

Julius Rosenberg Et AL

Referral

Passport

Office

No.

1

## NOTICE

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APPEAL TO:

Ms Barbara Ennis  
Freedom of Information Staff  
Office of Public Affairs  
Department of State  
Washington, D.C.  
PACKET # 1

## REFERRAL

Reviewed by: amf / JSR

**AGENCY** Passport Office

[illegible]

ASSISTANT ATTORNEY GENERAL JAMES M. McINERNEY

August 2, 1950

DIRECTOR, FBI

MICHAEL SIDOROVICH;  
ANNE SIDOROVICH;  
ESPIONAGE - R

~~CONFIDENTIAL~~

In our memorandum to the Attorney General dated July 17, 1950, we called to your attention information concerning a "Mike" and an "Anne." These individuals have been identified through photographs exhibited to David and Ruth Greenglass as Michael and Anne Sidorovich, who are presently residing at 8706 Carnegie Street, Cleveland, Ohio. You will recall that in the referenced memorandum Ruth Greenglass stated that in January, 1945, she and her husband went to Rosenberg's apartment, at which time Anne Sidorovich was present. After Anne left the apartment, Julius Rosenberg cut a Jello box top in half in an irregular manner and gave to David one half and said he would give the other half to Anne, who would go to New Mexico to secure information from David. David Greenglass has substantiated the above information. He has stated that arrangements were made that Anne was supposed to meet Ruth Greenglass in front of the Safeway Store on Central Avenue in Albuquerque, New Mexico, about the latter part of May, 1945, but she did not show up. David said he also saw Michael Sidorovich in the Summer of 1948 in New York City, at which time Sidorovich was attempting to contact Rosenberg.

The passport files of the State Department reflect that Sidorovich, in applying for a passport in 1937, listed his birth as July 5, 1916, at New York City. He gave his address at that time as 341 East 19th Street, New York City. His father's name was given as Alexander, who was born in Russia and resided at that time at 334 East 9th Street, New York City. A passport was issued on October 18, 1937, for travel to England, France, and the USSR. Sidorovich departed for New York City aboard the Queen Mary on November 3, 1937. Sidorovich applied for repatriation at the Vice Consul's Office, Valencia, Spain, on December 29, 1938. He had been serving in the International Brigade in Spain. He arrived back in the United States on February 4, 1939, aboard the SS President Harding. He claimed to have lost his original passport on a Spanish train.

The records of the Brooklyn Polytechnical Institute, Brooklyn, New York, reflect Sidorovich submitted an application for admission in September, 1939. He listed on his application the fact that he had attended Seward Park High School, Grand Street, New York City, from

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APPROPRIATE AGENCIES  
AND FIELD OFFICES  
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DATE *2-2-88*



1932 to 1934, and Stuyvesant High School in New York City from 1934 to 1935. The employment records of the Kollmorgen Corp., 2 Franklin Avenue, Brooklyn, New York, reflect that Sidorovich was employed from July 9, 1941, to October 14, 1944, as a draftsman. Prior to that time he had been employed by the Acme Mechanical Development Company for three years and also had worked for the Williams Aeronautical Research Corp. in New York City. The employment records of the A. W. Becker Company, 7100 Euclid Avenue, Cleveland, reflect that Sidorovich worked for that company from January, 1945, until August, 1945. Prior to moving to Cleveland, Sidorovich and his wife had lived on Camp Fire Road, Chappaqua, New York. The Sidorovichs sold their home in Chappaqua in January, 1945. Sidorovich presently is employed by the Gas Machinery Company, 162 East 162nd Street, Cleveland, Ohio, as a draftsman, at a salary of \$275.00 per month.

You will recall that David Greenglass furnished information to the effect that Julius Rosenberg had two apartments which he used in preparing material on microfilms in connection with Rosenberg's espionage activities. David Greenglass stated that one of these apartments was, he believed, located in the Greenwich Village section of New York City. Our investigation has reflected that an apartment at 65 Morton Street, New York City, which is in the Greenwich Village section, was rented by Alfred Sarant in 1945 and held in Sarant's name until January, 1950. Sarant is an associate of Julius Rosenberg. Sarant turned this apartment over to Joel Barr in 1944 or 1945. Rosenberg told David Greenglass that Barr had found it necessary to leave the United States and was presently in Europe. Rosenberg told this to Greenglass when he was attempting to persuade Greenglass to leave the United States. Subsequently in 1946 the apartment was turned over to William Perl, a close associate of Joel Barr. The superintendent at 65 Morton Street advised that the apartment was very sparsely furnished and on one occasion when he was in the apartment to make repairs he saw a porcelain kitchen table in the middle of the living room, with a photo-flood type lamp fixed so as to shine a beam on the table. On another occasion the superintendent entered the apartment and saw about seven men sleeping on the floor in sleeping bags. On another occasion an individual who gave his name as Alfred Sarant came to the superintendent and asked for the key to the apartment. This individual has been identified by the superintendent from photographs as Michael Sidorovich.

Michael Sidorovich was interviewed on July 25, 1950, by Special Agents of our Cleveland Office. He admitted joining the Young Communist League in New York City in about 1935 or 1936. He also admitted fighting for the Spanish Loyalists as a part of the Abraham Lincoln Brigade and said that he was overseas for fourteen months. He admitted knowing Julius Rosenberg and David Greenglass. He denied that he ever gave any information to Julius Rosenberg. He denied any knowledge of the apartment at 65 Morton Street, and denied he ever visited that apartment at any time. He admitted buying a Leica camera from an unknown soldier while returning on a train from New York City to Cleveland in January, 1945, for the sum of about one hundred dollars. Sidorovich denied knowing Alfred Sarant, Joel Barr, and William Perl. It is to be noted that when he was first shown a photograph of Julius Rosenberg he indicated he did not know who Rosenberg was and it was not until a photograph of Rosenberg's child on Sidorovich's Chappaqua property was presented to him that he admitted knowing Rosenberg.

Anne Sidorovich, when interviewed on July 25, 1950, identified a photograph of Julius Rosenberg and David Greenglass, and after some hesitation identified a photograph of Ruth Greenglass. She stated she could not deny or affirm that she visited the apartment of Julius and Ethel Rosenberg and met David and Ruth Greenglass, as stated by the Greenglasses. She denied that Julius Rosenberg ever attempted to recruit her for espionage work or ever asked her to go to Albuquerque or Denver to meet Ruth or David Greenglass. She denied any knowledge of the apartment at 65 Morton Street. She said that the Leica camera owned by Michael Sidorovich was obtained by him from a soldier friend who owed him one hundred dollars.

Further investigation is being conducted in an effort to develop more fully the activities of Michael and Anne Sidorovich. You will be furnished the results of this investigation. On the basis of the above information it would be appreciated if you would advise as to the possibility of instituting prosecutive action in this matter.

Julius Rosenberg EtAl

Referral

Passport

Office

No. 2

AGENCY Passport Office

Packet # 2

[illegible]

cc - D. F. Ladd  
cc - A. H. Belmont

January 13, 1951

RE: JOEL BARR

Reference is made to my memorandum dated January 8, 1951 concerning captioned subject. (u)

It has now been determined that Joel Barr's correct address in France, from at least as early as September, 1949 and up until approximately June, 1950, was 16 rue de la Pelouse, Neuilly-Plaisance (Seine et Oise), in the suburbs of Paris. (u)

A source of complete reliability has advised that Barr was seen in the Students' City Club, located on the corner of Boulevard Voltaire and Boulevard Courcelles, on or about June, 1950. At that time Barr reportedly stated to an acquaintance that he was leaving Paris, but when asked about where he was going, Barr replied to the effect that it would be better if he did not disclose his intended destination. An acquaintance of Barr's in Paris expressed the opinion that Barr may have gone to Sweden inasmuch as he spoke Swedish fairly well and liked that country. (u)

It has also been determined that Barr had his United States passport (#133225) renewed on November 10, 1949 at the United States Embassy in Paris. (u)

cc - Legal Attache  
London, England

ALL COURIER

cc - Foreign Service Desk  
65-59458

AK:LB

Classified by 4913  
Exempt from GDS, Category 1  
Date of Declassification Indefinite

2-3-78

AP/emb

RECORDED - 126

47 JAN 18 1951

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65-59453-82

# FEDERAL BUREAU OF INVESTIGATION

Form No. 1

THIS CASE ORIGINATED AT **NEW YORK**

NY FILE NO. **65-15302**

REPORT MADE AT <b>NEW YORK</b>	DATE WHEN MADE <b>4/4/51</b>	PERIOD FOR WHICH MADE <b>1/2, 4, 6, 23, 25, 26; 2/1, 2, 5, 12, 13, 20; 3/3, 16, 19, 51</b>	REPORT MADE BY <b>FREDERICK C. BAUCKHAUS</b>
TITLE <b>JOEL BARR</b>			CHARACTER OF CASE <b>ESPIONAGE</b>

~~SECRET~~

**SYNOPSIS OF FACTS:**

Subject's whereabouts still unknown. Information received concerning SAMUEL PERL contact with subject set forth. Interviews of BERNARD, ARTHUR and ROSE BARR, wife of ARTHUR, set forth. Interview of BERNARD GARFINKLE concerning subject set forth.

- P -

**DETAILS:**

Confidential Informant T-1, of known reliability, advised that SAMUEL PERL was contacted on December 18, 1950, and advised that he had received no information as to where BARR had gone or the reason for his mysterious disappearance from Paris. SAMUEL PERL gave the following information concerning his relations with JOEL BARR:

He met JOEL BARR through his brother, WILLIAM, in New York City, about 1939. This was at a music recital in a private residence in New York City, and his brother, WILLIAM, was present. PERL could not recall exactly where this recital had taken place, but believed it may have been in BARR's apartment. He stated that JOEL BARR and WILLIAM PERL were friends,

APPROVED AND FORWARDED:

SPECIAL AGENT IN CHARGE

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NY 65-15392

both having gone to College of the City of New York at the same time, and later having done graduate work at Columbia University. Both are Electrical Engineers. He stated that prior to going to Europe in September of 1949, knowing that BARR was in Paris, he wrote BARR that he intended to be in Paris studying music, and also advised him as to when he expected to arrive. BARR subsequently met him at the Railroad Station in Paris, in September of 1949, and took him to live with him at his, BARR's, quarters in a private residence at 16 Rue de la Pelouse Neuilly - Plaisance (Seine et Oise), in the suburbs of Paris.

SAMUEL PERL claimed that prior to going to Europe, he had not seen BARR more than six or seven times in the United States, and that BARR, on those occasions, was always in the company of WILLIAM PERL. He stated that he lived with BARR in Paris for about three weeks, but found it was inconveniently located from the city proper, and being without personal transportation he decided to move to Paris proper. He now lives at 81 Rue Maubeuge. He stated that while he lived with BARR, he observed that BARR had a camera, the make of which is unknown to him, and also possessed a slide projector, which he used to exhibit colored photographs taken in Sweden.

PERL stated that BARR was intensely interested in music, particularly in the composition of music and was enrolled at the Conservatoire de Musique de Paris, and studied there under OLIVIER MESSIEN, an organist. He stated that he saw very little of BARR after he moved into Paris, and explained that they went to different music classes and lived far removed from each other.

SAMUEL PERL further advised that in April, 1950 he received a letter from his brother, WILLIAM, dated April 26, 1950, in which WILLIAM advised that during an atomic energy applicant investigation by the FBI, allegations were made that he, WILLIAM, had connections with Communists, including JOEL BARR and ALFRED SARANT, and as a result, his loyalty was being rechecked. WILLIAM PERL requested SAMUEL PERL to interview BARR regarding this matter and especially, to determine the

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whereabouts of SARANT.

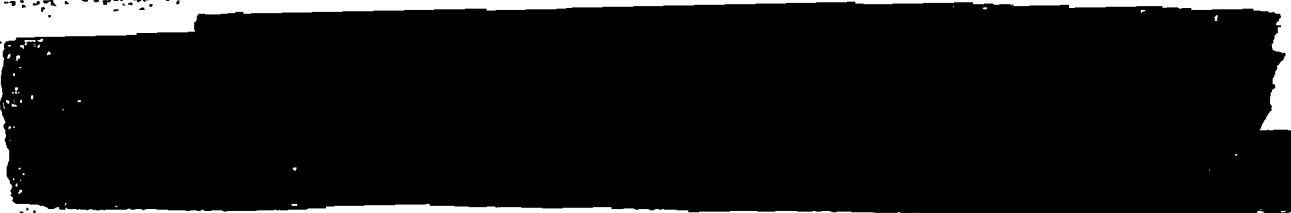
SAMUEL PERL stated that the allegations against his brother came as a complete surprise to him, and that he had never received any information that his brother was, or any of his associates were communistically inclined.

SAMUEL PERL advised that he interviewed BARR when they met in a student restaurant, and BARR denied that he had ever been a Communist, but did admit that he had been discharged from a Civil Service job in the Federal Government, due to a false accusation on the part of the Government that he was a Communist. BARR told PERL that in his opinion he got a raw deal. He also told PERL that he left the United States because he could not get a job in private industry or in Government service after being black-listed as a Communist.

SAMUEL PERL advised that he last saw JOEL BARR in the Student Cite Club, located on the corner of Boulevard Maiesherbes and Boulevard Courcelles, on or about June, 1950. At that time PERL said that BARR advised him that he was leaving Paris, and talked about wanting to sell his motor bike. PERL asked BARR where he was going, and the latter replied to the effect that it would be better if PERL did not know his intended destination.

PERL stated that since BARR left Paris, some of the music students who knew BARR had asked him if he knew of BARR'S whereabouts, and that they advised PERL that they have not received any word from him. PERL was of the opinion that BARR may have gone to Sweden, inasmuch as he spoke Swedish fairly well, and liked the country.

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

The same informant advised that the files of the Passport Section of the Embassy reflect that JOEL BARR filed application for passport renewal (No. 553) on November 10, 1949, and that the passport was renewed until November 10, 1951. In the application, BARR stated that his local residence was 241 West 97 Street; that his father was BENJAMIN BARR, and his mother,

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REBECCA DOBINSKY BARR, and that both were born in Russia. JOEL BARR was born on January 1, 1916, at Brooklyn, New York. According to BARR's statement in the application, he had been outside the United States since January 28, 1948, and was in France for the purpose of studying at the Conservatoire de Musique de Paris. His passport, No. 133825, was issued on December 8, 1947, at Washington, D. C. (u) SV

On January 4, 1951, ARTHUR BARR was interviewed at his place of business, 20 West 22 Street, New York City, and he advised that neither he nor his brother nor mother had received any correspondence from JOEL BARR. He did state, however, that his mother had received a letter from JOEL's former landlady, in which the landlady asked about JOEL and if he intended to return to his Paris address. ARTHUR said that they no longer had this letter. (u)

On January 26, 1951 ARTHUR and BERNARD BARR were interviewed by reporting agent and SA ROBERT F. ROYAL, at 20 West 22 Street, New York City, and BERNARD, when asked if he had recently written to his brother in Paris or had specifically written a letter sometime in July, 1950, denied that he had so done. He suggested that B. BARR, could have been his mother, inasmuch as her name is Mrs. B. BARR, and that if this letter was extremely poorly written, it would, undoubtedly, have been his mother inasmuch as she has a very poor handwriting. He pointed out, also, that he does not reside at 241 West 97 Street, New York City, and that his home is in Brooklyn. (u)

During the interview, ARTHUR BARR advised that the only person he had seen concerning JOEL was VIVIAN GLASSMAN, whom he stated was contacted by his wife, after his mother had been contacted by the FBI on August 3. He stated at this time they had had dinner with GLASSMAN, and had discussed JOEL. He was very vague about this meeting and said he had not seen GLASSMAN since that time. (u)

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ARTHUR BARR advised that the reason they had called GLASSMAN was because she was a former fiancée of his brother, JOEL, and that her name had been mentioned to his mother.

It should be pointed out at this time that ARTHUR stated and believed he had mentioned this contact with VIVIAN GLASSMAN to the FBI at previous interviews, although, as a matter of fact, this was the first time he actually had mentioned such a contact.

On March 19, 1951, ARTHUR BARR and BERNARD BARR, and ROSE BARR, wife of ARTHUR, were interviewed at 601 West 20 Street, New York City, at 7:30 P. M., by SAs RICHARD HRADSKY and FREDERICK C. BAUCKHAM. At this interview, ARTHUR and ROSE BARR stated in regards to the departure of JOEL BARR, in 1948, that they had seen him on the boat before he left, but the people he shared his quarters with were all strangers to them and they did not believe BARR knew them. They could not furnish the names of any of the people at this farewell. They stated that there was a considerable crowd in the room, and as they arrived there late, everything was in confusion.

In regards to how JOEL raised the money for this trip, they were convinced that he received no help from anyone. They based this belief on the fact that JOEL sold his collection of records, of which he was very fond and which were considered fairly valuable. They were specifically asked if JULIUS ROSENBERG, recently on trial for espionage, had furnished any money to JOEL, and they advised they did not believe he had given JOEL any money.

The only address, to their knowledge, that JOEL had lived at in New York, besides his home, was 65 Morton Street. They advised that the few times that they had visited JOEL at 65 Morton Street they had never seen anything unusual or any photographic equipment. They stated that there always was a large group of people in the apartment, and the gathering usually was for the purpose of holding a musical. They had no knowledge of any parties held at the mother's home, 241 West 97 Street,

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and they were in doubt that any parties had been held there, due to the fact that JOEL and his father did not get along, and his father objected to any guests being in the apartment.

They also stated that they had no knowledge or indication that JOEL was connected with the Communist Party. In regards to ARTHUR and ROSE's contact with VIVIAN GLASSMAN, they advised that <sup>she</sup> Mrs. BARR, the mother, was contacted by the FBI, ROSE contacted some social agencies, and finally reached GLASSMAN at the United Service for New Americans. They stated that they have not seen GLASSMAN for a long time, but recalled that she worked for some social agency, and that was why they contacted various social agencies which they believed she was connected with.

ROSE stated that she talked to GLASSMAN and said they would like to talk to her to find out why the FBI was interested in JOEL, and possibly find out what it was all about. They explained that they contacted GLASSMAN because she was the only one they could think of who might know something about JOEL.

GLASSMAN told ROSE on the telephone that she also had been visited by the FBI, and they made arrangements to meet that night, which was August 4, 1950. Subsequently, they met GLASSMAN at 23 Street and 30 Avenue with ARTHUR's car, and then drove to a restaurant at 29 Street, where they ate and talked.

GLASSMAN, at the outset, told them that she did not have more than an hour to give them, and as a result, it was a hurried discussion, and the only person mentioned was JOEL BARR. ROSE advised that GLASSMAN appeared considerably upset and excited at this meeting, and ROSE admitted that she was also. ROSE stated that she asked GLASSMAN "point blank" what the FBI wanted to see BARR's mother about, and why they were interested in JOEL; but GLASSMAN did not give them any answer. They did believe, however, that GLASSMAN mentioned that she intended to see a lawyer, but they could not recall whether she told them to see a lawyer or advised them not to talk to the FBI until they had seen a lawyer.

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ARTHUR and ROSE said that GLASSMAN left within the hour and the meeting was very unsatisfactory, and they did not know any more than they did before they met her. They stated that when GLASSMAN left, she indicated that she did not want to meet them again, or to have any contact with them. At the conclusion of the interview, ARTHUR and ROSE advised that they had been married in 1943, and as a result had had very little contact with JOEL, inasmuch as he did not come into their group of acquaintances or social activities.

BERNARD also stated that he had had very little contact with his brother, as he was married and running his father's business. BERNARD stated that they would cooperate all they could, and if they received any information as to the whereabouts of JOEL, they would immediately let the FBI know because they would like to have JOEL contacted in hopes that he could clear up any questions concerning him.

BERNARD GARFINKLE, 801 Hopkinson Avenue, Brooklyn, New York, was interviewed at the office of his Attorney, MICHAEL WOLLIN, 215 Montague Street, Brooklyn, New York, by SAs JOHN A. HARRINGTON and ROBERT F. ROYAL, on October 5, 1950. It should be noted that GARFINKLE had been given as a character reference by JOEL BARR on various applications for employment.

GARFINKLE advised that, with reference to JOEL BARR, they were classmates at the College of the City of New York, and he identified the photograph of BARR which was exhibited to him. He stated that he had attended musicales at BARR's parents' home, and believed the address was 241 West 97 Street, New York City. He stated that they first knew each other from living in the same neighborhood in Brooklyn, during the time they were both attending The College of the City of New York.

GARFINKLE recalled that BARR was very interested in music, and that he had a number of records and was a "ham" operator. He advised that the last time that he heard from BARR was approximately two or three years ago, and at that time BARR was studying music in Europe. He stated that the first

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he learned about BARR's trip to Europe was from ARTHUR BARR, a brother of JOEL, and that he has had occasion to contact ARTHUR at meetings of the UOPWO union, of which he, GARFINKLE, is an officer, and ARTHUR is a member. He could furnish no further information concerning JOEL BARR.

DAVID GREENGLASS, confessed Soviet Espionage Agent, in a recent interview, advised that JULIUS ROSENBERG told him that he had given money to JOEL BARR to assist BARR in his trip to Europe in 1948. He could furnish no further information as to the amount, or when this money was given.

