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## Files Show F.B.I. Got Reports On Rosenberg-Lawyer Meetings

By PETER KIHSS

Files of the Federal Bureau of Investigation show that an informant gave the agency reports on defense lawyer-client talks, traditionally regarded as protected by confidentiality, during and after the atomic spy trial that led to the 1953 electrocution deaths of Julius and Ethel Rosenberg.

Walter Schneir, an author-researcher who has specialized in the Rosenberg case, contends that if the existence of such information had been known and the Rosenbergs could have shown this to a Federal court "they might very well have been granted a new trial." Mr. Schneir, who turned up much of the new data, was co-author

with his wife, Miriam, of "Invitation to an Inquest," a book published in 1965 that concluded that the Rosenbergs had been "punished for a crime that never occurred."

The documents cited by Mr. Schneir are among 29,000 pages made available after the executed couple's sons, Michael and Robert Meeropol, sued to see files under the Freedom of Information Act. The sons hope to demonstrate their parents' innocence.

Mr. Schneir cited F.B.I. documents dated Nov. 19, 1951, referring to an informant's reports on "visits to the Rosen-

bergs by their attorney Emanuel Bloch" in Sing Sing Prison and Feb. 29, 1952, on the informant's "contact on various occasions with Emanuel Bloch, attorney for the Rosenbergs."

"For example," Mr. Schneir said, "on Oct. 22, 1951, Emanuel Bloch and the two young sons of the Rosenbergs drove to Sing Sing for a visit. Their chauffeur was a secret F.B.I. informant."

"Inside the death house, the discussion of Bloch with his condemned clients was listened to and duly reported to the F.B.I."

"Homeward bound, the driver tried to engage Bloch to talk, hoping to pick up a few additional scraps for his F.B.I. masters."

The informant, as had previously been made known, was a prisoner with Mr. Rosenberg in the Federal House of Detention in Manhattan. He continued his relationship with the Rosenbergs and Mr. Bloch after being released from prison and was a free man when the incident cited by Mr. Schneir occurred.

Asked for comment on Mr. Schneir's assertions, an F.B.I. spokesman in Washington said

that the bureau could not go beyond the information contained in the documents.

### Coplon Case

Mr. Schneir asserted that a defendant's constitutional right to counsel "is violated if the prosecution intrudes into the lawyer-client relationship." Such an intrusion, he said, had earlier held upset the Judith Coplon spy conviction, which was not related to the Rosenberg case.

In one of the most celebrated criminal cases in the period of cold war between the United States and the Soviet Union that followed World War II, the Rosenbergs were convicted on March 29, 1951, of conspiracy to commit espionage by communicating information on the manufacture of atomic bombs to the Soviet.

Despite their continued claims of innocence, and despite worldwide protests, mostly from the left, they were electrocuted on June 19, 1953.

The star prosecution witness, David Greenglass, Mrs. Rosenberg's brother, testified that he turned over writings and sketches about the atomic bomb to the Rosenbergs in the fall of 1945 while he was a machinist in Los Alamos, N.M.

Miss Coplon, who had been a Justice Department employee, was charged with stealing Government documents and conspiring to turn them over to the Soviet Union. She was convicted in Washington, D.C., in 1949 on the charge of stealing documents and in New York City in 1950 on the espionage conspiracy charge.

On Dec. 5, 1950, a United States Court of Appeals here set aside the New York Federal Court conviction because F.B.I. agents had arrested her without a warrant.

On June 2, 1951, the Court of Appeals for the District of Columbia ruled in the documents theft case that she was entitled to a new hearing to determine whether her tele-

phone conversations with her lawyer before and during trial had been wiretapped.

### Charges Finally Dropped

The Department of Justice never sought a hearing or new trials, and on Jan. 6, 1967, it formally dropped the 17-year-old charges. Miss Coplon had denied spying, contending that she had met a Soviet diplomat only because of love and that she had been carrying papers to prepare for a civil service test and write a novel.

Much of the material in the Rosenberg case involves statements from what the F.B.I. described as "Confidential Informant T-1, of unknown reliability," who Mr. Schneir said appears to have been Jerome Tartakow, a name inadvertently disclosed in a separately released 1956 Justice Department memorandum on the Rosenberg case.

