

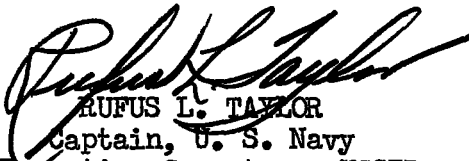
USCIB: 13.5/89

23 November 1954

~~CONFIDENTIAL~~MEMORANDUM FOR THE MEMBERS OF USCIB:

Subject: Compromise of COMINT (Petersen).

1. The enclosure hereto is circulated for information in connection with subject case.
2. It is understood that the hearing on the motion indicated in the enclosure will take place on 3 December 1954.
3. The enclosure hereto is UNCLASSIFIED and may be so handled. However, it is considered that this memorandum requires classification in order to protect the fact of the Board's interest in this case.



RUFUS L. TAYLOR
Captain, U. S. Navy
Executive Secretary, USCIB

Enclosure
a/s

USCIB: 13.5/89

~~CONFIDENTIAL~~

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

ALEXANDRIA DIVISION

UNITED STATES OF AMERICA :
 :
vs. :
 :
JOSEPH SIDNEY PETERSEN, JR., :
 :
Defendant. :

MOTION TO DISMISS

JOSEPH SIDNEY PETERSEN, JR. moves the Court to dismiss the allegation contained in Paragraph I, Count I of the Bill of Particulars heretofore filed by the United States as being without the applicable Statute of Limitations.

Attorney for the Defendant

CERTIFICATE OF SERVICE

I certify that I served a true copy of the within motion on John F. Reilly, Special Assistant to the Attorney General, Room 3262, Department of Justice, Washington, D.C. in his capacity as counsel for the U. S. of America in the case of the U. S. of Am. vs. Joseph Sidney Petersen, Jr. on this, the 19th day of November, 1954.

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

ALEXANDRIA DIVISION

UNITED STATES OF AMERICA :
VS. :
JOSEPH SIDNEY PETERSEN, JR., :
Defendant. :

POINTS AND AUTHORITIES IN SUPPORT
OF MOTION TO DISMISS

Title 50 U.S.C. 31 1946 Ed

Title 18 U.S.C. 793

Section 19 Internal Security Act of 1950

Title 18 U.S.C. 3282

U. S. Code and Congressional Service 81st Congress
2nd Session 1950 p.3905

Attorney for the Defendant

CERTIFICATE OF SERVICE

I certify that I served a true copy of the within motion on John F. Reilly, Special Assistant to the Attorney General, Room 3262, Department of Justice, Washington, D. C. in his capacity as counsel for the U. S. of America in the case of the U. S. of Am. vs. Joseph Sidney Petersen, Jr. on this, the 19th date of November, 1954.

IN THE UNITED STATES DISTRICT COURT
 FOR THE EASTERN DISTRICT OF VIRGINIA
 ALEXANDRIA DIVISION

UNITED STATES OF AMERICA :
 VS. :
 JOSEPH SIDNEY PETERSEN, JR., :
 Defendant. :

MOTION TO DISMISS

COMES NOW, Joseph Sidney Petersen, by counsel, and
 moves the Court to dismiss:

I

Count One of the Indictment against the Defendant,
 as defined by the Bill of Particulars heretofore filed by the
 United States, as void for duplicity.

II

Count Two of the Indictment, as defined by said Bill
 of Particulars, for failing to state an offense within the
 Title and Section of the United States Code, as charged in
 said Indictment.

Signed David B. Kinney
 Attorney for the Defendant

CERTIFICATE OF SERVICE

I certify that I served a true copy of the within motion
 on John F. Reilly, Special Assistant to the Attorney General, Room
 3262, Department of Justice, Washington, D. C. in his capacity as
 counsel for the U. S. of America in the case of the U. S. of Am. vs.
 Joseph Sidney Petersen, Jr. on this, the 19th day of November, 1954.

Signed David B. Kinney

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

ALEXANDRIA DIVISION

UNITED STATES OF AMERICA :

VS. :

JOSEPH SIDNEY PETERSEN, JR., :

Defendant. :

POINTS AND AUTHORITIES IN SUPPORT OF
DEFENDANT'S MOTION TO DISMISS

I

Rule 5a Federal Rules of Criminal Procedure

U.S. vs. Martinez-Gonzales
D.C. Calif. 1950 89 Fed Supp 62

U.S. vs. Greater Kansas City Retail
Coal Merchants Assn. D. C. MO 1949
85 F. Supp 503

Swenderland v. U. S. CCA Nebr 19 F.
2nd 202

Smith v. U. S. CCA Okla 1927
1 FF 2nd 723

U.S. vs. Safeway Stores of Md.
D.C. Ecn 1943 51 Fed Supp 448

41 Corpus Juris Secundum 162 et esq.
P1112

II

12 U.S.C. 793

The United States, through its Bill of Particulars
heretofore filed defined "used in a manner prejudicial to the

safety and interest of the United States" as "stored" in the apartment of the Defendant and as such does not come within the purview of Title 18 Section 793 of the United States Code.

s/ _____
Attorney for the Defendant

CERTIFICATE OF SERVICE

I certify that I served a true copy of the within pleading on John F. Reilly, Special Assistant to the Attorney General, Room 3262, Department of Justice, Washington, D. C. in his capacity as counsel for the United States of America in the case of the United States of America v. Joseph Sidney Petersen, Jr. on this, the 19th day of November, 1954.

s/ _____