

Q and A

## Rosenbergs' Sons on the Case Files

Michael and Robert Meeropol are sons of Julius and Ethel Rosenberg, who were executed in 1953 after being found guilty of giving U.S. atomic secrets to the Russians. The brothers filed suit here yesterday asking the U.S. District Court to require that government files on their parents' case be turned over to the two sons. They were interviewed by Washington Star Staff Writer Orr Kelly.

**Question:** *It all happened a very long time ago. Why are you bringing it up now?*

**Michael:** For one reason, the law has only recently been amended, giving us a chance to get these files out. We didn't have the legal ammunition to do it in the past.

On a broader level, the reason we want a reopening of the Rosenberg-Sobell case [codefendant Morton Sobell was convicted and imprisoned for 18 years] has to do with the fact that the case formed, along with other cases in the 1950s, a whole pattern that created an ideology in this society.

The ideology was as follows: If you're a dissenter, if you're a leftist, if you're a Communist or if you associate with Communists or if you don't want to destroy all Communists, you are perhaps a traitor. And look, here's an example — the Rosenbergs!

Dissenter equals traitor: That was the equation created by the cases after World War II, of which the most celebrated was my parents' case. And that's a fraud.

**Q:** *Do you think the case was deliberately set up to create that impression in the country, or did the country simply drift into this as a result of the Cold War?*

**A:** I think a whole host of cases were deliberately set up to create that impression. In my opinion, the Cold War feeling was manufactured. It begins with Truman's loyalty program. After that, sometimes there's a drift, sometimes it's manipulation

from above. It's a very complicated process. No doubt about it: I believe central to this was government manipulation, government deception.

**Q:** *Do you have any reason to think that if you receive these materials you'll be able to prove your parents innocent?*

**Robert:** Seventeen pages of files were released more than two years ago by Elliot Richardson just before the Midnight Massacre. Then the cover-up continued under Saxbe.

Several of the pages that were released have been recently published in *Newsday*. One page contains an entry from the diary of Gordon Dean, who was chairman of the Atomic Energy Commission at the time. In this entry he referred to a discussion he had with a Justice Department official in which the Justice official mentioned having talked with the judge. He said the judge had agreed to give the death sentence if the evidence warrants it — and this is a month before the trial! For a Justice Department official to discuss such a thing with the judge before any evidence is entered is an indication that manipulation is going on.

**Q:** *What else?*

**A:** There is another memo in which the prosecutors say the evidence  
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against Ethel Rosenberg is very weak, but they'll seek a conviction and sentence against her in order to put pressure on my father to "cooperate." Now, again what we see here is a Justice Department official not interested in justice, but interested in a conviction to put pressure on somebody else. I think what you will see is government machinery going after a conviction without regard to the truth.

**Q:** *Does all this add up to your parents being innocent?*

**A:** Whether you actually see conclusive proof of my parents' innocence — that's a whole other story.

For instance, somebody can come up to me and say, "I was just talking with a newspaper reporter and he charged that your parents are guilty of murder — they killed somebody in 1947. Do you have proof to refute this?" I would have a very difficult time gathering proof to refute that charge.

However, that's not really my job. My job is not really to prove them innocent — to get positive proof that they didn't do it. All I have to prove is that the government did not have the evidence to convict them. And I think, looking at the files, looking at the manipulation that the government went through, we will find this evidence.

Of course, we may see something else. As we go through this procedure, as we've discovered already, more and more government pieces of evidence may be lost or pulped or whatever.

**Q:** *What do you mean by pulped?*

**A:** We have a letter from a U.S. attorney in New Mexico, Mr. Ortega, who said that all of the files in his custody — where the investigation started, where the first indictment came down against David Greenglass [Mrs. Rosenberg's brother] who provided damaging evidence on July 6, 1950 — all of those files and records were pulped in 1969. For reasons of space, they said.

**Q:** *Do you have reason to think that other records have been destroyed?*

A: We know that some FBI records have been either lost or destroyed because a Smith College historian who has been looking into the case made a number of very detailed requests for specific reports from specific FBI agents. Pursuant to the order of Atty. Gen. Richardson in the summer of '73, when the FBI and Justice Department made their first inventory of the Rosenberg-Sobell file, they replied: Well, some of these things are missing. We don't know whether some other agent has it or if they've been destroyed or something. But they're gone.

So we know about those. We also know about the Hilton Hotel registration card — a trial exhibit that was ready to be introduced but instead a photostat was introduced. And then before the first appeal was even argued, the original was returned to the hotel which allegedly made it. And, of course, the hotel had a policy of destroying cards over five years old, so they were destroyed.

Q: How much time are you devoting to the effort to get the case reopened?

A: We are working on this full time at the moment. I was teaching up until 15 months ago. I have left until this is over. I hope it doesn't last forever. Michael is on a year's leave of absence.

Q: How are you managing to live now?

