

NOTICE

THE BEST COPIES OBTAINABLE ARE INCLUDED IN THE REPRODUCTION OF THE FILE. PAGES INCLUDED THAT ARE BLURRED, LIGHT OR OTHERWISE DIFFICULT TO READ ARE THE RESULT OF THE CONDITION AND OR COLOR OF THE ORIGINALS PROVIDED. THESE ARE THE BEST COPIES AVAILABLE.

F.O.I.A.

JULIUS ROSENBERG ET AL.

FILE DESCRIPTION

Headquarters

FILE

SUBJECT

Julius & Ethel Rosenberg

FILE NO.

65-58236

VOLUME NO.

43

SERIALS

2

2430

2470

File No: 65-58236
Sheet 43

Re: Julius and Ethel Rosenberg

Date: _____
(month/year)

Serial	Date	Description (Type of communication, to, from)	No. of Pages		Exemptions used or, to whom referred (Identify statute if (b)(3) cited)
			Actual	Released	
2430	5/8/70	Felt memo to Tolson and encl.	2/1	2/1	
NR	5/7/70	3rd party let HQ and encl.	1/1	1/1	b7c
NR	6/1/70	Marshall memo to Tavel and encl.	1/26	1/26	
2431	5/25/70	Brannigan memo to Sullivan	2	2	b7c
2432	5/21/70	NY AIT HQ and encl.	1/14	1/14	
2433	6/3/70	NY let HQ and encl.	1/1	1/1	b2 b7D
2434	8/24/70	Jones memo to Bishop	1	1	
NR	1/29/70	Newsarticle	1	1	
NR	2/20/67	SA memo to SAC, NY	3	2	b1
2435	12/31/70	3rd party telegram HQ	1	1	b7c
NR	1/28/72	NY let HQ	2	0	b1
2436	7/20/73	3rd party let HQ	1	1	

60 57 3 0 0 0
rev rel deny ref presumed proper

File No: 65-58286 Re: Rosenberg Date: _____
Sept 43 (month/year)

Serial	Date	Description (Type of communication, to, from)	No. of Pages		Exemptions used or, to whom referred (Identify statute if (b)(3) cited)
			Actual	Released	
2436	8/13/73	HA let 3 rd party	2	2	
2437	8/17/73	Herrington memo to Director	1	1	
2438	9/1/73	SI TT HQ and encl.	2/1	2/1	
2439	9/12/73	NY TT HQ	3	3	b7c
2440	8/15/73	Def let HQ and encl.	1/6	1/6	
2440	9/13/73	HQ let 3 rd party	2	2	
2440X	9/18/73	3 rd party let HQ	1	1	
2440X1	10/3/73	3 rd party let HQ	2	2	
2441	9/21/73	HQ let 3 rd party	2	2	
NR	10/12/73	NY TT HQ	3	3	
2442	10/25/73	Malmfeldt memo to Franck	2	2	
2443	11/13/73	3 rd party let HQ and encl.	1/2	1/2	b7c b2

41 41 0 0 0
rev rel deny. ref presumed proper

File No: 65-58236
sect 43

Re: Rosenberg

Date: _____
(month/year)

Serial	Date	Description (Type of communication, to, from)	No. of Pages		Exemptions used or, to whom referred (Identify statute if (b)(3) cited)
			Actual	Released	
2443	11/20/73	HQ let 3 rd party	2	2	b7C
2444	11/30/73	3 rd party let HQ	1	1	
2444	11/29/73	HQ let 3 rd party + incl.	2/1	2/1	b7C b2
2445	11/20/73	Malmfeldt memo to Frank	1	1	
2445	11/23/73	HQ let DOJ	3	3	
2446	11/23/73	HQ let DOJ	2	2	
2447	12/14/73	3 rd party let to Senator	2	2	
NR	12/4/73	Frank memo to Callahan	2	2	
2448	12/19/73	Malmfeldt memo to Frank + incl.	1/2	1/2	
2448x	12/21/73	DOJ let HQ	2	2	
2448x1	1/2/74	3 rd party let DOJ	3	3	

24 22 0 0 0
rev rel deny ref presumed proper

File No: 65-58236
sect 43

Re: Rosenbergs

Date: _____
(month/year)

Serial	Date	Description (Type of communication, to, from)	No. of Pages		Exemptions used or, to whom referred (Identify statute if (b)(3) cited)
			Actual	Released	
2449	1/25/74	3rd party let HQ	1	1	
2449	2/6/74	HQ let 3rd party	2	2	
2450	2/1/74	Dof memo	2	2	
2451	2/4/74	Dof let 3rd party	2	2	
NR	1/29/74	Malmfeldt memo to French	3	3	
NR	2-4-74	3rd party let HQ	1	1	
NR	2/19/74	HQ let Dof	2	2	
NR	1/21/74	3rd party let HQ	1	1	
NR	2/11/74	HQ let 3rd party	2	2	b7C b2
NR	2/21/74	Malmfeldt memo to French	1	1	
NR	1/24/74	3rd party let HQ	1	1	
NR	2/11/74	HQ let 3rd party	3	3	
2452	2/25/74	3rd party let HQ	2	2	b7C

23 19 0 0
nr rel deny ref presumed preproc

File No: 65-58236
Sub 43

Re: Rosenbergs

Date: _____
(month/year)

Serial	Date	Description (Type of communication, to, from)	No. of Pages		Exemptions used or, to whom referred (Identify statute if (b)(3) cited)
			Actual	Released	
2452	3/4/74	HQ let 3 rd party	1	1	b7c
2452	2/25/74	3 rd party let HQ	2		duplicate
2452	3/4/74	HQ let 3 rd party	1		duplicate
NR	2/12/74	Malmfeldt memo to Frank	4	4	
NR	2/19/74	3 rd party let 3 rd party	2	2	
NR	2/22/74	Malmfeldt memo to Frank	1	1	
2453	2/25/74	3 rd party let HQ	2	2	
2453	3/7/74	HQ let 3 rd party	1	1	
2454	2/25/74	3 rd party let HQ	1	1	
2454	3/4/74	HQ let 3 rd party	1	1	
NR	3/8/74	3 rd party let HQ and ^{eng.}	1/2	1/2	
NR	2/18/74	3 rd party let HQ	1	1	

17 17 0 0
rev re deny ref presumed prepro

File No: 65-58036
part 43

Re: Rosenbergs

Date: _____
(month/year)

Serial	Date	Description (Type of communication, to, from)	No. of Pages		Exemptions used or, to whom referred (Identify statute if (b)(3) cited)
			Actual	Released	
NR	3/11/74	HQ let to 3rd party	2	2	
2455	3/14/74	3rd party let HQ and encl.	1/1	1/1	
2455	3/13/74	HQ let 3rd party	1	1	
NR	3/21/74	DOJ R/S HQ and encl.	1/2	1/2	
NR	3/4/74	HQ let DOJ	2	2	
2456	3/12/74	Malmfeldt memo to French	1	1	
2457	3/6/74	3rd party let HQ	1	1	
2457	3/14/74	HQ let 3rd party	2	2	
NR	3/14/74	3rd party let HQ	3	3	
2458	3/18/74	3rd party let HQ and encl.	1/2	1/2	
2458	3/26/74	HQ let 3rd party	2	2	
2459	3/28/74	HQ let 3rd party	2	2	

24 24 0 0
rev rel deny ref presumed preproc

File No: 105-55236
Sept 43

Re: Rosenbergs

Date: _____
(month/year)

Serial	Date	Description (Type of communication, to, from)	No. of Pages		Exemptions used or, to whom referred (Identify statute if (b)(3) cited)
			Actual	Released	
2460	3/19/74	3rd party let HQ	1	1	
2460	3/27/74	HQ let 3rd party	2	2	
2461	3/21/74	3rd party let HQ	1	1	
2461	4/3/74	HQ let 3rd party	1	1	
2462	4/2/74	3rd party let 3rd party and encl.	2/5	2/4	b7C b2
2463	4/19/74	Manila let HQ and encl.	1/2	1/2	
2464	4/11/74	Dof let HQ and encl.	1/2	1/2	
2464	4/19/74	HQ let Dof	1	1	
NR	4/22/74	RH R/S HQ and encl.	1/1	1/1	b7C
NR	4/22/74	RH R/S HQ and encl.	1/1	1/1	b7C
NR	4/22/74	RH R/S HQ and encl.	1/1	1/1	b7C duplicate

25 24
nr nr deny ref presumed proper

File No: 65-58236
sect 43

Re: Rosenbergs

Date: _____
(month/year)

Serial	Date	Description (Type of communication, to, from)	No. of Pages		Exemptions used or, to whom referred (Identify statute if (b)(3) cited)
			Actual	Released	
NR	4/22/74	RH R/S HQ and encl.	1/1	1/1	duplicate b7C
2465	4/15/74	DOJ let 3rd party	2	2	
2466	4/23/74	DOJ let 3rd party	1	1	
2467	4/16/74	3rd party let HQ and encl.	1/1	1/1	
2467	4/25/74	HQ let 3rd party	1	1	
NR	4/30/74	Ny let HQ	1	1	
2468	5/1/74	HQ let 3rd party and encl.	2/6	2/6	b7C
2468	4/17/74	3rd party let HQ	2	2	
2469	4/26/74	HQ let 3rd party and encl.	1/1	1/1	
2470	2/27/74	Brannigan memo to Wannall	3	3	b1
2470	3/12/74	Brannigan memo to Wannall and encl.	3/2	3/2	

29 new 26 rel deny 0 ref presumed 0 prepared

RECEIVED MAY 5, 1970

Mr. Irving R. Kaufman
1185 Park Avenue
New York, N. Y. 10028

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 8/5/86 BY 3042 PWT/aw

YOU ARE A FINE "JEW"... I HOPE
YOU AND YOUR FAMILY CAN SLEEP NIGHTS. . . .
MAY "GOD" HAVE MERCY ON YOUR LOUSEY SOUL...

