

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. C. E. HENNRICH

DATE: April 19, 1951

FROM : MR. W. R. WANNALL *WRW*

SUBJECT: NAHUM A. BERNSTEIN
ESPIONAGE - IS

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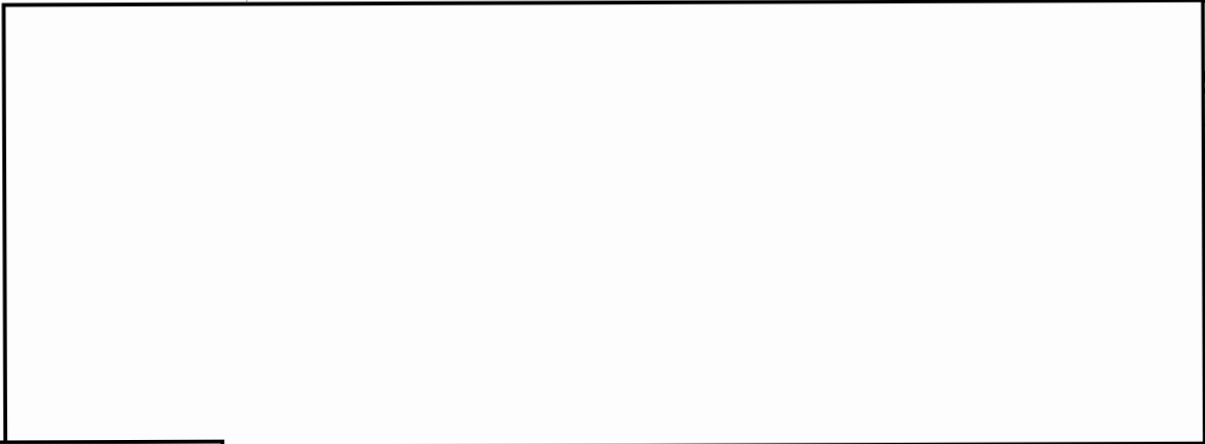
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Purpose:

This memorandum is prepared for record purposes.

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Details:



ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
EXCEPT WHERE SHOWN
OTHERWISE

A complete review of the files of our New York Office and of those at the Seat of Government has now been completed to establish what basis Bernstein had for stating that he had carried on certain activities in association with the FBI.

At the SOG the Appellate Court and Supreme Court decisions in the cases of U.S. vs. Goldstein, U.S. vs. Weiss, and U.S. vs. Nardone were reviewed for this purpose.

It has been ascertained that in the case of U.S. vs. Weiss, Bernstein, as attorney for a group of insurance companies, developed sufficient information to warrant the prosecution of some 75 subjects under the mail fraud statutes. He presented the evidence which he had developed including evidence secured through the operation of wire taps at the office of the U.S. Attorney in the Southern District Court of New York. The U.S. Attorney turned

4/15/53
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the evidence over to Post Office Inspectors who without further investigation recommended prosecution. In connection with the prosecution the FBI was called into the case for two specific reasons: (1) to perform all accounting work, (2) to conduct an intimidation of witnesses investigation. In the latter instance agents of our New York Office conferred on January 7, 1938, with an Assistant U.S. Attorney and Nahum Bernstein. Subsequently, through Bernstein an informant was introduced to an agent of our New York Office and arrangements were made for the informant to meet a New York Agent at Bernstein's home. Thereafter on one occasion the informant arranged to have a telephone conversation which he conducted with a subject recorded in Bernstein's office. After the recording was made the informant turned the record over to our New York Office. No other information was developed showing any association between Bernstein and the FBI either in the Weiss case or any other matter.

It is presumed that Bernstein's statement regarding his having associated with the FBI was based on the above facts. It should be noted specifically that the case involved was not a matter under the primary jurisdiction of this Bureau and that we were called into the case for two specific reasons only by the office of the U.S. Attorney in the Southern District of New York.

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In transmitting the material on Bernstein to the Bureau.

[redacted]
[redacted] therefore, it is not considered necessary either to deny Bernstein's statement, comment upon it, or explain it.

(NY tel to Bureau 4-10-51, Bernstein case; 36-2219-1472-313)

Action:

This memorandum is prepared for record purposes. No further action is contemplated with respect to this matter.

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CONTAINED IN 66-3286-891

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DATE 4/16/93 BY 9803 rad/gcl
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FEDERAL BUREAU OF INVESTIGATION

Form No. 1
THIS CASE ORIGINATED AT

NEW YORK

NK FILE NO. **65-4087 CP**

REPORT MADE AT X NEWARK	DATE WHEN MADE 5/23/51	PERIOD FOR WHICH MADE 3/15;5/2,17/51	REPORT MADE BY <div style="border: 1px solid black; height: 20px; width: 100%;"></div>
TITLE NAHUM BERNSTEIN, was.		CHARACTER OF CASE ESPIONAGE - IS.	

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SYNOPSIS OF FACTS:

Presiding Judge at Woodbury, N.J., in ADOLPH SCHWIMMER'S civil suit ruled there was no cause for action and gave verdict in favor of defendant.

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DETAILS:

At Bridgeton, New Jersey

the Cumberland County Court of Common Pleas, advised that Judge **ELMER B. WOODS**, on April 11, 1951, in the civil action in which **ADOLPH SCHWIMMER** was a defendant, rendered a verdict in favor of the defendant on the basis that there was no cause for action.

339-539
 SPI2 BTJ/SC 3/22/94
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 HEREIN IS UNCLASSIFIED
 DATE 4/15/93 BY 9803 RDD/SCD
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- REFERRED UPON COMPLETION TO THE OFFICE OF ORIGIN -

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APPROVED AND FORWARDED: <i>[Signature]</i>	SPECIAL AGENT IN CHARGE	DO NOT WRITE IN THESE SPACES	
COPIES OF THIS REPORT (5) Bureau (65-59184) 3 New York (65-15301) 1 Washington Field (Info) 2 Newark		65-5714- MAY 25 1951 10	RECORDED EX. - 97

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MK 65-4087

ADMINISTRATIVE PAGE

One copy of this report is being furnished to the Washington Field Office for information, pursuant to the instructions contained in New York teletype to Bureau, Washington Field and Newark, 1/12/51.

* * * * *

b7C

REFERENCE: Report of SA [redacted] 2/28/51, New York.
Report of SA [redacted] 3/7/51, Newark.

Office Memorandum • UNITED STATES GOVERNMENT

TO : DIRECTOR, FBI

DATE: May 23, 1951

FROM : SAC, LOS ANGELES

SUBJECT: NAHUM BERNSTEIN, was;
ESPIONAGE - IS
(Bufile 65-59184)

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ALL INFORMATION CONTAINED
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Rebulet to New York dated 4/10/51.

The indices of the Los Angeles Office failed to reflect any information concerning BERNSTEIN under the alias of NED BERNEY.

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AHS:MJH
65-5048

cc: New York (65-15301)
Washington Field

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EX-130

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65 JUN 1 1951

SAC, NEW YORK

May 29, 1951

DIRECTOR, FBI

NAHUM BERENSTEIN, was.
ESPIONAGE - IS
New York File 65-15301

ReBulet 4-9-51.

Advise the Bureau immediately of the status of
this matter.

cc - Los Angeles
Washington Field

65-59184

ALL INFORMATION CONTAINED
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DATE 4/15/93 BY 9803 RDD/SEL

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EX 52

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DATE OF REMOVAL 6-11-51

DATE OF MAIL 6-11-51

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HAS BEEN REMOVED TO BE KEPT PERMANENTLY IN HIS OFFICE, ROOM 1736

SEE FILE 66-2554-7530 FOR AUTHORITY.

SUBJECT JUNE MAIL

REMOVED BY

FILE NUMBER 66-2554-7530

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PERMANENT SERIAL CHARGEOUT

BUREAU OF INVESTIGATION

Form No. 1
THIS CASE ORIGINATED AT

NEW YORK

MM FILE NO. 65-2410

REPORT MADE AT MIAMI, FLORIDA	DATE WHEN MADE 6-4-51	PERIOD FOR WHICH MADE 5-3,22-51	REPORT MADE BY ms
TITLE NAHUM BERNSTEIN, was. b7C		CHARACTER OF CASE ESPIONAGE - IS	

SYNOPSIS OF FACTS:

No long-distance toll calls made by subject from Palm Beach, Florida.

-RUC-

DETAILS:

AT PALM BEACH, FLORIDA.

[redacted] Mayflower Hotel, advised that the subject had occupied Room 402 from March 18, 1951 to March 24, 1951 and had occupied Room 515 from March 24, 1951 to March 25, 1951. He gave as his home address 136 East 67th Street, New York City, New York and made no toll calls while in the hotel.

It is noted the Mayflower Hotel has been closed for the off season since April 15, 1951.

REFERRED UPON COMPLETION TO THE OFFICE OF ORIGIN-

No further development expected
of subject
WMS

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DATE 4/15/93 BY 9803 RDD/fcl
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APPROVED AND FORWARDED: Ray W. Wall, Jr.	SPECIAL AGENT IN CHARGE	DO NOT WRITE IN THESE SPACES
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MM 65-2410

ADMINISTRATIVE PAGE

REFERENCE: Report of SA dated April 26, 1951 at New York.

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SECURITY INFORMATION

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Form No. 8

THIS CASE ORIGINATED AT NEW YORK

NY FILE NO. 65-15301 EN

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REPORT MADE AT: NEW YORK	DATE WHEN MADE: 6/5/51	PERIOD FOR WHICH MADE: 5/17, 18, 21/51	REPORT MADE BY: <div style="border: 1px solid black; width: 150px; height: 20px;"></div>
TITLE: NAHUM BERNSTEIN, was. Ned Berney, Myers, Corman		CHARACTER OF CASE: ESPIONAGE - IS	

Investigative SUMMARY REPORT

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Synopsis:

Subject in lpl of Security Index. This is first summary report, ready to date when action arises. No to pending espionage case. Bernstein +

[Redacted]

He is a New York attorney who has been active in the affairs of Israel and the predecessor state of Palestine. He was born and educated in New York City. Background information set forth. In interview in 1948 he admitted that he handled funds for the purchase of material on behalf of the Jewish Agency for Palestine.

[Redacted]

He testified in a case in Los Angeles involving a violation of the Neutrality Act and Export Control Act connected with smuggling of aircraft to Israel. His testimony reviewed.

[Redacted]

He is presently Secretary of Israel Speaks, Inc., a bimonthly publication.

cc of report to Mc Carney. Armstrong 3/3/52

7-7-52

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DETAILS: de general briefing (see memo to [redacted] 9-21-51 will)

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APPROVED AND FORWARDED: <i>Edward [redacted]</i> SPECIAL AGENT IN CHARGE	RECORDED AND INDEXED: <i>INDEXED - 58</i> <i>INDEXED - 58</i>
COPIES OF THIS REPORT FURNISHED TO: 5 Bureau (65-59184) 1 Los Angeles (info.) (65-5048) 1 Newark (info.) 1 Washington Field (info.) 3 New York	DEPARTMENT OF JUSTICE ROUTED TO: <i>FILE</i>

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NY 65-15301

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

NAHUM BERNSTEIN was subsequently identified as being identical with NAHUM BERNSTEIN, a New York attorney with offices at 20 Pine Street, New York, New York.

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Confidential Informant [REDACTED] of known reliability, made available the following background information concerning NAHUM BERNSTEIN:

Mr. [REDACTED] He was born on September 5, 1907 at New York City. His mother was JENNIE BERNSTEIN, nee Steinberg, and his father CHARLES BERNSTEIN. Both of his parents were born in Russia. NAHUM BERNSTEIN received his primary education in the New York Public School System, and subsequently attended the College of the City of New York, from which institution he obtained a B.S. Degree in Social Science in 1929. In 1931 he graduated from Columbia University Law School with the degree of LL.B. He was admitted to the bar in the State of New York on June 13, 1932. From the date of his birth in 1907 until the present time, he has resided in the New York City area. He presently resides at 136 East 67th Street, New York City with his wife and two children. He is a partner in the law firm of Silver and Bernstein, 20 Pine Street, New York, New York. His partner, EDWARD SILVER, is also the Chief Assistant in the District Attorney's Office, Kings County, New York.

On March 31, 1950, the law firm of Silver and Bernstein sent out the following announcement:

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NY 65-15301

"We announce the opening of an Israeli office at 26 Rothschild Boulevard, Tel Aviv. Mr. ARNON R. ROJANSKY of the Israeli Bar is Counsel in Charge".

This announcement was signed by four members of the firm of Silver and Bernstein, namely EDWARD S. SILVER, NAHUM BERNSTEIN, GEORGE H. KAPLAN, and DONALD R. SEAWELL.

On January 13, 1948 NAHUM BERNSTEIN was interviewed by SAs [redacted] of the Federal Bureau of Investigation. On the occasion of this interview, BERNSTEIN advised that in November of 1947, he received a telephone call from one [redacted] whom he had known for some years as one like himself who was active in Zionist affairs. On the occasion of this meeting [redacted], BERNSTEIN was requested to assist him in a project which had as its aim the acquiring of a stock pile of material for eventual shipment to Palestine. b7C

[redacted] informed BERNSTEIN that he had consented to assist in this project and that now it was necessary that a reputable, well known person act as Disbursing Officer for the funds available to finance this project. [redacted] requested BERNSTEIN to function in this capacity. BERNSTEIN advised that he agreed to do so. [redacted] further indicated to BERNSTEIN that the sum of \$750,000.00 was available to finance this project, and that such funds would be made available by the Jewish Agency for Palestine.

According to BERNSTEIN, shortly after his talk [redacted] he received a verification of this proposition from [redacted] the Jewish Agency for Palestine. [redacted] told BERNSTEIN that when purchases were made by either himself or his associates, BERNSTEIN would be notified of the amount of money necessary for the particular transaction and that BERNSTEIN should then request [redacted] to forward a check to him for this amount. BERNSTEIN would, in turn, issue a check for the same amount to the payee named [redacted] According to BERNSTEIN, the above outlined plan was followed in connection with the purchase of materials.

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NY 65-15301

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On May 12, 1948, NAHUM BERNSTEIN was again interviewed at his office at 20 Pine Street, New York, New York, by SAs [redacted] of the Federal Bureau of Investigation.

On the occasion of this interview, BERNSTEIN advised that he, as an attorney, had been called upon on numerous occasions by various sections of the Jewish Agency for Palestine for legal advice in matters pertaining to their operations. He stated that in the Fall of 1947, it was decided by the policy level members to instigate an organization that could, if Palestine was partitioned, step in and relieve the other governments of considerable effort and manpower.

It was decided, according to BERNSTEIN that certain funds should be allocated for the purchase of aircraft. A. W. SCHWIMMER was designated as the individual who should purchase and reconvert whatever aircraft was believed necessary to institute a fair-sized airline. Approximately \$120,000.00 was deposited with BERNSTEIN, which funds came from the Jewish Agency for Palestine. At the request of SCHWIMMER, BERNSTEIN would forward whatever money the former requested.

In January, 1950, ADOLPH W. SCHWIMMER was tried in the United States District Court, Southern California Division, in the case entitled, "The United States vs. Schwimmer and Others". The trial involved ADOLPH W. SCHWIMMER and five other individuals, who were charged with conspiracy to violate the Neutrality Act and the Export Control Act by smuggling aircraft to Israel. As a result of this trial, three individuals, namely ADOLPH W. SCHWIMMER, LEON GARDNER, and RAY SELK, were convicted and fined \$10,000.00 each for conspiracy to violate the United States Neutrality Act. Three other defendants, [redacted] were acquitted by the jury.

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On January 15, 1950, NAHUM BERNSTEIN was called as a witness by the defense in this case. In response to a question by the court as to what the defense intended to prove by this witness, the defense lawyers, namely ISAAC PACTH and WILLIAM STRONG replied, "Everything... that the whole plan of operation of the formation of airways were under BERNSTEIN'S supervision. The setting up of the plan, purchase of the planes, the Panamanian situation....everything".

- 4 - ~~TOP SECRET~~

NY 65-15301

In answer to a question by Mr. PACHT, BERNSTEIN replied that he was the legal representative of the Jewish Agency for Palestine, which he explained was an agency created and recognized by the old League of Nations. Mr. PACHT in his questioning of BERNSTEIN showed that the Jewish Agency for Palestine financed the entire project of the purchase of aircraft under the direction of BERNSTEIN, and that the defendants in the case were merely agents.

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BERNSTEIN pointed out that at the suggestion of one [redacted] he took over the general supervision of handling the funds and again [redacted] agreed to contact one of the defendants, SCHWIMMER to head up a project of acquiring aircraft.

acquiring

Confidential Informant [redacted] of known reliability, advised that on November 5, 1950 [redacted] who at that time was visiting in the United States, contacted NAHUM BERNSTEIN and made arrangements to be at the residence of NAHUM BERNSTEIN on that date. [redacted]

[redacted]

[redacted] (S)

[redacted] (S)

[redacted]

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[REDACTED]

[REDACTED]

(S)

NAHUM BERNSTEIN is presently listed as Secretary of Israel Speaks, Inc., which corporation publishes a bimonthly publication known as Israel Speaks. This is the successor to the organization known as Americans for Haganah, Inc.

- P E N D I N G -

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NY 65-15301

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ADMINISTRATIVE PAGE

The Confidential Informants mentioned in the report of SA [redacted] dated June 5, 1951 at New York, New York, are identified as follows:

[redacted]

Anonymous.

[redacted]

[redacted]

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[redacted] (S)

[redacted] (S) (S)

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Copies of this report have been designated for the information of the Washington Field, Los Angeles and Newark Offices because they in the past have conducted investigation relative to the subject of this investigation and it is believed information in this report should be made available to these offices.

SAC, New York

June 22, 1951

Director, FBI

NARUM BERNSTEIN, was.
Espionage - IS

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Rebulet 4-10-51 requesting information regarding the possibility that captioned subject may be carrying on covert activities under the name of Ned Berney.

You are requested to advise what progress has been made in the handling of this matter to date.

ERN:mhm

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CAF

SAC, New York

June 28, 1951

Director, FBI

PERSONAL ATTENTION
STRICTLY ~~CONFIDENTIAL~~

MANUM A. REINSTEIN, was.
ESPIONAGE - IS
New York file 65-15301

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[Redacted]

[Redacted] (S)

[Redacted]

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[Redacted]

These data should be

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handled in accordance with the instructions in Section F,
SAC Letter 43 dated 7/11/50.

65-59184

cc Washington Field

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Office Memorandum • UNITED STATES GOVERNMENT

TO : Director, FBI

DATE: July 5, 1951

ES FROM : SAC, New York

SUBJECT: NAHUM BERNSTEIN, was.
ESPIONAGE - IS

Rebuletts to New York 4/30/51 and 6/22/51.

A mail cover has been maintained under the name of NED BERNEY, 20 Pine Street, New York, New York, for the past two and a half months. Up to the present time no mail of any nature has been addressed to NED BERNEY at this address. This mail cover is continuing. There is no other information in the files of the New York Office relative to NED BERNEY other than that information which has already been made available by the Bureau and which has been, in turn, reported by the New York Office.

A review of information obtained from confidential sources relative to Israeli matters has been made by this office. No information has been obtained relative to the name NED BERNEY. This office will continue to be on the alert for any information relative to this individual.

The New York telephone directory for Manhattan contains the name NED BERNEY with a business address at 20 Pine Street, New York, New York. This listing does not indicate that NED BERNEY is an attorney. In this same directory it is noted that NAHUM BERNSTEIN has listed both his residence address and his business address, with the notation alongside his business address "Attorney." The telephone listing for NED BERNEY at his business address and for NAHUM BERNSTEIN at his address as an attorney are one and the same.

Martindale, Hubbell Law Directory has been reviewed and there is no listing of an attorney by the name of NED BERNEY. This same directory does list NAHUM BERNSTEIN as an attorney at 20 Pine Street, New York, New York.

There is no indication up to the present time in the investigation of NAHUM BERNSTEIN that he has at any time used the name NED BERNEY. This office will remain alert to any indication that BERNSTEIN is carrying on activities under this name. Furthermore, efforts will be made to ascertain if there is, in fact, an individual by the name of NED BERNEY employed by the law firm of Silver and Bernstein.

cc: Los Angeles
Washington Field

DES:EPK
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EX - 39

JUL 9 1951

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CITIZEN

W

SAC, New York

July 9, 1951

Director, FBI

⁰
HARRY BENSTED, was.
ESPIONAGE - IS

Re New York letter 6-6-51.

For the information of the New York and Washington Field Offices, there is attached one copy of a memorandum which the Bureau has addressed [redacted] under date of July 9, 1951. The reply furnished [redacted] in this matter will be made available when received.

65-59184

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Attachment

cc - Washington Field
Attachment

3/28/94 SP1218 TJ (JC)
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JUL 11 1951
FBI - NEW YORK

Office Memorandum • UNITED STATES GOVERNMENT

TO : Director, FBI

DATE: June 6, 1951

FROM : SAC, New York

SUBJECT: NAHUM BERNSTEIN, with aliases
ESPIONAGE - IS
(Bufile 65-59184)

(Y)

*0-1 memo to NY
2-26-51 "dealin"
wkw:cam*

Reference letter from the Bureau to New York dated April 9, 1951, and letter from the Bureau to New York dated May 29, 1951.

*0-1 NY memo 8-9-51
"R. will be deal"
8-14-51
wkw:cam*

A review has been made of the files in the United States District Court, Southern District of New York, entitled United States vs. Nardone, United States vs. Weiss, and United States vs. Goldstein. It was found that the records on file in the Clerk's Office for the United States Court, Southern District of New York, did not contain a transcript of the minutes of any one of these three trials.

A further check was made with the Clerk of the Court of the United States Circuit Court of Appeals for the Second Circuit, located at Foley Square, New York City. In the case entitled United States of America against Maximilian W. Goldstein, Benjamin Schwartz, there were located the minutes of the trial and the testimony given by NAHUM BERNSTEIN in a preliminary hearing on wire tapping evidence. Three photostatic copies of the pertinent testimony have been made, and there are enclosed for the Bureau and WFO a copy of this testimony. One copy will be retained in the New York files. ~~EXPEDITE PROCESSING~~

It will be noted that the very beginning of the testimony which has been photostated starts out with the notation, "The reading of the testimony was resumed by Mr. Denny as follows," and then the testimony of NAHUM BERNSTEIN is set forth. This testimony, which runs from page 167 through page 263, was testimony as given by NAHUM BERNSTEIN in a pre-trial hearing in the case United States vs. Weiss. It had been stipulated by the attorneys for the Government and the attorneys for the defense that it would not be necessary to call the witnesses to testify to the same matter that they testified to in the Weiss case, and for this reason this testimony was read into the record in the case of United States vs. Goldstein. This is also true in regard to the testimony that appears relative to SYLVIA SCHWARTZ which is contained in the minutes of the trial of United States vs. Goldstein, page 264 through page 275.

*113
ENCLOSURE*

The testimony that was included in the minutes of the case entitled United States vs. Goldstein, page 458 through page 479, was testimony actually given by NAHUM BERNSTEIN in the pre-trial hearing on wire tap evidence in that case. The minutes of the trial United States vs. Weiss in the Clerk's Office of

DES:RAA
65-15301

Enclosure

cc - Washington Field (Enc.)

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EX-130

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DES:RAA
65-15301

the Circuit Court of Appeals did not contain the testimony of NAHUM BERNSTEIN as given in that case pre-trial hearing, but it appears that this testimony has been quoted verbatim in the Goldstein case. The minutes of the case United States vs. Nardone as contained in the Clerk's Office of the Circuit Court of Appeals did not contain any testimony by NAHUM BERNSTEIN.

It will be noted that in the course of BERNSTEIN'S testimony he testified that a party by the name of SIMPSON, who was employed by the Harley Detective Agency, was in fact the one who actually installed the microphones and was engaged in tapping the telephone. In the course of the pre-trial testimony several of the records were played back for the benefit of the Court. Mr. SIMPSON was called upon to operate the recording machines. LLOYD PAUL STRYKER, who was attorney for the defense, requested that the gentleman who was going to operate the machines be identified. He was finally identified as HOBART R. SIMPSON and he was placed under oath by the Court. He was asked by the Court if he was requested to come by the United States Attorney, and he replied, "By Mr. Dailey," who was in fact one of the Assistant United States Attorneys in this trial. He was also asked by the Court by whom he was employed, and he replied by Mr. HARLEY, whose place of business was at 122 East 42nd Street, New York City. Mr. STRYKER asked him what kind of business they were engaged in, and Mr. SIMPSON said it was a detective agency. Mr. STRYKER asked SIMPSON, "Is it a private detective agency and a licensed detective agency?" Mr. IRVING KAUFMAN, the Assistant United States Attorney, said, "It is not a detective agency." But in reply to a question by Mr. STRYKER as to whether Mr. HARLEY was a licensed detective, SIMPSON advised that he was in fact a licensed detective.

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RECORDED 183-59124

PERSONAL AND CONFIDENTIAL
VIA LIAISON

EX-130

65-59124-63

9/27/01

CLASSIFIED BY 39063 d/w/calloys
DECLASSIFY ON: 25X *W/...*

944929-1

Date: July 9, 1951

To: Director
Central Intelligence Agency
2430 E Street, N.W.
Washington, D.C.

b1

*7/16/51
W...*

(S)

[Redacted]

From: John Edgar Hoover, Director
Federal Bureau of Investigation

Subject: NARUL BERNSFEIN, was.
ESPIONAGE - IS

~~Classified by 9803 rdd/pe
Declassify on: OADR 339539
SP12 BT 8/30 3/28/94
339-539~~

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[Redacted] (S)

[Redacted]

[Redacted]

[Redacted] (S)

[Redacted] (S)

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
EXCEPT WHERE SHOWN

- Tolson _____
- Ladd _____
- Clegg _____
- Glavin _____
- Nichols _____
- Rosen _____
- Tracy _____
- Harbo _____
- Alson _____
- Belmont _____
- Laughlin _____
- Mohr _____
- Tele. Room _____
- Nease _____
- Jandy _____

cc - New York
Washington Field

WRW:LJB

21 JUL 16 1951

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[Handwritten signatures and initials]

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[REDACTED]

b1

[REDACTED] (S)

[REDACTED]

[REDACTED]

[REDACTED] (S)

In view of this, and in consideration of Mahum Bernstein's important position [REDACTED] in the United States and his claimed knowledge in the field of wire tapping, we have conducted a review of the Appellate and Supreme Court decisions in the Goldstein, Nardone, and Weiss cases, to establish if possible, the extent of Bernstein's knowledge and proclivity in this field. The review of the Higher Court decisions in these three cases failed to produce the information we require. (S)

Since the cases had been tried originally in the United States District Court for the Southern District of New York, the files of the Clerk's Office for that Court were reviewed in an effort to locate a transcript of the proceedings of any one of these three trials. No transcript was located.

In the office of the Clerk of the U.S. Circuit Court of Appeals for the Second Circuit, a transcript of the proceedings at a preliminary hearing on wire tapping evidence was located among the records in the case of U.S. versus Goldstein. During testimony by Bernstein at this preliminary hearing, he admitted that he was not a technician. At one point he was trying to explain how technical coverage of a telephone was effected by use of an extension telephone. When asked what this thing was, he answered, "that is the technical part I don't know." Asked whether he saw this thing installed on the receiver, he replied, "I may have, but I didn't understand it."

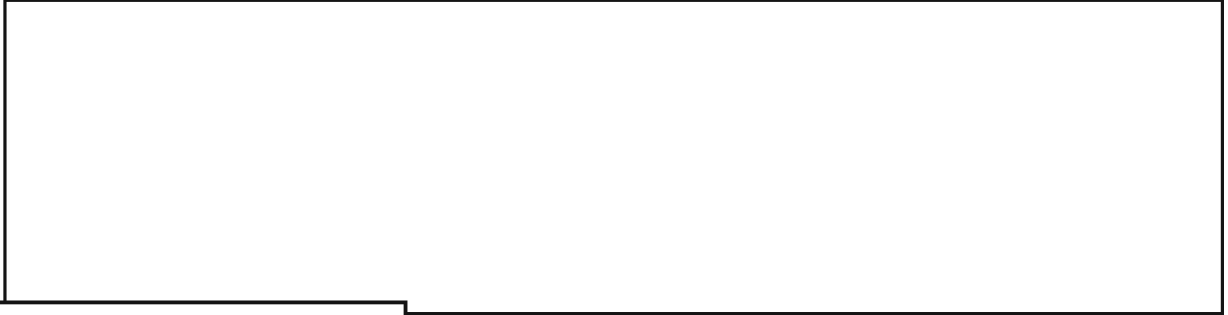
At another point in his testimony Bernstein made a statement which may assist in appraising his claim regarding his planning and directing four fictitious business establishments, one of which was in the textile field. It was brought out during the preliminary hearing that an office at 280 Broadway, New York City, was the point at which a microphone was installed. The office was called Yardley Fabrics to give the appearance

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that it was a textile firm. Bernstein explained, "there was a genuine business known as Yardley Fabrics [redacted] and we called this place Yardley Fabrics so if they checked in the phone book they could find such a place."



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You are requested to treat the information set forth above on a strictly confidential basis and to make no further dissemination of these data.

~~TOP SECRET~~

FEDERAL BUREAU OF INVESTIGATION

FORM No. 1
THIS CASE ORIGINATED AT **NEW YORK**

NY FILE NO. **65-15301** EPK

REPORT MADE AT NEW YORK	DATE WHEN MADE 4/26/51	PERIOD FOR WHICH MADE 2/9-4/16/51	REPORT MADE BY
TITLE NAHUM BERNSTEIN, was.		CHARACTER OF CASE ESPIONAGE - IS	
SYNOPSIS OF FACTS: <p><i>Classified by SP-10/11/81 Declassify on: OADR 6/20/85 SP-10/11/81 7/20/89</i></p> <p>NAHUM BERNSTEIN spent two weeks in Florida during March, 1941. He has attempted to contact TED KOLLEK. His law firm may open an office in Washington, D. C.</p> <p>[Redacted] (S)</p> <p>[Redacted] (S) BERNSTEIN continues to receive much correspondence from Israel. Other correspondence received set out. Other contacts made listed. (u)</p> <p><i>11-13-80</i></p> <p><i>REASON FOR... SP-10/11/81</i></p> <p><i>DATE OF REVIEW 11-13-90</i></p> <p><i>HEREIN IS CONTAINED UNLESS OTHERWISE SHOWN OTHERWISE</i></p>			
DETAILS: <p>The following information concerning the activities and contacts of NAHUM BERNSTEIN was made available by Confidential Informant [Redacted] of known reliability, who is in a position to report the contacts and activities of NAHUM BERNSTEIN: (u)</p> <p>On February 19, 1951, NAHUM BERNSTEIN was contacted by an individual [Redacted] [Redacted] advised BERNSTEIN that he was leaving for Israel the following Sunday and that he wanted to see BERNSTEIN before he left. Arrangements were made for BERNSTEIN to see him on the following day. (u)</p>			
APPROVED AND FORWARDED: <i>Charles [Redacted]</i>	SPECIAL AGENT IN CHARGE	DO NOT WRITE IN THESE SPACES	
COPY IN FILE		RECORDED - 121	
COPIES OF THIS REPORT 5 Bureau (65-59184) 1 Los Angeles (Info.) 2 Miami 1 Newark (Info.) 1 Washington Field (Info.) 3 New York		APR 27 1951 EX-121	

8/27/80

390678/10/11/81

1-684429-1

390678/10/11/81

DECLASSIFY ON: OADR

6/20/85

SP-10/11/81

7/20/89

11-13-80

REASON FOR... SP-10/11/81

DATE OF REVIEW 11-13-90

SP-10/11/81

4/15/85

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COPIES DESTROYED

PROPERTY OF FBI—This confidential report and its contents are loaned to you by the FBI and are not to be distributed outside of agency to which loaned.

DATE **6/24/85**

NY 65-15301

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[redacted] mentioned that he had read an article in the "Israeli Digest" of February 19, 1951, about gift certificates whereby a New York firm, Eastman Clothing Company, with the approval of the Israeli Government will sell gift certificates. [redacted] was concerned about how that might effect a plan that he and BERNSTEIN were evidently involved in. BERNSTEIN termed the article in the "Israeli Digest" a limited appeal project and made light of it. (u)

At the same time that BERNSTEIN was talking to [redacted] he advised him that he had been at an executive meeting of Material for Israel and had talked [redacted] This is undoubtedly [redacted] of the Defense Section of the Israeli Supply Mission. (u)

On February 22, 1951, [redacted] (phonetic) contacted NAHUM BERNSTEIN. On that occasion [redacted] advised that he was now with the National Production Board. BERNSTEIN was very much interested in hearing this and invited [redacted] to come up to see him. BERNSTEIN volunteered the information that he was thinking of opening an office in Washington, D. C. (u)

On March 18, 1951, NAHUM BERNSTEIN and his two children departed for a vacation at West Palm Beach, Florida. It was indicated at that time that they were going to stay at the Mayflower Hotel in West Palm Beach, Florida. (u)

On March 23, 1951, [redacted] contacted the residence of NAHUM BERNSTEIN and advised that she could be contacted at the Hotel York in New York City. She wanted Mrs. BERNSTEIN to contact her in the near future. (u)

On March 31, 1951, according to the informant, NAHUM BERNSTEIN and his two children returned from their stay at West Palm Beach, Florida. (u)

According to this same informant, on April 11, 1951, NAHUM BERNSTEIN attempted to contact TED KOLLEK, Israeli Minister in the United States, but KOLLEK was not at his residence at that time. (u)

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NY 65-15301

On April 14, 1951, this informant advised that NAHUM BERNSTEIN contacted [redacted] the law firm of Fulton, Walter and Halley and advised that he wanted to get in touch with [redacted] on a purely social matter. [redacted]

[redacted] the Kefauver Committee. (u)

[redacted]

[redacted] (S)

[redacted]

[redacted] (S)

[redacted]

[redacted] (S)

Confidential Informant [redacted] of known reliability, advised that NAHUM BERNSTEIN received the following correspondence which appears pertinent to this investigation, at his place of business, 20 Pine Street, New York City: (u)

FOREIGN CORRESPONDENCE (u)

Date

Addressor

February 7, 14, 21;
March 5 and 19,
1951

[redacted] (u)

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NY 65-15301

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<u>Date</u>	<u>Addressor</u>
February 7, 1951	X Israel Industries, Inc., Box 2876, Tel Aviv, Israel
February 7, 1951	[Redacted]
February 7, 26; and March 5, 1951	[Redacted]
February 8 and 19, 1951	Bank of Montreal, Halifax, Nova Scotia
February 28 and April 5, 1951	[Redacted]
March 19, 1951	X Szekely-Hoffmann and Company, Jabotinski Street, Tel Aviv, Israel

X(u)

DOMESTIC MAIL X(u)

<u>Date</u>	<u>Addressor</u>
February 7, 1951	X Rahmani Trading Corporation, 17 East 45th Street, New York, New York
February 8, 1951	J. J. LANN, Sunset Beach, St. Petersburg, Florida
February 8 and 14, 1951	Union Bank and Trust Company, 8th and Hill Streets, Los Angeles, California
February 8 and March 5, 1951	Riggs National Bank, 1503 Pennsylvania Avenue Northwest, Washington, D. C.
February 9, 1951	[Redacted]
February 9, 1951	X Strong and Schwartz, 9441 Wilshire Boulevard, Beverly Hills, California

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NY 65-15301

Date

Addressor

February 12, 1951

[Redacted]

February 12, 1951

National Labor Relations Board,
Washington, D. C.

February 18, 27;
March 6, 20, 27;
April 1, 5, 10,
and 11, 1951

Material for Israel, Inc., 250 West
57th Street, New York City

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February 14, 1951

Corn Exchange Bank and Trust
Company, Lexington Avenue and 60th
Street, New York, New York

February 15, 1951

American Fund for Palestinian
Institutions, Inc., 267 West 71st
Street, New York 23, New York

February 16;
March 20; and
April 6, 1951

[Redacted]

~~(u)~~

February 16, 1951

Self-selected Parcel Service, Inc.,
250 West 57th Street, New York,
New York

February 17, 1951

Common Council for American Unity,
20 West 40th Street, New York City

February 17, 1951

[Redacted]

February 20; March
31 and April 13, 1951

National Lawyers Guild, 1050 Avenue
of the Americas, New York, New York

February 21 and
March 1, 1951

Israeli Consulate, 11 East 70th
Street, New York, New York

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~~CONFIDENTIAL~~

NY 65-15301

February 26, 1951

The Cumberland County Court,
DAVID L. HORWITZ, Judge, Court
Chambers, 26 South Laurel Street,
Bridgeton, New Jersey

March 1, 27 and
30, 1951

JOSEPH LANN, 37 Wall Street,
New York, New York

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March 13, 1951

Landseas Products Corporation,
39 Broadway, New York, New York

March 20 and
April 6, 1951

7th Zionist District, 41 East 42nd
Street, New York, New York

March 20, 1951

Government of Israel Supply
Mission, 250 West 57th Street, New
York, New York

March 29, 1951

Inland Machinery and Metals
Corporation, 245 Fifth Avenue, New
York City

April 9, 1951



- P E N D I N G -

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NY 65-15301

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LEADS

[MIAMI] (u)

[At West Palm Beach, Florida] (u)

Will obtain the toll calls from the Hotel Mayflower where NAHUM BERNSTEIN is known to have spent his vacation from March 18 to March 31, 1951. (u)

[NEW YORK] (u)

[At New York, New York] (u)

Will continue to follow the activities of NAHUM BERNSTEIN in connection with his Israeli activities. (u)

Copies of this report have been designated for the Los Angeles and Washington Field Offices for information as those offices are currently engaged in investigation of Israeli activities. It is, therefore, felt that information contained in this report should be made available to those offices. (u)

One copy of this report has been designated for the information of the Newark Office since it is known that NAHUM BERNSTEIN has a summer residence at Pompton Lakes, New Jersey.

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NY 65-15301

~~CONFIDENTIAL~~

CONFIDENTIAL INFORMANT PAGE

The Confidential Informants mentioned in the report of SA [redacted] dated April 26, 1951 at New York, are identified as follows: ~~(u)~~

[redacted]

[redacted]

(S) ~~(u)~~

Mail cover on mail received by NAHUM BERNSTEIN at his place of business, 20 Pine Street, New York, New York.

REFERENCE: Report of SA [redacted] 2/13/51, New York.

~~CONFIDENTIAL~~

~~SECRET~~

DATE OF REMOVAL

(8-2-51)
(F)(u)

DATE OF MAIL

(7-10-51) (F)(u)

HAS BEEN REMOVED TO BE KEPT PERMANENTLY IN HIS OFFICE, ROOM 1736

SEE FILE 66-2554-7530 FOR AUTHORITY.

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SUBJECT JUNE MAIL

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CLASSIFIED BY 39063elw/calldy
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62

FILE NUMBER

65-59184-63

~~3/28/94 SP12BTJ/SC
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 4/19/93 BY 9803 add/gcl
339,539~~

PERMANENT SERIAL CHARGEOUT

~~8/27/01
39063elw/calldy~~

FEDERAL BUREAU OF INVESTIGATION

INDEXED

Form No. 1
THIS CASE ORIGINATED AT **NEW YORK**

NY FILE NO. **65-15301** JF

REPORT MADE AT NEW YORK	DATE WHEN MADE 8/20/51	PERIOD FOR WHICH MADE 4/17-8/10/51	REPORT MADE BY <div style="border: 1px solid black; width: 100px; height: 15px;"></div>
TITLE NAHUM BERNSTEIN, was.		CHARACTER OF CASE ESPIONAGE - IS	

SYNOPSIS OF FACTS:

BERNSTEIN sold his summer home at Pompton Lakes, N.J., and is spending the summer at a cottage at Bellport, L.I. He has attended a luncheon of Material For Israel and has been in the company of He remains active in affairs of Israel. He has been contacted by National Lawyers Guild. Correspondence received by **BERNSTEIN** listed. (X)(u)

3/28/94 SPIA BTJ/SC
339-539

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DETAILS:

Confidential Informant of known reliability, advised that the National Lawyers Guild contacted **NAHUM BERNSTEIN** and attempted to interest him in a health insurance plan that was being put forth by the National Lawyers Guild. **BERNSTEIN**, according to the Informant, indicated that he was not interested in such a plan at this time. This same Informant advised that **NAHUM BERNSTEIN** and his wife **MAXINE**, intended to attend a luncheon

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Declassify on *FOUO 9/22/86*
272 293

May 12, 1951. This same informant advised that on May 12, 1951, **NAHUM BERNSTEIN** did attend a luncheon at the Waldorf Astoria Hotel, which was sponsored by the organization, Material For Israel. (X)(u)

CLASS 4/15/93
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APPROVED AND FORWARDED: <i>Edward...</i>	SPECIAL AGENT IN CHARGE <i>...</i>	DO NOT WRITE IN THESE SPACES	
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~~CONFIDENTIAL~~

NY 65-15301

This Informant also advised that on this same date, BERNSTEIN met with DAVID BEN-GURION, Prime Minister of Israel, who on that occasion was visiting New York City. (S)(u)

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On June 21, 1951, this Informant advised that NAHUM BERNSTEIN and his wife MAXINE intended to spend the summer at a cottage they had rented at Bellport, Long Island. It was also ascertained through information supplied by this Informant, that BERNSTEIN had sold the summer cottage that he owned at Pompton Lakes, New Jersey. (S)(u)

Confidential Informant [redacted] of known reliability, advised NAHUM BERNSTEIN received the following correspondence, that appears pertinent to this investigation, at his place of business, c/o Silver and Bernstein, 20 Pine Street, New York, New York:

<u>Date</u>	<u>Addressor</u>
April 17, 1951	Material for Israel, 250 West 57th Street, New York, New York. Jay Transfer Company, 115 King Street, Brooklyn, New York. Union Bank and Trust Company of Los Angeles, Eighth and Hill Streets, Los Angeles, California
April 18, 1951	[redacted]
April 19, 1951	Seventh Zionist District, 41 East 42nd Street, New York 17, New York.
April 21, 1951	Wyandotte Hotel, Great South Bay, Bellport, Long Island, NY.
April 23, 1951 April 25, 1951	[redacted]
April 27, 1951	U.S. Treasury Department, Division of Disbursement, Washington 25, D. C. Israeli Consulate, 11 East 70th Street, New York, New York. Embassy of Israel, Washington, D. C. [redacted]
April 28, 1951	Material for Israel, Inc., 250 West 57th Street, New York, New York. Food Line to Israel, 38 East 57th Street, New York, New York. (S)(u)

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

NY 65-15301(u)

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<u>Date</u>	<u>Addressor</u>
April 28, 1951	Landseas Products Corporation, 39 Broadway, New York, New York.
May 3, 1951	[REDACTED]
May 4, 1951	[REDACTED]
May 7, 1951	[REDACTED]
May 10, 1951	[REDACTED] State of Israel, Ministry of Finance, Jerusalem, Israel.
May 11, 1951	Government of Israel Supply Mission, 250 West 57th Street, New York, New York.
May 15, 1951	Pacht Tannenbaum and Ross, 9700 Wilshire Blvd., Beverly Hills, California. Landseas Products Corporation, 39 Broadway, New York, New York.
May 19, 1951	[REDACTED]
May 19, 1951	[REDACTED] WLIB, 1190 KC, New York, 207 East 30th Street, New York, New York.
May 21, 1951	Pacht Tannenbaum and Ross, 9700 Wilshire Blvd. Beverly Hills, California.
May 22, 1951	[REDACTED]
May 29, 1951	National Lawyers Guild, 902 20th Street, N.W., Washington, D.C.
May 31, 1951	Government of Israel Supply Mission, 250 West 57th Street, New York, New York.
June 4, 1951	[REDACTED]
June 6, 1951	Landseas Products Corporation, 39 Broadway, New York, New York. Rahmani Trading Corporation, 17 East 45th Street, New York, New York.
June 7, 1951	[REDACTED]

~~ALL INFORMATION ON THIS
PAGE IS UNCLASSIFIED (C)
UNLESS INDICATED OTHERWISE~~

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

NY 65-15301(u)

<u>Date</u>	<u>Addressor</u>
June 11, 1951	Government of Israel Supply Mission, 250 West 57th Street, New York, New York.
June 13, 1951	Material for Israel, 250 West 57th Street, New York, New York.
June 14, 1951	Franklin D. Roosevelt, Jr., House of Representatives, Washington, D. C.
June 15, 1951	Israel Speaks, Inc., 250 West 57th Street, New York, New York.
June 15, 1951	Israeli Consulate, 11 East 70th Street, New York, New York. b7C
June 19, 1951	Embassy of Israel, Washington, D. C.
June 19, 1951	EL AL, P.O. Box 438, Tel-Aviv, Israel.
June 23, 1951	Israel Speaks, Inc., 250 West 57th Street, New York, New York.
June 25, 1951	Commonwealth Plastics, Leonminister, Massachusetts.
June 25, 1951	P.O. Box 2876, Tel-Aviv, Israel.
June 25, 1951	Mrs. FRANKLIN D. ROOSEVELT, 220 West 58th Street, New York, New York.
July 2, 1951	Honorable T. Vincent Quinn, House of Representatives, Washington, D. C.
July 5, 1951	Progressive Israel Products, 38 West 88th Street, New York, New York.
July 9, 1951	[REDACTED]
July 10, 1951	Coastal Machinery Company, 1775 Broadway, New York, New York
July 16, 1951	[REDACTED]
July 17, 1951	[REDACTED]
July 26, 1951	Ultramar International Corporation, 200 West 57th Street, New York, New York.
August 6, 1951	[REDACTED]
August 10, 1951	Government of Israel Supply Mission, 250 West 57th Street, New York, New York.

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PAGE IS CLASSIFIED (C)
UNLESS INDICATED OTHERWISE~~

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

b2

NY 65-15301

Confidential Informant of known reliability, advised that no correspondence, which appears pertinent to this investigation, was received by NAHUM BERNSTEIN at his residence, 136 East 67th Street, New York, New York, from April 16th through August 10, 1951. (S)(u)

- PENDING -

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

NY 65-15301

ADMINISTRATIVE

INFORMANTS:

The Confidential Informants mentioned in the report of SA [redacted] dated August 20, 1951, at New York, New York, are identified as follows:

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[redacted]

[redacted]

Mail Cover received by NAHUM BERNSTEIN at his place of business, 20 Pine Street, N. Y., N.Y.
Mail cover on mail received by NAHUM BERNSTEIN at his residence, 136 East 67th Street, New York, New York. (X)(u)

(X)
(u)

MISCELLANEOUS

Copies of this report have been designated for the Los Angeles and Washington Field Office because it is known that those offices are presently engaged in the investigation of Israeli activities. It is felt that information contained in this report should be made available to those offices. (X)(u)

LEAD

New York

At New York, New York:

Will continue to follow the activities of NAHUM BERNSTEIN in connection with his Israeli activities. (X)(u)

REFERENCE: Report of SA [redacted] New York, 4/26/51.

~~CONFIDENTIAL~~

Office Memorandum • UNITED STATES GOVERNMENT

TO : Director, FBI

DATE: September 11, 1951

FROM : SAC, New York

SUBJECT: NAHUM BERNSTEIN;
ESPIONAGE - IS

b7C

On September 6, 1951, [redacted] who has been in contact in the past with NAHUM BERNSTEIN and who listed NAHUM BERNSTEIN as the person to whom he was coming when he entered the United States, was in contact with [redacted] a known Soviet espionage agent who is the subject of the current investigation [redacted] ESPIONAGE - R. On that occasion [redacted] stated that a mutual friend in Israel had requested that [redacted] meet [redacted]. The name of this person was not disclosed, but it is known that [redacted] suggested that [redacted] contact her at the Hotel York, New York City, where she and her husband are residing.

PIA
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E

[redacted] appears to be identical with the individual of the same name who is mentioned in the case entitled [redacted] with aliases; ESPIONAGE - G, in the report of ASAC Wayne S. Murphy at Honolulu dated 4-11-45. On page 2 of this report it is stated that a Mr. and Mrs. LAJB ITELSON owned a home in Palestine located at 35 Montefiore Street, Tel Aviv; that LAJB ITELSON was, in 1945, about 70 years of age; that his wife's name was ESTERA, also known as ANNA ITELSON, and that she was, in 1945, about 67 years of age.

It was also indicated that LAJB ITELSON owned and operated a silk stocking manufacturing plant at Rheims, France, and in 1939 the ITELSONS all resided in Paris, France. [redacted] LAJB ITELSON [redacted] According to this report, in May, 1939, [redacted] was residing in his father's house in Paris; however, shortly before the war broke out in 1939 he was reported to have returned to Palestine where he maintained a residence at his father's house there.

Mr. and Mrs. LAJB ITELSON, [redacted]

According to the information obtained in 1945, the ITELSON family maintained a residence in Paris at 113-B Rue de la Tour, Paris 16, France.

[redacted] are presently being checked out by this office at the Hotel York, where they are known to temporarily reside. The Bureau will be kept informed of any further developments concerning their activities.

DES:RAA
65-15301

INDEXED - 113
RECORDED - 113

EX - 74

ALL INFORMATION CONTAINED

HEREIN IS UNCLASSIFIED

DATE 4/16/93 BY 9803 JAL/gel

339,539

57184
339,539
4-12-94
339,539

~~CONFIDENTIAL~~
BY SPECIAL MESSENGER

DATE: September 6, 1951

TO: Director
Central Intelligence Agency
2430 E Street, Northwest
Washington, D. C.

b1

[Redacted]

FROM: John Edgar Hoover - Director
Federal Bureau of Investigation

RE: NAHUM BERNSTEIN, was.
ESPIONAGE - IS

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 02/11/94 BY 339-539

b1

[Redacted]

Your reply in this matter would be appreciated.

8/28/01
CLASSIFIED BY 3806390/ally
DECLASSIFY ON: 25X

WBW:hmb

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DECLASSIFIED BY 9803ADD/gcl
ON 4/16/93 339-539

Classified by SP18/AS/DC
Declassify on: 03/28/94
339-539

BY SPL. MGR.
40 6
S. JAMES - FBI

RECORDED - 127

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SEPI 8 1951

EX-5

~~SECRET~~

- Olson _____
- add _____
- legg _____
- Malvin _____
- Nichols _____
- Rosen _____
- Tamm _____
- Tracy _____
- Harbo _____
- Belmont _____
- Mohr _____
- Tele. Room _____
- Holloman _____
- Gandy _____

F-353
52 SEP 20 1951

JTB
78
CK 78

DATE OF REMOVAL

(9-20-51) (S)

DATE OF MAIL

(9-8-51) (S) (u)

HAS BEEN REMOVED

[REDACTED]

TO BE KEPT PERMANENTLY IN HIS OFFICE, ROOM 1736

DECLASSIFIED BY 8/27/01

39063elw/cal/dj

SEE FILE 66-2554-7530 FOR AUTHORITY.

b7C

~~CLASSIFIED BY 39063elw/cal/dj
DECLASSIFY ON 25X 1~~

~~9-14-29-1~~

SUBJECT JUNE MAIL

~~3-29-94
SP12 BTJ/SC
339539~~

REMOVED BY rk-57

FILE NUMBER

65-59184-70

3/28/94 SP12 BTJ/SC 339539

ALL INFORMATION CONTAINED

HEREIN IS UNCLASSIFIED

DATE 4/16/93

BY SP3/SC/gcl

339539

PERMANENT SERIAL CHARGEOUT

DATE OF REMOVAL

(w)(8) 9-20-51

b7C

DATE OF MAIL

(9-17-51)(S/W)

DECLASSIFIED BY 6/27/01

39063elw/cal/dy

HAS BEEN REMOVED [REDACTED] OFFICE, ROOM 1736

TO BE KEPT PERMANENTLY IN HIS

SEE FILE 66-2554-7530 FOR AUTHORITY.

3-29-94
SP12 BTJ/SC
339539

SUBJECT

JUNE MAIL

CLASSIFIED BY 39063elw/cal/dy
DECLASSIFY ON: 25X file
944929-1

3/28/94 339539
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4/16/98 9803, ad/gel
339539

REMOVED BY

[Signature]

FILE NUMBER

65-59184-71

PERMANENT SERIAL CHARGEOUT

~~SECRET~~

SAC, New York

October 2, 1951

Director, FBI

HAROLD BERNSTEIN, was.
ESPIONAGE - IS

b1

[Redacted]

[Redacted] (S)

[Redacted]

[Redacted] (S)

[Redacted]

RECORDED - 5
EX-18

0-1 form
10-9-51 "d"
w/enc: dem

0-1 NY report

10/18 "Rent" 85-59184
in auto. 10/20 Attachment
w/enc: dem

cc - Washington Field (Attachment)

WRW:hmb

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DECLASSIFY ON: 25X 1
444929-1

~~4/16/93 9803ADD/fel
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HEREIN IS UNCLASSIFIED
DATE 10/28/94 BY 339-539

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Gandy _____

MAILED 3
OCT 2 1951
COMM - FB

OCT 4 1951

~~SECRET~~

USA

10/21

SAC, New York

October 2, 1951

Director, FBI

NAHUM BERNSTEIN, was.
ESPIONAGE - IS

ReBulets 4/10/51 and 6/22/51 and New York let 7/5/51 concerning the possibility of Bernstein's carrying on covert activities under the name of Ned Berney.

