8-2-75 WS

Judge Protects Data In Rosenberg Case

By Orr Kelly
Washington Star Staff Writer

A federal judge here, saying that it is not enough to ask executive branch officials not to destroy sensitive documents, yesterday issued an order against destruction of any of the documents sought in a suit by the two sons of Julius and Ethel Rosenberg.

"This court doesn't ask because asking isn't sufficient . . ." U.S. District Judge June L. Green said. "We will make it an order and if documents are destroyed, the people who do it will be held responsible."

GREEN DID NOT cite any specific fear that evidence pertaining to the Rosenbergs, who were executed as spies in 1953, would be destroyed. She apparently was influenced instead by the record of the the Watergate affair, which showed that government officials deliberately destroyed some records.

"There has been talk about deep-sixing certain documents," she said. "We are faced with that."

Green's decision to issue an order protecting the documents apparently caught both Marshall Perlin, attorney for Robert and Michael Meeropol, the Rosenberg's sons, and Jeffrey Axelrad, the government attorney, by surprise.

Perlin was just getting warmed up for his argument when Green cut him short and said: "Did you understand that the court will sign an order preserving the records?"

SHE, IN TURN, seemed surprised when Axelrad objected to the order. There was no reason to think anyone would destroy the records, he argued.

"If you're not going to destroy them, why object?" she asked.

Perlin also had asked Green to have all the documents in the case moved to the courthouse for safe keeping and to order the government to prepare an index or inventory of all the documents — estimated by Axelrad to total more than a million pieces of paper.

Another hearing was set for Aug. 14. Green indicated she would order some kind of inventory on the papers but that she would not take custody of them.

The Meeropol brother (The name is that of their adoptive father) are seeking access to the government files in the case in an effort to prove that there was insufficient evidence to convict the Rosenbergs of passing atomic secrets to the Soviet Union — the crime for which the couple was executed.