

AIR

*Sobell, Weston*

MAY 21 1956

Operational

/Material Relevant to Reference Item A Letter

References:

1. Headquarters wishes to transmit material concerning the case of the convicted spy, Weston Sobell, and his pending motion for a new trial. This is for background information or for any use they wish to make of it. Unless otherwise noted, this material is unclassified.

2. Sobell was indicted along with the Rosenbergs in January 1950 and tried with them in the Second District Court of New York in March of that year. Most of the trial was taken up with testimony concerning the Rosenbergs. Nine government witnesses testified in connection with Sobell. He presented no defense. On 5 April he was sentenced to 30 years in prison for "conspiracy to commit espionage." The Rosenberg-Sobell case was reviewed seven times by the US Court of Appeals and seven times by the Supreme Court. There were 27 months of legal review. All appeals were turned down.

3. On 9 May 1956, Sobell's attorneys filed a motion for a new trial. This petition charged that:

a. The prosecution deliberately planned and participated in the abduction of Sobell and his wife from Mexico City, thereby giving the impression of Sobell as a fugitive. The motion said that Secret Police agents of Mexico City, FBI agents, and the US Embassy in Mexico took part in the "abduction." It went on to say that the prosecutor was aware that this action violated international law and treaties and US and Mexican laws. It is contended that Sobell planned to return voluntarily to the US.

b. To create the impression of flight, the prosecution made false representations that Sobell had gone to Mexico without a visa. Attorneys for Sobell say they are presenting evidence that the records of the

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Department of Immigration of Mexico show that he and his family made lawful entry.

c. The prosecution used unlawful search and seizure as a means of suppressing evidence that would have helped Sobell establish his innocence. Among documents allegedly seized were Sobell's tourist card (visa) showing lawful entry and his vaccination certificate obtained "in preparation for his return to the US."

d. The prosecution used false evidence and perjurious statements of a US Immigration Inspector to show that Sobell was deported from Mexico.

4. The actual events are as follows. When David Greenglass was arrested in New York on 16 June 1950, Sobell failed to report to work (at the Reeves Instrument Co.). A few weeks later, on 22 July, he and his family flew to Mexico. Sobell travelled around Mexico using three different assumed names and, according to testimony, trying to find a way to get out of the country.

5.

After two weeks of investigation, the Mexican police arrested him and his family. Sobell resisted and had to be subdued. The Mexican police took him to the border and turned him over to the FBI. The "kidnapping" story would appear to be entirely false.

6. Sobell's version of this episode (as presented by affidavit in court) was that the Sobells were in Mexico on an innocent vacation trip. At a public meeting of The Committee to Secure Justice for the Rosenbergs in Chicago on 13 October 1953, however, Mrs. Sobell stated that she and her husband "had made the mistake" of trying "to run away from our fear and our country and escape."

7. It is notable that the motion for re-trial does not (as the Raf Idea A letter does) mention the testimony of Elitcher, on which Sobell was convicted of conspiracy to commit espionage. Apparently the lawyers for the defense wish to avoid the issue of the matter — whether or not Sobell was a spy — and want to concentrate on the "unjust" deportation from Mexico.

8. The conspiracy evidence is as follows. Sobell was a member of the CPA in Washington D.C. between 1944 and 1948 and a friend of Rosenberg. Elitcher was a Navy Department engineer and a close friend of Sobell's. Elitcher testified that Rosenberg tried to recruit him for espionage and also told him that Sobell regularly transmitted information for delivery to Russia. Elitcher was sent along with Sobell when he turned over some "valuable information" to Rosenberg.

9. Ref Idea A states that Blitcher once committed perjury under oath when he denied being a Communist. This seems to be undisputed. Ref Idea A also says that Sobell was convicted on Blitcher's word and quotes Judge Kauffman's charge. This also is true.

10. Points worth noting in relation to Sobell's defense are:

a. At the trial, Sobell would not testify in his own defense, nor would his wife. He says that his lawyers advised him against testifying because the government's case was so weak.

b. Sobell, in fact, presented no witnesses and no defense (except an affidavit by Sobell) at the trial.

c. The attorneys for Sobell still do not raise the question of whether or not he was a spy, but contend that he was ill-treated and illegally brought back from Mexico.

11. In relation to Ref Idea A's letter it should be noted that the letter was written after Ref Idea A had the interviews described in the attachment transmitted under separate cover and after reading the Communist-inspired book by John Wexley. Apparently he had not examined any undistorted version of the case.

Attachment

under separate cover - no longer available

15 May 1956

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