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ADMINISTRATIVE PAGE

Confidential Informant T-2, of unknown reliability, was interviewed in January, 1951, and advised that ROSENBERG told him that there were two espionage units operating in the New York area, and that he headed one of these units and that the other unit was headed by two men.

Regarding these two men, ROSENBERG stated one of them was in Europe at the time of his, ROSENBERG, arrest, and the other one had fled one week after his arrest. ROSENBERG further stated to this informant that the FBI had visited the home of one of these two men and had spoken to his aged mother, who had furnished the FBI the names of other persons who were friendly with her son. He stated that among the names given to the FBI were some persons who were involved in espionage with him, and that a number of these persons were ordered before the Grand Jury, but that he was not concerned that they would err, because "some cannot and others dare not."

It should be noted, in regards to the above information, that JOEL BARR was in Europe at the time of ROSENBERG's arrest, and that ALFRED SARANT had fled to Mexico after ROSENBERG's arrest.

It also should be noted that the FBI had visited JOEL BARR's elderly mother, and had asked her concerning various individuals who were acquainted with BARR.

It should be noted that during the last interview with ARTHUR and ROSE BARR, and BERNARD BARR, they were asked if they knew NATHAN SUSSMAN or GLADYS MEYER, and they advised that they were not acquainted with these individuals, and they did not recognize the photographs of these people. The reason that they were asked about these individuals was due to a recent interview conducted with NATHAN SUSSMAN, in which he stated that he was acquainted with the subject, and that GLADYS MEYER also was acquainted with the subject. He stated that BARR had an

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ADMINISTRATIVE PAGE CONT'D

apartment, which he believed was on Nineteenth Street, or Twentieth Street, New York City, the exact address for which he could not recall.

Mr. R. J. SCHWARTZ, 640 Riverside Drive, New York City, was interviewed, and he advised that he had known JOEL BARR as a student in his class at Columbia University, and that BARR had visited him once at his home. He stated that he knew none of BARR's friends or activities outside of the school, and he had no idea as to any activities on the part of BARR, which might be of a questionable nature.

The above person was listed by BARR as a character reference on an applicant for employment.

An attempt has been made to locate a R. R. O'KEEFE, 110 Highland Road, Long Island, New York, who was also given as a reference by BARR, but this address has not been located, and all attempts to locate Mr. O'KEEFE have been unsuccessful.

Information has been received from the State Department to the effect that the cabin mates of the subject on the SS AMERICA on its trip from New York City to France, January 21, 1946, were JOSEPH KEELEY, LUIGI TOFANI and DANIEL ROSENBERG.

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LEADS

CLEVELAND

At Warren, Ohio

The Cleveland office will interview JOHN MELVILLE, at 739 Mahoning Avenue, Warren, Ohio, concerning his knowledge of BARR, and any information that he may have concerning the contacts and activities of BARR, which would indicate BARR's involvement in espionage. It should be noted that MELVILLE was employed at the Sperry Gyroscope Corporation, at the time BARR was employed there, and that he was given as a reference by BARR in his application for employment. There is no reference to JOHN MELVILLE in the New York indices.

NEW YORK

At New York City

The New York office will report information received from contacts and interviews of various subjects and individuals connected with the JULIUS ROSENBERG Espionage proceedings.

Will locate and interview JOSEPH KEELEY, who was a cabin mate of the subject on his trip to Europe.

Will ascertain the whereabouts of LUIA TOFANI, who was also a cabin mate of the subject, and will ascertain the whereabouts of DANIEL ROSENBERG, another cabin mate of the subject.

Will continue to maintain a mail cover on the subject's relatives, for the purpose of ascertaining if they received any communication from the subject.

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CONFIDENTIAL INFORMANTS

The Confidential Informants mentioned in the report of SA FREDERICK C. BAUCKMAN, dated April 4, 1951, at New York City, are asfollows:

T-1

A letter from the Bureau, dated January 15, 1951, which furnished information from the legal attachee in Paris, France.

T-2

[REDACTED]

(b)(7)(d)

REFERENCE: Report of FREDERICK C. BAUCKMAN,  
12/6/50, New York.

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# FEDERAL BUREAU OF INVESTIGATION

Form No. 1

THIS CASE ORIGINATED AT **NEW YORK**

NY FILE NO. **65-15392**

GK

REPORT MADE AT <b>NEW YORK</b>	DATE WHEN MADE <b>4/4/51</b>	PERIOD FOR WHICH MADE <b>1/2, 4, 6, 23, 25, 26; 2/1, 2, 5, 12, 13, 20; 3/8, 16, 19/51</b>	REPORT MADE BY <b>FREDERICK C. BAUCKHAM</b>
TITLE <b>JOEL BARR</b>		<del>SECRET</del>	CHARACTER OF CASE <b>ESPIONAGE - R</b>

**SYNOPSIS OF FACTS:**

Subjects whereabouts still unknown. Information received concerning SAMUEL PERL contact with subject set forth. Interviews of BERNARD, ARTHUR and ROSE BARR, wife of ARTHUR, set forth. Interview of BERNARD GARFINKLE concerning subject set forth. (u)

- P -

**DETAILS:**

Confidential Informant T-1, of known reliability, advised that SAMUEL PERL was contacted on December 18, 1950, and advised that he had received no information as to where BARR had gone or the reason for his mysterious disappearance from Paris. SAMUEL PERL gave the following information concerning his relations with JOEL BARR: (u)

He met JOEL BARR through his brother, WILLIAM, in New York City, about 1939. This was at a music recital in a private residence in New York City, and his brother, WILLIAM, was present. PERL could not recall exactly where this recital had taken place, but believed it may have been in BARR's apartment. He stated that JOEL BARR and WILLIAM PERL were friends, (u)

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# Office Memorandum • UNITED STATES GOVERNMENT

TO : SAC, NEW YORK (100-128869)

DATE: 5/26/58

FROM : SAC, WFO (100-34730)

SUBJECT: ROSE SCHELL, aka  
SM - C  
(OO:NY)

Reurlet dated 4/23/58.

Passport file of captioned individual was reviewed by SA PHILIP L. HILSON on 5/20/58 at the Department of State. This file disclosed that (Mrs.) ROSE SCHELL was issued Passport # 797121 on 11/14/55 to tour and visit relatives in England, France, Italy and Israel. She signified that she intended to depart from the Port of New York, via air, in January, 1956. Residence address given was 2400 Davidson Avenue, New York, N.Y. Birth date given was 7/30/94 at Belezarka, Wolyn, Poland. She came to this country about 1906 and was married to LOUIS SCHELL, born 4/22/88, at Belezarka, Poland, on 5/22/15, deriving U.S. citizenship through this marriage. Her husband received Certificate of Naturalization # 4-71235 on 3/3/14 in New York. Her parents were ISA and MICHAEL SCHELL, both born in Poland and deceased. Physical Description: 5'11", white hair, blue eyes, housewife. Witness was CHARLES ADAMOWICZ, friend, 607 East 141st Street, Bronx, N.Y.

Copies of her passport photograph are being made. They will be forwarded by routing slip when available. RUC.

NEW YORK (3)

1-WFO  
HWH:WJ  
(3)

*some info  
is serial 51  
7/11/58*

100-128869-72A

*Hutch*

*WJ*

## Office Memorandum • UNITED STATES GOVERNMENT

TO : Director, FBI (65-59453)

DATE: 3/14/52

FROM : SAG, New York (65-15392)

SUBJECT: JOEL BARR  
ESPIONAGE - R

There are enclosed herewith for the Bureau, five copies of the report of SA FREDERICK C. BAUCKHAM, dated March 14, 1952, at New York. Two copies of rerep are also enclosed for Newark.

Information has been received that DORIS EVANS, who formerly worked with the subject at the Sperry Gyroscope Company, and who was formerly a member of the Communist Party, Queens, New York, is presently employed at Rutgers University, New Brunswick, New Jersey, and her home telephone is CHarters 7-4982 in New Brunswick, N.J.

In view of the fact that an interview with DORIS EVANS is contemplated, the Newark Office is requested to discreetly ascertain her present home address in New Brunswick and to verify her employment at Rutgers University.

As soon as this information is obtained, UACB, an Agent from the New York Office, with an agent of the Newark Office will interview DORIS EVANS in New Brunswick, N.J., regarding her knowledge of the subject and his activities and also, if EVANS appears cooperative, to interrogate her regarding her own CP affiliations and associations.

Encls. 5

cc: Newark (Encls.2)

FCB:AMC  
65-15392

RECORDED - 28

INDEXED - 28

165-59453-137

MAR 15 1952

7/17/52  
3/2/52  
#6

E. J. [unclear]

# FEDERAL BUREAU OF INVESTIGATION

Form No. 1

THIS CASE ORIGINATED AT **NEW YORK**

~~SECRET~~

FILE NO.

AMC

REPORT MADE AT <b>NEW YORK</b>	DATE WHEN MADE <b>3/14/52</b>	PERIOD FOR WHICH MADE <b>2/15, 18, 19, 20; 3/3, 6/52</b>	REPORT MADE BY <b>FREDERICK C. BAUCKHAM</b>
TITLE  <b>JOEL BARR</b>			CHARACTER OF CASE  <b>ESPIONAGE - R</b>

**SYNOPSIS OF FACTS:**

[REDACTED]

b1

*3/26/52  
1cc Mr. [unclear]  
[unclear]*

- P -

DATE 2-14-78 *Class. BY [unclear]*

**DETAILS:**

Confidential Informant T-1, of known reliability, advised that JOEL BARR entered Norway from Sweden and arrived at Storlien near Trondheim on February 26, 1949. He departed Norway from Oslo via Charlottenberg for Stockholm on February 27, 1949. He has not been in Norway since.

[REDACTED]

b1

[REDACTED]

b1

APPROVED AND FORWARDED: <i>[Signature]</i>	SPECIAL AGENT IN CHARGE	DO NOT WRITE IN THESE SPACES
COPIES DESTROYED 146 NOV 23 1984		<b>65-59453-137</b>
COPIES OF THIS REPORT (5 - Bureau (65-59453) 1 - Boston (65-3392)(Info) 1 - Los Angeles (Info) 2 - Newark 3 - New York (65-15392)		Classified by <u>49/3</u> Declassify on: <u>1-3</u> Date: <u>2/13/78</u> <i>AP/mt</i>

NY 65-15392

[REDACTED] b1

[REDACTED] b1

[REDACTED] b1

The Informant advised that the records of the Passport Section of the United States Embassy in Paris failed to reflect that the subject has ever attempted to renew his passport, which expired on November 10, 1951. (u)

[REDACTED] b1

[REDACTED] b1

Confidential Informant T-4, of known reliability, advised that the relatives of the subject, namely REBECCA BARR, mother, BERNARD and ARTHUR BARR, brothers, have received no foreign correspondence. It should be noted, however, that this Informant advised that ARTHUR BARR received correspondence from CRAIG S. VINCENT, San Cristobal, New Mexico, in January, 1952. (u)

It should be further noted that VINCENT is the owner of the San Cristobal Valley Ranch, New Mexico, which is suspected of being a Communist hideout. (u)

NY 65-5392

~~SECRET~~

On February 19, 1952 a nation-wide lookout notice was placed with the Central Office, Immigration and Naturalization Service, and stops were placed with U. S. Customs and the Passport Division of the State Department against the name of BARR. (U)

P E N D I N G



NY 65-15392

ADMINISTRATIVE

INFORMANTS

T-1

Bureau letter 1/29/52 containing information received from the State Department. (u)

T-2

[REDACTED] (b)(1)

T-3

Bureau letter 11/16/51 in the case entitled, "WILLIAM PERL, was. - ESP. R-PERJURY." (NY 65-15387) (u)

T-4

Mail covers maintained on subject's mother and two brothers, REBECCA, BERNARD and ARTHUR BARR. (u)

MISCELLANEOUS

A copy of this report is being furnished the Boston Office inasmuch as that office maintains a mail cover on subject's sister and brother-in-law, Mr. and Mrs. HAROLD GILBOARD. (u)

A copy of this report is being furnished Los Angeles Office inasmuch as that office received a copy of rerep from Cincinnati pertaining to the interview of EDWARD BARLOW, WILLIAM GRAHAM and JOHN MAILETT, who are employed by the Rand Corporation, Santa Monica, California. (u)

LEAD

NEW YORK

AT NEW YORK, NEW YORK:

Will continue the mail covers on subject's relatives and report any information received therefrom. (u)

Will continue to follow efforts to locate the subject in Europe. (u)

REFERENCE

Report of SA FREDERICK C. BAUCKHAM, New York, 1/2/52  
Cincinnati letter to Bureau, 2/19/52. (u)

# FEDERAL BUREAU OF INVESTIGATION

SECRET

THIS CASE ORIGINATED AT

REPORT MADE AT [REDACTED]	DATE DUE 3/14/52	REPORT FOR WHICH MADE [REDACTED]	REPORT MADE BY [REDACTED]
[REDACTED]		[REDACTED]	

THIS IS ONE OF PAGES

[REDACTED]

[REDACTED]

[REDACTED]

APPROVED AND FORWARDED	SPECIAL AGENT IN CHARGE
[REDACTED]	[REDACTED]

2/4/65

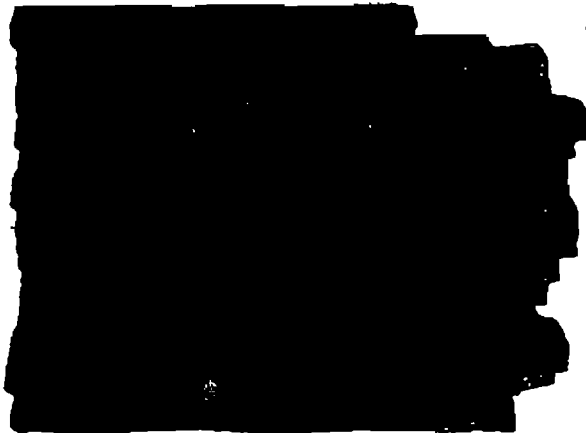
AIRTEL

TO: DIRECTOR, FBI (100-387835)  
FROM: SAC, WFO (100-25474) (RUC)  
COMMITTEE TO SECURE JUSTICE  
FOR MORTON SOBELL  
IS - C; ISA of 1950  
(OO:NY)

Re WFOairtel 1/11/65, furnishing information on [REDACTED]

On 2/3/65, IC [REDACTED] reviewed [REDACTED] passport file at the Department of State. The file contained the following information:

Name:  
Passport:  
Restriction:  
Application Dated:  
Date of Birth:  
Permanent Residence:  
Mailing Address:  
Itinerary:



(b)(6)  
page four

3 - Bureau  
2 - New York (100-107111) (RM)  
1 - WFO

CEG:pjd  
(6)

AIRTEL

100-107111-5738

SEARCHED	INDEXED
SERIALIZED	FILED
FEB 5 1965	
FBI - NEW YORK	

b7c

WFO 100-25974

Parents:

Last Married On:

Terminated:

Height:

Hair:

Eyes:

Marks:

Occupation:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

WFO 100-25974

[REDACTED] (b)(6)

[REDACTED] passport photo has been copied and will be furnished New York by routing slip when processed.

b7c

## FEDERAL BUREAU OF INVESTIGATION

REPORT MADE AT  
CHICAGO~~CONFIDENTIAL~~

REPORT MADE AT <b>CHICAGO</b>	DATE WHEN MADE <b>5-24-55</b>	PERIOD FOR WHICH MADE <b>4/27-29; 5/2, 6, 9, 10/55</b>	REPORT MADE BY <b>ROBERT A. DUFFY</b>
TITLE <b>DR. HAROLD CLAYTON UREY</b>			CHARACTER OF CASE <b>INTERNAL SECURITY - R</b>
AGENCY <b>Harold C. Urey</b>			
REMARKS <b>BY [signature]</b>			
SYNOPSIS OF FACTS:  Dr. HAROLD C. UREY presently employed as Professor of Chemistry at the University of Chicago and resides 4900 S. Greenwood, Chicago, Ill. On 2/12/55 a Testimonial Dinner in honor of Dr. UREY was given by the Chicago Sobell Committee at the Hamilton Hotel, Chicago, Ill. Summary of Dr. UREY's address at Testimonial set forth. UREY invited to speak at American Labor Party "Peace" Rally held 3/21/55 in New York.			
DETAILS:  <u>3pc-est</u> <u>JWB-608</u> <u>9-27-55</u>			
I. BACKGROUND			
<u>Employment</u>  T-1, who has furnished reliable information in the past, advised on May 3, 1955, that HAROLD CLAYTON UREY was currently employed as a Distinguished Service Professor of Chemistry in the Department of Chemistry and the Institute of Nuclear Studies at the University of Chicago, Chicago, Illinois.			
<u>Residence</u>  T-1, supra, advised on May 3, 1955, that HAROLD CLAYTON UREY resides at 4900 South Greenwood, Chicago, Illinois.			
APPROVED AND FORWARDED  <i>[Signature]</i>	SPECIAL AGENT IN CHARGE	DO NOT WRITE IN THESE SPACES  <b>116-18315-167</b>  <b>RECORDED - 60</b> <b>INDEXED - 60</b>	
COPIES OF THIS REPORT <b>6 - Bureau (116-18315) (RM)</b> <b>5 - Chicago (100-28385)</b> <b>(1 - 116-1788)</b> <b>(1 - 117-134)</b>		<b>D. SEC</b>	

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

~~CONFIDENTIAL~~

63 JUN 10 1955

~~CONFIDENTIAL~~

## II. ACTIVITIES AND AFFILIATIONS

### Chicago Sobell Committee

T-2, who has furnished reliable information in the past, advised on October 10, 1953, that the National Committee to Secure Justice in the Rosenberg Case was founded in January of 1952 to raise funds for the defense of JULIUS and ETHEL ROSENBERG who were convicted together with MORTON SOBELL on March 29, 1951, of conspiracy to commit espionage. JULIUS and ETHEL ROSENBERG were sentenced to death on April 5, 1951, and executed on June 19, 1953. MORTON SOBELL was sentenced to serve 30 years in custody of Attorney General of the United States.

This informant also advised on the same date that the Chicago Committee to Secure Justice in the Rosenberg Case was the Chicago affiliate of the National Committee to Secure Justice in the Rosenberg Case.

T-3, who has furnished reliable information in the past, advised on October 11, 1953, that the National Conference on the Rosenberg-Sobell Case, which was called by the National Committee to Secure Justice in the Rosenberg Case (NCSJRC), was held at the Fine Arts Building, 410 South Michigan Avenue, Chicago, Illinois, on October 10 and 11, 1953.

T-2, supra, advised on October 11, 1953, that the National Rosenberg-Sobell Committee was founded at the above Conference on October 11, 1953 and the Chicago Rosenberg-Sobell Committee is the local affiliate of the organization.

T-4, who has furnished reliable information in the past, advised on February 3, 1955, that the Chicago Rosenberg-Sobell Committee, formerly located at 410 South Michigan Avenue, until August, 1954, was the forerunner of the Chicago Sobell Committee now located at 20 West Jackson Boulevard, Chicago, Illinois, Room 1301.

CG 100-28385

Current Officers of the  
Chicago Sobell Committee

On February 7, 1955, T-5, who has furnished reliable information in the past, stated that as of February 4, 1955, the following individuals were officers of the Chicago Sobell Committee:

Chairman  
RUTH ROTHSTEIN

Secretary  
RUTH BELMONT

Treasurer  
DAVE SOLTNER.

On August 7, 1951, [REDACTED]

[REDACTED] advised that

[REDACTED] he knew RUTH ROYERSON (RUTH ROTHSTEIN) to have been a CP member and active in the affairs of the CP, but that he, the informant, was unable to supply specific dates relating to her membership in the CP. b7D III

The CP, USA, has been designated by the Attorney General of the United States pursuant to Executive Order 10450.

[REDACTED] b7D

T-8, who has furnished reliable information in the past, advised in December of 1946 that RUTH BELMONT was a registered member of the Dave White Club of the CP at Detroit, Michigan, with 1946 Registration Number 54834. The informant related that BELMONT had been issued a new registration card for 1947 with Registration Card Number 68709 in the Dave White Club of the CP. According to this informant RUTH BELMONT had been a member of the CP for 5 years prior to 1946. III



CG 100-28385

T-9, who has furnished reliable information in the past, advised that RUTH BELMONT was Executive Secretary of the Joint Anti-Facist Refugee Committee in Chicago, Illinois, from 1947 to 1950.

The Joint Anti-Facist Refugee Committee has been designated by the Attorney General of the United States pursuant to Executive Order 10450.

*no doc*  
T-10, who has furnished reliable information in the past, advised in 1952 that DAVE SOLTKER was known to have been a member of the CP between 1944-1948 and to have attended numerous CP meetings during that time.

A Testimonial Dinner given in honor of Dr. HAROLD CLAYTON UREY by the Chicago Sobell Committee at the Hamilton Hotel, 20 South Dearborn, Chicago, Illinois, February 12, 1955.

