

ROSENBERG FILES RETAINED BY F.B.I.

2 Researchers Demand Data but Bureau Says Records Involve 'Special Case'

By LESLEY OELSNER

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WASHINGTON, Feb. 24—"It is a special case."

So said the agent, finally, when asked to explain why the Federal Bureau of Investigation has yet to make public a single page from its secret files on Julius and Ethel Rosenberg—20 years after the Rosenbergs were executed for treason, and seven months after the then Attorney General ordered that such files be made available to researchers.

A history professor and a producer of television documentaries say they plan to go into Federal court here to demand that the F.B.I. release the Rosenberg files.

"The case won't go away," says the producer, Alvin H. Goldstein. "One hundred and thirty million words, 36 books, countless newspaper articles and two Broadway plays since the time of the case, and it's all based on conjecture."

'An Unfinished Story'

The frustration as a journalist," he added, "is that it's an unfinished story because of the files."

The fight over the files raises the question of whether the continuing debate over the Rosenberg case—a case that J. Edgar Hoover, the late director of the F.B.I. called the "crime of the century"—can ever be ended.

To Mr. Goldstein and Prof. Allen Weinstein of Smith College, it raises another question as well—whether the justice Department is going to require the F.B.I., an agency of the department, to comply with the new departmental policy on historical records.

Robert G. Dixon, Assistant Attorney General in charge of the Office of Legal Counsel, which drafted the order regarding access to historical files, said last week that "at this time, we do not plan to abandon the historical records' rule of thumb."



Associated Press

Ethel and Julius Rosenberg on their way to jail in New York on March 29, 1951, after their conviction.

But he conceded that it was "obvious" that "some hard work and perhaps some close cooperation between the F.B.I. and the Office of Legal Counsel will be needed."

The order to make the Rosenberg files available to researchers, which was signed last July by then Attorney General Elliot L. Richardson, states that investigatory files compiled by the Justice Department and more than 15 years old would be made available to persons "engaged in historical research projects." The files would be "subject to deletions to the minimum extent necessary" to protect such things as private rights and names of informants.

Subsequently, Mr. Goldstein, who had been working on a documentary about the case, and Professor Weinstein, who was working on a book about the cold war era, wrote to the F.B.I. asking for access to the Rosenberg files.

Procedures Outlined

Last September, Clarence M. Kelley, director of the F.B.I., wrote to each of them, outlining the procedures to be followed in obtaining the files. A special unit of the bureau began working on requests from historians, and in October members of the unit said the first installments of the Rosenberg files would be turned over shortly.

But since then, according to the F.B.I., "problems" have arisen. Richard Dennis, the agent assigned to process the Rosenberg papers, said, "We're waiting for the [Justice] department to decide what to do."

The basic difficulty as Mr. Dennis and others in his unit see it is that there are no precise guidelines specifying the

types of "deletions" that may be made in the files under the Richardson order.

The F.B.I. says it wants to delete any information that might either give away the names of its informers or otherwise embarrass informers, lest, it says, potential informers in the future be frightened away.

F.B.I. Challenged

But Professor Weinstein and Mr. Goldstein contend that the F.B.I. is using this rationale to withhold far more than is necessary.

Mr. Goldstein's documentary, "The Unquiet Death of Julius and Ethel Rosenberg," will be shown on public television here and in other cities tomorrow and in New York next Saturday. It will include the assertion that the F.B.I. has refused to turn over files despite promises to do so.

The F.B.I. has obtained one ruling from the Justice Department that upholds the bureau's refusal to give Mr. Goldstein some of the items he specifically requested from the Rosenberg files—three interviews with and a signed statement from David and Ruth Greenglass, the key witnesses against the Rosenberg.

Last December Robert H. Bork, then the Acting Attorney General, decided that "the situation of the Greenglasses raises the problem of privacy and related interests in very serious form." Releasing the requested information, he said, "might have a serious and chilling effect on the willingness of potential informants to confide in the F.B.I."

Mr. Goldstein disagreed. The Greenglasses, he says, were hardly secret informers; they were both witnesses in court.