A: We got an advance for the book we wrote, "We Are Your Sons," so we are living off the book. We do extensive traveling and speaking, though the proceeds of that go to the reopening effort, not to us. Fortunately, the book has done well enough to give us a living.

Q: The two of you weren't heard of by the public for 20 years. What changed that?

A: We filed a lawsuit in 1973 to protect the copyright on our parents' letters from prison. We signed our legal names to the document and our privacy, which we had pretty jealously guarded up to then, was gone overnight. [The name they have been using, Meeropol, is that of their adoptive father.] Now once that happened, anytime anybody approached us for interviews, we said yes. And then, somewhere in the winter of 1974, people became interested in working on the reopening of the case and they came to us and said: Will you work with us? And we said yes. That was the reason we went public.

Now as to why those other people were interested, everyone has different reasons.

A: Some people on our side never had stopped trying. There was a committee to free Morton Sobell right up until his release in 1969. There were books published. When we came out in public and began speaking there was a new flurry of activity.

The fact of the matter is that the public is interested. The events of the last few years, starting with Watergate, make this type of investigation very plausible. The American public doesn't necessarily accept what we have to say, but they say: Well, gee, that is possible. We ought to look into this. I think that's one thing that we've all learned in the last several years.

Q: You're taking advantage of the so-called Watergate climate?

A: The post-Watergate climate makes it possible for the majority of the American public to at least listen to us. Beforehand, Americans would just say: Oh, it's impossible. The government wouldn't do that. So we're not taking advantage of anything except maybe taking advan-

tage of the returning good sense of the American people.

Q: In May and June, your lawyers received a couple of letters from the Justice Department, including one from Atty. Gen. Levi. How do you interpret those letters and your progress toward getting the material?

A: When you file a freedom - of - information suit, the standard response is a letter saying: We are very happy to inform you that we are going to give you all the information that you desire after we make a thorough check of our documents and establish an inventory and a timetable for their release after we make sure that this does not violate national security or personal privacy or investigative methods or whatever.

In other words, the letter basically says: We'll give it to you. Then it puts all these qualifiers on it so that by the end of the letter you're not sure whether they're giving it to you or they're not giving it to you.

We got a series of letters that said things like this starting in March.

Q: In your judgment, how does it add up?

A: My assessment is that the letters say: We will give you something sometime, maybe. And please don't file a lawsuit while you're waiting for us to make up your mind.

We will be forced to continue legal action until we have more than just promises. And these letters, these double-talk letters that seem to say two things at once, it's just this type of language and letters that increase the erosion of credibility about the government.

A: Because Congress saw fit to be very detailed and specific in its requirements in these amendments to the Freedom of Information

Act, the double-talk that Rob has just described could not go on forever. The most recent letters, May 16 and June 19, acknowledged that. They said that because of the law, you may consider this reply a denial of your administrative appeal and you may seek relief in . . . and then they labeled all the courts.

So these very letters that some people misinterpreted as promising us the files were the official denials under the Freedom of Information Act for these files.

And, of course, it was essential. Congress, in its wisdom, really put the pincers around the executive branch of government and refused to allow them to keep stalling. That's why Congress did it, and they were darn right to do it. And we're very grateful that they did it. And still these agencies who tried to lobby against this law are now flouting it, only a few months after it was passed.

Q: You've asked the courts now to take custody of all of the files and then determine what you should receive. Do you think you should receive everything, or are there some limits that you've agreed to?

A: We're not interested in the names of any secret agents. They can delete that. I'm interested in everything that they have other than that. If there is material that they have that is totally irrelevant to this case — it may have to do with somebody's psychological state, or something like that, one of the witnesses — okay.

But the point is the reason I want everything is that I do not trust them when they say to me: This page, 6,542, is not relevant. We're not going to give it to you. Because they've been saying that all along. And yet when pages do come out it turns out that they are relevant.

A: And the Congress is very smart on this, too. They said we're not going to

trust the agencies to decide what's relevant. If there's an issue we will be the judge — and they specifically mandate the judge — to look at everything and then decide.

**Q:** The FBI seems to imply a problem with informants.

**A:** An informant who is not a matter of public record, we can have their names deleted. But I think that the FBI, on its record, is not really interested in protecting people's privacy: Witness the leaking of Martin Luther King's sex life to the press, etc. They are using this as a cover base. They will employ that if it suits them.

**Q:** I don't think they're talking so much about privacy as about confidentiality.

**A:** Anybody who's hiding secrets from 1950 about what they knew about somebody else at that time, runs a terrible risk. This was a historical case that influenced the life of this country. The files have to be opened. The "confidence" has to be breached, and that's a fact.



—Associated Press

Michael (left) and Robert Meeropol outside District Court where they filed suit yesterday seeking access to government files concerning the investigation and trial of their parents, Julius and Ethel Rosenberg, on spy charges.