T-10, supra

This informant advised on February 11, 1955, that the HAROLD C. UREY Testimonial Dinner was slated to be held at 6 p.m. on February 12, 1955, at the Grand Ballroom of the Hamilton Hotel, 20 South Dearborn Street, Chicago, Illinois, and was sponsored by the Chicago Sobell Committee. The informant stated that the purpose of the dinner was to raise funds for the defense of MORTON SOBELL. The informant further stated that Professor UREY has consistently supported the defense of SOBELL.

[REDACTED]

T-11, [REDACTED]

This informant advised on February 16, 1955, that a Testimonial Dinner was given in honor of Dr. HAROLD C. UREY on February 12, 1955, at the Hamilton Hotel, 20 South Dearborn Street,

070

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Chicago, Illinois, under the auspices of the Chicago Sobell Committee. The informant stated that approximately 650 persons were in attendance and that the Testimonial Dinner was held for the purpose of honoring Dr. UREY for the outstanding courage he has shown in the defense of MORTON SOBELL, supra.

The chairman of the affair was STEPHEN LOVE, Professor of Law at Northwestern University, Chicago, Illinois, and also a sponsor of the Chicago Sobell Committee. Seated at the table were the following persons:

Mrs. HARRY ~~KALVEN~~ II/  
wife of Professor HARRY ~~KALVEN~~  
of the University of Chicago;

*IR MALCOLM P. SHARP*  
Professor MALCOLM ~~SHARP~~ II  
of the University of Chicago and  
also a sponsor of the Chicago  
Sobell Committee;

Dr. HAROLD CLAYTON UREY and wife;

CAREY ~~MC WILLIAMS~~, editor of  
"The Nation";

*MR. LOVE*  
Mrs. HELEN ~~SOBELL~~, wife of  
MORTON ~~SOBELL~~; II

Several other unidentified individuals  
who were not called upon to speak.

T-12 who has furnished reliable information in the past,  
[REDACTED] that he had learned that STEPHEN ~~LOVE~~ [REDACTED]

The Abraham Lincoln School has been designated by the Attorney General of the United States pursuant to Executive Order 10450.

The records of [REDACTED] Chicago, as reviewed by SE ROBERT J. MC KINLY on February 26, 1953, that STEPHEN LOVE was Vice-President of La Salle Leather, Incorporated, 1412 South Morgan Street, Chicago, Illinois.

[REDACTED] 01

T-4, supra, made available on April 18, 1954, a pamphlet issued by the Chicago Rosenberg-Sobell Committee, supra, entitled "The Search for Justice Goes On - - The Rosenberg-Sobell Case". This pamphlet reflects that it is an analysis of the Rosenberg-Sobel Trial by STEPHEN LOVE, Professor of Law, Northwestern University.

T-14, who has furnished reliable information in the past, advised in 1949 that Dr. MALCOLM P. SHARP, in the early 1940's, was a Communist who, if questioned, would probably deny his membership in the CP. According to the informant, SHARP co-operated in various front activities and Chicago political affairs.

T-15, of unknown reliability, but who holds a responsible position, advised on February 17, 1949, that MALCOLM P. SHARP was the Faculty Advisor of the Communist Club of the University of Chicago for the autumn quarter of 1949. The informant advised that Professor SHARP has a letter on file with the University authorities in which he states that the lending of his name to this Communist Club of the University of Chicago in no way should be interpreted as indicating that he adheres to or supports its ideals and doctrines. He feels, however, that any organization should be permitted existence on the campus and stated that it is a University requirement that each organization have a Faculty Advisor and that he had permitted this organization to use his name in order that it would be fully accredited with the University.

T-16, who has furnished reliable information in the past, advised on August 1, 1951, that the Communist Club of the University of Chicago was dominated and controlled by the CP, District No. 8, at least during the years 1946-1949, and all officers of the club had to be CP members although membership in the club did not necessarily denote CP membership.

T-11, supra, advised on November 22, 1954, that Dr. MALCOLM P. SHARP, University of Chicago Law Professor, was elected President of the National Lawyers Guild at the National Lawyers Guild Convention held November 19 to 21, 1954, at the Congress Hotel, Chicago, Illinois.

The House Committee on Un-American Activities report on the National Lawyers Guild, House Report No. 3123, September, 1950, cited the National Lawyers Guild as a Communist front which, "is the foremost legal bulwark of the CP, its front organizations and controlled unions" and which "since its inception has never failed to rally to the legal defense of the CP and its individual members thereof, including known espionage agents".

T-11, supra, continued that it was announced at the Testimonial Dinner in honor of Dr. UREY that Dr. PERCY JULIAN would be one of the speakers at the affair but it was announced half way through the dinner that Dr. JULIAN had sent word that he would be unable to attend the Testimonial Dinner due to other activities but that he had signed the scroll which was presented to Dr. UREY. *MS LCC*

Informant continued that the Invocation was given by an unidentified male who previously occupied a chair at the speakers table. Immediately following the Invocation the Chairman, Mr. LOVE, gave a lengthy speech praising Dr. HAROLD UREY. He stated that at the time of the Rosenberg-Sobell hearings a man of Dr. UREY's position had to have a great deal of intestinal fortitude to come out publicly to state that he did not think that the ROSENBERGS and SOBELL were having a fair trial and the whole manner of hearings did not or were not conducted in what he would call fair concepts of American justice. According to Dr. LOVE this brave man, Dr. UREY, was severely criticized by higher ups for speaking out against the verdicts against the ROSENBERGS and MORTON SOBELL. At this time Professor STEPHEN LOVE introduced CAREY MC WILLIAMS who spoke for a period of about 15 minutes of the wonderful character of Dr. HAROLD UREY and his contribution to mankind. MC WILLIAMS also stated that Dr. UREY was also a great champion of Civil Liberties and it was these qualities that made him admire Dr. UREY. MC WILLIAMS then spoke on Civil Liberties and how they are gradually disappearing from the American way of life. For an example he stated that the Civil Liberties were first violated in the early forties when over one hundred and twenty five thousand Japanese-Americans were forced to abandon their homes on the West coast and sent to re-location centers in the middle west. MC WILLIAMS stated that he was one of the original founders of the American Civil Liberties Committee.

The Chairman then introduced Mrs. HARRY KALVEN, wife of Professor HARRY KALVEN of the University of Chicago. Mrs. KALVEN stated that she had known Professor UREY for a period of several years, and she got to know him very well because she is a tenant of his. The KALVENS rent their apartment from Dr. UREY and his wife. She then stated that she would like to apologize for her husband's absence from this testimonial. She stated that he was attending some other affair where his presence was sorely needed. She did not mention the name of the meeting or affair he was supposed to be attending.

Dr. MALCOLM SHARP spoke a few minutes on his connections with Dr. UREY in regard to the ROSENBERG and SOBELL trials.

At this time Mrs. HELEN SOBELL was introduced and spoke for a few minutes regarding her husband MORTON and her children. She then presented Dr. HAROLD UREY with a scroll containing the names of six thousand persons.

The informant continued that Dr. STEPHEN LOVE at this time introduced Dr. HAROLD UREY as the next speaker of the evening. He received a standing ovation from the persons in attendance at this testimonial. Dr. UREY in his opening speech thanked the committee for this fine affair in his honor. He then pointed to a large sized chart directly in back of the speakers table and then mentioned that he would attempt to show the audience why he is of the opinion that the ROSENBERGS and MORTON SOBELL did not receive a fair trial and the reasons for his belief. Dr. UREY then gave his address.

T-11, supra, stated that the affair ended at 10:20 p.m. and no literature was either sold or distributed at this affair.

The informant also stated that an envelope had been placed at each plate on the tables. The envelopes contained cards calling on persons in attendance to contribute money and pledges to the Chicago Sobell Committee. An outright fund appeal was not made at this testimonial but the envelopes were called to the attention of persons in attendance. Informant stated that one or two persons at the tables would assume the responsibility of collecting the envelopes after the money or checks were placed in them. The amount of money collected at this affair was not announced but the dinner, which cost \$6.50 per person, [REDACTED]

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[REDACTED] Informant stated that approximately  
650 tickets were sold.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

b7D

00 100-28385

[REDACTED]

[REDACTED]

[REDACTED]

T-17, who has furnished reliable  
information in the past

On April 25, 1955, this informant made available a pamphlet issued by the Committee to Secure Justice for MORTON SOBELL, 1050 6th Avenue, New York 18, New York, entitled "Atomic Scientist, Dr. HAROLD UREY, Asked Justice for MORTON SOBELL". This pamphlet consisted of a text of the address given by Dr. UREY at a Testimonial Dinner given in his honor by the Chicago Sobell Committee on February 12, 1955, at the Hamilton Hotel, Chicago, Illinois.

T-18 and T-19, both of whom have furnished reliable information in the past, advised in December of 1953 that the National Committee to Secure Justice in the Rosenberg Case, supra, during 1953 took the name of the National Committee to Secure Justice for Morton Sobell in the Rosenberg Case.

American Labor Party

The American Labor Party was cited as a Communist front organization by the Special Committee on Un-American Activities, United States House of Representatives on March 29, 1944.



CG 100-28385

T-20, who has furnished reliable  
information in the past

[REDACTED]

b7D

Broyles Bills

It is noted that the Broyles Bills are a series of legislation introduced into the Illinois Legislature that have as their purpose the curtailment of the activities of the CP in the State of Illinois.

The "Chicago Daily News", a daily newspaper in Chicago, Illinois, in the Red Streak Edition of March 31, 1955, page 8, column 2, reflected that Professor HAROLD UREY, in a speech given before the Illinois Committee of the Association of Commerce and Industry at a luncheon at the University Club, Chicago, Illinois, on March 31, 1955, stated "The FBI is able to take care of subversives. No other aid is needed." UREY stated the Broyles Bills will be used to investigate professors and will be a "source of annoyance to many people without any constructive ends at all." He asserted that the bills will interfere with the civil freedom of people as well as disturb the freedom of professors. He also stated "the internal Communist threat is exaggerated beyond all bounds."

Other Information which  
Reflects Dr. UREY's View  
point on the ROSENBERG-  
SOBELL Trial

T-21, of unknown reliability, but  
who is in a position to know

This informant advised on 2/2/55 that he had learned that the following statement of Dr. UREY was among those in answer

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~~CONFIDENTIAL~~

to questions concerning his interest in the ROSENBERG-SOBELL case:

"You see, I am interested in this MORTON SOBELL case because I think it is the SACCO-VANZETTI case of this particular time. I do not know why it is that we must engage in these unjust proceedings from time to time, but this seems to be the nature of law in the United States. You see, I do not believe that the ROSENBERG trial was a good trial; I think it was very badly conducted and I think it was prompted mostly by hysteria. I do not know whether the ROSENBERGs and MORTON SOBELL are guilty of anything or not, but I do not think the trial proved this.

"I have no interest in these people as people. I am interested in the integrity of justice in the United States, and I think this question is badly in need of serious study on the part of independent people. I do not see how you could possibly read the evidence in the ROSENBERG case and not conclude that it was exactly the same thing as the other cases you stood up against in the past - the SACCO-VANZETTI case and the MOONEY-BILLINGS case."

- C -

~~CONFIDENTIAL~~

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CONFIDENTIAL

ADMINISTRATIVE DATA

Bureau letter to Chicago dated March 14, 1955, entitled "HOWARD CLAYTON UREY, Internal Security - R" requests the Chicago Office to submit a report on the recent activities of UREY. For the information of the Bureau the Chicago Office has included in this report only those reported activities of Dr. UREY after January 1, 1955.

The files of the Chicago Office reflect that CP front groups, other SOBELL cases and CP members actively participated in aiding the Chicago Sobell Committee make the Testimonial Dinner for Dr. UREY a success. This information was not included in the details of this report inasmuch as information available does not reflect that Dr. UREY participated with these individuals or groups or was aware of their participation in making the Testimonial Dinner a success.

The Washington Field Office advised on March 21, 1955, that on February 24, 1955, Dr. HAROLD UREY requested extension of his passport at Chicago, Illinois, for a proposed trip of unstated duration to Germany, Holland, Belgium, France, Switzerland, England and Scandinavian countries, for lectures at the University of Frankfurt and meetings of Nobel laureates at Lindan, and travel for pleasure. UREY proposed to depart from New York City by air on June 20, 1955. UREY had formerly been issued passport No. 428295 issued on July 1, 1954, to expire on November 1, 1954. On March 17, 1955, the Passport Office, Department of State, extended UREY's Passport to January 1, 1956, invalidating it for all countries except Albania, Bulgaria, China, Czechoslovakia, Hungary, Poland, Rumania, and the USSR. Mr. ASHLEY J. NICHOLAS, Assistant Director, Passport Office, Department of State, advised that Passport No. 428295 issued to UREY originally on July 1, 1954, was not to be extended without the express authorization of the Department of State and was not valid for Iron Curtain countries.

ADMINISTRATIVE PAGE

ADMINISTRATIVE DATA

The above information concerning UREY's passport was placed on the Administrative Page of this report inasmuch as the information coming from Mr. NICHOLAS was not to be disseminated.

Careful consideration has been given to each source concealed in this report and "T" symbols were utilized only in those instances where the identities of the sources must be concealed.

IDENTITY OF SOURCE	DATE OF ACTIVITY AND/OR DESCRIPTION OF INFORMATION	INFORMANTS		AGENT TO WHOM FURNISHED	FILE NO. WHERE LOCATED
		DATE RECEIVED			

T-1

[REDACTED]

[REDACTED]

SA GAINES  
O. BOONE

T-2

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

T-3

Anonymous source

T-4

[REDACTED]

[REDACTED]

[REDACTED]

ADMINISTRATIVE PAGE

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CG 100-28385

IDENTITY OF INFORMANTS

<u>IDENTITY OF SOURCE</u>	<u>DATE OF ACTIVITY AND/OR DESCRIPTION OF INFORMATION</u>	<u>DATE RECEIVED</u>	<u>AGENT TO WHOM FURNISHED</u>	<u>FILE NO. WHERE LOCATED</u>
[REDACTED]	[REDACTED]	[REDACTED]	SA RICHARD F. ALLEN	100-25530- 1B2 (197)

T-5,

[REDACTED] SA RICHARD 100-25530-  
F. ALLEN 866  
(orally)

T-6,  
Deleted

T-7,

T-8,  
Anonymous source

T-9,

T-10

ADMINISTRATIVE PAGE

CG 100-28385

IDENTITY OF INFORMANTS

<u>IDENTITY OF SOURCE</u>	<u>DATE OF ACTIVITY AND/OR DESCRIPTION OF INFORMATION</u>	<u>DATE RECEIVED</u>	<u>AGENT TO WHOM FURNISHED</u>	<u>FILE NO. WHERE LOCATED</u>
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[REDACTED]	[REDACTED]	SA GROVER C. THOMPSON (orally)	100-28385- 33
------------	------------	--------------------------------------	------------------

T-11.

[REDACTED]	[REDACTED]	SE HUGH M. BARNHARDT	100-25530- 894
------------	------------	-------------------------	-------------------

T-12.

T-13.

T-14.

T-15.

ADMINISTRATIVE PAGE

CG 100-28385

IDENTITY OF INFORMANTS

<u>IDENTITY OF SOURCE</u>	<u>DATE OF ACTIVITY AND/OR DESCRIPTION OF INFORMATION</u>	<u>DATE RECEIVED</u>	<u>AGENT TO WHOM FURNISHED</u>	<u>FILE NO. WHERE LOCATED</u>
T-16, [REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
T-17, [REDACTED]	[REDACTED]	[REDACTED]	SA EARL H. WILLIAMS	100-28385- 1a2
T-18, CSNY 426-S	Characterization of CSJMS	12/53		
T-19, CSNY 48-S	Characterization of CSJMS	12/53		
T-20, [REDACTED]	[REDACTED]	[REDACTED]	SA DAVID RYAN (orally)	100-28385- 48
T-21, [REDACTED]	[REDACTED]	[REDACTED]	SA O. MICHAEL SMASAL	WFO 66- 2292-1a

ADMINISTRATIVE PAGE

CG 100-28385

REFERENCES

Bulet to Chicago dated March 14, 1955.  
Chicago teletype to Bureau dated February 11, 1955.  
Report of SA RICHARD H. NACHTSHEIM dated December 21,  
1954, at Chicago.

ADMINISTRATIVE PAGE



Julius Rosenberg Et Al

Referral

Passport

Office

No.

3

## NOTICE

THE BEST COPIES OBTAINABLE ARE INCLUDED IN THE REPRODUCTION OF THE FILE. PAGES INCLUDED THAT ARE BLURRED, LIGHT OR OTHERWISE DIFFICULT TO READ ARE THE RESULT OF THE CONDITION AND OR COLOR OF THE ORIGINALS PROVIDED. THESE ARE THE BEST COPIES AVAILABLE.

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

REFERRAL

Reviewed by: smk

PACKET # 3

AGENCY

PASSPORT OFFICE

No. of Pages

Subject and File Number

Serial

Date

Document Description

Actual Released

1	Perl (NY) 65-15387	789	11/16/51	WFO Letter to NY	1	1
2						
3						
4						
5						
6						
7						
8						
9						
10						
11						
12						

## Office Memorandum • UNITED STATES GOVERNMENT

TO: SAC, NEW YORK (65-15387)

DATE: November 16, 1951

FROM: SAC, WFO (65-5543)

SUBJECT: WILLIAM PERL, wa  
ESPIONAGE - R

Reurlet October 11, 1951.

Records Passport Division, Department of  
State, reflect [REDACTED] b6

[REDACTED]

[REDACTED] b6

Photographs of [REDACTED] are being  
obtained from the Passport Division. b6

MHS:bjr

*Received*

65-15387-789

SEARCHED.....	INDEXED.....
SERIALIZED.....	FILED.....
NOV 19 1951	
FBI - NEW YORK	

*Concannon*

Julius Rosenberg EtAL

Referral

Passport

Office

No.

4

## NOTICE

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## REFERRAL

**Reviewed by:**

TLB / elw

Packet # 4

**AGENCY**

Passport Office

**No. of Pages**

**Subject and File Number**

**Serial**

## Data

## Document Description

## References

**Actual Released**

[illegible]

## REFERRAL DOCUMENT JUSTIFICATION

Agency Passport  
Packet No. 4

Rosenberg Et Al.

HQ or Field Ofc.	File No.	Serial No.	Date of Serial	DELETIONS (S)
HQ	65-60203	58	1/4/52	The enclosure to serial 58 consisting of 12 pages has been denied pursuant to 5U.S.C. 552 (b) (6). This enclosure concerns information from the Passport Office regarding a third party.



# Office Memorandum • UNITED STATES GOVERNMENT

TO : DIRECTOR, FBI

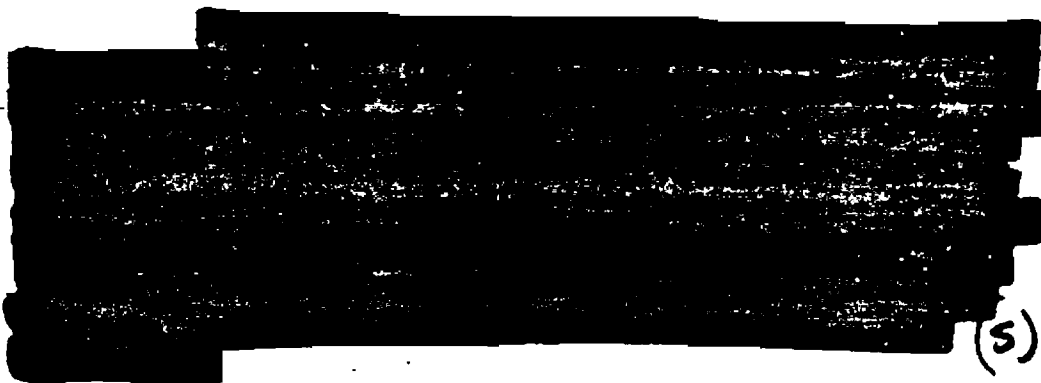
DATE: September 18, 1951

FROM : SAC, NY

~~SECRET~~

SUBJECT: MAXWELL FINESTONE, was.  
ESPIONAGE - R

Attention: FBI Laboratory



137708

(5)

HF:FCP  
65-5952

cc: New York  
Enclosures

*Maxwell Finestone - Antagonist*

*ENCLOSURE 3*  
*EX-15*

*being retained but  
prior to release should  
investigation of Building  
for mobile phone  
dated 11-9-51*

RECORDED - 87  
INDEXED - 87  
EX - 15  
65-60203-19  
SEP 18 1951

G. I. R. -9

Classified by 4913  
Exempt from GDS, Category 2  
Date of Declassification Indefinite  
AP/ab 1/26/78

INDEX LAB FILES

61 SEP 24 1951

~~SECRET~~

DESCRIPTION AND PHOTOGRAPH OF APPLICANT

Height 5'11"

Hair BLACK

Eyes BROWN

Distinguishing marks or features

NONE

Place by which applicant may be identified

Capacity in which employed

I solemnly swear that the statements made on both sides of this application are true and that the photograph attached hereto is a likeness of me.