Advise what developments have occurred in this matter and when the results will be included in an investigative report.

65-59184

WRW:hmb

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 4/16/93 BY 9803 RDD/gcl

339,539
3/28/94 SPI2BTS/80
339-539

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11/5/03. 60290/BCE/DCG/COM
944929

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MAILED
OCT 2 - 1951
COMM. FBI

RECORDED-1

OCT 4 1951
80

EX-67

5 OCT 12 1951

CWA

WMA

~~SECRET~~

cc - Loyalty Unit

SAC, New York

October 2, 1951

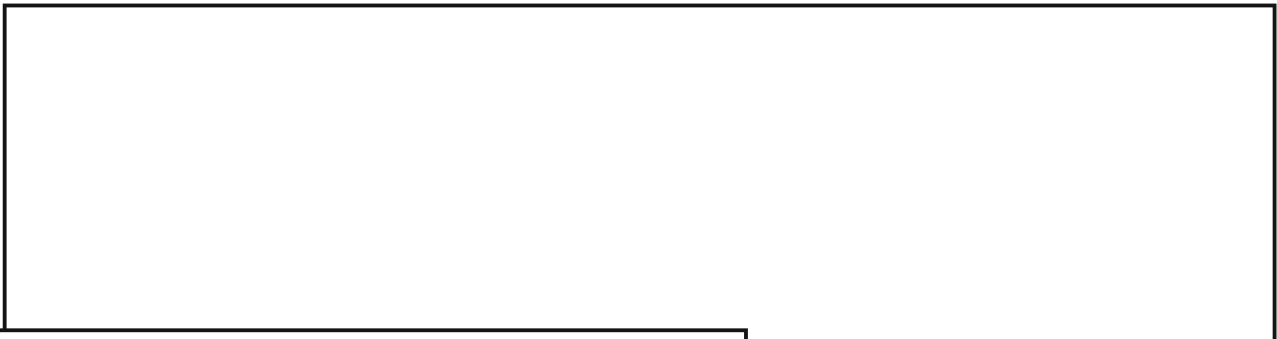
Director, FBI

JARUM BERNSTEIN, was.
ESPIONAGE - IS

mdh
eh

The Bureau has received from the Department of the Army two loyalty forms indicating that Bernstein and his law associate, Donald Ray Seawell, were appointed on May 16 last to positions as consultants, Office, Secretary of the Army. This matter has been taken up via liaison channels with G-2 in an effort to determine the nature of Bernstein's and Seawell's duties and to secure further additional information which may assist the Bureau in its investigation of Bernstein.

b1



(S)

cc - Washington Field

WRW:hmb *hmb*

8/27/01

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7-27-79
Classified by 9803 rda/fel
Declassify on: OADR
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339-539
SP1/BTS/SC 3/28/94

5-59184-

OCT 6 1951

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DATE
OCT 2 - 1951

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HEREIN IS UNCLASSIFIED
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- Nichols _____
- Rosen _____
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- Harbo _____
- Belmont _____
- Mohr _____
- Tele. Room _____
- Nease _____
- Gandy _____

STANLEY

Received from 82

2 October 1951

X

Received [redacted] extract from 201 File - Nahum A. Bernstein
with copy of Memorandum from 1222d SCSU Reception Center, Camp Upton, NY to
Post Personnel Adjutant, Camp Upton, NY, dated 24 Nov 43.

b7C

SIGNATURE:

wrcw
10-3-51

ENCL
16

RECORDED - 16
INDEXED - 16

165-59184
OCT 10 1951
40

3/28/94 SPI2 BTJ/SC
339-539
FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 4/16/93 BY 9803 rdd/scl
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65-59184

file S. wrcw

SAC, New York

October 9, 1951

Director, FBI

ABRAHAM A. BERNSTEIN
ESPIONAGE - IS

b1
b7C

Attached for the New York and Washington Field Offices are copies of two confidential memoranda received from C-2 via liaison channels October 3, 1951. One of these memoranda consists of a statement prepared by one [redacted] on November 24, 1943.

New York should institute inquiries to locate McNight so that consideration may be given to interviewing him regarding his statement.

Enclosure
65-59184

cc - Washington Field (Enclosure)

RECORDED - 16

EX-18

WRW:hmb

8/27/01
CLASSIFIED BY 39063elw/calldy
DECLASSIFY ON: 25X 1
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ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
EXCEPT WHERE SHOWN
OTHERWISE

COMM - FBI
OCT 9 1951
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- Olson _____
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Declassify on: OADR 339,539
SP12878 ISC 3/28/94
339-539

~~CONFIDENTIAL~~

57 OCT 18 1951

124

~~SECRET~~

cc - Mr. Bell
Mr. Young - Room 2258

The Director

September 18, 1951

Dr. W. Ladd

b1
b7C

[Redacted]

(S)

3/27/01
CLASSIFIED BY 39063elw/call/dy
DECLASSIFY ON: U
944929-1

Purpose:

To advise you that one of the [four principal] subjects in captioned matter and his law partner have taken positions with the Office of the Secretary of the Army as consultants.

[Redacted]

(S)

Details:

You will recall that by memorandum dated April 2, 1951, in captioned matter, it was pointed out that [Redacted]

[Redacted]

Following receipt of this information, the Bureau, through liaison channels, contacted the Directors of C-2, ONI and OI, who were unable to provide any information which might assist in determining the meaning of the [Redacted] item.

(S)

We have now received from the Office, Secretary of the Army, two Loyalty Forms reflecting that Nahum Anber Bernstein and [Redacted] a law partner of Bernstein, were appointed on May 16, 1951, as consultants in that office. [Redacted] Bernstein is one of the principal subjects in our investigation concerning [Redacted] in the United States.

[Redacted]

(S)

[Redacted] (S)
cc - 65-59184
FRF:hmb
DHY:hmb

OCT 19 1951

HANDLED BY
SIVOR DESK

~~SECRET~~

NOT RECORDED
98 1951 SEP 25

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 4/16/93 BY 9803 add/kye
Classified by 9803 add/kye
359-SS9
SP2/BTS/S

[Redacted]

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

~~SECRET~~

[REDACTED]

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(S)

[REDACTED]

(S)

(S)

[REDACTED] The translation of this report was made the latter part of February, 1950, and on March 2, 1950, its contents were discussed with G-2 representatives, including [REDACTED]. Shortly thereafter, G-2 was provided with a translation of the complete report. [REDACTED]

[REDACTED]

(S)

The Loyalty Forms on Bernstein [REDACTED] were prepared on the same date as their appointments as consultants in the Office, Secretary of the Army. Thus, no loyalty investigation was made or requested by the Army prior to the date of appointment, May 16, 1951. The form concerning Bernstein was received in the Bureau on July 9, 1951, [REDACTED]

indicating a delay of nearly two months after the individuals were hired before the Bureau was even advised of such action. After processing, the forms were received in the Loyalty Unit together on September 5, 1951. It is noted that these are routine Loyalty Forms, not marked "Sensitive."

This situation raises the question as to the Department of the Army can appoint individuals, apparently without even checking the records of G-2 to determine if sufficient derogatory information is available to indicate that a loyalty risk may be involved.

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~~SECRET~~

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Bernstein is an American citizen, having been born September 5, 1907, in New York City. His law partner, [redacted] is also an American citizen. [redacted]

[redacted] No information has been developed during our investigation of captioned matter indicating that [redacted] has been involved in [redacted] (S) [redacted] However, his close association with Bernstein as a law partner would certainly make him suspect.

Action:

Our Liaison Unit will take up this situation with appropriate officials at the Department of the Army and protest procedures whereby persons constituting loyalty risks receiving appointments in the Department of the Army are not even checked through G-2 files prior to appointment. This matter will be closely followed and you will be advised whether Bernstein [redacted] are continued in their present positions with the Army and of any further pertinent developments.

~~SECRET~~

~~SECRET~~

cc - Mr. Young - Room 2258

September 18, 1951

A. H. Belmont

b1

C. E. Hennrich

[Redacted] (S)

8/27/01

CLASSIFIED BY 3903/3ch/col/dy
DECLASSIFY ON: 25X 1-1

944929-1

b7C

Purpose:

To have our Liaison Unit discuss with the appropriate officials of the Department of the Army the question of how the Bureau should handle Loyalty Forms received on the subject of an Israeli - espionage case and his law partner.

[Redacted] (S)

Details:

[Redacted] (S)

[Redacted] (S)

The Bureau has now received from the Office, Secretary of the Army, Loyalty Forms on Nahum Amber Bernstein reflecting that these two men, who are law partners, were appointed to the positions of consultants in the Office, Secretary of the Army, on May 16, 1951. Nahum Bernstein is one of the principal subjects in our investigation of Israeli intelligence operations in the United States.

[Redacted] (S)

[Redacted] (S)

cc - 85-59184
KRW:hmb
DHY:hmb

~~SECRET~~

ORIGINAL COPY FILED IN

SP12 BTB LFC 519-539
4/16/93
Classified by 9803/3ch/col/dy
Declassify on: OADR 519

- Tolson
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- Belmont
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- Gandy

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[Redacted]

[Redacted] (S)

[Redacted]

[Redacted] (S)

It is believed that Bernstein's position in the Office, Secretary of the Army, [Redacted]

[Redacted] (S)

To disseminate information regarding our Israeli espionage case on Bernstein in reply to the Loyalty Form would not only jeopardize our future espionage investigation of Bernstein and of the [Redacted] in general [S] but might also reveal information received from communications intelligence sources to individuals who have not been cleared for this type of material. Therefore, it is believed to be more advisable for our Liaison Unit to discuss the Bernstein matter with the appropriate official of the Department of the Army and determine in what manner the Bureau should handle the Loyalty Form to the satisfaction of the Department of the Army.

With respect to the Loyalty Form on [Redacted] a law partner of Bernstein, it may be noted that on June 7, 1950, the Bureau's Legal Attache in London advised that [Redacted]

[Redacted] (S)

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[REDACTED]

(S)

A check of Bureau files reveals that [REDACTED] apparently is a close acquaintance of [REDACTED] a member of the law firm Bear, Richards, Lane and Waller, 70 Pine Street, New York City. [REDACTED]

[REDACTED]

(S)

The information in Bureau files [REDACTED] is sufficient to warrant a preliminary investigation of a loyalty nature. However, such investigation would ultimately lead to his association in business with Nahum Bernstein and Bernstein's connections with the Iarcelis. Thus, in the [REDACTED] loyalty case, the same question would arise as to the manner in which we would discharge our responsibilities under the Loyalty Program and at the same time not jeopardize a pending espionage investigation and possibly compromise communications intelligence sources. For this reason, it is believed advisable to have our Liaison Unit also discuss with the appropriate official of the Department of the Army the question of the Bureau's handling of the Loyalty Form [REDACTED]

Observations:

You will note that in the memorandum to the Director it was pointed out that the Loyalty Forms on Bernstein [REDACTED] were prepared on the same date of their appointments as consultants in the Office, Secretary of the Army. Thus, no loyalty investigation was made or requested by the Army prior to the date of appointment, May 16, 1951. The form concerning Bernstein was received in the Bureau on July 9, 1951, [REDACTED] 1951, indicating a delay of nearly two months after the individuals were hired before the Bureau was even advised of such action. After processing, the forms were received in the Loyalty Unit together on September 5, 1951. It is noted that these are routine Loyalty Forms, not marked "Sensitive."

b7C

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This situation raises the question how the Department of the Army can appoint individuals, apparently without even checking the records of G-2 to determine if sufficient derogatory information is available to indicate that a loyalty risk may be involved.

This situation also places the Bureau in the untenable position of possibly compromising a highly confidential and important espionage investigation if, in response to the Loyalty Forms, we furnish data concerning this investigation. It would have been a simpler matter at the outset to prevent the appointments of Bernstein [redacted] than it is at the present time to cause their discharge on loyalty grounds. It is felt therefore that we should lodge a vigorous protest with the Department of the Army and at the same time determine what course will be followed in handling the forms on these two men to the satisfaction both of the Department of the Army and the Bureau. b7C

It is noted that these Loyalty Forms indicate that the positions are "excepted" and therefore it is possible to dispose of these Loyalty Forms, to the satisfaction of the Bureau and the Army, without having to advise the Civil Service Commission of the information in our files.

Action:

If it meets with your approval, it is recommended that our Liaison Unit vigorously protest to the appropriate official of the Department of the Army the manner in which these two cases have been handled. It is further recommended that our Liaison Unit determine from the Department of the Army the manner in which the Loyalty Forms on Bernstein [redacted] [redacted] may be handled so as not to jeopardize our espionage investigation and possibly compromise communications intelligence sources. It is requested that our Liaison Unit follow this matter closely in order that the Bureau may be advised whether Bernstein [redacted] are continued in their present positions with the Army.

~~SECRET~~

Office Memorandum • UNITED STATES GOVERNMENT

TO : Director, FBI
FROM : SAC, New York
SUBJECT: NAHUM A. BERNSTEIN
ESPIONAGE - IS

DATE: October 16, 1951

b7c

Rebulet October 9, 1951.

WFO is requested to have an agent of that office make a check at the Identification Division of the Bureau for any record of [redacted] mentioned in reference letter.

A check is presently being made at Governors Island, New York, on any record of the present whereabouts of [redacted] Likewise a letter has been directed to the St. Louis Office requesting that a check be made under the name [redacted] in the event he may no longer be connected with the Service. In the event his present whereabouts are ascertained, he will be immediately interviewed concerning his knowledge of Communist connections of NAHUM BERNSTEIN.

DES:RAA
65-15301

cc - Washington Field

339-539
3/20/94 SP12 BTJ/SC
9803 add/SC
339.539

RECORDED - 65
EX-03
OCT 18 1951
65-15301-74

WRW
FIVE
WRW

Office Memorandum • UNITED STATES GOVERNMENT

TO : A. H. Belmont
 FROM : C. E. Hennrich
 SUBJECT: NAHUM BERNSTEIN, was.
 ESPIONAGE - IS

DATE: September 27, 1951

8/27/01
 CLASSIFIED BY 39063elw/lea/ky
 DECLASSIFY ON: 25X
 944929-1

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 Mohr _____
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 Nease _____
 Gandy _____

Purpose:

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To recommend that no dissemination be made at this time to the Criminal Division in captioned matter. To suggest that a copy of a summary report be furnished confidentially [redacted]

Details:

[redacted]

[redacted] On July 23, 1951, memoranda were submitted [redacted] recommending that the facts of the individual cases not be disseminated to the Criminal Division at this time since our investigation of Israeli activities is continuing and it was felt that dissemination might prejudice our over-all future investigation in this field as well as our individual investigations.

For the same purpose, it is felt that dissemination in the case of Bernstein, an American citizen, should not be made to the Criminal Division at this time.

You will recall that the Bureau has been working in close cooperation with G-2 in our investigations in the Israeli field. G-2 has previously been furnished information [redacted] in the Israeli intelligence picture. You will further recall that by memorandum dated September 18, 1951, in the [redacted] Case, you were advised that Bernstein on May 16 last was appointed to a position as consultant, Office, Secretary of the Army. At the present time, [redacted] our Liaison Unit is in contact with [redacted] G-2 to protest the manner

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 EXCEPT WHERE SHOWN
 OTHERWISE

44-193
 9803-1-17-51
 339-539
 SP12 BVS/BC/2/194
 339-539

[redacted] (S)
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65-59184
 WRW:hmb

RECORDED - 91
 INDEXED - 91

[redacted] (S)

SECRET

in which the appointment of Bernstein and his law associate to Army positions were handled without prior loyalty checks. [redacted] is also endeavoring to determine [redacted] how the Loyalty Forms on Bernstein and his law associate may be handled so as not to jeopardize our espionage investigation of Bernstein. [redacted] has already taken up the Bernstein matter [redacted] and [redacted] has requested [redacted] to compile information in order that he may give due consideration to the problem. [redacted] called at the Bureau this morning for the purpose of securing certain background information with regard to Bernstein. Although G-2 previously has been furnished information by the Bureau showing the nature and extent of Bernstein's involvement in Israeli intelligence operations, that agency does not have too much information regarding Bernstein's education, previous employment and similar matters.

Our file on Bernstein contains a summary report submitted by our New York Office under date of June 5, 1951. This report not only summarizes the derogatory subversive information on Bernstein but also sets forth complete background data. The derogatory subversive information is similar to that which has previously been furnished G-2. It is believed advisable at this time to turn over [redacted] a copy of this summary report requesting that it be handled on a strictly confidential basis and be maintained under his personal control in order that the contents thereof will not become available to other sections of the Department of the Army. [redacted]

[redacted] (S) Information provided to [redacted] unit in the past has been maintained in a special file and it is felt that this report if delivered [redacted] should be accorded the same treatment.

Action:

If it meets with your approval, it is recommended that the facts in this case not be disseminated at this

b7C

time to the Criminal Division for the reasons previously stated. It is suggested, however, that [redacted] our Liaison Unit personally deliver to [redacted] for his confidential information a copy of the summary report previously mentioned with the request that the report and its contents be maintained under his control and not disseminated generally in the Department of the Army.

MA

~~SECRET~~

FEDERAL BUREAU OF INVESTIGATION

Form No. 1

THIS CASE ORIGINATED AT **NEW YORK**

FILE NO.

PC

REPORT MADE AT NEW YORK	DATE WHEN MADE 10 25 1951	PERIOD FOR WHICH MADE 8/11-10/13/51	REPORT MADE BY
TITLE NAHUM BERNSTEIN, was.			CHARACTER OF CASE ESPIONAGE - IS

SYNOPSIS OF FACTS:

b1
b7C
b2
b7D

[redacted] visited the residence of NAHUM BERNSTEIN on 10/15/51. BERNSTEIN has purchased a new home in Harrison, NY. Information reported re BERNSTEIN'S business connection [redacted] They have an interest in a dress factory in Israel and contemplate forming a corporation in NY to work closely with Israeli Industries, Inc. BERNSTEIN'S office address listed as NY address of Israeli Industries, Inc. NED BERNEY appears identical with NAHUM BERNSTEIN. Contacts of NAHUM BERNSTEIN listed.

Handwritten notes: 7-13-1-1, [Signature]

Handwritten: 339,539
3/28/94
4/16/93 SPI28T3150
Classified by 9803 rdd/fcl
Declassify on: OADR 339,539

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 11/15/00 BY [redacted]
EXEMPT FROM GDS

- P -

DETAILS:

Confidential Informant [redacted] of known reliability, advised that on the evening of October 15, 1951 [redacted]

[redacted] was at the residence of NAHUM BERNSTEIN, 136 East 67th Street, New York, New York.

[E]

COPIES DESTROYED
R 842 NOV 21 1950

Handwritten: 4/27/01
CLASSIFIED BY 39063 rdd/call/dy
DECLASSIFY ON: 25X [redacted]
994929-1

APPROVED AND FORWARDED: *[Signature]*
SPECIAL AGENT IN CHARGE

DO NOT WRITE IN THESE SPACES

- COPIES OF THIS REPORT
- 5 - Bureau (65-59184)
 - 1 - Los Angeles (Info.)
 - 1 - Washington Field (Info.)
 - 3 - New York (65-15301)

Handwritten: 65-59184-1
OCT 26 1951
12 26
LUNN FIVE

RECORDED - 111
INDEXED - 111
3

PROPERTY OF FBI—THIS CONFIDENTIAL REPORT AND ITS CONTENTS ARE LOANED TO YOU BY THE FBI AND ARE NOT TO BE DISTRIBUTED OUTSIDE AGENCY TO WHICH LOANED

63 NOV 30 1951

~~SECRET~~

NY 65-15301

Confidential Informant [] advised that NAHUM BERNSTEIN returned from his summer residence on Long Island on September 11, 1951 and took up residence again at 136 East 67th Street, New York, New York.

On that date this Informant advised that NAHUM BERNSTEIN was contacted by [] an Israeli attorney [] the law firm of SILVER and BERNSTEIN in Israel. On that occasion, [] advised BERNSTEIN that he expected to be in the United States for a couple of weeks on vacation. They further discussed the visit [] to the United States and it was indicated that BERNSTEIN [] had a business interest both in the United States and in Israel.

On September 19, 1951 it was indicated, according to this Informant, that Mr. and Mrs. ITELSON were to be dinner guests at the BERNSTEIN home on that evening.

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b2
b7D

On September 16, 1951 NAHUM BERNSTEIN advised an unidentified individual that he was interested in buying a house in Harrison, New York near North Street and Locust Avenue. Subsequently, on this date, NAHUM BERNSTEIN advised another unidentified individual that he was seriously thinking of buying the former AMELIA ERHARDT home in Harrison, New York.

On September 21, 1951 MAXINE BERNSTEIN, wife of NAHUM BERNSTEIN, was in contact with her husband, according to Confidential Informant []. On that occasion, NAHUM BERNSTEIN advised his wife that he had signed a contract for the house and that everything was signed, sealed and delivered.

There was no indication, according to Confidential Informant [] when the BERNSTEINS intend to take possession of their new home in Harrison, New York.

Confidential Informant [] of known reliability, made available the following letters and correspondence which pertain to the business relations of NAHUM BERNSTEIN []. These documents, which are self-explanatory, are herewith set out.

~~SECRET~~

NY 65-15301

"March 23, 1951

"Mr. Nahum A. Bernstein
Israeli Industries Inc.
20 Pine Street
New York City.

"Dear Nahum,

"Thank you for your letter of March 8, 1951; it has arrived on the day of my return from the Army where for one month I stayed out of - as you say - the cares and burdens of dresses, ice and 'tsurris'. Now that I am back, I am already deep again into all these burdens and cares.

"Referring to the matter of the certifications, please note that in accordance with the requirements of the Government, these should be certified and signed by the supplying firm; therefore those certifications relating to:

"the machines - should be signed by Schiff, if possible, otherwise by Smartcraft or Bern-Hodges.

"the textile machines (also the parts (Reeds) as per the invoice amounting to 409.63 dollars) - should be signed by the supplying firm at Patterson.

"the cut-dresses - by Smartcraft.

"the finished goods, specifying the invoice as much as possible, - should be signed by Bern-Hodges.

"With respect to the amount of IL. 2562 mentioned in your above letter, I wish to refer you to my letter dated August 21, 1950 and your reply on this matter in your letter dated September 1, 1950 where you asked that we hold this for your account as you do not wish to invest it.

~~SECRET~~

NY 65-15301

b7C

[redacted] sent me a copy of your letter dated March 9, 1951 [redacted] and in this respect I wish to bring to your notice the following:

"1. "We understood from your letter dated February 2nd, 1951 addressed [redacted] that the cost of the raw materials amounts to about 33-1/3% of the sale-prices, assuming same to include all freights c.i.f. Tel-Aviv or Haifa. There was no question of freight and it was on our suggestion to ask for the concession that payments for freight be made in Israeli currency. Now in your above letter [redacted], you bring figures showing that the cost of materials c.i.f. Tel-Aviv or Haifa should amount to about 50% of the price derived in foreign currency. Had we been aware of these figures we would have applied for a higher rate of allocation to cover same.

"2. "The Government agreed to increase the rate of foreign currency allocation for the replacement of raw materials to 50% merely because we asked for such rate, as being the actual cost of the materials and - to quote [redacted] letter - 'In view of the changes of prices of raw materials, we agree.....'. Therefore, had we asked for a greater percentage or had the changes in prices been higher, there could have been no reason why the Government would not have agreed to this. During our discussion, [redacted] said that there could be no difficulty to obtain the Government's approval to the increase, because rates of allocations should vary in accordance with the changes in the prices of the raw materials.

"3. "I do not see the use of approaching the Government again on this project; I am certain that the Government, when convinced that the cost of the raw materials exceeds the rate of 33-1/3%, would agree to an increased allocation as long as the main condition is being kept, i.e. 2/3 of the production for export sales and 1/3 for the home market, and as long as the total allocations for the raw materials, royalties and profits do not exceed the amount of foreign currency derived through export sales, especially if we explain that at present PARTS are being imported for assembling only, the cost of which exceed the fixed rate of 33-1/3% and that gradually the machines will be manufactured completely in Israel out of raw materials costing 33-1/3% of the sale-price.

~~SECRET~~

~~SECRET~~

NY 65-15301

"4. "There is to note that what was asked from the Government is 50% of the selling-price (viz. 50% of \$845 as mentioned in your above letter [redacted] and there is also to remember that the 50% allocation is to cover the cost of raw materials only, and if further expenses would be involved, then these would have to be allocated out of the remaining 50%.

b7C

"With kindest personal regards,

"Sincerely,

"/s/ [redacted]

"June 7, 1951

"Penson & Company
11 Broadway
New York, N.Y.

Gentlemen:

"We are pleased to enclose herewith invoice, in triplicate, covering 8 rolls of paper to be shipped to Israeli Industries Incorporated, Jabotinsky Road, Ramat-Gan, Israel. The goods are now at Smartcraft, 213 West 35th Street, New York City. Each roll is marked III TEL AVIV, and their total gross weight is 252 pounds.

"We are sending these goods to Israel as an investment, without payment. The import license number is 51875. Freight and forwarding expenses will be prepaid by us. Please have this merchandise insured.

"We should appreciate having your invoice covering the freight and forwarding expenses as soon as possible.

"Sincerely yours,

~~SECRET~~

~~SECRET~~

NY 65-15301

"ISRAELI INDUSTRIES INCORPORATED

"By
Nahum A. Bernstein"

"NAB:sh
Encl. "

b7C

"August 16th, 1951.

[redacted]
Israeli Industries Incorporated,
P.O. Box 2876,
Tel Aviv, Israel.

"Dear [redacted]

"We acknowledge receipt of your cable today agreeing to our concluding arrangements with our candidate, pursuant to conditions previously conveyed to you [redacted]

"We are proceeding immediately and wish to record the specific terms of these arrangements so that there will be no misunderstanding in the future:

- "1. The price will be that previously indicated to you. In fact, we are now proceeding to see if we cannot also get a partial credit which will make it much easier to pick up the option.
- "2. Our candidate will retain one-half and hold the other half available under option for one (1) year.
- "3. Our candidate, together with those who pick up the option, shall succeed to all of the rights of the prior owners and be entitled to one-half of the profits and Israeli Industries Incorporated shall be permanently entitled to the other half of the profits.
- "4. We shall proceed to form a new, separate New York corporation. We shall try to get the name, Israeli Industries

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NY 65-15301

"Apparel Corporation. However, if you can think of a name which may have greater significance in Israel, please cable it. The corporation shall have 2 classes of stock. Preference stock shall be issued at par value for the exact consideration for which we made the purchase from the former owners. The preference stock shall bear no interest and shall not share in the profits of the business but shall be entitled to payment in full upon dissolution before any payment to the holders of common stock. Thus, common stock will in effect represent only an interest in the profits of the business and not in the capital. 100 shares of no par common stock shall be divided equally between the new owners and III. This will take care of the equal division of profits automatically as well as protect the return of the purchase money. It is understood that the conversion privileges into dollars to the full extent of the Investment Laws under which we operate as an Approved Investment shall be given only to the present purchasers and shall not apply to the common shares held by III for management.

- "5. This arrangement will completely replace any previous 5% of sales for III. It is quite clear that under an equal division of profits between investors and III there is no place for a 5% of sales charge in addition, which practically eats up most of the profits.
- "6. A contract of lease for the premises must be transferred to the new corporation, as in the case of Szekely-Hoffman.

"You must realize that Adash and I have been struggling with this problem now for many months. The above represents our joint opinion that this is an excellent and fair proposition for all parties concerned. We shall bend every effort to try to conclude it within the next 30 days. This will result in a permanent solution in which we will be able to control our own destinies forever after. I hate to think of the only other alternative which is that the present interests will sell to someone of their own choosing and we will have to accept such terms as may be dictated to us.

~~SECRET~~

~~SECRET~~

NY 65-15301

"With kindest personal regards,

"Sincerely,"

"NAB:MD"

b7C

"October 4, 1950

"Mr. Nahum Bernstein
20 Pine Street
New York City.

"Dear Mr. Bernstein:

"At the suggestion of [redacted] Pepsi-Cola Company, who is now in Peru, we are writing you regarding the dress factory which your organization has established in Israel.

"We are interested in the possibilities of importing women's medium price dresses for the Peruvian market and are in a position to import from Israel making payment either in Pruvian Soles or Sterlin.

"We would appreciate very much any information you can give us regarding this plant and its address and the name of its manager in Tel-Aviv so that, if feasible we can get in touch direct.

[redacted] has also told us that you are interested in other manufacturing enterprises in Israel. We would appreciate any information as to their products so that we may study their sales possibilities in the Peruvian market.

"Yours very truly,

"IMPORTACIONES GENERALES S.A.

"H.A. Pierce

~~SECRET~~

~~SECRET~~

NY 65-15301

"H.A. Pierce
"Managing-Director"

"HAP/hor"

"June 22nd, 1951.

[Redacted]

Tel Aviv, Israel.

b7C

"Dear [Redacted]"

"There is still a few dollars on deposit in your account at the Corn Exchange Bank and the bank has notified us that they are going to start making monthly service charges. Therefore, please sign and return to me the enclosed authorization or otherwise the few dollars will be eaten up by service charges.

"With kind regards to you and yours,

"Sincerely,

"/s/ Nahum"

"NAB:MD
Enc. "

"May 9th, 1951

[Redacted]

New York 13, N.Y.

~~SECRET~~

~~SECRET~~

NY 65-15301

"Dear

b7C

"The Israel Export Journal of April 1951 contains an article written by Mr. F. Morgenstern, whom you have met during your last visit in Israel, headed "SURVEY OF ISRAEL'S TEXTILE INDUSTRY AND SUGGESTIONS FOR ITS EXPANTION". Assuming that it might be of interest to you, we took the liberty to forward to you via air mail a copy of the above Journal.

"On this opportunity we wish to remark that on the eve of your departure from Israel you informed us about the survey that you were preparing concerning the textile industry in Israel and that a copy of same will be sent to us together with a photostat of Dr. Gruenbaum's letter written in reply to the memorandum submitted to him regarding your projected enterprise. We would much appreciate it if you will kindly send us same at your convenience.

"There is to point out that the concessions granted by the Israeli Government for your project far exceed the limit that the Government grants now to any other applicant. We came to know someone who would be willing to invest the dollar capital for a like project if it would include participants such as your good-self. Therefore we would be grateful if you will please let us know how the matter stands and if there exist no problem in acquiring the necessary equipment and the difficulty is in the raising of the capital, we would much like to try and see whether we might be able to raise it from our end. We presume that your above survey covers the two important problems - raw materials and sales, if not please make us acquainted with them in order that we may meet with likely inquiries in this respect.

"Hoping to hear from you,

"We are,

"Very sincerely yours,

"ISRAELI INDUSTRIES INC.

"By

"Copy to: NAB, I.I.I., New York

~~SECRET~~

NY 65-15301

~~SECRET~~
"June 27, 1951

b7C

"Government of Israel Supply Mission
250 West 57th Street
New York, N.Y.

"Att: [redacted]

"Dear [redacted]

"As you have been advised, the Citrus Board in Israel has placed at my disposal the sum of \$3500.00 to purchase materials to be used for manufacturing electric starters in Israel.

"I attach herewith, in triplicate, one order for such material to 'Leeds', in the total amount of \$134.00. I should appreciate your making the necessary arrangements to open a Letter of Credit in favor of 'Leeds' for \$134.00 out of the \$3500.00 placed at my disposal. Please open this Letter of Credit for three months.

"Thank you for your cooperation and courtesy in this matter.

"Sincerely yours,

[redacted]

"AI:sh
Encls."



"c/o The Empire Hotel
Broadway and 63rd St.
New York, N.Y.

"Government of Israel Supply Mission
250 West 57th Street
New York, N.Y.

~~SECRET~~

NY 65-15301

"Dear Sirs,

 "We request to place at the disposal of  Mr. N. Bernstein, 20 Pine Street, New York, the amount of \$3500 for the purchase of materials to be used for manufacturing of electrical starters in Israel.

"Yours truly,






"June , 1951.

"Corn Exchange Bank,
770 Lexington Avenue,
New York City.


b7C

"Re: Account 
c/o Silver & Bernstein

"Gentlemen:

"This will authorize you to withdraw the entire balance from my account at your bank and pay some to the order of 'Silver & Bernstein, Special', and mail directly to them at the above address.

"Very truly yours,

" 

NY 65-15301

"April 26th, 1951.

"Chase National Bank
20 Pine Street
New York City.

"Re: Leib Itelson
Estera Itelson

"Gentlemen:

"Enclosed herewith please find two (2) checks, payable to your order, in the sum of \$1,000.00 each.

"Please open irrevocable Letters of Credit for \$1,000.00 each, in favor of Leib Itelson and Estera Itelson, whose present address is Hotel Splendide, 50 Blvd. Victor Hugo, Nice, France; which sums will become available to the beneficiaries at your head office upon presentation by the beneficiaries in person of their passports, but only after their arrival in this country and not later than November 1st, 1951. The interests of the beneficiaries under these Letters of Credit are solely for their personal benefit and may not be assigned or transferred, and if the beneficiaries do not present themselves in person (together with their passports), at your bank to claim the said sums on or before the date above specified, then said credits will terminate and you will pay over the said sums to us, or our legal representatives, successors or assigns.

"Please notify the United States Consul, at Nice, France, to the foregoing effect this day by air mail."

"April 27th, 1951.

"United States Consul,
Nice, France.

~~SECRET~~

NY 65-15301

"Re: Visa applications - Leib Itelson
Estera Itelson

"Dear Sir:

"You have doubtless been informed by our bankers, The Chase National Bank of New York, that we have deposited \$1,000.00 to the account of Leib Itelson and \$1,000.00 to the account of Estera Itelson.

"In further support of these applications for visas for temporary entry to the United States, please be advised that our firm is representing a group of eminent American textile manufacturers who are negotiating for the establishment of a textile weaving plant in Israel with American capital. These negotiations have progressed to the point where the interested parties are about to commit their capital to this project, providing satisfactory arrangements can be made for the management and technical details concerning the operation in Israel. The American interests also insist that an experienced Israeli textile manufacturer join this enterprise by way of investment and participation in the management. We believe that such an association can be consummated between the American interests and Mr. Itelson, who is a well known and long established Israeli textile manufacturer. It is, therefore, of the utmost importance that Mr. Itelson and his wife proceed to the United States at once to negotiate these proposals for a joint American - Israeli project. If consummated, we believe this project would be of great commercial value to the American group as well as to Israel. We, therefore, respectfully request that you act upon these applications immediately as this project is now at a standstill awaiting the arrival of Mr. Itelson in the United States.

"Very truly yours,

"Nahum A. Bernstein"

"NAB:MD"

- 14 -
~~SECRET~~

NY 65-15301

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It will be noted that the correspondence emanating from Israel on the stationery of the Israeli Industries, Incorporated lists the New York Office of this corporation as 20 Pine Street, Suite 1907, Telephone Whitehall 3-7171. This is, in fact, the office address and telephone exchange listed to the law firm of SILVER and BERNSTEIN in New York City.

Confidential Informant [] of known reliability, advised that the only contact that has been made to the knowledge of [] with NED BERNEY, 20 Pine Street, New York, New York, during the past three months has been a contact with the address 265 Henry Street, New York, New York.

This is the building that houses the Henry Street Settlement and also the National Association of Consumers. It is believed likely that this contact may have been in the form of an advertisement or a solicitation for funds of some sort.

On October 11, 1951 the office of SILVER and BERNSTEIN was contacted by Confidential Informant [] of known reliability, and a request was made to speak with Mr. NED BERNEY. The individual at this law office who answered the inquiry at first stated that there was no such individual by this name connected with the law firm of SILVER and BERNSTEIN.

Subsequently, when another contact was made by Confidential Informant [] insisting on speaking to Mr. NED BERNEY, after considerable time the individual at the law firm of SILVER and BERNSTEIN stated that they were mistaken and there was a Mr. BERNEY there who would speak to the Informant immediately.

Confidential Informant [] advised that he was familiar with the voice of NAHUM BERNSTEIN and it appeared to him that the individual who identified himself as Mr. BERNEY was, in fact, NAHUM BERNSTEIN.

Confidential Informant [] of known reliability, advised that the following contacts appear significant to this investigation which were made with NAHUM BERNSTEIN on the dates listed:

NY 65-15301

<u>Date</u>	<u>Person or Company Contacted</u>
August 9, 1951	<div style="border: 1px solid black; height: 40px; width: 100%;"></div>
August 11, 1951	JOSEPH J. LANN Securities, Incorporated 37 Wall Street New York, New York
August 18, 1951	b7C Material for Israel, Incorporated 200 West 57th Street New York, New York
August 20, 1951	<div style="border: 1px solid black; height: 40px; width: 100%;"></div>
August 21, 1951	Israeli Consulate 11 East 70th Street New York, New York
August 22, 1951	Embassy of Israel Washington, D.C.
August 27, 1951	Israeli Industries, Incorporated P.O. Box 2876 Tel-Aviv, Israel
August 30, 1951	Israeli Industries, Incorporated P.O. Box 2876 Tel-Aviv, Israel
August 30, 1951	Landseas Products Corporation 39 Broadway New York, New York
September 7, 1951	Smartcraft Corporation 213 West 35th Street New York, New York

~~SECRET~~

NY 65-15301

<u>Date</u>	<u>Person or Company Contacted</u>
September 8, 1951	Material for Israel 250 West 57th Street New York, New York
September 8, 1951	EL AL Corporation 29 West 57th Street New York, New York
September 12, 1951	Government of Israel Supply Mission 250 West 57th Street New York, New York
September 13, 1951	Swiss-Israeli Food Service 38 East 57th Street New York, New York
September 24, 1951	Embassy of Israel Washington, D.C.
September 28, 1951	Ampal House 17 East 71st Street New York, New York
October 1, 1951	Israel Speaks, Incorporated New York, New York
October 2, 1951	X SZEKELEY-HOFFMANN and Company, Ltd. Herzl Street 100 Tel-Aviv, Israel
October 3, 1951	Pepsi-Cola Company 3 West 57th Street New York, New York
October 6, 1951	<div data-bbox="873 1612 1404 1774" style="border: 1px solid black; height: 77px; width: 327px;"></div>

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~~SECRET~~

NY 65-15301

<u>Date</u>	<u>Person or Company Contacted</u>
October 6, 1951	Smartcraft Corporation 213 West 35th Street New York, New York
October 11, 1951	<div data-bbox="852 625 1331 768" style="border: 1px solid black; width: 295px; height: 68px;"></div>
October 11, 1951	SZEKELEY-HOFFMANN and Company, Ltd. Jabotinki Ramat-Gan Israel

b7C

- P E N D I N G -

NY 65-15301

ADMINISTRATIVE

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b7D

INFORMANTS



(S)

Anonymous

Mail cover on mail addressed to NED BERNEY, 20 Pine Street, New York, New York.

b1

Pretext telephone call made by SA [redacted] to the law firm of SILVER and BERNSTEIN, 20 Pine Street, New York, New York, on October 11, 1951.

Mail cover maintained on mail received by NAHUM BERNSTEIN at his business address, c/o SILVER and BERNSTEIN, 20 Pine Street, New York, New York.

MISCELLANEOUS

Copies of this report are being designated for the information of the Los Angeles and Washington Field Offices because it is known that those offices are currently conducting investigation relative to Israeli activities and it is believed that information in this report may be of assistance to them in their investigation.

~~SECRET~~

NY 65-15301

ADMINISTRATIVE (continued)

LEAD

NEW YORK

At New York, New York

Will continue to follow the activities of
NAHUM BERNSTEIN in connection with Israeli activities.

REFERENCE

Report of SA 8/20/51,
New York.

b7C

~~SECRET~~

DATE OF REMOVAL 11-9-51

DATE OF MAIL 10-19-51

HAS BEEN REMOVED TO BE KEPT PERMANENTLY IN HIS OFFICE, ROOM 1736

b7C

SEE FILE 66-2554-7530 FOR AUTHORITY.

SUBJECT JUNE MAIL

3/28/94 SP12 BTJ/PC
339539
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 4/16/93 BY 9803 add/fcl
339539

REMOVED BY [Signature]

FILE NUMBER 66-2554-7530-277

PERMANENT SERIAL CHARGEOUT

Office Memorandum • UNITED STATES GOVERNMENT

TO : Director, FBI

DATE: October 29, 1951

FROM : SAC, New York

SUBJECT: NAHUM BERNSTEIN
ESPIONAGE - IS

b7C

3/28/94 SP12 BTJ/S
ALL INFORMATION CONTAINED

HEREIN IS UNCLASSIFIED

DATE 4/16/93 BY 9803 RDD/kel

339,539

339-539

On October 15, 1951, NAHUM BERNSTEIN was in contact with [redacted] also an attorney in the law firm of Silver and Bernstein.

On that occasion BERNSTEIN asked [redacted] to call [redacted] (phonetic) to inform him that BERNSTEIN had seen [redacted] on Friday and Saturday and that [redacted] had been in contact with Washington in connection with the arrest [redacted]. It was indicated by BERNSTEIN that [redacted] had not been indicted but he had been arrested. BERNSTEIN indicated that when [redacted] was in touch with someone in Washington this person gave [redacted] the understanding that an opportunity for a conference in connection with the arrest [redacted] would be held in Washington. Further, someone in Washington had written a letter to the United States Attorney's office in New York to "hold up."

BERNSTEIN further indicated that the United States Attorney's office at New York had pointed out that the Statute of Limitations would run this week. BERNSTEIN stated that he had talked it over [redacted] and BERNSTEIN indicated, "They would lose absolutely nothing by telling Washington that although the Statute would expire this week there is no need for unseemingly haste to rush it through" because [redacted] reiterated everything he had in his affidavit in his testimony before the King Committee a month ago. BERNSTEIN indicated that for this reason the Statute had just begun to run. There was mention that the charge [redacted] was one of perjury.

BERNSTEIN further indicated that [redacted] had contacted [redacted] Department of Justice, who suggested that the matter be taken up with the United States Attorney in New York. BERNSTEIN stated that on Saturday last [redacted] went down to see an Assistant United States Attorney and to talk the whole matter over. BERNSTEIN stated [redacted] "Anything that avoids immediate action in this time of investigation hysteria is better for us." BERNSTEIN indicated that [redacted] spoke with [redacted] Assistant United States Attorney, who would not commit himself, but it was indicated that [redacted] was meeting with [redacted] on the afternoon of October 15 to discuss this matter. BERNSTEIN remarked, "At least we got him to take up that issue [redacted] to see whether that wouldn't stop him from immediate precipitated action." The [redacted] referred to in this conversation is undoubtedly [redacted] Assistant United States Attorney, Southern District of New York. Since this matter pertains undoubtedly to attorney-client relationship, no inquiries have been made at the United States Attorney's office, Southern District of New York.

DES:RAA
65-15301

cc - Washington Field

EX - 32

OCT 30 1951

UNRECORDED COPY FILED IN

DES:RAA
65-15301

New York, N. Y.

This information is being made available to the Bureau for whatever action the Bureau may deem advisable in this matter.

cc - Loyalty Unit

SAC, New York

October 29, 1951

Director, FBI

**MANUM BERNSTEIN, was.
ESPIONAGE - IS**

0.1 page to NY 12.12.51
adv. Bur. when summary cont. may be reported
 Inquiries via liaison channels at G-2 have
 been established that Bernstein was appointed on May 16, 1951,
 as a consultant to a committee known as the Civilian
 Legal Personnel Committee. On October 16, 1951, G-2
 made available a restricted blind memorandum on this
 committee, copies of which are attached for each office.

b7C

0.174 by re: legal
12.26 "Rep. will be
Rehm. 1/11/52"
 G-2 has advised that the matter regarding the
 employment of Bernstein [redacted]
 [redacted] by the Department of the Army is under
 current consideration. G-2 has stated that steps are
 being taken to abolish the Civilian Legal Personnel
 Committee for the purpose of terminating the employment
 of Bernstein [redacted] by the Department of the Army.
 This matter is being followed by the Bureau and you
 will be advised of developments.

b7C

Attachment
cc - Washington Field (Attachment)

WRW:hmb *hmb*

339-539
 3/22/94 SP/2BTS/SC
 ALL INFORMATION CONTAINED
 HEREIN IS UNCLASSIFIED
 DATE 4/6/93 BY 9803RDD/SCL
 339,539

G.I.R.

- Tolson _____
- Ladd _____
- Clegg _____
- Glavin _____
- Nichols _____
- Rosen _____
- Tracy _____
- Harbo _____
- Belmont _____
- Mohr _____
- Tele. Room _____
- Nease _____
- Gandy _____

59 DEC 14 1951

RECORDED - 59

EX-11

60-5411

Office Memorandum • UNITED STATES GOVERNMENT

TO : DIRECTOR, FBI (65-59184)

DATE: November 14, 1951

FROM : SAC, WFO (65-5508)

SUBJECT: NAHUM BERNSTEIN, was.
ESPIONAGE - IS

b1

[Redacted]

[Redacted]

(c)

[Redacted]

[Redacted]

(c)

[Redacted]

[Redacted]

(c)

FJD:HT

cc: New York (65-15301)

*Return to [unclear]
12/10/51*

3/28/94 SP12 BTS/PC 339-539

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

4/16/93 9803 rad/gel

339,539

REC-11

NOV 24 1951

EX-113

~~UNCLAS FIVE~~

11/17/03

60290 BCE/DC/LM

FBI

944929

DATE OF REMOVAL 11-21-57

DATE OF MAIL 10-25-57

b7C

HAS BEEN REMOVED TO BE KEPT PERMANENTLY IN HIS OFFICE, ROOM 1736

SEE FILE 66-2554-7530 FOR AUTHORITY.

SUBJECT JUNE MAIL

REMOVED BY AK-57

FILE NUMBER 65-59184-84

3/28/94 SP12BTJ/PC
339-539
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 4/16/93 BY 9803 rdd/gcl
339.539

PERMANENT SERIAL CHARGEOUT

256

DATE OF REMOVAL 11-23-57

DATE OF MAIL 11-1-57

b7C

HAS BEEN REMOVED TO BE KEPT PERMANENTLY IN HIS OFFICE, ROOM 1736

SEE FILE 66-2554-7530 FOR AUTHORITY.

SUBJECT JUNE MAIL

3/28/94 SP12BTS/PC
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 4/16/93 BY 5803 add/gcl
339,539

REMOVED BY sh-51

FILE NUMBER 65-591801-85

PERMANENT SERIAL CHARGEOUT

254

DATE OF REMOVAL 11-29-57

DATE OF MAIL 11-6-57

HAS BEEN REMOVED TO BE KEPT PERMANENTLY IN HIS OFFICE, ROOM 1736

b7C

SEE FILE 66-2554-7530 FOR AUTHORITY.

SUBJECT JUNE MAIL

3/28/94 SP12BTJ/50
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 4/16/93 BY 5803 ncd/scl
339.539

REMOVED BY ch-57

FILE NUMBER 65-59184-86

256

PERMANENT SERIAL CHARGEOUT

DATE OF REMOVAL 5-6-57 (S) (S)

DATE OF MAIL 11-26-57 (S) (W)

DECLASSIFIED BY 39063elw/calldj
ON 8/27/01

b7C

HAS BEEN REMOVED [REDACTED] TO BE KEPT PERMANENTLY IN HIS OFFICE, ROOM 1736

SEE FILE 66-2554-7530 FOR AUTHORITY.

SUBJECT JUNE MAIL

~~3-29-94
SP12BTS/JC
339539~~

~~3/28/94 SP12BTS/JC
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 4/16/93 BY 9803 adl/gcl
339539~~

~~8/27/01
CLASSIFIED BY 39063elw/calldj
DECLASSIFY ON 25X 6
944922-1~~

REMOVED BY ck-57

FILE NUMBER 65-59184-87

SAC, New York

December 4, 1951

RECORDED - 100

Director, FBI

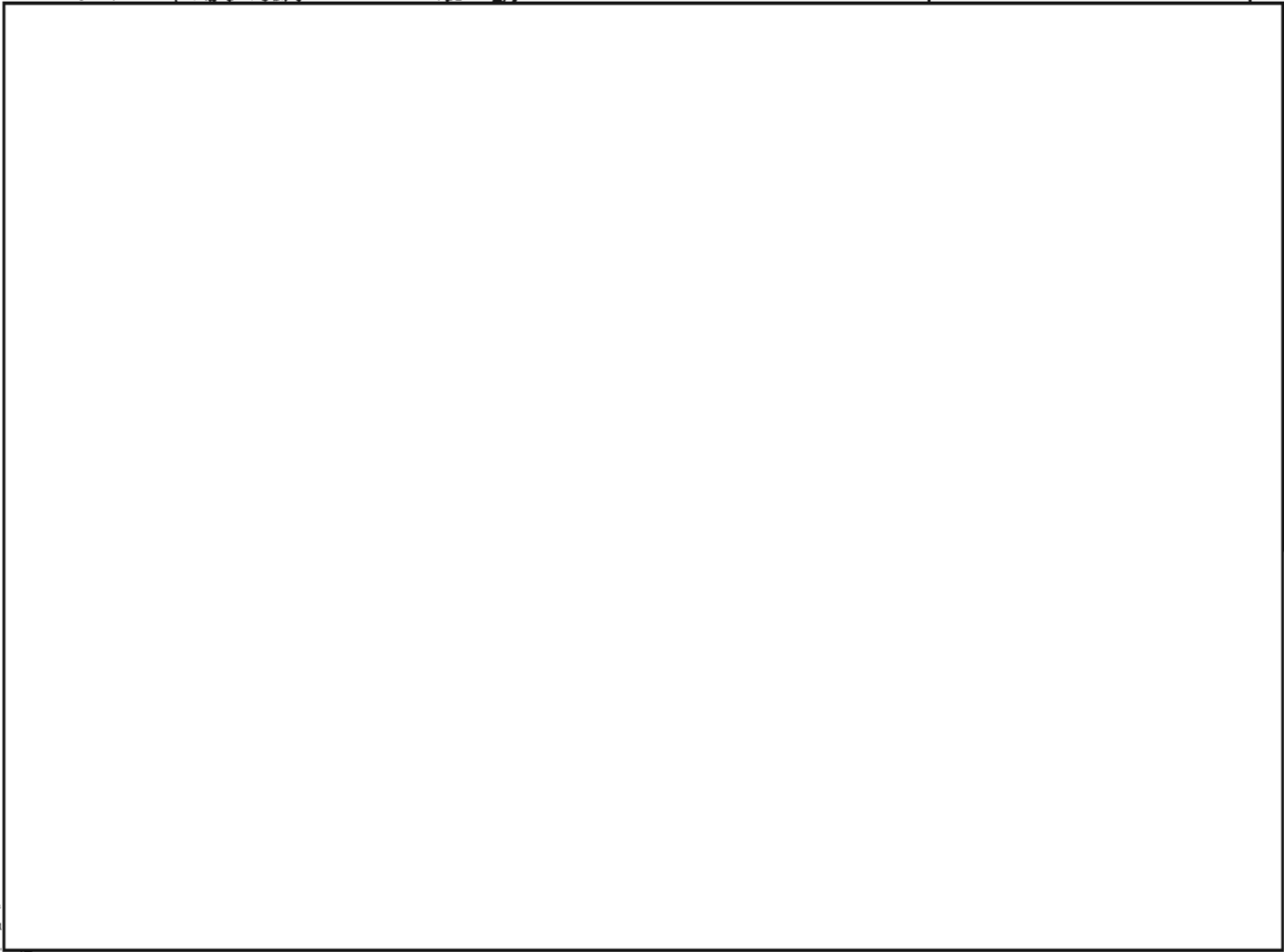
NAHUM A. BERNSTEIN
- SPIONAGE - IS

3/28/94 SPIA.BTJ/SC
339-539
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 4/16/93 BY 9803 RDD/STG
339,539
G.I.P.

