

H E L E N        S O B E L L , called as a witness, having first been duly sworn by the Foreman, testified as follows:

BY MR. LANE:

Q Mrs. Sobell, are you married? A Yes.

Q How old are you? A 32.

Q Are you a college graduate? A Yes.

Q What college? A Wilson Teachers College.

Q Where is that located? A Washington, D. C.

Q You have a lawyer in the building, haven't you?

A Yes.

Q You have talked with him? A Yes.

Q And he has advised you of your Constitutional rights? A Yes.

Q And he no doubt advised you that you don't have to answer any questions which might tend to incriminate you?

A Yes.

Q Or degrade you? A Yes.

Q And he probably has advised you that you don't have to testify against your husband if you feel that the testimony -- A Yes.

Q Naturally you do not have to testify as to any conversations with your husband, private conversations, but I am not going to ask you any questions about your husband if I can avoid it. I mean, I am going to try to avoid it, and that may put you at ease a little bit. You are married to Morton Sobell? A Yes.

Q And you have children? A Yes.

Q How many? A I refuse to answer that question on the grounds that you mentioned.

Q You mean that it would tend to incriminate you if I ask you if you have children, is that the ground? A It might tend to incriminate or degrade me.

Q The fact that you have children? Are you serious or is this just a little by-play, the fact that you have a child will tend to incriminate or degrade you? A It might.

Q I have heard everything now.

THE FOREMAN: They are good children, aren't they? They haven't done anything?

Q You see, this is an intelligent jury. They are of average intelligence, at least, and I think probably a lot higher than the average, but a question like that -- you are a married woman and you are asked how many children you have, and you say that is going to incriminate or degrade you, that doesn't make sense. Let me ask you this: Did your lawyer tell you not to answer any questions? A He told me not to answer any questions that might tend to --

Q You think that tends to incriminate you, that you have had children? You have to use your head on these things, you know. I cannot imagine by the wildest stretch how asking you if you have had a child or how many children you have could possibly incriminate you.

JUROR: They can be gotten by kidnapping, of course.

Q We haven't asked anything about kidnapping; there is no law against having children, nothing wrong with that.

A If I remember correctly, I said I had children.

Q Yes, but I asked you how many. How many do you have? Let me tell you, I know how many children you have. So that doesn't make sense. You have one by Morton Sobell and he has another one, or you have another one, by a former marriage. Isn't that it? So there is nothing in that question that can tend to incriminate you. A Just the question about the divorce.

Q That can't incriminate you. That's legitimate or legal. Lots of people get divorces. I am not interested in that angle, I know all about that, as much as you do. I won't ask you that question because I already know about it. This is a routine question I asked you. We'll skip that, I am not going to press it. You have a sister, is that correct? A Yes.

Q You are not going to tell me that asking questions about your sister is going to incriminate you. What is her name? A Edith Levitov.

Q Did she live with you? A Yes.

Q How long a period? Well, roughly, three months, four? A Three years, off and on.

Q On the day that you left for Mexico, which was I believe June 22nd, did you see your sister that day? A I refuse to answer that question.

Q On what grounds? A On the grounds that my husband is

under a serious charge and I don't want to give any testimony that might have the slightest bearing on any question of that kind.

Q I am asking about your sister, not your husband. I am asking you if you had a conversation with your sister on June 22nd, 1950? I am not going to mention your husband. I am talking about your sister. I am not going to refer to your husband at all in this conversation. I am going to confine my remarks to your sister in my questions, and if I mention your husband it will be through inadvertance. Now, did you have a conversation with your sister, Edith Levitov, on June 22nd, 1950? A I presume I did.

Q Will you mention what time of the day did you have your last conversation with her that day, to the best of your recollection? A I refuse to answer that question.

Q On what grounds -- on the grounds it might tend to incriminate you? You see, you have to give grounds, as your lawyer told you. You must tell this jury what the grounds are. You cannot just refuse to answer questions, but you have to tell the jury what the grounds of your refusal to answer are. Either that it will tend to incriminate or degrade you or any other reason that you may have in mind, that is a legitimate reason. But you cannot just say it -- you can say it but we can take you before the Court and the Court will then decide whether you have to answer. A Well, I really don't know what the legal ramifications of these

questions may be, and if these questions can be taken before the Court.

Q You have to give the jury a reason why you don't. What is your reason for refusing to answer?

THE FOREMAN: Mrs. Sobell, this is a Federal grand jury. This is an important grand jury. Taking nothing away from Mr. Lane, Assistant United States Attorney, he is not going to ask you anything that is going to put you in jeopardy. He has given you the law. We are 23 here. The jury are people who have children and we will not be incriminating ourselves by saying we have children. And so feel free to answer. Because if Mr. Lane asks some question, or Mr. Saypol, the Federal grand jury has authority to question, or they guide us too in the law. So feel free that Mr. Lane is not going to ask you when you say "some legal matter", because it is absolutely superfluous and irrelevant, and as Mr. Lane says, through the jury, we can bring you downstairs to the Judge and have you, if you do not answer, have whatever punishment is meted out for doing that. That is entirely up to you. So sit back, relax, and I want to say as Foreman of the jury, you are a little upset, so let's start all over.

Q Can you tell me the last time in the day that you spoke to your sister on the 22nd of June, 1950? A I refuse to answer that question on the grounds that it might be used against my husband.

Q On the grounds that it might be used against your husband? A That it is my right not to give testimony that might be used against my husband.

Q Your husband has already told the Agents, as I recall it -- you correct me if I am wrong -- that you people went to Mexico for a vacation, at least that is part of what we have heard both from your lawyers before the United States Commissioner, that you went to Mexico for a vacation, and that you left, and that you, I believe, went via American Air Line on the 22nd. That's a fact. That's already been established. I do not have to go into that. We know that to be a fact. But what I am asking you about is a conversation that you had with your sister on that same night, and I asked you what time -- I did not ask you what the conversation was. You said you presumed you had a talk with your sister that night before you left, and I asked you what was the last time, the hour that you spoke to your sister before you left for Mexico, and you say you refuse to answer on the ground that it might be used against your husband, is that so, on the grounds it might incriminate you -- which? A Both.

Q Do you know William Danziger? A I refuse to answer that question.

Q On what grounds? A On the grounds that it might be used against my husband.

Q That the only grounds? A And it might be used to incriminate or degrade me.

Q On the ground it might incriminate or degrade you and on the grounds that such an answer might be used against your husband. You understand that you cannot be compelled to testify against your husband, so your second ground isn't so good, is it? A I withdraw the second ground.

Q You put it on the grounds that it would tend to incriminate you? A I refuse to answer that question because it might be used against my husband, and as I understand it it is my privilege not to give any testimony that can be used against my husband.

MR. LANE: Mr. Foreman, I can see that we are getting nowhere with Mrs. Sobell, that she is adamant, and no doubt has been advised by counsel not to answer any questions. In view of the fact that the Judge has left for lunch I am not going to ask you to bring her down before the Judge today, but I am going to ask you, if you will, to adjourn this entire proceeding for one week, to next Wednesday, and direct Mrs. Sobell to be here at quarter of eleven next Wednesday at which time we shall continue this matter and at which time I shall ask you to have her brought down before the Court and have the questions put to her by the Court.

THE FOREMAN: You are directed to be here next Wednesday at quarter to eleven. What I had to say before, think that over again. We do not want to have to take you down before the Court. Thank you.

(WITNESS EXCUSED)