

FBI Explains Stance on Hiss, Rosenberg Data

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The FBI says disclosure of certain information in its 30-year-old files on Alger Hiss and Julius and Ethel Rosenberg would identify "an extremely sensitive source who presently continues to furnish highly valuable information of a counterespionage nature."

An FBI official, Thomas Henry Bresson, made that argument in an affidavit filed in U.S. District Court here last week in a suit in which a historian is seeking access to the FBI files on those persons.

The affidavit is the most detailed explanation filed by the FBI on its reasons for refusing to release files on cases that have long been dormant, according to attorneys involved in suits seeking access to such files.

Bresson argued that "national security" would be harmed by the release of the files and raised the possibility that such a release also could harm numerous third parties.

The Rosenbergs were executed after their conviction in 1953 on charges of giving U.S. atomic secrets to the Soviet Union, and their case has continued to be controversial because of the government's handling of its investigation and prosecution.

Hiss was convicted in 1950 of perjury after denying he gave state secrets to Communist spies. Still claiming he is innocent, Hiss also is seeking access to his own FBI files and was recently granted access to certain portions of the files.

Bresson, a supervisory agent in the FBI's Freedom of Information Act section that handles access requests, said the release of information that people furnished to the FBI in confidence "would create a breach of the public trust invested in the FBI."

The release "would have an inhibiting effect on our present and future ability to investigate and enforce the laws of the United States," Bresson said, adding that in some instances investigations would be "impossible if the FBI cannot assure those who furnish us information that their identities will be kept confidential

—permanently confidential and not simply for 5 years, 10 years or 20 years, until a FOIA request is made."

In 1973 Attorney General Elliot L. Richardson authorized the release of certain information from FBI files in cases more than 15 years old, subject to a review by FBI personnel.

Bresson said in his affidavit that in the first half of this year the FBI received 4,831 FOIA requests, representing nearly 1 million pages of material to be processed, and that 100 persons have been assigned to the unit handling the requests.

He said the purpose of the unit is to balance the needs of privacy and national security against the "legitimate right of public access" to the materials, and that two persons are working full time on requests by Smith College historian Allen Weinstein for the Hiss and Rosenberg files. Weinstein's suit concerning access to the materials is pending before U.S. District Court Judge William B. Jones.

Bresson said that "release of this material could disclose our information-gathering capabilities during that time frame [30 years ago] could disclose our degree of expertise in certain technical areas, which, coupled with presently available knowledge, could lead to a disclosure of our current degree of expertise, and also could have a very detrimental effect on the foreign relations of the United States."

He also said the FBI had received "urgent requests" from persons involved in the Hiss and Rosenberg cases "stating that under no circumstances do they want their identities or information concerning them released by the FBI."

Bresson added that heirs of persons mentioned in FBI files have a right to privacy concerning the release of information about their families. He pointed out that much of the information in the FBI files "is raw data—unfounded allegations, rumors, untruths, false leads which of necessity must be recorded in the file and followed up in order to separate the wheat from the chaff, and eventually reach a clear, factual case which forms the basis for a prosecutive action."