Re St. Louis' ltr dated 10-26-51.

b7C

From a review of the records on file in the Officers' Section of the Department of the Army, it was ascertained that



enclosure
RHG: jam

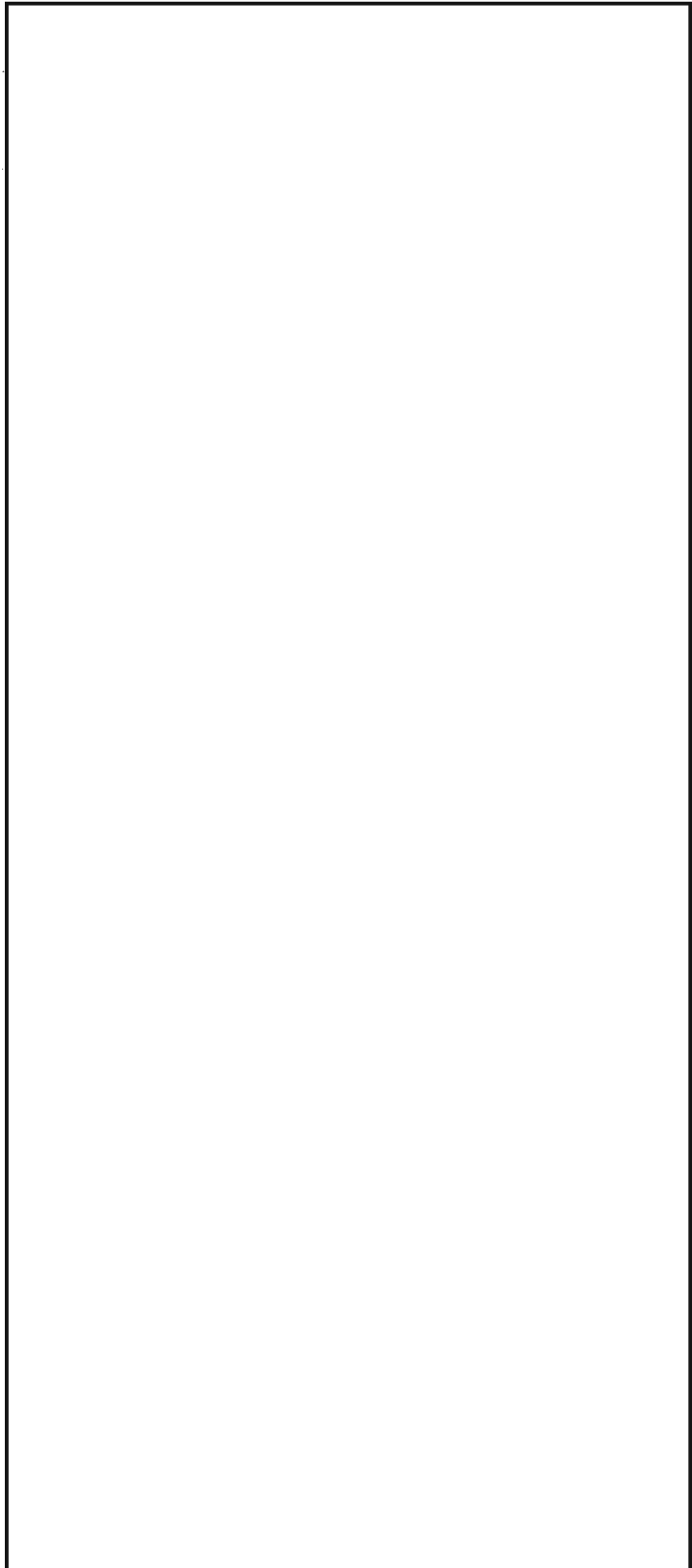
63 DEC 27 1951

DEC 4 1951
COMM - FBI

RNA

The following is additional information contained in this officer's records:

Name:
Date of birth:
Place of birth:
Race:
Height:
Weight:
Eyes:
Hair:
Scars, Marks or Tattoos:
Marital Status:
Social Security Number:
Citizenship:
Former Occupation:
Military Occupation:
Schools:



b7C

Employer:

Home Address:

Relatives:

relene _____
Ladd _____
Menele _____
Palmer _____
Clegg _____
Glavin _____
Harbo _____
Kosen _____
Tracy _____
Mohr _____
Tule, J. _____
Nesec _____
Gandy _____

b7C

Decorations and Awards:



- Tolson _____
- Ladd _____
- Nichols _____
- Belmont _____
- Clegg _____
- Glavin _____
- Harbo _____
- Rosen _____
- Tracy _____
- Mohr _____
- Tele. Rm. _____
- Nease _____
- Jandy _____

Office Memorandum • UNITED STATES GOVERNMENT

TO : DIRECTOR, FBI
ATTENTION IDENTIFICATION DIVISION
FROM : SAC, ST. LOUIS
SUBJECT: NAHUM A. BERNSTEIN
ESPIONAGE - IS

DATE: October 26, 1951

Re New York letter to St. Louis dated 10-16-51

Personnel at RACAG advised they were unable to locate Army service record for [redacted] determined to have Army Serial No. [redacted]. They further advised that a [redacted] card in their files indicated that a request for [redacted] record had been made by PIB, AGO, Washington, D. C. on December 20, 1949, at which time it was ascertained that no records were located [redacted].

Inasmuch as the records for the above-named subject may be located at AGO, Washington, D. C., the Identification Division is requested to make appropriate check there for this record. If located, will handle lead in referenced letter.

For the information of the Identification Division, a copy of referenced letter is enclosed herewith.

b7C

RUC

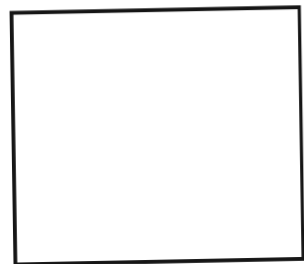
GWM:sae
65-1652
cc New York
Enclosure

RECORDED - 100

EX - 15

165-59184
DEC 11 1951

12-4-51
RHG



3/28/94 SP12BTS/SC
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 4/16/93 BY 9803 RDD/KCL
339,539

SAC, St.

October 16, 1951

SAC, New York

NAHUM A. BERNSTEIN
ESPIONAGE - IS

Your office is requested to check the records of the United States Army under the name of [redacted]. It is believed that he is no longer connected with the United States Army and the records of your area should be checked for his present whereabouts. The only identifying information concerning [redacted] is as follows:

b7C

[redacted]
The address listed upon his discharge from the Army should be ascertained and this office should be immediately notified by letter.

DEB:RAA
65-15301

339-539
3/28/94 SP12 BTJ/SC
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 4/16/93 BY 2803 sdd/scs
339,539

20 1052

88051

Office Memorandum • U S GOVERNMENT

TO : A. H. Belmont
 FROM : C. E. Hennrich
 SUBJECT: NAHUM A. BERNSTEIN
 ESPIONAGE - IS

DATE: December 5, 1951

Tolson _____
 Ladd _____
 Clegg _____
 Glavin _____
 Nichols _____
 Rosen _____
 Tracy _____
 Harbo _____
 Belmont _____
 Mohr _____
 Tele. Room _____
 Nease _____
 Gandy _____

b1

Purpose:

To have our Liaison Unit deliver a blank memorandum to the appropriate officer of G-2 for the purpose of securing information regarding the subject.

Details:

There is attached a self-explanatory blank memorandum for delivery to G-2. The communication has been prepared in this fashion since Bernstein is one of the principal subjects in our [redacted] and the investigation is based in part on data received from [redacted]

Action:

If it meets with your approval, it is recommended that our Liaison Unit deliver the attachment to the appropriate officer at G-2 who is cleared for communications intelligence matters.

Attachment
 65-59184
 WRW:hmb

*Attachment to Major Coffey
 4.2 12/2/51*

8/27/01
 CLASSIFIED BY 39063 elw/cal/dy
 DECLASSIFY ON: 25X 11e
 944929-1

~~339,539
 Classified by 9803 rdd/fcl
 Declassify on: OADR No: JPK
 3/20/94 SP12BTR/SC
 339-531~~

115
 ALL INFORMATION CONTAINED
 HEREIN IS UNCLASSIFIED
 EXCEPT WHERE SHOWN
 OTHERWISE

RECORDED
 EX-115

SECRET

JAN 2 1952

W

~~SECURITY INFORMATION - CONFIDENTIAL~~

~~SECRET~~

cc - Mr. Belmont
Liaison

65-59184

December 5, 1961

4/16/83

Classified by 9803 add/jel

Declassify on UADR 339,539

3/28/94 SP12 BTJ/RC

339-539

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b7C

NAHUM A. BERNSTEIN
ESPIONAGE - IS

R/S to [redacted] 2-5-52
w/enc. 5em

Reply to R/S 2-2-52

[redacted] in
no answer
w/enc. 2

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
EXCEPT WHERE SHOWN
OTHERWISE
b1

[Large redacted block]

[Redacted line] (S)

[Large redacted block]

[Redacted line] (C)

On November 5, 1961, [redacted]
Office of the Chief of Finance, Department of the Army, was
interviewed by Agents of this Bureau. [redacted] advised
that during 1942 and 1943 he was [redacted] at
Camp Upton, New Jersey. He stated that he was unable either
to recall the subject or to recall any memorandum submitted
by him concerning Bernstein and the latter's Communist
connections.

[redacted] stated that if he had submitted
such a report on Bernstein, he did so as an administrative
matter in his official capacity [redacted]

~~SECURITY INFORMATION - CONFIDENTIAL~~

W. R. Wannall:hmb hmb

NOTE: This memo classified on the basis of
the information contained herein.

INDEXED - 70

- Tele. Room
- Lead
- Clegg
- Glavin
- Nichols
- Rosen
- Tracy
- Harbo
- Algen
- Belmont
- Laughlin
- Mohr
- Tele. Room
- Nease
- Gandy

DECLASSIFIED BY 39063 clw/jal/BJW
DECLASSIFY ON: 25X
9444 29-1

SECURITY INFORMATION - ~~CONFIDENTIAL~~

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He reported that such information would have been supplied to him by G-2 at the Post since it was not data based on his personal knowledge. [redacted] said that according to his recollection, Lieutenant Colonel Frank Quigley, now deceased, had maintained a complete file on G-2 activities at the Post. It was his opinion that the material from the G-2 files would still be in existence although he is not aware of its present location.

It would be appreciated if you would endeavor to develop from G-2 records any additional information available regarding possible Communist connections on the part of Bernstein and make the same available to this Bureau.

- 2 -

SECURITY INFORMATION - ~~CONFIDENTIAL~~

Office Memorandum • UNITED STATES GOVERNMENT

TO : A. H. Belmont

FROM : C. E. Hennrich

SUBJECT: NAHUM BERNSTEIN, was.
ESPIONAGE - IS

DATE: December 7, 1951

Tolson _____
Ladd _____
Clegg _____
Glavin _____
Nichols _____
Rosen _____
Tracy _____
Harbo _____
Belmont _____
Mohr _____
Tele. Room _____
Nease _____
Gandy _____

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~~3/28/94~~
~~SP120515C~~
~~339539~~

PURPOSE:

[Redacted]

[Redacted] (S)

DETAILS:

[Redacted]

[Redacted] (S)

ACTION:

[Redacted]

[Redacted]

b1

65-59184

WRW:vas

8/27/01
CLASSIFIED BY 3006 Selu/ra/lly
DECLASSIFY ON: 25X
944229-1

*This matter advises
expected at Bureau by 12-21-51 (S)*

12-10-51

12-17-51
EMB

RECORDED - 123

DEC 18 1951

WYON

Walt

SECURITY INFORMATION - ~~SECRET~~

Form No. 3

THIS CASE ORIGINATED AT NEW YORK

FILE NO. MLO

REPORT MADE AT: NEW YORK	DATE WHEN MADE: 1/24/52	PERIOD FOR WHICH MADE: 1/14,15,16/52	REPORT MADE BY: [Redacted]
------------------------------------	-----------------------------------	--	--------------------------------------

TITLE: NAHUM BERNSTEIN, was.
Ned Berney, Myers, Corman

CHARACTER OF CASE:
ESPIONAGE - IS

CLASSIFIED BY **39863 [Redacted]**
DECLASSIFIED BY **244929-1 [Redacted]**
INVESTIGATIVE SUMMARY REPORT

SYNOPSIS:

NAHUM BERNSTEIN has moved from NYC to Harrison, New York, but continues as a practising attorney in NYC. He was in the company of BEN-GURION during his visit to U. S. He has been contacted by National Lawyers Guild.

[Redacted] visited the residence of NAHUM BERNSTEIN during his recent visit to U. S. BERNSTEIN known to have interest in Israeli Industries, Inc. In May, 1951 he was appointed to the Civilian Legal Personnel Committee of the U. S. Army. This Committee was subsequently abolished.

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3-14-52 information
"deadline"
6-1 NY memo 3-21-52
"Rep. with 3-12-52
will be taken promptly"
[Redacted]

b7C

DETAILS:

Confidential Informant [Redacted] of known reliability, advised that NAHUM BERNSTEIN and his wife, MAXINE, intended to attend a luncheon in the company of Mrs. and Mrs. BEN-GURION, Prime Minister of Israel and his wife. The same informant advised that BERNSTEIN did, in fact, meet [Redacted] on May 12, 1951 at the Hotel Waldorf Astoria. This informant advised that in May, 1951, an individual connected with the National Lawyers Guild contacted NAHUM BERNSTEIN and attempted to interest him in the purchase of health insurance that was being offered by the National Lawyers Guild. On that occasion, BERNSTEIN did

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COPIES OF THIS REPORT FURNISHED TO:

- 5 - Bureau (65-59184)
- 1 - Los Angeles (65-5048) (Info)
- 1 - Washington Field (Info)
- 3 - New York (65-15301)

COPY IN FILE

SPECIAL AGENT IN CHARGE

BUREAU OF INVESTIGATION

DEPARTMENT OF JUSTICE

ROUTED TO: ~~SECRET~~

FILE

RECORDED AND INDEXED:

CHECKED OFF:
RECORDED - 126

INDEXED - 126

EX - 3

68 JUL 18 1952

~~SECRET~~

NY 65-15301

not indicate that he was interested in making such a purchase at that time.

The same informant advised that in June, 1951 NAHUM BERNSTEIN sold his summer cottage that he owned at Pompton Lakes, New Jersey. It was indicated by the informant that BERNSTEIN and his wife had rented a summer cottage at Bellport, Long Island, where they spent the summer of 1951.

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✓ Confidential Informant [] also advised that

Israeli

[] spent the evening of October 15, 1951 at the residence of NAHUM BERNSTEIN, 136 East 67th Street, New York, New York. []

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[] advised that on September 21, 1951 NAHUM BERNSTEIN advised his wife that he had purchased the Amelia Erhardt Estate in Harrison, New York.

Confidential Informant [] of known reliability, advised that NAHUM BERNSTEIN received correspondence at his law office, 20 Pine Street, addressed to Mr. NAHUM A. BERNSTEIN, Israeli Industries, Inc. It was further indicated by this informant that the letterhead of the Israeli Industries, Inc. contained its New York address as 20 Pine Street, Suite 1907, telephone Whitehall 3-7171. This is, in fact, the office address and telephone exchange listed to the law firm of Silver & Bernstein in New York City.

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Confidential Informant [] of known reliability, advised NAHUM BERNSTEIN was appointed on May 16, 1951 as a consultant to a committee known as the Civilian Legal Personnel Committee of the Department of the Army. According to the informant, this committee was established [] to select top level attorneys for employment in the War Department and to pass upon the qualifications of these candidates. The committee in 1951 also performed the same function for the Department of the Air Force as well as for the Department of the Army. Recommendations for the promotions of attorneys employed by the two departments also were passed upon by the committee.

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~~SECRET~~

SECURITY INFORMATION - ~~SECRET~~

NY 65-15301

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This Informant also advised that [redacted] the law firm of Silver and Bernstein was also appointed in 1951 as a member of the Civilian Legal Personnel Committee. ~~SECRET~~

This Same Informant advised that the Civilian Legal Personnel Committee with which BERNSTEIN [redacted] were associated was abolished in November, 1951.

- P E N D I N G -

~~SECRET~~

- 3 -

~~SECRET~~

~~SECRET~~

NY 65-15301

ADMINISTRATIVE

Informants

[Redacted]

[Redacted]

[Redacted]

(S)

Anonymous source.

[Redacted]

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b2
b7D

Miscellaneous

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Copies of this report have been designated for the information of the Washington Field and Los Angeles Offices because they have, in the past, conducted investigation relative to the subject of this investigation. It is believed information in this report should be made available to those offices.

REFERENCE:

Report of SA
City.
Report of SA
City.

[Redacted]

10/23/51, New York
8/20/51, New York

~~SECRET~~

Office Memorandum • UNITED STATES GOVERNMENT

TO : MR. A. H. BELMONT

FROM : V. P. KEAY *VPK*

SUBJECT: ISRAELI INTELLIGENCE SERVICE
(NAHUM BERNSTEIN)
ESPIONAGE - IS

DATE: October 8, 1951

PURPOSE:

To record the results of discussions and information obtained at G-2 in connection with the above-captioned matter.

BACKGROUND:

Reference is made to a memorandum to you from Mr. Hennrich in the above-captioned matter dated September 18, 1951, and to a memorandum to you from Mr. Hennrich entitled, "Nahum Bernstein, was., Espionage - IS," dated September 27, 1951. These memoranda indicate that the Bureau received a loyalty form indicating that Nahum Bernstein and his law partner, Donald Ray Seawell, had been appointed to the position of Consultants in the Office of the Secretary of the Army on May 16, 1951. *24*

b7C

The referenced memorandum dated September 18, 1951, recommended that the Liaison Unit vigorously protest to the Army the manner in which these two cases have been handled. It further recommended that it be determined from the Army the manner in which the loyalty forms on Bernstein and Seawell may be handled so as not to jeopardize pending Bureau investigations.

The referenced memorandum dated September 27, 1951, attached a summary report on Bernstein to be furnished confidentially [redacted] and recommended that [redacted] be cautioned that the report was for his confidential information and that the report and its contents must be maintained under his control and not disseminated generally in the Army.

DETAILS:

[redacted] has discussed this matter at length

[redacted] It has been ascertained there exists in the Department of the Army a committee which is known as "The Civilian Legal Personnel Committee." This committee passes upon the employment of all lawyers within the Department of Defense. The committee employs the use of consultants who set up standards and conduct examinations, etc. of legal personnel applying for positions within the Department of the Army. Bernstein and Seawell were

STP
State

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employed as consultants in New York City. [redacted] advised that he had ascertained that these individuals did not have access to any classified information, therefore there were no name checks made of the files at G-2. It was pointed out, however, [redacted] that, in view of the highly classified nature of the information made available to G-2 by the Bureau regarding Bernstein, an ordinary name check made by the Secretary of the Army would not have disclosed the information in G-2 regarding Bernstein. [redacted] stated that, while this restriction as to access to this information might appear ill-advised, he felt that it was necessary in view of the nature of the material to take these steps.

[redacted] advised [redacted] that he has discussed this matter in extreme confidence [redacted] [redacted] indicated that he believes the best solution to this problem would be to disband the committee. General Bolling stated that to the best of his knowledge this action is being taken by the Secretary.

ACTION:

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It is recommended this be forwarded to the Espionage Unit for the attention of Mr. Wannall.

It is suggested that, before the loyalty forms are returned to the Civil Service Commission indicating that Bernstein [redacted] are no longer employed by the Department of the Army, a recheck will be made by the Liaison Unit within a reasonable period of time in order to make certain that the action of disbanding the committee has, in fact, been taken.

[redacted] advised Committee has been reviewed. *fill* 11/6/51

SAC, New York

November 19, 1951

Director, FBI (65-59184)

NAHUM BERNSTEIN, was.
ESPIONAGE - IS

ReBullets 10/2/51 and 10/29/51.

G-2 has now advised that the Civilian Legal
Personnel Committee with which subject [REDACTED] associated has now
been abolished.

b7C

For your information.

NRW:hmb/hon^W



~~SECRET~~

4/27/01
CLASSIFIED BY 39063dlw/rall/dy
DECLASSIFY ON: 25X 1
944929-1

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ORIGINAL COPY FILED IN

59 DEC 13 1951

F307

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WHERE SHOWN OTHERWISE.

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. W. A. Branigan
 FROM : Mr. W. R. Wannall
 SUBJECT: NAHUM A. BERNSTEIN
 ESPIONAGE - IS

DATE: January 28, 1952

- Tolson _____
- Ladd _____
- Clegg _____
- Glavin _____
- Nichols _____
- Rosen _____
- Tracy _____
- Harbo _____
- Belmont _____
- Mohr _____
- Tele. Room _____
- Nease _____
- Gandy _____

G.I.R.-6

PURPOSE

For record purposes.

DETAILS

Subject is in the special section of the Security Index. We require a summary report on him from New York, the office of origin, every six months. The last such summary report was dated June 5, 1951. The last regular typed investigative report from the New York Office was dated 10/23/51.

On 12/12/51, we sent an O-1 form to the New York Office asking when the summary report due 12/5/51 might be expected. We received a reply to this form on 1/3/52 to the effect that the summary report would be submitted 1/11/52. As of 1/22/52, the report had not been received at the Bureau.

While discussing another matter telephonically with ASAC Whalen of the New York Office on 1/23/52, Mr. Hennrich was advised that the summary report on Bernstein was being mailed that evening to the Bureau.

ACTION

None. The above is for record purposes.

WRW:reo

339-539
 3/28/94 SP12BTJ/SC
 ALL INFORMATION CONTAINED
 HEREIN IS UNCLASSIFIED
 DATE 5/21/93 BY 9803 rdd/gcl
 339.539

RECORDED - 100
 1/28/52
 W. R. Wannall

245
 [Faint stamp]

Office Memorandum • UNITED STATES GOVERNMENT

TO : Director, FBI (65-59184)

DATE: March 4, 1952

FROM : SAC, New York (65-15301)

SUBJECT: NAHUM BERNSTEIN
ESPIONAGE - IS

Card U.T.D.

3-18-52

It is recommended that a Security Index Card be prepared on the above-captioned individual.

X The Security Index Card on the captioned individual should be changed as follows: (Specify change only)

NAME _____

ALIASES _____

NATIVE BORN _____ NATURALIZED _____ ALIEN _____

COMMUNIST _____ SOCIALIST WORKERS PARTY _____ INDEPENDENT SOCIALIST LEAGUE _____

MISCELLANEOUS (Specify) _____

TAB FOR DETCOM _____ TAB FOR COMSAB _____ RACE _____ SEX _____

DATE OF BIRTH _____ PLACE OF BIRTH _____

BUSINESS ADDRESS (Show name of employing concern and address) _____

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

DATE 5/21/93 BY 9803 RDD/gcl
339,539

NATURE OF INDUSTRY OR BUSINESS (Specify from Vital Facility List) _____

*3/28/94 SPI2 BTJ/SC
339-539*

RESIDENCE ADDRESS _____
Locust Avenue, near Boxwood Lane

Harrison, N.Y. 65-59184-4

RECORDED - 48

STATISTICS TAKE
MAR 14 11 28 AM '52
FBI
STATISTICAL SECTION

DES:mat

EX-83

Handwritten initials and signatures

~~SECRET~~
FEDERAL BUREAU OF INVESTIGATION

INDEXED - 46

~~SECRET~~

Form No. 1
THIS CASE ORIGINATED AT NEW YORK

FILE NO.

REPORT MADE AT NEW YORK	DATE WHEN MADE 3/18/52	PERIOD FOR WHICH MADE 10/14/51-3/7/52	REPORT MADE BY [Redacted]
TITLE NAHUM BERNSTEIN, was., Ned Berney, Meyers, German		CHARACTER OF CASE ESPIONAGE - IS	

SYNOPSIS OF FACTS:

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NAHUM BERNSTEIN moved on 11/26/51 to Harrison, New York. BERNSTEIN has been in contact [Redacted] and arranged for a meeting with [Redacted]

[Redacted] Israeli officials. BERNSTEIN has been in contact with ARNON ROJANSKY, an Israeli attorney who represents the law firm of SILVER & BERNSTEIN, in Israel. He advised ROJANSKY he is doing work for the Israeli Government and they discussed generally attorneys working for foreign governments. BERNSTEIN has indicated that he knows [Redacted] who was involved in shipment of dynamite to Israel. Contacts of BERNSTEIN set out.

Einfangs P. 7, 8

*9/5/01
CLASSIFIED BY 59063/ld/ally
DECLASSIFY ON: 20X
944938-1*

*cc of report to
Administration
Public Inq
in a meeting
COA
7-7-52
at 20: 40*

*DECLASSIFIED BY 30262/ld/ally
ON 9/5/01
Classified by 9803 Add/gcl
Declassify on: OADR 339,539*

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EXCEPT WHERE SHOWN
OTHERWISE

APPROVED AND FORWARDED: <i>Edward Schick</i> SPECIAL AGENT IN CHARGE	DO NOT WRITE IN THESE SPACES RECORDED - 46 INDEXED - 46
COPY IN FILE	MAR 21 1952 17
COPIES OF THIS REPORT Bureau (65-59184) 1 Los Angeles (info) (65-5048) 1 Washington Field (info) 3 New York (65-15301)	

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68 JUL 18 1952

SECURITY INFORMATION ~~SECRET~~

~~SECRET~~

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NY 65-15301

DETAILS: On November 26, 1951, Confidential Informant [redacted] of known reliability, advised that NAHUM BERNSTEIN and his family had moved from their New York City residence to their new home in Harrison, New York.

Confidential Informant [redacted] of known reliability, advised that on February 13, 1952, NAHUM BERNSTEIN was contacted by [redacted] the bi-monthly newspaper, "Israel Speaks" and who has been very active in the affairs of Israel. On that occasion an appointment was made with BERNSTEIN to meet with him [redacted] on the following Tuesday. This informant had previously advised that these four individuals were very interested in the status of the publication "Israel Speaks" and it was believed by this informant that the proposed meeting was to take place to discuss the future of this publication. (S)(u)

[redacted]
the United States from Israel. [redacted]
of the Israeli Government attached to the Israeli Consulate in New York City. (S)(u)

Confidential Informant [redacted] advised that on November 10, 1951, NAHUM BERNSTEIN was in contact with ARNON R. ROJANSKY. He is identical with the Israeli attorney who is handling the legal affairs of the law firm SILVER & BERNSTEIN, in Israel. On March 31, 1950, the law firm of SILVER & BERNSTEIN sent out announcements to leading New York attorneys as follows:

We announce the opening of an Israeli Office
at 26 Rothschild Boulevard, Tel Aviv. Mr.
Arnon R. Rojansky of the Israeli Bar is
counsel in charge.

The informant advised that at the time NAHUM BERNSTEIN contacted [redacted] a discussion ensued concerning attorneys in the United States representing foreign governments. [redacted] pointed out to BERNSTEIN that he had noticed an article in Look Magazine about foreign agents working for other governments and specifically he stated this article referred to attorneys. This particular discussion was not elaborated upon.

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NY 65-15301

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On the occasion of this contact BERNSTEIN told ROJANSKY that he had to go to the Israeli Consulate on Tuesday to pick up some papers as he stated he had finished work for the Israeli Government and he wanted to finish up his accounts with them. It was agreed that ROJANSKY and BERNSTEIN were to meet the following Tuesday. It was noted on that date that ROJANSKY was visiting in the United States.

On November 18, 1951, Confidential Informant [redacted] advised that NAHUM BERNSTEIN was in contact with an individual identified as [redacted]. It was evident, according to the informant, that [redacted]. On this occasion BERNSTEIN'S [redacted] advised him that [redacted].

[redacted] advised BERNSTEIN that [redacted] had been in trouble for sending dynamite to Israel. BERNSTEIN advised [redacted] that if such a man were sending dynamite to Israel he, NAHUM, should know him. After further discussion BERNSTEIN advised [redacted] that [redacted] is a fine fellow and that he knew him quite well.

Confidential Informant [redacted] of known reliability, advised the following individuals and organizations were in contact with NAHUM BERNSTEIN on the dates indicated:

<u>Date</u>	<u>Person or Organization in Contact with NAHUM BERNSTEIN</u>
10/19/51	War Department Washington, D.C.
10/20/51	MATERIAL FOR ISRAEL 750 West 57th Street New York, New York
10/20/51	National Lawyers Guild 40 Exchange Place New York, New York

~~SECRET~~

~~SECRET~~

NY 65-15301

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<u>Date</u>	<u>Person or Organization In Contact With NAHUM BERNSTEIN</u>
10/24/51	McGOLDRICK, WINN, DANNETT & BURKE 37 Wall Street New York, New York
10/30/51	American Friends of Hebrew University 9 East 89th Street New York, New York
11/8/51	<div style="border: 1px solid black; height: 50px; width: 100%;"></div>
	American Palestine Trading Corporation 17 East 71st Street New York, New York
11/9/51	<div style="border: 1px solid black; height: 50px; width: 100%;"></div>
11/16/51	Import-Export Industries 30 Rockefeller Plaza New York, New York
11/16/51	American Israeli Corporation 1 Wall Street New York, New York
11/20/51	Government of Israel Supply Mission 250 West 57th Street New York, New York

~~SECRET~~

~~SECRET~~

NY 65-15301

<u>Date</u>	<u>Person or Organization In Contact With NAHUM BERNSTEIN</u>	
11/20/51	Young & Rubicam, Inc. 285 Madison Avenue New York, New York	b7C
11/24/51	National Lawyers Guild 40 Exchange Place New York, New York	
11/24/51	<div style="border: 1px solid black; width: 200px; height: 40px;"></div>	
11/28/51	Israel Speaks, Inc. 250 West 57th Street New York, New York	
12/4/51	<div style="border: 1px solid black; width: 250px; height: 50px;"></div>	
12/5/51	Corcoran & Kostelanetz 52 Wall Street New York, New York	
12/5/51	Government of Israel 250 West 57th Street New York, New York	
12/8/51	Government of Israel Supply Mission 250 West 57th Street New York, New York	

~~SECRET~~

~~SECRET~~

NY 65-15301




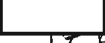

<u>Date</u>	<u>Person or Organization In Contact With NAHUM BERNSTEIN</u>
12/8/51	American Israeli Shipping Company 27 William Street New York, New York
12/13/51	Szakely-Heffman & Company 100 Herzl Street Tel Aviv, Israel
12/14/51	[Redacted]
12/17/51	National Lawyers Guild 40 Exchange Place New York, New York
12/19/51	[Redacted]
12/24/51	[Redacted]
12/26/51	Israeli Consulate 11 East 70th Street New York, New York
12/31/51	U.S. Department of Commerce Patent Office Washington, D.C.

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NY 65-15301




<u>Date</u>	<u>Person or Organization In Contact With NAHUM BERNSTEIN</u>
1/3/52	
1/15/52	Material For Israel, Inc. 250 West 57th Street New York, New York
1/17/52	
1/18/52	Department of the Army, Washington Finance Office U.S. Army Washington, D.C.
1/22/52	Jewish Agency For Palestine 16 East 66th Street New York, New York
1/23/52	  Israel Purchasing Service, Inc. 17 East 71st Street New York, New York
1/28/52	

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NY 65-15301

<u>Date</u>	<u>Person or Organization In Contact With NAHUM BERNSTEIN</u>
1/29/52	U. S. Treasury Department Office of Collector of Internal Revenue, Customs House New York, New York
1/31/52	Government of Israel Supply Mission 250 West 57th Street New York, New York
2/14/52	Szekely-Hoffman & Company, Limited 100 Herzl Street Tel Aviv, Israel
 2/14/52	
2/19/52	b7C Smartcraft Corp. 213 West 35th Street New York, New York
2/19/52	Ultramar International Corporation 200 West 57th Street New York, New York
2/19/52	

~~SECRET~~

~~SECRET - SECURITY INFORMATION~~

NY 65-15301

<u>Date</u>	<u>Person or Organization In Contact With NAHUM BERNSTEIN.</u>
2/8/52	Israeli Forum WLIB, NY 207 East 30th Street New York, New York
2/28/52	Israel Speaks 250 West 57th Street New York, New York
3/6/52	Israeli Consulate 11 East 70th Street New York, New York

P E N D I N G

~~SECRET - SECURITY INFORMATION~~
~~SECRET - SECURITY INFORMATION~~

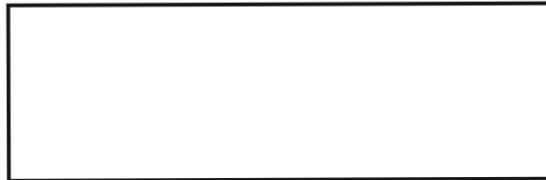
~~SECRET~~

NY 65-15301

ADMINISTRATIVE

IDENTITY OF INFORMANTS

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b7D



Mail cover on mail received by
NAHUM BERNSTEIN at his business
address, c/o SILVER & BERNSTEIN,
20 Pine Street, New York, New York

MISCELLANEOUS

Copies of this report are being designated for the information of the Los Angeles and Washington Field Offices because it is known that these offices are currently conducting an investigation relative to Israeli activities. It is believed that information in this report may be of assistance to them in their investigation.

LEADS

NEW YORK

At New York, New York

Will continue to follow the activities of NAHUM BERNSTEIN in connection with Israeli activities.

~~SECRET~~

~~SECRET~~

NY 65-15301

ADMINISTRATIVE (Con't.)

REFERENCE

Report of SA 10/23/51, New York b7C

~~SECRET~~

~~CONFIDENTIAL~~

FEDERAL BUREAU OF INVESTIGATION

Form No. 1

THIS CASE ORIGINATED AT NEW YORK

SECURITY INFORMATION - ~~SECRET~~

NO.

EPK

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REPORT MADE AT NEW YORK	DATE WHEN MADE JUN 3 1952	PERIOD FOR WHICH MADE 3/18,20;4/10,22; 5/12,19,27,28; 6/2/52	REPORT MADE BY <div style="border: 1px solid black; width: 100px; height: 20px;"></div>
TITLE NAHUM BERNSTEIN, was.		CHARACTER OF CASE ESPIONAGE - IS	

SYNOPSIS OF FACTS:

NAHUM BERNSTEIN moved residence to 355 Locust Avenue, Rye, NY. He is still a practicing attorney at 20 Pine Street, NYC. [On March 18 and 20, 1952, subject was in contact with and discussed the merger of "Israel Speaks" with the "Jerusalem Post". Previous meeting held in 1951 concerning this merger, GERSHON AGRON, Editor of "Jerusalem Post" present. Contacts of BERNSTEIN set out.

7/5/50
DECLASSIFIED BY 5903cdk/kaly
944789-1
25X 6
Amstrong
Bolling
McGraw
COA

DECLASSIFIED BY 5903cdk/kaly
9/15/01
338589
SP12878/SC3/28/94
5/24/93
Classified by 9803 add/gel
Declassify on OADR As. JFK

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE

DETAILS:

As previously reported, Confidential Informant of known reliability, on September 6, 1951, advised that NAHUM BERNSTEIN told an unidentified individual that he was interested in buying a house in Harrison, New York. Subsequent to this date the subject advised another unidentified individual that he was seriously thinking of buying the former AMELIA ERHARDT'S home in Harrison, New York.

MRS On September 21, 1951, MAXINE BERNSTEIN, wife of NAHUM BERNSTEIN, was in contact with her husband according to Confidential Informant On that occasion NAHUM BERNSTEIN

PROVED AND FORWARDED:

Edward Scheidt

SPECIAL AGENT IN CHARGE

DO NOT WRITE IN THESE SPACES

COPY IN FILE

COPIES OF THIS REPORT

- ⑤ Bureau (65-59184)
- 1 Los Angeles (Info.) (65-5048)
- 1 Washington Field (Info.)
- 3 New York (65-15301)

13 JUN 4 1952

RECORDED - 153
INDEXED - 153

SECURITY INFORMATION - ~~SECRET~~

PROPERTY OF FBI—THIS CONFIDENTIAL REPORT AND ITS CONTENTS ARE LOANED TO YOU BY AGENCY TO WHICH LOANED. IT IS NOT TO BE DISTRIBUTED OUTSIDE OF AGENCY TO WHICH LOANED.

65 JUL 24 1952

~~CONFIDENTIAL~~

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~~SECRET~~

NY 65-5301

advised his wife that he had signed a contract for the house and that everything was signed, sealed and delivered.

On November 26, 1951, Confidential Informant [redacted] advised that NAHUM BERNSTEIN and his family had moved from their New York residence at 136 East 67th Street to their new home in Harrison, New York. b7C

In December, 1951, Confidential Informant [redacted] of known reliability, advised that NAHUM BERNSTEIN and his family resided at 355 Locust Avenue, Rye, New York.

The Westchester County, New York, telephone directory for May, 1952 reflects a listing for NAHUM BERNSTEIN, 355 Locust Avenue, Rye, New York, telephone number Rye 7-0093.

Confidential Informant [redacted] of known reliability advised of a meeting held between NAHUM BERNSTEIN, [redacted] on March 18, 1952, at which they took up the arrival of [redacted] suggested a meeting be held on March 25, 1952, prior to the arrival [redacted] [redacted] indicated the contemplated meeting was to discuss the merger of "Israel Speaks" with the "Jerusalem Post." [redacted] was unable to identify [redacted] or to advise of any details concerning this merger. (S) (u)

[redacted] further advised on March 20, 1952, of a meeting held at the home of NAHUM BERNSTEIN which was attended by one [redacted] (phonetic) and which meeting concerned the publicity business. [redacted] was unable to further elaborate on the nature of this meeting. (S) (u)

It is to be noted that in June, 1951, NAHUM BERNSTEIN was listed as Secretary of Israel Speaks, Inc., which corporation publishes the bimonthly publication known as "Israel Speaks." The May 23, 1952, issue of "Israel Speaks" carries DAVID WAHL as Publisher.

[redacted]

COMMUNICATIONS INDUSTRY
EMPLOYED BY DAVID WAHL
(EMPL. CARD)

b7C

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NY 65-15301

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On April 4, 1952, [redacted]

[redacted] was interviewed by SAS [redacted] at the New York Office.

At this time [redacted] prepared a narrative statement in which he admitted he worked [redacted] in London, England, [redacted]

During the course of this interview [redacted] advised that in 1947 he decided to come to New York City and to enlist in the service to assist Palestine in its fight against the Arab countries. [redacted] advised that [redacted] through the assistance of an organization known as "Service Airways" he took off for Rome, Italy, and upon arrival there [redacted]

[redacted] described [redacted] known as [redacted] the newspaper "Jerusalem Post," formerly known as the "Palestine Post." According to [redacted] the last he heard [redacted]

According to Confidential Informant [redacted] previously mentioned, on March 28, 1951, [redacted] was in contact with [redacted] the Israeli Government to the United States, at which time they were discussing the question of the merger of "Israel Speaks" and the "Jerusalem Post." [redacted] advised that there was another problem, indicating that [redacted] the "Jerusalem Post", was in New York and that he was talking to [redacted] a leader in the Israeli movement in the New York area, concerning the question of the two publications. (S) (u)

[redacted] indicated that he had luncheon [redacted] a short time before and that he had informed [redacted] what the facts were and pointed out that particularly with respect to financing the matter, the merger would require more financing than the present situation calls for. [redacted] according to [redacted] raised the question whether [redacted] would be willing to go to Jerusalem to handle the weekly. [redacted] indicated that he had told [redacted] that there wasn't any basis for discussing these matters in the vague context which had existed for the past two years and still exists. (S) (u)

According to [redacted] on April 4, 1951, [redacted] the Israeli Supply Mission in New York City, (S) (u)

COMMUNICATIONS INDUSTRY
EMPLOYED BY JERUSALEM
(EMPL CARD)

NY 65-15301

~~SECRET~~

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contacted [redacted] and volunteered the information that he thought "Israel Speaks" was a much better name for a newspaper than "Jerusalem Post." [redacted] indicated that [redacted] was here, meaning in the United States, and wanted cooperation in running the "Jerusalem Post." (S)(u)

Confidential Informant [redacted] of known reliability, advised that the following individuals and organizations were in contact with NAHUM BERNSTEIN on the dates indicated:

Date -	Person or Organization in Contact with Bernstein
March 10, 1952	Szikely-Hoffman and Company, Ltd. Jabotinski Street Ramat Gan, Israel
March 10, 1952	[redacted]
March 13, 1952	Congress of the United States Committee of Foreign Affairs House of Representatives Washington, D. C.
March 14, 1952	[redacted]
March 14, 1952	[redacted]
March 14, 1952	S. Sonneborn Sons, Inc. 300 Fourth Avenue New York 10, New York
March 17, 1952	The Nation Associates 20 Vesey Street New York 7, New York

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NY 65-15301

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<u>Date</u>	<u>Person or Organization in Contact with Bernstein</u>
March 18, 1952	Irving Trust Company 1 Wall Street New York, New York
March 18, 1952	Material for Israel, Inc. 250 West 57th Street New York, New York
March 24, 1952	Free Sons for Israel Post 252 West 92nd Street New York, New York
March 27, 1952	<div style="border: 1px solid black; width: 300px; height: 50px; margin: 0 auto;"></div>
March 27, 1952	NAACP 20 West 40th Street New York 18, New York
April 2, 1952	Hanover Bank Box 33, C. S. Sta. New York 15, New York
April 10, 1952	Self-Selective Parcel Service, Inc. 250 West 57th Street New York, New York
April 11, 1952	Concoran-Kostelanetz 52 Wall Street New York, New York
April 11, 1952	National Lawyers Guild 40 Exchange Place New York, New York
April 24, 1952	Gadsby Fabrics Empire State Building New York, New York

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~~SECURITY INFORMATION - CONFIDENTIAL~~

~~SECURITY INFORMATION - SECRET~~

NY 65-15301

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Date Person or Organization in Contact with Bernstein

April 30, 1952	Intercontinental Airways Gate 125 Lockheed Air Terminal Burbank, California
May 1, 1952	National Civil Service League 120 East 29th Street New York, New York
May 2, 1952	Civil Service Reform Association 120 East 29th Street New York, New York
May 7, 1952	Government of Israel Supply Mission 250 West 57th Street New York, New York
May 8, 1952	<div style="border: 1px solid black; width: 300px; height: 40px; margin: 0 auto;"></div>
May 9, 1952	Common Council for American Unity 20 West Fourth Street New York, New York
May 9, 1952	Trans Caribbean 160 Central Park South New York, New York
May 19, 1952	<div style="border: 1px solid black; width: 300px; height: 40px; margin: 0 auto;"></div>

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- P E N D I N G -

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~~SECURITY INFORMATION - CONFIDENTIAL~~

NY 65-15301

~~SECRET~~

ADMINISTRATIVE PAGE

INFORMANTS

Identity of Source	Date of Activity or Description of Information	Date Received	Agent Who Received Information	File No. and Location
[redacted]	9/6/51	9/6/51		
[redacted]	November, 1951	November, 1951	SA [redacted]	Instant report
[redacted]	3/18/52 3/20/52	3/18/52 3/20/52	[redacted]	
[redacted]	March, 1952 to May, 1952	Various dates	SA [redacted]	Instant report
Mail cover placed on subject's place of business, 20 Pine Street, New York City				

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MISCELLANEOUS

Copies of this report are being designated for the information of the Los Angeles and Washington Field Offices because it is known that these offices are currently conducting an investigation relative to Israeli activities. It is believed that information in this report may be of interest to them in conducting their investigations.

~~X~~

NY 65-15301

ADMINISTRATIVE PAGE (Cont'd)

~~SECRET~~

LEADS

NEW YORK

At New York, New York

Will continue to follow the activities of NAHUM BERNSTEIN in connection with Israeli activities.

REFERENCE

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Report of SA 3/18/52, New York.

~~X~~

~~CONFIDENTIAL~~

SAC, New York (65-15301)

June 19, 1952

RECORDED - 134

Director, FBI (65-59184)

NAHUM BERNSTEIN, was.
ESPIONAGE - IS

~~CONFIDENTIAL~~
- 17

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Rerep SA [redacted] dated 3-18-52, at
New York City.

On Page 3 of rerep it was reported that as the result of a mail cover maintained on subject's office, it was learned that Bernstein had received a communication from the War Department, Washington, D. C., on October 19, 1951. On Page 7 of rerep this same source reflected that he received another communication on January 18, 1952, from the Department of the Army, Washington Finance Office, U. S. Army, Washington, D. C.

Upon receipt of rerep, inquiries were instituted via liaison channels in an effort to determine the reason for the correspondence from the Department of the Army to Bernstein. The Bureau has now been advised that a check of the Army file on Bernstein has revealed no record of the contacts described above. [redacted]

[Large redacted block]

[redacted] (X) (S) (C)

The information received from the Army, as set forth heretofore, was classified Security Information - Confidential. In the event it is utilized in an investigative report or other communication prepared for dissemination outside the Bureau, it should be suitably paraphrased.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
EXCEPT WHERE SHOWN
OTHERWISE

WRW:kc

DECLASSIFIED BY
ON 4/27/94

89063edw/cally

339-539

2/22/94 SPIA/BTS/SC

6/2/93
Classified by 803add/pcl
Declassify on: OADR 339539

CLASSIFIED BY 00290/BCE/DCCL/7m
DECLASSIFY ON: 25X
944929

- Tolson _____
- Ladd _____
- Nichols _____
- Belmont _____
- Clegg _____
- Glavin _____
- Harbo _____
- Rosen _____
- Tracy _____
- Laughlin _____
- Mohr _____
- Tele. Rm. _____
- Holloman _____
- Gandy _____

MAILED 4
JUN 19 1952
COMM - FBI

~~CONFIDENTIAL~~

WMA

Office Memorandum • UNITED STATES GOVERNMENT

TO : W. A. Branigan

DATE: June 16, 1952

FROM : W. R. Wannall *WRW*

SUBJECT: NAHUM A. BERNSTEIN
ESPIONAGE - IS

47102
 CLASSIFIED BY *60290 bcd/rj/dy*
 DECLASSIFY ON: *1-3/28/94 SP1/BTT/K*
9/14/92
 6/3/93
 Classified by *9803 RDD/GCL*
 Declassify on: *1-3/28/94 339-539*

Tolson _____
 Ladd _____
 Clegg _____
 Glavin _____
 Rosen _____
 Tracy _____
 Harbo _____
 Belmont _____
 Mohr _____
 Tele. Room _____
 Nease _____
 Gandy _____

PURPOSE:

For record purposes.

DETAILS:

On 10-3-51 we received [redacted] information indicating that the 201 file maintained on subject while he was in the Army had contained information to the effect that

[redacted] information was in the 201 file in a memorandum signed by one [redacted]. The Bureau located [redacted] and on 11-5-51 interviewed him regarding this matter. He had no recollection thereof stating that any material relating thereto would appear in Army files.

On 12-5-51, we prepared a blind memorandum to this effect which was delivered to G-2 and in which we requested that Agency to endeavor to develop additional material from its files on Bernstein's alleged Communist connections.

This matter has been followed personally by writer [redacted]. [redacted] Contacts were had [redacted] on February 7, February 26, April 3, May 5, and June 11, 1952.

[redacted] referred the inquiry to a G-2 Field Office and received a reply which was negative in nature. He referred it back to the Field and as of 6-11-52 advised writer that he has still received no results. He is of the opinion that the file material relating to Bernstein may have been destroyed.

Writer will continue following this matter with Major Coffin.

ACTION:

None. This is for record purposes.

[redacted]

DECLASSIFIED BY *39003 elw/rj/dy*
9/28/01

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65-59184
WRW: [redacted]

12/2
status no results to date.
WRW
RECORDED - 138
EX-25

[redacted]

4-16 - results reply shortly
WRW
5-11-52

2/16/53
awaiting Field results
WRW
69

Office Memorandum • UNITED STATES GOVERNMENT

TO : W. A. Branigan

DATE: June 17, 1952

- Tolson _____
- Ladd _____
- Clegg _____
- Glavin _____
- Nichols _____
- Rosen _____
- Tracy _____
- Harbo _____
- Alden _____
- Belmont _____
- Laughlin _____
- Mohr _____
- Tele. Room _____
- Nease _____
- Gandy _____

FROM : W. R. Wannall

SUBJECT: NAHUM BERNSTEIN
ESPIONAGE - IS

6
6

This memorandum has been prepared as a matter of record and in order that the attached search slips of captioned subject may be made a part of the main file. The search slips cover the review of all see references on the subject for the period January, 1950, to May 22, 1952.

WRW:rd

339-539
3/28/94 SPI2BTS 150
ALL INFORMATION CONTAINED

HEREIN IS UNCLASSIFIED

DATE 6/3/93 BY 9803 rdd/jcl
339.539

RECORDED - 96

62-3711-10

JUN 18 1952

ENCLOSURE

EX-25

will

70 JUN 25 1952

S. J. W.

~~SECRET~~

b1

SERVICE UNIT
SEARCH SLIP

4-22a

Supervisor W. J. ... Room 153

Subj: Isidore Bernstein

Exact Spelling
 All References
 Subversive Ref.
 Main File
 Restricted to Locality of

INFORMATION CONTAINED
 IS UNCLASSIFIED
 EXCEPT WHERE SHOWN
 OTHERWISE
 Searchers Initial ABP
 Date 7-22

8/27/00
 CLASSIFIED BY 390632/...
 DECLASSIFY ON: 25X SERIALS
944929-1

Classified by 9803200/...
 Declassify on: OADR
 3/28/94
 3/28/94
 3/28/94
 3/28/94

~~MF 65-59184-1~~
~~SI 40-5892~~
~~DV 65-59184-92-2758~~

[Redacted]

~~SV 65-60323-12~~

~~SV 65-5986-46~~

~~SV 97-2866-7569~~

[Redacted]

~~101-P261-98,96,123~~

[Redacted]

~~Hand 10330-112114~~

[Redacted]

~~SV 65-53359-38, 35, 34~~

~~101-59184-1~~

Initialed
~~SECRET~~

SERVICE UNIT
SEARCH SLIP

4-22a

Supervisor Wannal Room 1531

Subj: Jakub Bernsten

Exact Spelling ~~SEARCHED~~ Searchers Initial WLB
 All References Date 5/22
 Subversive Ref.
 Main File
 Restricted to Locality of after Jan 150

FILE NUMBER

SERIALS

b1

~~ST 65-60090-92~~
~~100-10832-17, 100, 11~~
~~ST 65-58621-184~~
~~97-2866-81, 131~~
~~ST 01-2261-69~~

~~ST 65-60670-8~~
~~ST 2-1004-222, 24863~~

[Redacted]	(S)
[Redacted]	(S)
[Redacted]	

65-59132-27 Initialled
~~SECRET~~

SERVICE UNIT
SEARCH SLIP

4-22a

Supervisor Winnal Room 1531

Subj: Nehum Beynater

~~SECRET~~

Exact Spelling
 All References
 Subversive Ref.
 Main File

Searchers
Initial APB
Date 9-27

Restricted to Locality of

after Jan 150

b1

FILE NUMBER

SERIALS

~~65-59195-22 54 CT~~

[Redacted]

~~65-14906-6 P. 1 (S)~~

~~65-59186-3 8~~

~~65-58678-28 3 221~~

[Redacted] (S)

~~65-59258-15 4~~

~~65-59195-4 21 6~~

~~65-58621-47~~

[Redacted]

[Redacted]

~~Initialled
SECRET~~

SERVICE UNIT
SEARCH SLIP

4-22a

Supervisor Wannell Room 531

Subj: Rachum Bernstein

Exact Spelling ~~SECRET~~ Searchers Initial JPB

All References Date 7/22

Subversive Ref.

Main File

Restricted to Locality of

after Jan/50

FILE NUMBER

SERIALS

b1

~~SI 65-13449-9~~

~~SI [redacted] (S)~~

~~M 65-59184-28~~

~~Rachum Bernstein~~

~~M 65-59184-7~~

~~SI [redacted] K~~

CLOSURE 4

~~Initialed
SECRET~~

Director, FBI (65-58104)

FANNY BERNSTEIN, was.
ESPIONAGE - R

Classified by 3/28/94 SP12BTJ/JC
Declassify on: OADR
339-539

2/27/01
CLASSIFIED BY 39063c/af/af
DECLASSIFY ON: OADR
944929-1

It has been determined at the Seat of Government to make dissemination of certain investigative reports received in the past on a selective basis. In effecting this dissemination and in order to protect to a greater degree the information developed regarding our investigation of [redacted] in this country, the reports are being disseminated on a selective basis and are being classified prior to dissemination not less than "Security Information - Secret."

The reports being disseminated at this time are as follows:

- Summary report prepared by SA [redacted] dated June 5, 1951, at New York City.
- Summary report prepared by SA [redacted] dated January 24, 1952, at New York City.
- Regular report prepared by SA [redacted] dated March 18, 1952, at New York City.
- Regular report prepared by SA [redacted] dated June 3, 1952, at New York City.

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It is noted that the Newark Office received one copy only of the first report listed above. The Los Angeles and Washington Field Offices received one copy of each of the four reports.

