

Historians Get a Few F.B.I. Hiss Files

By LESLEY OELSNER
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WASHINGTON, Jan. 27—The Federal Bureau of Investigation finally began last week to turn over to historians the secret F.B.I. files on Alger Hiss.

However, some of the persons who have been demanding the papers contend that the agency is failing to comply with Justice Department rules providing access to such files.

The first installment of the papers, delivered Friday morning to Prof. Allen Weinstein of Smith College, was just 17 pages long, out of a file 53,000 pages thick.

The delivery, moreover, came four months after the director of the F.B.I., Clarence M. Kelley, wrote to Mr. Weinstein to tell him he could have access to the papers. Mr. Kelley's letter, for its part, was based on an order announced two months earlier by the then

Attorney General, Elliot L. Richardson.

"At this rate, it'll take me 1,040 years," Mr. Weinstein said. "It's like giving me nothing."

John H. F. Shattuck of the American Civil Liberties Union, the attorney who has been representing Mr. Weinstein in his attempt to get the Hiss files, said that unless a substantial delivery of papers was made in the next two weeks, he would go to Federal court and ask that the bureau be required to comply with the Richardson order.

To Seek Timetable

He will also ask the court to set a timetable requiring the bureau to turn over all the documents within three or four months, he said.

To both Mr. Shattuck and Mr. Weinstein, the import of the case has now grown beyond the original issue of free-

dom of information. Mr. Weinstein said "The basic issue is whether the Justice Department is going to exercise policy control over the F.B.I."

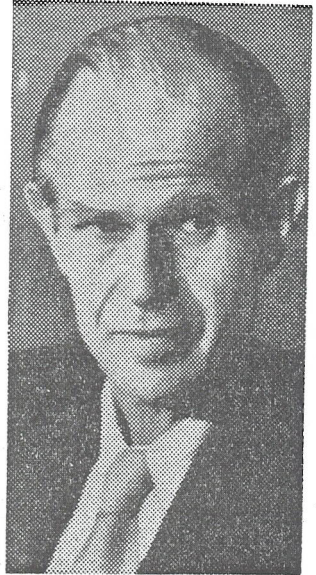
The precise causes of the delay are somewhat hard to pin down, however. The justice Department lawyer representing the Government in the long litigation over the films, Michael Ryan, said that the matter of the disclosure was "strictly between Mr. Weinstein and the F.B.I."

"I have no control over the F.B.I. whatsoever," he added.

But the bureau's unit that handles the processing of rules for historians, under the Richardson order, insists that at least part of the delay resulted because "legal questions" must be resolved, such as how much disclosure may be made without violating privacy rights of persons named in the files.

A lawyer in the Justice Department's Office of Legal Counsel, to whom these "legal questions" are forwarded, responded to an inquiry by reading part of a letter he had sent to another scholar who had asked about delays in getting F.B.I. files. The letter described the time-consuming process of processing the files, as well as the necessity for resolving legal questions.

Mr. Weinstein, a history professor who is working on a book about the cold war, wants to read the Hiss files to determine whether they provide any new information in the guilt or innocence of Mr. Hiss, the former New Deal official and



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foundation President who was accused of being a Communist, who denied it, and who was convicted of perjury in a celebrated case.

The professor has promised to make the material available to others. He will disclose the content of the 17 pages, he said Friday, once he gets the official "covering letter" that was supposed to accompany them.

Mr. Weinstein began seeking the files some time ago, and, when his first attempts were unsuccessful, Mr. Shattuck brought a lawsuit in his behalf. The suit before Judge William B. Jones of the United States District Court here argued that both the First Amendment and the Freedom of Information Act required the bureau to provide the material.