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 8/5/86 BY 3042 PWT/aw

Memorandum to Mr. Tolson
Re: Julius Rosenberg

OBSERVATIONS

There is no indication that any of the communications received by Judge Kaufman constitute violations of any Federal law and no action was requested by Judge Kaufman other than that the Director be made aware of these developments.

RECOMMENDATION

That this memorandum and the enclosures be routed to the Director for his information.

b *✓* *Fm* *mm*

UNITED STATES GOVERNMENT

Memorandum

TO : MR. TOLSON

DATE: May 8, 1970

FROM : W. M. FELT

SUBJECT: JULIUS ROSENBERG
ESPIONAGE - R

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 8/5/86 BY 3042 PWT/AUS

Tolson ☒
DeLoach ☒
Mohr ☒
Bishop ☒
Casper ☒
Callahan ☒
Conrad ☒
Felt ☒
Gale ☒
Rosen ☒
Sullivan ☒
Tavel ☒
Trotter ☒
Tele. Room ☒
Holmes ☒
Gandy ☒

On 5/7/70 I contacted Judge Irving R. Kaufman, U. S. Circuit Court of Appeals, New York, New York, in connection with the inspection of the New York Office.

Judge Kaufman was most cordial and expressed extremely high regard for the Director. He was very complimentary concerning the operations of the New York Office.

The Judge expressed concern about the distortions concerning the captioned case in a current Broadway play entitled, "Inquest." This play purports to be a "documentary" account of the espionage trial of Julius and Ethel Rosenberg. A letterhead memorandum concerning this play was furnished the Bureau by the New York Office on 4/21/70.

Julius and Ethel Rosenberg were indicted on 8/17/50 for conspiracy to commit espionage in transmitting to the USSR data concerning the atomic bomb. They were tried in U. S. District Court in March, 1951, and found guilty by the jury. They were sentenced to death on 4/5/51 by Judge Kaufman. They were executed at Sing Sing prison on 6/19/53 after 6 appeals to the U. S. Supreme Court.

According to Judge Kaufman the play is slanted to show the Rosenbergs were political victims and that Judge Kaufman, who is actually portrayed, was vicious and unfair. Judge Kaufman also said that references to the FBI were slanted.

As a result of this Judge Kaufman has received several anonymous communications criticizing him for his part in the trial. The most recent was an anonymous letter received on 5/5/70. This consisted of a 3 x 5 card and typed in red thereon was the statement, "You are a fine Jew" . . . I hope you and your family can sleep nights . . . May 'God' have mercy on your lousy soul. Enclosed with this card was an "Inquest" play program. 65-58236-2430

He requested that this be shown to the Director

17 MAY 13 1970

65-58236

ENCLOSURE

Enclosures

MAY 14 1970

1 - Messrs. Bishop and DeLoach

1 - SAC contact file on Judge Irving R. Kaufman (SOG)

54 JUN 2 1970

CONTINUED - OVER

PERS. REC. UNIT

UNRECORDED COPY FILED IN 94-4-5046

May 7 1970

Tolson
 Mr. DeLoach
 Mr. Mohr
 Mr. Bishop
 Mr. Casper
 Mr. Callahan
 Mr. Conrad
 Mr. Felt
 Mr. Gale
 Mr. Rosen
 Mr. Sullivan
 Mr. Tavel
 Mr. Trotter
 Tele. Room
 Miss Holmes
 Miss Gandy

Mr. J. Edgar Hoover.
 Federal Bureau of Investigation.
 Washington, D.C. 20535

My dear Mr. Hoover:

I was Honorably Retired from the U.S. Navy after serving from [REDACTED]

While in Boston, Mass., then serving in the [REDACTED] I was approached by one of the then Communist fronts, with a proposition that sounded fishy, e.g. Subversion from within by dissatisfied service men, with the promise of money and all the female companionship I so desired.

Confiding in my Skipper, he contacted the local office of the F.B.I. in Boston, and was interviewed by one of the Agents in the Skipper's Cabin, he being present at that time. They both were of the opinion, I would be contacted further and if so, I was to report it to the Skipper, who in turn would report it to the local F.B.I. office.

However we were in the process of fitting out, in preparation for a Shake-Down Cruise to northern Europe. Upon our return, about six or eight weeks later, nothing more developed, nor contact attempted, so I forgot about it, until I read the enclosed item, by Jack O'BRIAN. While not related in any way, it was interesting to read, at this late date, the same technique used to slant the True Facts, established, beyond a shadow of a doubt, by the Masters of The Big Lie, to influence the gullible. It also runs parallel with the Anarchistic Rabble in our Colleges, and by Teachers, who as a result of their own deficiencies, curry favor from the few dissident trouble making, radical Students.

My comment to this item: isn't there some way to counteract this obvious distortion of the true facts?

I often wondered, if my own experience, was of a magnitude, to have been reported to the F.B.I. in Washington, D.C.

Your comments would be most appreciated, by one who still believes in Fidelity, Zeal and Devotion to the United States Government is not passe.

65-58236

NOT RECORDED

120 MAY 20 1970

Yours truly,

ALL INFORMATION CONTAINED
 HEREIN IS UNCLASSIFIED
 DATE 8/5/86 BY 3042 [REDACTED]

ENCLOSURE

55 MAY 26 1970

CORRESPONDENCE

Lab 70 5-19-70 NK
 5-19-70
 5-19-70

ORIGINAL FILED IN 62-01-78-100

Voice Of Broadway

By JACK O'BRIEN

"Inquest" is a courtroom drama played against the story of convicted atomic spies Julius and Ethel Rosenberg and it would have had two chances at credibility: one, if it were played before audiences that never had heard of the Rosenberg Case; second, if it had been played as a roman a clef, candidly fictionalizing its parts and characters to make its points, which are heavily slanted sympathy, in a trace which concludes that the Rosenbergs were convicted by a totally evil establishment.

This point is crunched into the air from the stage of the Music Box Theatre with such fantastically slanted, tilted dramaturgy as might mystify any student of the famous case. It twists and strangles in its fits of anti-integrity. Take the ultimate, terminal moral stated flatly at its finish: James Whitmore, playing Emanuel Bloch, the Rosenbergs' attorney, stands in a spotlight surrounded by the gloom of the stage on which the convicted spies had just been electrocuted. After pleading with Judge Irving Kaufman to change the sentence to life imprisonment he soliloquizes flatly that in his 30 years of being an Officer of the Court, he never had realized the evil of men in high places.

It is a tragically rueful finale, a departing speech which is a moment of terror; or would have been if the true court record—which "Inquest" so often insists it uses—were not there for any crime or court student or investigating reporter to study.

The Rosenbergs were convicted by the unanimous verdict of the Federal Court jury after a trial which counsel for the defense, Emanuel Bloch, described as follows: "I would like to say to the Court on behalf of all defense counsel that we feel that you have treated us with the utmost courtesy, that you have extended to us the privileges that we expect as lawyers, and despite any disagreements we may have had with the Court on questions of law, we feel that the trial has been conducted and we hope we have contributed our share, with the dignity and that decorum that befits an American trial."

After the verdict, the same Rosenberg defense counsel said, "I want to extend my appreciation to the Court for its courtesies." After the sentencing: "I believe that in this posture of the case, in retrospect, we can all say that we attempted to have this case tried as we expect criminal cases to be tried in this country; we tried to keep out extraneous issues; we tried to conduct ourselves as lawyers, and I know the Court conducted itself as an American judge."

The judge to whom these laudatory remarks in actual truth were delivered was Irving R. Kaufman, whose conduct and performance were so highly impressive that he was promoted to the U.S. Court of Appeals by its famed liberal Chief Judge Learned Hand. He was named thereto by Pres. John F. Kennedy after the most rigorous investigation of everything in Judge Kaufman's background; he was confirmed by the U.S. Senate.

After the Rosenberg case left Kaufman's court, wherein they were convicted by a jury, the case was affirmed in appeal to the U.S. Court of Appeals,

which consisted of Judges Jerome Frank (an architect of the New Deal and former Yale law professor), and Judges Swan and Chase, a notably libertarian court. Thereafter the case was appealed unsuccessfully to the U.S. Supreme Court on at least seven occasions.

Again, "Inquest" might be an effective, well-acted, well-produced and directed play except that all characters are portrayed as specifically from the court records—but: The play also offers scenes labeled "Reconstructions."

These need no sworn testimony, however skulked out of court context. The back-program notes quietly, but not enough, cop out furtively that, "The 'Reconstructions' draw on letters and verbal reports but they are inventions in the service of truth rather than facts." The notes also state "FBI interrogations" come from "memos and tapes from the offices of lawyers" involved in the case. These "interrogations" were "published abroad," the program states.

Author Donald Freed states he used "actual transcripts" of the case as "reference tools." Still—could not defense attorney Emanuel Bloch be used as a current, provable "reference tool" to prove this attempt at a final castigation of the "evil" among men in high U.S. places? Hardly: for Emanuel Bloch is dead.