MAILED 16
JUL 8 - 1952
COMM - FBI

RECORDED - 132141



In the future, reports submitted in this case should bear a classification not less than "Security Information - Secret."

- cc - 2 - Los Angeles (65-5048)
- 2 - Newark (65-4087)
- 2 - Washington Field (65-5802)

NRW:ERO

~~SECRET~~

RECEIVED
FBI
JUL 10 PM '52

Office Memorandum • UNITED STATES GOVERNMENT

TO : A. H. Belmont

DATE: July 7, 1952

FROM : W. A. Branigan

SUBJECT: NAHUM BERNSTEIN, was.
ESPIONAGE - IS

3/20/94
STABIS/SC
339539

- Tolson _____
- Ladd _____
- Nichols _____
- Belmont _____
- Clegg _____
- Glavin _____
- Harbo _____
- Rosen _____
- Tracy _____
- Mohr _____
- Tele. Rm. _____
- Nease _____
- Gandy _____

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PURPOSE:

Bernstein is considered to be one of the primary subjects in our investigation regarding [redacted] in this country. His name is included in the Special Section of the Security Index. Dissemination of reports in the past has been made on only two occasions on a selective basis and for a particular reason. To recommend that two summary reports and two regular investigative reports which set forth all pertinent information regarding our investigation of Bernstein from an espionage standpoint be disseminated at this time to Assistant Attorney General James M. McInerney of the Criminal Division, [redacted]

[redacted] the State Department, [redacted] G-2 and [redacted] To recommend that future reports in this case be given the same dissemination. To have our Liaison Unit deliver the copies of the reports personally to [redacted] (S)

BASIS FOR INVESTIGATION:

[redacted]

[redacted] (S) (65-59184-1)

[redacted]

[redacted] (X) RECORDED - 94 (65-59184-41)

[redacted]

8/29/01
 CLASSIFIED BY SP06GSL/klh/ldj
 DECLASSIFY ON: 25X 46
 944929-1

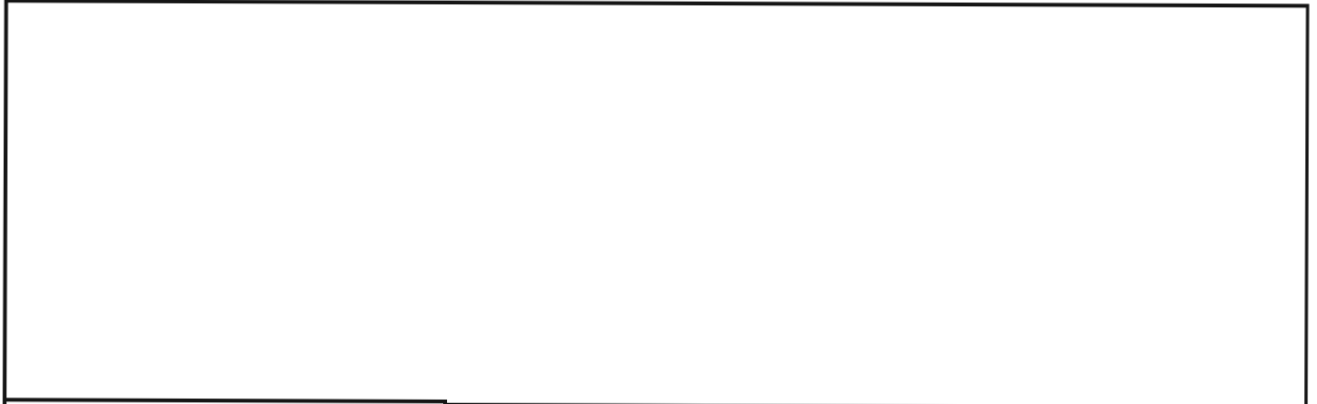
b1

65-59184
 cc - [redacted] (S)
 WRW:reo

EX-83

UNRECORDED COPY FILED IN

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(S)

(65-59184-41)

PAST DISSEMINATION IN THIS CASE:

Since the inception of this investigation, reports have been submitted by the field on a regular basis. Dissemination has not been given to these reports regularly

(S)

because it was determined that dissemination should not be made pending the outcome of our investigation of the espionage allegations against Bernstein. In two instances, which are described fully below, reports were disseminated for a particular reason and on a selective basis.

NEUTRALITY ACT-CONSPIRACY VIOLATION

On July 28, 1950, our Los Angeles Office submitted a report concerning a Neutrality Act-Conspiracy violation arising as a result of Bernstein's testimony as a defense witness in the trial of the case "United States vs Schwimmer, et al" involving the illegal shipment of military aircraft to Israel. During this trial, Bernstein testified in effect that he had furnished the money and directed the defendants in the purchase of this material and in essence stated that he was responsible for the actions of the defendants. The AUSA in Los Angeles declined prosecution of Bernstein in his district inasmuch as there was no overt action committed by Bernstein there. He stated, however, that had he known of Bernstein's involvement in the case at the outset, he would have included him in the indictment and suggested that consideration be given to indicting Bernstein in the appropriate Federal District.

(65-59184-8)

We referred a copy of our Los Angeles report to the Department for an opinion and were advised by AAG McInerney on September 18, 1950, "in view of the conclusion of the Schwimmer and related cases involving these matters, it does not appear advisable to reopen any aspect of these cases." Therefore, this phase of the case against Bernstein was closed on October 11, 1950. (65-59184-14)

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EMPLOYMENT BY THE DEPARTMENT OF THE ARMY:

In September, 1951, the Department of the Army submitted for regular processing by the Bureau two loyalty forms indicating that Bernstein [redacted] were appointed on May 16, 1951, to positions as Consultants, Office Secretary of the Army. (65-59184-74)

[redacted] (S)
[redacted] (S)
[redacted] It was further pointed out that on July 23, 1951, individual memoranda were submitted [redacted] (S) recommending that dissemination in these cases not be made to the Criminal Division since our investigation of [redacted] (S) was continuing and dissemination at that time might prejudice our over-all future investigations in this field. For the same reason, it was recommended that dissemination in the Bernstein case not be made to the Criminal Division at that time. However, it was pointed out that because of Bernstein's connections with the Department of the Army, it would be particularly beneficial to [redacted] (S) G-2, Department of the Army, if we would make available to him a copy of a summary report which had been submitted in this case by our New York Office on June 5, 1951. As a result, it was determined at that time not to disseminate in the Bernstein case to the Criminal Division but to make a copy of the June 5, 1951, summary report available [redacted] on a strictly confidential basis with the stipulation that it be maintained under his personal control. (65-59184-77)

[redacted] (S)
SECURITY INDEX DATA:

On September 19, 1950, our New York Office recommended the preparation of a Security Index card on Bernstein based upon

the allegation connecting him with [redacted] (S)
[redacted] New York recommended that after preparation, the Security Index card be placed in the Special Section (Espionage) of the Index. The card was prepared for the Special Section on November 25, 1950, and is still maintained therein. (65-59184-15)

The summary report dated June 5, 1951, prepared by our New York Office, was submitted in accordance with the Bureau requirement that a summary report be prepared periodically on Security Index subjects in the Special Section. This particular summary report contains information showing the predication for our investigation of Bernstein as well as pertinent investigative results as of the time the report was prepared. (65-59184-58)

The New York Office submitted a second summary report in this case on January 24, 1952, bringing the investigation up to date. Since that time, two additional regular investigative reports have been submitted by our New York Office, one dated March 18, 1952, and the other dated June 3, 1952. (65-59184-92, 95, & 96)

A total of 15 regular investigative reports, in addition to the ones mentioned heretofore, have been received in this case. However, all pertinent information regarding our investigation of Bernstein is included in the two summary reports heretofore described and the investigative reports dated March 18 and June 3, 1952.

b1

RECONSIDERATION OF THE QUESTION OF DISSEMINATION:

[redacted]

[redacted] (S)

You will recall further that in disseminating reports in our cases involving [redacted] who have been investigated, certain precautionary measures have been taken to prevent insofar as possible the compromise of our investigation of the [redacted] (S)

[redacted] These precautionary measures have consisted of classifying each report "Security Information - Secret" and delivering the reports via liaison channels to [redacted] the State Department, [redacted]

G-2 and [redacted] In making dissemination to the

(S)

Criminal Division, Department of Justice, we have sent the reports by memoranda to AAG James M. McInerney and have requested in the memoranda that the Bureau be advised prior to the institution of any action with respect to the subjects of the memoranda and the individuals who have come under investigation. It is felt that similar precautionary measures should be taken in disseminating the reports covering our investigation of Bernstein.

ACTION:

If it meets with your approval, dissemination will now be made in this case, in accordance with the procedure outlined above, to the State Department, CIA, G-2 and the Criminal Division. To accomplish this dissemination, the following reports will be distributed:

Summary report of SA [redacted] 1951, at New York City.

dated June 5,

b1
b7C

Summary report of SA [redacted] 1952, at New York City.

dated January 24,

Regular report of SA [redacted] 1952, at New York City.

dated March 18,

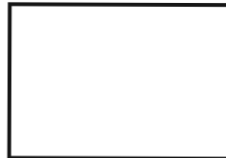
Regular report of SA [redacted] at New York City.

dated June 3, 1952,

b1

A copy of each of the above-described reports has been prepared for delivery via liaison channels personally to [redacted] (5) [redacted]. The necessary letters of transmittal enclosing a copy of each of the reports have been prepared addressed to [redacted] the State Department; [redacted] G-2, Department of the Army; and AAG James M. McInerney of the Criminal Division, Department of Justice.

Future investigative reports received in this case will be disseminated upon receipt in accordance with these same procedures. The field is being advised to classify all future reports in this case not less than "Security Information - Secret."



Delivered to [redacted] (S) 7/1/52

~~SECRET~~

Title

8127101

39063eludcaldy

65-59184

CLASSIFIED BY 20X/6
DECLASSIFICATION 944929-1

PERSONAL AND CONFIDENTIAL
VIA LIAISON

Date: July 7, 1952

To:

[Redacted]

b1
b7C

Department of State
Washington 25, D. C.

Attention: Mr. T. Achilles Polyzoides
Director, Special Projects Staff

From: John Edgar Hoover, Director
Federal Bureau of Investigation

Subject: NAHUM BERNSTEIN, was.
ESPIONAGE - IS

Classified by SPI/ST/SIA
Declassify on OADR 339539

Handwritten notes:
3/28/94
7/9/52
all level

Reference is made to my communication to you dated
March 20, 1952, captioned [Redacted]

[Redacted]

At the same time, I forwarded a copy of a summary report prepared by Special Agent [Redacted] under date of February 8, 1952, at Washington, D. C., in which were set forth our investigative results in the [Redacted]. In reviewing this report, you will note that our investigation in this matter of necessity included an inquiry regarding the activities of Nahum A. Bernstein, a lawyer with offices at 20 Pine Street, New York City.

In order that you may have the benefit of the results of our investigation regarding Bernstein, I am enclosing for your information one copy of each of the following reports:

- Report of Special Agent [Redacted] dated June 5, 1951, at New York City.
- Report of Special Agent [Redacted] dated January 24, 1952, at New York City.
- Report of Special Agent [Redacted] dated March 18, 1952, at New York City.
- Report of Special Agent [Redacted] dated June 1952, at New York City.

Attachment

cc - 65-58700

NRW:rao

6 JUL 17 1952

RECORDED - 70

JUL 9 1952

SECURITY INFORMATION - TOP SECRET

EX - 3

RECEIVED
JUL 8 4 48 PM '52

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

IN 1111 1111 1111

~~SECRET~~

The attachments are for your confidential information and should not be disseminated outside your Department. Since our investigation in this case and related matters is continuing, it is requested that dissemination within your Department be restricted to those officials requiring the information in the performance of their duties in order that our further inquiries may not be jeopardized.

~~SECRET~~

- TO: _____
- FROM: _____
- SUBJECT: _____
- DATE: _____
- CLASSIFICATION: _____
- CONTROL: _____
- STATUS: _____
- TYPE: _____
- NO. _____
- TITLE: _____
- FILE NO. _____
- DATE: _____

CLASSIFIED BY 39063elw/cal/dj
DECLASSIFY ON: 25X
944929-1

~~339839
6/28/94
S/RTS/IS~~

CHANGED TO

b1

[Redacted Box]

(S)

FEB 18 1953

AMERICAN EMBASSY
PARIS 8, FRANCE

August 18, 1950

To: Director, FBI b1
From: Legal Attache, Paris b7C
Subject: [redacted]

SECURITY MATTER - C

[redacted]
SECURITY MATTER - C

[redacted]
ESPIONAGE - BU

[redacted] (S) (S)
(Bufile [redacted] cc Bufile 65-59184)

b1

[Large redacted block]

cc London

JW:AM

~~8/24/01 39063elw/ral/dy
CLASSIFIED BY 39063elw/ral/dy
DECLASSIFY ON: 1,6
944929-1
3/25/94
SPI2 BTJ/LJC
4/13/93 335939
9803 rdd/jcl
339539~~

8/24/01
CLASSIFIED BY 39063elw/ral/dy
DECLASSIFY ON: 1,6
944929-1

59 SEP 23 1950

65-59184-
1850

100-391776-2

ORIGINAL COPY FILED IN

Tickler - Liaison

~~SECRET~~

65-59184

PERSONAL AND CONFIDENTIAL
VIA LIAISON

Date: July 7, 1952

To: [Redacted] G-2

Department of the Army
The Pentagon
Washington 25, D. C.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 11/1/80 BY SP-8/BJC/STP

b1
b7C

From: John Edgar Hoover, Director
Federal Bureau of Investigation

Subject: ^E HANUM BERNSTEIN, was.
ESPIONAGE - IS

Classified by SP-8/BJC/STP
Declassify on: OADR 539539

Handwritten: B.L.R. 4-1
3/28/79
SP-8/BJC/STP
539539

Reference is made to my communication to you dated
March 20, 1952, captioned [Redacted]

[Redacted]

At the same time, I forwarded
a copy of a summary report prepared by Special Agent [Redacted]
[Redacted] under date of February 8, 1952, at Washington, D. C., in
which were set forth our investigative results in the [Redacted]
In reviewing this report, you will note that our investigation in
this matter of necessity included an inquiry regarding the activities
of Hanum A. Bernstein, a lawyer with office at 20 Pine Street
New York City.

You will recall that in September, 1951, our Liaison
representative discussed with you certain information which had
come to this Bureau's attention indicating that Hanum Bernstein
[Redacted] had been appointed
on May 16, 1951, to positions as Consultants, Office/Secretary
of the Army. At that time our Liaison representative turned over
to you for your confidential information a copy of a report pre-
pared by Special Agent [Redacted] of the New York Office
of this Bureau on June 5, 1951. This report set forth the basis
upon which our investigation of Bernstein was predicated as well
as developments in that case through May 21, 1951.

RECORDED - 55 65-59184

Attachment

cc - [Redacted]

WRE:reo

SECURITY INFORMATION -

~~SECRET~~

RECEIVED
FEDERAL BUREAU OF INVESTIGATION
U.S. DEPARTMENT OF JUSTICE
JUL 11 1952
4 48 PM '52

Handwritten initials and notes: WRE, 7/11/52, 4/11/52

CLASSIFIED BY 3763elab/hly
DECLASSIFY ON: 25X 1/4
94929

60 JUL 24 1952

Vertical stamp: THIS IS A COPY FILED IN

~~SECRET~~

In order that you may have the benefit of the more recent developments in this case, I am enclosing for your information one copy of each of the following investigative reports:

Report of Special Agent [redacted] dated January 24, 1952, at New York City.

Report of Special Agent [redacted] dated March 18, 1952, at New York City.

Report of Special Agent [redacted] dated June 8, 1952, at New York City.

b7C

The attachments are for your confidential information and should not be disseminated outside your Department. Since our investigation in this case and related matters is continuing, it is requested that dissemination within your Department be restricted to those officials requiring the information in the performance of their duties in order that our further inquiries may not be jeopardized.

~~SECRET~~

- Tolson _____
- Ladd _____
- Nichols _____
- Belmont _____
- Mohr _____
- Winterrowd _____
- Tele. Rm. _____
- Nease _____
- Holloman _____
- Gandy _____

Tickler - Mr. Belmont

~~SECRET~~

Assistant Attorney General
James M. McInerney

July 7, 1952

Director, FBI

①
NAHUM BERNSTEIN, was.
ESPIONAGE - IS

b1
b7C

Classified by SP1281315
Declassify on: OADR

3/28/94
339-539
1-1

Reference is made to my communication to you dated
March 30, 1952, captioned [redacted]

[redacted] At the same time, I for-
warded a copy of a summary report prepared by Special Agent
[redacted] under date of February 8, 1952, at Washington,
D. C., in which were set forth our investigative results in
the [redacted] In reviewing this report, you will note
that our investigation in this matter of necessity included
an inquiry regarding the activities of Nahum A. Bernstein, a
lawyer with offices at 20 Pine Street, New York City.

You will recall that this Bureau has previously been in
contact with you regarding captioned subject in the case cap-
tioned "Nahum A. Bernstein, Neutrality Act-Conspiracy." On
July 28, 1950, the Los Angeles Office of this Bureau prepared
a report setting forth information received as the result
of Bernstein's testimony as a defense witness during the trial
of the case "United States vs Schwimmer, et al." This case
involves the illegal shipment of military aircraft to Israel.
Bernstein testified in effect that he had furnished the money
and directed the defendants in the purchase of this material
and in essence stated that he was responsible for the actions
of the defendants. By memorandum dated September 18, 1950,
you indicated that in view of the conclusion of the Schwimmer
and related cases involving these matters, it did not appear
desirable to reopen any aspect of these cases.

Referring to our current investigation of Bernstein in
connection with the espionage allegations, I am enclosing
herewith one copy of each of the following investigative re-
ports setting forth the results of our inquiries through
June 2, 1952:

NOT RECORDED

Report of Special Agent [redacted]
1951, at New York City.

dated June 5,

Report of Special Agent [redacted]
24, 1952, at New York City.

dated January

DUPLICATE YELLOW

~~SECRET~~

65-59184
Attachment

WRW:reo

SECURITY INFORMATION - TOP SECRET

8 JUL 23 1952

8/28/01
CLASSIFIED BY 39063e/w/rat/ty
DECLASSIFY ON: 25X16
944929-1

ORIGINAL FILED IN

Tele. Room
Mr. Tolson
Mr. E. A. Tamm
Mr. Clegg
Mr. Glavin
Mr. Ladd
Mr. Nichols
Mr. Rosen
Mr. Tracy
Mr. Carson
Mr. Egan
Mr. Gurnea
Mr. Harbo
Mr. Hendon
Mr. Pennington
Mr. Quinn
Mr. Nease
Miss Gandy

Report of Special Agent [redacted] dated March 18, 1952, at New York City.

Report of Special Agent [redacted] dated June 3, 1952, at New York City.

b7C

A copy of each of the above-listed reports is being made available to [redacted] Department of State and to [redacted] Staff, [redacted] Department of the Army.

You are requested to advise this Bureau prior to instituting any action with respect to Nahum A. Bernstein.

- Mr. Tolson
- Mr. Boardman
- Mr. Nichols
- Mr. Belmont
- Mr. Ladd
- Mr. Clegg
- Mr. Glavin
- Mr. Harbo
- Mr. Rosen
- Mr. Tracy
- Mr. Egan
- Mr. Gurnea
- Mr. Hendon
- Mr. Pennington
- Mr. Quinn
- Mr. Nease
- Miss Gandy

~~TOP SECRET~~

~~SECRET~~
SECURITY INFORMATION
FEDERAL BUREAU OF INVESTIGATION

Form No. 1

THIS CASE ORIGINATED AT **NEW YORK**

FILE NO.

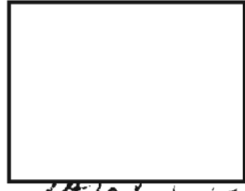
MBR

REPORT MADE AT NEW YORK	DATE WHEN MADE 8/14/52	PERIOD FOR WHICH MADE 6/18; 7/16, 17, 25; 8/5/52	REPORT MADE BY <div style="border: 1px solid black; width: 100px; height: 20px;"></div>
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TITLE NAHUM BERNSTEIN, was.	CHARACTER OF CASE ESPIONAGE - IS
---------------------------------------	--

SYNOPSIS OF FACTS:

b1



NAHUM BERNSTEIN still maintains residence at 355 Locust Avenue, Rye, NY and still maintains law practice at 20 Pine Street, NYC. [redacted] advised he is acquainted with BERNSTEIN but has no knowledge of intelligence operations by BERNSTEIN. [redacted] believes contact with Department of the Army concerns BERNSTEIN'S position as Consultant to Office of Secretary of the Army. Other contacts of BERNSTEIN set out.

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b2
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*2 - AB
9/1/52*

*0-12 NY 10-13 "dashie" wvw dem
0-1 NY only 10-22 "Lent" will be return 10-31-52*

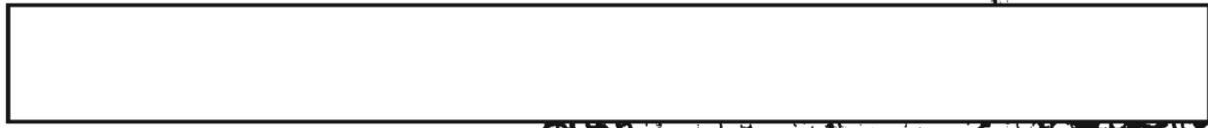
*7/28/94
339-539*

- P -

DETAILS:

wvw dem

Confidential Informant [redacted] of known reliability, advised that NAHUM BERNSTEIN still maintains residence at 355 Locust Avenue, Rye, New York. He is still a practicing attorney at 20 Pine Street, New York City, and maintains office space there.



DECLASSIFY ON: 25X1

APPROVED AND FORWARDED: *Edward Scheidt* SPECIAL AGENT IN CHARGE

DO NOT WRITE IN THESE SPACES

COPY IN FILE
COPIES OF THIS REPORT

65-51184-1

- 5 - Bureau (65-59184)
- 1 - Los Angeles (65-5048) (Info)
- 3 - New York (65-15301)

62 SEP 23 1952

EX-129

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

NY 65-15301

b1



[Redacted]

[Redacted]

3

[Redacted]

[Redacted]

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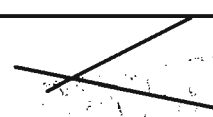
(S)

[Redacted]

[Redacted]

[Redacted]

(S)



NY 65-15301

~~SECRET~~

[Redacted]

[Redacted]

(S)
Confidential informant [redacted] of known reliability, advised that on October 19, 1951, NAHUM BERNSTEIN was in receipt of a communication from the United States War Department, Washington, D.C. [redacted] also advised that on January 18, 1952 BERNSTEIN received a communication from the Department of Army, Washington Finance Office, United States Army, Washington, D.C.

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Confidential Informant [redacted] another government agency which maintains personnel files, advised that the Department of Army, Washington, D.C., had no record of contact with the subject.


[redacted] stated, however, that the communication of October 19, 1951 may have referred to BERNSTEIN'S termination of his position as a Consultant to the Civilian Legal Personnel Committee, Office of the Secretary of the Army.

[redacted] also stated that BERNSTEIN'S contact with the Washington Finance Office on January 18, 1952 may have concerned the payment of fees due to BERNSTEIN resulting from his service as a Consultant to this committee.

[redacted] previously mentioned, advised that the subject was in contact with numerous persons and organizations at his business address, 20 Pine Street, New York City, during the months June and July, 1952.

<u>Date</u>	<u>Person Or Organization Contacted</u>
June 6, 1952	Ultramar Instrument Corporation 200 West 57 Street New York City
June 6, 1952	Lawyers Club 115 Broadway New York City

NY 65-15301

<u>Date</u>	<u>Person Or Organization Contacted</u>
June 6, 1952	Material For Israel 250 West 57 Street New York, New York
June 6, 1952	
June 6, 1952	
June 12, 1952	National Lawyer's Guild 40 Exchange Place New York, New York
June 12, 1952	Government of Israel Division of Supplies 250 West 57 Street New York, New York
June 14, 1952	Civil Service Reform Association 120 East 29 Street New York City
June 18, 1952	Department of Justice Washington, D.C.
June 19, 1952	Agence Juive Pour La Palestine Depart D'Immigration Bureau Pour L'Europe et L'Afrique de Nord 83 Av. De La Grande Rume Paris 16, France
June 21, 1952	Department of Justice Washington, D.C.
July 8, 1952	Israel Speaks 34 Park Avenue New York, New York

b7C

NY 65-15301

Date

Person Or Organization Contacted

July 9, 1952

"The Jerusalem Post"
Jerusalem

July 22, 1952

~~X~~ Bank Leumi
~~Le-Israel~~
20 Pine Street
New York City

- P -

NY 65-15301

~~SECRET~~

ADMINISTRATIVE

INFORMANTS

Identity of Source	Date of Activity and Description	Date Received	Agent To Whom Furnished	File Number Where Located
[Redacted]	July, 1952	7/25/52	SA [Redacted] [Redacted]	Instant report
[Redacted] (S)	1948-1949	7/17/52	SA [Redacted] and SA [Redacted] [Redacted]	NY 65-15150-883
[Redacted] Mail cover maintained on address of NAHUM BERNSTEIN at 20 Pine Street, New York City	June, July 1952	Various Dates	SA [Redacted] [Redacted]	Instant report
[Redacted] Department of the Army, Washington, D.C., as per Bureau letter to NY, 6/19/52	10/19/51 1/18/52	Unknown	Unknown	Instant file

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~~SECRET~~

MISCELLANEOUS

This report is being classified "Secret" as per Bureau instructions as set out in Bureau letter dated 7/7/52 advising that all reports in this case will bear a classification not less than "Security Information - Secret."

NY 65-15301

ADMINISTRATIVE (Cont'd.)

MISCELLANEOUS (Cont'd.)

A copy of this report is being designated for information of the Los Angeles Office because it is known that this office is currently conducting an investigation relative to [redacted] It is believed that information in this report may be of interest to them in conducting their investigations. (S)

LEAD

NEW YORK

At New York, New York

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b7C

Will continue to follow the activities of NAHUM BERNSTEIN in connection with Israeli activities.

Will attempt to further identify Bank Leumi Le-Israel, 20 Pine Street, New York City, from whom BERNSTEIN received correspondence on July 22, 1952.

*NY
11-14
Dec 10*

REFERENCE

Bureau letter to New York, 6/19/52.
Report of SA [redacted] 7/28/52. New York.
captioned [redacted]

[redacted]

(S)

~~SECRET~~

A. H. Belmont

October 20, 1952

W. A. Branigan

REBECCA GETZOFF, was.
ESPIONAGE - R

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 08/29/01 BY 39063elw/mal/dy

b1

[Redacted]

[Redacted] (S)

[Redacted]

[Redacted] (S)

ACTION:

The above is for your information and for record purposes.

65-60090

co- 65-59184 (Nahum Bernstein)

65-57913 (Joseph Katz)

WRW:rel

8/29/01
CLASSIFIED BY 39063elw/mal/dy
DECLASSIFY ON: 25X 6
244929-1

3/28/94
Classified by SP12 BJS/PC
Declassify on: 25X 339-539

- Tolson _____
- Ladd _____
- Nichols _____
- Belmont _____
- Clegg _____
- Glavin _____
- Harbo _____
- Rosen _____
- Tracy _____
- Laughlin _____
- Mohr _____
- Tele. Rm. _____
- Holloman _____
- Gandy _____

~~SECRET~~

NOT RECORDED
138 OCT 24 1952

ORIGINAL COPY FILED IN

207 20 1952

MR. A. [REDACTED]

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10/10/01 BY 944909

October 28, 1951

MR. W. A. BRANTON

[REDACTED] was.
ESPIONAGE - R

~~Classified by SP12BJT/SC~~
~~Declassify on: OADR 339-539~~

Purpose:

[REDACTED] (S)

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Background:

You will recall that [REDACTED]

[REDACTED]

[REDACTED] visited her relatives in the United States from July 2, 1951, to September 10, 1951. At the end of her visit in the United States, just prior to her departure for Israel, she stayed at the Wellington Hotel, New York City.

b1

[REDACTED]

[REDACTED] (S)

[REDACTED]

[REDACTED] (S) (S)

[REDACTED]

[REDACTED] (S)

65-60090

cc - 65-50184 (Nehum Bernstein)
cc - [REDACTED] (S)
cc - 65-57913 [REDACTED]

NOT RECORDED

1951

8/29/01
CLASSIFIED BY 39063elw/p.1kdy
DECLASSIFY ON: OADR
944909

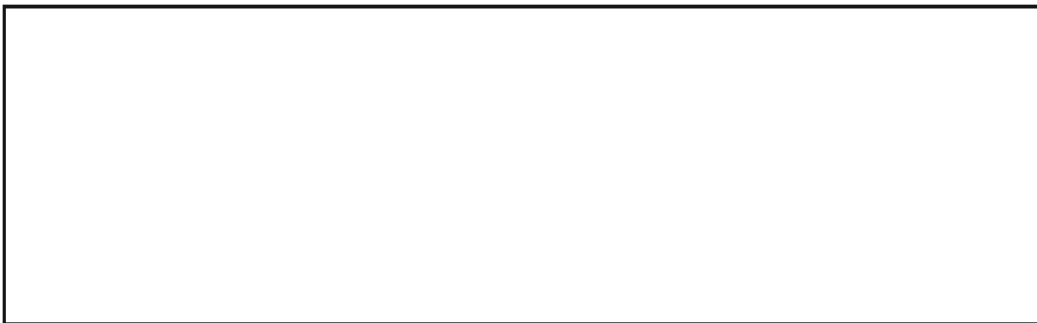
Director
Asst. Dir.:
Adm. Serv.
Ident.
Insp.
Intell.
Lab.
Legal Coun.
Plan. & Insp.
Rec. Mgmt.
Tech. Serv.
Training

ER:edm

STATUS

CLASSIFIED OUTSIDE OF

~~SECRET~~

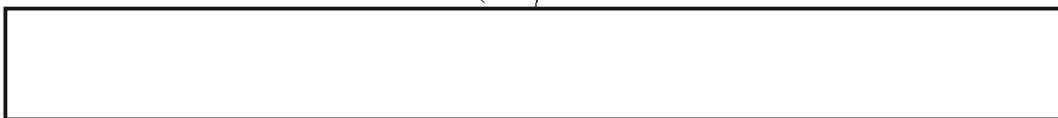
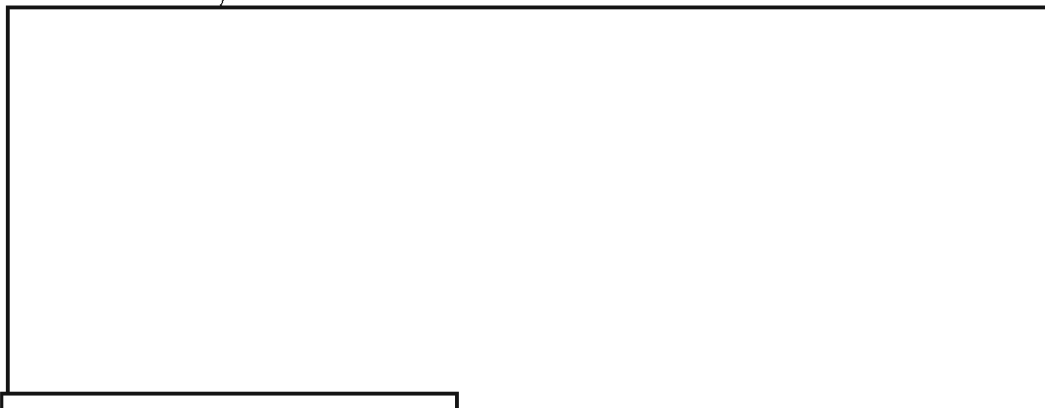
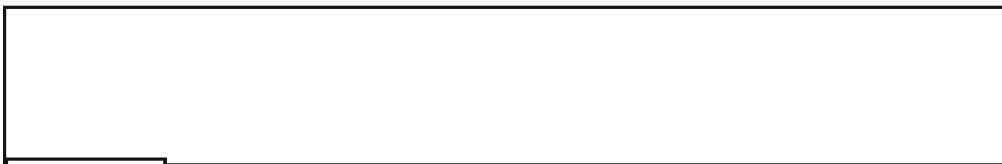


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(S)
(S)

The H. Bernstein mentioned above is Haham Bernstein,
a native American, who is a practicing attorney with offices
at 20 Pine Street, New York City.

b1



RECOMMENDATION:

None. This is for your information.

~~SECRET~~

A. H. Belmont

October 20, 1952

W. A. Branigan

[Redacted] was.
ESPIONAGE - R

b1
b7C

[Redacted]

[Redacted]

[Redacted]

[Redacted]

ACTION:

The above is for your information and for record purposes.

65-80090

cc- 65-39184 (Mehus Bernstein)

[Redacted]

65-57913 (Joseph Katz)

WRM:rel

8/29/01
CLASSIFIED BY 39063elo/rall/dy
DECLASSIFY ON: 25-6
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3/28/94
SP12 BJS/PC
339-539

- Tolson _____
- Ladd _____
- Nichols _____
- Belmont _____
- Clegg _____
- Glavin _____
- Harbo _____
- Rosen _____
- Tracy _____
- Laughlin _____
- Mohr _____
- Tele. Rm. _____
- Holloman _____
- Gandy _____

NOT RECORDED
188 OCT 24 1952

ORIGINAL COPY FILED IN

FEDERAL BUREAU OF INVESTIGATION

Form No. 1

THIS CASE ORIGINATED AT

NEW YORK

PAN

REPORT MADE AT NEW YORK	DATE WHEN MADE 11/14/52	PERIOD FOR WHICH MADE 9/9, 12, 13, 24; 10/3, 7, 15, 16, 21; 23, 26/52	REPORT MADE BY <div style="border: 1px solid black; height: 20px; width: 100%;"></div>
TITLE HAHUN BERNSTEIN, was		CHARACTER OF CASE ESPIONAGE - IS	

akio
**CLASSIFIED BY SP-12 DRS/PC
DECLASSIFY ON: 2011
944929-1**

SYNOPSIS OF FACTS:

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b2

in New York City in connection with exposition "Conquest of the Desert" to be presented in Israel 1953.

BERNSTEIN in contact with well known Los Angeles Attorney and Communist Party member. Subject contacted on 10/15/52. Bank Leumi Le Israel is National Bank of Israel represented in New York City

300194
Classified by SP-12 DRS/PC
Date 11/14/52
OADR 339-539

DETAILS:

In November 1951 Confidential Informant [redacted] of known reliability, advised that AARON R. ROGANSKY is an Israeli attorney representing the law firm of Silver and Bernstein. On March 31, 1950 the law firm of Silver and Bernstein sent out announcements to leading New York attorneys as follows:

We announce the opening of an Israeli office at 26 Rothschild Boulevard, Tel Aviv. Mr. AARON R. ROGANSKY of the Israeli Bar is counsel in charge.

24 Bernstein

*1 loc. NY
11/15/52*

APPROVED AND FORWARDED: <i>LVB</i>	SPECIAL AGENT IN CHARGE	DO NOT WRITE IN THESE SPACES	
<p>COPY IN FILE</p> <p>COPIES OF THIS REPORT</p> <p>5 Bureau (65-50184) (REG. MAIL)</p> <p>1 Los Angeles (65-5043) Info (REG. MAIL)</p> <p>3 New York (65-15301)</p>	-5714-	- 1 -	RECORDED - 63
	<p>NOV 17 1952</p> <p><i>WALL</i></p> <p><i>WALL</i></p>		INDEXED - 63

PROPERTY OF FBI—THIS CONFIDENTIAL REPORT AND ITS CONTENTS ARE LOANED TO YOU BY THE FBI AND ARE NOT TO BE DISTRIBUTED OUTSIDE OF AGENCY TO WHICH LOANED.

NY 65-15301

b1
b2
b7D

Confidential Informant [redacted] of known reliability,
advised that [redacted]

Confidential Informant [redacted] of known reliability,
advised that [redacted] was connected in New York with an
organization [redacted] and that this
was an exposition. They intended to complete plans for the
expositions to take place in Israel in the Spring of 1953.

[redacted]

[redacted]

S/

[redacted]

[redacted]

S/

[redacted]

[redacted]

S/

[redacted]

Confidential Informant [redacted] of known reliability,
advised that the following individuals and organizations were
in contact with NAHUM BERNSTEIN at his business address, 20
Pine Street, New York City on the dates indicated:

NY 65-15301

<u>Date</u>	<u>Person or Organization Contacted</u>
August 1, 1952	Victoria for Israel Inc. 250 West 57 Street, New York City
August 20, 1952	Matex Parcels Inc. 38 East 57 Street New York City
September 10, 1952	[REDACTED]
September 10, 1952	[REDACTED]
September 13, 1952	Ampal House 17 East 71 Street New York City
September 13, 1952	National Lawyers Guild 40 Exchange Place New York City
September 13, 1952	[REDACTED]
September 22, 1952	[REDACTED]
September 22, 1952	[REDACTED]

b7C

noted:

Concerning [REDACTED] the following should be

Before the House Committee on Un-American Activities sub-committee hearing at Los Angeles, California, on September 19, 1951 [REDACTED] a writer for the motion picture industry and an admitted Communist Party member during the period

Date

PERSON OR ORGANIZATION CONTACTED

1936-43 advised that CHARLES VAN KATZ, an attorney, was advised to him to have been affiliated with the Communist Party in some capacity.

Confidential Informant [redacted] of known reliability advised that [redacted] was transferred from membership at large, [redacted]

Confidential Informant [redacted] of known reliability advised in September 22, 1949 that [redacted] attorney at law has represented Communist Party members in litigation. September 25, 1952

b7C
b2

October 9, 1952

[redacted]

National Lawyers Guild
40 Exchange Place
New York 5, New York

October 9, 1952

[redacted]

October 9, 1952

Joseph Kochlin & Company
11 Park Place
New York 7, New York

October 10, 1952

Brucker and Boston
760 7 Avenue
New York 19, New York

October 10, 1952

[redacted]

October 10, 1952

Common Council for
American Unity
20 West 20 Street
New York 13, New York

NY 65-1,301

Confidential Informant [redacted] of known reliability, advised that the Common Council for American Unity, 20 West 40 Street, New York 18, New York, furnished a printed circular dated January 1, 1947 to Bronx County Communist Party Headquarters. This circular was entitled: "Peace is a job that is up to you and me." The circular urged that a financial contribution be made to the above mentioned council and also reflected the following material: "As you have watched the peace conference at Paris, the struggle over Trieste, and war in China, even the United Nations at Flushing meadow, you have probably wondered whether after all mankind will succeed in breaking out of the age-old pattern of war....God knows whether we shall be in time, but the desperate urgency mankind is facing makes it the more necessary to do all we can....to strengthen and support the forces working for a free world."

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Confidential Informant [redacted] of known reliability, advised that the Common Council for American Unity, furnished a circular letter to the headquarters of the International Workers Order. This letter extended an invitation to the Council's "Members and Friends," to attend a series of United Nations evenings to be held every Saturday commencing January 18 at 8:30 p.m.

Literature disseminated by this organization reveals it was incorporated as a non-profit organization in 1918 to assist immigrants and foreign born to adjust themselves to the American way of life.

October 15, 1952

[redacted]

Prime Ministers Office
Jerusalem, Israel

It is noted that [redacted] the Israel Embassy to Washington, D. C. (S)

[redacted]

(S)

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NY 65-15301

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b1

NOTE

[Redacted]

S)

As previously reported, NAHUM BERSHEIN was contacted by the Bank Leumi Le Israel, 20 Pine Street, New York City on July 22, 1952.

Confidential Informant [Redacted] of known reliability advised on October 28, 1952 that the Bank Leumi Le Israel was formerly known as the Anglo-Palestine Bank LTD. and that its principal office is at Tel Aviv, Israel. This bank, is the National Bank of Israel and maintains a representatives office at 20 Pine Street, New York City. According to [Redacted]

76

[Redacted] room 2306, 20 Pine Street.

[Redacted]

[Redacted]

S)

Confidential Informant [Redacted] of known reliability advised that [Redacted] the National Bank of Israel would be in Los Angeles on June 14, 1951.

CALIF.

On February 20, 1951, Confidential Informant [Redacted] previously mentioned advised that [Redacted] was in contact with [Redacted] could not advise the nature of this contact.

BERNSTEIN

[Redacted] also advised that NAHUM BERSHEIN made the following telephone calls to the individuals identified below:

<u>Date</u>	<u>Phone Number</u>	<u>Subscriber</u>
April 16, 1952	[Redacted]	[Redacted]
April 17, 1952	EL 5-5462	Wantz & Farbode Antiques 921 3 Avenue New York, New York

NY 65-15301

April 18, 1952

April 20, 1952

April 26, 1952

May 1, 1952

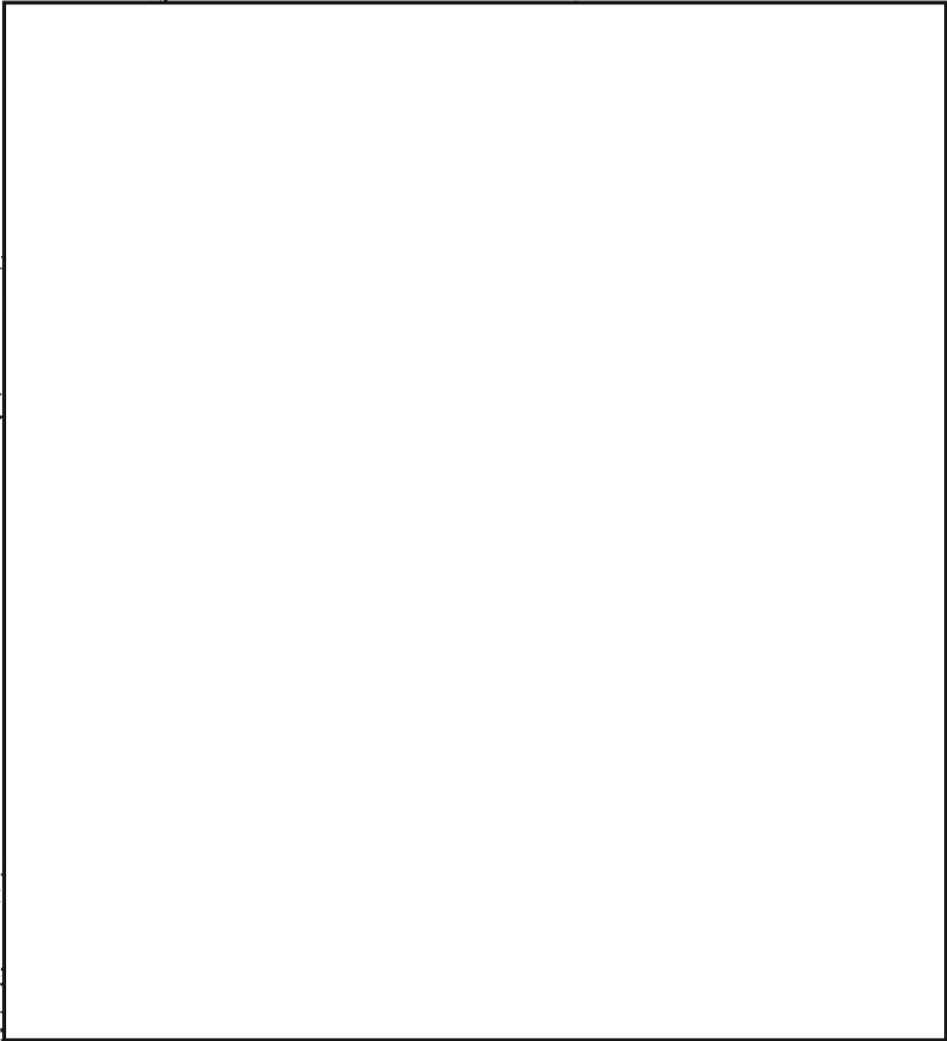
b7C

May 3, 1952

May 10, 1952

May 11, 1952

May 12, 1952



- P -

- 7 -

NY 65-15301

ADMINISTRATIVE PAGE

Identity of Source	Date of Activity and Description of Info	Date Rec'd	Agent to Whom Furnished	File Number Where Located
T-1 NY 592-S		11/10/51		Instant file
T-2 [redacted]	9/52			65-15516-4
[redacted]		9/10/52	SA [redacted]	65-15516-4
[redacted]	Re: [redacted]	9/9/52	SAs [redacted]	65-15516-42
[redacted] Mail cover maintained on subject's business address 20 Pine Street, New York, New York	8,9,10/52			Instant report
[redacted]				

b1
b2
b7C
b7D

NY 65-15301



[Redacted] 1949

[Redacted]

[Redacted] contacted

Correct (?) note circular dated 1-8-47 - wruw
SA [Redacted] 100-83628-9

12/17/46

[Redacted]

b1

3/5/47

[Redacted]

b7C
b1
b2
b7D

(S) [Redacted]

(S)

10/20/52

10/20/52

SA [Redacted]

Instant file

[Redacted]

[Redacted]

(c) [Redacted]

[Redacted]

NY 65-15301

ADMINISTRATIVE PAGE

MISCELLANEOUS

This report is being classified "Secret" as per Bureau instructions as set out in Bureau letter dated July 7, 1952 advising that all reports in this case will bear a classification not less than "Security Information - Secret".

A copy of this report is being designated for the information of the Los Angeles office inasmuch as that office is currently conducting an investigation relative to [REDACTED]

(S)

LEADS

NEW YORK

At New York, New York

Will continue to follow the activities of NAHUM BERNSTEIN in connection with Israeli activities. ~~SECRET~~

b1
b7C

REFERENCE

Report of SA [REDACTED] at New York dated August 14, 1952.

NY 65-15301

Confidential Informant [redacted] of known reliability, advised that [redacted] is listed to [redacted]

Confidential Informant [redacted] of known reliability, advised that [redacted] was connected in New York with an organization known as "Conquest of the Desert" and that this was an exposition. They intended to complete plans for the expositions to take place in Israel in the Spring of 1953.

Confidential Informant [redacted] of known reliability, advised when interviewed in New York by SA's [redacted] on September 9, 1952, that [redacted] an Israeli attorney who is known to be engaged in business ventures with NAHUM BERNSTEIN in Israel, was visiting in the United States in connection with the organization known as "Conquest of the Desert". (S)(U)

[redacted] advised that this organization was attempting to interest American capital in certain mines which were being developed in Israel. [redacted] stated that these mines were manganese mines, phosphate, mica and potash mines. (S)(U)

[redacted] stated that [redacted] who is also connected in business ventures with the subject, was recently in New York City and advised him that [redacted] was presently staying in New York. (S)(U)

Confidential Informant [redacted] of known reliability, advised that the following individuals and organizations were in contact with NAHUM BERNSTEIN at his business address, 20 Pine Street, New York City on the dates indicated:

See attached page

b1
b2
b7C
b7D

(S)

ET

SAC, New York (65-15301)

December 30, 1952

Director, FBI (65-59184) - 107
EX. - 107

MARTIN BERNSTEIN, was.
ESPIONAGE - IS

ALL INFORMATION ON
HEREIN IS UNCLASSIFIED
DATE 3/29/94 BY SP12 BTJ/SC
339-539

Reprep SA [redacted] dated 11-14-52,
at New York City.

Prior to the dissemination of rerep at the
Dept of Government, it was necessary to revise page two
to eliminate material from paragraph five which tended to
identify Confidential Informant [redacted]. Sufficient corrected
copies of this page are attached for each office. The
following additional changes were made in the report
prior to its dissemination:

b7C
b2
b7D

The misspelling of the last name of NAHUM
BERNSTEIN was corrected in line four of the details
on page one; in line one of paragraph one, page six;
and in line one of paragraph six, page six.

The misspelling of the first name of
[redacted] was corrected in the sixth line from
the bottom of page five, and in line two of paragraph
five, page six.

An apostrophe was inserted in the word
"representative's" in line five of paragraph two,
page six.

The corrected page furnished herewith should
be inserted in the copies of the reports retained in the
files of the New York and Los Angeles Offices. In addition,
the above noted typographical errors should be corrected
in same.

- Tolson _____
- Ladd _____
- Nichols _____
- Belmont _____
- Clegg _____
- Glavin _____
- Harbo _____
- Rosen _____
- Tracy _____
- Mohr _____
- Tele. Rm. _____
- Nease _____
- Gandy _____

Attachment

cc - 2 - Los Angeles (65-9448) JUL 11 1953
FBI

WRW:eme
eme

60 JAN 13 1953

COMM - FBI
DEC 30 1952
MAILED 26

WRW

SAC, New York

November 19, 1952

Director, FBI (65-59184)

NAHUM A. BERNSTEIN
ESPIONAGE - IS

A review of Bufile in captioned matter reflects that the last report submitted by your office was in a pending status and was dated 8-14-52. On 10-13-52 an O-1 form was sent to your office pointing out that the deadline in this case had passed and instructing that a report be submitted immediately. Your reply, received 10-24-52, was to the effect that a report would be submitted by 10-31-52.

There is no record of any report's having been received from your office in this case since August 14, last. You are instructed to submit a report by December 1, 1952.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 3/29/94 BY SP12 BIT/SC 339539

RECORDED - 79

EX - 107

65-59184-108

NOV 20 1952
137

WRW:dl

- Tolson _____
- Ladd _____
- Nichols _____
- Belmont _____
- Clegg _____
- Glavin _____
- Harbo _____
- Rosen _____
- Tracy _____
- Laughlin _____
- Mohr _____
- Tele. Rm. _____
- Holloman _____
- Gandy _____

Office Memorandum • UNITED STATES GOVERNMENT

TO : Director, FBI (65-59184)

DATE: 11/25/52

KVB

FROM : SAC, New York (65-15301)

WJ

SUBJECT: NAHUM A. BERNSTEIN
ESPIONAGE - IS

*339-539
3/29/94 SPI&BTJ/SC*

Rebulet 11/19/52.

Rebulet advised that no report has been received in this matter since 8/14/52.

A pending report under date of 11/14/52 was submitted in this matter and should be at the Bureau at this time.

*92101
7/1
12/1/52
HAM:EG*

RECORDED - 57

65-59184

NOV 26 1952

EX-717

WJ
WJ

~~SECRET~~

SAC, New York (65-15301)
RECORDED - 56
Director, FBI (65-59184)

December 8, 1951

PERSONAL ATTENTION

HANNA A. BERNSTEIN
ESPIONAGE - IS

b1



(S)

A review of the Bernstein file at the Seat of Government has reflected that the last six reports submitted by your office were dated 10/23/51, 1/24/52, 3/18/52, 6/3/52, 8/14/52 and 11/14/52. You will note that between these reports there were lapses ranging from 54 days to 93 days. On no occasion was a report submitted before the Bureau sent an O-1 Form to the New York Office, in spite of the fact that New York is office of origin and as such is charged with the responsibility of supervising this investigation.

The Bureau desires that more expeditious attention be given to this case and that future reports be submitted on a regular basis when due. If developments warrant, the reports should be submitted more frequently than every 45 days.

8/29/01
CLASSIFIED BY 39063elk/calldf
DECLASSIFY ON: 25X C
944929-1

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED

WRW:hmb

3/20/90
RECEIVED
DEC 9 04 52 PM '51
339-5320

COMM. FBI
MAILED 27

- Tolson _____
- Ladd _____
- Nichols _____
- Belmont _____
- Clegg _____
- Glavin _____
- Harbo _____
- Rosen _____
- Tracy _____
- Laughlin _____
- Mohr _____
- Tele. Rm. _____

~~SECRET~~

Office Memorandum

UNITED STATES

GOVERNMENT

TO : Director, FBI (65-59184)

DATE: 2/3/53

FROM : SAC, New York (65-15301)

SUBJECT: NAHUM BERNSTEIN;

~~S.M. - C~~

Residence - Is.

Card U.T.O.
2/27/53 bjm

It is recommended that a Security Index Card be prepared on the above-captioned individual.