I ~~have~~ <sup>have not</sup> 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; voted in a political election in a foreign state or participated in an election or plebiscite to determine the sovereignty over foreign territory; made a formal renunciation of nationality before a diplomatic or consular officer of the United States in a foreign state; been convicted by court martial of deserting the military or naval service of the United States in time of war; been convicted by court martial, or by a court of competent jurisdiction, of committing any act of treason against, or of attempting by force to overthrow, or of bearing arms against, the United States.

OATH OF ALLEGIANCE

Further, I do solemnly swear 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.

NOV 29 1943

Subscribed and sworn to before me this

day of

19

(SEAL OF OFFICE)

Agent, Department of State, N.Y. City

I request that the card notifying me to call for my passport be mailed to the following address:

Name MAXWELL FREESTONE

Number and street 214 N. 14th St.

City and State ETNA, N.Y.

I request that my passport be mailed to the Collector of Customs at

City and State NEW YORK, N.Y.

fee received by



1 by applicant for passport

AXWELL

NOV 30 1943

NOTE: No fee is charged for the issue of a passport. However, a fee of \$1 must be paid for the issuance of an application for a passport. It is unnecessary to pay any other fee to any person in connection with the filing of an application for a passport. All necessary information and documents must be submitted to the clerk of court or Foreign Agent before whom the application must be made.

# SEAMAN PASSPORT APPLICATION

(Required under the provisions of the act of May 22, 1918, as amended by the act of June 21, 1941, and of the President's Proclamation of November 14, 1941)

PASSPORT  
ISSUED  
JAN 13 1944

DEPARTMENT OF STATE  
A CITIZEN OF THE UNITED STATES

UNITED STATES OF AMERICA,  
STATE OF NEW YORK  
COUNTY OF NEW YORK

FORM FOR NATIVE CITIZEN  
(Section 2011)

MR. MORRIS FINESTONE  
(Name in full)

do hereby apply to the Department of State, at Washington, for a passport. I solemnly swear that I was born

at BOSTON MASS. on JUNE 28 1924  
(Town or city) (Province or county) (State or country) (Date)

I am domiciled in the United States, my permanent residence being at 14 N. HARBOUR ST.  
(Street address) State of NEW YORK

My father, SAMUEL FINESTONE, was born at RUSSIA  
(Name) (Place)

on 1888 and is now residing at RECEIVED  
(Date) (Complete address)

My mother, ANNIE SANDERS, was born at RUSSIA  
(Name) (Place)

on 1891 and is now residing at R.D. #4 ITHACA, N.Y.  
(Date) (Complete address)

## DESCRIPTION AND PHOTOGRAPH OF APPLICANT

Height 5' 11" 11 1/2  
(Feet and inches) (Weight)

Hair BLACK

Eyes BROWN

Distinguishing marks or features NONE  
(State any marks of skin on hands or face by which applicants may be identified)

Capacity in which employed None

I solemnly swear that the statements made on both sides of this application are true and that the photograph attached hereto is a likeness of me.



159205

159 FINESTONE, MORRIS

(To be printed in full by applicant for passport)

U.S. DEPT. OF STATE

If married more than once, set forth facts regarding each husband and marriage in a supplemental statement.

**DOCUMENTS SUBMITTED OR REFERRED TO—**

Officers before whom application is executed will write "seen" or "not seen" after each blank completed and will initial. Passports submitted should be forwarded to the State Department. Other documents may be returned to the applicant **EXCEPT AFFIDAVITS OF BIRTH WHICH SHOULD ACCOMPANY APPLICATION.**

Birth certificate issued by Registry Reg'd Boston Mass  
in \_\_\_\_\_ Date birth record created \_\_\_\_\_

Baptismal Certificate: Baptized on \_\_\_\_\_ (Date)  
At \_\_\_\_\_ Church, at \_\_\_\_\_ (Location)

Seaman's Identification Certificate No. 2 440632 Date Undated New Regulation  
Issued by Act. M. S. INDR. IN CHARGE at New York, N. Y.  
Shows citizenship as U. S. A.

Continuous Discharge Book No. \_\_\_\_\_ Date issued PA  
Issued by \_\_\_\_\_ at \_\_\_\_\_

Licenses No. \_\_\_\_\_ Issued on \_\_\_\_\_ (Date)  
by \_\_\_\_\_ at \_\_\_\_\_  
to \_\_\_\_\_ (Name)

Passport No. \_\_\_\_\_ Issued at \_\_\_\_\_  
on \_\_\_\_\_

\_\_\_\_\_ (Name of defendant) referred to above bears notation that  
\_\_\_\_\_ (Nature of birth evidence)  
was submitted in connection with application therefor.

I that served on \_\_\_\_\_ from \_\_\_\_\_ to \_\_\_\_\_  
(Name and nationality of vessel) (Dates of service)  
serving between \_\_\_\_\_ (Dates of discharge)

Names and addresses of persons who have knowledge of the date and place of birth of the applicant.

GEORGE M. STONE BROTHER 511 CASCADELLA ST. ITHACA, N.Y.  
(Name) (Relationship) (Complete address)  
MENA ROSS FRIEND STATE ST., ITHACA, N.Y.  
(Name) (Relationship) (Complete address)

The following should be completed by a person whose father was not born in the United States:

My father emigrated to the United States on or about \_\_\_\_\_, resided \_\_\_\_\_  
(Year)  
years continuously in the United States from 1 \_\_\_\_\_ to 1937 and was naturalized as a citizen of the United  
States before the \_\_\_\_\_ Court of \_\_\_\_\_  
at \_\_\_\_\_ (City) (State) (Month and day) (Year)

(A WOMAN APPLICANT MUST FILL IN THIS PORTION)

I was (never married, last married on \_\_\_\_\_ to \_\_\_\_\_  
who was born at \_\_\_\_\_ on \_\_\_\_\_, who (is not) an American citizen,  
and who is now residing at \_\_\_\_\_  
Our marriage (has not been terminated, was terminated by (death) (divorce) on \_\_\_\_\_  
(Date of death or divorce)  
If married more than once, set forth facts regarding each husband and marriage in a supplemental statement.

DOCUMENTS SUBMITTED OR REFERRED TO—

Officer before whom application is executed will write "seen" or "not seen" after each blank completed and will  
initial. Passports submitted should be forwarded to the State Department. Other documents may be returned to the  
applicant EXCEPT AFFIDAVITS OF BIRTH WHICH SHOULD ACCOMPANY APPLICATION.

Birth certificate issued by \_\_\_\_\_ Registry, Regio \_\_\_\_\_ at \_\_\_\_\_  
on \_\_\_\_\_ Date birth record created \_\_\_\_\_

Baptismal Certificate: Baptized on \_\_\_\_\_ (Date)  
at \_\_\_\_\_ Church, at \_\_\_\_\_ (Location)

Seaman's Identification Certificate No. 2 440632 Date (Indated New York)



# Office Memorandum • UNITED STATES GOVERNMENT

TO : DIRECTOR, FBI (65-60203) (100-331191) DATE: January 4, 1952

FROM : SAC, WFO (65-5952) Attention: FBI Laboratory!!

SUBJECT: MAXWELL PINESTONE, was.  
ESPIONAGE - R

JOHN EDWARD MARQUEE  
SECURITY MATTER - C

G.I.R.-6

There is being transmitted herewith photostatic copies of passport applications believed to have been executed by JOHN EDWARD MARQUEE or April 12, 1950, for passport, along with a typewritten letter from MARQUEE to the Passport Division, received by them on May 11, 1950, and excerpts of Passport #293511 containing signatures and printing believed to be that of JOHN EDWARD MARQUEE.

It is requested that this material be compared with the appropriate FBI laboratory files in an effort to identify this hand and typewriting with espionage writings maintained by the Bureau.

It is requested that the New York office, which is the office of origin in the case entitled, "MAXWELL PINESTONE Espionage-R", be furnished with a copy of the result of the FBI lab examination, as well as the Boston office, which is the office of origin in the case entitled, "JOHN EDWARD MARQUEE Security Matter-C."

The material submitted should not be returned to the WFO but retained by the Bureau.

HF:CJD  
cc - 3 New York (65-15357)  
3 Boston (JOHN EDWARD MARQUEE)  
1 WFO (100-23851)

ENCLOSURE ATTACHED

RECORDED - 33

165-60203-58  
JAN 8 1952  
17

COPIES DESTROYED

31 NOV 30 1964

INDEXED

RECEIVED



FEDERAL BUREAU OF INVESTIGATION  
WASHINGTON D. C.

February 7, 1952

To: SAC, Washington Field

There follows the report of the FBI Laboratory on the examination of evidence received from your office on January 9, 1952.

Re: MAXELL FINLSTONE, was.  
ESPIONAGE - R

*J. Edgar Hoover*  
John Edgar Hoover, Director

JOHN EDWARD MARQUESE  
SECURITY MATTER - C

RECORDED - 47

YOUR FILE NO.  
FBI FILE NO.  
LAB. NO.

65-5952  
65-60203-100-3  
D-142629 IE

Examination requested by: SAC, Washington Field

Reference: Letter 1/4/52

Examination requested: Document

- Specimens:
- Qc1. Photostatic copies of a passport application believed to have been executed by JOHN EDWARD MARQUESE on April 12, 1950.
  - Qc2. Photostatic copies of a typewritten letter from MARQUESE to the Passport Division received on May 11, 1950.
  - Qc3. Photostatic copies of excerpts from U. S. Passport #293511, bearing handprinting and the signature "John Edward Marquese."

RESULTS OF EXAMINATION:

The handprinting and typewriting on the evidence described above as Qc1 through Qc3 were compared with the material in the appropriate section of the National Security File without effecting an identification. Suitable photostatic copies of this material have been added to the file for future reference.

Exhibits Qc1 through Qc3 are retained in the files of the Bureau.

- 1 - Washington Field (100-23851) - 1
- 1 - New York (65-15357)
- 1 - Boston (JOHN EDWARD MARQUESE)

65-60203-58

REC-65  
FEB 7 1952

## Laboratory Work Sheet

File # 65-530203  
Lab. # D-142629  
No Lab. File

Date received: 1-9-52

**Result of Examination:** \_\_\_\_\_ **Examination by:** \_\_\_\_\_

71-241-2 NSR - Sup. 200, F. 100, 200  
71-241-2 NSR - Sup. 200, F. 100, 200  
2-4-59 5:00

### Specimens submitted for examination

- Qc1 Photostatic copies of passport applications believed to have been executed by JOHN EDWARD MARQUEE on April 12, 1952, Number 293511.
- Qc2 Photostatic copies of a typewritten letter ~~sent~~ from MARQUEE to the Passport Division.
- Qc3 ~~Photostatic~~ ~~copies~~ of Department of State Passport ~~and~~ Application bearing the printed name JOHN EDWARD MARQUEE.

cc: New York 65-15357  
cc: Boston (JC 11-2-65)  
cc: WFO 100-23851

100-274431



Re: MARCELL FINEST HE, WAS.  
ESPIONAGE - R

File # 65-595203 -  
Lab. # D-112629 RE

No Lab. File

Examination requested by: SAC, LFO (65-5952)

Date of reference communication: Let. 1-4-52

Date received: 1-9-52

Examination requested:

Document

Result of Examination:

Examination by:

Daily run  
HAY

Specimens submitted for examination

- Qc1 Photostatic copies of passport applications believed to have been executed by JOHN EDWARD MARQUEE on April 12, 1950, Number 293511.
- Qc2 Photostatic copies of a typewritten letter sent from MARQUEE to the Passport Division.
- Qc3 Photostatic ~~XXXXXX~~ copies of Department of State Passport Application bearing the printed signature JOHN EDWARD MARQUEE.

cc: New York 65-15357  
cc: Boston  
cc: LFO 100-23051

Julius Rosenberg EtAL

Referral

Passport

Office

No.

5

Special to: Mr. Barbara Ennis  
Freedom of Information Staff  
Office of Public Affairs  
Dept. of State  
Washington, D.C. 20520

## REFERRAL

Reviewed by: Prof. [Signature]

**AGENCY** Passport office

Packet: 5

**No. of Pages  
Actual Released**

[illegible]

WFO 65-5559

FBI No. LA 65-5087 - 1A-8Date Received 9-7-67From Passport Office

(NAME OF CONTRIBUTOR)

U.S. Department of State

(ADDRESS OF CONTRIBUTOR)

Washington, D.C.

(CITY AND STATE)

By [REDACTED] 67C

(NAME OF SPECIAL AGENT)

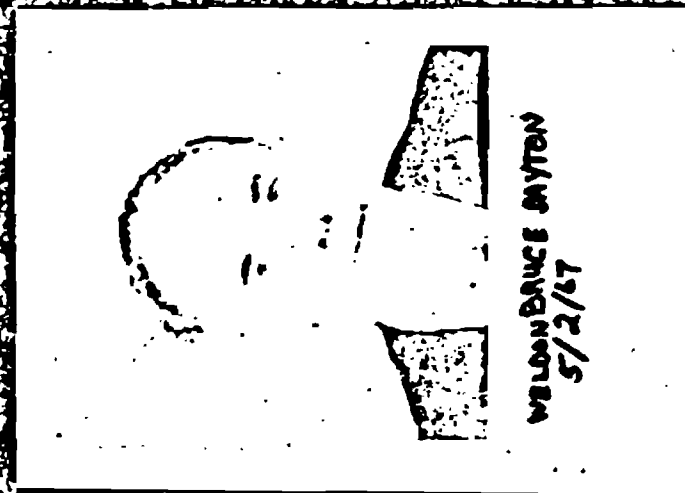
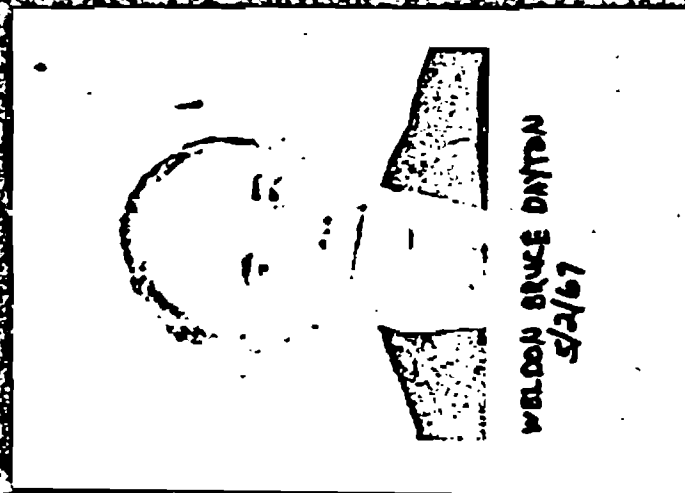
To Be Returned ☐ Yes☒ NoReceipt given ☐ Yes☒ No

Description:

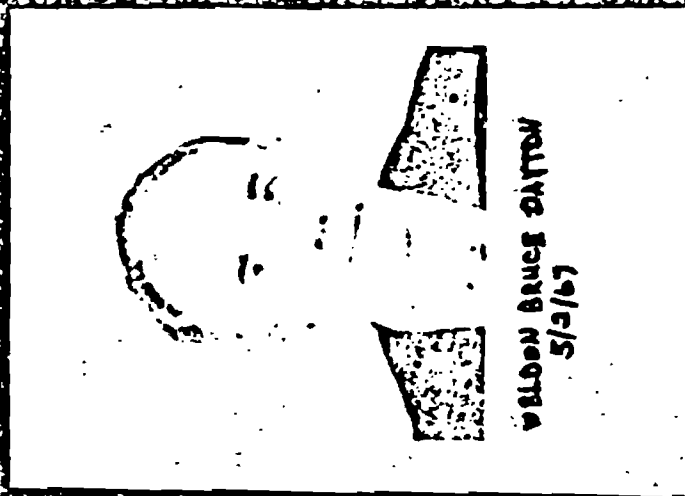
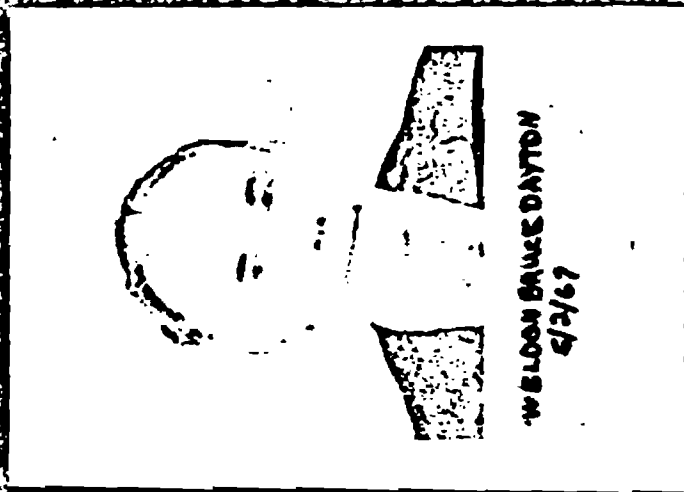
Negative and 6 prints of  
photograph of WELDON BRUCE DAYTON  
copied from his photograph attached  
to 1967 application

*One sent to secret service by FD-376 9/3/68*

**65-5087-1A8***79-21-071Cms**See Ser. 360*

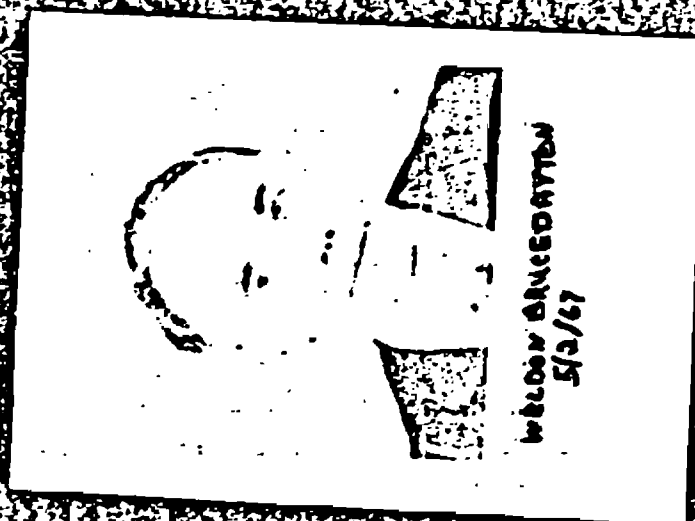
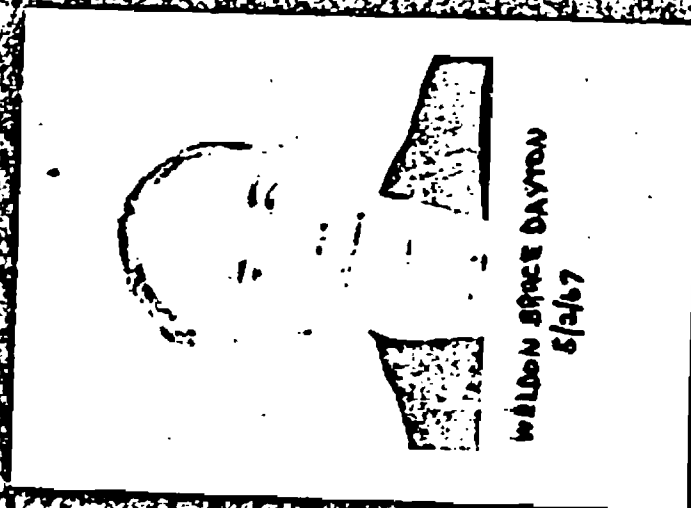


65-5087-108



65-5087-108





65-5087-1aB

Los Angeles

File No.

65-5087-1A4

Date Received

6-15-59

From

Passport Application

(Name of Contributor)

Dept of State

Washington D.C.

(Address of Contributor)

By

Howard Fletcher Jr

(Name of Special Agent)

To Be Returned

Yes

No

Description:

5 copies with negative of

[REDACTED]

65-5087-1A4



Julius Rosenberg EtAL

Referral

Passport

Office

No. 6

Reviewed by: BR

PACKET 6

AGENCY Passport

Subject and File Number		Serial	Date	Document Description	No. of Pages	Actual Release
Weldon Dayton HQ 65-59336		248	5/2/55	INTERNAL MEMO w/ encl.	2/191	2/191
Weldon Dayton HQ 65-59336		238 EBF	5/2/55	INTERNAL MEMO w/ encl. DUP. COPY OF ABOVE -	2/191	0
<p><i>This serial was not enclosed in this packet due to its size. 65-59336 - 238 EBF is an exact copy of 65-59336-248</i></p>						

cc - Mr. Boardman  
Mr. Belmont  
Mr. Langan  
Mr. Lee

# Office Memorandum • UNITED STATES GOVERNMENT

TO : L. V. Boardman

DATE: May 2, 1955

FROM : A. H. Belmont

SUBJECT: WELDON BRUCE DAYTON  
ESPIONAGE - R  
PERJURY

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

There is attached a transcript of the proceedings of the Hearing Panel, Board of Passport Appeals, held on 3/29/55 in connection with Dayton's appeal from a denial of a passport to travel to India. Dayton has been investigated since July, 1950, due to his association with Alfred Sarant, suspected member of the Rosenberg espionage ring. Shortly after the arrest of Rosenberg in 1950, Sarant fled the U.S. with Dayton's wife and their present location is unknown. Sarant maintained an apartment at 65 Morton Street, NYC, believed to have been used by the Rosenberg ring for espionage purposes. Dayton has been identified by four witnesses as having been at this apartment in January, 1950, with William Perl, another suspected member of the Rosenberg ring. Dayton denied this before a Federal grand jury, January, 1951; a possible perjury indictment was considered by the U. S. Attorney, Southern District of New York, but no prosecutive action was authorized. Dayton is included on the SI. Dayton is now employed at Corning Glass Company, Buffalo, NY. In June, 1954, Dayton was denied a passport for travel to India and he appealed this denial to the Board of Passport Appeals. A hearing was held January 18, 1955, at which Dayton furnished the same information he gave to Bureau agents on interview and to the Federal grand jury.