The transparent upending of the truth starts at the play's very beginning: Flamboyantly, the court is ordered to rise and recite the Pledge of Allegiance to the U.S. flag. Many in the first night audience did. It is a heavily emphasized scene, aimed at establishing the jingoistic antipathy of the federal court. Except for one thing—NO Pledge of Allegiance took place in the court.

Not at all. Nowhere in the play was it mentioned, as it was in court, that despite the Rosenbergs flat denial they intended to flee the country when they heard that admitted Soviet spy Klaus Fuchs, head of the British atomic commission at Los Alamos, where the bomb data was proven stolen, was "talking"—that the Rosenbergs indeed had had passport photos made the very next day, which they also denied; except that a passport photographer who

saw their pictures in the newspapers delivered the photos to the Justice Department and testified to the fact, time and date.

When this play was produced first in Cleveland and was reviewed enthusiastically by the N.Y. Times—twice—former Federal Judge Simon H. Rifkind, a famed civil libertarian, ripped its so-called "documentary" facts to bits. "Inquest" is not a fictionalized switch on an actual event, Judge Rifkind emphasized, but a pretense at what it hopes will be accepted as "truth."

Rifkind notes the play as well as two separate reviews (in the N.Y. Times) "present the Rosenbergs as innocent of the crime of which they were convicted." Judge Rifkind asserted the reviewers went beyond criticism and had "ventured into the writing of history," in the course of which they had asserted the long array of judges known for their "extraordinary devotion to human liberty," had

One final comment on the manner of presenting "hot sides" in the play: The Rosenbergs were portrayed as soft sympathetic, ingenuous, even innocent Little People whose concerns were their children, the Brooklyn Dodgers, music and the pure, unsophisticated gemütlichkeit pleasures. Judge Kaufman, a most distinguished jurist, was presented as an eager beaver whose manual gestures and facial encouragements were displayed heavily on the prosecution's side. No so. The prosecuting federal attorney, Irvin Saypol, also bore the personality-label of fanatic persecutor rather than prosecutor. Not so. Saypol now is a distinguished Justice of the N.Y. Supreme Court. David Greenglass, convicted and sentenced to 15 years, was portrayed as a slob and a pretentiously uneducated schnook; not so. He was a solidly most persuasive witness. "Inquest" remains only a tract, slanted and false, on the official record. It should run for years in Russia.

Distributed by King Features Syndicate

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 8/27/82 BY 3042 PMP/RES

105-58236 ENCLOSURE

UNITED STATES GOVERNMENT

Memorandum

TO :

W. S. Travel

DATE:

FROM :

J. W. Marshall J.W.M.

SUBJECT:

Julius Rosenberg

The attached MAGAZINE has been received in the Records Branch, appropriately initialed, and indicated for file. By use of instant transmittal memorandum, all necessary recording and indexing will be accomplished. It is to be noted this form is for internal use only within the Records Branch, principally by the Routing Unit where bulky material not accompanied by memorandum is usually received.

The enclosure, if bulky and not usually filed with other papers in file, may be detached but this action should be clearly noted under the word "Enclosure." **NOT RECORDED**

ENCLOSURE

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 8/5/86 BY 3042 BJS/fws

4 JUN 1 1970

391
20 JUN 1 - 1970

65-58236-3-202



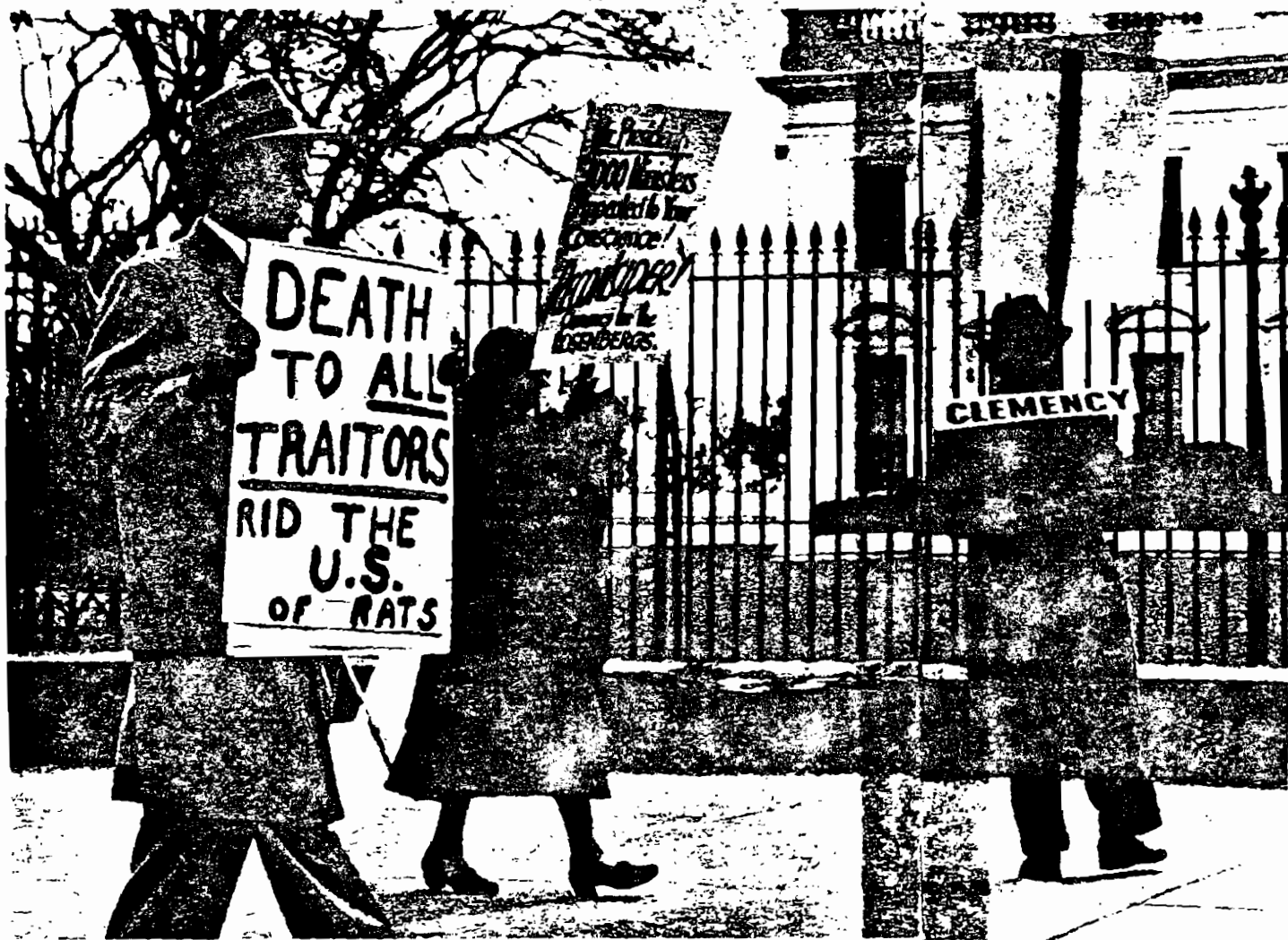
Harry Gold, above, got 30 years as a confessed spy-courier.



Morton Sobell pleaded innocent to charges of conspiring with Julius Rosenberg and also drew 30 years.



David Greenglass, Ethel Rosenberg's brother, turned U. S. witness and received 15 years.



Following President Eisenhower's 1953 denial of clemency for the Rosenbergs, pickets—with diametrically opposing views—continue to march at the White House.



The Rosenberg trial over, a cause was born.
 On the ferocious night, there was satisfaction.
 For the Communists and their accustomed allies, all was equally clear: two innocents were victimized by U. S. witchhunters.
 Right, scenes in Melbourne (above) and Paris.



A scene from the recently opened Broadway production, "Inquest," with George Grizzard and Anne Jackson as the Rosenbergs and James Whitmore as their attorney.

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI (65-58236)

DATE: 6/3/70

FROM : *gjm/rw* SAC, NEW YORK (65-15348)

SUBJECT: JULIUS ROSENBERG
ESP-R
(OO:New York)

Re NY airtel dated 5/21/70.

Enclosed herewith for the Bureau are 5 copies of an LHM containing information which appeared in the "New York Daily News" concerning the Broadway play "Inquest."

The news article which is quoted in the LHM was furnished to the NYO by [REDACTED] on 5/29/70. **b2 b7D**

The above is furnished to the Bureau for information.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10/28/86 BY 3040 PWT/mw

2-Bureau (Enc. 5) (RM)
1-New York (100-37158) (M. SOBELL)
1-New York

PFD:ms
(4)

65-58236-2433

REC-81

10 JUN 8 1970

SOVIET SECTION



JUN 8 1970

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan



In Reply, Please Refer to
File No.

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION
New York, New York
June 3, 1970

"Inquest"

An article appeared in the "New York Daily News"
dated May 16, 1970, entitled "'Inquest' Quits!"

The above mentioned article is quoted as follows:

"'Inquest,' the courtroom drama about the 1951
spy trial of Ethel and Julius Rosenberg, will end its run
at the Music Box Theater tonight after 28 performances.
The play, by Donald Freed, starred Anne Jackson, George
Grizzard and James Whitmore."