X

The Security Index Card on the captioned individual should be changed as follows: (Specify change only)

FBI STATISTICAL SECTION
CARDS PREPARED

NAME _____

ALIASES _____

NATIVE BORN _____ NATURALIZED _____ ALIEN _____

COMMUNIST _____ SOCIALIST WORKERS PARTY _____ INDEPENDENT SOCIALIST LEAGUE _____

MISCELLANEOUS (Specify) _____

TAB FOR DETCOM _____ TAB FOR COMSAB _____ RACE _____ SEX _____

DATE OF BIRTH _____ PLACE OF BIRTH _____

BUSINESS ADDRESS (Show name of employing concern and address) _____

NATURE OF INDUSTRY OR BUSINESS (Specify from Vital Facility List) _____

RESIDENCE ADDRESS 355 Locust Avenue, Harrison, New York

HAMcG:LJR

3/29/94 SPIABTJ/SC
339-539

65-59184-
REC'D RECORDS
3 FEB 5 1953

53 MAR 27 1953

[Handwritten signatures and initials]

FEDERAL BUREAU OF INVESTIGATION

Form No. 1
THIS CASE ORIGINATED AT **NEW YORK**

~~SECRET~~ MXS

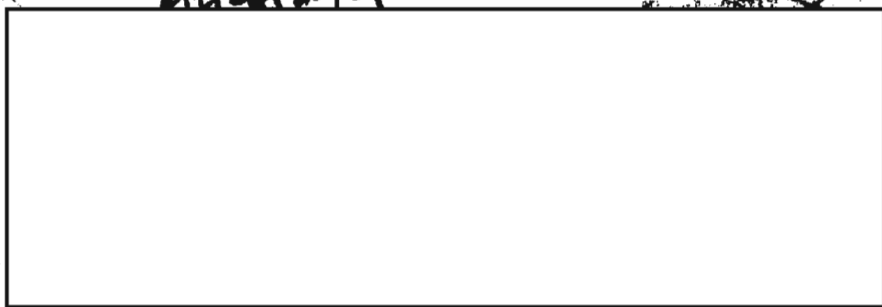
REPORT MADE AT NEW YORK	DATE WHEN MADE 1/7/53	PERIOD FOR WHICH MADE 11/19,25;12/15,18,19,23,31/52	REPORT MADE BY <div style="border: 1px solid black; width: 100px; height: 20px;"></div>
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TITLE NAHUM BERNSTEIN, was	CHARACTER OF CASE ESPIONAGE - IS
--------------------------------------	--

915701
CLASSIFIED BY 30363 dwt/col/dj
DECLASSIFY ON 25X 10

3/29/94
SP12 BTJ/SC
339-539

SYNOPSIS OF FACTS:



4 copies ret'd to my with memo 12-6-52 WAW

b1
b7C

DETAILS: *0-172 NY 5-2-53*
NY ready 3-6
Remained red.
dictated 3-4-53,
will be subm.
immed. upon
transmittal
WAW. dem

~~ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED~~



Incorporate into report
Public release
Serial 113
4-2-55

APPROVED AND FORWARDED: LVB-MEL	SPECIAL AGENT IN CHARGE	ENCLOSURE	DO NOT WRITE IN THESE SPACES
COPIES OF THIS REPORT		105-5918-1	
5 - Bureau (65-59184) (REGISTERED MAIL) JAN 8 1953 1 - Los Angeles (65-5048) (INFO.) (REGISTERED MAIL) 3 - New York (65-15301)		RECORDED - 61 INDEXED - 61	
SECURITY INFORMATION - SECRET			

NY 65-15301

67 X

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[Redacted]

[Redacted]

(S)

[Redacted]

[Redacted]

(S)

[Redacted]

[Redacted]

(S)

[Redacted]

[Redacted]

(S)

[Redacted]

[Redacted]

(S)

[Redacted]

[Redacted]

(S)

X

NY 65-15701

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b7C
b2
b7D

X

[Redacted]

[Redacted] (S)

[Redacted]

[Redacted] (S)

[Redacted]

[Redacted] (S)

[Redacted]

[Redacted] (S)

[Redacted]

[Redacted] (S)

It is noted that according to Confidential Informant [Redacted] of known reliability, the subject received correspondence from [Redacted]

[Redacted]

[Redacted] also advised that the subject was in contact with the following individuals and organizations during November and December 1952:

X

NY 65-15301

b7C

<u>Date</u>	<u>Person or Organization Contacted</u>
November 8, 1952	Material for Israel Incorporated 250 West 57 Street New York, New York
November 18, 1952	League of Women Voters City of New York 461 4 Avenue New York, New York
November 21, 1952	American Fund for Israel Instituti 267 West 71 Street New York, New York
December 17, 1952	
December 19, 1952 (Addressed to NED BERNEY)	

- P -

NY 65-15301

ADMINISTRATIVE PAGE

X

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 Number Where Located</u>
[Redacted]	Interview November 19, 1952	11/19/52	SAS [Redacted]	65-15961
[Redacted] Mail Cover maintained on subject's business address, 20 Pine Street, New York City	November and December 1952		SA [Redacted]	Instant report.

b1
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b2
b7D

MISCELLANEOUS

This report is being classified "Secret" as per Bureau instructions as set out in Bureau letter dated July 7, 1952 advising that all reports in this case will bear a classification of not less than Secret.

LEAD

NEW YORK

At New York, New York

Will continue to follow the activities of NAHUM BERNSTEIN in connection with Israeli activities.

REFERENCE:

Report of SA [Redacted] at New York, dated November 14, 1952.
New York letter to Bureau, 12/16/52, entitled,
[Redacted]

Office Memorandum • UNITED STATES GOVERNMENT

~~SECRET~~

DATE: 1/7/53

TO : Director, FBI (65-59184)

FROM : SAC, New York (65-15301)

SUBJECT: NAHUM BERNSTEIN, was
ESPIONAGE - IS

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
EXCEPT WHERE SHOWN
OTHERWISE

Re report of SA [redacted] at NY, dated 1/7/53, five copies of which are enclosed.

[redacted]

(S)

[redacted]

b1
b7C

[redacted]

ji

[redacted]

b1

[redacted]

DECLASSIFIED BY SP222/ep/100
6/15/01

CLASSIFIED BY 39032elw/aldj
DECLASSIFY ON: 25X1e

Encs. 5

Classified by SP10 BTK/REGORDED - 3

REGISTERED

Declassify on: OADR 339-539
INDEXED - 61

10 JAN 8 1953

1 - Los Angeles

Handwritten initials and notes: NY, 65-15301, etc.

~~SECRET~~

SECURITY INFORMATION - SECRET

Handwritten initials: WPK/ERE

~~SECRET~~

SAC, New York (65-15301)

February 6, 1953

RECORDED-77

Director, FBI (65-59184)-117

NAHUM BERNSTEIN, was.
ESPIONAGE - IS

3/29/94
~~Classified by SP12 BTJ/KSC~~
~~Declassify on: OADR 339-539~~

EX-123

Reper SA [redacted] dated 1-7-53, at
New York City.

[redacted]

(1) [redacted]

(2) Bernstein has made him a business offer.

(3) [redacted]

(4) [redacted]

(5) [redacted]

8/30/01
CLASSIFIED BY 39063EL/cally
DECLASSIFY ON: [redacted]
1-6-01-1

While the information in item (1) above is pertinent in that it reflects upon the degree of reliability of the informant, it is not felt that the information in the remaining 4 items is pertinent to this case.

[redacted]

- Tolson _____
- Ladd _____
- Nichols _____
- Belmont _____
- Clegg _____
- Glavin _____
- Harbo _____
- Rosen _____
- Tracy _____
- Laughlin _____
- Mohr _____
- Tele. Rm. _____
- Holloman _____
- Gandy _____

Attachment

cc - 2 - Los Angeles (65-5049)

WRW:rw:dmd
7-0-53

MAILED 5
FEB 11 1953
COMM. FBI

63 FEB 11 1953

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 11/11/01 BY 60322/UC/STP

~~SECRET~~
Handwritten initials and marks

Four copies of rerep are returned herewith for revision. Eliminate nonpertinent information and data tending to reveal the identity of the informant and forward the revised report to the Bureau within 15 days of the receipt of this communication.

The revised report should either show the results of investigation conducted to identify the correspondent of subject residing at 901 Howard Avenue, Brooklyn, New York, who addressed the subject as "Ned Berney" or should set forth a lead showing that proper attention is being given to this matter. b1

X Rerep does not indicate that this investigation is being given the attention required in Bulet 4-12-50 captioned [redacted] and Bulet 12-8-52 in instant case. X While the "period for which made" shows investigative activity on 7 days, the report contains only the results of one interview and of a mail cover. When the revised report requested above is forwarded to the Bureau, a cover memorandum should be transmitted containing an outline of the future investigative steps you contemplate undertaking for the purpose of bringing this case to a logical conclusion. (S) (u)

Tolson _____
Ladd _____
Nichols _____
Belmont _____
Clegg _____
Glavin _____
Harbo _____
Rosen _____
Tracy _____
Laughlin _____
Mohr _____
Tele. Rm. _____
Holloman _____
Gandy _____

SAC, New York (65-15301)

February 13, 1953

Director, FBI (65-59184)

⁰
NANUM BERNSTEIN
ESPIONAGE - IS

Your attention is directed to the fact that no number SAC Letter I dated 3-14-52 requires that a summary report be submitted once each year on subjects who are carried in the Special Section of the Security Index. Bufiles reflect that the last summary report submitted by your office in this matter was dated 1-24-52.

You are requested to advise the Bureau when the next summary report may be expected in this case.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED 339-539
DATE 3/29/94 BY SP128TJ/SC

RECORDED - 111

65-59184-1

FEB 14 1953

WRW:brg

- Tolson _____
- Ladd _____
- Nichols _____
- Belmont _____
- Clegg _____
- Glavin _____
- Harbo _____
- Rosen _____
- Tracy _____
- Laughlin _____
- Mohr _____
- Winterrowd _____
- Tele. Rm. _____
- Holloman _____
- Gandy _____

MAILED 16
FEB 13 1953
COMM - FBI

6542

Office Memorandum • UNITED STATES GOVERNMENT

LVB
JSB

TO : Director, FBI (65-59184)

DATE: 3/5/53

FROM : SAC, New York (65-15301)

SUBJECT: NAHUM BERNSTEIN
ESPIONAGE - IS

Rebulet 2/13/53.

Referenced letter requested New York office to advise when a summary report may be expected in this case.

This is to advise that it is anticipated that a summary report in this matter will be prepared and forwarded to the Bureau by April 10, 1953.

Due to the urgency of other matters it is believed that a summary report cannot be properly prepared before that date.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 3/29/94 BY SP12 BTJ/SJ
339-539

RECORDED - 142

65-59184-113

WAV

WAV
WANNALL

HAM:REK

68 MAR 23 1953

~~SECURITY INFORMATION - SECRET~~
FEDERAL BUREAU OF INVESTIGATION

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b7C
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MZM/IMCL

Form No. 1
 THIS CASE ORIGINATED AT **NEW YORK**

REPORT MADE AT NEW YORK	DATE WHEN MADE 1/7/53	PERIOD FOR WHICH MADE 11/19,25;12/15,18,19,23,31/52	REPORT MADE BY <div style="border: 1px solid black; width: 100px; height: 20px;"></div>
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TITLE NAHUM BERNSTEIN, was	CHARACTER OF CASE ESPIONAGE - IS
--------------------------------------	--

915/01
 CLASSIFIED BY *39063/2/01/01*
 DECLASSIFY ON: *25X1/e*
[] PG. 6 CLASS. PER FGA
LTR. DTD 9/20/02
944929-1

SYNOPSIS OF FACTS:

b1 (S)
ICCS
State (and) by [redacted]
RAS
by P/S
3-27-53
maw:dem

- P -

3/29/53
~~CONFIDENTIAL~~
339-539

DETAILS: At New York, New York

Confidential Informant [redacted] of unknown reliability, who has admitted having been engaged in Israeli intelligence work in Europe in 1949 and 1950, was interviewed by SAS [redacted] on November 19, 1952. [redacted] advised that he had recently been contacted by NAHUM BERNSTEIN concerning a business matter. (X)(u)

ENCLOSURE

APPROVED AND FORWARDED: <i>LIP</i> <i>8/5</i>	SPECIAL AGENT IN CHARGE	DO NOT WRITE IN THESE SPACES	RECORDED
COPIES OF THIS REPORT		<i>65-59184-</i>	INDEXED
5 - Bureau (65-59184) (REGISTERED)		MAR 11 1953	
1 - Los Angeles (65-5048) (Info.) (REGISTERED)			
3 - New York (65-15301)			

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★ U. S. GOVERNMENT PRINTING OFFICE 16-50255-2

~~SECURITY INFORMATION - SECRET~~

NY 65-15301

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

It is noted that the records of the Immigration and Naturalization Service, 70 Columbus Avenue, New York City, reflect that [REDACTED] arrived in the United States [REDACTED] via Sabena Airlines, under temporary visa [REDACTED]. Further, that in his application for extended time on a temporary stay, which application was dated October 9, 1952, [REDACTED] furnished the following information concerning himself:

His address in the United States was [REDACTED]. His passport number was [REDACTED] issued by the State of Israel [REDACTED]. His foreign address was given [REDACTED] where [REDACTED] resided from 1920 to 1952. On his application [REDACTED] indicated he was visiting NAHUM A. BERNSTEIN, [REDACTED] at 20 Pine Street, New York City, and that [REDACTED] occupation was [REDACTED]. [REDACTED] listed his marital status as married, and furnished his wife's name as [REDACTED] address [REDACTED].

The records of the Immigration and Naturalization Service reflect that [REDACTED] was granted an extended time for temporary stay [REDACTED].

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NY 65-15301

[redacted] description is reflected in the records of the Immigration and Naturalization Service as: height - [redacted] eyes - [redacted] hair - [redacted] nationality - [redacted] and previous date in United States - 1949.

[redacted]

[redacted] (S)

[redacted]

[redacted] (S)

[redacted] (S)

According to Confidential Informant [redacted] of known reliability, an organization which maintains records of business activities in the New York City area, the Israeli Industries Incorporated was incorporated under the New York State Laws on June 6, 1949, and commenced active operations at 20 Pine Street, New York City, on that date. The officers of the company were listed as:

- NAHUM A. BERNSTEIN - President
- JAMES HODES - Vice President
- EDWARD S. SILVER - Vice President
- SAMUEL D. HALPERIN - Vice President

~~SECRET~~

NY 65-15301

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[redacted] Telarga Ltd.,
Jerusalem, [redacted] The foreign
office is maintained at 26 Rothschild Boulevard, Tel Aviv,
Israel. The corporation is an industrial management
organization assisting in the establishment and management
of American Industrial Enterprises in Israel. The corporation
is qualified to do business in Israel and services are
performed for various industrial concerns in this country.

[redacted]

[redacted]

(S)
It is noted that according to Confidential Informant
[redacted] of known reliability, the subject received correspondence
[redacted] on
November 24, 1951. [redacted] also advised that the subject was in
contact with the following individuals or organizations during
November and December 1952:

<u>Date</u>	<u>Person or Organization Contacted</u>
November 8, 1952	Material for Israel Incorporated 250 West 57 Street New York, New York

It should be noted that NAHUM BERNSTEIN is the Attorney
for Material for Israel Incorporated.

November 18, 1952	League of Women Voters City of New York 461 4 Avenue New York, New York
-------------------	--

NY 65-15301

Date
November 21, 1952

December 17, 1952

December 19, 1952
(Addressed to
NED BERNEY)

Person or Organization Contacted

American Fund for Israel
Institutions
267 West 71 Street
New York, New York



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NY 65-15301

ADMINISTRATIVE PAGE

IDENTITY OF INFORMANTS

<u>Identity of source</u>	<u>Date of activity and/or description of info.</u>	<u>Date received</u>	<u>Agent to whom furnished</u>	<u>File # where located</u>
[redacted] (S)	Description of interview 11/19/52	11/19/52	SAS [redacted]	65-15961
[redacted] (S)	[redacted]	August 1951	Bureau	65-15150-1B40
[redacted]	Info re Israeli Industries Inc.	2/18/53	SE [redacted]	Instant report
[redacted] Mail cover on subject's business address at 20 Pine St., New York City	November & December 1952	November & December 1952	SA [redacted]	Instant report

NY 65-15301

ADMINISTRATIVE PAGE cont'd.

MISCELLANEOUS

This report is being classified "Secret" as per Bureau instructions as set out in Bureau letter dated July 7, 1952 advising that all reports in this case will bear a classification of not less than secret.

LEADS

NEW YORK

At New York, New York

b7C

Will continue to follow the activities of NAHUM BERNSTEIN in connection with Israeli activities.

Will attempt to identify the individual at [redacted] who addressed subject as NED BERNY on December 19, 1952.

REFERENCES Report of SA [redacted] at New York dated 11/14/52.
New York letter to Bureau dated 12/16/52, entitled [redacted] Espionage - IS" [initials]

Office Memorandum • UNITED STATES GOVERNMENT

TO : Director, FBI (65-59184)

FROM : SAC, New York (65-15301)

SUBJECT: NAHUM BERNSTEIN, was
ESPIONAGE - IS

DATE: 3/10/53

Rebulet to New York dated 2/6/53.

Enclosed herewith are the original and 4 copies of the revised report of SA [redacted] as requested in rebulet.

It is noted that enclosed report contains information relative to NAHUM BERNSTEIN'S business association with [redacted]

[Large redacted block]

[Redacted block]

(S) [] #1 CLASS PER FGA LTR DTG 9/20/02.

With regard to investigative steps contemplated by this office, it is noted that the New York Office recently requested permission to conduct a survey on the subject's residence. This office will continue to place mail covers on the subject's place of business, 20 Pine Street, New York City, and residence at Harrison, New York; will also give consideration to effecting arrangements for securing trash from the office of the subject at 20 Pine Street, New York City; will discreetly attempt to ascertain subject's activities through other sources available to this office.

It is noted that the subject's residence, in the past, has been carried as 355 Locust Avenue, Rye, New York, and subject received mail addressed in this manner. However, it has been established that the subject is in fact residing in what is known as the Old Putnam Estate, which is located opposite 355 Locust Avenue, outside the city limits of Rye, New York. There is no number designation for the estate and the property is actually located within the boundary of the town of Harrison, New York.

In the future the subject's address will be carried as Old Putnam Estate, Locust Avenue, Harrison, New York, and the next New York report will reflect this change.

Encs. (5) **CLASSIFIED BY 39023 dvl/caldy** RECORDED - 142
DECLASSIFY ON: 25X 6 INDEXED - 142
 1 - Los Angeles (65-5048) (Enc. 1) (REGISTERED)

COPIES DESTROYED
 R 342 NOV 21 1960
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68 APR 7 1953

INDEXED
 339-589
 3/29/94
 Classified by SP2 BTJ/C
 Declassify on: OADR

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~~will~~

DATE OF MAIL

2/16/53

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HAS BEEN REMOVED

[REDACTED]

TO BE KEPT PERMANENTLY IN HIS

OFFICE, ROOM 1736

SEE FILE 66-2554-7530 FOR AUTHORITY.

3/29/94 339-539
SP12BTJ/SC

SUBJECT

JUNE MAIL

REMOVED BY

FILE NUMBER

65-59184-114

PERMANENT SERIAL CHARGEOUT

AIR-TEL
FEDERAL BUREAU OF INVESTIGATION

UNITED STATES DEPARTMENT OF JUSTICE

NEW YORK, 3/4/53

Transmit the following Teletype message to: BUREAU

NAHUM BERNSTEIN, ESP-IS. REBULET FEBRUARY 6, LAST. REVISED
REPORT DICTATED THIS DATE. TRANSCRIPTION WILL BE EXPEDITED
AND REPORT SUBMITTED AS SOON AS POSSIBLE.

BOARDMAN

3-BUREAU (AMSD)

339-539
3/29/94 SPI2BTJ15C

G. I. R. - 8

RECORDED - 9

5-Med

HAM:MOH (#1)
65-15301

Approved: _____
Special Agent in Charge

Sent _____ M Per _____

JSS

Handwritten signatures and initials

SAC, New York (65-15301)

March 17, 1953

Director, FBI (65-59184)

HANUM A. BERNSTEIN, Was.
ESPIONAGE - IS

Under date of 2-3-53, your office submitted a form, FD-122, requesting certain changes on the Security Index card maintained on captioned subject. The form was submitted under the caption, "Hanum Bernstein; S. M. - C."

The character of the case has been corrected on the form submitted by your office. You should make this correction on the copy of the form maintained in your files.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 3/29/94 BY SP12 BTJ/SC

339-539

*0-1/2 NY 6-3
"Large" found. + deadline
work: done*
*0-1 NY memo 6-15-53, note in
transcript 6-5-53, will update
submission. Will update
work: done*

*2000 28-206 rec'd. 6-3-53
"a. rec'd in this matter is in 2. I. R. - 8
preparation since he did by 6-8-53 +
subm. properly there after. R. will
reach per. by 6-12-53"*

WRW:rw

EX - 107
RECORDED - 46

MAR 18 1953
130

- Tolson _____
- Ladd _____
- Nichols _____
- Belmont _____
- Clegg _____
- Glavin _____
- Harbo _____
- Rosen _____
- Tracy _____
- Laughlin _____
- Mohr _____
- Winterrowd _____
- Tele. Rm. _____
- Holloman _____
- Gandy _____

MAR 27 1953

WRW
WRW

FEDERAL BUREAU OF INVESTIGATION

THIS CASE ORIGINATED AT **NEW YORK**

FILE NO.

HCH

REPORT MADE AT NEW YORK	DATE WHEN MADE APR 8 1953	PERIOD FOR WHICH MADE 3/23,31;	REPORT MADE BY <div style="border: 1px solid black; width: 150px; height: 20px;"></div>
TITLE NAHUM BERNSTEIN, was: Ned Berney, Myers, Gorman, Nahum A. Bernstein		4/2,6/53	CHARACTER OF CASE ESPIONAGE - IS

*NAHUM BERNSTEIN SUMMARY REPORT
NY 15742, 15821*

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SYNOPSIS:

NAHUM BERNSTEIN continues to reside
Locust Ave., Harrison, NY. (S)

9/15/01

CLASSIFIED BY *99063/102/alk*

DECLASSIFY ON: *25X 1/6*

944929-1

*ice file (stand) 18 by ap memo
ice file (stand) 18 by via lian*

*ice file RRRS (S)
by R/S
5-6-53
JRW:dem*

(S)

(S)

Subject in contact with
 attorney of Los Angeles,
Calif., identified as a California CP
member in 1949 and who has represented CP
members in litigation. Other contacts of
the subject set forth.

*[3] PG 10 CLASS. PER FGA LTR
DTD 9/20/02.*

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3/29/94

739-5391

JDA BLS/TC

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DETAILS: At New York, New York

Confidential Informant [redacted] of known reliability, advised that NAHUM BERNSTEIN and family are currently residing at the Old Putnam Estate, Locust Avenue, Harrison,

APPROVED AND FORWARDED: <i>LJP</i>	SPECIAL AGENT IN CHARGE	DO NOT WRITE IN THESE SPACES
COPY IN FILE		<i>65-59184-117</i>
COPIES OF THIS REPORT: 5-Bureau (65-59184) (RM) RRR 1-Los Angeles (65-5048) (Info.) (RM) RRR 1-Washington Field (Info) (RM) RRR 3-New York (65-15301)		APR 10 1953
<i>67 MAY 3 1953</i>		INDEXED-45 EX-112

NY 65-15301

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New York. [] stated that there is no street number designation for the subject's residence but it is located opposite 355 Locust Avenue, Harrison, New York. BERNSTEIN moved to this address in November 1951, and has maintained residence here since that date.

According to Confidential Informant [] of known reliability, the subject still conducts a law firm at the address 20 Pine Street, New York City, and is a partner of EDWARD SILVER and they operate under the firm name Silver and Bernstein.

137
NY

Confidential Informant [] of known reliability, advised on February 13, 1952, that NAHUM BERNSTEIN was contacted by []

NY

[] and who has been very active in the affairs of Israel. On that occasion an appointment was made with BERNSTEIN to meet with him, [] on the following Tuesday. This informant had previously advised that these four individuals were very interested in the status of the publication "Israel Speaks" and it was believed by this informant that the proposed meeting was to take place to discuss the future of this publication. (S) (W)

158 A-6

[] (S)

[]

[] (S)

[]

[] (S)

Confidential Informant [] of known reliability,

~~NY~~

NY 65-15301

advised that NAHUM BERNSTEIN was in contact with AARON R. ROJANSKY on November 10, 1951. ROJANSKY is the Israeli representative of the law firm of Silver and Bernstein, 20 Pine Street, New York City. On the occasion of this contact with ROJANSKY, BERNSTEIN told ROJANSKY that he had to go to the Israeli Consulate in New York on Tuesday to pick up some papers as he stated he had completed work for the Israeli Government and wanted to finish up his accounts with them. It is noted that on that date ROJANSKY was visiting in the United States.

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Confidential Informant [redacted] of known reliability, advised that among the subject's contacts during November and December 1952, were: Government of Israel Supply Mission, National Lawyers Guild, the Israeli Consulate, New York City, and the publication "Israel Speaks."

b7C

Confidential Informant [redacted] previously mentioned, advised of a meeting held between NAHUM BERNSTEIN, [redacted] on March 18, 1952, at which time they took up the arrival of [redacted] [redacted] suggested a meeting to be held on March 25, 1952, prior to the arrival [redacted] [redacted] indicated the contemplated meeting was to discuss the merger of "Israel Speaks" and the "Jerusalem Post." (u)

[redacted] further advised on March 20, 1952, of a meeting held at the home of NAHUM BERNSTEIN attended by one [redacted] (Phonetic) and which meeting concerned the publicity business. [redacted] was unable to further elaborate on the nature of this meeting. (u)

It is noted that in June 1951, NAHUM BERNSTEIN was listed as Secretary of Israel Speaks Incorporated, which corporation publishes the bimonthly publication known as "Israel Speaks."

NY 65-15301

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The May 23, 1952, issue of "Israel Speaks" carries
DAVID WAHL as publisher.

[Redacted]

[Redacted]

[Redacted]

159

[Redacted]

426

[Redacted]

51

[Redacted]

[Redacted]

51

[Redacted]

[Redacted]

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[Redacted]

[Redacted]

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NY 65-15301



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[Redacted]

[Redacted]

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[Redacted]

[Redacted]

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[Redacted]

[Redacted]

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[Redacted]

[Redacted]

S)

[Redacted]

[Redacted]

S)

Confidential Informant [Redacted] previously mentioned,
advised that NAHUM BERNSTEIN was in contact with [Redacted]

[Redacted]

on

September 22, 1952.

be noted:

Concerning [Redacted] the following should

Before the House Committee on Un-American

NY 65-15301

Activities Subcommittee Hearing at Los Angeles, California,
on September 19, 1951. [redacted]

[redacted] an admitted Communist Party member during the period [redacted] advised that [redacted] an attorney, was known to him to have been affiliated with the Communist Party in some capacity. *CA*

Confidential Informant [redacted] of known reliability, advised that [redacted] was transferred from membership at large, to the [redacted] Los Angeles County Communist Party in 1949. *CA*

Confidential Informant [redacted] of known reliability, advised on September 22, 1949, that [redacted] attorney at law, has represented Communist Party members in litigation. *b7C*
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[redacted]

[redacted] *(S)*

[redacted]

[redacted] *(S)*

According to the records of the Immigration and Naturalization Service, New York City, [redacted] address was

NY 65-15301

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given as [redacted] His application indicated he was visiting NAHUM A. BERNSTEIN. [redacted] at 20 Pine Street, New York City. [redacted] listed his marital status as married and furnished his wife's name as [redacted]

The records at the Immigration and Naturalization Service described [redacted] as [redacted] eyes [redacted] hair [redacted] nationality [redacted] and previous date in the United States - 1949.

[redacted]

[redacted] (S)

[redacted]

[redacted] (S)

It is noted that [redacted] may be identical [redacted] NAHUM BERNSTEIN (X)

Confidential Informant [redacted] previously mentioned, advised that on December 19, 1952, the subject was contacted by a correspondent [redacted]

[redacted] The subject was addressed as NED BERNEY.

Investigation in the area [redacted] that the number [redacted] is nonexistent. The street numbers only run to 820.

NY 65-15301

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[redacted] also advised that the subject was in contact with the following individuals and organizations during January, February, and March:

<u>Date</u>	<u>Sender</u>
January 7, 1953	American Fund for Israel Institutions 267 West 71st Street New York 23, New York
January 12, 1953	Material for Israel Incorporated 250 West 57th Street New York, New York
It is to be noted that NAHUM BERNSTEIN is the attorney for Material for Israel Incorporated.	
February 17, 1953	Israel Speaks Incorporated 34 Park Row New York, New York
February 24, 1953	[redacted]
February 26, 1953	"The Jerusalem Post" Post Office Box 81 Jerusalem, Israel
February 27, 1953	United States Department of Justice Washington, D. C.
March 12, 1953	[redacted]

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NY 65-15301

ADMINISTRATIVE PAGE

INFORMANTS

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<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 Number Where Located</u>
[Redacted]	3/24/53	3/24/53	SA [Redacted]	Instant report
[Redacted]	3/20/53	3/20/53	SA [Redacted]	Instant report
[Redacted]	February 1952			65-15301-114
[Redacted]	11/19/52	11/19/52	SAS [Redacted]	65-15961
[Redacted]	November 1951	November 1951		
[Redacted]	Various dates.			Instant report

Mail Cover maintained on the office of subject at 20 Pine St., NYC.

NY 65-15301

ADMINISTRATIVE PAGE (CONT'D.)

INFORMANTS (Cont'd.)

<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 Number Where Located</u>
[Redacted] (S)	May 1952	May 1952		65-15516-42
[Redacted]	1949			
[Redacted]	1949			

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File Number Where Located


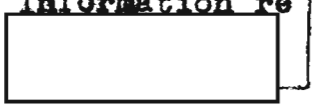
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NY 65-15301

ADMINISTRATIVE PAGE (CONT'D.)

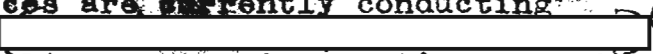
INFORMANTS (Cont'd.)



<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 Number Where Located</u>
(S) 	Information re 	August 1951	Bureau	65-15150-1B40

MISCELLANEOUS

This report is being given a security classification of "Secret" as per Bureau instructions as set out in Bureau letter, dated 7/7/52, advising that all reports in this case will bear a classification not less than "Security Information - Secret."

Copies of this report have been designated for the information of the Washington Field and Los Angeles Offices because these offices are currently conducting investigations relative to  (S) in their areas and it is believed that information contained in this report may be of assistance to them in their investigations.

LEADS

NEW YORK

At New York, New York

Will continue to follow the activities of NAHUM

NY 65-15301

ADMINISTRATIVE PAGE (CONT'D.)

LEADS (Cont'd.)

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NEW YORK

At New York, New York (cont'd.)

BERNSTEIN in connection with

[REDACTED] (S)

REFERENCES

Report of SA	[REDACTED]	3/18/52, New York.
Report of SA	[REDACTED]	6/3/52, New York.
Report of SA	[REDACTED]	8/14/52, New York.
Report of SA	[REDACTED]	11/14/52, New York.
Report of SA	[REDACTED]	1/7/53, New York.

DATE OF MAIL 4/20/53.

b7C

HAS BEEN REMOVED TO BE KEPT PERMANENTLY IN HIS OFFICE, ROOM 1736

SEE FILE 66-2554-7530 FOR AUTHORITY.

3/29/94 SP12BTTJ SC 339-539

SUBJECT JUNE MAIL

REMOVED BY 51 R.H. 3

FILE NUMBER 65-59184-118

PERMANENT SERIAL CHARGEOUT

DATE OF MAIL 4 7 53

HAS BEEN REMOVED TO BE KEPT PERMANENTLY IN HIS OFFICE, ROOM 1736

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SEE FILE 66-2554-7530 FOR AUTHORITY.

339-539
3/29/94 SP12BTJ/SC

SUBJECT JUNE MAIL

REMOVED BY 59 OCT 6 1953

FILE NUMBER 65-59184-119

PERMANENT SERIAL CHARGEOUT

DATE OF MAIL

4 / 9 / 53

HAS BEEN REMOVED
OFFICE, ROOM 1736



TO BE KEPT PERMANENTLY IN HIS

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SEE FILE 66-2554-7530 FOR AUTHORITY.

339-539
3/29/94 SPI2 BTJ/SC

SUBJECT

JUNE MAIL

REMOVED BY

51 MAY 6 1953

FILE NUMBER

65-59184-120

PERMANENT SERIAL CHARGEOUT

DATE OF MAIL 4 / 20 / 53.

HAS BEEN REMOVED TO BE KEPT PERMANENTLY IN HIS OFFICE, ROOM 1736

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SEE FILE 66-2554-7530 FOR AUTHORITY.

339-539
3/29/94 SPI2BTS/SC

SUBJECT JUNE MAIL

REMOVED BY _____

FILE NUMBER 65-59184 - 122.

PERMANENT SERIAL CHARGEOUT

DATE OF MAIL 4/22/53.

HAS BEEN REMOVED TO BE KEPT PERMANENTLY IN HIS OFFICE, ROOM 1736

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SEE FILE 66-2554-7530 FOR AUTHORITY.

3/29/94 339-539 SP128 JS JS

SUBJECT JUNE MAIL

REMOVED BY 51 MAY 6 1953

FILE NUMBER 65-5984-✓

PERMANENT SERIAL CHARGEOUT

DATE OF MAIL 4 / 22 / 53

HAS BEEN REMOVED TO BE KEPT PERMANENTLY IN HIS OFFICE, ROOM 1736

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SEE FILE 66-2554-7530 FOR AUTHORITY.

3/29/94 SPI2BTS/PC 339-539

SUBJECT JUNE MAIL

REMOVED BY _____

FILE NUMBER 65-59184-123.

PERMANENT SERIAL CHARGEOUT

~~CONFIDENTIAL~~

SAC, New York (65-15301)

May 12, 1953

Director, FBI (65-59184)

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

o
RABBIT BERNSTEIN, was
ESPIONAGE - IS

G. F. R. - 3 ac 1-1

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RECORDED-42

[Redacted]

[Redacted] (c)

[Redacted]

[Redacted] (c)

[Redacted]

[Redacted] (c)

- Tolson _____
- Ladd _____
- Nichols _____
- Belmont _____
- Clegg _____
- Glavin _____
- Harbo _____
- Rosen _____
- Tracy _____
- Gearry _____
- Mohr _____
- Winterrowd _____
- Tele. Room _____
- Holloman _____
- Sizoo _____
- Miss Gandy _____

cc - 2 - Washington Field (65-5508)

67 MAY 22 1953

MAILED 4
MAY 12 1953
COMM-FBI

WRW:brg

3/29/94
Classified by SP2 BTP/SCB
Declassify on: OADR
339-534
W/111

9/4/01
CLASSIFIED BY 39063d4/mll/ky
DECLASSIFY ON: 25X

~~SECRET~~

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(c)

The above is forwarded for your information and for the completion of your files with respect to this matter.

DATE OF MAIL 5-20-53

HAS BEEN REMOVED TO BE KEPT PERMANENTLY IN HIS OFFICE, ROOM 1736

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SEE FILE 66-2554-7530 FOR AUTHORITY.

339-539
3/29/94 SP12BTJ/JC

SUBJECT JUNE MAIL

REMOVED BY 121957

FILE NUMBER 65-59154-126

PERMANENT SERIAL CHARGEOUT

TY INFORMATION - ~~TOP~~

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[Redacted]

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 11/11/94 BY 339-539

~~TOP~~
PERSONAL AND CONFIDENTIAL
VIA LIAISON

Date: May 21, 1953

To: Mr. John W. Ford
Director
Office of Security
Department of State
515 22nd Street, N. W.
Washington, D. C.

Attention: Mr. Walter E. Jessop

From: John Edgar Hoover, Director
Federal Bureau of Investigation

Subject: [Redacted]

441974 6/6/02
CLASSIFIED BY 39063/ELW/TK/m
DECLASSIFY ON: 25
60290/BCE/DC6/LSM
944929

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

cc - 2 - Washington Field (With 2 cc's of incoming) at 23 1953
WRW:awy

~~SECRET~~

NOT RECORDED

~~SECRET~~

In the absence [redacted] from the city, on July 19, 1949, our Liaison representative discussed this matter personally [redacted]

[redacted] was advised that based upon the facts supplied [redacted] this Bureau would undertake an investigation in an effort to develop complete details regarding this matter. It was pointed out that in handling the matter this Bureau desired to establish complete control over the investigation in order to avoid conflicts between any inquiries which we instituted and investigations being conducted by the Department of State and the various United States intelligence agencies involved. b1 b7C

[redacted] stated that he understood the necessity for this and could assure this Bureau that there would be no interference from the Department of State or other agencies. He explained that he had already informed the heads of the other intelligence agencies that the Federal Bureau of Investigation would be handling the matter, but that he would reiterate these instructions to the heads of such agencies. (S) (U)

Thereafter, an active investigation regarding the matter was instituted by this Bureau. The results of our inquiries were furnished [redacted] either by memoranda or during several conferences in which representatives of his office and representatives of this Bureau participated. (S) (U)

[redacted]

[redacted] (S) At the outset of our investigations in this matter [redacted] indicated that he would maintain complete records with respect to various documents involved. It is therefore believed that copies of many of the United States documents described in Agent Burstein's report can be secured by your office [redacted] (S) (U)

Our communication [redacted] of March 20, 1952, also described various reports which had previously been forwarded to the Department of State, and in addition, enclosed (S) (U)

[Redacted]

[Redacted] (S)

[Redacted]

(S)
(u)

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[Redacted]

[Redacted] (S)

[Redacted]

(S) (u) (S)

On September 29, 1952, the report of Special Agent [Redacted] dated September 8, 1952, at Washington, D. C.

On December 5, 1952, the report of Special Agent [Redacted] dated November 10, 1952, at Washington, D. C.

[Redacted]

(S) (u) (S)

On March 25, 1952, the report of Special Agent [Redacted] dated February 13, 1952, at Washington, D. C.

On May 20, 1952, the report of Special Agent [redacted] dated March 28, 1952, at Washington, D. C.

On May 20, 1952, the report of Special Agent [redacted] dated April 1, 1952, at Detroit, Michigan.

On May 20, 1952, the report of Special Agent [redacted] dated April 23, 1952, at New York, New York.

On May 20, 1952, the report of Special Agent [redacted] dated May 6, 1952, at Minneapolis, Minnesota.

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On June 20, 1952, the report of Special Agent [redacted] dated May 20, 1952, at Washington, D. C.

On July 18, 1952, the report of Special Agent [redacted] dated June 24, 1952, at Washington, D. C.

On July 30, 1952, the report of Special Agent [redacted] dated July 14, 1952, at Detroit, Michigan.

On September 10, 1952, the report of Special Agent [redacted] dated July 29, 1952, at Washington, D. C.

On September 10, 1952, the report of Special Agent [redacted] dated August 15, 1952, at New York, New York.

On September 30, 1952, the report of Special Agent [redacted] dated September 16, 1952, at Washington, D. C.

On October 20, 1952, the report of Special Agent [redacted] dated October 1, 1952, at New York, New York.

On December 3, 1952, the report of Special Agent [redacted] dated November 13, 1952, at Washington, D. C.

On January 23, 1953, the report of Special Agent [redacted] dated January 7, 1953, at Washington, D. C.

On March 20, 1953, the report of Special Agent [redacted] dated February 27, 1953, at Washington, D. C.

On April 3, 1953, the report of Special Agent [redacted] dated March 18, 1953, at Washington, D. C.

[redacted] (S)(G)(5)

On April 19, 1952, the report of Special Agent [redacted] dated March 17, 1952, at New York, New York.

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[Redacted] (S) (u) (e)

On September 30, 1952, the report of Special Agent [Redacted] dated September 17, 1952, at Washington, D. C.

On December 11, 1952, the report of Special Agent [Redacted] dated November 13, 1952, at Washington, D. C.

On January 12, 1953, the report of Special Agent [Redacted] dated December 10, 1952, at New York, New York.

On February 13, 1953, the report of Special Agent [Redacted] dated January 14, 1953, at Washington, D. C.

On March 20, 1953, the report of Special Agent [Redacted] dated February 27, 1953, at New York, New York.

On April 3, 1953, the report of Special Agent [Redacted] dated March 16, 1953, at Washington, D. C.

(Nahum A. Bernstein) (S) (u) (e)

On July 7, 1952, the report of Special Agent [Redacted] dated June 5, 1951, at New York, New York.

On July 7, 1952, the report of Special Agent [Redacted] dated January 24, 1952, at New York, New York.

On July 7, 1952, the report of Special Agent [Redacted] dated March 18, 1952, at New York, New York.

On July 7, 1952, the report of Special Agent [Redacted] dated June 3, 1952, at New York, New York.

On September 12, 1952, the report of Special Agent [Redacted] dated August 14, 1952, at New York, New York.

On December 10, 1952, the report of Special Agent [Redacted] dated November 14, 1952, at New York, New York.

On March 27, 1953, the report of Special Agent [Redacted] dated January 7, 1953, at New York, New York.

On May 6, 1953, the report of Special Agent [Redacted] dated April 8, 1953, at New York, New York.

[Redacted] (S) (u) (e)

On May 3, 1952, the report of Special Agent [Redacted] dated March 7, 1952, at Los Angeles, California.

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[redacted] (S)

On May 13, 1952, the report of Special Agent [redacted] dated March 15, 1952, at Los Angeles, California.

[redacted] (S)

On March 26, 1953, the report of Special Agent [redacted] dated January 6, 1953, at New York, New York.

On March 26, 1953, the report of Special Agent [redacted] dated February 25, 1953, at Washington, D. C.

On March 26, 1953, the report of Special Agent [redacted] dated March 23, 1953, at Philadelphia, Pennsylvania.

[redacted] (S)

On October 10, 1952, the report of Special Agent [redacted] dated September 16, 1952, at Washington, D. C.

On January 9, 1953, the report of Special Agent [redacted] dated November 26, 1952, at Boston, Massachusetts.

On January 9, 1953, the report of Special Agent [redacted] dated December 3, 1952, at Washington, D. C.

On February 27, 1953, the report of Special Agent [redacted] dated February 9, 1953, at Washington, D. C.

[redacted] (S)

On March 20, 1953, the report of Special Agent [redacted] dated February 10, 1953, at Washington, D. C.

[redacted] (S)

On February 12, 1952, the report of Special Agent [redacted] dated December 14, 1951, at Newark, New Jersey.

On January 14, 1952, the report of Special Agent [redacted] dated December 21, 1951, at Boston, Massachusetts.

On February 12, 1952, the report of Special Agent [redacted] dated January 21, 1952, at New York, New York.

On April 14, 1952, the report of Special Agent [redacted] dated March 21, 1952, at New York, New York.

On June 17, 1952, the report of Special Agent [redacted] dated June 4, 1952, at New York, New York.

On June 17, 1952, the report of Special Agent [redacted] dated June 13, 1952, at New York, New York.

On October 14, 1952, the report of Special Agent [redacted] dated September 25, 1952, at New York, New York.

On January 16, 1953, the report of Special Agent [redacted] dated December 9, 1952, at New York, New York.

[redacted] (S)
On September 17, 1952, the report of Special Agent [redacted] dated September 4, 1952, at Washington, D. C.

[redacted] (u)
On March 31, 1952, the report of Special Agent [redacted] dated January 23, 1952, at Washington, D. C.

On May 17, 1952, the report of Special Agent [redacted] dated March 26, 1952, at Washington, D. C.

On July 22, 1952, the report of Special Agent [redacted] dated June 27, 1952, at Washington, D. C.

On August 11, 1952, the report of Special Agent [redacted] dated July 22, 1952, at New York, New York.

On September 12, 1952, the report of Special Agent [redacted] dated August 14, 1952, at Washington, D. C.

[redacted] (S)
On December 30, 1952, the report of Special Agent [redacted] dated July 22, 1952, at Washington, D. C.

On December 30, 1952, the report of Special Agent [redacted] dated September 8, 1952, at Washington, D. C.

On December 30, 1952, the report of Special Agent [redacted] dated September 22, 1952, at New York, New York.

On December 30, 1952, the report of Special Agent [redacted] dated October 28, 1952, at San Francisco, California.

On December 30, 1952, the report of Special Agent [redacted] dated November 17, 1952, at Washington, D. C.

[redacted] (X) (u) (e)
On June 25, 1952, the report of Special Agent [redacted] dated June 3, 1952, at Washington, D. C.

On September 9, 1952, the report of Special Agent [redacted] dated August 15, 1952, at Washington, D. C.

On October 15, 1952, the report of Special Agent [redacted] dated September 23, 1952, at Washington, D. C.

On October 22, 1952, the report of Special Agent [redacted] dated September 30, 1952, at New York, New York.

On January 2, 1953, the report of Special Agent [redacted] dated December 11, 1952, at Washington, D. C.

[redacted] (X) (u) (e)
On April 2, 1952, the report of Special Agent [redacted] dated February 14, 1952, at Washington, D. C.

On April 7, 1952, the report of Special Agent [redacted] dated March 25, 1952, at Boston, Massachusetts.

On May 17, 1952, the report of Special Agent [redacted] dated March 31, 1952, at New York, New York.

On May 17, 1952, the report of Special Agent [redacted] dated April 15, 1952, at Washington, D. C.

On June 20, 1952, the report of Special Agent [redacted] dated May 13, 1952, at Pittsburgh, Pennsylvania.

On July 18, 1952, the report of Special Agent [redacted] dated June 25, 1952, at Washington, D. C.

On September 26, 1952, the report of Special Agent [redacted] dated September 4, 1952, at Washington, D. C.

On September 26, 1952, the report of Special Agent [redacted] dated September 11, 1952, at New York, New York.

On November 7, 1952, the report of Special Agent [redacted] dated October 23, 1952, at Washington, D. C.

On February 9, 1953, the report of Special Agent [redacted] dated January 19, 1953, at New York, New York.

On April 17, 1953, the report of Special Agent [redacted] dated April 1, 1953, at New York, New York.

On April 17, 1953, the report of Special Agent [redacted] dated April 2, 1953, at Washington, D. C.

[redacted] (S) (u) (S)
On August 15, 1952, the report of Special Agent [redacted] dated July 29, 1952, at San Francisco, California.

On September 29, 1952, the report of Special Agent [redacted] dated September 12, 1952, at San Francisco, California.

On November 20, 1952, the report of Special Agent [redacted] dated October 31, 1952, at San Francisco, California.

On December 12, 1952, the report of Special Agent [redacted] dated November 24, 1952, at Baltimore, Maryland.

On January 26, 1953, the report of Special Agent [redacted] dated January 8, 1953, at San Francisco, California.

On February 18, 1953, the report of Special Agent [redacted] dated February 6, 1953, at Cincinnati, Ohio.

On April 9, 1953, the report of Special Agent [redacted] dated March 23, 1953, at Los Angeles, California.

[redacted] (S) (u) (S)
On December 11, 1952, the report of Special Agent [redacted] dated November 4, 1952, at Washington, D. C.

On March 3, 1953, the report of Special Agent [redacted] dated January 29, 1953, at Washington, D. C.

(X)(u) (c)
[redacted]
On November 7, 1952, the report of Special Agent
[redacted] dated October 17, 1952, at Washington, D. C.

On May 5, 1953, the report of Special Agent
[redacted] dated April 1, 1953, at Washington, D. C.

(X)(u) (c)
[redacted]
On March 22, 1952, the report of Special Agent
[redacted] dated January 22, 1952, at New York, New York.

On June 25, 1952, the report of Special Agent
[redacted] dated June 10, 1952, at New York, New York.

On September 29, 1952, the report of Special Agent
[redacted] dated September 15, 1952, at New York, New York.

On March 12, 1953, the report of Special Agent
[redacted] dated February 6, 1953, at New York, New York.

On May 8, 1953, the report of Special Agent
[redacted] dated April 16, 1953, at New York, New York.

(X)(u) (c)
[redacted]
On March 31, 1952, the report of Special Agent
[redacted] dated February 19, 1952, at Washington,
D. C.

On May 22, 1952, the report of Special Agent
[redacted] dated April 9, 1952, at Washington, D. C.

On June 16, 1952, the report of Special Agent
[redacted] dated May 12, 1952, at Newark, New Jersey.

On July 14, 1952, the report of Special Agent
[redacted] dated May 26, 1952, at Phoenix, Arizona.

On July 7, 1952, the report of Special Agent
[redacted] dated June 11, 1952, at Washington, D. C.

On July 7, 1952, the report of Special Agent
[redacted] dated June 19, 1952, at New York, New York.

On August 20, 1952, the report of Special Agent
[redacted] dated July 31, 1952, at Washington, D. C.

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b7C

On September 12, 1952, the report of Special Agent [redacted] dated August 11, 1952, at New York, New York.

On October 1, 1952, the report of Special Agent [redacted] dated September 19, 1952, at Washington, D. C.

On October 10, 1952, the report of Special Agent [redacted] dated September 25, 1952, at New York, New York.

On December 1, 1952, the report of Special Agent [redacted] dated November 17, 1952, at Washington, D. C.

On February 13, 1953, the report of Special Agent [redacted] dated January 9, 1953, at Washington, D. C.

On February 9, 1953, the report of Special Agent [redacted] dated January 23, 1953, at New York, New York.

On March 27, 1953, the report of Special Agent [redacted] dated March 2, 1953, at Washington, D. C.

[redacted] (X) (u) (c)
On July 31, 1952, the report of Special Agent [redacted] dated July 16, 1952, at Washington, D. C.

On August 28, 1952, the report of Special Agent [redacted] dated August 11, 1952, at New York, New York.

On September 29, 1952, the report of Special Agent [redacted] dated September 3, 1952, at Washington, D. C.

On October 10, 1952, the report of Special Agent [redacted] dated September 25, 1952, at New York, New York.

On November 25, 1952, the report of Special Agent [redacted] dated October 31, 1952, at Washington, D. C.

[redacted] (X) (u) (c)
On April 4, 1952, the report of Special Agent [redacted] dated March 11, 1952, at New York, New York.

On June 19, 1952, the report of Special Agent [redacted] dated May 14, 1952, at New York, New York.

On June 19, 1952, the report of Special Agent [redacted] dated May 14, 1952, at Chicago, Illinois.

[redacted] (X) (u) (S)

On December 10, 1952, the report of Special Agent [redacted] dated November 12, 1952, at Washington, D. C.

On March 13, 1953, the report of Special Agent [redacted] dated February 12, 1953, at Washington, D. C.

[redacted] (X) (u) (S)

On March 28, 1952, the report of Special Agent [redacted] dated February 13, 1952, at New York, New York.

On May 21, 1952, the report of Special Agent [redacted] dated April 23, 1952, at New York, New York.

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b7C

On August 7, 1952, the report of Special Agent [redacted] dated July 24, 1952, at Washington, D. C.

On September 23, 1952, the report of Special Agent [redacted] dated August 1, 1952, at New York, New York.

On December 11, 1952, the report of Special Agent [redacted] dated November 17, 1952, at New York, New York.

On March 27, 1953, the report of Special Agent [redacted] dated January 26, 1953, at New York, New York.

[redacted] (X) (u) (S)

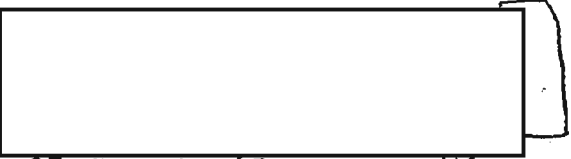
On September 9, 1952, the report of Special Agent [redacted] dated August 21, 1952, at Washington, D. C.

On December 11, 1952, the report of Special Agent [redacted] dated November 17, 1952, at Washington, D. C.

On February 12, 1953, the report of Special Agent [redacted] dated January 19, 1953, at Washington, D. C.

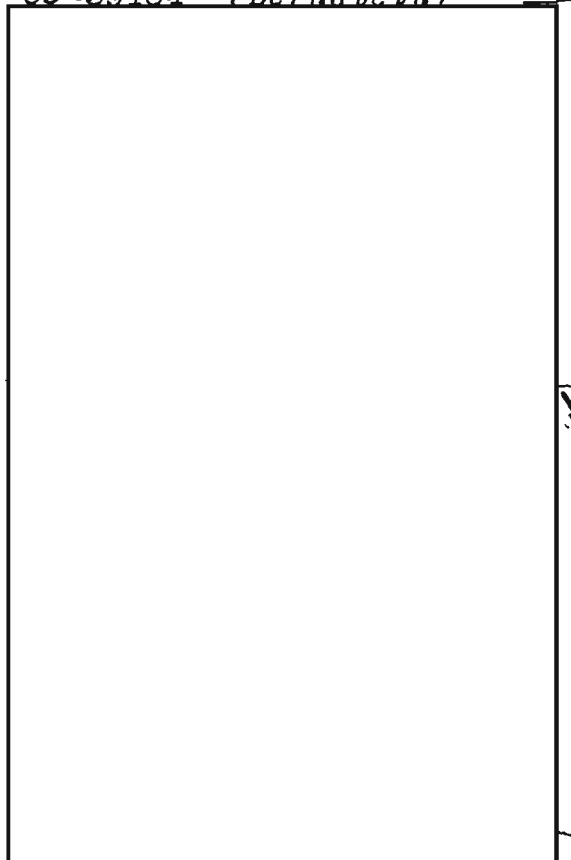
After you have had the opportunity to review the above-described communication and reports, it is requested that you advise this Bureau of the nature of the investigation you contemplate undertaking in an effort to determine if classified United States material was released without authorization by an employee of your Department, as mentioned in the memorandum of reference. (X) (u)

cc



~~(S)~~ (S)

65-59184 (Bernstein)



~~(S)~~ (S)

b1

SAC, New York (65-15901)

~~SECRET~~

July 16, 1953

RECORDED - 11 Director, FBI (65-59184)

NAHUM BERNSTEIN, was.
ESPIONAGE - IS

~~Classified by SPK/DIT/SC~~
~~Declassify on: 339-539~~

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Rerep SA [redacted] dated 6-22-53 at New York City.

