U.S. Billed for Freedom of Information Case

Record Rosenberg Case Fees Still Rising

By Allan Frank
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The attorney fees in the Freedom of Information Act suit filed by the sons of Julius and Ethel Rosenberg, already the largest payment ever agreed to by the government in an FOIA case, probably will increase by thousands of dollars before the case is finally resolved, according to official sources.

Under an agreement signed Thursday by Justice Department lawyers and approved by U.S. District Court Judge June L. Green, attorneys for Michael and Robert Meeropol, the sons of the Rosenbergs who use their adoptive parents' name, will receive $195,802.50 as a partial payment for work done since the FOIA suit was filed in mid-1975.

THE INTERIM payment was authorized by a 1974 amendment to the Freedom of Information Act which permits the government to pay the "reasonable" and "legitimate" legal fees of persons who have "substantially prevailed" in their suits against the government. The money covers work done by the Meeropols' attorneys from July 1975 through May 1977 in the case that the judge has described as "unique."

Justice Department officials say the settlement already exceeds the amount of money granted as attorneys' fees in any other FOIA case against the government.

As the government reached the settlement on fees — which will be paid out of General Accounting Office funds — the FBI turned over an additional 39,000 pages of documents to the Meeropols.

Marshall Perlin, chief attorney for the Meeropols, said yesterday that research on the 17 cartons of documents he has just received will take hundreds of hours and probably will reveal additional angles on the Rosenberg case.

While not revealing details of the confidential negotiations leading to the settlement, both Perlin and Justice Department officials said the fees resulting from last year's work, which has included reviewing thousands of documents, will be substantial, in the thousands of dollars.

ON SEVERAL occasions since the initial filing, Green has ordered Justice Department and FBI officials to review documents for possible release to the Meeropols that relate to the trial and execution of the Rosenbergs in 1953 on charges of conspiring to commit espionage by passing atomic secrets to the Soviet Union.

In late 1975, the Meeropols were given about 33,000 pages of documents and immediately charged that tens of thousands more documents were being withheld improperly by the government.

During the last year, more than 100,000 additional pages from various files about the Rosenbergs — which constitutes the largest single case file maintained by the government according to Justice Department officials — have been released to the Meeropols.