This document contains neither
recommendations nor conclusions
of the FBI. It is the property
of the FBI and is loaned to your
agency; it and its contents are
not to be distributed outside
your agency.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 8/5/86 BY 3042 PWT/RWS

65-58236-2433

ENCLOSURE

UNITED STATES GOVERNMENT

Memorandum

Tolson _____
Sullivan _____
Mohr _____
Bishop _____
Brennan _____
Callahan _____
Casper _____
Conrad _____
Felt _____
Gale _____
Rosen _____
Tavel _____
Walters _____
Soyars _____
Tele. Room _____
Holmes _____
Gandy _____

TO : Mr. Bishop *BA*

DATE: 8-24-70

FROM : M. A. Jones *M. A. Jones*

SUBJECT: DOMINIC de LORENZO
AURORA PUBLISHERS INCORPORATED
170 FOURTH AVENUE NORTH
NASHVILLE, TENNESSEE
POSSIBLE BOOK ON ROSENBERG CASE

On August 21st, the above-mentioned individual called from Nashville and reported that he had recently read a play on the Rosenberg Case which was critical of the FBI. de Lorenzo indicated that he had conceived the idea of a book which would deal with the Rosenberg Case and perhaps other cases wherein the FBI and law enforcement had been criticized. The whole purpose of the book would not necessarily be to eulogize the FBI but rather to set the record straight from a factual standpoint. He stated the purpose of his call was to ascertain whether the FBI would be willing to make available to him factual information concerning the Rosenberg and other cases which might be covered in the book. de Lorenzo stated that the book quite possibly would be published by Aurora Publishers located at 170 Fourth Avenue North in Nashville.

It was tactfully explained to de Lorenzo that by order of the Attorney General the FBI's files were confidential and that it was not known what, if any, cooperation could be furnished him. Mr. de Lorenzo stated that he planned to outline his proposal in a letter to the Director which he would forward in the near future. He was told, of course, his request would be given whatever consideration possible and that he would be appropriately advised.

There is no record in Bufiles on Dominic de Lorenzo or Aurora Publishers.

RECOMMENDATION:

No action until such time as the letter is received from de Lorenzo.

- 1 - Mr. Sullivan
- 1 - Mr. Bishop
- 1 - Mr. C. D. Brennan
- 1 - M. A. Jones

54 SEP 4 1970

REC-52 65-58236-2434
ST-112
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 8/5/86 BY 3042

CRIME

Tolson ☒
 DeLoach ☒
 Walters ☒
 Mohr ☒
 Bishop ☒
 Casper ☒
 Callahan ☒
 Conrad ☒
 Felt ☒
 Gale ☒
 Rosen ☒
 Sullivan ☒
 Tavel ☒
 Soyars ☒
 Tele. Room ☒
 Holmes ☒
 Gandy ☒

Rosenberg Trial Drama Due in April

By LOUIS CALTA

"Inquest," a new version of the play by Donald Freed about the Rosenberg trial in the nineteen-fifties, when the couple were charged with conspiracy to commit espionage, found guilty and executed, will be brought to Broadway on April 16.

The play was first presented a year ago at the Cleveland Play House under the title, "The United States vs. Julius and Ethel Rosenberg." It generated such a demand for tickets that its two-week run was extended to nine weeks.

But Lee Guber, co-producer of the venture with Shelly Gross, said yesterday that the play had been completely rewritten to focus on the political climate of the nineteen-fifties and its close resemblance to "many of the events unfolding today." The original work was based entirely on the actual trial transcript.

"It's been expanded dramatically and represents more of the writer's conception of the period, rather than being a documentary treatment of the trial," Mr. Guber explained.

Alan Schneider has been engaged to direct the two-act play. Michael Kahn, originally announced for the assignment, has had to withdraw because of a long-standing commitment to the American Shakespeare Festival.

"Inquest" will have "an all-star cast," including Larry Blyden, Lee Grant and George Grizzard. Ken Isaacs, designer and inventor of the TV "Knowledge Box," has been commissioned to create "a theatrical time chamber of the nineteen-fifties" for the production. Karl J. Eigsti will design the Broadway show. The theater is to be announced soon.

'Slaveship' Overheated

The cast of LeRoi Jone's "Slaveship" complained last week of insufficient heating. But a fire that started in the theater's boiler room early yesterday morning proved hot enough to shut down the play indefinitely.

The one-alarm fire began, a theater spokesman said, at approximately 10:34 A.M., in the basement of the Theater in the Church at the Washington Square Methodist Church, 137 West Fourth

Street. The building was said to be unsafe for further performances.

Oliver Rea, who is presenting the nonprofit production, is seeking other facilities. Last Friday, members of the company walked off-stage after informing the audience that conditions at the theater were too similar to a "real slaveship." Other subjects for complaint, in addition to the paucity of heat, were crowded dressing rooms, unsuitable bathroom facilities and lack of warm water. After being assured by the management that the grievances would be corrected, the cast resumed performances Tuesday night.

War, Comedy and Music

Phil Bruns and Jess Richards have been signed for leading roles in "Blood Red Roses," a new play by John Levin about the comedy of war. Seymour Vall will present the play with songs off Broadway in March with Alan Schneider directing. Michael Valenti has composed the music and Mr. Levin has written the lyrics. Ed Wittstein will create the sets.

The Washington Post Times Herald _____
 The Washington Daily News _____
 The Evening Star (Washington) _____
 The Sunday Star (Washington) _____
 Daily News (New York) _____
 Sunday News (New York) _____
 New York Post _____
 The New York Times _____
 The Sun (Baltimore) _____
 The Daily World _____
 The New Leader _____
 The Wall Street Journal _____
 The National Observer _____
 People's World _____
 Examiner (Washington) _____

Date _____
 65-58236-A
 NOT
 170 FEB 10 1970

ALL INFORMATION CONTAINED
 HEREIN IS UNCLASSIFIED
 DATE 8/5/86 BY 3042 RUT/ALS
 REC 58

SEP 30 1970

51 MAR 3 1970

UNITED STATES GOVERNMENT

Memorandum

ROUTE IN ENVELOPE

TO :

(S) SAC, [REDACTED]

DATE: 2/20/67

FROM :

SA [REDACTED]

SUBJECT:

(S)

[REDACTED]

b1

~~CONFIDENTIAL~~

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE.

ReNYairtel, captioned [REDACTED] and dated 2/9/67.

(S)

b1

Source

Date of Contact

Contacted by

Characterized

A confidential informant who has furnished reliable information in the past

Classified by 3043PWT/1mw

Declassify on: OADR 10/28/84

~~TOP SECRET~~

1 - NY
1 - NY
1 - NY
1 - NY

(S) (S) (S) (S)

[REDACTED] (65-58236)

1 - Bu
1 - Bu
1 - Bu
1 - Bu

[REDACTED] (65-58236) (JULIUS ROSENBERG)

~~CONFIDENTIAL~~

65-58236-65-68236-

(8) b7D

NOT RECORDED

170 FEB 27 1967

~~TOP SECRET~~

SEP 30 1970

59 MAR 2 1967

Classified by 23548/DLB
Exempt from GDS, Category 1
Date of Declassification Indefinite

~~SECRET~~

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

~~SECRET~~

(S) [REDACTED] When incorporating information furnished by [REDACTED] into communications suitable for dissemination outside the bureau, Bureau authority is not necessary when the information can be paraphrased so that the identity of the informant is not jeopardized. When certain specific information is of such a nature as to prohibit dissemination, the Bureau should be advised of the basis for non-dissemination. (S) b1 (X)

Certain information furnished by [REDACTED] (S) will be of such a nature as to necessitate a classification above "Confidential", since the disclosure of this information to unauthorized persons could have a [REDACTED] (S) In all other instances, a classification of "Confidential" will be adequate if the information relates to [REDACTED] and can be adequately paraphrased. (S) b1 (X)

(S) When disseminating information received from [REDACTED] no reference should be made to the time (date, month or year) the information was received. This should be set forth administratively. b1 (X)

Suitable paraphrasing of the information to be disseminated, plus concealment of the time of its receipt will materially assist in concealing the identity of the source. (S) (X)

(S) If the attached memorandum sets forth a [REDACTED] (S) [REDACTED] no further dissemination of that [REDACTED] should be made. Such information is of no investigative value and its indiscriminate and unwarranted misuse could endanger the informant's sensitive position. b1 (X)

(S) IN VIEW OF THE HIGHLY SENSITIVE POSITION OF [REDACTED] EXTREME CAUTION MUST BE EXERCISED IN HANDLING ANY INFORMATION ATTRIBUTED TO THIS SOURCE, AND NO ACTION TAKEN WHICH COULD CONCEIVABLY JEOPARDIZE THE SECURITY OF THE INFORMANT OR REVEAL HIS IDENTITY. b1 (X)

XXXXXX
XXXXXX
XXXXXXFEDERAL BUREAU OF INVESTIGATION
FOIPA DELETED PAGE INFORMATION SHEET

1 Page(s) withheld entirely at this location in the file. One or more of the following statements, where indicated, explain this deletion.

- ☒ Deleted under exemption(s) b1 with no segregable material available for release to you.
- ☐ Information pertained only to a third party with no reference to you or the subject of your request.
- ☐ Information pertained only to a third party. Your name is listed in the title only.
- ☐ Documents originated with another Government agency(ies). These documents were referred to that agency(ies) for review and direct response to you.