[Large redacted block]

[Redacted line]

[Large redacted block]

In order that dissemination of rerep may not be unduly delayed at the Seat of Government, it is requested that you submit five copies of the revised report to the Bureau and one copy each to the Los Angeles and Washington Field Offices within fifteen days of the receipt of this communication.

Attachment

cc - 1 - Los Angeles (65-5048) (For information)

cc - 1 - Washington Field (For information)

WRW:amb

MAILED 6
JUL 16 1953
COMM - FBI

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED
DATE 9/10/01 BY 3742 Belsky/afp
DECLASSIFY ON: 25X 6

944929-1

- Tolson _____
- Ladd _____
- Nichols _____
- Belmont _____
- Clegg _____
- Glavin _____
- Harbo _____
- Rosen _____
- Tracy _____
- Laughlin _____
- Mohr _____
- Winterrowd _____
- Tele. Rm. _____
- Holloman _____
- Gandy _____

~~SECRET~~
WRW
WRW!

~~SECRET~~

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(S)

- Tolson _____
- Ladd _____
- Nichols _____
- Belmont _____
- Clegg _____
- Glavin _____
- Harbo _____
- Rosen _____
- Tracy _____
- Laughlin _____
- Mohr _____
- Winterrowd _____
- Tele. Rm. _____
- Holloman _____
- Gandy _____
- _____
- _____

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~~TOP SECRET~~

NY 65-15301

[Redacted]

(S)

[Redacted]

[Redacted]

(S)

[Redacted]

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NY 65-15301

~~CONFIDENTIAL~~

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[Redacted] (S)

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[Redacted]

[Redacted] (S)

[Redacted]

[Redacted] (S)

Confidential Informant [Redacted] of known reliability, made available information concerning the account of Silver and Bernstein [Redacted]

[Redacted] The informant advised that Silver and Bernstein maintained two checking accounts, one a special checking account and the second a regular checking account.

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[Redacted]

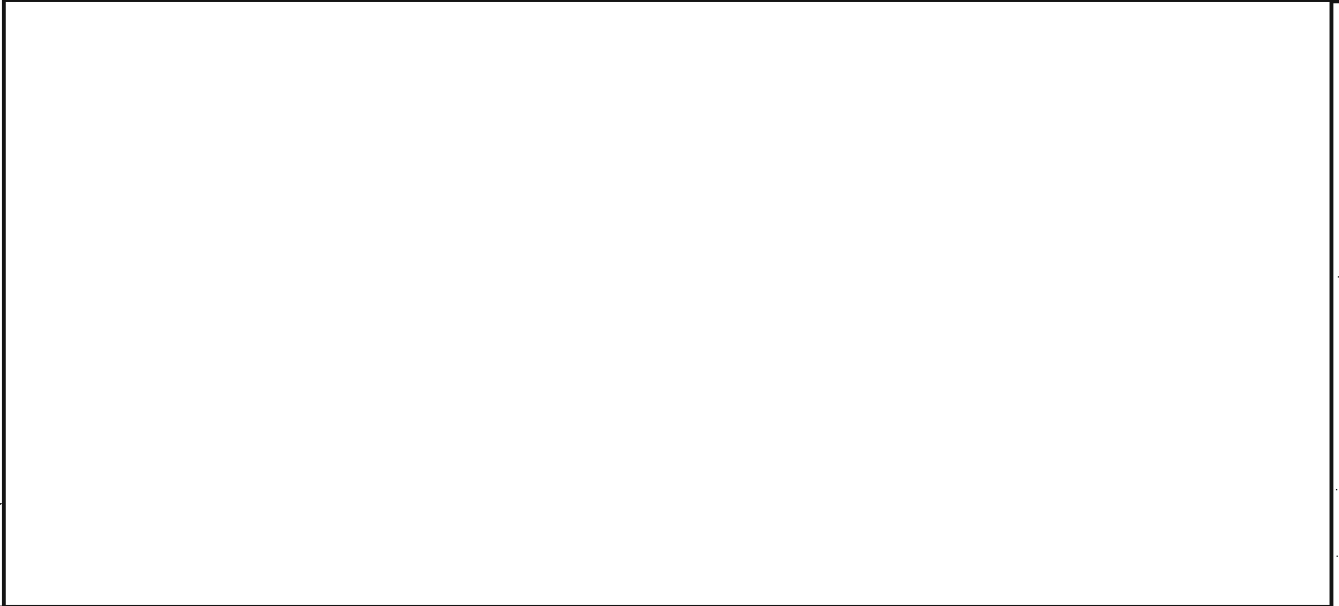
~~CONFIDENTIAL~~

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NY 65-15301



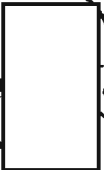
[redacted] an employee in
the office of the subject.



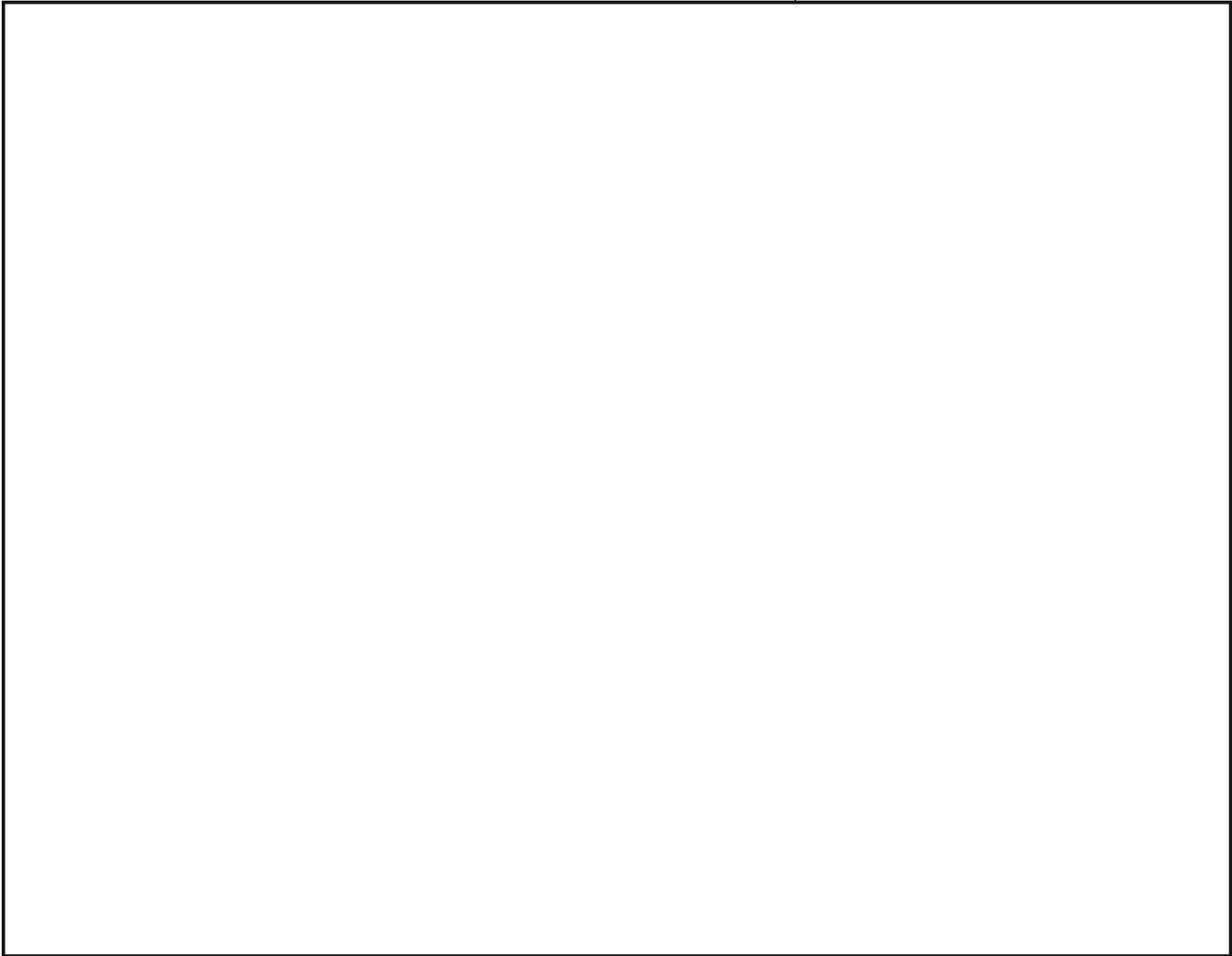
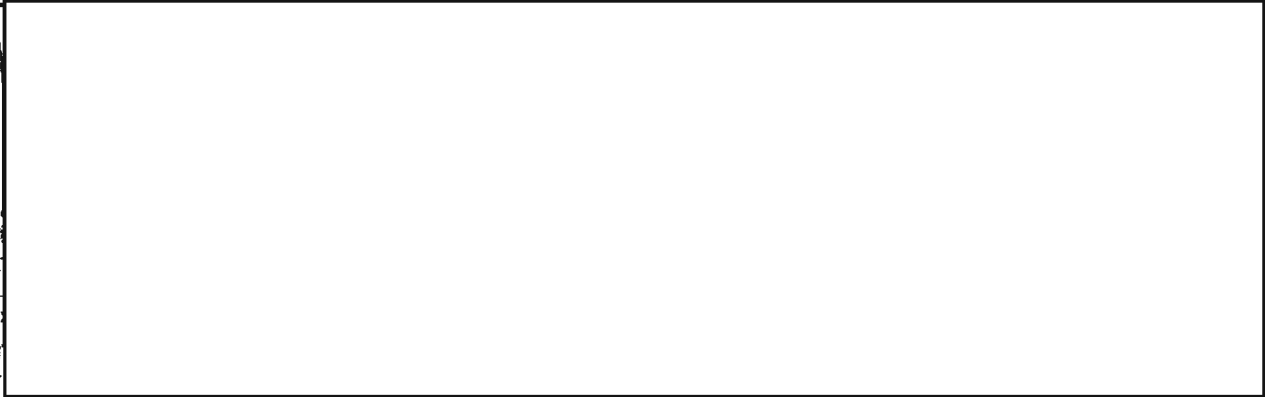
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NY 65-15301



Handwritten notes:
8/4/78
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~~CONFIDENTIAL~~ - INFORMATION

NY 65-15301

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The above information furnished by [redacted] is not to be made public except in the course of a legal proceeding following the issuance of a subpoena duces tecum.

Confidential Informant [redacted] of known reliability, advised that the subject was in contact with the following individuals and organizations during May, 1953 at his office, 20 Pine Street, New York City:

<u>Date</u>	<u>Organization or Individual</u>
5/23/53	[redacted]
5/25/53	[redacted]
5/25/53	Jewish War Veterans, 55 West 77 Street, New York City
5/26/53	American Fund for Israel, 267 West 71 Street, New York 23, New York
5/26/53	Suite 216, 250 West 57 Street, New York 19, New York
5/26/53	[redacted]
5/28/53	Material for Israel, 250 West 57 Street, New York City, NY
5/28/53	Irving Trust Company, 1 Wall Street, New York City

- P -

NY 65-15301

ADMINISTRATIVE PAGE

Identity of Source Date of Activity or Description of Info Date Received Agent Who Received Info File # & Location

[Redacted] 5/28/53 b1
[Redacted] b7C 5/28/53 SA [Redacted] Instant Report
[Redacted] b2
[Redacted] b7D
[Redacted] (S) 3/18/53 3/18/53 SAS [Redacted] [Redacted] (S)

[Redacted]
Anonymous

[Redacted] Bank accounts of Silver & Bernstein, 20 Pine St., NYC 6/2/53 SA [Redacted] Instant File

[Redacted] Mail cover on May, 1953 May, 1953 SA [Redacted] Instant Report
Silver & Bernstein, 20 Pine St., NYC

[Redacted] Info re [Redacted] (S) May, 1953 SAS [Redacted] 65-16277
[Redacted]

[Redacted] 6/1/53 6/1/53 SAS [Redacted] 65-16277
[Redacted]

NY 65-15301

ADMINISTRATIVE PAGE (Cont'd)

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MISCELLANEOUS

This report is being given a security classification of Top Secret inasmuch as information contained in this report was obtained from the report of SA [redacted] [redacted] New York, 5/8/53, entitled [redacted] (S)

Copies of this report have been designated for the Los Angeles and Washington Field offices for information purposes inasmuch as these offices are currently conducting investigations relative to [redacted] (S) in their areas and it is believed that information contained in this report may be of assistance to them in their investigation.

LEADS

NEW YORK

At New York, New York

*Amended 12/9
10/11/53*

[redacted]

[redacted] (S)

Will monitor the subject's personal bank account and the account of Silver and Bernstein in an effort to determine if the subject made a loan of \$3,000.00 [redacted] or others connected with [redacted] (S)

Will continue to follow the activities of NAHUM BERNSTEIN in connection with [redacted] (S)

REFERENCE: Report of SA [redacted] New York, 5/8/53, entitled, [redacted]
Report of SA [redacted] New York, 4/8/53 (S)

SECURITY INFORMATION - SECRET

FEDERAL BUREAU OF INVESTIGATION

CLASSIFIED BY 390639w/call/dj
DECLASSIFY ON: 25X
944929

Form No. 1
THIS CASE ORIGINATED AT NEW YORK

JMR

REPORT MADE AT NEW YORK	DATE WHEN MADE AUG 3 1953	PERIOD FOR WHICH MADE 4/22; 5/13, 19; 6/4/53	REPORT MADE BY
TITLE NAHUM BERNSTEIN, was		CHARACTER OF CASE ESPIONAGE - IS	

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~~IS 3/29/94
SP12/5/50~~

[Redacted]	
------------	--

Dissem deferred pending
dissem of reports in cases
DETAILS
related to [Redacted] Case
WPA
8-14-53

- P -

[Redacted]	(S)
[Redacted]	(S)
[Redacted]	(S)
[Redacted]	(S)

APPROVED AND FORWARDED <i>[Signature]</i>	SPECIAL AGENT IN CHARGE	DO NOT WRITE IN THESE SPACES
COPIES DESTROYED 2842 NOV 21 1960		RECORDED - 188 INDEXED - 188 180 JMB 9/8/53
<ul style="list-style-type: none"> 5 - Bureau (65-59184) (RM) 1 - Los Angeles (65-5048) (Info) (RM) 1 - Washington Field (Info) (RM) 3 - New York (65-15301) 		
AUG 21 1953		SECRET

NY 65-15301

[Redacted]

[Redacted]

S)

[Redacted]

[Redacted]

S)

[Redacted]

[Redacted]

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[Redacted]

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[Redacted]

[Redacted]

S)

[Redacted]

[Redacted]

S)

[Redacted]

[Redacted]

S)

[Redacted] of known reliability, advised that on May 12, 1953, a check was drawn on the account of SILVER and BERNSTEIN, 20 Pine Street, New York City, in the amount of \$154.50. The payee on this check was shown as [Redacted] and the check was endorsed. [Redacted]

[Redacted]

According to Confidential Informant [Redacted] of known reliability, the records of Harvey Radio Company, New York City, reflect that [Redacted] purchased on Webster

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NY 65-15301

Recording Machine, Model 210, and one electric scribe. This equipment was picked up [redacted]. The records further reflect that one Webster Recording Machine, Model 210, was purchased [redacted]. The price was listed as \$154.50.

Confidential Informant [redacted] of known reliability, advised on June 1, 1953, that the records of the Bankers Trust Company reflect that [redacted] issued a check in this amount to Harvey Radio Company; however, the records of Harvey Radio Company reflect that this set was sold to SILVER and BERNSTEIN, 20 Pine Street, New York City.

The records of Harvey Radio Company also reflect that [redacted] purchased wire recording material in the amount of \$10.20.

[redacted]
[redacted] It is noted that this is the same amount made to purchase a Webster Wire Recording Machine from Harvey Radio Company on May 12, 1953. The sales slip for this purchase shows the purchaser to be SILVER and BERNSTEIN.

It is noted above that a check dated May 12, 1953, [redacted] in the amount of \$154.50 was made payable [redacted] by SILVER and BERNSTEIN. It is also noted that this check was signed by [redacted] the firm of SILVER and BERNSTEIN.

NY-65 - 15301

ADMINISTRATIVE PAGE

INFORMANTS

Identity of Source	Date of Activity and/or Description of Information	Date Received	Agent to Whom Furnished	File Where Located
[Redacted] (S)	3/18/53	3/18/53	SA [Redacted] SA [Redacted]	[Redacted] (S)
[Redacted] Anonymous	b7C b2 b7D b1			
[Redacted]	Bank accounts of SILVER and BERNSTEIN, 20 Pine Street, New York City	6/2/53	SA [Redacted]	Instant
[Redacted]	Info re [Redacted] (S)	May, 1953	SA [Redacted] SA [Redacted]	65-16277
[Redacted]	6/1/53	6/1/53	SA [Redacted] and SA [Redacted]	65-16277

MISCELLANEOUS

This report is being given a classification of "Secret" inasmuch as information contained in this report was obtained from the report of SA [Redacted] 5/8/53, NY, [Redacted]

[Redacted] (S)

NY 65-15301

Copies of this report have been designated for the Los Angeles and Washington Field Offices for information purposes inasmuch as these offices are currently conducting investigations relative to [redacted] in their areas and it is believed that information contained in this report may be of assistance to them in their investigation. (S)

LEADS

NEW YORK

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At New York, N.Y.

Covered Ser 133

[redacted]

VC

[redacted] (S)

[redacted]

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Covered Ser 131

REFERENCE

Report of SA [redacted] NY, 5/8/53, entitled,

[redacted] (S)

SECURITY INFORMATION

Office Memorandum • UNITED STATES GOVERNMENT

TO : Director, FBI (65-59184)
FROM : SAC, New York (65-15301)
SUBJECT: NAHUM BERNSTEIN, was
ESPIONAGE - IS

DATE: 6/23/53

b7C

ReBulet to NY, 7/16/53, and report of SA [redacted] 6/22/53, NY.

one dated 7/1/53
one dated 7/1/53

There are attached hereto, copies of two reports by SA [redacted] as requested by the Bureau in relet.

The Los Angeles and Washington Field Offices are requested to destroy the report of SA [redacted] 6/22/53, NY.

For the further information of the Los Angeles and WFO, the attached report of SA [redacted] marked "Secret" should not be disseminated in whole or in part without permission of the Bureau.

Encls. - 10

Registered Mail

SP12 BTJ/DC
3/29/94
339-539

- 1 - Los Angeles (Info) (65-5048) (RM) (Encls. - 2)
- 1 - Washington Field (Info) (RM) (Encls. - 2)

RECORDED - 18

65-59184-139

WRA

HAM: JMR

SECURITY INFORMATION - ~~SECRET~~

Office Memorandum • UNITED STATES GOVERNMENT

TO : Director, FBI (65-59184)

DATE: June 23, 1965

NJB
9/25

FROM : SAC, New York (65-15301)

FBI STATISTICAL SECTION

REPAIRED

me

SUBJECT: NAHUM BERNSTEIN
ESPIONAGE - IS

Card U.T.D.
7-17-53 *etc*

It is recommended that a Security Index Card be prepared on the above-captioned individual.

X The Security Index Card on the captioned individual should be changed as follows: (Specify change only)

NAME _____

ALIASES _____

339-539
3/29/94 SPI2BTS/SC

NATIVE BORN _____ NATURALIZED _____ ALIEN _____

COMMUNIST _____ SOCIALIST WORKERS PARTY _____ INDEPENDENT SOCIALIST LEAGUE _____

MISCELLANEOUS (Specify) _____

TAB FOR DETCOM _____ TAB FOR COMSAB _____ RACE _____ SEX _____

DATE OF BIRTH _____ PLACE OF BIRTH _____

BUSINESS ADDRESS (Show name of employing concern and address) _____

NATURE OF INDUSTRY OR BUSINESS (Specify from Vital Facility List) _____

RESIDENCE ADDRESS _____ Old Putnam Estate

Locust Avenue, Harrison, New York

HAM:mat

WYUW
WYUW
WYUW

SECURITY INFORMATION - CONFIDENTIAL
FEDERAL BUREAU OF INVESTIGATION

b1
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FORM NO. 1
THIS CASE ORIGINATED AT **NEW YORK**

JHR

REPORT MADE AT NEW YORK	DATE WHEN MADE JUL 30 1953	PERIOD FOR WHICH MADE 5/28; 6/2/53	REPORT MADE BY <div style="border: 1px solid black; width: 100px; height: 20px;"></div>
TITLE NAHUM BERNSTEIN, was		ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE	CHARACTER OF CASE ESPIONAGE - IS <i>3/29/94</i> <i>Classified by SP12813/SC</i>

SYNOPSIS OF FACTS:

Contacts of subject, BERNSTEIN set out. Details of bank account of SILVER and BERNSTEIN set out. *9/4/61*

b1

- P -

CLASSIFIED BY *39013elw/cal/dj*
DECLASSIFY ON: *25X1e*

DETAILS

cc to G-2 Bartidge (Liam) STATE
8-45 *4/20* *(Liam)* *of known reliability, advised that the subject continues to maintain offices at 20 Pine Street, New York City and continues to reside at the Old Putnam Estate, Locust Avenue, Harrison, New York.*

8-17 to NY, LA, WFO
"Classify report Secret per Bulb 7-4"
8-14-53
10/11/53

Confidential Informant *[redacted]* of known reliability, who available information concerning the account of SILVER and BERNSTEIN *[redacted]* New York City. Informant advised that SILVER and BERNSTEIN maintained two checking accounts, one a special checking account and the second a regular checking account.

The May 1, 1953, balance for the special account

APPROVED AND FORWARDED <i>[Signature]</i>	SPECIAL AGENT IN CHARGE	DO NOT WRITE IN THESE SPACES
COPIES OF THIS REPORT		RECORDED - 108
<ul style="list-style-type: none"> 5 - Bureau (65-59184) (RM) 1 - Los Angeles (65-5048) (Info) (RM) 1 - Washington Field (Info) (RM) 1 - New York (65-15301) 		<p align="center">TOP SECRET</p> <p align="center">SECRET</p>

NY 65-15301

~~CONFIDENTIAL~~

[REDACTED]

It is believed that [REDACTED] has been residing
[REDACTED] during his stay in New York City.

[REDACTED]

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[REDACTED]

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[REDACTED]

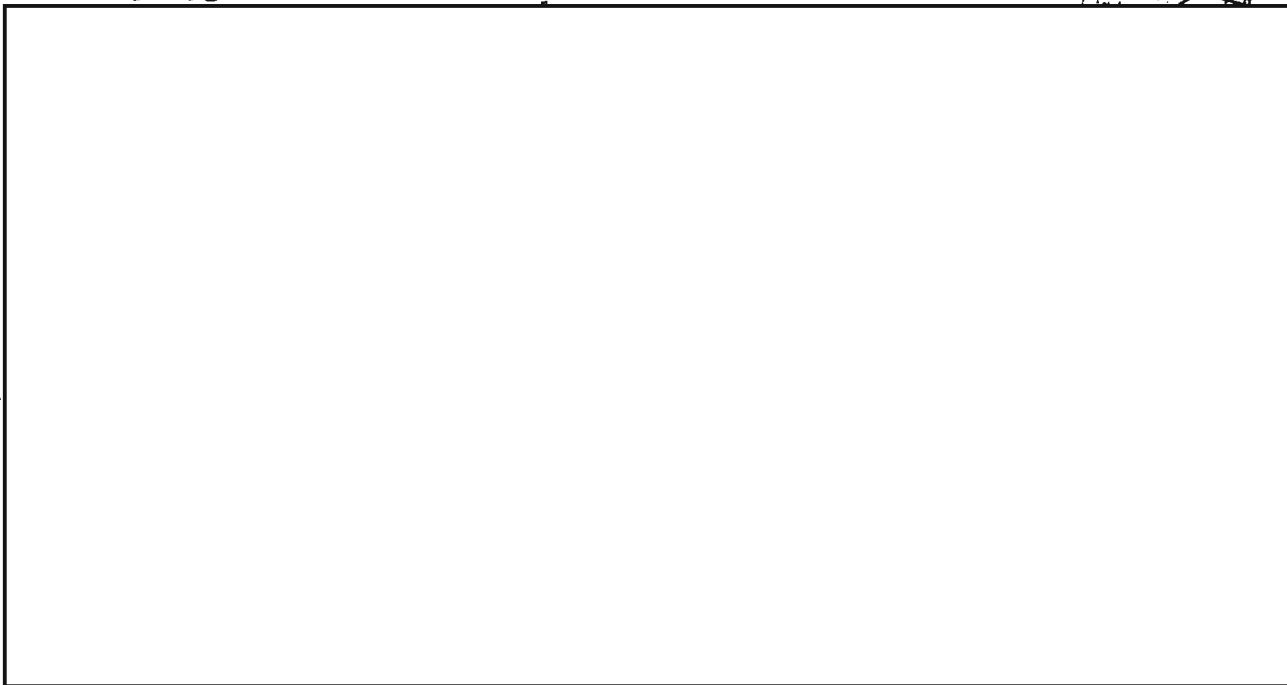
It is noted that [REDACTED] is a member of
the SILVER and BERNSTEIN firm.

[REDACTED]

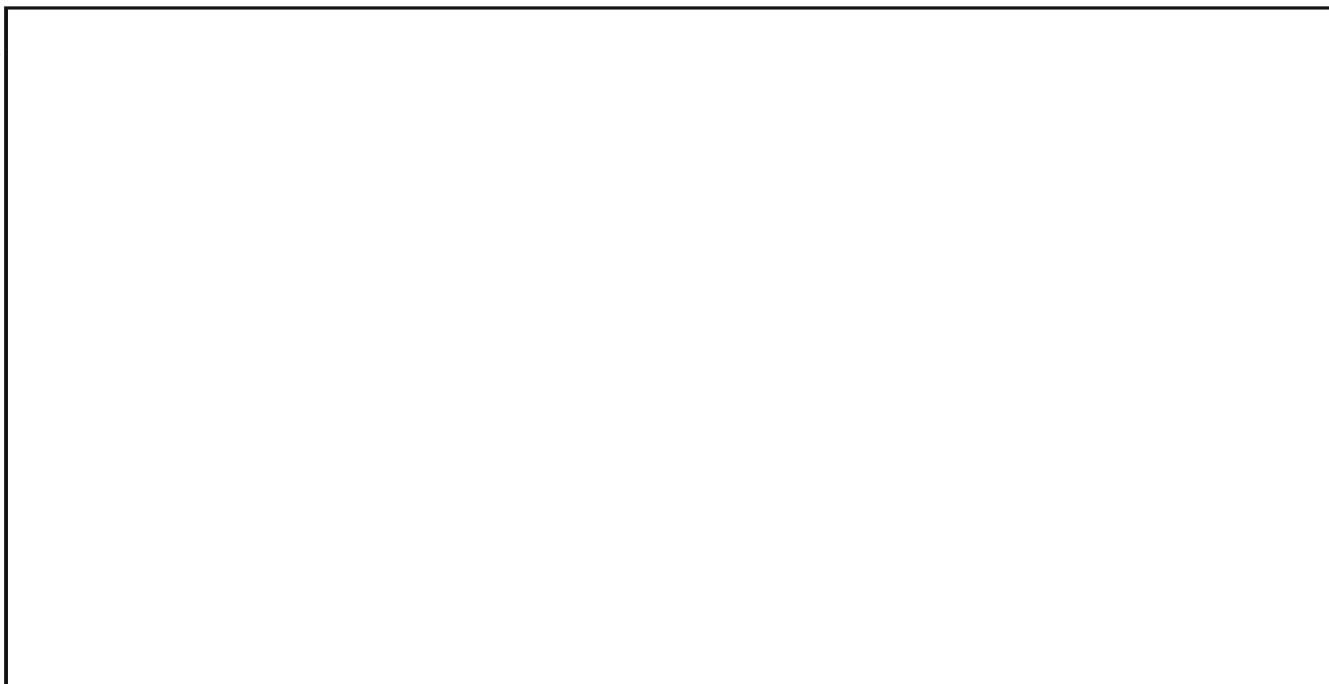
~~CONFIDENTIAL~~

b7D

NY 65-15301



MAXINE BERNSTEIN is the subject's wife.



NY 65-15301

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[redacted] is believed to be an employee in the office of the subject.

The above information furnished [redacted] is not to be made public except in the course of a legal proceeding following the issuance of a subpoena duces tecum.

Confidential Informant [redacted] of known reliability, advised that the subject was in contact with the following individuals and organizations during May, 1953, at his office, 20 Pine Street, New York City:

<u>Date</u>	<u>Organization or Individual</u>	b7C
5/23/53	[redacted]	
5/25/53	[redacted]	
5/25/53	Jewish War Veterans, 55 West 77 Street, New York City	

NY 65-15301

~~CONFIDENTIAL~~ - SECURITY INFORMATION

<u>Date</u>	<u>Organization or Individual</u>
5/26/53	American Fund for Israel, 267 West 71 Street, New York 23, New York
5/26/53	Suite 216, 250 West 57 Street, New York 19, New York
5/26/53	[REDACTED]
5/28/53	Material for Israel, 250 West 57 Street, New York City
5/28/53	Irving Trust Company, 1 Wall Street, New York City

b7C

- P -

NY 65-15301

ADMINISTRATIVE PAGE

INFORMANTS

Identity of Source	Date of Activity and/or Description of Information	Date Received	Agent to Whom Furnished	File Where Located
[Redacted]	5/28/53	5/28/53	SA [Redacted]	Instant
[Redacted]	Bank accounts of SILVER and BERNSTEIN, 20 Pine Street, New York City	6/2/53	"	"
[Redacted]	Mail cover on SILVER and BERNSTEIN, 20 Pine Street, New York City	May, 1953	May, 1953	"

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MISCELLANEOUS

Copies of this report have been designated for the Los Angeles and Washington Field Offices for information purposes inasmuch as these offices are currently conducting investigations relative to [Redacted] in their areas and it is believed that information contained in this report may be of assistance to them in their investigation.

(S)

LEADS

b1

NEW YORK

At New York, N. Y.

Will conduct investigation following activities of NAHUM BERNSTEIN in connection with [Redacted]

✓ E mail

Amend Ser 141

(S)

NY 65-15301

REFERENCE

Report of SA NY, 4/8/53

b7C

65 - HQ - 59184

63

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65-HQ-59184-63

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

65-59184-63

Director, FBI

June 6, 1971

SAC, New York

NAHUM BERNSTEIN, with aliases
ESPIONAGE - IS
(Bufile 65-59184)

Reference letter from the Bureau to New York dated April 9, 1951,
and letter from the Bureau to New York dated May 29, 1951.

A review has been made of the files in the United States District
Court, Southern District of New York, entitled United States vs. Nardone,
United States vs. Weiss, and United States vs. Goldstein. It was found that
the records on file in the Clerk's Office for the United States Court, Southern
District of New York, did not contain a transcript of the minutes of any one of
these three trials.

A further check was made with the Clerk of the Court of the United
States Circuit Court of Appeals for the Second Circuit, located at Foley Square,
New York City. In the case entitled United States of America vs. ~~Michael W. Goldstein~~
Michael W. Goldstein, Benjamin Schwartz, there were located the minutes of the
trial and the testimony given by NAHUM BERNSTEIN in a preliminary hearing on
wire tapping evidence. Three photostatic copies of the pertinent testimony
have been made, and there are enclosed for the Bureau and WFO a copy of this
testimony. One copy will be retained in the New York files.

It will be noted that the very beginning of the testimony which has
been photostated starts out with the notation, "The reading of the testimony
was resumed by Mr. Denny as follows," and then the testimony of NAHUM BERNSTEIN
is set forth. This testimony, which runs from page 167 through page 263, was
testimony as given by NAHUM BERNSTEIN in a pre-trial hearing in the case United
States vs. Weiss. It had been stipulated by the attorneys for the Government
and the attorneys for the defense that it would not be necessary to call the
witnesses to testify to the same matter that they testified to in the Weiss case
and for this reason this testimony was read into the record in the case of United
States against Goldstein. This is also true in regard to the testimony that
appears relative to SYLVIA SCHWARTZ which is contained in the minutes of the
trial of United States vs. Goldstein, page 264 through page 275.

The testimony that was included in the minutes of the case entitled
United States vs. Goldstein, page 458 through page 479, was testimony actually
given by NAHUM BERNSTEIN in the pre-trial hearing on wire tap evidence in that
case. The minutes of the trial United States vs. Weiss in the Clerk's Office of

DES:RAA
65-15301

Enclosure

cc - Washington Field (Enc)

3/29/94 SP12 BTJ/JO 339-539
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the Circuit Court of Appeals did not contain the testimony of NAHUM BERNSTEIN as given in that case pre-trial hearing, but it appears that this testimony has been quoted verbatim in the Goldstein case. The minutes of the case United States vs. Nardone as contained in the Clerk's Office of the Circuit Court of Appeals did not contain any testimony by NAHUM BERNSTEIN.

It will be noted that in the course of BERNSTEIN'S testimony he testified that a party by the name of SIMPSON, who was employed by the Harley Detective Agency, was in fact the one who actually installed the microphone and was engaged in tapping the telephone. In the course of the pre-trial testimony several of the records were played back for the benefit of the Court. Mr. SIMPSON was called upon to operate the recording machines. LLOYD PAUL STRYKER, who was attorney for the defense, requested that the gentleman who was going to operate the machines be identified. He was finally identified as HOBART R. SIMPSON and he was placed under oath by the Court. He was asked by the Court if he was requested to come by the United States Attorney, and he replied, "By Mr. Dailey," who was in fact one of the Assistant United States Attorneys in this trial. He was also asked by the Court by whom he was employed, and he replied by Mr. HARLEY, whose place of business was at 122 East 42nd Street, New York City. Mr. STRYKER asked him what kind of business they were engaged in, and Mr. SIMPSON said it was a detective agency. Mr. STRYKER asked SIMPSON, "Is it a private detective agency and a licensed detective agency?" Mr. IRVING KAUFMAN, the Assistant United States Attorney, said, "It is not a detective agency." But in reply to a question by Mr. STRYKER as to whether Mr. HARLEY was a licensed detective, SIMPSON advised that he was in fact a licensed detective.

73 jk

(The reading of the testimony was resumed by Mr. Denny as follows):

"NAA H U M A. B E R N S T E I N, called as a witness on behalf of the Defendants, being duly sworn, testified as follows:

"DIRECT EXAMINATION BY MR. STRYKER:

"Q. Mr. Bernstein, you were a partner of Mr. Silvers? A. Silver, no "s" on it.

"Q. You were a partner of Mr. Silver? A. Yes.

"Q. How long have you been associated with this case?

THE COURT: What do you mean by associated with this case?

MR. STRYKER: I will withdraw the question.

"Q. Do you now represent various insurance companies complainants in this case in connection with an investigation as to alleged frauds upon them? A. I would not say the companies were complainants in the case, but I represent the insurance companies in presenting certain evidence to the United States Attorney.

"Q. Which companies are those? A. The Prudential Insurance Company of America, the Metropolitan Life Insurance Company, the New York Life Insurance Company and the Travelers Insurance Company.

"Q. When did you begin your employment in this connection? A. I think it was the early summer of 1936.

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"Bernstein-direct

"Q. And you are still engaged in that, are you not?

A. Yes, sir.

"Q. Would it be fair to say that you have devoted most of your time to it since that time? A. Personally?

"Q. Yes. A. No, off and on.

"Q. When did you first meet Messman? A. In the latter part of May, 1937.

"Q. That was about the time of his arrest? A. No, that was after his arrest.

"Q. You never met him until after his arrest? A. No.

"Q. Which would be the latter part of May, 1937?

A. Yes.

"Q. You never personally talked to Messman until that time, did you? A. That is quite right.

"Q. And in order to get on, would that also be true with regard to the other Government witnesses known as Berger, Spitz and Nelson? A. That is right.

"Q. All those men had been arrested before you ever talked to them? A. That is right.

"Q. Before that time, before May of 1937, when they were arrested, were their wires tapped? A. No, sir --

"Q. Was Messman's wire tapped? A. Prior to what date?

"Q. The date of their arrest?

"THE COURT: You have the statement made by Mr. Dailey that the Messman taps began January 21, 1937,

75 jk "Bernstein-direct

January to April 16, 1937. You do not have to go over that.

"Q. Will you tell the Court please, what you did in connection with the securing of those wire tapings?

"THE COURT: What is important about that?

"MR. STRYKER: I will withdraw it."

THE COURT: It should be January 29, not 21. That is a mistake.

(Mr. Denney resumed the reading as follows:)

"Q. Now, beginning at the time when the first telephone was tapped, did you from that time on see the reports of the stenographer and the discs that were made?

"MR. DAILEY: I Object to that. I cannot see what difference it makes.

"THE COURT: Is this gentleman to be a witness at the trial?

"MR. STRYKER: He was not at the last trial, and I cannot say.

"THE COURT: What difference does it make whether he saw the transcripts and the discs?

"MR. STRYKER: I hope to prove from this information secured that this gentleman went over various stories with various witnesses.

"THE COURT: Then ask him that.

"Q. Did you after the arrest of these men, Messman,

76 jk

"Bernstein-direct

Berger, Spitz and Nelson, talk to them on various occasions? A. At any time after the arrest?

"Q. Yes. A. Yes, I did.

"Q. Did you talk to them when they were arrested?

A. No, I did not.

"Q. How long after they were arrested was it when you talked to them? A. Some time after all of them had confessed. I did not speak to any of them prior to their confessions.

"Q. Do you know whether or not any of these telephone conversations were played to these men prior to the time when they confessed?

"THE COURT: I will have to restrict that question. Were you present at any time when any records were played to these men or any of them prior to their various confessions?

"THE WITNESS: No, sir.

"Q. Did you learn who it was that played those records to these witnesses, if any one did?

"THE COURT: That is assuming that someone did. He could not learn unless he was there.

"MR. STRYKER: He could be told.

"THE COURT: I am not interested in heresay.

"MR. STRYKER: Just so I have my intention plain: My purpose is to pursue this in accordance with this case

77 jk

"Bernstein-direct

and ascertain whether or not it be a fact that the playing of these telephone talks induced their confessions and subsequently their becoming witnesses.

"THE COURT: The best way to do that would be to ask them.

"MR. STRYKER: Ask who, your Honor?

"THE COURT: The men who made the confessions.

"MR. STRYKER: That is one way.

"THE COURT: That is the direct way.

"MR. STRYKER: I should imagine I would not be bound by their testimony, but I might indicate those of the Government acting with them.

"THE COURT: This witness has said no record was played to any of these men in his presence. We will accept that as a fact.

"Q. I would appreciate it if you will tell me, if his Honor allows it, whether you learned that, Just the fact, yes or no, from one of the Assistant United States Attorneys that these conversations were played to these men on their arrest or shortly thereafter?

"THE COURT: Your question assumes by putting into the witness' mouth **that** you learned a certain fact. That assumes it is true. I will just have to say that I do not care to hear from this witness whether anybody ever told him anything about these records, because if somebody did, it might not be the fact.

78 jk

"Bernstein-direct

"MR. STRYKER: I do not wish heresay, but I wish to ascertain that from which I may produce legal evidence. I will take an exception.

"Q. Mr. Bernstein, did you talk with these men about their alleged participation in these frauds and their alleged participations with the defendants?

"MR. DAILEY: I object to that because if he did talk it must have been after they confessed.

"THE COURT: He says he did not speak to any of them until they had confessed.

"Q. After that, did you talk to them?

"MR. DAILEY: That would not make any difference.

"MR. STRYKER: I submit it goes directly to the issues involved in this proceeding.

"I will withdraw the question.

"Q. Mr. Bernstein, did you personally hear these taps played regardless of whether the witnesses were present or not? A. When do you mean, any particular time?

"Q. Well, from time to time after they were recorded? A. I heard some records played when they were being transcribed shortly before the trial. That was during the period prior to the actual trial when I was in the courtroom and they were playing them and the United States Attorneys were present and I was present.

"Q. Did you ever hear any of them before that? A. I don't think I did.

79 jk

"Bernstein-direct

"Q. Did you have the typewritten transcripts of the conversation before the trial? A. Did I have them? No.

"Q. Did you see them? A. I think I may have seen some.

"Q. When did you first begin to see them and how long did they go? A. I am not just sure when. During the course of preparing the case I may have seen a few on occasion when one of the United States Attorneys saw fit to show them to me.

"THE COURT: Referring to this exhibit, did you see any of those transcripts before or after you interviewed any of these defendants, Messman, Spitz, Berger or Nelson?

"THE WITNESS: I may have seen some. I think perhaps I did.

"THE COURT: Before you interviewed them?

"THE WITNESS: Yes.

"Q. As a matter of fact these transcripts were made by stenographers that you paid for, weren't they? A. Our joint firms paid for them, yes, sir.

"Q. They were paid by you or your legal associates? A. Yes, sir.

"THE COURT: Were they stenographers in your office or outside stenographers?

"THE WITNESS: The Government asked us whether we could furnish stenographers who were experienced in this

80 jk

"Bernstein-direct

field and we told them we would, and we turned certain girls over to the Government.

"THE COURT: They were your employees?

"THE WITNESS: Yes, sir.

"THE COURT: Prior to that time?

"THE WITNESS: Yes, sir.

"Q. Having in mind the answers you have just given to the Court, won't you tell me whether or not as these employees of yours recorded these conversations, they did not show them to you? A. They did not.

"Q. Did not someone show them to you? A. No, sir. I can tell you if you want me to explain how I came to see them.

"Q. Yes, surely. A. Occasionally from time to time either Mr. Dailey or Mr. Kaufman or one of the assistants on the case might occasionally show me a record they got, pointing out to me the facts contained in them in the course of discussing the case with them while the case was being prepared. My only knowledge of the records came from the Assistant United States Attorney.

"Q. Where did these employees of yours transcribe their notes? A. They transcribed them --

"THE COURT: You mean, where did they do the typing?

"THE WITNESS: Right where they worked.

81 jk

"Bernstein-direct

"Q. Where did they dictate them and what did they do with them? A. Inspector Shea used to call for them at the end of each day. That was the arrangement and he took them to the United States Attorney's office.

"Q. Were you at the United States Attorney's office practically every day from then on to the arrest? A. No, sir.

"Q. Were you at the United States Attorney's office very frequently? A. Yes, sir.

"Q. And you were there in connection with this case, weren't you? A. That is quite right.

"Q. And you knew your employees were taking these records? A. Yes, sir.

"Q. Didn't you ask anyone to be shown these records as they came along?

"THE COURT: You are not going to cross examine. He has told you he did not see them.

"MR. STRYKER: I withdrew it. I am sorry.

"Q. Do you remember any particular records you saw? A. No, I do not.

"Q. What? A. I don't remember any particular records.

"Q. Do you remember seeing the telephone interception of February 19th between Berger and Messmen regarding a proposed visit to Mr. Weiss' office on the following day? A. No, sir.

82 jk

"Bernstein-direct

"Q. You never saw that? A. I don't think so. I saw very few records.

"Q. Did you ever see that after the arrest? A. I don't recall whether I did or not.

"Q. Now after the arrest and after these various men pleaded guilty were you even more frequently at the United States Attorney's office? A. Yes, than in the previous period.

"Q. Would it be fair, and if it would not, will you give me the fact - tell me whether you were there four days out of five during that period? A. For parts of the day, I should say.

"Q. And during those times did you talk with these people, Nelson, Berger, Spitz and Messman? A. Occasionally I did.

"Q. And you talked about the case? A. Yes, sir.

"Q. Did you talk with them after you had read various of the telephone interceptions that the Government had shown you? A. Well, I had read a few of them; I hadn't read many. I cannot recall any particular conversation I ever read. I just have a recollection that I must have seen some of them.

"Q. Was Mr. Silver there more frequently than you? A. No, far less frequently.

"Q. Naturally in preparing the case for trial or in

83 jk

"Bernstein-direct

helping to prepare it, which I assume is what you were doing, you went over the various narratives of these witnesses?

"THE COURT: That is quite a recitation.

"MR. STRYKER: I will withdraw the question.

"Q. Did you go over with --

"THE COURT: Did you help prepare the case for trial?

"Q. Please take that question. Did you help prepare the case for trial? A. Certain aspects of it, I did.

"Q. Did you help prepare for trial with respect to the aspects of testimonial evidence? A. To the extent that I spent most of my time culling from among the files belonging to my clients, the insurance companies, information which I thought would be valuable and which the United States Attorney requested me to get for him.

"THE COURT: Getting down to the point, what I want to know is how much of your preparation involved the testimony of these men Messman, Berger, Spitz and Nelson.

"THE WITNESS: My only connection with their testimony was --

THE COURT: How much of your time in the preparation for trial involved them?

"THE WITNESS: Very little.

"THE COURT: What does very little mean?

84 jk

"Bernstein-direct

"THE WITNESS: Occasionally in the presence of the United States Attorneys I would be working with them and I would ask them, ask these witnesses, how this paper came to be signed, or when this paper was sent to the companies. That would be in the presence of the United States Attorney. That is the extent to which I helped.

"THE COURT: When you say I would ask how did this or that paper come to be signed are you referring to papers you had taken from the miscellaneous files?

"THE WITNESS: I am referring to the papers in the files relating to their cases which we had from the insurance companies.

"Q. Did you or did you not talk with these four men regarding the testimony they would give at the trial?

A. Yes, regarding those aspects of their testimony.

"Q. Did you do that on one or more occasions? A. On more than one.

"Q. On a great many? A. The trial briefs were soon completed. It was over a period of a few weeks.

"Q. Would it be correct to say that over a period of three or four weeks you talked with them practically every day regarding the testimony they would give at the trial of the present defendants? A. Not practically every day.

"Q. About four days out of five? A. I wouldn't say that.

85 jk

"Bernstein-direct

"Q. Three out of five? A. Something like that.

"Q. And during that period you did talk to them about their testimony? A. I did.

"Q. Did you go over with these witnesses the various record papers that your clients had, such as proofs of claim? A. Yes.

"Q. And would it be fair to assume that you did that thoroughly?

"THE COURT: You wouldn't expect him to say he didn't do it thoroughly.

"Q. And that means you went over all of the proofs of claim that finally were sorted out as being exhibits which you thought were relevant to this issue? A. That is right.

"Q. And that would include Exhibit 210, namely, the proof of claim signed by Messman and Berger, one signature being dated February 20th and the other February 22nd. You remember that exhibit? A. Yes, I remember it.

"Q. And you went over that? A. I don't remember specifically going over it, but I assume I did.

"Q. From the practice which you followed would it be a fair statement?

"THE COURT: He says it is likely that he did.

"Q. When you went over that exhibit, did you also not go over the tap of the telephone call which was intercepted on the 19th of February and which indicated that these two

86 jk "Bernstein-direct

men among themselves had prepared or intended to go down to Mr. Weiss' office on the following day?

V "THE COURT: Mr. Stryker meant to say in his question, assuming that you saw that exhibit, did you see in connection with it the transcript of the telephone tap to which he has alluded.

"Q. Will you take the question as amended by the Court. A. I don't remember whether I did or not; I doubt it very much.

"Q. Would you say that at some time you had these transcripts of these telephone interceptions with you when you talked to the witnesses? A. No, not while speaking to the witnesses. I say I was occasionally shown these transcripts, a few of them, not many; and I cannot remember right now any of them specifically.

"Q. At the time these interceptions were made you regarded that as proper practice? A. Certainly.

"Q. Therefore, there was no feeling, there was no reason why you would refrain --

"THE COURT: Are you cross examining the witness?

"MR. STRYKER: I don't know. Do you think I am?

"THE COURT: Yes.

"MR. STRYKER: Then I will withdraw it.

"Q. Did these men tell you that they had heard these telephone conversations played to them?

87 jk "Bernstein-direct

"THE COURT: Meaning these four named men?

"MR. STRYKER: Yes, sir, I am doing that to save time.

"Q. The ones you have spoken of so often? A. No, sir.

"Q. Is this the fact, that at no time during these weeks of preparation of these witnesses, neither you nor they mentioned the wire taps, is that right? A. No, that is not right. You asked whether they said they had any played to them. We never discussed that. They had already confessed.

"Q. Did they talk about the wire taps? A. I don't recall any conversation about the wire taps; there might have been. It was a matter everybody thought quite proper. I may have seen some of them, but I don't remember discussing the contents of any of them. I believe I was present at some conferences in the office among the District Attorneys.

"THE COURT: You don't mean you cannot separate the District Attorneys from the defendants?

"THE WITNESS: No. Sometimes defendants were present and I cannot separate them.

"Q. What is your best recollection as to whether or not at anytime you talked over with any of these four men, Messman, Berger, Nelson and Spitz, the fact of the wire tapping or the contents or substance of the wire taps; did you or did you not discuss those things at any time with

*Harley Detective Agency
Equipment in office of Mr. Shee*

n-direct

, I am not sure.

ny it, would you? A. No, I would

ge the Harley Detective Agency

hine? A. I hired the apparatus

you remember, about January,

it was required.

u remember? A. I think it was

1936, did you use them then?

A. Yes.

"Q. Where did you use the Harley people in August, 1936? A. We had their apparatus installed at 280 Broadway.

"Q. This was the Kipnis office? A. Yes, sir.

"Q. Was that done with the assistance of the United States Government or the police? A. We did it ourselves.

"Q. Mr. Shee was not quite equal to that. Was that a machine designed to overhear or take down telephone conversations, as well as recording conversations in a room?

"THE COURT: You are way beyond me. I didn't know there was any machine that took anything down.

"MR. STRYKER: Strike it out.

"Q. This Harley Detective Agency rented you a machine? A. That is right.

lover?

89 jk "Bernetein-direct

"Q. What kind of a machine was it? A. It was a phonograph recording machine upon which you can record conversations from any source that are led into the machine. Any wire that led into the machine would be recorded.

"BY THE COURT:

"Q. That is not the same as the Dictaphone? A. There may be a dictaphone on the other end and the conversations on the dictaphone would be recorded in this machine.

"Q. What was in Kipnis's office, what kind of a machine? A. There was a microphone on the wall and that led up into another room on the floor above, and all conversations that were had in the room could be recorded on that phonograph apparatus.

"BY MR. STRYKER:

"Q. Was there also something connected with the telephone? A. The telephone itself was connected to that machine. In Kipnis's office there was a phone, and the phone company installed an extension of that phone on the fifth floor, and that extension telephone was placed into the machine.

"Q. This machine would do two things, it would record what people said in a room without reference to telephone wires? A. That is right.

"Q. And as it recorded them it would place the conver-

96 jk "Bernstein-direct

sations on a disc very much like singing them to a gramophone record? A. That is right.

"Q. It had another function, it was in some way connected with the telephone? A. That is right.

"Q. How was it connected with the telephone? A. The phone company had installed an extension phone on the fifth floor so that a person making a call on the fourth floor in Kipnis's office, that conversation could be listened into on the extension on the fifth floor, and that extension was hooked up with the recording apparatus so it could also be recorded on the discs while being listened to on the extension phone.

"Q. The result was that incoming and outgoing calls on the telephone in that office were intercepted on that machine and recorded on it? A. No, only those were recorded that Mr. Kipnis arranged in advance should be recorded. Very few were recorded.

"Q. Such as were desired to be listened to were overheard through the instrumentality of this machine which was attached to the telephone and which in turn recorded on a disc what was heard, is that right? A. Exactly, that is right.

"Q. Was the same kind of machine that was used there in August, 1936, in Kipnis's office, was that the same type or kind as was used in January, 1937? A. Well, I don't

John
M

S Harley

name

91 jk "Bernstein-direct

know. I am not familiar with that. It was obtained from the same people.

"Q. So far as you know, it was the same? A. So far as I know it was the same.

"Q. Did the Harley Detective Agency furnish you in August, 1936, the records of these talks, whatever number there were, I think somebody said about ten, taken in the Kipnis office in August, 1936? A. Yes.

"Q. Did they do the same thing in January, 1937? A. I understand they did not. I understand it was altogether different.

"Q. I am speaking of what you remember. A. No, they did not.