The F.B.I. position appears to have been that Mr. Tartakow was a volunteer informant, rather than a person placed to help trap someone else. Other documents show that he was a fellow prisoner with Julius Rosenberg in the Federal House of Detention in New York during and after the trial. He was credited by the F.B.I. with contributing information that helped find the final surprise prosecution witness, Ben Schneider, a passport photographer.

Why Mr. Rosenberg should have taken Mr. Tartakow for a friend is not stated in documents turned up in random earlier searches by newsmen. However, a possible clue comes from an F.B.I. memorandum of April 23, 1951, stating that the inmate had said that his mother had been in Communist activity more than 15 years.

### Daily Visits to Cell

An F. B. I. memorandum of April 9, 1951, said that Mr. Tartakow got permission several days before to visit Mr. Rosenberg in his cell several hours each evening. This, it said, occurred even though Mr. Rosenberg was otherwise in solitary confinement following his death sentence April 5.

Mr. Tartakow was finishing a 1949 Federal sentence for interstate transportation of stolen vehicles and was pleading for early parole. A memorandum dated April 13, 1951, said that the Bronx District Attor-

ney had removed a "detainer" on him for some unspecified indictment.

An April 23, 1951, memorandum reported that two Phoenix, Ariz., indictments charging Mr. Tartakow with possession of narcotics and receiving earnings of a prostitute were no longer pending, having been dismissed in September 1950.

New York prosecution files dated April 17, 1951, reported F. B. I. agents were urging early parole for the prisoner, whose term was otherwise to expire in June, to recognize his "passing information regarding Rosenberg."

Mr. Schneir said that the Nov. 19, 1951, F.B.I. compilation of data reported that the "confidential informant" had been "handicapped in his conversation with Bloch" when driving the defense lawyer to Sing Sing Oct. 22, 1951, "because of the presence of the children in the car."

The document said that "Bloch told Julius that 'Jerry' drove them up." Including material from other sources, it said a "guard's report" indicated that "Jerry" was a former fellow-prisoner, "now a great friend of Rosenberg and trying in any way he can to help."

#### Lawyer's Prison Report

One reference in the compilation was to a visit to Sing Sing Aug. 3, 1951, when Mr. Bloch reportedly told the Rosenbergs that "'Jerry' had collected \$20 which was being deposited at the commissary fund of the Rosenbergs." Mr. Bloch was quoted as saying he was "having the photographer investigated."

Mr. Schneir said the compilation indicated that Sing Sing conversations between Mr. Rosenberg and his sons had somehow been recorded. One section read as follows:

"On Sept. 7, 1951, Bloch brought the Rosenberg children to Sing Sing to visit their parents. On this occasion the children first visited with Ethel alone and later visited with Julius alone. Ethel spent her visit with the children singing songs [misspelling for 'songs'] and talking with them.

"During Julius' visit with the children, Michael, the older boy, [then 8 years old] said to his father, 'You say Uncle Dave and Aunt Ruth framed you and Mama. How is it that they are believed and not you?'"

Julius Rosenberg was quoted as telling his son, "Not all G-men are crooked, but they were sold a bill of goods by Dave and Ruth," referring to Mr. Greenglass's wife.

#### Younger Boy's Query

According to the F.B.I. report "Robert the younger son [then 4 years old] then said to Julius that 'Mama is a Greenglass, and how is it that her people are against her?'"

On a Sept. 22, 1951 visit, the compilation said, "Ethel Rosenberg instructed her lawyer that any party member wishing to maintain contact with her should do so through him." At the trial, the Rosenbergs declined as witnesses to talk about possible Communist party relationships.

On a Nov. 2 visit, the compilation went on, "Bloch read excerpts from his brief." The defense lawyer was also said to have "indicated that someone had stolen \$1,000" that had been promised for the defense fund by a Federal House of Detention inmate.

"Mrs. Rosenberg," the document continued, "asked Bloch if he suspected 'Jerry.' Bloch said no."

A Feb. 29, 1952, report on "Interviews with Confidential Informant T-1" said that Mr. Bloch had told the informant about "the great need to secure funds to assist in prosecuting the Rosenberg appeal."