_____ Pages contain information furnished by another Government agency(ies). You will be advised by the FBI as to the releasability of this information following our consultation with the other agency(ies).

_____ Page(s) withheld for the following reason(s):

☐ For your information: _____

☒ The following number is to be used for reference regarding these pages:

65-58236-NR 2-20-67 p 3

XXXXXX
XXXXXX
XXXXXX
 XXXXXXXXXXXXXXXXXXXX
 X DELETED PAGE(S) X
 X NO DUPLICATION FEE X
 X FOR THIS PAGE X
 XXXXXXXXXXXXXXXXXXXX

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

DEC 31 1970

WESTERN UNION

BIA015 958A EST DEC 31 70 (21)LA093

L IWBO 14 LP NL PDF 5 EXTRA [REDACTED] b7C

J EDGAR HOOVER

FBI WASHDC

AFTER 20 YEARS PERSPECTIVE, I FIND FBI ROLE IN ROSENBERG CASE
ABSOLUTELY DISGUSTING

REC.

65-58286-2435

12 JAN 5 1971

b7C

EX-111

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 8/5/86 BY 3042 RWT/RWS

56 JAN 12 1971

XXXXXX
XXXXXX
XXXXXXFEDERAL BUREAU OF INVESTIGATION
FOIPA DELETED PAGE INFORMATION SHEET2

Page(s) withheld entirely at this location in the file. One or more of the following statements, where indicated, explain this deletion.

- ☒ Deleted under exemption(s) b1 with no segregable material available for release to you.
- ☐ Information pertained only to a third party with no reference to you or the subject of your request.
- ☐ Information pertained only to a third party. Your name is listed in the title only.
- ☐ Documents originated with another Government agency(ies). These documents were referred to that agency(ies) for review and direct response to you.

Pages contain information furnished by another Government agency(ies). You will be advised by the FBI as to the releasability of this information following our consultation with the other agency(ies).

Page(s) withheld for the following reason(s):

☐ For your information:

- ☒ The following number is to be used for reference regarding these pages:

65-58236-NR 128-72

XXXXXX
XXXXXX
XXXXXXXXXXXXXXXXXXXXXXXXXXX
X DELETED PAGE(S) X
X NO DUPLICATION FEE X
X FOR THIS PAGE X
XXXXXXXXXXXXXXXXXXXXX



NATIONAL
PUBLIC AFFAIRS
CENTER
FOR TELEVISION

955 L'ENFANT PLAZA NORTH, S.W. WASHINGTON, D.C. 20024 (202) 484-1500

July 20, 1973

Mr. Clarence M. Kelley
Director
Federal Bureau of Investigation
Washington, D.C. 20535

Dear Sir,

The writer is researching a future hour length documentary to be aired nationally on the Public Broadcasting Service, on the subject of the Rosenberg conspiracy case of the early fifties.

Pursuant to The Freedom of Information Act, and all implementing regulations promulgated in relation thereto, permission is requested for myself and staff to examine the following:

Original bureau files and films including first and all subsequent interrogations, evidentiary reports and original evidence on the following persons:

Klaus Fuchs
Harry Gold
David Greenglass
Ruth Greenglass
Julius Rosenberg
Ethel Rosenberg
Morton Sobell
Max Elitcher
Helene Elitcher

ST-102

REC-26

65-58236-2436

Would you be kind enough to advise the writer, as soon as possible, as to the standing of this request.

3 AUG 15 1973

Cordially,

Alvin H. Goldstein
Producer

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 8/5/86 BY 3042 RBT/lws

cc. dest. C/memo 5/6/75

ST

UNRECORDED COPY

CORRESPONDENCE

Aug 9/13/73
RCO/psh

7/26

ST-102

REC-26

65-58236-2436

August 13, 1973

- 1 - Mr. E. S. Miller
- 2 - Mr. Mintz
- 1 - Mr. Dennis

Mr. Alvin H. Goldstein
Producer
National Public Affairs Center for Television
955 L'Enfant Plaza North, Southwest
Washington, D. C. 20024

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 8/5/86 BY 3042 RUT/RWS

Dear Mr. Goldstein:

This is in reply to your letter dated July 20, 1973,
in which you requested permission to examine certain files of
this Bureau.

Your request is being considered in accordance with
Attorney General Order 529-73, signed on July 11, 1973, and the
materials you seek are being reviewed.

Our files concerning the Rosenberg case are
voluminous, and the necessary review will be of some duration.
You will be further advised regarding this matter.

Sincerely yours,

C. M. Kelley

Clarence M. Kelley
Director

MAILED 4
AUG 13 1973
FBI

- 1 - The Deputy Attorney General (Enclosure)
- 1 - Bufile 62-115530 (FOI Replies)

NOTE: Bufiles reflect no information identifiable with correspondent.
Bufiles concerning the Rosenberg case include the following main files:

- Asst. Dir. _____
- Adm. Serv. _____
- Ident. _____
- Insp. _____
- Intell. _____
- Lab. _____
- Legal Coun. _____
- Off. of Cong. & Public Affairs _____
- Rec. Mgmt. _____
- Tech. Serv. _____
- Training _____
- Off. of Liaison & Int. Affs. _____
- Off. of the Inspector General _____
- Off. of the Director _____

RCD:mbk
SEP 11 1973

(See NOTE next page)

MAIL ROOM ☐ TELETYPE UNIT ☐

UNRECORDED COPY SENT IN

Letter to Mr. Alvin H. Goldstein
Nat'l Public Affairs Center for Television
Washington, D. C. 20024

NOTE (continued)

65-58236 (43 sections consisting of 2,435 serials; Rosenbergs);
65-59192 (13 sections consisting of 485 serials; Greenglass);
65-57449 (33 sections consisting of 895 serials; Gold);
65-58805 (43 sections consisting of 1,593 serials; Fuchs);
101-2483 (45 sections consisting of 1,767 serials; Sobell);
101-2115 (7 sections consisting of 272 serials; Max and Helene Elitcher); and
121-4673 (1 section consisting of 5 serials; Max Elitcher).

In addition there are the following "See" references to
the above-cited subjects: Rosenbergs - 1,850 see references;
Greenglass - 170; Gold - 300; Fuchs - 485; Sobell - 1,000; Max Elitcher - 700;
and Helene Elitcher - 600.

UNITED STATES GOVERNMENT

Memorandum

TO : The Director

DATE: 8/7/73

FROM : J. E. Herington

SUBJECT: ALVIN H. GOLDSTEIN
PUBLIC BROADCASTING SERVICE

Assoc. Dir. ☒
Asst. Dir.:
Admin. ☐
Comp. Syst. ☐
Files & Com. ☐
Gen. Inv. ☐
Ident. ☐
Inspection ☐
Intell. ☒
Laboratory ☐
Plan. & Eval. ☐
Spec. Inv. ☐
Training ☐
Legal Coun. ☒
Cong. Serv. ☐
Corr. & Chm. ☐
Research ☐
Press Off. ☐
Telephone Rm. ☐
Director Sec'y ☐

On 8/7/73 Goldstein called with two questions. First he wondered what had happened to the letter he had written approximately 10 days ago in which he had requested access to our files in connection with the Rosenberg espionage case. This letter is being handled by the Office of Legal Counsel. It is estimated that to comply with Goldstein's request we will have to review 185 main files amounting to thousands of pages. I will advise Goldstein that he will receive an answer in the near future and his request is being considered.

Goldstein explained that he is attempting for television a documentary reconstructing the Rosenberg espionage case and trial through the eyes of the individuals who actually participated in it. He has obtained the names of a number of former Agents who participated in that investigation and has contacted some of them requesting to interview them for this program. He indicated that all have refused to cooperate without specific authorization from the Bureau or from the Attorney General.

The confidentiality of an Agent's investigations, of course, extends beyond his period of employment with the FBI. If we gave any type of authorization for these ex-Agents to cooperate with Goldstein we would have absolutely no control over information they furnished to him. We assume that most would protect confidential informants, techniques, etc., but we have no way to guarantee this. We cannot prevent their cooperating on their own volition but to actually give them our blessing would place the FBI in an untenable position if they said things we did not want revealed or even if they make statements that might subject them to civil suits of persons who might have been involved in the Rosenberg investigation.

RECOMMENDATION

That I advise Goldstein that as a matter of policy we are unable to furnish the type of authorization he has requested.

- 1 - Mr. Mintz
- 1 - Mr. Miller
- 1 - Mr. Malmfeldt
- 1 - Mr. Herington
- JEH:asg (5)

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 8/5/86 BY 3042 PWT/hrs

EX-109

REC-77

65-58236-24375/62

JH

WIC

Apt
mink

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

SEP 6 11373

TELETYPE

NR 005 SI CODED

11:13 PM NITEL 8-31-73 BRC

TO DIRECTOR (ATTN: DIVISION 5)
FROM SPRINGFIELD

JULIUS ROSENBERG; ETHEL ROSENBERG. ESPIONAGE.

Asst. Dir.:	
Admin.	
Comp. Syst.	
Files & Com.	
Gen. Inv.	
Ident.	
Inspection	
Intell.	
Laboratory	
Plan. & Eval.	
Spec. Inv.	
Training	
Legal Coun.	
Cong. Serv.	
Corr. & Crm.	
Research	
Press Off.	
Telephone Rm.	
Director Sec'y	

RE SPRINGFIELD TELEPHONE CALL TODAY TO BUREAU.