ENCLOSURE. Another hearing was held March 29, 1955, at which time Floyd Elwyn and Mr. and Mrs. Floyd Elwyn, Jr., testified. Elwyn, Jr., is superintendent at 65 Morton Street. He previously informed the Bureau agents he saw Dayton in the Sarant apartment in January, 1950, and also saw him in the hallways on a couple of occasions in 1949. Elwyn, Sr., is the former superintendent at 65 Morton Street and told Bureau agents he saw Dayton around the premises in 1949. Mrs. Elwyn, Jr., told Bureau agents she saw Dayton storing furniture from the Sarant apartment in the basement in January, 1950. In his testimony, Elwyn, Jr., testified to substantially the same information he gave Bureau agents except he was confused as to the months and years of the occasions on which he saw Dayton. Mrs. Elwyn, Jr., furnished the same information she gave Bureau agents and had the dates correct. Elwyn, Sr., gave substantially the same information but was vague on dates. Dayton also testified briefly and again denied ever being at the Sarant apartment. Copies of this testimony are not being furnished to the Department as no purpose would be served in so doing.

Enclosure

65-59336

JPL:mg

(5)

RECORDED-35

50 MAY 13 1955

65-59336-248

SEC

ACTION:

There is attached for your approval a letter to the Buffalo office, with copies for New York, transmitting Photostats of the attached testimony, instructing Buffalo to review the same and incorporate it in the next report.

LIMITED OFFICIAL USE

# TRANSCRIPT OF PROCEEDINGS

HEARING PANEL  
of the  
BOARD OF PASSPORT APPEALS

In the Matter of:

WELDON BRUCE DAYTON

Room 5012  
General Post Office Bldg.  
New York, New York  
Tuesday, March 29, 1955  
10:05 a.m. - 3:30 p.m.

DEPARTMENT OF STATE

Washington, D.C.

LIMITED OFFICIAL USE

65-59336-248

LIMITED OFFICIAL USE

HEARING PANEL  
of the  
BOARD OF PASSPORT APPEALS

In the Matter of:

WELDON BRUCE DAYTON

Room 5012,  
General Post Office Bldg.,  
New York, New York.  
Tuesday, March 29, 1933

Hearing in the above-entitled matter was reopened  
at 10:05 a.m., Mr. Belton O. Bryan presiding.

MEMBERS OF THE PANEL:

Mr. Belton O. Bryan, Chairman

Mr. S. Houston Lay, Member

Mr. Leonard H. Price, Member

REPRESENTING MR. DAYTON:

Mr. Harry I. Rand,  
Wyatt Building,  
Washington, D. C.

CONSULTANT TO THE PANEL:

Mr. John W. Sipes, O/SC,  
Department of State

LIMITED OFFICIAL USE

Testimony by:

Pages

Mr. Floyd C. Elwyn, Jr.	4 - 140
Mrs. Floyd (Jeanne) Elwyn, Jr.	142 - 157
Mr. Floyd Elwyn, Sr.	157 - 182
Mr. Weldon Bruce Dayton	183 - 188

Reported by: V. R. Voca

[The Board was convened at 10:05 a.m.]

THE CHAIRMAN: The Board of Passport Appeals of the Department of State will be in order for the purpose of further consideration of the appeal of Mr. Weldon Bruce Dayton.

We referred at the earlier hearing on January 18, 1955 to the Board's efforts to obtain additional information giving rise to a need for a further session of the Board, with particular reference to the possibility of witnesses being offered in confrontation of Mr. Dayton.

The Board has assembled here in New York City for the purpose of receiving, at its invitation, the testimony of Mr. and Mrs. Floyd Elwyn Jr. and Mr. Floyd Elwyn Sr. I believe Mr. Rand, attorney for the appellant, was orally advised by the Board's Counsel on March 22, 1955 of the Board's intention to take the testimony of the aforesaid witnesses. Mr. Rand and his client, Mr. Dayton, were invited to be present at this time and place, and were informed that they would be accorded the opportunity of reasonable cross examination. A written invitation to Mr. Rand and, through him, to Mr. Dayton was extended by the Board's Counsel under date of March 22, 1955.

I would like the record to show the presence of Mr. Weldon Bruce Dayton and his attorney, Mr. Harry I. Rand.



Again, gentlemen, I'd like to say that this proceeding will be informal. It's the purpose of the Board to try, in the best of its competence and ability, to get at the truth, to try and ascertain what were the facts involved in the so-called alleged visit by Mr. Dayton to New York City on or about July-August 1949; and, in particular, the question of whether or not Mr. Dayton actually did in fact visit the apartment formerly occupied and under lease by Mr. Alfred Sarant, and more particularly, 65 Morton Street, Apartment 6-I.

It's our purpose this morning to call in these witnesses who voluntarily agreed to appear for the purpose of trying to establish these facts. It will be up to you gentlemen to put into evidence whatever case you want to establish on behalf of your client. At the same time, we are very anxious here to afford an opportunity to all concerned to try and find out what are the actual facts which surround this particular incident. So, with that background, I think perhaps the best procedure at this moment would be to actually call in the witnesses one by one, and have them in turn try and relate their familiarity with these facts, of their knowledge, and to afford you gentlemen a reasonable opportunity to cross examine them to determine whether or not in fact their knowledge is real. Is

that agreeable to you, Mr. Rand, as Counsel for appellant, as a means of procedure?

MR. RAND: I have no objection to that procedure, Mr. Chairman. As I understand it, these persons have been invited to come here by the Board.

THE CHAIRMAN: That is right. And we want to give you an opportunity to cross examine them a reasonable amount, as to their knowledge or alleged statements with respect to this incident.

MR. RAND: We appreciate that opportunity, Mr. Chairman.

THE CHAIRMAN: I think it is clear that the witnesses have appeared voluntarily and not by any subpoena or other process.

MR. RAND: I gather that, because all witnessed, I take it, before the Board must appear voluntarily since there is no subpoena process.

THE CHAIRMAN: That is right. I just wanted to make it clear. Mr. Counsel, if that is in accordance with your wishes, let's proceed on that basis, and for the first witness we will have Mr. Floyd Elwyn Jr.

MR. RAND: May I suggest, Mr. Chairman, unless it doesn't conform with the wishes of the Board, that I think it might be more conducive to an exploration of this

matter if Mr. Floyd Elwyn, Sr. were called first. As I understand it, at least from the information that I have gotten indirectly through Mr. Dayton, which he in turn I gather has gotten from numerous sources including the FBI, it is alleged that it was Mr. Floyd Elwyn, Sr. who was somehow related to this apartment prior to his son's becoming related to the apartment.

THE CHAIRMAN: We had thought of that, Mr. Rand, and frankly I think it was the agreement of the panel here that we take them in the other order, but with an opportunity to in any way try to cover it all. So, as a matter of procedure, we prefer to go ahead on the procedure of calling the younger Elwyn and his wife and later Mr. Elwyn, Sr. I don't believe that does great injury to your case.

MR. RAND: I really don't know. I have never met these witnesses and I don't know what they are going to say, if anything, so I couldn't tell now.

THE CHAIRMAN: I think that is equally true here. We haven't met them either.

Whereupon

Board of Inquiry  
5-51-57  
FLOYD C. ELWYN, JR.

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

THE CHAIRMAN: Mr. Elwyn, would you identify yourself for the record at this time, giving your full name and address?

A My name is Floyd C. Elwyn, E-l-w-y-n, 65 Morton Street, New York City, Superintendent of the building.

THE CHAIRMAN: How long have you resided there?

MR. PRICE: Floyd Elwyn, Jr.?

A No. My father doesn't use the middle initial, you know. At times they call me Junior. He doesn't use the initial. I have resided there now since, let me see, just about six years I believe I have resided there continuously.

QUESTIONS BY THE CHAIRMAN:

Q Since about 1949?

A That's right, sir.

Q Do you recall roughly the month?

A I came there in October.

Q Of '49?

A Of '49, yes.

Q I see.

A I had been down to the other house, the Barrow Street house, where my father lived on and off. As far as being around the buildings, I have been around the buildings

ever since they were built.

Q In what year would that be?

A The buildings were built about 30 years ago.

Q About 30 years ago?

A Yes.

Q So periodically you have frequented the premises there at 65 Morton Street?

A That's right.

Q In your own words, Mr. Elwyn, would you like to relate for the information of the Board here your knowledge of the applicant, Mr. Dayton, whether you have ever seen him before and, if so, under what conditions and such times as you have seen him.

A Yes, I have seen Mr. Dayton. I seen him, I think, for the first time--the exact date, to go back to it right now, the exact date was when he was in the apartment, Apartment G-1, at 65 Morton Street.

MR. STILES: When did you fix that date? Approximately what date?

A Approximately, that was around 1949 or '50. Now, possibly I am a little bit mixed up on dates right now. It has been quite a long time since things have passed.

THE CHAIRMAN: Can you relate this back to any particular event, such as when you were employed there or prior to that time?

A Well, I was employed there at the time, so it was only a short time after I was there.

THE CHAIRMAN: I see.

A Possibly a year. I don't think it was quite a year after I was there.

MR. PRICE: Do you recall the time of the year?

A You seem to have me there, the time of the year, you know; but if I'm not mistaken, it was in September or October, probably in the fall.

THE CHAIRMAN: Probably in the fall?

A That's right.

THE CHAIRMAN: And this is the gentleman [indicating Mr. Dayton)?

A [Nodding his head]

MR. RAND: The fall of what year, sir, may I inquire? What year, September or October of what year?

A That would be about '50.

QUESTIONS BY MR. SIPES:

Q This was the first time you saw Mr. Dayton?

A That is the first time I seen him. I will tell you the truth, I might have seen him before, but to really know anything about him was in that time--because I have seen so many people coming in and out of that apartment, I have seen people coming in and out of that apartment which

known as the "ghost" apartment.

Q How did you know this particular person was Mr. Dayton? How did you associate the name?

A Well, I will tell you. I really identified Mr. Dayton. I couldn't really get his name. I know mail had come for Dayton and he had been the only one there at the house that must have been taking the mail out of the mailbox. The mailman asked me for Dayton and a number of other names, you know, what apartment they lived in.

Q Did you have any conversation with Mr. Dayton?

A The day I went up, Mr. Dayton was sitting at the table, at a card table, in the living room. He was having crackers and milk and that is when I informed him that they had to get out of that apartment.

Q You went up to the apartment?

A That's right, sir.

Q And went into the apartment to give them notice to get out?

MR. RAND: Mr. Chairman, I realize this is informal. However, it is extremely important to us, and may I please urge the Chair to ask Counsel not to ask leading questions on direct. I would appreciate it.

THE CHAIRMAN: Would you rephrase your question.

MR. RAND: I appreciate it that this is an informal

proceeding, but I think it's extremely important to keep within the confines of the proper question.

THE CHAIRMAN: We will ask Counsel to restate his question.

QUESTIONS BY MR. SIPES:

Q What was the purpose of your going up to the apartment?

A I had been notified by my office that Mr. Sarant, who was the lessee that had the apartment, had notified them that the apartment was to be empty and would be empty by the first of the month. And they also notified him that the apartment was empty as now, at that time. And I went up to see really if there was anybody in the apartment or if the things were out of the apartment or not. When I rang the bell I got no answer but when I unlocked the door, this fellow (indicating Mr. Dayton), who I know is Mr. Dayton now and have known for quite some time afterwards, jumped up from the table. He was sitting at a card table on a card table chair.

Q What did he say?

A He said he would notify Mr. Sarant.

Q Who said that?

A Mr. Dayton did. He said Mr. Sarant told them that they could live there for the month.



## QUESTIONS BY MR. PRICE:

Q Who are "they"?

A Well, there was other people in and out of the apartment.

Q You don't recall who they were?

A Well, there was ~~Finestone~~ Finestone is one, and ~~Peri~~ Peri had been in and out of there, I forget what his first name was, and--let's see, I can't just recollect the rest of the names now, but they were all supposed to be coming in and out of the apartment.

Q Were they living there?

A Well, between me and you, I think it was just a hangout. It was just a hangout.

THE CHAIRMAN: Was anyone else in the apartment the morning you went in and found Mr. Dayton?

A He was all alone that morning.

THE CHAIRMAN: He was eating crackers and milk?

A That's right.

MR. STILES: Was this the only occasion on which you saw Mr. Dayton?

A No. I seen Mr. Dayton afterwards, when they moved the furniture from the apartment downstairs.

MR. STILES: Can you tell us about that?

A That was on--I'll try to recollect--it was

either a Saturday or Sunday morning they moved.

MR. RAND: Can we have that placed by date, please?

THE CHAIRMAN: The witness is trying to recollect now, Mr. Rand.

A So that would be in 1950 too.

MR. STILES: Do you recollect the month? You said Saturday or Sunday, the day of the week and the year now, and now can you place it by month, Mr. Elwyn?

A I'm just trying to figure back according to the way we rented that apartment. We rented that apartment to another party.

MR. PRICE: Is there any regular time when leases there are terminated?

A No, they are supposed to terminate on October 1, but we have them terminating at all times. That was possibly it, I'm a little bit confused on the exact month, whether that was September or October. It was towards the last of the month. I'm a little bit confused.

MR. RAND: That is in 1950?

A That would be 1950.

QUESTIONS BY THE CHAIRMAN:

Q Who were the landlords at that time? I would assume that the records might indicate that.

A The 65 Morton Street Realty Corporation, 310 East 55th Street. You see, their records would show. You see, I generally keep a record myself when people come in and when they leave.

Q Who occupied those premises after Mr. Dayton?

A We have one party who is still there.

Q And they are the party who came in after you observed the furniture being moved out?

A That's right.

Q Do you know who these tenants were?

A Mr. and Mrs. Thomas Donovan.

QUESTIONS BY MR. SIPES:

Q You have mentioned moving furniture. Could you tell us any more about that, Mr. Elwyn?

A Well, that was moved downstairs.

Q Who participated in the moving?

A Well, there was Finestone, Dayton, Perl-- there was a fourth man but I can't remember his name. I can't remember his name. There was a fourth man and I identified the man before. I identified him, but just to remember his name, I can't remember his name.

Q Did Mr. Dayton give any indication of knowing the other gentlemen involved in the furniture move?

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

A I was just coming to that point myself.

THE CHAIRMAN: Why don't you withdraw that question, Mr. Rand?

MR. RAND: You may as well leave it in now.

THE CHAIRMAN: He doesn't have to answer it. You can withdraw the question and let Mr. Elwyn relate the facts and circumstances around this.

A I can relate the facts and circumstances that I know about these people. They were all very friendly. They knew each other, every one of them. They were all very friendly. They were even joking about moving the furniture down, and stuff. So I don't think, if they wasn't friends they would be joking around.

QUESTIONS BY THE CHAIRMAN:

Q How long did it take them to actually transact this move?

A Oh, I guess it took about an hour, because that is from the sixth floor to the basement.

Q Was the furniture completely moved out of the premises on that date?

A Yes, it was. And they left, it was taken to the basement but it wasn't completely off the premises.

It was in the basement, left in the basement and--what was it now--sometime later the bed, the daybed like, sofa or whatever you want to call it, what was left of it, was carried out by Mr. Dayton, if he remembers correctly, with another gentleman, and they went up Morton Street towards Seventh Avenue. They went up the rear stairs into the hall and out the main door, if he remembers correctly.

Q Whose furniture was this, Mr. Elwyn?

A The furniture, I had all sorts of reports on who the furniture belonged to.

MR. RAND: Mr. Chairman, apparently the gentleman does not know. He had reports. May I therefore suggest that he not pursue that line.

QUESTIONS BY THE CHAIRMAN:

Q The furniture was in the custody of Mr. Elwyn, was it not?

A That's right. It was left in my custody.

Q And to whom did you release the furniture?

A That furniture was taken out when I wasn't home one day. We never looked it up. I told them that we would not be responsible for it, which they were told. We didn't look it up, which we had no right storing furniture in the basement, doing anything against fire department rulings.

Q So, to your knowledge--

A Now, wait a minute, sir, as to the rest of the furniture going out, that was taken when I was not home.

MR. PRICE. Was anybody there?

A Well, possibly my porter was around, but I have questioned him and he said that he didn't remember seeing anybody come because generally on a Saturday or a Sunday we only have one man on to cover two houses. That is the Barrow Street and the Morton Street houses, and he could have been over there while the stuff was going out, because what was left there, between me and you, was nothing but junk. The furniture was not what I would call furniture.

MR. SIPES: Did you see Mr. Dayton on any other occasion?

A Yes. I seen Mr. Dayton for the FBI service. I identified Mr. Seaton.

MR. RAND: Who is Mr. Seaton?

A Mr. Seaton is a tenant. I was just--he is a tenant in the house. He has nothing whatsoever to do with anything. But Mr. Dayton, I identified him for the FBI service when he was brought from a plane to the Newark Airport. I shook hands with him and for some reason or other Mr. Dayton seemed very nervous when I shook hands with

him at the Newark Airport. Why, I cannot say.

MR. RAND: May we have that dated, please, that incident? May we have that dated by the witness?

THE CHAIRMAN: Do you recall that date?

A That date I could not recall.

MR. SIPES: Do you recall what year?

A That would be kind of hard. I think it was maybe six or seven months after he had left.

MR. RAND: What year would that be?

A I am going to take a guess at it, which will be only a guess, possibly in 1951, possibly. It might have been in 1950, after he had left. You see, I'm guessing at these dates. It's really kind of hard for me to remember the dates, the exact time.

MR. PRICE: Do you recall the time of the year? Were you wearing a coat? You went out to the airport, you say.

A I went to the airport. I don't think we had heavy coats on. It seems though it was possibly in the spring. To be truthful with you, I wouldn't want to say, because all that would be on record with the other Service.

QUESTIONS BY THE CHAIRMAN:

Q You referred earlier, Mr. Elwyn, to the fact that mail had arrived at this particular address for

Mr. Dayton. Who else would have knowledge of that fact?

A Well, possibly the mailman on the route.

Q Is he still there?

A Let's see, no, we have a new mailman on that route now.

Q Do you recall the name of the mailman at the time?

A I can only recall his first name right now-- John. He is a tall fellow, about six foot tall. I know he is on another route there in the Village.

Q He is now?

A Yes.

MR. PRICE: Was he on that route very long?

A Oh, he had been on that route quite a number of years.

MR. STILES: Did you see Mr. Dayton on any other occasion after the FBI incident that you recounted <sup>until</sup> today?

A After that I seen Mr. Dayton once after that and that was in the FBI Headquarters in Foley Square, when I had nothing whatsoever to say to him. All I was there for was to identify him.

MR. RAIND: Can we have that dated, please?

Can we have that dated, Mr. Chairman, that incident?

THE CHAIRMAN: All right.



## QUESTIONS BY THE CHAIRMAN:

Q Do you recall the date, Mr. Elwyn?

A No, sir, I do not recall the date.

Q It was a hearing on Foley Square?

A They had a hearing.

Q What was the hearing? Do you recall the hearing?

A I wasn't in at the hearing. We wasn't in at the hearing. We were just outside to identify him. We were outside in a room to identify the different ones that come in. And then after they were called, then we were allowed to go.

Q Do you recall who was present at the airport when you shook hands with Mr. Dayton at this time you indicate he was seemingly very nervous? Was there anyone else present?

A Well, I had my Mrs. with me and I had my father with me. And--would you want the names of the FBI officers, or is that necessary?

Q You were in the company of some FBI men, were you, Mr. Elwyn?

A That's right, sir. I don't know whether it would be necessary to name them or not. But all the times, except the first and a couple times at the building to see

Mr. Dayton, I was not accompanied by FBI officers. All the rest of the times I was accompanied by them.

MR. PRICE: Do you recall approximately how long after the airport meeting this hearing occurred? I mean, isn't there some sort of---

A There was so much went on at that time, because I was called not only into this case but on numerous others, that I wouldn't want to get everything mixed up. There were numerous others that I was called in on. There were numerous other things that had turned up that I had to be called on and, as I say, I was called so often and so many times, to be exact I couldn't tell you.

THE CHAIRMAN: Do you have any further questions, Mr. Sipes?

MR. SIPES: I don't think so.

THE CHAIRMAN: Would you like to question the witness, Mr. Rand?

MR. RAND: Yes, I would like to.

QUESTIONS BY MR. RAND:

Q Mr. Elwyn, how old are you?

A Well, I'm now 49 or 48; I'll be 49 this birthday.

Q Where were you born?

A I was born in Flushing, Long Island.

Q Do you have any sisters or brothers,  
Mr. Elwyn?

A I have two brothers.

Q What are their names?