"Q. What do you mean by different? In August, they gave you the discs so you could hear them? A. Yes.

"Q. And you had a machine so you could hear the discs played? A. That is right.

"Q. That was in August? A. Yes.

"Q. Did you continue to have that reproducing mechanism in your office in January, 1937? A. No.

"Q. Where was that done then? A. I am not sure. I think the United States Attorneys had one.

"Q. What became of the one you used in August, 1936? A. We returned all the apparatus back to John S. Harley just as soon as we were finished with our investigation.

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That was prior to the time we brought the evidence to the United States Attorney's office.

"Q. When this recording began to take place in January, 1937, naturally as a lawyer you were interested in knowing about that? A. Certainly.

"Q. Did you ask anyone about that or have them played off to you? A. Certainly not. I spent most of my time with the United States Attorney. Nobody was playing them.

"Q. I am not cross examining —

"THE COURT: You mean not very much. I want to get the facts as much as you do.

"MR. STRYKER: If I seem to cross examine, it is unfortunate and when your Honor thinks I trespass, if you will indicate, I will bow to your decision at once.

"Q. Was this machine used in August of 1936, or a similar type to the machine used in the Midtown Hosiery, 132 East 28th Street, Friedman's place?

"THE COURT: If you made a comparison you may state. Did you?

A. I looked at the two machines and they looked alike.

"Q. As far as you know they were the same? A. As far as I know they looked alike.

"Q. And did that machine in Friedman's place, the Midtown Hosiery, 132 East 28th Street, did that record

lover?

Q. It "Bernstein-direct
telephonic conversations intercepted?

Silver 3 "THE COURT: If you know.

A. Yes. in the same way.

Q. When was that used? A. Somewhere around the
summer of 1936.

Q. Now, Mr. Bernstein, let me ask you this: Your
interest in hearing the results of these interceptions
was not any less, was it, in January and the succeeding
months of 1937, than it was in August, 1936?

"THE COURT: You don't want him to compare his
respective interests, do you? You want facts.

"MR. STRYKER: I want to probe his memory and
refresh it. Sometimes you may have to ask a question of
that kind. If your Honor thinks it is objectionable, I
will withdraw it.

"Q. Another point: Is it or is it not a fact
that the information you revealed to Inspector Shea when
he called at your office, I think he said in December,
1936, did that information include the stenographic
transcripts of these conversations overheard or recorded
by this machine in August, 1936? A. Yes, it did.

"Q. All of them, did it not? A. Everything.

"CROSS EXAMINATION BY MR. DAILEY:

"Q. Mr. Bernstein, tell us how your firm and the other
firm became interested in this investigation? A. The firm

Other law firm

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"Bernstein-dross

of Hodges, Reavis, Pantaleoni & Downey and our own firm, Silver & Bernstein, were jointly retained to investigate the insurance disability frauds. We proceeded to obtain evidence of the activities of people involved in the frauds. When we had gathered all our evidence together in the form of statements and documentary proof and actual recorded conversations proving the fraud in operation we came to Mr. Lamar Hardy and yourself, United States Attorneys, with officials of the insurance companies and presented you with all that evidence. Then Inspector Shea was assigned by Mr. Hardy and we were asked if we would turn over all our records and files and we gave complete access to those records and files to the Government and Mr. Hardy said he wanted me and Mr. Silver, if possible, to come to the United States Attorney's office and aid in the preparation of these cases. We told Mr. Hardy that Mr. Silver's time could not be spent to any great extent in this, but I would spend such time as I could in aiding them.

"Q. And since that time you have been assisting the United States Attorney? A. Yes, sir.

"Q. You testified you never talked to Messman, Nelson, Berger and Spitz, until after they had confessed? A. That is correct.

"Q. Did your conversations with them thereafter have to do with the - if you know - have to do with the development of new avenues of research or more detailed statements

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"Bernstein-cross

of the testimony they had already given?

"MR. STRYKER: It seems to me that is a conclusion that won't help us.

"THE COURT: What he means is, did it have to do with this case or other cases. Were you talking about this case or others, is that what you mean?

"MR. DAILEY: I will withdraw that question and ask this question:

"Q. Had the witnesses with whom you had conferred already given a complete confession of their part in the crime at the time you spoke to them?

"THE COURT: The witness could not by any stretch of imagination answer that. How does he know whether the confession was complete or not?

"MR. DAILEY: I will withdraw the question. No further questions."

"THE COURT: We will resume Monday morning, gentlemen, at 10.30.

MR. LOEB: If your Honor please, may I at this time, pursuant to a conversation I had with Mr. Dailey yesterday, respectfully ask that the defendant Rubin be paroled in the custody of his attorney of record?

MR. DAILEY: I have no objection. It has been represented to me that it is either that or go to jail, and he has always been available to the United States Attorney

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whenever we wanted him; so I have no objection to his continuing his parole.

THE COURT: Then let us have it understood that there will be no change, but of course the United States Attorney reserves the right to call it to the attention of the Court if he deems necessary.

MR. LCEB: Yes.

MR. DAILEY: May I say something, your Honor? In glancing over the testimony of Dr. Messman, which is quite a bit, your Honor will recall that a great deal, almost half of it, if not more, was taken up with the cross examination of the mathematical perjury, which never added up very much.

THE COURT: On the 19th of February?

MR. DAILEY: Yes. And I do not think these gentlemen will have any interest in it at all, and I was wondering perhaps if we could not save time by calling Dr. Messman instead of reading all this cross examination, which was cross examination in connection with the other trial, into the record.

THE COURT: My suggestion would be this, gentlemen: Is that the only copy of Dr. Messman's testimony that is available, the one you hold in your hand, Mr. Dailey?

MR. DAILEY: I imagine the stenographers

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office got up additional copies.

THE COURT: Well, would you be willing to lend that copy to defendants' counsel if they return it to you?

MR. DAILEY: Yes.

THE COURT: I suggest that you gentlemen, one or two of you, run over Dr. Messman's testimony between now and Monday, and the chances are that you will find that you will agree entirely with what Mr. Dailey says. There is a great deal of repetitious and unnecessary matter, and perhaps we can save time by having Messman on the stand. I suggest that you look at it.

(Adjourned to Monday, May 27, 1940, at 10.30
o'clock A. M.)

Arthur Simpson
of John S. Haring
Inc. made
installation

dpl

UNITED STATES OF AMERICA
vs.
DR. MAXIMILIAN GOLDSTEIN,
et al.

New York, May 27, 1940;
10.30 A.M.

HEARING RESUMED.

MR. DAILEY: Would your Honor adjourn the sentence of Joseph J. Weiss for a week? I have not had much opportunity to talk to him, and I understand the Probation Department is not ready either.

THE COURT: A week from today? The 3rd?

MR. DAILEY: The 3rd of June, yes, sir.

THE COURT: All right, gentlemen.

(Mr. Denney resumed the reading as follows:)

"N A H U M A. B E R N S T E I N, resumed the stand:

"REDIRECT EXAMINATION BY MR. STRYKER:

"Q. Will you please tell me the name, and if you have it, the address of the man who installed whatever instrument was installed on or in the telephone in that Kipnis and Friedman office. Do you know that? A. Yes.

"Q. Who was it? A. It was Mr. Arthur Simpson of John S. Harley, Incorporated.

"MR. STRYKER: Is he here?

"MR. DAILEY: No, he is not. I think Mr. Bernstein knows.

"MR. STRYKER: I suggest that I defer pressing

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"Bernstein-redirect

the motion and request your Honor to defer decision until I can get the best evidence of this matter.

"THE COURT: Mr. Bernstein is an attorney and I think we can rely on his statement. If he knows and is able to explain this instrument he will say so, and if he cannot, I would expect him to say that.

"Q. Were you present when this device was placed in this telephone instrument? A. Yes, I was.

"Q. You are not a technician, of course? A. No.

"Q. Give me as a lawyer your best statement of what the instrument looked like and where you saw it placed.

A. You are speaking of the instrument in the room or the recording instrument?

"THE COURT: Tell us what all the mechanical setup consisted of within the room.

"THE WITNESS: In Mr. Kipnis' room on the wall there was a microphone. That microphone would pick up all of the talk in that room."

THE COURT: May I interrupt for a minute? Are we getting into now the listening device in 280 Broadway?

MR. DAILEY: Yes, I think so.

THE COURT: Now, is there any use being made of the room conversations in this present case?

MR. DAILEY: Yes, that will be gone into.

(The reading of the testimony was resumed as

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"Bernstein-redirect

follows):

"From that microphone a pair of wires ran up to the fifth floor. Those wires --

"THE COURT: Was that one floor above?

"THE WITNESS: One floor above. Kipnis' room was on the fourth floor.

"Q. Go ahead. A. Mr. Simpson installed those wires. They had nothing to do with the telephone. They were hooked on to the microphone and ran across the courtyard and up into the upstairs room. Those wires were attached to a switching device in the upstairs room, they were on terminals, and when the switch on the switching device was turned to these terminals it would make a connection with the recording machine.

"The recording machine consisted of an amplifier. I don't know the nature of it, except it is for the purpose of amplifying the sound. And from the amplifier they ran on to turn-tables, there were two of them, so that at the conclusion of one record, the other one would start and you had an overlapping conversation at the end.

"Q. I would like to cover each point. What you are now talking about is something separate and distinct from the telephone wire? A. Entirely distinct.

"Q. Now, what other device --

"THE COURT: Have you told us all about that?

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Miss Schwartz

dp 4

"Bernstein-redirect

"THE WITNESS: That is the complete hookup as I know it, of the microphone. The room conversations could be recorded regardless of the telephone as if there was no telephone in existence.

"Q. That device would pick up the conversation of a person present in the room talking over the phone? A. Yes, one-half of the conversation.

"Q. Yes, I am confining myself to that. A. It could do it, but as a practical matter, it did not because as soon as the telephone went on, if the people wanted to record the telephone conversation they would have to disconnect the microphone, and then if the telephone conversation was recorded you would get both sides of that conversation.

"Q. Did this microphone or not pick up and record through the discs or through earphones to stenographers all conversations in the room, including at least the conversation of any person in the room who talked through the telephone? A. It did not, as a matter of fact. It had the potentialities of doing it. If they operated on that basis they could, but they didn't do it.

"Q. You weren't there all the time? A. No.

"Q. I mean, who would know what happened when you weren't there, Simpson? A. Miss Schwartz would know more than anybody.

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"Bernstein-redirect

"Q. Was she employed by you? A. By us.

"Q. She is available in the event that we want to call her? A. Yes.

"Q. Now, let me ask this question: Is Dictaphone the proper name for it? A. Microphone.

"Q. Over and above that, were there any other instrumentalities of any kind in that room? A. No, not in that room.

"THE COURT: You are speaking of the fifth floor?

"MR. STRYKER: The lower floor.

"Q. That would be the fourth floor? A. The fourth floor, yes.

"Q. Were there any instrumentalities of any kind fixed to, attached to or inserted in any telephone instrument on the fourth floor? A. No.

"Q. Were there any instrumentalities of any kind affixed to a telephone on the fifth floor? A. Yes.

"Q. Please tell us exactly what those were? A. You must first understand that the telephone on the fifth floor was an extension of the telephone on the fourth floor that was installed by the telephone company.

"Q. Let me get that. We all have extensions in our offices from one room to another. Now, was this what we understand as the ordinary extension, in other words, the wire was extended but instead of being extended to another

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"Bernstein-redirect

room on the same floor, it was run up the fifth floor?

A. Exactly that, the ordinary extension.

Q. What was done of your knowledge with that extension telephone? A. I don't know the technical way in which it was done, but the wire that runs into the ear mechanism, what it is you hold in your hand.

THE COURT: The receiver.

THE WITNESS: The receiver, was connected to another set of terminals on the machine.

Q. You were talking about what the Judge says we all understand as the receiver. A. That is the idea.

Q. And you were speaking about the receiver on the fifth floor? A. That is right.

Q. Was something put in or on that receiver? A. Something was put on that receiver.

Q. What was that thing? A. That is the technical part I don't know.

Q. Did you see it put on? A. I may have, but I didn't understand it.

Q. I just want to see if we can save time without getting the technical man. Was something put on?

THE COURT: What did it do?

THE WITNESS: So that any conversation coming over that telephone, if he wanted it to, could be recorded on the recording machines, provided you threw the switch

dp 7

"Bernstein-redirect

off the microphone and switched it on the telephone.

"Q. Then there was a device of some kind on that receiver, on the telephone extension on the fifth floor, which was so constituted, without trying to state how, through electrical processes, was so constituted that a person other than a person holding the receiver to his ear, could receive the messages which came over that wire to the person holding the receiver to his ear; is that right?

A. That is right.

"Q. With what was that device connected? A. With a switching device.

"Q. Can you give me a better description than that?

A. Yes, it was essentially four terminals, two to the microphone and two to the telephone extension, so if you switch to the terminal of the microphone, the microphone conversation would be fed to the recording machine, and if you wanted the telephone conversation you would have to disconnect that and switch it to the other.

"Q. There was a device on this receiver connected with an instrument which by the mere throwing of a switch would enable an additional machine known as a recording device to record the messages that came over that telephone to that extension receiver. Is that a fair statement? A. That is true.

"Q. You, I take it, do not have personal knowledge of

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"Bernstein-redirect

what was done there when you were not there? A. Only what the practice was. We had a regular practice.

"Q. But you would not have knowledge of what was done other than what people reported to you? A. Except when I was there.

"Q. You were not there for extended periods? A. No, from time to time I would drop in.

"Q. My question is directed to this machine. You dropped in from time to time? A. Yes.

"Q. That would be a few minutes? A. Sometimes longer.

"Q. This instrument was on all day long? A. No. You see, the instrument would only come on when a conversation was arranged for in advance, and we generally knew in advance when there was to be a conversation.

"Q. The instrument was in the receiver all the time? A. Yes, but we didn't listen to all conversations.

"Q. The instrument continued in the telephone receiver from the time it was placed in it until it was taken out, is that right? A. Not the recording instrument. The wires, yes.

"Q. This thing that was put inside the receiver, that remained continuously in the receiver until it was taken out? A. That is right.

"Q. When was it put in and when taken out? A. I don't know the exact date. I should judge it was put in in the



Man & woman
who monitored

dp 9

"Bernstein-redirect

summer of 1936, and ran for perhaps a month or two thereafter.

"Q. A month or two? A. Yes.

"Q. During that month or two, whichever it was, there were very many hours of the day when you personally were not there and don't know what transpired there from your own knowledge. Is that fair? A. Yes, except let me point out that it was only occasionally that any conversations were recorded. We knew a conversation was coming. For instance, I would receive a phone call that a conversation was to be had.

"Q. You were describing what you tell us was the system you instituted as to the use of this? A. No. Although I was not there very frequently, I was there a great deal when the conversations were taken down. Sometimes a few days would elapse without a conversation.

"Q. When you tell us what was done there in your absence you were speaking of orders and directions or instructions you gave about a system? A. When I was not there, yes.

"Q. Miss Schwartz was the lady who was there throughout the time this instrument was on? A. Yes.

"Q. And Mr. Simpson, is that the name of the man we had in the last trial? A. Yes.

"Q. He was there? A. Yes.

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"Bernstein-redirect

"Q. Now of your own knowledge other than what was reported to you by those two persons, do you know what, if any, conversations which came through the telephone and as through this instrumentality were recorded? A. Do I know which ones were recorded, you say?

"Q. Of your own knowledge. A. I would say I know most of them of my own knowledge.

"Q. I am talking of your own knowledge. A. I understand that.

"Q. I don't question you saw what was reported to you, but your knowledge goes to that only. A. I was present when most of the conversations were had.

"THE COURT: Did you listen to the conversations?

"THE WITNESS: Yes, you could hear it right off the record.

"Q. I would like to clear this up. Other than those you personally listened in to, you had no knowledge other than what was reported to you as to what was done or overheard or reported through that instrument at times when you were not present. Is that a fair statement? A. That is correct.

"Q. Now were certain stenographic reports or transcripts furnished to you of conversations overheard in this way?

A. Yes.

"Q. Where with reference to this receiving instrument

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"Bernstein-redirect

which had this device in it were the stenographers?

"THE COURT: I want to know whether you were talking about the conversations recorded through the microphone as well as the conversations recorded through the telephone.

"MR. STRYKER: I will try to make that clear.

"Q. Eliminating from your thought and from my question for the moment conversations heard on the extension wire from the microphone, let us leave those out for the moment. Is it a fact that stenographic notes or reports of the conversations coming over that wire and through that instrument other than the microphone were written out and furnished you?

"THE COURT: In other words, you were talking about the telephone taps?

A. That is correct.

"Q. Now, a transcript of those were given you? A. Yes, sir.

"Q. About how many of them were there? A. I don't know offhand.

"Q. Give us your best recollection, twenty? A. About that, perhaps.

"MR. STRYKER: As to the documents to which the witness has just referred, I should think my motion was clearly tenable.

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"Bernstein-redirect

"THE COURT: Are you renewing your motion as to transcripts of telephone conversations?

"MR. STRYKER: Yes, sir.

"THE COURT: What have you to say as to that, Mr. Dailey?

"MR. DAILEY: Two Judges, and I think three in this court, have held that such conversations having been intercepted do not constitute telephone taps within the meaning of Section 605. I believe two of those cases to which I have referred are now on appeal before the Circuit Court of Appeals to ascertain whether they are telephone taps. So far as the Government is concerned, we do not feel they are taps. If they are taps certainly Mr. Stryker should have made available to him the contents of those messages.

"THE COURT: Why aren't they telephone taps?

"MR. DAILEY: Because it is done, for one reason, with the consent of the person who is a subscriber to the telephone. He knew all about it.

"THE COURT: That goes to the question of consent, but physically they are telephone taps.

"MR. DAILEY: No more than when you tell your secretary to pick up a telephone and listen to a conversation you were having with someone outside.

"THE COURT: I simply want to get the mechanical

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"Bernstein-redirect

operation straight. Mechanically they are taps, whether they are authorized is quite apart from the question I am putting to you.

"MR. DAILEY: Yes, in that way, I would say they are taps.

"THE COURT: What is the difference between those and other taps?

"MR. DAILEY: In the ordinary tap neither party knows anything about it. Somebody without authority puts in an instrument.

"THE COURT: Your position is based on the ground that Kipnis consented, is that it?

"MR. DAILEY: I assume that is the only distinction between the two.

"THE COURT: I just want to know that I understand it. You say he consented to this and his consent is to be differentiated from the consent discussed by Mr. Justice Roberts.

"MR. DAILEY: That is right.

"MR. STRYKER: Your Honor has clarified the situation and I gather that it now gets to the point that clearly these things we are talking about, these telephones interceptions are indicated, and we are entitled to them, unless we are not entitled to them by reason of the word consent.

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"Bernstein-redirect

"THE COURT: Yes.

"MR. STRYKER: On that point maybe you will hear me for a moment.

"THE COURT: Surely."

MR. DAILEY: I wonder if we would save time by eliminating this, because those were finally turned over, you know.

THE COURT: Yes, that is true.

Is it satisfactory not to read all this colloquy?

MR. YOUNG: Yes. I think we can agree that the colloquy be omitted at this point.

(The reading of the testimony was resumed as follows):

"Q. Now, Mr. Bernstein, so I will once and for all have it clear, were there any other instrumentalities of any kind in that office on the fourth or fifth floor other than the normal instrumentalities of the telephone company?
A. Not other than I have described.

"Q. Did this instrument that was connected with this disc in the telephone receiver, was that the same type of mechanism for recording conversations as was used in connection with all the other or subsequent telephone taps on Messman's wire and the other ones?

"THE COURT: I don't quite understand your question. There was one recording device which consisted of

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"Bernstein-redirect

the ordinary phonographic disc.

"MR. STRYKER: Then I will withdraw it. Mr. Bailey has handed me a telephone talk on January 12, 1937, at 12:30 between Louis Kaplan and B. Friedman. Is that right?

"MR. DAILEY: Alter Kaplan comes in here, too.

"THE COURT: Kaplan and Friedman.

"MR. STRYKER: Yes, sir. As I go along perhaps it would be more orderly to have each one marked for identification.

"(Marked Weiss Exhibit C for identification.)

"MR. STRYKER: Mr. Dailey also hands me a telephone transcript of a conversation taken September 16, 1936, 12:32 P.M., between Norman Lefkowitz and Benjamin Friedman.

"(Marked Weiss Exhibit D for identification.)

"MR. STRYKER: I am also handed a telephone interception and recording of it on November 21, 1936, between Harry Kipnis and Mannie Goodman at 11:13 A. M., and Barney Chalfin.

"(Marked Weiss Exhibit E for identification.)

"MR. STRYKER: I am next handed a transcript of a telephone conversation taken at 2:32 P. M., September 2, 1936, between Kipnis, Seligsberg, Goldman and Barney Chalfin.

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Steno



11/11/11

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"Bernstein-redirect

"(Marked Weiss Exhibit F for identification.)

"MR. STRYKER: I am also handed a transcript of a telephone conversation dated November 7, 1936, at 2:00 P.M. between Alter Kaplan and Benjamin Friedman.

"(Marked Weiss Exhibit G for identification.)

"MR. STRYKER: Also a telephone conversation dated September 15, 1936, 5:33 P.M., between Harry Kipnis and J. J. Weiss.

"(Marked Weiss Exhibit H for identification.)

"MR. STRYKER: Also a telephone conversation February 1, 1937.

"MR. BERNSTEIN: Who was the conversation between?

"MR. STRYKER: Between Benjamin Friedman and Norman Lefkowitz.

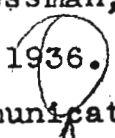
"(Marked Weiss Exhibit I for identification.)

"MR. STRYKER: Also transcript of a telephone communication dated December 14, 1936, Benjamin Friedman and Alter Kaplan, 1:41 P. M.

"(Marked Weiss Exhibit J for identification.)

"MR. DAILEY: Perhaps you better inquire as to this one.

"Q. Mr. Bernstein, I am handed a transcript, the heading is, Conversation Harry Kipnis and Dr. Messman, taken in shorthand by Ruth P. Lehnoff, January 2, 1936. It doesn't state whether it is a telephone communication or



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"Bernstein-redirect

not. A. That is a telephone communication taken under entirely different circumstances.

"Q. Can you tell me the circumstances? A. Yes. Kipnis was in our law office, and to establish the truth of what he was telling us he said, 'I can call Dr. Messman on the telephone,' and he took our regular office telephone, and our young lady in the office was listening in on the extension and took it down.

"Q. Did she intercept the message between Messman and the man in your office? A. I don't know about that.

"Q. She took down what came over the wire? A. Yes.

"MR. STRYKER: I ask to have it marked for identification.

"(Marked Weiss Exhibit K for identification.)

"MR. STRYKER: I don't know what the practice is as to a short morning recess, your Honor.

"THE COURT: I don't approve of them. If I take a recess for ten minutes you will not be back here for a long time.

"MR. STRYKER: Well, anyhow, that is my first point. My second point is that I can save a great deal of time by going over these now and I think I should have five or ten minutes to look at these documents which I never saw before.

"THE COURT: You just sit down and look at them.

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As I say, if I should say we will have a ten-minute recess, you will show up at about one o'clock. I will wait until you examine them.

"MR. STRYKER: All right, sir.

"(Mr. Stryker examines papers.)

"MR. STRYKER: The Exhibits are C to K, inclusive, and there are nine of them.

"THE CLERK: Correct.

"Q. Now, Mr. Bernstein --

"MR. DAILEY: May I make another statement? I have here some eight or ten more telephone conversations which have been handed me which I did not have in the file, conversations which the Government considers negligible, but which we will turn over for inspection.

"MR. STRYKER: Perhaps they could be marked and I will go along and look at them later.

"THE COURT: Why not look at them at noon time and have such marked as you wish."

MR. DAILEY: I think that was the time we turned over all these telephone conversations.

(At this point Mr. Dailey turned over certain documents to defendants' counsel.)

THE COURT: If you wish to make a note in this record, perhaps I can help you.

Weiss Exhibit C for identification is the talk

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of January 12, 1937, between Kaplan and Friedman.

Weiss Exhibit D for identification is a talk on September 16, 1936, between Norman Lefkowitz and Benjamin Friedman.

Weiss Exhibit E for identification is a talk on November 21, 1936, between Kipnis, Goodman and Chalfin. Exhibit F

for identification is a talk of September 2, 1936, between Kipnis and Seligsberg. Exhibit G for identification

is one of November 7, 1936, between Kaplan and Benjamin Friedman. Exhibit H for identification is one of Sep-

tember 15, 1936, between Kipnis and J. J. Weiss; is that correct?

MR. DAILEY: That is right.

THE COURT: Exhibit I for identification is one of February 1, 1937, between Friedman and Norman Lefkowitz.

Exhibit J for identification is one of December 14, 1936, between Benjamin Friedman and Kaplan. Exhibit K for

identification is a tap of January 2 -- I must be wrong -- January 2, 1936. That does not sound right.

MR. NATHAN: That is the date on the exhibit.

THE COURT: That is Kipnis and Messman in Bernstein's office, I think. But the date seems wrong.

Is the date right?

MR. DAILEY: That should be 1937.

MR. NATHAN: It appears in Exhibit K for identification, your Honor, as January 2, 1936, at 5:40 P.M.

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MR. DAILEY: I suggest that Mr. Nathan change it on there now. May I, with the consent of the other people, write down --

THE COURT: Well, you gentlemen have no objection, do you, to changing it to 1937, because I think it is confusing to refer to it as January 2, 1936.

MR. DAILEY: If you want to object, Mr. Young, to its being altered, you can do so.

THE COURT: Exhibit B for identification was a wire tap of February 1, 1937, and that has to do with an appointment at the office of J. J. Weiss on February 20, 1937. That is correct, is it? That was a subject of very considerable comment.

MR. NATHAN: May we have a ruling at this time, your Honor, in reference to this list of exhibits which run from Defendants' Exhibit B to K for identification on the other hearing; that after having gone over them, to find which, if any, of them are deemed material in this hearing, that we have the privilege of marking those for identification on this hearing?

THE COURT: Oh, surely.

MR. NATHAN: It is impossible to go through them now.

THE COURT: That is the purpose of turning them over to you now, so that you may acquaint yourself with

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them and take any action that you deem proper.

MR. NATHAN: Does your Honor want us to do it now or at any time during the hearing?

THE COURT: Oh, at any time during the hearing, I think.

MR. DAILEY: Your Honor, I am also turning over Weiss' Exhibit L for identification.

THE COURT: I thought that was included.

MR. DAILEY: I do not think you referred to it; I am not sure.

THE COURT: I meant to. Perhaps I did not. I think Exhibit L consists of 24 transcripts of telephone conversations from October 16, 1936, to February 18, 1937, inclusive.

MR. NATHAN: And the same ruling is made as to that, your Honor?

THE COURT: Oh, yes, of course. That is the purpose of it.

(The reading was resumed as follows):

"Q. Did you receive these Exhibits C to K for identification, inclusive, being nine in number? A. Yes.

"Q. Who handed them to you, your own girl? A. I never received these specific papers but ones like them.

"Q. If you didn't receive these papers, you received copies of them? A. Yes, sir.

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"Q. And also would that be true with regard to Exhibit A for identification, being a room conversation - it is Goldstein, Exhibit A for identification. A. Yes, sir.

"Q. Now, after you received these documents, did you talk to anyone about them, did you read them? A. Yes, sir, I read them.

"Q. Each and all of them? A. No.

"Q. Did you not read the transcripts which were handed to you? A. No, I only read those that they told me had something damaging in them.

"Q. Someone read them before you did and told you that? A. The girls told that.

"Q. Did Silver participate in that? A. Yes.

"Q. And he sometimes read those which you did not read? A. I don't know.

"Q. Did he report to you and did you act on his report? A. No, we would discuss these matters together and the matters we thought damaging --

"Q. You discussed the damaging matters? A. Yes, sir.

"Q. Did you take any further steps with reference to the persons whom you thought had been damaged one way or another by these talks? A. No, just continued on in the same way.

"Q. You continued on in searching for information? A. No, the whole thing consisted of conversations. That

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is all there was.

"Q. Did you later talk with Mr. Kaplan, Mr. Friedman - I won't go over them - with all the other participants in these conversations? A. No, sir.

"Q. Did you talk with any of them? A. Mr. Friedman and Mr. Kipnis we discussed in the office.

"Q. After you received these documents, did you discuss them with all or any of the persons mentioned in the documents? A. Only the people working with us.

"Q. Who were they? A. Mr. Hodges, Mr. Kipnis and Mr. Friedman.

"Q. Mr. Friedman was in your employ? A. He was not in our employ, he was working on this.

"Q. In whose employ was he? A. He was acting more or less as informer.

"Q. He was paid money by somebody? A. Yes.

"Q. By who? A. We paid him.

"Q. Beginning when and ending when?

"THE COURT: Is it Friedman or Kipnis?

"THE WITNESS: Both.

"Q. Let us take Friedman first. When did you first begin to pay him and in what amount?

"THE COURT: What relevancy has that?

"MR. STRYKER: I propose to connect it. I will withdraw the question for the moment.

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"Q. You did talk over with these two men who were being paid money by you, Kipnis and Friedman, you did discuss, did you not, the contents of the documents which I have offered for identification this morning? A. We knew the contents.

"Q. My question -- A. We discussed matters concerning it, not the actual contents.

"Q. You had the documents in your possession? A. That is right.

"Q. And after you had them you talked to some extent about the contents with, among other people, Friedman and Kipnis? A. That is right.

"THE COURT: Let me understand you. Did you discuss with them the matters which were alluded to in the documents, or did you discuss with them the documents as such to the extent that the matters referred to in the documents were thereby revealed. Do I make the distinction clear? Were you discussing events or the contents of papers?

"THE WITNESS: We were discussing events.

"Q. Were you discussing events which were referred to directly or indirectly in the papers? A. No, we were discussing what further steps to take, but the events in the papers had already happened.

"Q. You did discuss with these men the further steps

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to be taken after you had read these telephonic transcripts? A. That is right.

"Q. And in discussing what further steps were to be taken or you thought should be taken you had in mind, did you not, what you had read in these telephonic transcripts? A. I always had it in my mind, Mr. Stryker. I did not forget them.

"Q. Did you have the contents, the substance of what is contained in these telephonic interceptions in your mind when you discussed with either Kipnis or Friedman or anyone else, the further steps you deemed wise to be taken?

"THE COURT: I think I ought to caution you that Mr. Stryker has in mind to direct your attention to the real source of your information. Was the source of your information a series of transactions which you were familiar with independent of these papers or was it not?

"THE WITNESS: The source of our knowledge was completely independent of these papers. They merely gave corroboration to what we knew already existed.

"Q. Now, Mr. Bernstein, you paid money to have these things recorded, didn't you? A. Yes, sir.

"Q. Were they or not of any use to you in the investigation?

"THE COURT: How is that going to help you?

"MR. STRYKER: I withdraw it.

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"Q. Did you use these documents in connection with your investigation? A. We did not.

"Q. Did you have in your mind the substance of these documents when you talked with anyone regarding further steps in the investigation? A. The substance of the documents were always in my mind from the time I read them.

"Q. Did you have it in your mind or not, did you have the substance of these papers, these exhibits, in your mind when you talked with Friedman, Kipnis or anyone else when you considered further steps to be taken? A. Yes, I remembered them, they were in my mind.

"Q. Mr. Bernstein, my question is this: Did you or did you not have in your mind the substance of the contents of those documents when you thereafter discussed with Friedman or Kipnis or with anyone else the question of what further steps should be taken?

"THE COURT: May I point out something to you?

"MR. STRYKER: I wish you would, your Honor.

"THE COURT: An intelligent person with a reasonable good memory reads a paper and he stores it somewhere in the pigeon holes of his brain, and in that sense, it is there. Having read these papers it is to be assumed that this witness had them stored away in his mind, but that doesn't begin to help me. What was it that he used? You are seeking the source of his mental processes; were they to lay bare everything that constituted the basis of his

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analytical processes as he directed this investigation, and that would include information that he had gotten probably without reference to these intercepted telephone communications.

"MR. STRYKER: I thoroughly agree with your Honor's view, but it is my purpose to bring out evidence that it is impossible that these things in some way were not used by an admittedly intelligent man in furtherance of the investigation, and if they were used --

"THE COURT: It is so argumentative that I wonder about it.

"THE WITNESS: I think I can help by giving certain other facts as to how the investigation was conducted.

"Q. Go ahead. A. We had evidence of what we considered the whole gamut of this prior to these, and these room conversations were only for the purpose of seeing if these were corroborated when these men conferred, and when we read it we saw that they were, and then we turned it over to the United States Attorney's office. We were not getting leads and tracing them down. We had the truth in advance, and we just corroborated it.

"Q. Now, let me see. I notice in one of these conversations - I won't stop to pick it out. You will agree with me, I am sure - Mr. Weiss talked to somebody? A. Yes.

"Q. Prior to that time you had not arrested Mr. Weiss.

"THE COURT: At the time of the conversation.

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"A. We never arrested him.

"Q. Mr. Weiss was not arrested, was he? A. No.

"THE COURT: That conversation was September 15, 1936.

"Q. Now, did you fail to investigate what you regarded or thought was Mr. Weiss' participation in a fraud? A. Thereafter, certainly.

"Q. Did you at the time that these conversations were recorded and transcribed, particularly Exhibit H for identification, did you then have in your possession evidence as to any alleged participation between Weiss and Messman, Nelson, Berger and Spitz concerning the alleged crime set forth in this indictment? A. We knew substantially the whole gamut of the fraud, every element in it.

"THE COURT: You will have to answer that specifically.

"Q. Did you have any evidence?

"THE COURT: He doesn't mean to characterize it as evidence. Did you know anything of the alleged complicity of Weiss in this matter prior to September 13, 1936?

"THE WITNESS: Yes, sir, and I can go further --

"THE COURT: You don't need to go further.

"Q. Did you prior to this telephone conversation of September 13, 1936, have evidence that either Nelson, Berger,

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or Spitz had been treated by Messman and that false electrocardiograms had been taken of their alleged heart systems? I would like a categorical answer. A. You have several things there. The answer is not as to all of them.

"THE COURT: As to any part of it, had you information? You don't need to call it evidence.

"THE WITNESS: We knew about Nelson. We knew that - shall I tell you what we knew?

"Q. Just tell us who you knew about. A. Nelson, and the fact that Messman was his doctor and we knew about Spitz, that he had been laid up with --

"MR. DAILEY: Did you know about them, is the question.

"THE WITNESS: We knew about Spitz. Who were the other two?

"Q. Berger. A. Berger's claim did not start until much later, until after our investigation was over.

"THE COURT: Then your knowledge about Spitz included knowledge about Messman, did it?

"THE WITNESS: Oh, yes.

"Q. Had you information regarding Berger, Nelson or Spitz false histories, that is, false electrocardiograms prior to this telephone talk?

"MR. DAILEY: I think that should be divided.

"Q. All right. Did you prior to this telephone tap

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September 13, 1936, have information that Nelson had been doctored by Messman and had presented false and fraudulent hospital records and false electrocardiograms, did you know that? A. Yes.

"Q. Did you have that information from Messman himself?

"THE COURT: Is that a legitimate question?

"MR. STRYKER: That is for your Honor to decide.

"THE COURT: It occurs to me it is unnecessary.

"MR. DAILEY: I have no objection.

"THE COURT: Yes, but I should like to have this hearing concluded some time during the Christian era. I understood you called this gentleman back for two questions. That was at 12:00 o'clock, and it is now 12:18.

"MR. STRYKER: I called him back on the instrumentality, and after I saw these papers, it naturally led to further inquiries.

"THE COURT: I am not shutting you off. Don't misunderstand me.

"Q. Now what you stated that you had information regarding, let us take them in order. Messman and Nelson, as to a false claim that you had such information prior to September 15, 1936. What was that information?

"THE COURT: That is what I think you are not entitled to ask.

"MR. STRYKER: Let me ask this preliminary question.

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"Q. Was the information that you had hearsay evidence?

"THE COURT: I don't think he needs to characterize it. I think the only proper question is, did he gain that information through any telephone tap.

"MR. STRYKER: That might be a conclusion that I would be foreclosed on.

"THE COURT: I think that would be a proper question.

"Q. Did you gain that information through any telephone taps? A. No, sir.

"Q. From what source did you gain it?

"MR. DAILEY: We object to that.

"THE COURT: I will exclude that.

"MR. STRYKER: Must I be bound by his statement?

"THE COURT: Yes, you called him, and the purpose is to find out to what extent the evidence in this case arises from telephone taps, not as to the source of information outside of the telephone taps.

"MR. STRYKER: Your Honor does not take the position that I am bound by a hostile witness.

"THE COURT: We agree on that, I assume.

"MR. STRYKER: I respectfully except to your Honor's ruling.

"THE COURT: I don't know what you except to.

"MR. STRYKER: To your declination to allow me to

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inquire what the nature of the information was.

"THE COURT: You have the exception coupled with the statement of the witness that he did not obtain the information by telephone taps.

"Q. Now, did you ever talk yourself with Messman before his wire was tapped? A. No, sir.

"MR. DAILEY: I object to that. I think that is included in your Honor's ruling.

"THE COURT: I will allow the question."

MR. NATHAN: Your Honor, I am not altogether clear in my mind as to whether on this hearing the testimony which is now being read is taken into the present record; whether or not when Mr. Stryker takes an exception, it is necessary for us to repeat that exception for this record. Has your Honor made a ruling on that point? If not, why, then, I think it is incumbent upon the defendants to take the same exception here if the same ruling is adhered to by your Honor.

THE COURT: I think that is the safer thing for you to do, because after all this is a separate hearing; it is a separate case.

MR. NATHAN: Then on behalf of the defendant Hessenberg, and I take it for all of the defendants, we except to your Honor's ruling made with respect to Mr. Stryker's question.

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THE COURT: That exception is noted.

MR. NATHAN: If there were any prior exceptions taken - and I cannot call them to mind now, your Honor - with respect to this same testimony, may we have the benefit of the same objection and exception?

THE COURT: Yes.

MR. STRYKER: Hereafter we will repeat it, your Honor.

(The reading was resumed as follows):

"Q. When did you first talk with Messman? A. After he had confessed to the United States Government.

"Q. That was after he was arrested? A. Quite a time after.

"Q. The end of May or thereabouts, 1937? A. Yes.

"Q. And that was after his wire had been tapped from somewhere beginning in January of that year? A. So I understand.

"Q. Would that answer, so as not to tire the Court unnecessarily, be true also in respect to Nelson, Berger and Spitz? A. That is right. I never spoke to any Government witness until after they had confessed.

"Q. When you talked to these witnesses, is it a fact that you told them or you heard the United States Attorney tell them that they had the wire taps? A. After that?

"Q. After their arrests.

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"THE COURT: He said he didn't interview any of them until after they had confessed.

"Q. Were you not present at any interviews prior to the confessions? A. No, sir.

"Q. Were you in an adjoining room? A. No, sir, I was not.

"Q. Did you have a dictaphone connection between the room where they confessed and where you were? A. Certainly not.

"Q. Did you submit to Mr. Shea or one of the United States Attorneys, all of these exhibits for identification this morning, C to K, I think, and the room taps, did you submit those to Mr. Shea or one of the assistants? A. Yes.

"Q. And were those submitted to them prior to the arrest of any of these four men, Nelson, Messman, Berger and Spitz?

"THE COURT: If you know.

"A. 'Submitting' is what is wrong. The Government sent Mr. Shea down to our offices and he took away whatever he felt like taking.

"Q. Did you hand them to Mr. Shea? A. Some of the girls did.

"Q. You know he got them long in advance of the arrest of these men? A. That is right.

"Q. You know also, do you not, that Mr. Shea or some-

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one for the Government got these telephone taps, Exhibits C to K, prior to the time that taps were placed on the wires of Messman or J. J. Weiss; that is so, isn't it?

A. Yes.

"MR. MCKNIGHT: I believe some of those are January or dates subsequent to when Inspector Shea was at the office.

"THE WITNESS: Yes, some were later.

"Q. They were handed to Mr. Shea or someone for him?

A. Yes.

"Q. And those were handed prior to the tap on Messman's wire? A. He took them all at the end of November, 1936.

"Q. Won't you tell me whether he got them before Messman's wire was tapped?

"THE COURT: Messman's wire was tapped January 29, 1937.

"Q. Were they handed prior to January 29th? A. Yes, sir, prior to that.

"Q. The last tap I find is January 12, 1937, so that would be included in those given to Mr. Shea prior to the taps on Messman's wire, is that right? A. That is right.

"Q. You have told me that both Friedman and Kaplan, was it - Kipnis were on your personal payroll or your clients? A. Yes.

"Q. How long did that continue?

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"MR. DAILEY: I think that was objected to before.

"THE COURT: The objection is sustained.

"MR. STRYKER: An exception."

MR. NATHAN: We ask the same exception.

THE COURT: Same ruling. The exception is granted.

(The reading was resumed as follows):

"Q. Did you discuss the payments of money --"

THE COURT: Just a moment. It occurs to me that perhaps we ought not to dispose of that matter quite so summarily. The reason I sustained the objection to these questions in the Weiss case was that the opinion of the Supreme Court indicated that the entire situation was known to the Court in the Weiss case. Mr. Justice Roberts referred to the matter of compensation to the witnesses, and I think the amounts that had been paid there. Therefore it seemed to me utterly unimportant to rehearse that element in the Weiss case. Now, perhaps that would not be true in this case, but it seems to me that what was paid in the Weiss case has no bearing on the questions in this case; but if the question hereafter arises in this case of the payment of witnesses in the employ of Silver & Bernstein, I should consider that the question will have to be disposed of on its own merits in this case. Have I made this clear?

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MR. NATHAN: In this preliminary hearing?

THE COURT: Yes.

MR. NATHAN: Yes.

(The reading of the testimony was resumed as follows):

"Q. Did you discuss the payments of money that you were making to these men with them after these telephone taps in 1936 were made?

"MR. DAILEY: I object to that.

"THE COURT: I don't understand the bearing of that, Mr. Stryker.

"MR. STRYKER: I cannot develop it in one question. The bearing is inter-related. These two men are provocateurs or employees. They cooperated to have their wires tapped or at least one of them does, and other persons talk on the wire. The witness says, as I have understood it, that nothing was done at all with these documents. He simply had it in his mind with a lot of other knowledge and it stopped right there. My purpose and my hope and belief is that I can show that these telephone talks led on as clues or aids to the investigation of this case. The extent to which they led on, I can only determine by probing, and that is what I am endeavoring to ask about.

"THE COURT: You were asking if he talked their

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salaries over. I suppose he did, but I don't care whether he did or not.

"MR. STRYKER: I realize that it must be connected with the issues before your Honor, and the only way I can find out is to ask.

"THE COURT: You will have to make a more convincing showing than that.

"MR. STRYKER: May I ask one or two questions?"

"THE COURT: I don't understand how a conversation concerning salary helps me in reaching a conclusion as to the poisoned tree and the fruits of the poisoned tree.

"MR. STRYKER: My view is that we have not only the poisoned tree of the tapping of these wires and the attempted entrapment of others by having them talk with these employees of the insurance companies, but we have the delivery of these transcripts of these interceptions to the Government, and we have the further fact that thereafter further things were done to investigate among which was the tapping of Lessman's wire on January 29, 1937, and Weiss' some time in February.

"Now, as a matter of ordinary logic and common sense to me it would appear now, and in fact I would be prepared if I had no other evidence to argue as a fair conclusion that this poisoned tree or this fruit of the poisoned tree poisoned the very mainsprings of this case.

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It is like one germ in a blood stream. It may be one germ, but one germ may poison the whole system. We now have interwoven the crime of wire tapping. The courts have stated that. It is a violation of the Federal statutes. It is what the Supreme Court denounces as 'dirty business' and inimical to ethical standards, and we have interwoven with that paid provocateurs. Now with that picture, if the fruit is not poisoned, if the whole tree is not poisoned, if the ground around that tree is not poisoned, if the shade the tree casts is not poisoned, then I don't know. As an ordinary lawyer, knowing how investigations go forward, I know that when a lawyer learns one thing he goes on from that to the next.

"THE COURT: Why not ask how much money they paid these men.

"Q. How much money did you pay Kipnis and Friedman?

"THE COURT: Was it a weekly salary?

"THE WITNESS: It was a weekly salary, but I don't know now --

"Q. What was it? A. I think it was \$50 a week and it might have been \$70 at one time.

"THE COURT: When did it begin?

"Q. When did it begin and when did it end? A. Kipnis began around the summer of 1936 when this thing started.

"Q. Did you have any agreement, expressed or implied,

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to pay any additional money to them over and beyond what you denominate as salaries? A. No, sir.

"THE COURT: What was Messman's salary?

"THE WITNESS: I never talked to Messman until after he confessed.

"Q. How much did he get?

"MR. DAILEY: The insurance companies never paid him.

"Q. You know how much he was paid? A. No, I don't know. I have heard you argue it a number of times.

"THE COURT: Never mind about arguments. What is your information, if you have any; have you any information, and if you have, say so.

"THE WITNESS: I know it. Mr. Dailey told me.

"THE COURT: Who is Mr. Dailey?

"THE WITNESS: The United States attorney.

"THE COURT: How much was Messman's salary?

"MR. DAILEY: He became a Government witness and Dr. Messman was paid \$65 a week for a short period and then he was paid \$100 a week for, oh I should say roughly a year. These are just guesses. I can get the accurate information. And then he was paid \$65 a week which he is still being paid.

"THE COURT: Now, may we go on to something else.

"MR. DAILEY: That money was paid by the United

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States Government.

"MR. STRYKER: May I have it as to the other Government witnesses who were paid salaries. What were the other witnesses paid?

"MR. DAILEY: I don't think it has any merit, but I will make the statement. You know.

"MR. STRYKER: I think I do, but I am not stating it.

"MR. DAILEY: Nelson was paid \$50 a week.

"MR. STRYKER: For how long?

"MR. DAILEY: Oh, I am not sure whether it was fifty or thirty-five.

"MR. STRYKER: Is he still being paid?

"MR. DAILEY: No, not for over a year.

"MR. STRYKER: Did the Government pay Kipnis or Friedman?

"MR. DAILEY: No.

"Q. Now, Mr. Bernstein, did you discuss with these paid persons what the nature of their duties were in connection with this wire tapping, the exhibits which we now have?

"THE COURT: You will have to segregate as to the Government and the insurance companies.

"MR. STRYKER: Question withdrawn.

"Q. Did you discuss with Kipnis and Friedman whom you

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paid, what the nature of their duties were, what services for that pay they were to render in connection with the tapping of their wires?

"THE COURT: If you don't want to answer that you need not.

"A. We never engaged in wire tapping as you put it. If you are speaking of the phone conversations taken off extensions all right.

"Q. Your last answer does not in any wise limit or change the testimony it took so long to get this morning about these instrumentalities.

"MR. DAILEY: If it took long, it was due to Mr. Stryker.

"THE COURT: Probably it was my fault.

"Q. You are not changing your testimony?

"THE COURT: I assume not. Ask him what he discussed with Kipnis.

"Q. Will you state to his Honor what you said, if anything, to either Kipnis or Friedman regarding the services they were to render in connection with the instrumentalities you described on their wires this morning, what they were to do for the cash that you gave them? A. Yes, sir.

"Q. All right, let's have it. A. Kipnis came to us and made a complete confession of his part in the fraud. And I think that is what confuses us all along.

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"Q. May I interrupt.

"THE COURT: If you interrupt you are taking that much more time.

"MR. STRYKER: I didn't think it was responsive. Go ahead.

"THE WITNESS: After Kipnis had fully confessed to us and made a statement of all his part in the fraud and we then discussed with him whether he would be willing to cooperate along with us and asked him whether he met these people in the usual course of events and he said that he did. We asked him if he would cooperate with us by revealing these frauds further and let us record the conversations that would occur in the room, and he said yes, that he wanted to cooperate because the racket was going to collapse and it could not go on, and he would rather make amends right now. And it was on that basis that we paid him. And it was to corroborate the confession already made that we got these conversations, and we did nothing with them but to read them and turn them over to the United States Attorney.

"Q. What was the agreement that these men made with you for the weekly cash payment you were making to them?

"MR. DAILEY: I think that question has been answered.

"THE COURT: Do you wish to add anything to your

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answer?

"THE WITNESS: No, I think I have explained it.

"THE COURT: The next question.

"Q. Had Kipnis at the time he went on your payroll, if that is a fair statement, or your clients, had he told you, had he given you evidence that - had he confessed concerning Nelson, Spitz and Berger? A. He told us about Nelson, but Berger's claim had not arisen.

"Q. He didn't tell you anything about Spitz? A. No, but in a conversation, a room conversation, not over the telephone with Mr. Gross, Mr. Gross told us about the fraud in the Spitz case.

"Q. That was after Kipnis had confessed? A. That was after Kipnis had confessed, yes.

"Q. After you had these men in your employ and these wires installed that we have talked about, did you confer with any one regarding the desirability from the standpoint of the investigation of tapping Messman and Weiss' wire. Yes or no, if you can.

"MR. DAILEY: I object to the question.

"MR. STRYKER: It is like walking down --

"MR. DAILEY: I withdraw the objection.

"Q. Will you answer the question? A. I did not confer. I was present while discussions were going on back and forth between Mr. Dailey and Inspector Shea as to whether

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it was a good or a bad idea.

"Q. Didn't you participate with them in that discussion? A. I heard them talk and I think they asked my views and I had to think about it and I was skeptical whether it was a good idea.

"Q. And you expressed your opinion that it was desirable to go on with other taps? A. I wouldn't say whether my views were asked at that time.

"Q. Some time before the Messman and Weiss taps were made, and at some time after the last of these exhibits we have been talking about this morning were made, was your view asked and did you express your view regarding the desirability of going further with the investigation by tapping these two new wires?

"THE COURT: Was Mr. Bernstein a witness on the trial?

"MR. DAILEY: No.

"THE COURT: Is he to be called?

"MR. DAILEY: No, sir.

"THE COURT: I exclude the question."

MR. NATHAN: May we have the benefit of an exception to that ruling?

THE COURT: Yes, surely.

(The reading of the testimony was resumed as follows):

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"Friedman was only concerned in one case before you put the taps in this room, is that true? A. Yes, in one case.

"Q. What case was that? A. The Alter Kaplan case. He also knew of Kipnis.

"Q. He was not, according to his confession, concerned in the frauds of Nelson, Berger and Spitz? A. No, but he knew of Kipnis' part in the fraud.

"Q. According to his statement to you? A. Yes.

"Q. Did you arrange at that time or at any time to have Friedman send a case to Mr. Weiss?

"MR. DAILEY: I object to that question on the same grounds.

"THE COURT: Is it related to the telephone situation?

"MR. STRYKER: I think so.

"MR. DAILEY: If Mr. Stryker thinks it is, I will withdraw my objection.

"Q. Did you not arrange to have Friedman send a man by the name of Lefkowitz to Joe Weiss? A. No, sir.

"Q. Did you arrange with Friedman to have a claimant by the name of Alter Kaplan sent from Lefkowitz to Mr. Weiss? A. No, sir.

"Q. Did you discuss? A. Discuss him going to Weiss?

"Q. Yes. A. I was told that Lefkowitz intended to

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bring him to Mr. Weiss. I was told that was happening.

"Q. You were also told that Friedman knew Lefkowitz?

A. Yes, sir.

"Q. Did you get that information prior or subsequent to the tapping of these wires in this Kipnis and Friedman office? A. I don't get that. What information?

"Q. About sending this client to Mr. Weiss. A. Well, I just thought that I explained that we never discussed sending Kaplan to Mr. Weiss. It was reported to us that that was happening.

"BY THE COURT:

"Q. Was that before or after the 15th of September, 1936? A. I think it was before.

"Q. Was it before January 29, 1937? A. I wouldn't remember the date, it was somewhere --

"Q. You were not implicated with that maneuver?
A. Yes, and there was no such maneuver, so far as I know.

"THE COURT: Next question.

"BY MR. STRYKER:

"Q. Now, Mr. Bernstein, you talked with Messman after he was arrested you have told us?

"THE COURT: Three times he has told that.

"Q. Did you discuss with him the telephone interception of his wire in connection with his being permitted to practice medicine?

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"MR. DAILEY: I object to that as attempting to insinuate something that he has no relevancy to wire tapping.

"MR. STRYKER: I think it has.

"MR. DAILEY: I don't think so, and I object.

"THE COURT: I will ask a question. Did you discuss with Messman the possibility of his retaining his right to practice medicine at any time?

"THE WITNESS: No, sir.

"THE COURT: Next question.

"Q. Did you ever hear that discussed between Messman and the United States Attorney's office?

"MR. DAILEY: What difference does that make?