FORMER SA JOHN W. LEWIS (RETIRED) TODAY ADVISED WAS CONTACTED BY BARBARA THORNTON, ALVIN GOLDSTEIN AND NANCY GREEN WHO REPRESENT PUBLIC T V, WASHINGTON, D. C., CONCERNING CAPTIONED CASE. THESE INDIVIDUALS DESIRE INTERVIEW WITH LEWIS DURING AFTERNOON OF 9-5-73 AT HIS RESIDENCE AT 105 DORCHESTER DRIVE, BELLEVILLE, ILLINOIS. LEWIS INDICATED HIS DESIRE TO MAKE THIS MATTER KNOWN TO THE BUREAU PRIOR TO ANY DISCUSSION THAT HE MIGHT HAVE WITH THESE PEOPLE. LEWIS STATES THAT ANY CONVERSATION THAT HE HAS CONCERNING CAPTIONED CASE WILL BE MOST CIRCUMSPECT AND HE WILL RESTRICT HIS REMARKS TO PUBLIC SOURCE TYPE MATERIAL AND MATTERS ALREADY KNOWN IN PUBLIC SOURCE MATERIAL. HE IS AWARE THAT HE CAN NOT COMMENT CONCERNING CLASSIFIED INFORMATION IN HIS POSSESSION. HE IS ALSO AWARE

END PAGE ONE

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 8/5/86 BY 3042 PWT/RWS

70 SEP 11 1973

REC-3 65-58236-2438

16 SEP 6 1973

5.98 sec

SI

PAGE 2

THAT HE IS UNDER NO COMPULSION TO ANSWER ANY SPECIFIC QUESTION
TO COMMENT AT ALL UNLESS HE DESIRES TO DO SO.

THE ABOVE IS FURNISHED FOR THE INFORMATION OF THE BUREAU.

END

LNG FBI HQ ACK FOR ONE TEL CLR TU AR

Intelligence Division

INFORMATIVE NOTE

Date 9/1/73

Public TV (PTV) is preparing a documentary on the Rosenberg case and has made formal request under Freedom of Information Act for complete information in possession of Bureau concerning same. This request is under study. PTV has contacted former SAs familiar with case, all of whom have refused to cooperate. The Office of Legal Counsel has advised we cannot authorize or deny ex-Agents' right to cooperate with PTV.

Attached advises former Special Agent (SA) John W. Lewis, Belleville, Illinois, was contacted by representatives of Public TV (PTV), Washington, D.C., with request for interview 9/5/73 concerning his knowledge of Rosenberg case. Lewis agreed to interview. Lewis assured Springfield Division that any remarks made by him will be circumspect. He will not comment on any classified information known to him. Lewis was Bureau Agent 1939 to 1972 when he retired.

PCM:bcw/pag

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 12/5/86 BY 3042 PWT/PLS

Handwritten: 170, H, K, EMP/PLS

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

SEP 12 1973

TELETYPE

Assoc. Dir.	
Asst. Dir.:	
Adm.	
Comp. Syst.	
Files & Com.	
Gen. Inv.	
Ident.	
Inspection	
Intell.	<input checked="" type="checkbox"/>
Laboratory	
Plan. & Eval.	
Spec. Inv.	
Training	
Legal Coun.	
Cong. Serv.	
Corr. & Crm.	
Research	
Press Off.	<input checked="" type="checkbox"/>
Telephone Rm.	
Director Sec'y	

NR008 NY CODE

1228PM IMMEDIATE 9-12-73 PAC

TO DIRECTOR

FROM NEW YORK 3P

VISIT OF JUDGE IRVING R. KAUFMAN WITH THE DIRECTOR, 9/12/73.

JUDGE KAUFMAN FURNISHED ADIC JOHN F. MALONE COPY OF A
THREE-PAGE ANNOUNCEMENT DATED WASHINGTON, SEPTEMBER 5 (1973),
AND AUTHORED BY ROBERT GRUENBERG, OF CHICAGO DAILY NEWS. IT
PERTAINS TO A PROPOSED NATIONWIDE 90-MINUTE TELEVISION SHOW
ENTITLED JULIUS ROSENBERG-SOBELL CASE, SCHEDULED FOR LATE FALL AND
TO BE PRODUCED BY ALVIN H. GOLDSTEIN.

ST. 100

ALLEGEDLY, GROUP OF 7 PERSONS, NOT IDENTIFIED, FROM THE
NATIONAL PUBLIC AFFAIRS CENTER FOR TELEVISION (NFACT) IS NOT RECORDING
SEEKING 139 PERSONS WHO PLAYED A PART IN THE ROSENBERG-SOBELL
MATTER BUT SUPPOSEDLY, ARE NOT RETRYING CASE OR ASSESSING
BLAME. THE PRIMARY QUESTION, ACCORDING TO THE ANNOUNCEMENT,
PERTAINS TO WHETHER ROSENBERGS WERE GUILTY BEYOND REASONABLE
DOUBT OR VICTIMS OF THE TIMES. IT CLAIMS THAT 10 OF THE 12
END PAGE ONE

58 SEP 25 1973

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 8/5/86 BY 3042 PWS

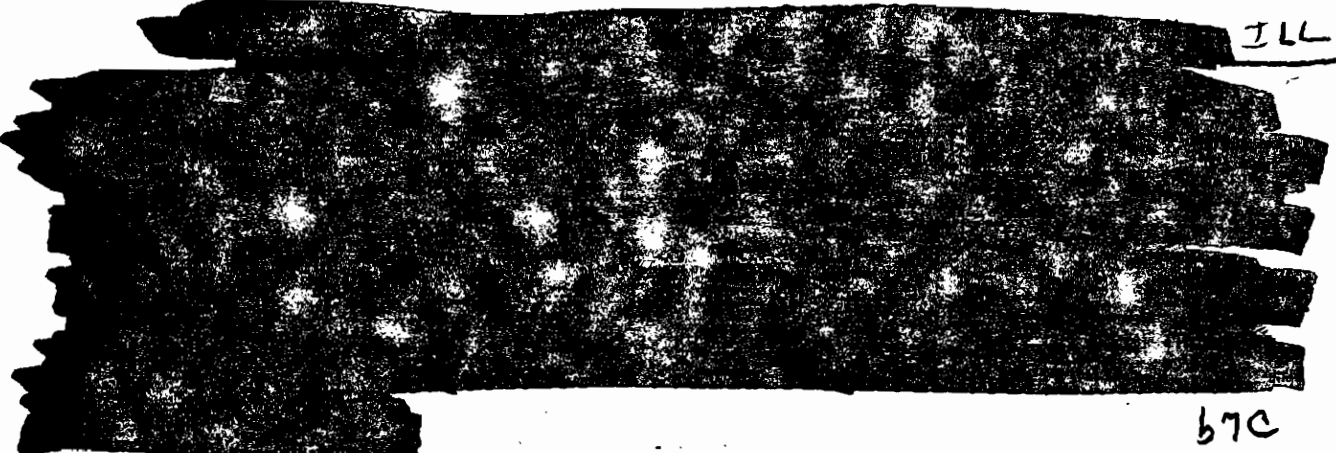
ORIGINAL FILED IN 94-4-5046-446

2439

SEP 18 1973

PAGE TWO

JURORS ARE ALIVE, 7 OF WHOM HAVE BEEN LOCATED, WITH 132 PERSONS REMAINING TO BE INTERVIEWED INCLUDING 14 "PRIME" FBI AGENTS, 6 FEDERAL PROSECUTORS AND JUDGE KAUFMAN. SUPPOSEDLY, A SEARCH IS BEING MADE TO LOCATE DOCTOR KLAUS ~~FUCHS~~, WHO WAS ^{NY} LINKED TO ROSENBERG CASE. ALLEGEDLY, NPACT HAS ALSO SCHEDULED 5 OTHER CONTROVERSIAL SHOWS INCLUDING ONE ON "THE FBI".

 ^{ILL}

b7c

REGARDING ROSENBERG TRIAL, JULIUS AND ETHEL ROSENBERG WERE INDICTED BY FEDERAL GRAND JURY, SDNY, 8/18/50, FOR CONSPIRACY TO COMMIT ESPIONAGE IN THAT THEY ARRANGED FOR PASSAGE OF U.S. ATOMIC SECRETS TO THE SOVIET UNION. TRIAL BEGAN MARCH, 1951, AND THE ROSENBERGS CONVICTED 3/29/51 AFTER 19 HOURS OF DELIBERATION. ON 4/5/51 THEY WERE SENTENCED TO EXECUTION BY JUDGE KAUFMAN AND WERE EXECUTED, SING SING PRISON, NEW YORK,

END PAGE TWO

PAGE THREE

6/19/53, FOLLOWING DENIAL OF APPEALS TO U.S. SUPREME COURT AND THE PRESIDENT. CONVICTED WITH ROSENBERGS WAS MORTON SOBELL, SENTENCED TO 30 YEARS IMPRISONMENT. BY DECISION U.S. COURT OF APPEALS FOR THE SECOND CIRCUIT, 1/14/69, SOBELL WAS GIVEN CREDIT FOR TIME SERVED FROM DATE OF ARREST TO DATE OF SENTENCE AND HE WAS CONDITIONALLY RELEASED FROM PRISON. HE REMAINS ON PROBATION UNTIL 5/14/81. CURRENTLY RESIDES NYC.

