Monday, January 12, 1976 The Washington Star A-3 X

Being Withheld? Are the Most Vital Rosenberg Files

By Orr Kelly
Washington Star Staff Writer

The effort of Michael and Robert Meeropol, the sons of Julius and Ethel Rosenberg, to gain access to the government's files on their parents' case has taken a bizarre and unexpected twist.

Having forced the release of tens of thousands of pages of records on the case of their parents, they have barely glanced at the materials in which historians and news reporters have found a wealth of fascinating new material.

Instead, they have concentrated on an accusation, in both the press and the courts, that the government is withholding documents that would show their parents were framed and is "fighting tooth and nail to prevent the release of most of the Rosenberg files."

NEW FREEDOM of Information laws, a tough court order and the actions of top Justice Department officials all came together late last year to result in the release of the documents on the case of the Rosenbergs, who were convicted of conspiring to send atom bomb secrets to the Soviet Union and were executed in 1953.

So far, neither the Meeropols nor their attorney, Marshall Perlin, have made any effort to study or even examine the great bulk of the documents.

Thomas Cahill, U.S. attorney in Manhattan, where six file drawers of material were made available in October, said he was particularly angered by these complaints that documents were being withheld.

"This is a hell of a note, complaining about delay in making documents available," he said in a telephone interview. "These papers have been sitting here since October."

Perlin said he had recently visited this office in New York to look at papers available there. But he acknowledged, in a telephone interview from his office in New York, that no one directly associated with the Meeropols had yet made any effort at a systematic study of papers now available.

INSTEAD, he filed a lengthy motion in U.S. District Court here asking that FBI Director Clarence M. Kelley and other bureau officials be held in contempt of court for withholding up to 800,000 pages of material related to the case.

"They're all hiding their sins," said Perlin. "I don't have the resources of the government. When we clean up the FBI, we'll go to Justice, then to the Southern District. And we haven't forgotten the CIA, either.

"None of them should feel slighted."

In an article in The New York Times last week, the Meeropols said that "contrary to the impression one might get from the press, our . . . request for the files on our parents . . . has brought about the release of less than 30 percent . . . of the FBI material."

"Clearly," they said, "the FBI is hiding significant amounts of its Rosenberg files although Justice Department press releases are implying that virtually all the files are being released."

THE QUESTION of whether the bureau is holding back large amounts of material that should be released may be resolved as the result of a hearing scheduled tomorrow before U.S. District Judge June Green. In preparation for that hearing, the government filed a lengthy response Friday to Perlin's motion. It not only asked the court to reject his attempt to have FBI officials fined for contempt but asked the judge to find that the bureau had turned over all that it is required to release.

The FBI, which bitterly resisted efforts by attorneys general, Congress and the courts to persuade it to open its files, and which has been accused by a federal judge of foot-dragging, naturally invites scepticism when it says it has, at last, made available everything that is not properly protected by considerations of national security or personal privacy.

See ROSENBERG, A-10

Continued From A-3

Thomas H. Bresson, a supervisor in the FBI's Freedom of Information Office, said in an affidavit that the bureau had checked 72,127 pages of files that might be relevant to the Rosenberg case. Of these, 31,067 were found not to be relevant; 12,681 were withheld under FOI law exemptions and 28,379 were made available, in whole or in part.

AT LEAST ONE skeptic now believes that the bureau is at last trying hard to comply with orders to open up files on the case and has made available a great deal of valuable information — although not all he hopes eventually to see. He is Allen Weinstein, a historian at Smith College, in Northampton, Mass., who has been seeking release of materials relating to the Rosenbergs and Alger Hiss for some four years.

"I'm getting a solid, substantive batch of material. I think there is more material I should get — some of it withheld on national security grounds. But how much more serious can they be? I think they are trying to comply," Weinstein said. He said he was particularly impressed by the efforts of Deputy Atty Gen. Harold R. Tyler Jr and Quinlan Shea, head of an FOI unit in the Justice Department, to open the files to public inspection.

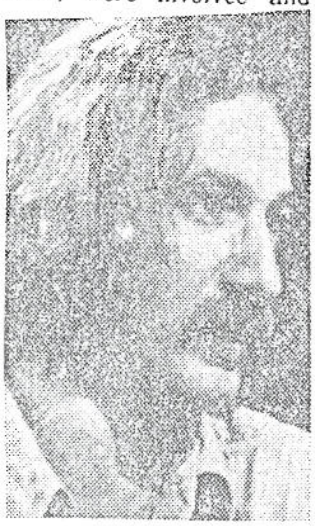
Weinstein is increasingly suspicious of the motives of the Meeropols and their associates.

"THE ATMOSPHERICS interest me," he said. "They treat everything as though nothing had changed. Well, things have changed."

The Meeropols, Weinstein said, seem to him to be engaged in an effort to manipulate the press, "to focus attention on a mirage . . . on something that hasn't happened."

"They're trying to regain the offensive. I don't think they can do it."

The materials he has seen, Weinsten said, support neither of the two inconsistent conspiracy theories that have been advanced by supporters of the Rosenbergs. One theory, he said, is that there was an atomic espionage conspiracy in which Ethel Rosenberg's brother, David Greenglass, and his wife, Ruth, were involved and



MICHAEL MEEROPOL
Accusing FBI

ROBERT MEEROPOL
Saying papers withheld

that they implicated the Rosenbergs, who were innocent, to save themselves. The other theory is that there was no espionage operation at all and the whole thing was a frameup by the government.

INSTEAD OF producing evidence to support either of these theories, Weinstein said, the papers introduced a surprising new element — an FBI informant named Jerome Eugene Tartakow who was confined with Rosenberg in the Federal House of Detentionhin New York during his trial.

"I am fascinated that the counterattack on Tartakow is so intense," Weinstein said. "That has struck a nerve. What he represents is a new element — a person who can link Julius Rosenberg to the entire case."

The documents show that the bureau was suspicious of the reports it was receiving from Tartakow, an auto thief and con man. But they also say that he provided the tip that helped the bureau find a key surprise witness in the case — a photographer named Ben Schneider who told of taking passport photos for the Rosenbergs. The implication was that they were preparing to flee the country just before their arrest.

"Tartakow fascinates me. You have the difficulty in assessing him. But you also have the Schneider business. That stands out starkly," Weinstein said.

WEINSTEIN also said he had found evidence in the documents that the prosecutors were pushed toward a commitment to seek the death penalty in order to gain the cooperation of the Atomic Energy Commmission in revealing details of atom bomb construction during the trial. There were also apparent violations of legal procedures which, if they had been known at the time, might have gained a new trial for the Rosenbergs, he said.

And nothing, he said, has changed the fact that if the Rosenbergs had been tried in the 1960s rather than the 1950s, and if they had had top-flight lawyers, they might not have been found guilty and almost certainly would not have been executed.

Whether or not the Meeropols are correct in their contention that the government is still withholding vast amounts of relevant material, the government has never before released material relating to a criminal case in the volume or of the kind that has been released in this case.

ONE RESULT of this effort on the part of the FBI, ironically, is that the processing of thousands of other requests under the amendments to the Freedom of Information Law that went into effect in February has been severely hampered.

Bresson said in his affidavit that 94 employees — about half the FOI staff — had been assigned to handling the Rosenberg case, and that the cost in salaries alone had run to more than $215,000.

Weinstein, whose court suit and request for materials on the Rosenberg case parallel the similar effort of the Meeropols, said friends have begun to complain to him.

"They say they can't get anything on their own requests because I've got the whole bureau working for me," he said.