A I don't see where I should have to give my  
brothers' and sisters' names.

THE CHAIRMAN: What is the purpose of your ques-  
tion, Mr. Rand?

MR. RAND: Mr. Chairman, I don't know this man;  
I certainly have a right to inquire into his credibility.

THE CHAIRMAN: As to the members of his family?

MR. RAND: There may be something connected with  
the members of his family which has caused him to testify  
in this matter. I have a right to inquire under that. I  
don't know him. I have had no way, as the Government has,  
of making a complete investigation of this witness. And  
any reasonable cross examination in the proceeding cer-  
tainly ought to permit an inquiry into the background of  
the individual, and the background of the individual clearly  
must involve his familial background.

THE CHAIRMAN: I think that is true. But I think  
we are perhaps getting out a little bit in left field when  
we go into the question of the members of his family, sisters,  
brothers, uncles, aunts and nieces and all that sort of

thing. I think that we can go ahead on what is considered a reasonable cross examination, but I would hate to see us get into a periphery line of questioning here that would probably lead us nowhere. But let's go ahead on the basis now that you started and try to keep the thing pretty well narrowed down to the incidents of the case.

MR. RAND: Mr. Chairman, I will try to keep it narrowed down, but I must inquire into this man's background and find out a little bit about him before I can determine the line of questioning here.

QUESTIONS BY MR. RAND:

Q May I have an answer. What are the names of your brothers, Mr. Elwyn?

A Well, I got a brother, Arthur Elwyn. I got nothing to cover up on them. There is not a damned thing wrong with them.

Q I was not suggesting that. I just want the names of your brothers. Arthur Elwyn, and who is the other one?

A Henry Elwyn.

Q And where do these brothers live, Mr. Elwyn?

A Well, one of them lives in Union, New Jersey. The other one lives in Stamford, New York.

Q And what are their occupations?

A Well, Arthur Elwyn is a steward on the Lackawanna Railroad.

Q What about Henry?

A Henry is, well, just a general worker. As far as I know, he is just a general worker. I don't know what he has been doing. I haven't seen him in a couple of years.

Q How long did you live in Flushing, Mr. Elwyn?

A Well, I guess until I was about two or three years old, that is about all. I don't know.

Q Where did you live after that, sir?

A Well, I moved all around the country.

Q Supposing you tell us where you have lived since leaving Flushing.

A Well, from Flushing we came to New York City and lived in New York City.

Q What part of New York City, Mr. Elwyn?

A Well, around Greenwich Village, where I have lived for years.

Q How long did you live there, sir?

A Well, I don't know--all my life.

Q Well, you say you have been around the rest of the country.

A Yes. We lived in Norwich, New York, on a

farm during 1917.

Q Where else, other than New York, have you lived, Mr. Elwyn?

A Well, Norwich, New York and New York State I have lived; never lived out of it except when I was in the Army.

Q When were you in the Army, sir?

A I went in the Army in 1943. I was in for 15 and a half months.

Q In what capacity, what rank, sir?

A I held the rank of Sergeant, Staff Sergeant.

Q And where did you serve during those 15 and a half months, Mr. Elwyn?

A I was training in the camps here in the United States. I was with the Combat Engineers.

Q In what year did you say you were born?

A I didn't say. It's 1907.

Q Where did you go to school, Mr. Elwyn?

A Well, I went to school--most of it was, you might as well say, my school days was between New York here, when I was a kid in the lower grades, and then in Norwich, New York, I went to school there.

Q Did you go to high school?

A I only put in part of a year at high school.

and had to quit because my father was sick. I had to take care of the family.

Q When was that you left high school?

A Well, that was when I was about 14 years old.

Q That was about 1921 then?

A About that, that's right.

Q Your family was living in Norwich at the time?

A That's right.

Q And did you then go to work on the farm, or did you get other employment?

A I worked on the farm. He ran the farm. We owned a farm at the time.

Q How long did you remain on the farm?

A Oh, about four years, I should say.

Q What did you do in terms of employment afterwards, Mr. Elwyn?

A Afterwards I came to the City of New York and went to work.

Q Where did you work, sir?

A I worked for the 65 Morton Street Corporation, which I work for today. That was my first employer.

Q You started working there about 1925?

A I should say about that, yes.

Q In what capacity were you employed there?

A Well, I was porter-handyman.

Q Porter-handyman, at what property, sir?

A At 65 Morton Street.

Q And have you been working for the 65 Morton Street Corporation ever since 1925?

A No, sir.

Q What other employment have you had, other than the Army?

A I worked 17 years for the IRT Rapid Transit Subway.

Q In what capacity?

A Signal maintainer.

Q When did you leave that?

A I left that about the year 1948.

Q When you left that, did you leave that in 1943 to go into the Army?

A Yes, I did.

Q And did you return to the IRT after you came out of the Army?

A That's right. My job was kept open for me.

Q Can you tell us why you went into the Army in 1943, Mr. Elwyn?

A I was drafted, the same as plenty of others.

Q And after 15 and a half months, were you discharged?



A That's right.

Q On what grounds, sir?

A Medical discharge.

Q Was there an injury you suffered?

A An injury to my knee, that's right, sir.

Q Now, in 1948 you left the IRT to come back to the 65 Morton Street Corporation?

A No, sir, it was one year at Woodstock in New York.

Q What were you doing there, at Woodstock, Mr. Elwyn?

A I was working as a clerk in my uncle's general store. Well, it wasn't really a general store. It was like one of those super markets he built.

Q Why did you leave the IRT, Mr. Elwyn?

A Because of nervousness and I couldn't, after coming out of the Service and coming back, I couldn't stand being on the tracks with the trains. I could not stand it. So I gave it up.

Q What do you mean by you "could not stand it", sir? What did this do to you?

A Well, when your nerve system--well, if you cannot have your mind completely on your job, which I have had men working beside me, they wasn't there by not having

their mind on their job, when I looked around.

Q How long had you felt nervous before you left the IRT, Mr. Elwyn?

A Well, I had been nervous since I came out of the Service.

Q Was your medical discharge given to you because of nervousness?

A No, sir.

Q Had you complained of nervousness in the Service?

A That's right.

Q And had you been examined on that account?

A I had.

Q And what had the doctors told you about that, Mr. Elwyn?

A They just said it was due to fatigue.

Q Had you ever served overseas, sir?

A No, sir.

Q Had you ever been in combat?

A No, sir, not actual combat.

Q Just in training, is that right?

A That's right. And sometimes that can be worse than overseas duty.

Q What form did this nervousness take? Did it

take any particular form in terms of exhibiting itself?

A He, sir. It just made me nervous that I couldn't concentrate on my job, that is all.

Q And that occurred about 1944 or '45, when you left the Army? Just about that time you began to feel that way, is that right, sir?

A I felt that way, yes.

Q Have you been feeling that way pretty much since, Mr. Elwyn?

A Since I have got away from the subway where I have a possible chance of saving my life, I have got over the nervousness one hundred percent. In the one year that I was away in the country and getting away from those subway trains and stuff, my nerves has quieted down so it does not bother me practically one particle.

Q You still take some medication, do you?

A I do not.

Q Do you ever see a physician, Mr. Elwyn?

A I go once every year to see my physician.

We all should have medical checkups.

Q This doesn't bother you, you say?

A No, sir, not one particle.

Q Have you ever been arrested, Mr. Elwyn?

A No, sir, I have not.

Q Have any of your brothers ever been arrested?

A Not that I know anything about.

THE CHAIRMAN: I don't think that is relevant.

I think that is beside the question, Mr. Rand. I don't think it has any relevancy whatsoever.

A I don't think that has anything to do with the case.

QUESTIONS BY MR. RAND:

Q As I take it, you stayed in Woodstock from 1948 to about 1949, Mr. Elwyn?

A That's right.

Q And then in the fall of 1939, about October, you came back to work for 65 Morton Street?

A Not '39. No, '49. You said '39.

Q I'm sorry. I meant 1949. That was about in the fall of 1949 you came back to 65 Morton Street?

A That's right.

Q Now, how many properties did the corporation have at the time, did you say, Mr. Elwyn?

A I didn't say.

Q I'm sorry. You did mention Barrow Street, I believe.

A I just said we have at that building two properties, right at that place.

Q There are two properties they have?

A Two buildings.

Q And when you came back in late '49 were you employed as Superintendent?

A That's right.

Q Had your father been employed there before you, sir?

A He was employed at the Barrow Street house, which he still is, as Superintendent.

Q He had never been employed at <sup>the</sup> 65 Morton Street house?

A Years ago he had been in the Morton Street house, yes.

Q About how long was that, sir?

A Oh, let's see, he came in the Morton Street house I guess in about 1923. That is when he came in.

Q And when did he leave it?

A Oh, he left it for one year to go to the country and then he came back and went into the Barrow Street house. So the exact date I don't know. He wasn't long away and then he had charge of the Morton Street house and the Barrow Street house together for a few years, which I don't know how many.

Q When you came back to work in late 1949, your

father was then Superintendent of the Barrow Street house, is that right, sir?

A He was Superintendent, taking charge of both buildings at that time.

Q I thought you said he had not been at the Morton Street house, that he had been at the Barrow Street house?

A I just told you. What are you trying to do, mix me up?

Q You answer my question, please.

THE CHAIRMAN: Let's pursue this in a rather calm, deliberate way. Mr. Elwyn is here by invitation, Mr. Rand, and if he elects to not answer a question, there is nothing we can do about it. It's strictly up to him as to what he cares to answer and I think that he should be governed by that.

MR. RAND: I didn't so understand, Mr. Chairman. I don't think a witness can, by invitation, answer all questions on direct and refuse to answer some on cross.

THE CHAIRMAN: I think it's up to him as to what he thinks he should answer and what he decides he should not answer. He is here by invitation and I think it's on that basis we should proceed. There are no legal proceedings that we could initiate against him if he elected not

to answer a particular question, as you well know.

MR. RAND: May I take exception on the record to the Chairman's ruling in that respect and further take exception to the Chairman's advising the witness of his right of refusal to answer. May the record show that, please.

THE CHAIRMAN: Granted.

MR. PRICE: I would suggest changing that a little bit to encouraging the witness.

THE CHAIRMAN: We started out on the premise the witness was here to give a full disclosure of all facts and circumstances surrounding this particular incident within his knowledge.

A That's right.

THE CHAIRMAN: I'm saying now for the record if the Counsel goes into unrelated and seemingly unrelated fields that have no pertinency to this particular issue, I think the witness is well within his right to refuse to answer. Would you like to say something on that, Mr. Sipes?

MR. SIPES: This is not a court proceeding.

MR. RAND: Mr. Chairman, will the record show we take exception to that ruling?

THE CHAIRMAN: Yes.

QUESTIONS BY MR. RAND:

Q Mr. Elwyn, you apparently returned from Woodstock, New York, and were employed as the Superintendent by 65 Morton Street in late 1949. At that time, I ask you, was your father employed by 65 Morton Street?

A He was.

Q And in what capacity was he employed by 65 Morton Street, sir?

A Superintendent.

Q Superintendent of what properties?

A At that time he was Superintendent--when I first came here he was Superintendent of both properties.

Q And this is in late '49 you are speaking of?

A That's right.

Q Did he have an apartment accorded him by the employer?

A That's right.

Q And did the employer pay the rental for this apartment for him or supply the apartment free of rental?

A It was supplied according to his wages, which was allowed on his wages, which everybody is allowed on their wages.

Q Did he pay rent to the proprietor for the apartment, or did he get the apartment free of rent, sir?



A The apartment is considered part of your wages.

Q Well, Mr. Elwyn, can you answer my question, do you know whether your father paid a monthly rental to the employer/whether he did not pay a rental for his apartment?

A I consider if it's part of your wages you're paying rental.

Q Mr. Elwyn, where was this apartment which your father occupied?

A In the basement.

Q In the basement of what building?

A Of 85 Barrow Street.

Q How far away is 85 Barrow Street from 65 Morton Street?

A Just across the court.

Q Across which court, sir?

A There is a court between the two buildings, that is all.

Q Is this a rear court or a side court?

A It's a side court.

Q Is Barrow Street just one block from Morton Street in the Village, Mr. Elwyn?

A That's right.

Q How old a man was your father in the year 1949, if you know, Mr. Elwyn?

A Well---

THE CHAIRMAN: Mr. Rand, his father is here and will be the next witness. So I think, all that will be established for the record when his father testifies. If we could go ahead now.

MR. RAND: Mr. Chairman, I think this is quite relevant to the proceeding.

THE CHAIRMAN: Would you prefer him to answer how old his father is or would you like to ask that his father answer that question?

MR. RAND: I would be glad to ask his father too.

THE CHAIRMAN: I don't think this has any relation to the case.

QUESTIONS BY MR. RAND:

Q Mr. Elwyn, in 1949 you were employed as Superintendent. What happened to your father at that time, in terms of his employment?

A He was Superintendent of the Barrow Street house. He stayed in the Barrow Street house only. That split up the two buildings, so there would be two superintendents.

Q And you were designated as Superintendent of the Morton Street house, is that right, Mr. Elwyn?

A That's right.

Q And was an apartment assigned to you?

A That's right.

Q And where was that apartment?

A In the basement.

Q In the basement of the Morton Street house?

A That's right.

Q And did you pay rental for the apartment, Mr. Elwyn?

A I say it's considered part of my wages and I consider I pay rent for it.

Q How much are your wages, Mr. Elwyn?

A My wages is \$50.

Q For what period, sir?

A A week.

Q How many floors does the Morton Street property have, sir?

A It's a six-story building.

Q And how many apartment units are in the building, Mr. Elwyn?

A There is now 80 apartments.

Q Approximately how many occupants inhabit the

building, that is, how many people live in the building?

A Well, that I have never figured out.

Q How large are these apartments?

A Two, three and four rooms.

Q Can you give us an approximation of how many people live in the building, an average of how many people live in each one of these 80 apartments?

A Oh, approximately 350.

Q About 350 people?

A Approximately.

Q And will you say the same amount of people approximately live in the Bayrow Street property?

A There are 88 families there.

Q As compared to 80 in the Morton Street property, sir?

A That's right.

Q Since 1949, late 1949, when you came back to 65 Morton Street Corporation as an employee, have the apartments been pretty regularly occupied?

A That's right.

Q What are your duties as Superintendent, sir?

A My duties are to oversee that all repair work is done in the building and to rent apartments and collect rents.

Q You physically go around and collect the rents each month, do you, Mr. Elwyn?

A I do, sir.

Q You haven't been very busy in the last few years renting apartments, have you?

A No, sir.

THE CHAIRMAN: Why, because there has not been much turnover?

A No turnover whatsoever to amount to anything.

THE CHAIRMAN: When you indicated that one apartment, 6-I, you say the tenants living there now were there the past five or six years?

A That's right.

QUESTIONS BY MR. RAND:

Q Mr. Elwyn, can you tell us what you do during an average day as Superintendent? Try to relate an average day's work as Superintendent of this apartment.

A Well, I think it is pretty hard to say what your average day's work is because you have so many different things and you can not state an average day's work.

Q Well, suppose you consider yesterday. What did you do as your first job when you got up in the morning, Mr. Elwyn?

A Well, the first job in the morning you do which I do--I don't know what anybody else does--I get up and check my oil burner, see that everything is working properly.

Q And that oil burner is in the basement, is it, Mr. Elwyn?

A That's right.

Q And how long does that take you, sir?

A Oh, that will take about a half hour to properly check and clean it.

Q And what do you do after that, sir?

A And then I have to go through my halls and check to see that everything is all right.

Q Do you have an elevator in the building?

A No, sir, I walk up.

Q And do you walk through all the corridors?

A I walk through them.

Q How long does that take you, sir?

A Well, that takes some time. It depends on if you stop by anybody or anything, if anybody reports trouble or anything else.

Q And then what do you do after that, sir?

A Then after that I generally go eat my breakfast.

Q And about what time would that be, sir?

A That is generally around 8 o'clock in the morning.

Q And what do you do after that?

A And then I do my general repairs throughout the whole building.

Q And that depends pretty much on what calls have been made for repairs, is that right, Mr. Elwyn?

A And there is always a list on hand of repairs which you can never get caught up on in an 80-family building, you see.

Q How long does that take a day, sir?

A You're working at least six hours a day.

Q Doing these repairs?

A Sometimes longer.

Q When you do these repairs, you're generally in the apartment where the repairs are called for, is that right?

A That's right.

Q And not in the corridors of the building?

A That's right. You have to go in and out for different things that you need.

Q Mr. Elwyn, you say that the first time, if I remember your testimony, the first time you saw Mr. Dayton.

was when you went up to Apartment G-I and found him sitting at a card table, is that right? Or am I wrong in recalling your testimony?

A You're wrong when you say "sitting on a card table".

Q I'm wrong?

A When you say "sitting on a card table" you are wrong.

Q I'm sorry, sitting at a card table.

A That's better. That's right, that is what I said.

Q And that was in September or October 1950, is that right, Mr. Elwyn?

A That's possible. I could be wrong on the date.

Q How wrong could you be on the date, sir?

A Listen, I don't think if you had as much to do as I do, to remember the exact dates you couldn't remember them.

Q Mr. Elwyn, you realize that this is a pretty serious proceeding, don't you?

A I am telling the truth as far as everything goes and I still do not think that you can put any man's facts down to exact dates or within that, especially after this length of time.



Q Mr. Elwyn, you have said September or October 1950, is that right?

A That's right. I said possibly.

Q Could this have been September 1951?

A I doubt that very much.

Q Do you think that is too early or too late?

A That would be too late.

Q Or could it have been November 1950, sir?

A I don't think so.

MR. PRICE: You say you collect rent. Do you mind if I ask---

MR. RAND: May I pursue this line of questioning in justice to this incident?

MR. PRICE: Sure.

QUESTIONS BY MR. RAND:

Q Could it have been in August of 1950, sir?

A I think that is too early. And I think I am possibly right in around the time that I said.

Q So you would be pretty certain it would be somewhere in September or October 1950---

A That's right.

Q ---that you first saw him?

A That's right.

Q It certainly could not have been September or October of 1947? Because that is when you first came there, is that right?

A That's right.

Q When you came into Apartment 6-I, as I understand it, you came in because you had gotten a call from the office, is that right?

A That's right.

Q Who called you from the office, Mr. Elwyn?

A Mr. Gerrlock, the President of the Corporation.

Q What time of day was it that he called you?

A That I couldn't tell you.

Q Was it morning?

A That was in the morning, yes.

Q What day of the week was it, sir?

A That is what I don't know, I can tell you right now.

Q Could it have been a Sunday?

A No, it wasn't a Sunday.

Q It was a weekday, then?

A It was a weekday.

Q You don't remember the exact day, Mr. Elwyn?

A I don't.

Q Do you remember whether it was in early September or into September, Mr. Elwyn?

A I told you that. I gave you an answer to that before, I cannot remember the exact time, month or day. I told you that right out and now you're coming right back with the same question again.

Q That is right, I'm asking you the same question again.

THE CHAIRMAN: Mr. Elwyn, here's the thing, it is pretty important if you can possibly remember approximately when this was. I think it's awfully important for Counsel to try and pinpoint the nearest precise time that you can possibly recall when this thing occurred. And, if it would help you in any way to think for a few minutes and try to reconstitute your thinking at a particular time to see if any other facts or circumstances might bring to light the date which you have in mind, I think it would be very helpful. If you would like <sup>to</sup> just hesitate for a little while and try to relate these circumstances to other things which transpired, such as for instance the new occupants who came into the building, or something of that sort, both as to time of the year---

A That would be pretty hard, to try to figure out the day and anything like that. That would really be hard.

## QUESTIONS BY THE CHAIRMAN:

Q Could you, from your notes, sir, go back and try to estimate when this would be? I think you indicated a minute ago that you made notes as to when new occupants came into the building.

A Yes, I could. If I could refer back to that it would possibly help me, but it wouldn't give me the exact day. It would give me the day the new occupants came into the apartment, yes, but it couldn't give me the exact day that I was up there to the apartment to see this one or that one.

Q No, but it would narrow it down to a period of just a few weeks or so, would it not? You could pinpoint the year and perhaps the month on that.

A You see, if I knew the exact date, which I didn't look up, which I didn't look up, the exact date that the people took that apartment over, then I could give you the month, and possibly it's the last week in that month before they took over the apartment.

Q You don't have those notes with you?

A No, I do not. They are all kept in the book, in the records.

## QUESTIONS BY MR. RAND:

Q Mr. Elwyn, when Mr. Gerrlock called you, what

Q Did he tell you? What did he tell you, sir, when he called you?

A He said that he had gotten in touch with Mr. Sarant and that the apartment was given up and to take charge, complete charge of the apartment and take over immediately. He said, "And if there is anybody in that apartment, tell them to get out."

Q Why did he say that, Mr. Elwyn? As I understand your direct testimony, the rent was paid even beyond this time, was it not?

A When did I say that the rent was paid beyond this time?

Q On your direct testimony.

A You look back in the record and read back and you will find out I didn't say anything about the rent being paid on the apartment.

Q Had Mr. Sarant fallen behind on his rent?

A That is what I do not know.

Q Did Mr. Gerrlock say he had?