THE ABOVE IS BEING FURNISHED THE DIRECTOR IN VIEW OF VISIT WITH HIM BY JUDGE KAUFMAN.

END

GXC FBI WASHDC

UNITED STATES GOVERNMENT

DEPARTMENT

Memorandum

TO : Clarence Kelley
Director,
Federal Bureau of Investigation

DATE: August 15, 1973

FROM : Malcolm D. Hawk
Special Assistant to the
Deputy Attorney General

SUBJECT: FREEDOM OF INFORMATION ACT REQUEST - Allen Weinstein

Assoc. Dir.	_____
Asst. Dir.:	_____
Admin.	_____
Comp. Syst.	_____
Files & Com.	✓
Gen. Inv.	_____
Ident.	_____
Inspection	_____
Intell.	1973
Laboratory	_____
Plan. & Eval.	_____
Spec. Inv.	_____
Training	✓
Legal Coun.	✓
Cong. Serv.	_____
Corr. & Ctm.	_____
Research	_____
Press Off.	_____
Telephone Rm.	_____
Director Sec'y	_____

Enclosed herewith is a request for access to certain specified reports, memoranda, and correspondence relating to the Rosenberg case.

Pursuant to 28 CFR § 16.5 which took effect on March 1, 1973, the head of the responsible division shall, within 10 working days, either comply with or deny a request for records unless additional time is required.

In cases where additional time is required the requester should be notified of the reasons for the time extension, which should not exceed 10 additional working days. An extension of time in excess of 10 additional working days requires the approval of the Deputy Attorney General.

Copies of all acknowledgements and responses to the requester should be forwarded to the office of the Deputy Attorney General.

REC-26

65-58236-2440

EX-112

12 AUG 23 1973

ENCLOSURE

HCK 107
to Pres. Weinstein
9-13-73
A.M. City

ACK Malinda
to Frank
9-15-73
H.M. City

LEGAL COUNSEL

SMITH COLLEGE
NORTHAMPTON, MASSACHUSETTS 01060
DEPARTMENT OF HISTORY

August 15, 1973

The Honorable Elliot L. Richardson
Attorney General of the United States
Department of Justice
Washington, D.C.

Dear General Richardson:

I wrote to you yesterday concerning my request for access to certain F.B.I. records dealing with the Alger Hiss case, records that I have been seeking access to for several years. I have one other request to make of the Department of Justice at this time connected with my research on the Cold War era, but I thought it best to treat this in a separate letter since this is the first time that I have raised the matter.

As I pointed out in previous correspondence with former-F.B.I. Director Hoover, I have also written in the past on the Rosenberg case. I did and still do accept, on the basis of my own research into the available evidence, the government's contention that the Rosenbergs were Soviet agents. Certainly this was proved to a jury's satisfaction at a trial that even the defendant's lawyer called eminently fair, and I restated my convictions on this score in a recent favorable review of Louis Nizer's book on the case, a review published in the Chicago Tribune's Book World. "Elsewhere," as I wrote former Director Hoover, "I have defended the F.B.I. against proponents of a simplistic 'frameup theory' in the Rosenberg case ("Agit-Prop and the Rosenbergs," Commentary, July 1970 and November 1970)." I enclose a copy of my Commentary article and of my letters-column exchange with its critics. Unfortunately scholars cannot adequately confront what I believe are the often-unsubstantiated charges by these writers who have argued the Rosenbergs' innocence---I refer specifically to William Reuben, John Wexley, and particularly Walter & Miriam Schneir's book Invitation to an Inquest---without access to these heretofore-unavailable F.B.I. records on the case. Director Hoover himself published an article on the case, as I noted in my previous letter, based on material "from the confidential files of the FBI" ("The Crime of the Century: The Case of the A-Bomb Spies," Reader's Digest, May 1951), yet historians such as myself have not yet been allowed to examine this material. Such examination will, I think, bear out substantially the commonly-accepted facts presented by the government at their trials. But without such an examination, grave doubts concerning their guilt will persist among some scholars and a large section of the public, in this country and abroad, of the sort dealt with in the books I referred to and in articles such as Victor S. Navasky's piece in The New York Times Book Review of July 15, 1973 ("In Cold Print: The Case of the Rosenberg Case"). FED. BU. OF INV.

✓ I believe that this request meets all the criteria stated in your July 11, 1973 statement of policy regarding criteria for

enclosure 65-58236-2440

BU. OF INV.

INTERNAL SECURITY IN

Colonial 8-11-73

SMITH COLLEGE
NORTHAMPTON, MASSACHUSETTS 01060
DEPARTMENT OF HISTORY

2

discretionary access to investigatory records of historical interest. The Rosenberg case ended as a legal matter with the couple's execution in 1953, half a decade longer than the fifteen-year restriction, and surely it cannot be said that the case is any longer "substantially related to current investigative or law enforcement activities". Moreover, I believe that this request is also a legitimate one under the Freedom of Information Act and also under the provisions of President Nixon's March 9, 1972 Executive Order concerning access by reputable scholars to government documents.

Specifically I would be interested in examining the following material:

1. A copy of each report made by F.B.I. investigators dealing with the Rosenberg case during the period 1950-1953 inclusive;
2. A copy of all correspondence between and among F.B.I. agents working on the case and other F.B.I. or Justice Department officials during the period 1950-1953 inclusive;
3. A copy of all reports made by agents of the F.B.I. which concern the principal figures in the case, namely, Julius Rosenberg, Ethel Rosenberg, David Greenglass, Ruth Greenglass, Harry Gold, Klaus Fuchs, and Merton Sobell;
4. A copy of all interviews with, signed statements by, and documents associated with the principal figures mentioned above (namely the Rosenbergs, the Greenglasses, Gold, Fuchs, and Sobell). Material covered in requests # 3 and 4 fall during the period 1947-1953;
5. A copy of all correspondence and other written exchanges between officials of either the Justice Department or the F.B.I. and attorneys for any of the principal figures mentioned in the previous two requests; and
6. A copy of the ninety-five page report prepared by Prof. Benjamin F. Pollack for then-Attorney General Herbert Brownell Jr. in 1956-57 dealing with the range of atomic espionage cases including the Rosenberg case. Prof. Pollack's report apparently served as the basis for an article published by writer Bill Davidson in the October 1957 issue of Look magazine, where Davidson stated: "...in December, 1956, Attorney General Herbert Brownell, Jr., ordered...the head of the Department of Justice's Internal Security Division, to prepare a full report on the Rosenberg case---including previously unreleased facts. Assigned to the job was Benjamin F. Pollack, a brilliant Harvard Law School graduate and veteran Justice Department attorney. For eight months, Pollack had access to all the FBI files and

SMITH COLLEGE
NORTHAMPTON, MASSACHUSETTS 01060
DEPARTMENT OF HISTORY

3

to all the evidence and testimony in the case. He interviewed witnesses and the men who arrested and prosecuted the Rosenbergs and their co-conspirator, Merton Sobell...This reporter...worked along with Pellack during much of his investigation. Look was given access to the extensive data that went into the Government report, of which this article is an exclusive preview."

Attorney General Brownell refused to release the entire report to those periodicals and individuals who requested copies at the time. To the best of my knowledge, however, the Justice Department did not deny that it had allowed "selective access" to the material, both during and after the investigation by Professor Pellack, to Mr. Davidson on behalf of a mass-circulation magazine. Since the fifteen year time-limit established by your July 11, 1973 statement of policy has lapsed not only for documents accumulated during the Rosenberg case itself but also for this 1957 report, I would be particularly interested in reading a copy of the report as soon as possible. I can appreciate the fact that it might take a bit longer to compile the other material requested in this letter.

I have sent a copy of this letter to F.B.I. Director Kelley and look forward with profound interest to your response, which I hope is a positive one. I plan to deal extensively with the Rosenberg case in my book on the Cold War era, which Alfred A. Knopf will be publishing, and I cannot think of a more clear-cut instance of legitimate scholarly interest in materials under the overall authority of your office.

I look forward to hearing from you.

Very truly yours,

Allen Weinstein

Allen Weinstein
Associate Professor of History and
Director, American Studies Program

cc. The Honorable Clarence Kelley, Director, Federal Bureau of
Investigation

The Rosenberg spy trial: a case that will not die.



Harry Gold



Morton Sobell



David Greenglass



Far left: Emanuel Bloch, defense attorney, with the Rosenbergs' children; left: Ethel and Julius Rosenberg; right: demonstrators protesting the impending execution.

The Implosion Conspiracy

By Louis Nizer
Doubleday, 495 pages, \$10

Reviewed by ALLEN WEINSTEIN

Ethel and Julius Rosenberg died in the electric chair in June, 1953 after the most sensational spy trial in American history, convicted of having stolen atomic secrets for the Russians during World War II. The Rosenbergs continued to proclaim their innocence to the moment of death. The time seems ripe, after two decades, for a fresh look at the case. Louis Nizer attempts such a reassessment in *The Implosion Conspiracy*. Commissioned first to write a television movie script of the episode for Otto Preminger, Mr. Nizer, the well-known trial lawyer and author, turned out not only the screen play but also this narrative of the trial itself.

A few facts may be helpful at this point, particularly for those too young to remember the episode. A German-born English physicist named Klaus Fuchs, after his arrest in February, 1950, confessed to having delivered secret nuclear information to the Soviet Union during World War II. Fuchs implicated an American courier and, months later, the FBI took into custody a Philadelphia chemist named Harry Gold, who admitted having served as Fuch's contact-man in the spy ring.

