  
BUREAU OF PASSPORTS

TO BE PRINTED IN FULL