

WXP^{ost} DEC 2 1975 LE 4.5

Rosenberg Fees Waived

By William Chapman
Washington Post Staff Writer

The Justice Department yesterday waived more than \$20,000 in fees that the FBI had wanted to charge for the release of FBI records in the espionage case of Julius and Ethel Rosenberg.

FBI Director Clarence M. Kelley still had a week-old request for a waiver of fees on his desk when Deputy Attorney General Harold R. Tyler Jr. announced the files would be made public without cost on Wednesday.

Tyler said the Rosenberg

case "is close to being unique in terms of both current public interest and historical significance."

"It now appears that the search fees here involved could delay, or even prevent, the release of some or all of the records in this case concerning which no compelling reason for withholding exists."

His ruling means that nearly 30,000 pages, including hundreds of long-secret FBI internal messages and memoranda, will be made public despite the FBI's

reluctance to release them without charge.

The FBI had set a fee of \$20,458 as representing the cost of searching its own records to comply with an Aug. 27 court decision that ordered the material made public.

The Freedom of Information Act permits agencies of government to charge such fees, but it also allows charges to be waived if the material is considered to be of general public interest.

See ROSENBERGS, A8, Col. 1

ROSENBERGS, From A1

Kelley was asked on Nov. 24 to waive the fees. The request was submitted by Emily Almah, professor of Sociology at Rutgers University, who is writing a book on the case. As of noon yesterday, Kelley had not responded and the Justice Department announced its own decision to set aside the charges. Those examining the documents must pay 10 cents a page for duplication.

Tyler based his ruling on requests from Allen Weinstein, professor of history at Smith College, and from reporters for The Washington Star and The Washington Post.

Tyler said the total cost in preparing the documents for public release amounted to \$215,000 and said that the FBI had acted properly in assessing the fee in the first place. He said the Justice Department could waive the fee only in cases where "an overriding public interest" had been established.

The suit for release of the FBI records had been brought under the Freedom of Information Act by Robert and Michael Meeropol, the sons of Julius and Ethel

Rosenberg. They have contended that the complete records would show that their parents were victims of a government frame-up.

The Rosenbergs were executed in 1953 after having been convicted of conspiracy to steal atom bomb secrets for the Soviet Union. The executions aroused a worldwide controversy, and arguments over their guilt or innocence still go on. The FBI records contain many confidential teletype messages from agents involved in the Rosenberg case.

Meanwhile, the Central Intelligence Agency waived \$14,155.30 in fees and agreed to make available without cost 953 pages of records from its files on the Rosenberg case. The waiver had been requested by a reporter from The Washington Post.

Mud Slide Kills 7

TOKYO, DEC. 1. (UPI)—Tons of mud slid downhill at a partly constructed golf course over the weekend, killing seven construction workers. Police said 11 workers were buried alive at Kamo Country Club, but four were pulled from the muck.