"THE COURT: If it was discussed, it would have to be before January 29, 1937, to be relevant.

"Q. Was it discussed?

"BY THE COURT:

"Q. Were you present when that subject was discussed at any time? A. I don't think so. I know Mr. Dailey discussed it with him.

"Q. Were you present at any discussion between Messman and Mr. Dailey on that subject? A. I don't think so.

"Q. It is not your recollection that you were? A. No.

"THE COURT: Next question.

"BY MR. STRYKER:

"Q. Do you know as a fact that no charges were made to

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remove Messman from the medical profession and that he is still practicing?

"THE COURT: That is excluded.

"MR. STRYKER: An exception."

MR. NATHAN: May we have the benefit of that exception?

THE COURT: Oh, yes.

(The reading of the testimony was resumed as follows):

"Q. Did you directly or indirectly ever allude or refer to the continuation of his practice with Messman when you were preparing this case?

"THE COURT: I will exclude the question. He said he never discussed it with Messman, and that covers it.

"Q. Did you at any time see Messman read the transcripts of any intercepted telephone talks? A. I guess I did. I have no independent memory.

"THE COURT: We are not interested in your imagination. If you saw it, say so, and if you didn't, say no.

"THE WITNESS: I cannot recall.

"Q. Did you regardless of what the conversation was or when it was, did you at any time see Messman reading any transcripts of any wire taps? A. Yes, I think of an

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illustration. I think when they were playing them in court Messman may have been there that night and I was there. If Messman was in the courtroom during that rehearsal, going over these wire taps, then I saw him, because I was there.

"BY THE COURT:

"Q. Are you able to say whether he was there or not?

A. I don't remember whether he was.

"Q. Your answer means he may have been there? A. He may have been there.

"BY MR. STRYKER:

"Q. Did you go over the Messman statement as to his testimony or of his testimony? A. Yes, sir.

"Q. Is it not a fact that in those statements --

"MR. DAILEY: Please fix the time.

"Q. Did you go over with Messman his various proofs of claim with your various clients? A. Yes.

"Q. Now, Mr. Dailey wants the time. During what period did you do that work? A. During the period after Messman's confession and while the Government was preparing for trial, I think I told you. It was several weeks, whenever that was.

"Q. The Government continued to prepare this case for trial from the latter part of May, 1937, until the trial in January, 1938. A. The actual preparation --

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"THE COURT: Please confine that to relevant matters. Did you go over with Messman various proofs of claim in which he was a party?

"THE WITNESS: Yes, sir.

"Q. When? A. Some time after the end of May, 1936."

THE COURT: Shouldn't that be "end of May, 1937?"

MR. DAILEY: Yes, sir.

(The reading of the testimony was resumed as follows):

"Q. And before? A. Before the trial started in 1938.

"Q. You mean 1937? A. Yes, sir, in 1937.

"Q. Did you go over with Messman papers in addition to the proofs of claim that he had signed? A. I think so.

"Q. Were statements of his testimony or expected testimony prepared at any time between May, 1937, and January, 1938, if you know? A. Yes, a number of them.

"Q. Did you see those statements? A. Yes, I did.

"Q. Did you help prepare them? A. To some extent.

"Q. Well, Mr. Bernstein, you were devoting your entire time to this case, weren't you, then? A. No, sir.

"Q. Did you discuss what was the expected testimony with Messman? A. Yes.

"Q. Is it not a fact that in some of those statements either excerpts or references to the intercepted wire taps were present? A. Yes, sir.

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"Q. And you discussed those with Messman, did you not?

A. I don't recall; I may have.

"Q. As his Honor has said, we have to get your best recollection. Now think back. You helped prepare the statements of this witness, you talked with him a number of times on statements taken with reference to the wire taps. Don't you remember whether you ever talked about any of those statements with Messman? A. I don't recall and I doubt it because the kind of work I was doing had very little to do with the contents of those messages.

"MR. DAILEY: I object to the further continuance of this line of inquiry. I think it has been exhausted.

"THE COURT: The witness says the work he was doing had no relation to the subject matter of the wire taps.

"THE WITNESS: That is right. I may have seen them. They were in court.

"Q. Did you at any time refer to the wire taps when you went over the proofs of claim signed by Messman?

"MR. DAILEY: I renew my objection on the ground that it has already been answered.

"THE COURT: I think the witness has told us all he knows or recalls about this aspect of the preparation of the trial. Is there anything on this subject you haven't fully and completely laid bare. Are you holding

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anything back?

"THE WITNESS: No, sir. I might add this. I have aided the United States Attorney's office considerably, not only in connection with proofs of claim but in connection with problems of law and in connection with the manner of presenting certain evidence, in any way I could, just as if I were an assistant on the case.

"Q. In view of your last statment is it not practically your best recollection that at some time at least you discussed with Messman some statement that contained or referred to a wire tap?

"MR. DAILEY: I renew my objection.

"THE COURT: I would rather have the witness answer once and for all, because we are not going any further on that. Is your recollection refreshed by the question?

"THE WITNESS: I can say I may have. I cannot do better than that.

"THE COURT: You are not changing your testimony?

"THE WITNESS: No, sir.

"(Recess until 2:00 P. M.)

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"AFTERNOON SESSION

"MR. DAILEY: I am handing to Mr. Stryker twenty-four verbatim transcripts of telephone conversations. These are either Kipnis or Friedman.

"THE COURT: Those are the ones you said you didn't deem important?

"MR. DAILEY: Yes, sir.

"MR. STRYKER: I wonder if I could have these marked as one exhibit for identification. My suggestion would be that these be clipped together and that these twenty-four be marked as one exhibit. If that can be done it is satisfactory to me.

"MR. KIENDL: Are there some that have not been transcribed?

"MR. DAILEY: Yes.

"MR. KIENDL: May they be made available?

"MR. DAILEY: They may have them, but they have never been transcribed. They were so trivial we didn't bother with them.

"THE COURT: Were they read at the former trial?

"MR. DAILEY: No, sir, none of these, except I think here is Exhibit 1.

"THE COURT: This will be Weiss Exhibit L for Identification.

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"(Marked Weiss Exhibit L for identification.)

"THE COURT: These are from October 16, 1936, to February 18, 1937.

"MR. KIENDL: Our application is that the records of conversations made in the office by telephone taps, which have not been transcribed, be made available to the attorneys for the defense on the ground that we should not be precluded by the opinion of the United States Attorney that they have no bearing on the case.

"THE COURT: Was any use made of those telephone conversations?

"MR. DAILEY: I intend to take the stand myself, if necessary, after the termination of Mr. Stryker's examination and testify, and at that time I will testify that no use was made of those recorded conversations.

"THE COURT: The application is denied.

"MR. KIENDL: I respectfully except.

"MR. STRYKER: Will the Government agree that an exception taken by one counsel shall inure to the benefit of all?

"THE COURT: I should think that would be proper.

"MR. STRYKER: Then there will be such a rule.

"THE COURT: Yes."

MR. KIENDL: I respectfully except.

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MR. NATHAN: Same exception.

THE COURT: Same ruling.

(The reading of the testimony was resumed as follows):

"N A H U M A. B E R N S T E I N, resumes the stand:

"BY MR. KIENDL:

"MR. DAILEY: In respect to the application made for the untranscribed records, I have no objection to the attorneys taking them if they will provide their own phonograph machine.

"THE COURT: All right.

"Q. Mr. Bernstein, I understand we now have the transcripts of twenty-four telephone conversations between August 25, 1936, and February 13, 1937, in addition to the ten that had been previously marked, thirty-four in all.

"THE COURT: Those are not the dates. October 6, 1936 and February 18, 1937.

"MR. KIENDL: The last twenty-four?

"THE COURT: Yes.

"Q. The entire thirty-four, the first is August, 1936, and they continue down to February, 1937. Now, Mr. Bernstein, those thirty-four transcripts --

"THE COURT: Your statement is not in accordance with my notes.

[redacted]
Industry, efficiency, education and
general adaptability very good.

Chicago 7-23-20

b7C

Education - High school, business course - stenography
and bookkeeping, 3 mo. mechanical drawing,
3 yrs law school. Practiced law.

Appointed

Increase- [redacted]

Rather youthful appearance. Industry, efficiency and
general adaptability, Excellent. Agent is a man of
about 5ft. 5 in. and while is one of the best all
around investigators in bureau his small stature gives
the impression rather of youthfulness and for this
reason alone that he was not allowed to argue the case
for the government U.S. vs Haywood et al before the
U.S. Circuit Court of appeals [redacted]

[redacted] (Brennan 10-2-20) 3

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"MR. KIENDL: I have not seen the dates.

"THE COURT: Just eliminate the dates from your question.

"Q. Those transcripts you know, Mr. Bernstein, were taken between August of 1936 and some time in the early part of 1937? A. Yes, I think so.

"Q. Was it the fact, Mr. Bernstein, that as the conversation was obtained and a transcript made on a certain date, it was submitted to you, or your office representing the insurance companies, complainants? A. Some time thereafter.

"Q. And it was done almost simultaneously with the transcript? A. Within a week.

"Q. And that continued from week to week for this period of months? A. Pardon. A lot of them were not transcribed. Only the ones we considered of value.

"Q. I am talking of the thirty-four. They were given to you when transcribed, or shortly thereafter? A. Yes, sir.

"Q. And that continued from week to week for this period? A. Yes, sir.

"Q. And as they were furnished to you you read them or your associates read them? A. That is right.

"Q. And as you read the first batch would you take it up with either Kipnis or Friedman and discuss the contents with them or either of them? A. No.

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"THE COURT: Please do not repeat questions.

"MR. KIENDL: Question withdrawn.

"Q. As those were furnished to you you did nothing except hand them to the United States Attorney's office or the Post Office Inspector? A. That is right.

"Q. When did you hand over the first batch to the Post Office Inspector, November, 1936? A. Yes, sir.

"Q. And those following November, 1936, did you turn them over to Mr. Shea from time to time? A. That is right.

"Q. And you told us of these telephone conversations all they did were to corroborate what you already knew? A. Well, they also contained other facts that came out in the course of the conversations that we didn't know, but we did nothing about them.

"Q. What Mr. Shea did with them and what the Government did with them you don't know further than you have testified? A. That is right.

"BY MR. FRIEDMAN:

"Q. Did you keep any stenographic record of your conversations with Berger, Spitz, Messman or Nelson? A. No, sir.

"Q. Was a stenographer present when you interviewed them? A. No, not as a rule; sometimes if the District Attorney was taking testimony from them and I was there a stenographer was present.

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"Q. Were transcripts of that testimony furnished to you? A. No, sir.

"Q. Did you make notes of your interviews with these various witnesses? A. No, sir.

"Q. On how many occasions did you interview each of them approximately?

"THE COURT: Which witness are you speaking of?

"Q. Messman, Nelson, Berger and Spitz. A. It is very hard to approximate. During the period of actual preparation for trial, I saw them whenever they came in from time to time. I would see them there, and sometimes I would participate in discussions and sometimes not. If they came to the United States Attorney's office three or four times a week, I might be there on several of those occasions.

"Q. You saw each one a half dozen times, at any rate? A. No, I saw some much more than others. Berger and Spitz, I didn't see many times.

"Q. On each occasion when you interviewed them you had a number of documents present? A. As a rule.

"Q. Did you question them as to the documents and matters relating to the execution of various forms? A. Yes.

"Q. And you made no record whatever of their answers to those questions? A. No, because as I say as a rule I was doing this with an Assistant United States Attorney.

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"Bernstein

Statements were being taken and I was there with files, all sorts of papers and exhibits, and as the Assistant would elicit information, I would contribute whatever I thought was of aid.

"Q. And as a rule would a stenographer write down the answers? A. Yes.

"Q. And at those interviews were the transcripts of the telephone taps on hand? A. Sometimes.

"Q. And occasionally reference would be made to them, would they not? A. That is right.

"Q. No doubt about that at all? A. No, I have no specific recollection of any of them, but I know we would on occasions when a telephone call that was relevant came up, the Assistant would talk about that in connection with the testimony.

"Q. They were being used at these interviews to refresh the recollection of the various witnesses?

"THE COURT: I have asked you not to cover matters covered by other counsel.

"MR. FRIEDMAN: I did not believe that was covered.

"THE COURT: It has been asked a dozen times, whether these transcripts were used in interviewing these witnesses.

"MR. FRIEDMAN: May I have an answer to the

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question?

"THE COURT: No, sir. That is excluded. Go on to the next question.

"MR. FRIEDMAN: That is all.

"RE CROSS EXAMINATION BY MR. DAILEY:

"Q. Mr. Bernstein, you told us how Mr. Kipnis came into your office and made a confession? A. That is right.

"Q. Then you had some arrangement with him about continuing the investigation? A. That is right.

"Q. Had he given you his complete confession of everything that had transpired to that time about all the people involved, everybody he knew? A. Yes.

"THE COURT: Don't characterize as being 'complete.'

"Q. He told you a story at that time when he gave the confession involving a number, if not all, of the defendants in the indictment here?

"MR. STRYKER: That is objected to as a conclusion. If it is important we should have the fact rather than his opinion.

"THE COURT: I don't think he could know about it.

"Q. What was your purpose in installing this dictaphone and this interception on the telephone? A. Well now, the way this whole investigation was conducted was not in the way of going out to obtain further information. A witness would tell us certain conversations he had and he would say

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that he could prove it to us by speaking to this fellow and he would say, 'You can record the conversation.'

"Q. Will you look at this report headed September 14, 1936, Harry Kipnis, which is one of the papers your Honor entrusted to my care and tell me what that is and perhaps you can illustrate just what your testimony was this morning? A. This illustrates --

"MR. STRYKER: What is it first and may we have it marked for identification.

"(Marked Exhibit 1 for identification.)"

THE COURT: There is some relation between that and Weiss Exhibit A, which is not quite clear to me, but they may be the same thing, or it may be --

MR. DAILEY: No, one is the report and the other is the telephone call, and Mr. Bernstein started to show how that corroborated the information he had from the report.

THE COURT: I see.

(The reading of the testimony was resumed as follows):

"THE WITNESS: On September 14, 1936, Kipnis came to me and told me and also gave me a written report which I now have in my hand of a conversation he had that day with Joseph J. Weiss in which Mr. Weiss told him that things were getting hot; there was an investigation - he had a tip there might be an investigation under foot, and Kipnis -

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"Bernstein-recross

and he said he would discuss with Kipnis what Kipnis would do about it and also the question of getting out new insurance under a false name for Kipnis despite the fact that Kipnis was already called for permanent and total disability. Kipnis gave us this report and said we could corroborate that by calling Joseph Weiss and referring to that conversation. We told him to go ahead and do it, and he made the phone call.

"Q. And that was recorded over this telephone extension? A. That was recorded over the telephone extension.

"Q. And is Weiss Exhibit H for identification the recorded transcript of that conversation? A. It is.

"Q. Tell us what there is in there that corroborates the conversation which Mr. Kipnis said he had had with Mr. Weiss?

"MR. STRYKER: I object to that.

"THE COURT: You have no right to put in the contents of an exhibit not in evidence.

"MR. DAILEY: I will ask that it be marked in evidence.

"MR. STRYKER: It is objected to as an intercepted telephonic communication and immaterial. I am probing the source of the knowledge of this witness and what was done with this evidence.

"THE COURT: Let us have one agreement as we

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start in and that is that arguments will not be volunteered. If the Court wishes argument the Court will ask for it. The objection is made to the introduction of this paper marked Exhibit H for identification. I am bound to sustain the objection.

"MR. DAILEY: May I inquire the grounds?

"THE COURT: It is a transcription of a telephone conversation, and the Supreme Court says that may not be received for any purpose.

"MR. DAILEY: This is a preliminary hearing, your Honor.

"THE COURT: The object of your question is to prove that Kipnis was in fact corroborated as he professed that he would be. Isn't that so?

"MR. DAILEY: It is for the purpose of illustrating the system.

"THE COURT: I don't think we need do that. The witness has told us why he went into this system. I would permit him to say whether it accomplished its purpose.

"THE WITNESS: It did accomplish its purpose.

"THE COURT: The objection is overruled and an exception will be noted."

MR. LOEB: May we have an exception?

THE COURT: It was Mr. Dailey who took the exception.

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"Bernstein-recross

MR. DAILEY: May I have my exception again, your Honor?

THE COURT: Yes.

(The reading of the testimony was resumed as follows):

"Q. Now, without telling the Court what information you had, can you tell us what information you had - what defendants named in this indictment or co-conspirators named in the indictment you had information about? A. Prior to the arrest of May 18, 1937, we had information concerning all of the defendants from sources having nothing to do with any telephone conversations.

"MR. STRYKER: I could not object to that because I could not foresee the answer, but I move to strike it out as incompetent, irrelevant and immaterial and a characterization.

"THE COURT: The objection is overruled. The motion is denied.

"MR. STRYKER: May I have an exception."

MR. NATHAN: Same exception.

THE COURT: Yes. Same ruling.

(The reading of the testimony was resumed as follows):

"Q. What about the people mentioned in the indictment as co-conspirators? A. You mean who subsequently became

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"Bernstein-recross

government witnesses?

"Q. Yes, and are not named as defendants. A. I had information as to all the Government witnesses who were named as co-conspirators.

"THE COURT: Completely divorced from telephone taps?

"THE WITNESS: Completely divorced from telephone taps.

"Q. When you say all of them you mean who, mention the names please?

"MR. STRYKER: May I have a general ruling. I move to strike out that answer as a mere characterization and expression of opinion as to a matter not competent for opinion evidence.

"THE COURT: I don't think it is a matter of opinion that he had information concerning a certain person at a certain time.

"MR. STRYKER: I should think it would be a question of what the facts were. This a conclusion.

"THE COURT: For the purpose of this inquiry, I will take the witness' answer.

"MR. STRYKER: An exception."

MR. NATHAN: Same exception.

(The reading of the testimony was resumed as follows):

Who is Pantaleoni?

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"Q. Will you name those other people you have just referred to? A. Yes. Joseph J. Weiss, Alfred L. Weiss, Martin Gross, Benjamin Nelson, Dr. Messman, Herman Berger, Morris Spitz and Dr. Maximilian Goldstein.

"Q. How about Dr. Krupp? A. We knew of Dr. Krupp's participation in the case but not very much about it.

"Q. This morning Mr. Stryker asked you whether or not you were present at any discussions with the United States Attorney or Post Office Inspectors regarding the desirability of placing telephone taps on the telephone of J. J. and A. L. Weiss, and Dr. Messman, and I believe you said you were? A. Yes, sir.

"Q. Do you recall whether you expressed your opinion of what should be done in that respect at that time? A. Yes, sir. I was there with Mr. Pantaleoni and Mr. Silver, and Mr. Pantaleoni and Mr. Silver both expressed the views that they thought that tapping telephones was unnecessary in view of the fact that there was a complete case here which would result, should result in the conviction of the defendants without the need of further corroboration. That there was ample corroboration both documentary and the recorded room conversation. I didn't have a view one way or the other. Inspector Shea conferred with Pantaleoni and Mr. Silver. Other men in the United States Attorney's office thought it would be a good thing if additional cor-

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"Bernstein-redirect

roboration was obtained.

"REDIRECT EXAMINATION BY MR. STRYKER:

"Q. Do you know George J. Mintzer? A. Yes, sir.

"Q. Did he do any work for you in connection with this Friedman and Kipnis office? A. No, sir.

"Q. Did he do any work for your or anyone working for you during that time?

"THE COURT: Is this relating to telephone taps?

"MR. STRYKER: Yes, it is. It is certainly part of cross examination as to a matter that Mr. Dailey brought out. I think it is proper in view of the question of Mr. Dailey.

"THE COURT: There must be a limit, Mr. Stryker, to this.

"MR. STRYKER: I appreciate that and I am doing the best I know how.

"THE COURT: This witness has said once and for all that he had no part in the hiring of Lefkowitz. You stated you had nothing to do with Lefkowitz going to Weiss?

"THE WITNESS: That is right.

"THE COURT: I am considering that closed.

"MR. STRYKER: So that I may merely have your Honor's ruling, and I will obey it, does your Honor rule that this witness having said that, I am not to cross examine him?

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"Bernstein-redirect

"THE COURT: Not unless you can indicate to me how far the inquiry would be related to the subject matter of this inquiry.

"MR. STRYKER: The United States Attorney has brought out certain matters on cross examination and left them with the conclusion of the witness. That being so, I submit I would have the right to probe this.

"THE COURT: Which one are you talking about?

"MR. STRYKER: As to his having a complete case and as to what Kipnis told him, and as to having a complete case regarding these various persons.

"THE COURT: We went over that this morning and I don't care to go over it any further.

"MR. STRYKER: Has your Honor in mind the objections I made a few moments ago?

"THE COURT: Yes.

"MR. STRYKER: And you rule that I am not to pursue that?

"THE COURT: Yes.

"MR. STRYKER: An exception."

MR. NATHAN: The same exception. I assume that your Honor in this case adheres to the same ruling?

THE COURT: Yes.

(The reading of the testimony was resumed as follows):

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"Q. In your cross examination, did you refer to the Yardley Fabrics? A. Yes, I did.

"Q. Will you tell me what that was?

"MR. DAILEY: I think Mr. Stryker is going into the subject your Honor just ruled out.

"THE COURT: What is that expression Yardley Fabrics?

"THE WITNESS: This place at 280 Broadway where the microphone was installed was called Yardley Fabrics on the trial to give the appearance that Kipnis was in the textile business.

"THE COURT: What is the question?

"MR. STRYKER: I think he has answered my question except perhaps one thing.

"Q. Did you have a brother associated with that business? A. There was a genuine business known as Yardley Fabrics which was run by my brother, and we called this place Yardley Fabrics so if they checked in the phone book they could find such a place.

"Q. Mr. Bernstein, your recent cross examination just now by Mr. Dailey you remember you referred to Mr. Kipnis and a confession, I think you called it, that he made to you. Do you remember that?

"THE COURT: You referred to that at length this morning. Mr. Dailey unnecessarily went over the same

Cover film?

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"Bernstein-redirect

ground. I don't intend to have it gone over a third time.

"MR. STRYKER: I did not intend to do that.

"Q. Did you state that Kipnis had told you or given you a tip-off that Weiss was in some wise planning some further proceeding against insurance companies or presenting some false claims?

"MR. DAILEY: That is objected to your Honor, as having been excluded as not a subject of inquiry.

"THE COURT: I think we have come to the end of that.

"MR. STRYKER: Will your Honor permit my associate counsel to ask a question?

"THE COURT: Provided it has not already been asked.

"BY MR. SHAPIRO:

"Q. Didn't you tell Mr. Dailey a few moments ago that in September, 1936, Mr. Kipnis had advised you that in a telephone conversation he had with Weiss, Weiss had said that Weiss had received a tip-off there was an insurance company investigation? A. No, sir, that is not right.

"THE COURT: That is your only question, sir? All right, step down, Mr. Bernstein. Do you want to finish with Berger?

"MR. STRYKER: No, I would like to finish in the proper order. He was called out of order yesterday.

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"THE COURT: Very well."

MR. DAILEY: We have got ten pages here of the testimony of Sylvia Schwartz.

Sylvia Schwartz

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(The testimony of the witness Sylvia Schwartz was read as follows):

"S Y L V I A S C H W A R T Z, recalled as a witness on behalf of the defendants, being previously duly sworn, testified further as follows:

"DIRECT EXAMINATION BY MR. STRYKER:

"Q. Miss Schwartz, you have been sworn? A. Yes, I have.

"Q. I won't go over the figures we have, but how many girls do you remember having on the recording machines?

A. At which place?

"Q. Well, the ones that recorded the Weiss and Messman wires. A. Well, there was one girl operating each recording machine, actually operating the machine.

"Q. Let me start over again: Somewhere there was a place where the girls were on the recording machines to take the Messman talks? A. That is right.

"Q. How many machines there? A. One.

"Q. How many girls? A. One girl at the machine and one girl taking the stuff stenographically.

"Q. What time did the girls go on duty? A. At about 9 in the morning I guess.

"Q. When did they go off duty? A. Well, it varied. We would know from the conversation when, for instance, Dr. Messman would be finished and then we could close up.

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"Schwartz-direct

"Q. You sort of made your office hours to conform with Dr. Messman's on that? A. That is right.

THE COURT: What would the latest hour be?

"THE WITNESS: Well, anywhere between seven and nine in the evening.

"Q. I am talking about Messman now. Was there also a machine to take the conversations over the Weiss wires, A. Yes, sir.

"Q. Was that in the same place with the Messman machine? A. No, sir.

"Q. That was a different place? A. Yes.

"Q. How many machines were there? A. Two.

"Q. Two different machines? A. Two separate machines.

"Q. Only one as to Messman? A. That is right.

"Q. Would there be two girls, one to operate each of the two machines on the Weiss wires? A. Yes.

"Q. In the place where the two machines to record the Weiss conversations were, was there also a girl to listen in on the conversations? A. Well, there was more than one girl.

"Q. How many? A. I think there were four or five girls.

"Q. Four or five girls? A. Yes.

"Q. And how many on the Messman wires? A. Just one.

"Q. I am going to follow the suggestion his Honor

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"Schwartz-direct

has made repeatedly and I will do it this way: I wish you would just take your time and as briefly as you can just tell me exactly what was done with regard to the recording of the conversations on the Messman wire, and then when you get through that we will come to Weiss. First, Miss Schwartz, I am calling your attention to the recording machines. Have you my point in mind? A. Yes.

"Q. Will you tell us what the facts are? A. Well, at the Messman office there was one recording machine --

"Q. You do not mean at his office? A. At the set-up there, and when a call came in the ringing on the phone registered on a machine there so we knew there was a call coming in.

"Q. Pardon me for interrupting. Was that bell on this recording machine? Was that the way it worked? A. Well, no. There was just a separate attachment, a sort of a buzzer. It was connected in some way with the machine but it did not work on the machine.

"Q. When that buzzer rang what did the girl do with the recording machine? A. She started the turn-table going and at the same time the stenographer would listen at the ear-phones and the girl listening at the ear-phones would listen from the beginning of the conversation and then determine whether or not it was to be recorded, and if it was not to be recorded the machine stopped and

dp 76

"Schwartz-direct

the stenographer continued listening until she determined whether it was completely irrelevant or not.

"Q. Now every time the telephone call came - we are talking about Messman, aren't we, first? A. Yes, sir.

"Q. The Messman wire. A buzzer rang on some machine? A. Yes.

"Q. And the girl operating the recording device threw a switch starting the machine working? A. That is right.

"Q. Now then, at the same time the other girl with the earphones would listen and make notes in her stenographer's notebook? A. She would summarize it.

"Q. She took stenographic notes? A. That is right.

"Q. She was a stenographer? A. Yes.

"Q. A person who could take things as people said them? A. That is right.

"Q. Is what you are telling me this: That in some instances after the recording mechanism had been going forward on a call for some time, and then it was stopped - is that what you are telling me? A. Well, not for some time. It could usually be decided almost at once, within the first minute of the conversation whether or not it would be completely recorded.

"Q. Now tell me your method of deciding that. A. Well, you see there were several calls that were of a strictly private personal nature on that wire because

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"Schwartz-direct

it was also Dr. Messman's home and we were not interested in that.

"Q. I am not asking that at all. If the doctor would call his wife or child or something like that -- A. That is right; not personal calls made by him or any member of his family.

"Q. Now from the start of the conversation by that time I suppose you knew who the family were and what he was talking about? A. Yes.

"Q. And from the start it was a purely personal call such as going to the theatre or going to dinner or not coming home or something of that kind, you could pick up that very soon and not record it? A. Yes, sir, it was very simple to gather that immediately.

"Q. Other than that type of conversation were all other conversations coming over the Messman wire recorded? A. I would say about 99 per cent of them were.

"Q. That I think helps me there. Now was it precisely the same procedure that was followed with respect to the Weiss wires? A. Well, there was one difference.

"Q. Tell me the difference. A. And that was that on the Weiss wires we could not record everything for the reason that there were five trunk lines on that switchboard and we only had two machines and we could not record more than two calls at a time.

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"Q. Of course one machine could only record one call?

A. That is right, and we used the same discretion in deciding what would be recorded with respect to any calls, more than two calls which were going on at once. We would use the same judgment as we did on the Messman wires.

"Q. Suppose there were three conversations that seemed to be of a business character and from the start you could not tell whether that conversation might be the interesting one to the Government or not, how would you use your discretion then? A. Well, in that case if two calls that seemed relevant were being recorded and a third one came in --

"Q. And that also seemed relevant? A. And that also seemed relevant, the only thing we could do was take it stenographically.

"Q. And that is what you would do? A. And and that is what we would do.

"Q. And there were how many trunks did you say?

A. Five.

"Q. Suppose they were all working at once and all related to business conversations, were there enough stenographers to take the three conversations that could not be recorded on the two instruments? A. Yes, there were enough stenographers.

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"Q. And was it done? A. That was done.

"Q. Other than that was the same procedure followed with respect to the Weiss wire-tapping as was followed with respect to the Messman wire? A. That is right.

"Q. I think that is quite clear. Just one or two other things: Let me have this, are these discs of the type that when the instrument is finished recording the disc is completed or do they have to be subjected to some treatment? A. You mean when the record is finished it can be played instantly?

"Q. You could stick it right on an appropriate type of machine and hear it? A. Yes, sir.

"Q. What did you do with those discs from time to time in both of those instances after they were recorded? To whom were they delivered, if you know? A. Well, we did not deliver them. They were picked up by Inspector Shea.

"Q. Did he personally do it? A. I don't think in every case he personally did it. He might have sent someone.

"Q. Either Inspector Shea or some one of his subordinates, is that right? A. That is right.

"Q. Do you know of your own knowledge what happened to them then? A. No, I do not know what happened to them then.

"Q. That is all you can tell me? A. That is all I knew

by

Silver &

Bernstein

by

dp 80 "Schwartz-direct
of them.

"Q. I think that is clear. With respect to those stenographic summaries that were made, of course the first procedure would be to get it on a stenographer's notebook?

A. That is right.

"Q. In stenographic characters? A. Yes, sir.

"Q. Then they had to be transcribed on the typewriter?

A. That is right.

"Q. Was that done right away? A. Yes, sir.

"Q. When that was done what was done with the typewritten summaries? A. The same thing as was done with the records.

"Q. They were likewise given to either Mr. Shea or one of his subordinates? A. Yes, sir.

"Q. That terminated your knowledge of it and that is as far as you know yourself? A. That is as far as I know.

"Q. Now were carbon copies made of those summaries?
A. Yes.

"Q. How many? A. I believe we made an original and three copies.

"Q. What was done with the carbon copies? A. They all went together with the original. They went with the original. They were taken out of the office at the same time.

"Q. Silver & Bernstein were your employers? A. Yes, sir.

"Q. Were they not shown to them? A. No, not by me;

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not by any of the girls in our office.

"Q. Where are these stenographic notebooks that the girls used in making those notes? A. They are on the fourteenth floor in this building.

"Q. I am not interested in what floor. Are they in the United States Attorney's office or in Inspector Shea's office? A. Well, the offices we use upstairs.

"Q. They are in the hands of the Government somewhere?
A. Yes, sir.

"Q. So, so far as your knowledge goes they have the discs and the stenographic summaries; they have the transcripts of such discs as were transcribed, indicating the persons that talked and they have all the carbon copies of the summaries? A. Yes, sir.

"Q. Did you prepare an index or indices of any of those groups of things that I have talked about; either the summaries or discs or whatnot? A. Yes, I did.

"Q. Is that in the possession of the United States Attorney? A. Yes, sir.

"Q. And if his Honor were to permit me to see it would that index tell me this: For instance, how many discs of talks of Messman were recorded and where they are filed by some practice so that they could be found?
A. Well, I don't quite understand - how many talks?

"Q. I mean would the index, suppose I were allowed

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to look at it, could I turn to the index and find immediately the Messman discs; so that I could, from the index, lay my hands on the Messman discs? A. Yes.

"Q. And similarly as to all the other parties or persons in this case? A. Yes, sir.

"Q. Is that right? A. Yes, sir.

"Q. And would that index also give me, if I were to see it, the dates of the respective conversations?

A. Yes, sir, date and time.

"Q. And if I had the index I could very promptly determine what talks there were within a few days before or after some particular talk that was used in the last trial? A. Well, yes, I guess you could. They were all there.

"MR. STRYKER: Miss Schwartz, I am very much obliged. I think you have given me all I wanted to find out.

"(Witness excused.)"

- - -

MR. DAILEY: I do not know whether counsel have agreed as to Dr. Messman's testimony.

MR. YOUNG: As to Dr. Messman's transcript, sir, I took upon myself the reading of the transcript. It consists of perhaps 110 pages, but there are a number of pages missing, pages 82 to 89. Those I did not read, of

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course.

MR. DAILEY: Just a moment. I have two other small volumes here of testimony. I do not know whether those are the missing pages or not. Those are all I have of Dr. Messman. You realize, it was not all in one volume.

MR. YOUNG: Well, of course I have not read those, so I will have to reserve those for a moment.

Now as to the question of the substance of this testimony dealing with what happened on February 19 or February 20, I find from an examination of the testimony I read that that subject is treated only on pages 13 to 32 inclusive, no more. I carefully checked that. All the rest of the testimony deals with what I think might perhaps be germane in this inquiry, but by conference with counsel we respectfully ask this Court to defer the reading of Dr. Messman's testimony. It may be that we will dispense with it, but we are not quite sure at this moment, and we reserve the right, if the Court please, to be permitted to read it at a later date if we decide we shall want it.

THE COURT: Very good.

MR. YOUNG: As for the balance of the testimony just handed to me, I shall read that too, and shall report on that as soon as possible.

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THE COURT: Very good. Perhaps you would like to defer what you have to say to see if the missing volumes fit in.

MR. YOUNG: Yes.

MR. DAILEY: Now do you want to call any witnesses?

MR. YOUNG: Yes. We shall call Inspector Shea.

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F R A N K E. S H E A, called as a witness on behalf of the defendants, being first duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. YOUNG:

Q. Inspector Shea, your testimony that you are about to give is, as it were, a prolongation of the testimony that has been read here given by you in the Weiss case?

A. It is, sir.

Q. And I will proceed from that point on. Now I think somewhere in your testimony you stated that in December, some time in December, 1936, you concluded that your investigation was completed, and that you handed in a report? A. Yes, sir.

Q. Can you tell us the first report that you handed in, the date of the first report? A. December 6, 1936.

Q. Is that report in court here today? A. No, sir; that was sent to Washington.

All employees
at 280 Bakery
were of S + B

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"Hardy-cross

— "MR. DAILEY: No questions.

"(Witness excused.)"

—
M A H U M A. B E R N S T E I N, called as a witness on behalf of the defendants, being duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. NATHAN:

Q. Mr. Bernstein, the room at 230 Broadway in which this device was installed was paid for by your clients, the insurance companies? A. Yes.

Q. You advanced the money on their behalf? A. Yes, sir.

Q. And the stenographers in that room were all either employees of the insurance companies or of Bernstein & Silver? A. They were all our employees, Silver & Bernstein's.

Q. Now in addition to Mr. Kipnis who, I understand, was in the employ or service of your firm for a time, that was also true of Friedman, was it not? A. Yes, sir.

Q. And when these records were made either on a disc or in the shape of stenographic notes, they were immediately transcribed the stenographer --

THE COURT: Didn't Miss Schwartz testify on that subject?

MR. NATHAN: Well, that is just one question that I think I should not have asked, but it is preliminary to the next one. I will withdraw it, though, if your Honor

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thinks that it is in the record sufficiently clear.

Q. After the transcripts were made, were they submitted to either you or your partner, Mr. Silver?

A. Or other members of the joint firms that were associated.

Q. You mean this other firm of attorneys? A. Hodges, Reavis, Pantaleoni & Downey.

Q. They all came to your firm, irrespective of whether they were also submitted to the other firm; isn't that the fact? A. I saw all of them, I should say.

Q. And you read all of them at that time? A. Yes, sir.

Q. And you picked out the ones that you deemed important, did you not, and so marked them? A. Yes, sir.

Q. Now is it the fact that when you read those transcripts and you saw the name of a person mentioned whose name down to that time you did not know, that you used that name for the purpose of further investigation? A. No, sir.

Q. Do you understand my question? A. Yes, sir.

Q. You made no use of that name? A. Other than to know it and keep records of it.

Q. Did you investigate the files of the insurance company's clients in connection with the names that were in the company so far as a claim or claims of that person

1c Bernstein-direct

was concerned? A. Not at that time.

Q. You did do that later? A. Yes.

Q. Some time in the course of the investigation?

A. Yes. May I explain that a little further?

Q. Yes.

THE COURT: Yes.

A. You see, we were conducting what we considered an undercover investigation, and our information also led to persons in the employ of the Disability Departments of insurance companies as being involved in these frauds, and it was for that reason that at that time we would not request any files for fear of having people in the departments know that an investigation was on foot.

Q. Tell me, please, when it was that that inhibition was removed? A. The inhibition was partially removed to the extent that members of the committee were presenting --

Q. When, is the question. Give me the month. A. From the period, I think, from December, 1933, until the arrests; during that period after we came to the United States Attorney's office. Around that time.

Q. And then it was that you began to investigate the names and the claims of the persons whose identity had been revealed in the transcripts of the taps; is that correct?

MR. DAILEY: I object to that. There is no such

lc Bernstein-direct testimony.

THE COURT: I have not heard a word about identity.

A. When you say "taps," there were room conversations and there were the telephone conversations in both of those offices.

Q. Yes? A. I do not think there were any conversations that I could ever recall with anybody whose names we did not already know, because the method of conducting this investigation was to hold conversations with people whom we knew about, whom either Mr. Kipnis or Mr. Friedman knew about, and called them into the room, and then discussed their situation with them; so we really learned no additional facts from which we could summon these company files. What we did do was to subsequently summon the files concerning claims like Kipnis and the cases Kipnis had told us about, which were quite a number.

Q. Are you telling us that there was no name divulged or learned by you from the transcripts of the telephone taps which you did not know of before? A. I do not know whether there were or were not. There may be. If I were to go over all of them, I might be able to find them, but I do say that we did not just go to work and get files every time we saw a name mentioned.

Q. Is the same thing true of the transcripts of the

so-called room conversations? A. Yes.

Q. Now after you or your partner, or either of you had read the transcripts that were made by your stenographers, and you had picked out the important ones, the ones that you believed most important, did you hold your conferences with the representatives of the United States Attorney's office? A. Yes, sir.

Q. And did you discuss those transcripts the contents of which you deemed most important with the representatives of the United States Attorney's office? A. Yes, sir.

Q. And can you fix the period when those talks between you and the representatives of the United States Attorney's office began? A. Yes, I think in December of 1936.

Q. And continuing from time to time down to when?
A. Now Inspector Shea came to our offices at the end of November, or the beginning of December, and I think it was during that month. We pretty well exhausted the subject during that month, I think.

Q. I take it that those representatives of the United States Attorney's office were Mr. Kaufman and Mr. Dailey and Mr. Noonan? A. And Mr. Hardy and Mr. Powelson.

Q. Did you give at that time either a copy of those transcripts which you deemed most important to the United States Attorney's office, or tell them what you had learned, or give to them the substance of those transcripts?

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A. I think Inspector Shea immediately came down to our office and took most everything with him, brought them down to the United States Attorney's office.

Q. I am asking you what you did with the representatives of the United States Attorney's office, and not what Inspector Shea did. A. What I did was to give them to Inspector Shea when he came down to see us. We turned everything over to him.

Q. Did you investigate any clue or any lead which you got from those transcripts of what I will call, for the sake of convenience, wire-tapping evidence? A. I can't think of any investigation that we conducted, because after December it was in the hands of the Government, from that time on.

Q. Did you work in connection with the Government?
A. Yes. We conducted no investigations whatever --

Q. When I use the word "investigation" do you understand that I am referring to the getting of information concerning one or more persons who later became defendants in this case? A. As I recall it, the whole period from the time we began to cooperate with the Government, that is, December, until the arrests, was a period of collating under the headings of the various cases that were being prepared for arrest that material which we already had.

MR. NACHAM: May I have that read?

THE COURT: Yes, you may.

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MR. DAILEY: I assumed from counsel's questioning that the wire taps referred to communications over the telephone.

THE COURT: Yes, over the telephone, and not the room conversations at all.

MR. DAILEY: Was that the witness's understanding of what Mr. Nathan was talking about?

THE WITNESS: No. Mr. Nathan asked me to assume when he used the term "wire-tapping" he meant both, and I have been making that assumption, although I do not agree with it.

MR. NATHAN: May I proceed, your Honor?

THE COURT: Yes.

BY MR. NATHAN:

Q. May I ask you if the names of all the present defendants in this case had been revealed to you at the time that you arranged with Mr. Hardy for the installation of the wire-tapping? A. No, sir.

Q. Were those names ascertained by you during the course that the wire-tapping devices were in operation?

MR. DAILEY: No objection to the witness answering if he can speak of his own knowledge.

A. I just want to be clear. How when you use "wire-tapping" you mean the wire-tapping that the Government --

Q. His Honor has stated very clearly what "wire-tapping"

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means, actual wire-tapping.

MR. DAILEY: Well, he stated it very clearly, but I do not think you and the witness understand each other or, at least, I do not think that the witness understands exactly what you are talking about.

MR. NATHAN: I am sorry if he does not.

MR. DAILEY: I would like to have it understood, Mr. Nathan, whether you are talking about wire-tapping with relation to 280 Broadway, or wire-tapping done by the Government, and I think that is what the witness is asking you. If you object to answering, all right.

MR. NATHAN: I do not think the witness asked anything.

MR. DAILEY: I think he meant to say it, but you interrupted him.

MR. NATHAN: I did not interrupt him.

THE WITNESS: I think we can understand it this way: There were three types of recordings: One, room recordings; second, recordings on the telephone at 280 B roadway and at 28th S treet, third, there were the recordings of intercepted telephone calls by the Government. Those are the three categories as I understand it. The first two were made by our firm in the course of our own investigation.

Q. Now in the course of either of those first two

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classes that you have described, did you learn the names of any of the present defendants in this case here on trial? A. I learned of four of the present defendants but not from those recordings. I knew of four of them prior to making the recordings.

Q. Who are the four? A. The four were Dr. Maximilian Goldstein, Herman Rubin, Dr. Schwartz and Irving Elentuch.

Q. When did you first learn of the names of the other defendants? A. Just let me see who they are.

BY THE COURT:

Q. How about Hessenberg? A. Hessenberg? I learned about Mr. Hessenberg from some of the assistant district attorneys after Dr. Messman had confessed about his case.

Q. That would be then after May 19, 1937, is that it? A. Yes, sir.

BY MR. NATHAN:

Q. Can you fix the date more definitely? A. If you can tell me the date when Dr. Messman made his confession about Hessenberg, I suppose I learned it shortly thereafter.

Q. I can't help you.

THE COURT: No, he can't.

Q. I can tell you this, that Hessenberg was first indicted July 31, 1939. Will that help you? A. I can't possibly tell how long after Dr. Messman's confession

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Hessenberg was indicted, but it was during the period somewhere after Dr. Messman's arrest, and he proceeded to confess about a great number of cases, and whenever he confessed about the Hessenberg case --

Q. Pardon me. Have you finished?

THE COURT: No, he has not.

A. (Continued) And whenever during the progress of those statements when he confessed about Hessenberg, I probably heard it within a few days.

Q. Was it prior to the Weiss trial? A. I could not remember any more.

THE COURT: Now the next defendant, if you will let me finish this, please, is Schoenberg. When did you hear about him?

THE WITNESS: In exactly the same manner I heard about Hessenberg; only from Government officials after Dr. Messman had confessed.

Q. And at the same time that you heard about Hessenberg, or a different time? A. Probably at a different time, whenever he confessed about Schoenberg.

BY THE COURT:

Q. Now the defendant Cooper. A. The defendant Cooper I learned of wholly independently of this whole investigation by the Government. I learned that in this manner --

Q. Can you give us the time, approximately? A. Shortly

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after May 18, 1937. On May 18, 1937 the Government sent out a series of subpoenas to innumerable insurance companies asking for all cases, for the files of all cases in which either the firm of J. J. and L. L. Weiss, or the firm of Garrow & Garrow, or Dr. Goldstein or certain other doctors were involved; and then I examined a great many of those files that my clients were preparing for submission to the United States Attorney's office, and in the course of my examination I ran across the Cooper file, and reading the file, it appeared to me to be fraudulent --

Q. All right. That is the way you found out about it?

A. That is the way I found out about it, that is the first I heard about it.

MR. NATHAN: Has your Honor finished?

THE COURT: Yes.

BY MR. NATHAN:

Q. Now you saw the transcripts of the wire-tapping that the Government conducted, did you not? A. I did not. I may occasionally have seen one or two, but I did not as a regular thing.

Q. Were you ever refused access to those transcripts?

A. I never asked for access.

MR. DAILEY: I think this line of inquiry has been fully covered.

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THE COURT: It seems to me it is fairly repetitious just now.

MR. NATHAN: I am sorry, your Honor --

THE COURT: What is it you want to develop from him that pertains to the Garrow case?

MR. NATHAN: I wanted to ascertain the answers to the questions I am asking him, all of which I think are very material to me and bear very pertinently upon the wire-tapping so far as the Garrow case is concerned.

THE COURT: Perhaps it is due to my stupidity. Now will you tell me what --

MR. NATHAN: No, it may be my stupidity, your Honor.

THE COURT: Will you tell me, please, what facts you are trying to bring to light?

MR. NATHAN: I am trying to bring out from the mouth of this witness the use, direct and indirect, that he made of wire-tapping evidence. I am also trying to prove the use, both direct and indirect, that he made of the so-called room evidence.

THE COURT: I have no objection to your asking him that, if you will point his attention to the Garrow case. I think the witness has been sufficiently examined with reference to all Weiss matters, and that is the ruling, and now from this time forth please direct your

2 goals of Mr Ball
were representatives of

S & B assigned to
assist in USA's
office during preparation
for trial of
"Garrow Case"

is Bernstein-direct
attention to Garrow matters.

MR. NATHAN: May I note an exception?

THE COURT: Yes.

BY MR. NATHAN:

Q. Now so far as the defendant Hesseberg was concerned, did you see the transcripts of the taps to which he was a party? A. I am not quite sure whether there are any taps on Hesseberg. I do not recall ever seeing any.

Q. It has been stated here on this hearing by Mr. Dailey that there were nine such wire taps and transcripts with the defendant Hesseberg. A. Well, if that is so, I never saw them.

Q. In connection with the preparation of this Garrow case for trial, has your firm maintained at its expense representatives in the offices of the United States Attorney?

MR. DAILEY: Is that material to this inquiry, your Honor? I object to it.

THE COURT: The question is directed to the Garrow case. I will allow it.

A. Yes, two girls and Mr. Ball.

Q. Their time was spent exclusively during their working hours in the office of the United States Attorney for the use of the United States Attorney in connection with the Garrow case? A. During the times when things were

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persons mentioned in the indictment. I mean, I can think of one that I may have seen.

Q. What one is that? A. There was one wire tap with a man by the name of Silverman in which there was some discussion as to whether the doctor would coach him or the lawyer would coach him as to his symptoms, and as a matter of interest somebody ran across that and showed it to me. I don't know just who showed it to me.

Q. Who showed it to you? A. One of the assistants. I saw it. That is why I am not certain. In other words, as a regular thing we did not use the wire taps at all in the preparation of the case, but I recall that one.

Q. When were you told so far as the Garrow case is concerned that the wire taps were not to be used in connection with the preparation of the case for trial? A. I think we decided that about during or after the Weiss case; around that time.

Q. After the Weiss case was tried? A. Yes, or during the time the Weiss case was tried; around that time.

Q. Are you sure it was not until after the Weiss case was heard and determined by the Supreme Court? A. No, I know it was before that, for the reason that aside from the decision of the Courts, we had long decided that it was completely unnecessary in the Garrow case.

Q. You have used the word "we." How to whom do you

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refer by the word "we"? A. Of course, I had no authority to determine. When I say "we determined," I mean we discussed it.

"Q. Who is the "we"? A. Mr. Hardy, I suppose; Mr. Dailey, Mr. Kaufman and Mr. McKnight. We would all gather around and discuss these problems both of law and of fact. When I say "we determined," I mean we all reached a similar conclusion.

THE COURT: Do you mean to say that any group of lawyers as large as that ever agreed on anything?

THE WITNESS: That is one of the few things we agreed on, your Honor.

Q. Did you in connection with the preparation of the Garrow case for trial or prior to the time when that preparation began, confer with any of the persons who are going to be witnesses in this trial?

MR. DAILEY: I do not think that question is susceptible of an answer. I do not think anybody knows who are going to be witnesses on this trial.

MR. NATHAN: You have stated the persons. Possibly I can use your list.

THE COURT: I think your question must be confined to any person connected with the telephone tap --

MR. NATHAN: That was going to be my next question.

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THE COURT: Let us have it and save time.

What is that gentleman's name?

THE WITNESS: Silverman?

THE COURT: Now have you discussed, if you know, with any witness anything concerning Silverman's claim or its handling?

THE WITNESS: No, sir.

THE COURT: Now is it your testimony that it is your best recollection that you have not examined or listened to any transcripts or reproductions of telephone taps in connection with the preparation of the Garrow case for trial?

THE WITNESS: That is right.

THE COURT: Very good.

Now I think your examination of this witness is nearly at an end?

MR. NATHAN: Not only is it nearly at an end, it is at an end, your Honor.

THE WITNESS: Thank you.

THE COURT: Do any other counsel wish to inquire?

(No response.)

THE COURT: Next witness.

(Witness excused.)

MR. DAILEY: Unless counsel have somebody else

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they expect to call, shall we go on with the reading?

THE COURT: Is there any of Messian's testimony that can be omitted as far as you gentlemen know?

MR. YOUNG: As far as I am concerned, sir, I am perfectly willing to waive it, because I have read it; and in this connection may I venture to suggest, your Honor, do not imagine that we are engaged in any sort of dilatory tactics at all. For my part I am perfectly willing to waive it. The others say they have not read it, they have not heard it; they are in a different position.

THE COURT: I wonder if we could save some time by having them look it over, and they could reach a conclusion as to whether they wish to read it all. You can skip through it very quickly, you know, if you choose to.

MR. NATHAN: I may make this suggestion, which may be helpful. It may not. If we are given the opportunity of the rest of the afternoon to go over it, in all probability all of the defendants whose counsel are here will be able to then state to your Honor in the morning that they know what it is, and they are satisfied to have it transcribed into this record by the stenographer at his convenience, instead of being personally read.

Now there is but one reservation that I personally have to make, and that is that I have not yet read it.

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It may be that there are one or two questions similar in quantity or number to those that I asked Mr. Bernstein on matters that may not have been brought out. As I recall your Honor's ruling at the beginning of this hearing, we were to have that opportunity if there were any questions.

THE COURT: Oh yes, of course. I do not wish to curtail you in making a satisfactory ² here, but it occurs to me at least to the extent to which testimony already given needs to be supplemented for the purpose of this hearing, is pretty limited.

MR. NATHAN: I do not know that there will be any. I think if your Honor will adjourn now, and let us stay here and go through that transcript together, that we will be able to save the actual reading of it, taking up your Honor's time and our own.

THE COURT: That is entirely satisfactory.

Now is there any other witness whose testimony you desire to know anything about?

MR. NATHAN: So far as I am concerned, other than the possible calling of Dr. Messman for a few questions, if there are any that I have to ask of him, I know of no other witness. I cannot speak, nor do I speak for any other counsel.

MR. YOUNG: I do not intend to call any other

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witness.

MR. LOEB: Nor I.

THE COURT: Now I think that so far as Rosenbaum is concerned, on Mr. Dailey's statement this morning, that it is unnecessary for you to examine him now. If at the trial you think there is anything in his testimony that you think disqualifies him as a witness, you will have ample opportunity then.

MR. NATHAN: That applies to any other Government witness?

THE COURT: Yes.

MR. FORST: That is satisfactory.

THE COURT: I could not possibly in this hearing foreclose the proper consideration of objections to be made on the trial. In the light of the Supreme Court decision, I should think that would be perfectly obvious.

Then we will adjourn until tomorrow morning at 10:30, gentlemen, in the hope that we can dispose of the matter before the noon recess.

MR. YOUNG: May I suggest, your Honor, in the event we decide we do not need to have the testimony read, that perhaps we do not have to come back tomorrow morning? Can we not give you the information today at the end of the day?

THE COURT: I am at your service in any way, but

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perhaps it would be more orderly if we had the matter called in the morning, and have some one of you representing all the defendants make a statement as to the disposition of the matter.

(Adjourned to May 29, 1940, at 10:30 A. M.)

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