A I do not know. Mr. Gerrlock never mentioned that to me.

Q Did you go up to this apartment on the last day of the month?

A No, I did not.

Q Weren't rents paid monthly in advance, sir?

A Sometimes, yes.

Q Where they were paid, they were paid for a month, were they not, Mr. Elwyn? They were supposed to cover a 30-day or a 31-day period, were they not?

A They are supposed to, yes.

Q And Mr. Gerrlock never told you on the telephone that the rent had not been paid for Apartment 6-1 for that month?

A No, he did not.

Q And, Mr. Elwyn, Mr. Gerrlock told you on the telephone that you should get up to that apartment and get rid of anybody in the apartment, is that right?

A That's right. Because Mr. Sarant told him that he had possession of the apartment immediately.

Q Told him what?

A Mr. Sarant told him that he had possession of the apartment immediately.

Q And so Mr. Gerrlock told you to go upstairs and throw out whoever was there, is that right?

A He said to get out whoever was there, not throw out.

Q To get out?

A That's right.

Q And what did you do, after you had hung up your telephone, with respect to this matter?

A Well, I had another job to do that I done first.

Q What job was that, sir?

A Well, there is always jobs that you can do.

Q I want to know what job it was that you did on that day before you went up to the apartment, up to Apartment 6-I, Mr. Elwyn.

A Well, I don't---

THE CHAIRMAN: Did you recall---

MR. RAND: Mr. Chairman, he testified he did another job first on that day. I want him to tell us what job that was.

THE CHAIRMAN: I asked him did he recall---

A That is what I was trying to recall, sir. If I recall it right, I'm not sure now for certain whether that was the morning that the porter came down out of the hall from sweeping the hall, the lower hall, that he told me that the door, the electric door lock was buzzing completely and I went up there and removed that.

QUESTIONS BY MR. RAND:

Q And you say that was on that day, when you got Mr. Gerrlock's call?

A It's possible that was the trouble that day that I went on to do.

Q Is it possible, or are you certain now that it was that day, Mr. Elwyn?

A I said it's possible.

Q Then you're not certain, is that it?

A I'm not certain that was the exact job I had to do that day, but it seems though that is the case where it came to my mind right now.

Q Are you certain that you had a job to do before you went up to Apartment 6-I, Mr. Elwyn?

A I'm certain I had a job to do at all times there, sir.

Q I'm referring to a particular day when Mr. Gerrlock called you, as you testified, and he told you to go up to Apartment 6-I and to tell the people there to get out, if there were any there.

A That's right.

Q On that day, as a matter of fact, do you know now whether or not you actually performed the job before you went up to Apartment 6-I? Do you know today, Mr. Elwyn, whether you actually did perform a job before going up to Apartment 6-I?

A I know I did a job before I went upstairs



because I started with my tools to work when Mr. Gerrlock called on the telephone.

Q Where is this telephone, Mr. Elwyn?

A It's in my apartment.

Q And how did you know the telephone was ringing? Did somebody come to tell you, sir?

A Yes, my wife told me.

Q What is your wife's name?

A Jeanne Elwyn.

Q Let me recapitulate. This is the morning of a day you cannot remember, except that it was sometime in September or October of 1950 and you had started working-- on what job did you say--when your wife came to tell you that the telephone call from Mr. Gerrlock was waiting for you?

A I had started with my tools.

Q On what job is this?

A As I say, I think it is possible I went on to the bell job or the electric door clicker job, to stop it from continually buzzing.

Q You're not certain that was the job, but you think it's possible, is that it?

A It's possible, that's right.

Q Has that electric door lock required repairing since that time?

A Oh, yes.

Q How often does it require repairing?

A That is something I cannot state. Anything electric can go bad.

Q I understand that, but how often have you been required to repair that front door electric lock since September 1950, approximately, sir?

A At least four times.

Q But you are fairly certain that it was in September or October of 1950 on one particular morning that you were working on this job, is that right?

A I just gave you the story, sir.

Q I'd like to hear it again, Mr. Elwyn.

A I just gave you the story!

Q Suppose you give it to us again.

A I told you I was getting my tools together when the telephone rang and the Mrs. came outside the door to tell me that Mr. Gerrlock wanted me on the phone.

Q Where do you keep the tools, Mr. Elwyn?

A I have a workshop in the basement.

Q You were in the workshop at that time?

A I was coming out of there and walking there with my tools in the corridor.

Q There was a corridor in the basement?

A Yes.

Q And Mrs. Elwyn came out and told you that the telephone was ringing, that Mr. Gerrlock was on the telephone, is that right?

A That's right.

Q And then you walked into your apartment?

A I did.

Q And you spoke to Mr. Gerrlock?

A I did.

Q And after you had spoken to Mr. Gerrlock you say you went upstairs and fixed the lock, is that right?

A That's right.

Q And then what did you do after that, sir?

A I brought my stuff back down in the basement, and then I went upstairs and took my porter with me.

Q What's that porter's name, Mr. Elwyn?

A T. B. Wiley.

Q And what did you do, sir?

A And I left him at the fifth floor and I went on and I told him when he finished the job that there was another job to do in the apartment. I told him when he finished that job to come to Apartment 6-I because we would probably have to clean the place up, which I knew was in a mess.

Q What apartment did you leave Mr. Wiley at?

A I think he was in Apartment 5-I, directly underneath 6-I.

Q Who occupied that apartment, Mr. Elwyn?

A A party by the name of Mullaney.

Q And what was the repair work he had to do, if you recall, Mr. Elwyn?

A He had to put washers in it.

Q In what appliance, what sinks?

A He had the complete apartment to put washers in.

Q Do you do that periodically?

A We do, whenever one goes bad we repair them all.

Q You walked up to Apartment 6-I, Mr. Elwyn--

A That's right.

Q ---and you say you rang the bell, is that right?

A I did.

Q And there was no answer?

A There was no answer.

Q And then what did you do, sir?

A I unlocked the door.

Q Did you have a set of master keys?

A I do.

Q And no other lock had been put on that door?

A No, sir.

Q Was the lock there when these parties moved in the apartment, Mr. Elwyn?

A That's right.

Q Now, prior to that morning, how long had it been since you had seen Mr. Sarant in the house?

A Prior to that morning, I hadn't. To the best of my knowledge and ability, I had never seen Mr. Sarant.

Q Had you ever seen Mrs. Sarant prior to that time, Mr. Elwyn?

A I had not.

Q So you did not know them, is that right?

A I did not at that time.

Q And you went up to the apartment, rang the bell, received no answer, and then took out your key and opened the door, is that right, sir?

A That's right.

Q Now, you expected, I take it, when there was no answer to the bell to find no one there, is that right?

A That's right, I didn't.

Q And what had you intended to do had you found no one there?

A I would just deliver my message if I found someone there, the orders from the office, that Mr. Sarant had given up the apartment and to deliver the message,

Q To deliver it to whom?

A To who was in the apartment.

Q You told me there was no answer when you rang the bell and that you expected to find no one there. To whom were you going to deliver the message?

A I said if I found anyone there.

Q Is it your habit in apartment buildings, sir, when there is no answer to the bell, to take your key out and to open the lock and walk into the apartment?

A It is. When I open the door I call out right away, "Superintendent entering the apartment".

Q That is if you have to do repairs, is that right, Mr. Elwyn?

A That's right. Or if I have to go in under any orders whatsoever, emergency or anything else.

Q What was the emergency that took you up to Apartment 6-I, sir?

A I think you have been told that Mr. Gerrlock is the owner of the Corporation.

Q That's right.

A If he gives me orders to enter an apartment, I am to enter it.

Q What were the orders he gave you, Mr. Elwyn?

A I'm sorry?

Q What were the orders that Mr. Gerriock gave you that day?

A To go up to that apartment, if it is not empty to tell them to get out; if it is empty I'm to clean it up and get it ready.

Q When you rang the bell and you got no answer, you expected to find no one there, is that right?

A That's right. I didn't expect anybody to be in there. You wouldn't either if you were notified the apartment was supposed to be vacated.

Q What was your purpose in entering the apartment, Mr. Elwyn?

A Well, I will repeat the story once more.

THE CHAIRMAN: Mr. Counsel, I believe--

A I will repeat that story once more.

THE CHAIRMAN: I frankly feel that he has just about exhausted that subject. Can't we get on to something else? I feel that we are not really progressing very fast with this case and I feel we are wasting everyone's time, to be candid about it.

MR. RAND: I should like, Mr. Chairman, to test this man's story of entering an apartment, sir.

THE CHAIRMAN: You have been through this particular cycle of questioning four different times.

MR. RAND: May I have this last question answered, Mr. Chairman?

THE CHAIRMAN: Yes, and let's get along with something else.

MR. RAND: I'm going to have to represent my client in the best way I know how, Mr. Chairman, in all due deference to the Chair.

THE CHAIRMAN: If we can proceed along an orderly questioning. We are after the facts. We are not after the gymnastics and the details.

MR. RAND: We are after also an effort to determine whether we have here a man with a creative recollection.

THE CHAIRMAN: That's right.

MR. RAND: And that is what I'm attempting to determine one way or the other.

THE CHAIRMAN: Let's keep this down to a reasonable line of cross examination or else I think we are going to have to recess for a moment.

MR. RAND: May I ask Mr. Elwyn a question, Mr. Chairman?

THE CHAIRMAN: Go right ahead.



QUESTIONS BY MR. RAND:

Q What was your purpose in entering this apartment after you received no answer, Mr. Elwyn?

A My purpose to enter that apartment was the orders that I had received, which I told you before, sir--

Q May I inquire--

A Wait a minute, let me finish my story.

Q I apologize. I'm sorry.

A The orders I received were if the apartment is vacant to get that apartment ready for rental because my landlord does not believe in losing a month's rent or even two or three day's rent on an apartment. He wants it rented.

Q Did you expect to find the apartment vacant of all furniture, Mr. Elwyn?

A I didn't know what happened because things went on so funny up in that apartment.

Q Had you ever seen, prior to that time, any furniture being moved out of Apartment 6-I, Mr. Elwyn?

A No, I hadn't.

Q Now, Mr. Elwyn, when you rang the bell, did you or did you not expect to find an apartment completely empty of furniture?

A I did expect to find the apartment empty.

Especially when a man says he has given up possession of the apartment and it is yours immediately. Wouldn't you expect to find your place vacant?

Q You did expect to find it empty, is that right, sir?

A I did.

Q And when you opened the door, what did you find, sir?

A I opened the door. That is the first thing I seen. There wasn't only just a card table in there, in the living room, that you could see when you opened the door, but he was sitting at the card table.

Q You walked in. How do you walk into that apartment, do you walk into a foyer?

A It's a small foyer and then into the living room.

Q And did you walk into the foyer?

A I just stepped inside the door, that is all. I didn't go all the way in, especially when I see somebody in there. I speak to him and then I go out, that is all.

Q Will you tell us not what you do generally but what you did that morning, Mr. Elwyn?

A Well--

Q You walked down in and you saw Mr. Dayton

sitting at a card table, is that right?

A That's right.

Q How many chairs were there around that card table, sir?

A One, as far as I know.

Q And how was Mr. Dayton dressed, Mr. Elwyn?

A He was in pajamas.

Q Was he wearing both the jacket and the trousers?

A Yes, he was.

Q What color were these pajamas, Mr. Elwyn?

A I think they were blue and white striped, if I'm not mistaken.

Q How far away from Mr. Dayton or this gentleman were you standing?

A Oh, about 20 feet.

Q And this is the first time you saw the man you identified as Mr. Dayton, is that right?

A That was the first time, yes.

Q You saw no one else in the living room then?

A No, sir.

Q Did you see any other furniture in the living room?

A Yes, there was a daybed there.

Q Any other furniture?

A I didn't notice any other because I went right back out.

Q What did you say to Mr. Dayton?

A I told him that the apartment had been given up by Mr. Sarant and that Mr. Sarant had told the landlord to take immediate possession. And the landlord wanted the people out immediately.

Q And what did this man, this man you have identified as Mr. Dayton, reply to that, sir?

A He said he was told he could stay in there until the end of the month by Mr. Sarant.

Q And what did you say to him, if anything?

A I said, "Not according to the landlord." I said I would find out.

Q And then you left the apartment, Mr. Elwyn?

A I did.

Q Then what did you do, sir, about this matter?

A Well---

Q Did you go down back to your apartment?

A I called my office and notified them that there were still people in the apartment.

Q And to whom did you speak there, sir?

A I spoke to the girl in the office, the secretary there.

Q What is her name?

A I think it was the old secretary who used to be there. She has died since. I think it was Mrs. Williams. I'm not certain.

Q And you reported this incident to Mrs. Williams?

A I think it was Mrs. Williams, yes, at the office. I reported it to the office anyhow.

Q And what did the office tell you, sir?

A They told me that they would take it up with Mr. Gerrlock, that is all.

Q Did you ever receive any other call from Mr. Gerrlock about this or from the office?

A From Mr. Gerrlock. Mr. Gerrlock said he would call me again the following day.

Q When was that, sir?

A He told me to tell them to be sure to get out by the end of the week.

Q What time of the following day was this?

A Oh, around 10 o'clock in the morning.

Q Were you in your apartment at the time,

Mr. Blwyn?

A I was.

Q Was your wife there too?

A That I'm not certain.

Q Was anyone else there?

A No, sir.

Q Let's return to the previous day, before you got the second call from Mr. Gerrlock. What happened to Mr. Wiley after you left him in Apartment 5-I, Mr. Elwyn?

A Well, when I came downstairs I told Mr. Wiley, I stopped in at 5-I and told him when he got through with his job to come downstairs.

Q Coming back to the second conversation with Mr. Gerrlock, what did Mr. Gerrlock tell you on the second day?

A Mr. Gerrlock told me to tell the people to get out because he was supposed to have possession of the apartment. He said, "I'm supposed to have possession of the apartment, tell them to get out so we can get it cleaned up."

Q All right. Then what did you do, sir?

A That day I went upstairs and nobody was in the apartment.

Q Did you enter the apartment?

A I rang the bell and unlocked the door and looked in and I didn't see anybody and I came away.

Q When next did you go into the apartment? Or did you call Mr. Gerrlock? Let me withdraw that question.

Did you call Mr. Gerrlock and tell him no one was in the apartment?

A No, I didn't.

Q What did you do after that, sir?

A Well, Mr. Dayton told me that day that he would find out about getting things moved out.

Q You didn't tell us that. Is that what Mr. Dayton told you? You told us he told you something entirely different, Mr. Elwyn.

A Mr. Dayton told me that Mr. Sarant said that he could keep the apartment until the end of the month.

Q Now you're just---

A Wait a minute, let me finish.

Q Go right ahead.

A And if I recollect right, on that same statement there, he said, when I told him the landlord was supposed to have possession of the apartment, he says, "Well, I will take it up with Mr."--the furniture belonged to Mr., I think Mr. Finestone.

Q What did Mr. Dayton say to you, Mr. Elwyn?

A That he would take it up with Mr. Finestone, to get the furniture out of there.

Q How many times prior to today had you been interrogated by Government officials about this incident?

A About what incident, sir?

Q About this alleged meeting with Mr. Dayton  
in Apartment 6-I.

A With Mr. Dayton only once, just once with him.

Q You have been questioned only once about this  
meeting, is that right, Mr. Elwyn?

A That's right.

Q By the FBI, is that right?

A That's right.

Q When was this, sir?

A That was back sometime. That was a year or  
so after they moved out of the building.

Q What year was this?

A Possibly '51.

Q How long did the FBI people question you  
about this incident, about Mr. Dayton?

A They didn't question me very long.

Q Isn't it a fact, Mr. Elwyn, that during that  
inquiry by the FBI you did not tell the FBI investigators  
that Mr. Dayton said, "I'll take it up with Mr. Finestone  
to get the furniture out"?

A I certainly did tell it to the FBI agents.

Q You told them he said that, as well as that  
he said he had a right to stay in the apartment, is that  
right, sir?



A That is right. That is all in there, in their records.

Q To whom did you tell that, sir? What's the name of the FBI agent?

A I don't know whether I'm supposed to name any names whatsoever of the FBI agents.

Q Mr. Chairman, may I ask the Chair to advise the witness there is no prohibition against identifying the FBI agents who have interrogated him?

THE CHAIRMAN: I don't know if that is true.

MR. SIPES: I advise the Chair he be instructed not to answer Counsel.

A I was on strict orders from the FBI I was not to give any information on that.

THE CHAIRMAN: I think Mr. Elwyn is on some understanding with the FBI agents as to the disclosure of the names of the individuals to whom he discussed this. That is strictly up to him as to whether or not he wishes to answer that or not, Mr. Rand.

MR. RAND: May I at this time for the record, therefore, request that the FBI report with respect to this inquiry, which undoubtedly has been made available to this panel, be made available to the petitioner here?

THE CHAIRMAN: Request denied.

## QUESTIONS BY MR. RAID:

Q Mr. Elwyn, let's go back to the second call from Mr. Gerrlock and your second visit to the apartment, in which you found no one there. What did you do after that, sir?

A I did nothing.

Q Didn't you report this back to Mr. Gerrlock?

A I did not, which I did not have to.

Q When did you next visit the apartment, sir?

A I next visited the apartment after the stuff was moved down to my basement.

Q And when was that moved down to your basement, Mr. Elwyn?

A That was either on a Saturday or a Sunday morning.

Q What was the date, sir?

A I'm trying to get the definite dates. It was towards the last of the month.

Q Which month, sir?

A That would be the month of either September or October.

Q Of what year, sir?

A It would be 1950, I think.

Q How many days, approximately, was that after

Q You had apparently met this gentleman you have identified as Mr. Dayton sitting at the card table?

A Oh, possibly three days, I should say, something like that. Three days I think, four days at the most, that they moved the stuff downstairs.

Q Were you in the apartment building when this stuff was moved downstairs?

A Yes, I was home.

Q Do you permit your tenants to move furniture and store it in the basement?

A I gave him permission to put it down there because they said they were taking it out that next morning.

A Who spoke to you and asked for permission, Mr. Elwyn?

A There was three of them in the apartment at that time.

Q I asked you who spoke to you, sir?

A Mr. Finestone.

Q Did you know his name at the time?

A No, I did not. I was under the idea that that was Mr. Sarant, which he had made himself acquainted to me as Mr. Sarant.

Q Did he tell you that morning, Mr. Elwyn, that he was Mr. Sarant?

A No, not that morning.

Q He had told you previously, had he?

A Previously he did that.

Q When did you learn he was Mr. Finestone?

A I learned later on. That was after they had moved, about six months or so after they had moved.

Q And how did you learn it, sir?

A I identified him with the FBI.

Q You identified him in person?

A That's right.

Q Where was this, Mr. Elwyn?

A Wait a minute--no, my error, I identified him from a picture.

Q From a picture that the FBI showed to you?

A Yes, and I said it was Mr. Sarant and I was told immediately it was Mr. Finestone.

Q So on that morning this gentleman, whom you then believed was Mr. Sarant, who later turned out to be Mr. Finestone, came to you and asked you whether he might leave the furniture in the basement?

A Yes, until the morning and then it would be taken out.

Q And you gave him that permission, is that right?

A That's right.

Q And what furniture was that that was left?

A Well, there was a card table and chairs.

Q How many chairs, sir?

A I think two chairs.

Q Were these folding chairs?

A Folding chairs. And there was an old hamper, a couple of baskets, an old daybed, and not too much other stuff. I don't know just what it was.

Q Was there any other stuff?

A There possibly could have been.

Q You don't recall that there was, is that right, sir?

A It was just a possibility, because I didn't look the stuff over--which I don't. If anybody puts anything in the basement I don't look and see what they got.

Q So you don't recall as of this time there was anything else, is that right, Mr. Elwyn?

A At this time I don't recall.

Q Where was this stored in the basement?

A Right directly in front of my door in the basement.

Q How soon thereafter did the new occupants, Mr. and Mrs. Donovan, move in?

A Well, about, I guess about three or four days after it was vacant.

Q Did you redecorate the apartment?

A No, sir, they painted it themselves.

Q Did you go up to the apartment before they moved in, Mr. Elwyn?

A Naturally.

Q Did you find any other objects in the apartment at that time?

A Well, we cleaned it out.

Q Was there any other furniture left in the apartment?

A There was no furniture, only a couple of broken chairs and a broken end table, something like that.

Q Were there any dishes, pots and pans, there?

A No pots and pans, no dishes.

Q Did you change the lock on the apartment?

A Yes, I did.

Q Is that your practice, Mr. Elwyn?

A That's right.

Q What did you do with the old lock, sir?

A The old lock was taken in control by the FBI. The apartment was under the FBI's supervision.

Q Was the apartment under the FBI's supervision

before these gentlemen moved out of it?

A No.

Q When did you first learn that the FBI was interested in this apartment, Mr. Elwyn?

A You got me beat on the date on that.

Q How many months, if you can put it that way, after this furniture was moved down into the basement?

A Oh, possibly a couple months after the things were moved.

Q That was the first information you had that there was any interest in this apartment by the FBI, is that right?

A No, I had had inquiries about the apartment before.

Q Before when, sir?

A Before it was vacated, before I knew anybody was there.

Q Who inquired about it? I mean, were they Government agents that inquired about it?

