

# Saxbe Backs F.B.I. Deletions in Hiss Case Files Sent to Scholar

Attorney General William B. Saxbe was described yesterday as having "reversed the spirit, if not the letter" of a 15-month-old policy by his predecessor Elliot L. Richardson, that had authorized scholarly access to investigatory files more than 15 years old, such as in the Alger Hiss case.

A letter by Mr. Saxbe, upholding Federal Bureau of Investigation deletions and refusals of major records in the celebrated Hiss case, was made known here by John H. F. Shattuck, counsel for the American Civil Liberties Union.

He said he would "resuscitate" a suit started in November, 1972, for access to the files by Allen Weinstein, associate professor of history and director of American studies at Smith College.

In Northampton, Mass., Professor Weinstein, charging that Mr. Saxbe was reversing the Richardson policy, asserted, "It seems now that Watergate is behind us, the Administration

can afford to be less sensitive." He also criticized President Ford for vetoing last Thursday amendments that would have made government information more accessible and would have narrowed the definition of investigatory data that could be withheld.

Mr. Hiss, a former State Department official who will be 70 years old next month, was convicted in 1950 of perjury for denying that he gave department documents in the nineteen-thirties to Whittaker Chambers, a self-described Soviet spy courier. He still maintains his innocence of the charge.

Professor Weinstein, who is 37 years old, has been working on a book on the Hiss case for Alfred A. Knopf, Inc., hoping for mid-1975 publication. He said he had "no line," and was trying to study the case "from scratch" through interviews and records in as "fair and balanced" a way as he could.

Last November, the Justice Department unsuccessfully

sought to dismiss the Weinstein suit as "moot" on its assertion that Clarence M. Kelley, director of the F.B.I., had agreed to make Hiss papers available.

Professor Weinstein said the Justice Department since then had let him look through "several thousand pages" of department files, including prosecution records. But he said he had received only 173 pages of 53,000 in F.B.I. data that were to have been processed for him by the bureau on his readiness to pay a requested \$12,895.

**Unusability Charged.**

The F.B.I. reports sent him none since last April — were "almost unusable, butchered, almost every name out" except for identities of Mr. Hiss, his wife Priscilla and Mr. Chambers, Professor Weinstein said. He said he had paid about \$2,300 for the Justice Department material given him, but the F.B.I. had asked for and got only a \$50 deposit for the first 17 pages sent him.

"I don't want the names of anonymous informants who might be threatened by exposure," Professor Weinstein said. What he did want, he said, were depositions and interviews of persons like Mr. Chambers who became public witnesses.

has determined that excisions from the documents released to date are called for in light of the deletions provided for in the historical files policy to protect the identities of informants, the privacy of individuals, law-enforcement techniques and the like.

He has also decided that F.B.I. reports of interviews with witnesses who testified at the Hiss and Rosenberg trials Julius and Ethel Rosenberg were executed in 1953 for conspiracy in atomic espionage cannot be reissued to Professor Weinstein without compromising the bureau's law-enforcement capabilities or seriously invading the personal privacy of individuals referred to in the reports.

William A. Reuben, a New

York City author of books on the Hiss and Rosenberg cases, has pending specific narrower requests for a book, "Where It All Began; Richard Nixon and the Frameup of Alger Hiss," for which he said he had a contract with G. P. Putnam's Sons.

Mr. Reuben said he was charged \$127.50 last week when he was finally allowed to look over 20 F.B.I. files on the Hiss case. Of these, he estimated 70 to 80 per cent were "legal briefs or newspaper clippings."

He said he had been told that he might get reports dealing with witnesses, provided he brought in advance releases from them. He said he had also been promised a search for microfilms that were not put into evidence in the Hiss trials.

Mr. Saxbe's letter was a response after six months to a March 14 letter by Mr. Shattuck and still earlier appeals by Professor Weinstein. Dated Oct. 10 and received last Thursday, it said in part:

"Under the policy, although such records are exempt from compulsory disclosure under the Freedom of Information Act, the Attorney General or his delegate, in his sole discretion, may determine when releases are warranted.

"Director Kelley, to whom the matter has been delegated,