

F.B.I. to Open Secret Files, With Some Deletions, on Hiss, Chambers and the Rosenbergs

By LESLEY OELSNER
Special to The New York Times

WASHINGTON, Nov. 11 — The Federal Bureau of Investigation's secret files on Alger Hiss and Whittaker Chambers — 53,000 pages long and holding, historians hope, some keys to the 25-year-old debate over the innocence or guilt of Mr. Hiss — are about to become public.

So are the secret F.B.I. files on Julius and Ethel Rosenberg, the American atom spies who were executed June 19, 1953.

And so, to some extent, are the files on Ezra Pound, the legendary and greatly influential expatriate poet who was accused of treason but was never brought to trial.

The bureau itself is preparing to release these documents, with some deletions designed to protect its informants as well as the privacy of some individuals named in the papers. The first release is expected to come this week or next, with the delivery to a Smith College professor of the first installment of the 25,000-page Rosenberg file.

The bureau is releasing these documents after years of insisting that they should never be released—and in the Hiss case in particular, after fending off as recently as last spring a lawsuit designed to open up the files.

Indeed, the bureau now plans to begin processing the Hiss papers for delivery to the same Smith professor, Allen Weinstein, as soon as the Justice Department and the American Civil Liberties Union, which brought the litigation in Mr. Weinstein's behalf, sign a consent decree in Federal court here closing the suit.

The Justice Department feels "the case is mooted," Assistant United States Attorney Michael J. Ryan said last week, because the director of the bureau, Clarence M. Kelley, agreed several weeks ago to make the Hiss papers available. The consent decree is expected to be filed in a week or two.

Sent to Prison

Mr. Hiss had been a Government official in Franklin D. Roosevelt's New Deal. When he left the Government he became President of the Carnegie Endowment for International Peace. But in the late forties he was accused by Mr. Chambers, an admitted Communist agent, of having become an undercover Communist and of having turned over to Mr. Chambers classified State Department documents.

Mr. Hiss insisted he was neither a Communist nor a spy. But he was not believed, and his insistence on his innocence was used as the basis

of perjury charges. He was tried, convicted and sent to prison.

The F.B.I. is making the files available pursuant to an order issued last July by the then Attorney General, Elliot L. Richardson. The order specified that even though the Freedom of Information Act exempted some Government-held material from mandatory public disclosure, historians should nevertheless have access to the material. It said:

Will Share Material

"Persons outside the executive branch engaged in historical research projects will be accorded access to information or material of historical interest contained within this department's investigatory files compiled for law enforcement purposes that are more than 15 years old and are no longer substantially related to current investigative or law enforcement activities, subject to deletions to the minimum extent necessary to protect law enforcement efficiency and the privacy, confidences, or other legitimate interests of any person named or identified in such files."

It is possible that the researchers who receive the material will keep it secret, but it is more likely that they will make it available, through their writings and lectures. Mr. Weinstein, a history professor and chairman of Smith's American studies program, said he would provide the Hiss and Rosenberg material to any fellow researchers who ask.

"Anything I get, any scholar who wanted it can get it," Mr. Weinstein said.

The F.B.I. has not decided who can qualify as a recipient. A spokesman suggested that the bureau would at least consider requests by newspaper reporters.

It is possible that the bureau will delete items that historians feel should not be deleted. In that case, the researchers can appeal to the Justice Department's Office of Legal Counsel. If that fails, they can attempt to obtain the material by filing suit in Federal Court here.

The bureau had long resisted requests for information from its files on the grounds that disclosure would endanger its operations—by identifying informants and modes of surveillance, for instance—and that it would thus endanger the na-

tional security. But because of the Richardson order, the F.B.I. unit in its External Affairs Division to process any request.

At the moment, there are three agents in the unit, all of them lawyers and, typical of bureau members, rather publicity shy—James C. Farrington, who is in charge; Alan McCreight and Richard Dennis. There are several clerical assistants, and more agents are expected to be assigned.

The agents sit at their desks

in a cramped office on the set up in September a special fourth floor of the Justice Department building here, reading the files, here and there crossing out a name with a red felt pen.

"We're feeling our way," Mr. Farrington said, eager to cooperate with the new "openness" policy but nervous that potential informants might misunderstand the disclosure procedure and withhold information. . .

Already, some requests have been answered (sometimes in the negative, because the requested files don't exist). The unit has turned over the bureau file on Amelia Earhart, the pilot—a "correspondence file" actually, a staff member said. While the F.B.I. did not investigate her disappearance in July, 1937, in the South Pacific on an around-the-world flight, the bureau received many letters about the case.

Some requested information and others offered it.

The unit has also received a request for its file on the great Brinks, Inc. robbery in Massachusetts on Jan. 7, 1950, in which about \$1.2-million in cash was stolen. The agents, who assess a fee for such processing costs as photocopying and clerical work, have approved the request and notified the would-be recipient of the estimated cost. It is awaiting

the unidentified researcher's word on whether to proceed.

The bureau declines to disclose the names of the persons requesting the material. All that could be learned of the request for the Ezra Pound papers is that it is from a Yale professor.

The only exception the bureau makes is that if several persons are requesting the same material, the bureau may tell each of them the others' names so that they may share

the cost of processing the material.

The F.B.I. also suggests that researchers "formulate" their requests as narrowly as possible, for costs run high. In the Hiss case, Mr. Kelley told Mr. Weinstein that the bureau "conservatively" estimated the cost of processing all the files at \$12,895. He estimated the cost in the Rosenberg case at \$5,000.

Some scholars though not Mr. Weinstein, have suggested

that Mr. Hiss was the victim of an "F.B.I. conspiracy."

The controversy over his conviction in 1950 has endured in part because of President Nixon's involvement as a young Congressman in the original Congressional inquiry of Mr. Hiss in the forties. Mr. Hiss, now 70, is still in demand for interviews and speeches, and this Wednesday he will address the Washington, D. C. chapter of Americans for Democratic Action.