A Government agents investigated the apartment.

Q So you did know before they vacated it that there was interest in the apartment, is that right?

A I had them around inquiring about a number of apartments, sir.

Q I'm talking about Apartment 6-I.

A I had them around inquiring about a number of apartments. That don't make me suspicious that in every apartment there was something wrong.

Q No, I don't think you are a suspicious man, Mr. Elwyn. I just want to know whether you knew, prior to the time this furniture was moved into the basement, that Government officials were interested in Apartment 6-I and its occupants.

THE CHAIRMAN: Will the reporter read the last question, please?

[The reporter read back the last question.]

A It was possible I knew that they were interested in the apartment.

MR. RAND: Can you tell us whether or not you knew, not whether it was possible, Mr. Elwyn?

A [No response]

THE CHAIRMAN: Do you recall the facts or circumstances which would lead you to believe that they were interested in the apartment or the occupants in the apartment at that time?

A Well, I was just trying to check back. I knew they were interested, yes. They had been around to the house to check on the Sarants. That was the only reason



I knew that they were interested in the apartment, in Apartment 6-I.

QUESTIONS BY MR. RAND:

Q Did they ask you to keep in touch with them, Mr. Elwyn?

A No, sir, they did not.

Q Or to report any circumstances that you might be---

A They had not at that time, none whatsoever.

Q Let's return to this lock business for a moment. You say it's your practice when a tenant moved out to remove the lock, is that right, Mr. Elwyn?

A That's right, yes.

Q And what do you do with the old lock?

A The old lock? I immediately have the tumblers changed so that no keys whatsoever will fit that apartment or any other apartment.

Q The tumblers of the old lock?

A That's right.

Q And where do you use the old lock, sir?

A The old lock will be used in some other part of the house after the tumblers are changed.

Q Who does the changing work for you on the tumblers, Mr. Elwyn?

C A Well, we have a locksmith that does that.

Q What is the name of the locksmith who does that for you?

A Mack Hardware.

Q Where are they located?

A On Hudson Street.

Q When you removed this lock from the apartment leased by the Sarants in late September or October of 1950, did you have the tumblers changed on this lock, sir?

A I did not, not immediately, which I don't immediately on any of them. I don't have them changed until I can at least get four or five ready and then I send them in to have them changed.

Q How long does it take? How long does that generally take, sir?

A Well, I have six or seven on hand at all times. You never know when people lose their keys or some thing like that, that we have to change locks for them.

Q Mr. Elwyn, how long is it generally after you remove a lock from a vacated apartment before you send it to Mack's Hardware to have the tumblers changed?

A Sometimes three or four months.

Q And sometimes less than that?

A It's very seldom less than that.

Q And sometimes more than that?

A Sometimes they go longer than that, yes.

Q And you say, Mr. Elwyn, every time you send looks to Mack's Hardware to have the tumblers changed you send along no less than three or four looks, is that right?

A That's right.

Q And you say Mack's Hardware is on Hudson Street, is that right?

A That's right.

Q Is there any particular man who handles this?

A Charlie Mack.

Q How many locks, old locks, did you have on hand at the time you removed this lock from the Sarant apartment?

A I don't think I had any at that time.

Q So you retained this old lock, is that right?

A That's right. I tagged it, to put on it what apartment it comes from, tag it and tie all the keys together with it and keep them until I get them ready.

Q What happened with this lock? You said---

A The FBI requested it.

Q How long after it was removed did they request it, Mr. Elwyn?

A I guess three months.

Q That would be sometime, am I right, in January of 1951?

A January or February.

Q Of 1951, sir?

A Quite possibly.

Q Now, Mr. Elwyn, the second time that you saw Mr. Dayton, according to your direct testimony, was on the day of this moving episode, is that right?

A That's right.

Q You did not see him between the time that you saw him sitting by the card table until the morning of the moving, is that right?

A That's right.

Q Where did you first see Mr. Dayton on the morning of the moving?

A When he brought some stuff down to the basement.

Q What stuff was this, Mr. Elwyn?

A I don't know just exactly what he was carrying, but he came with another fellow down there. What they were carrying I don't know. If you pay that much attention to them, you're good, you're better than I am.

Q You didn't pay much attention to them, sir?

A No, I did not.

Q Where were you standing at the time you saw this gentleman whom you identified as Mr. Dayton?

A I came to the door and looked out through the screen door and then went back in, as soon as I seen what was coming down.

Q You came to the door of what, sir, your apartment?

A To my apartment.

Q There is a corridor outside your apartment that runs in the basement?

A That's right.

Q Is that corridor well lighted, Mr. Elwyn?

A Yes, sir.

Q How many fixtures do you have in that corridor and how long is the corridor, Mr. Elwyn?

A I have one direct fixture right over my door that shines right in there and there is a 75 watt bulb in there at all times.

Q In that fixture?

A Right in there. And inside the door there is another one, just about 15 feet away there is another one with a 25 watt bulb. And then on the other side of it about another 10-12 feet there is another bulb burning.

Q With a 25 watt bulb?

A Another 25 watt bulb.

Q And where were these two gentlemen standing or where were they moving in relation to you, sir?

A They stopped right directly in front of my door. Like me facing you, sir.

Q And they were carrying it where, sir?

A Right in that little notch in the wall like.

Q They left it in a notch in the wall?

A There is a place there in front of my door. There is a cabinet built in the wall there and then there is a window that goes out and there is a place there that they can pile quite a lot of stuff on.

Q Then did you see this gentleman you have identified as Mr. Dayton on that morning at any time, other than that time when he was walking in front of your door?

A No, that is the only time, when he was walking by the door.

Q What was he wearing, sir?

A Well, he had khaki pants on, suntan pants from the Army. And if I'm not mistaken he had a suntan shirt on, which possibly all of them were wearing, the same.

Q Mr. Elwyn, I'm sorry, but I'm <sup>not</sup> interested in possibilities as a mathematical base. I'd like you to tell us what the fact was, not what the possibility was. And

you can restrict yourself solely to this gentleman you have identified as Mr. Dayton. You tell us he had a suit shirt on and suntan pants on. Is that right, sir?

A That's right.

Q And what sort of shoes was he wearing?

A I didn't notice.

Q Was he wearing anything over his shirt, sir?

A No, sir.

Q Was he wearing a tie, if you remember?

A I didn't notice.

Q Were his sleeves rolled up, or were they not?

A No, they were not.

Q They were not rolled up, Mr. Elwyn?

A No.

Q You are sure of that, Mr. Elwyn?

A That's right.

Q And this was in 1950, is that right?

A That's right.

THE CHAIRMAN: Was he wearing a hat?

A No.

QUESTIONS BY MR. RAND:

Q And this other gentleman with Mr. Dayton was whom?

A Mr. Finestone.

Q Whom you then knew as Mr. Sarant, is that right, sir?

A That's right.

Q What was Mr. Finestone wearing, if you recall?

A He was in suntans.

Q The same dress?

A Yes.

Q Did he have a jacket on?

A If I'm not mistaken he had a field jacket on, Mr. Finestone did.

Q Mr. Finestone, you say, had a field jacket on?

A That's right.

Q He was wearing suntan pants, is that right?

A That's right.

Q And a field jacket?

A That's right.

Q And did you see his shirt under the field jacket?

A No, I didn't notice it.

Q Was he wearing a tie, did you notice?

A I didn't notice.

Q Was he wearing a hat?

A No, he was not.

Q Were both Mr. Finestone, whom you then knew



as Mr. Sarant, and the gentleman you have identified as Mr. Dayton both carrying the same object as they went by your door?

A That I couldn't tell you.

Q You don't recall whether they were carrying different objects or whether they were carrying the same object?

A That, I couldn't tell you.

Q As I recall your direct testimony, Mr. Elwyn, there was one other occasion on which you have testified you saw Mr. Dayton at Morton Street, is that right?

A I don't think I made any such statement.

Q So your testimony is, Mr. Elwyn, that prior to the time you were confronted with Mr. Dayton at the Newark Airport, you saw Mr. Dayton once when he was sitting by a card table in Apartment 6-I and the other time when he passed by your door on the morning of this moving episode, is that right?

A That's right.

Q And at no other time did you see him, is that correct?

A I possibly seen him before that in the building, but not knowing who he was.

Q I don't want your testimony as to possibilities.

Did you see him before that, sir?

A I stated when I first started to talk to you that it was possible that I seen Mr. Dayton come in and out of the building a number of times, which I could have seen you possibly coming in and out of the building too.

Q That's right. You're not sure, are you, that you did not see me come in and out of the building, is that right?

A I'm not sure.

Q Yes, I may have come in and out of the building.

A You may have come in and out of it.

Q And it's possible I did so.

A It's possible you could have.

Q And will you testify here before the Board, Mr. Elwyn, did you ever see me come in or out of 65 Morton Street?

A Not that I can ever recollect.

Q Aren't you testifying here to the best of your recollection only, Mr. Elwyn?

A That's right.

Q Let me ask you that question with respect to this gentleman you identify as Mr. Dayton. Prior to the

time you saw this gentleman sitting by the card table, will you tell us here under oath whether, to the best of your present recollection, you ever saw Mr. Dayton at any place or at any time?

A You know, sir, there is plenty of times---

Q Will you answer yes or no and then explain your answer?

THE CHAIRMAN: Let the witness answer in his own way, Mr. Rand. You can't tell him how to answer.

MR. RAND: I don't mind if you don't answer it, if you feel you can't answer it.

THE CHAIRMAN: You are not authorized to tell him how to answer the question. He is attempting now, Mr. Rand, to answer your question.

MR. RAND: I'm sorry.

THE CHAIRMAN: And the witness has the floor to answer your question in the manner that he sees fit.

MR. RAND: Mr. Chairman, may I for the record state that I believe this question is plainly conducive to a yes or no answer. Now, I have no objection to an explanation, but the question is conducive to a yes or no answer and if the reporter reads it, I think the Chair will agree with me, and I think I'm entitled to an answer to a yes or no answer.

THE CHAIRMAN: Mr. Rand, I still contend that the witness is authorized to answer your question to the extent of his ability in the manner that he so deems it advisable.

A There is plenty of times, sir, that I have seen people come in and out of the building. If that was the only time I would have forgotten all about it. Plenty of times I have seen him go in and out of the building. I would have forgot all about him, but to walk into an apartment and see a man that you think you recognize and then you can place him, that you have seen him somewhere, that you have seen him in the building or in the neighborhood, at least some place, that a lot of times brings proof back to you that you recognize the man. The same way with yourself. You come in and out of that building, sir and--

MR. RAND: Mr. Chairman, may I request that--

THE CHAIRMAN: Just a minute.

MR. RAND: This is not an answer to my question, Mr. Chairman.

THE CHAIRMAN: Mr. Rand, let me remind you again that I have ruled that this gentleman can answer your question and I, as the Chairman, will reiterate your question to get what you want.

MR. RAND: I'd be glad to have it read, sir.

THE CHAIRMAN: Let the witness continue to answer the question as I have ruled, if you don't mind, Mr. Rand. Go ahead, Mr. Elwyn.

A You come in and out of the building. I don't know you coming <sup>in</sup> and out of the building as you are now. But if you come into my building and stay or come down into my basement, right away I recognize you that you have been around the building. That is how I knew Mr. Dayton, which I didn't know his name at the time, up in the apartment. I knew he had been around the building and when I seen him in the basement I knew darned well he had been there. Because I seen his face and I recollected him coming in and out of the building. I didn't know his name.

THE CHAIRMAN: Now, would you read Mr. Rand's question, please and Mr. Elwyn, in a very summatic way, could you possibly answer his question in the very briefest manner possible?

THE REPORTER [Reading Mr. Rand's last question]: "Let me ask you that question with respect to this gentleman you identify as Mr. Dayton. Prior to the time you saw this gentleman sitting by the card table, will you tell us here under oath whether, to the best of your present recollection, you ever saw Mr. Dayton at any place or at any time?"

A Yes, I had seen him going in and out of the hall, and in the Village.

QUESTIONS BY MR. RAND:

Q And in the Village, sir?

A Yes, sir.

Q Let's take the first one, Mr. Elwyn--in and out of the hall. When did you see Mr. Dayton go in and out of the hall, Mr. Elwyn?

A Prior to the time I met him.

Q Give us the month and year, sir.

A I cannot give you the dates.

Q Give us the year then.

A We will say the same year, 1950.

Q All right, now, when was it, spring or summer or the fall?

A In 1949-50.

Q Was it 1949 and 1950?

A Late 1949.

Q That was the first time you saw him go in and out of the hall?

A I had seen him in and out of the halls.

Q When was the first time you saw him go in and out of the halls, late 1949, Mr. Elwyn?

A That is possible.

Q I don't want the possibility, Mr. Elwyn, when was it you saw him, to the best of your recollection, the first time going in or out of that hallway?

A In September or October 1949.

Q When did you come to work there, sir?

A In 1948.

Q You came to work in 1948?

A Let's see, now you got me all confused.

QUESTIONS BY THE CHAIRMAN:

Q Why don't you think a moment and try to pinpoint the dates that you are testifying to?

A I tell you I am mixed up on my dates somewhere here. I can't really get down to the date facts.

Q Is there any way that you might refresh your memory on this?

A That's what I'm trying to do, sir.

Q I mean, if given a little additional time, is there any way that you might refresh your memory to the extent of recalling which part of the years you might have experienced these situations?

A I know I came to work in October, whether it will be seven years. This October or six, I think it's seven years this October that I came to work for 65 Morton Street Corporation.

Q That would make it.

A It was October 1949, then, wouldn't it be?

Q Right, if it is seven years.

MR. RAND: Mr. Chairman, I object to the Chairman testifying. We want just the testimony of the witness on this.

THE CHAIRMAN: We can verify that, Mr. Rand. I was only trying to get the facts in assisting you, if you don't mind.

MR. RAND: That is what I'm trying to get. Mr. Chairman, I don't think this witness can give them to us.

THE CHAIRMAN: That is your personal opinion. We are giving him time to reflect on this. After all, going back seven years isn't the easiest thing in the world to do.

MR. RAND: It isn't easy for the petitioner either, Mr. Chairman.

THE CHAIRMAN: It isn't easy for anyone, Mr. Rand, including yourself and myself.

MR. RAND: I would find it impossible. May I proceed, Mr. Chairman?

THE CHAIRMAN: I think the witness is still trying to answer your question.



A Yes, I came to work there in October 1948  
for the 65 Morton Street Corporation.

QUESTIONS BY MR. RAND:

Q When did you leave the IRT, sir?

A Let's see, in 1946.

Q How long were you employed at the IRT?

A If I recollect rightly, it was now close to  
17 years.

Q That would be 17 years, exclusive of your  
Army Service, or including your Army Service?

A Including my Army Service.

Q When did you go to work for the IRT, sir?

A I think it was 1930.

Q And what time of the year in 1946 are you  
now testifying, that you left the IRT, Mr. Elwyn?

A That was in the fall.

Q And then you went up to Woodstock in the  
fall, is that right?

A That's right.

Q And when did you return from Woodstock, sir?

A The following October.

Q October of 1947, was that?

A No. I left the subway in '46, the fall of

Q That's correct. And then you went to Woodstock, sir?

A Those dates have got me. No, it couldn't have been '46. It must have been '47 that I left the subway and come back here to work in '48. I know I was away exactly a year.

Q You understand, Mr. Elwyn, you're testifying under oath, is that right?

A That's right.

Q Can you tell us under oath when you left the IRT employment, what year, sir?

A Well, under oath, to give you the exact day and stuff I cannot.

Q No, I wasn't asking the day, I want the year. Can you give us the year under oath, testifying under oath subject to the sanctionings of perjury, can you give us the year you left the IRT?

A Right now, I'm not certain.

Q And you can't tell us what year, or can you-- I'm sorry. Can you under oath at this point tell us what year it was you came to the employment of the 65 Morton Street Corporation?

A I know that it will be seven years this October.

Q What year was it are you testifying that you came with the Horton Street Corporation?

A In 1948.

Q All right. Now---

A At the end of '48.

Q About September or October of '48?

A Yes.

Q And you say that you saw Mr. Dayton for the first time in September or October of 1949, is that right, as he walked in or out of the corridors?

A Yes.

Q That was the first time you saw him, sir?

A That's right.

Q Where were you standing at the time you saw him, Mr. Elwyn?

A I wasn't standing any special place. I was walking in and out of the halls.

Q What were you doing walking in and out of the halls, sir?

A I don't think that has any bearing on the case, sir. My job---

THE CHAIRMAN: What was the purpose of your question, Mr. Rand?

MR. RAND: The purpose of my question is to test

the credibility of this witness. I believe he is a completely incredible witness and certainly we have a right to determine when it was he testified---

THE CHAIRMAN: Your question, Mr. Rand, was what was he doing walking in and out of the halls.

MR. RAND: I would like to place him at a certain place in relation to when he saw Mr. Dayton to find out just how he saw Mr. Dayton, under what circumstances, so we can test that. Perhaps there were others there. I don't know what his purposes were. He said he was just walking in and out of the building.

THE CHAIRMAN: You don't think people walk in and out of the building?

MR. RAND: The Superintendent just walks in and out of the building at the particular time of day?

A He can go in or out any time of the day or night, that is his job.

THE CHAIRMAN: Will you answer that in the best way you can, sir?

A Any job calls for protection of those halls and everything else. And I can go in and out at any time. If I run into you or run into anybody else, it doesn't mean to say that I got to write down every stranger I see or everything else.

QUESTIONS BY MR. RAND:

Q No, I'm asking you--I'm sorry, I'm asking you where you were the first time you spied this gentleman you have identified as Mr. Dayton in September or October of 1949. Where were you, Mr. Elwyn?

A Somewheres in the lower hall of the 65 Morton Street house.

Q And where was Mr. Dayton?

A He was either coming in or going out at the time.

Q You don't recall which it was, whether he was coming in or going out?

A As I say, I had seen him a number of times there in the hall.

Q I'm referring to this first time.

A That first time he could have been coming in or going out.

Q Do you at the present time recall which way Mr. Dayton was walking the first time you saw him, sir?

A No, I don't remember which way he was going.

THE CHAIRMAN: Mr. Rand, I'm going to give you another ten minutes to cross examine this witness. Afterwards we are going to recess for lunch and after we reconvene here we will have another witness come in.

MR. RAND: I will have to accept the ruling of the Chair.

THE CHAIRMAN: I started out saying we were going to allow a reasonable cross examination of these witnesses. This witness has been on the stand now for a little over two hours and I think under all stretches of the imagination that is reasonable.

MR. RAND: Mr. Chairman, may I for the record state, as I need not remind the Board, that this is a very serious matter, so far as my client is concerned. It's a matter that involves not only an application for a passport but it's a matter which may involve an alleged commission of crime under the laws of the United States. These two gentlemen have been testifying under oath. I am certainly entitled, as part of a reasonable cross examination, to find out exactly where it is that this witness, who was called at the invitation of this Board, saw Mr. Dayton, according to his recollection, under what circumstances he saw Mr. Dayton, what time it was he saw Mr. Dayton, so that we, if we possibly can place those things, can pinpoint those incidents, can be prepared to defend ourselves against any charges that may grow out of this hearing.

THE CHAIRMAN: That is granted, and I think the records will abundantly show that this type of interrogation

has gone on into every careful detail for two hours and I think a reading of this record will bear out the fact that you have had a reasonable time to cross examine this witness. Now, I think that we have got to put a time limit on how far we can go. This sort of thing can last forever.

MR. RAND: Mr. Chairman, may I just call the attention of the Chair to one factor. I have been cross examining perhaps two hours, I have not watched the clock. But I just discovered at the end of my cross examination that the witness, Mr. Elwyn, is now testifying to prior meetings with Mr. Dayton which, as I recall, were never mentioned on direct. I now discover, after two hours, that Mr. Elwyn is revising the years, the dates when these incidents apparently occurred, or when he came to work for the company. It's not my fault, Mr. Chairman, that this cross examination has taken this long. As I said, it's a faulty recollection on the part of this witness.

And it seems to me I must, in all fairness, be permitted to develop for the record the fact that we have a witness here who cannot remember dates, who cannot pinpoint incidents, and thus a witness who puts this petitioner in a position where he cannot disprove facts because the facts are not being given to us. Now, how else can I

develop that for the record, except by making argument - and I don't want to make argument for the record.

THE CHAIRMAN: I think we would all serve a good purpose if we could allow the witness to recollect, to refresh his memory from whatever notes he might have from the employment company he is now working with and with the previous employers to try and find out precisely when these events occurred, so that we can minimize a further waste of time. I think it's a very reasonable thing that a man might forget the years and the hours, the dates and the times; but I think that, given a reasonable length of time, he might be able to determine exactly when these apartments were vacated, when he left the employment of a particular company, and when he resumed employment with another company. I think that is what we ought to do. I think that we ought to recess and allow him to refresh his memory, as I paused to do a few moments ago, and have him come back for a short period of time and we can proceed then with the other witnesses.

MR. RAND: Mr. Chairman, I have no objection to that, but I do request and request very earnestly that the witness be directed not to discuss his testimony with the other witnesses during this recess and not to discuss this matter with the other witnesses during the recess.