Gold's confession led, in turn, to the arrest on conspiracy charges relating to espionage of four New Yorkers during the fall of 1950, all Jewish and all allegedly Communists, Ethel and Julius Rosenberg, David Greenglass (Ethel's brother), and Morton Sobell (a friend of Julius). The government charged at their trial that Greenglass, an Army machinist at the secret Los Alamos atomic-bomb project during the war, had been recruited for espionage work by the Rosenbergs and had delivered to them material and diagrams that detailed the firing or "implosion" mechanism of the atomic bomb, hence Nizer's title. Sobell was

accused of a less pivotal role in the spy ring connected with nonatomic secrets.

The three chief witnesses against the Rosenbergs were Harry Gold, who claimed to have heard of Julius but had never met him; Ruth Greenglass; and her husband David, who confessed to his own role in the atomic thefts, cooperated completely with the government, and provided the most damning prosecution testimony at the trial.

The Rosenbergs, for their part, denied the charges, insisting that the Greenglasses had perjured themselves to save their own skins. At the trial neither side offered much persuasive documentary evidence, tho the government spiced its case with a great deal of testimony about torn Jello boxtops allegedly used as identification by Russian agents, console tables purportedly used to photograph stolen documents, and similar bits of hearsay that verged on the spectral. Only the Greenglasses' sworn testimony spelled out the entire alleged story of Rosenberg treachery, thereby cementing together the prosecution's patchwork case.

As for the Rosenbergs, their defense lawyers displayed far more passion than ability, and the defendants themselves told less than completely credible stories from the witness box. In the end, the jury believed the Greenglasses and found the Rosenbergs guilty. Morton Sobell, who declined to testify, also was judged guilty, tho the evidence linking him to any form of espionage seemed, then as now, practically nonexistent. Judge Irving Kaufman sentenced David Greenglass to 15 years in prison, Sobell to a 30-year term, and the Rosenbergs to death.

Their death sentence attracted international notoriety, not only among Communists and fellow-travelers but also among many liberals, civil libertarians, and opponents of capital punishment. Rosenberg "defense committees," usually controlled by radical groups, sprang up thruout the world, demanding that the couple not only be spared but freed. By the time Ethel and Julius had exhausted their many legal appeals—including a dramatic last-minute stay of execution granted by Justice William O. Douglas that was promptly overturned by the entire Supreme Court meeting in unusual special session—pleas for clemency from millions around the world (including one from the Vatican) had arrived at the White House.

President Eisenhower declined to spare the couple, but for just as President Truman had previously refused to inter-

vene. The Rosenbergs were executed on June 19, 1953. By that time their published "Death House Letters" had made the couple (parents of two small boys) symbols for those who believed them victims of an anti-Communist frameup.

Even many Americans who accepted their guilt disagreed with Judge Kaufman's decision to impose the death penalty, which he justified with a curious statement accusing the Rosenbergs of responsibility—by their espionage—for Communist aggression in Korea and hence the deaths of 50,000 American boys. I share Mr. Nizer's conclusion that, under the circumstances, the death penalty was horrible and unwarranted. The author's most eloquent passages trace the Rosenbergs' life in the death house and their anguished efforts to maintain a measure of dignity and even hope during the last months of life.

This moving tale of a convicted couple maintaining their innocence under extreme stress concludes *The Implosion Conspiracy*, most of which deals with the trial itself. Mr. Nizer set out to master the available literature on the case—trial transcripts, appellate briefs, judicial opinions, and secondary works on the affair—after which he interviewed surviving persons connected with the episode. He claims to have begun his research with no prior opinions about the case and concludes, after narrating both prosecution and defense testimony with scrupulous fairness, that the jury had sufficient evidence to warrant its verdict of guilty. Furthermore, tho the author considers the death sentence imposed "unfortunate from every viewpoint," he concludes, that the Rosenbergs received every opportunity that the American legal system affords to prove their innocence, and his book offers (among other things) an unabashed defense of "the Anglo-Saxon process of justice."

Mr. Nizer quotes substantial chunks of the printed testimony, producing not only a valuable commentary on the trial itself but a primer for attorneys and courtroom buffs on the tactics and foibles of trial lawyers. The result is not simply a blow-by-blow description of the Rosenberg trial, similar to Alistair Cooke's account of the Hiss case, *A Generation on Trial*, but also an insider's manual on courtroom procedure for budding defense attorneys.

Still, *The Implosion Conspiracy* does not fulfill completely the need for a thoroly

balanced view of the Rosenberg case. Whether or not Mr. Nizer began with any preconceptions, he does not tackle seriously the arguments raised by those who defend the Rosenbergs' innocence, especially the points offered by Walter and Miriam Schneir in their 1963 book, *Invitation to an Inquest*. I have myself criticized the Schneirs elsewhere for failing to offer convincing evidence to support their belief in an FBI frameup, but Mr. Nizer rarely even mentions the most troubling points brought out by the Schneirs, such as the many contradictions between the Greenglasses' pre-trial statements and their later courtroom testimony.

Another weakness of this generally impressive book concerns Mr. Nizer's lack of interest in Morton Sobell, the third defendant in the case. The author tells us almost nothing about Sobell's background nor about his personal response to the trial and its aftermath. The spotlight is kept entirely on the Rosenbergs. Yet, unlike Nizer, I believe that the testimony presented—largely the unsubstantiated word of one government witness who connected Sobell to Julius Rosenberg—failed to prove the former's guilt. Rarely in this country's history has anyone been convicted of espionage on such flimsy evidence as was Morton Sobell.

The Implosion Conspiracy, despite these omissions, remains a major contribution both to an understanding of the Rosenberg case and to the popular literature of American courtroom dramas. The author set himself the formidable test of tackling the case with as few prejudgments as humanly possible, allowing the evidence itself to shape his conclusions. "I wanted to suffer the confusion of neutrality," Mr. Nizer observes, and to a remarkable degree he succeeds.

Neither those who still maintain the Rosenbergs' innocence nor those who believe in their guilt (as Mr. Nizer and this reviewer do) have much ground for complaint in this fair-minded portrait of a still controversial trial.

The execution of Ethel and Julius Rosenberg remains the most tragic and irreversible monument to that malignant "Red Scare" which plagued the United States during the Truman-Eisenhower years. *The Implosion Conspiracy* not only underscores the Rosenbergs' personal tragedy but elevates discussion of their case from the polemical level to the realm of serious history.

Allen Weinstein teaches history and directs the American Studies program at Smith College. He is at work on a book about the impact of the Cold War on American society.

Commentary

Volume Fifty, Number One, July 1970

Urban Civilization & Its Discontents

Irving Kristol

On the Passage
of Time

Peter Berlin

Agrib-Prop

St. Louis

Allen Weinstein

The Unfinished

Prologue

Dorothy Rabinowitz

Can Anti-Semitism
Be Measured?

Lucy S. Dawidowicz

The Great
Cass

Robert Alter

"Issues"

Norman Podhoretz

Books in Review:

David Donald

Richard Schickel

Robert Ackerman

James R. Adams

Martin Peretz

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 8/13/86 BY 3042 PWT/PLS

65-58236-2440

Agit-Prop & the Rosenbergs

Allen Weinstein

THE DOMINANT "theater of propaganda" in the United States today is not an "official," government-sponsored one, as in Communist countries, but a semi-official "revisionist" school of drama, which exploits and distorts historical facts for its own predetermined ends. A case in point is *Inquest*, subtitled "A Tale of Political Terror," Donald Freed's play about the Rosenbergs which might just as appropriately have been called *Invitation to a Whitewash*.

Though the author claims that *Inquest* is in the tradition of the Weiss-Hochhuth "theater of fact," it becomes clear as the evening progresses that the audience has been summoned not merely to witness a courtroom drama and to observe a particular set of "facts," but to participate in commemorating a ritual murder. To legitimize his position Freed first primes the audience to recognize itself as being in the presence of History, Fact, and Truth, by spreading against the background of the stage, in giant-size lettering, on huge glass panels: "Every word you will see or hear on this stage is a documented quotation or reconstruction from events." These "reconstructions," the program further informs us, "draw on letters and verbal reports but they are inventions in the service of truth rather than facts."• With the audience thus prepared, Freed's "tale of political terror" unfolds in a series of vignettes taking place in "The [FBI's Perjured] Courtroom; The [Fascist American] World; The [Rosenbergs' Innocent] Past."

The drama itself is a crude morality tale, in which Julius and

ALLEN WEINSTEIN reviewed *Odyssey of a Friend: Whittaker Chambers' Letters to William F. Buckley, Jr.* in last month's issue.

Ethel Rosenberg are portrayed as helpless victims of a purported FBI frameup, convicted through the perjured testimony of Ethel's brother and sister-in-law, David and Ruth Greenglass. The Rosenbergs emerge as confused, naive, fearful, "progressive," "human," and, above all else, innocent. David and Ruth Greenglass, on the other hand, are shown as lazy and malicious schemers, weak money-grubbers, compassionless and easily intimidated—in a word, moral monsters—and Harry Gold, the government's third major witness against the Rosenbergs, is portrayed as an incomparably vain schizoid liar, weak and susceptible, like the Greenglasses, to FBI scheming.

The play's other characters receive equally subtle handling—in fact, in *Inquest* you can tell the players without a scorecard. Emanuel Bloch, the Rosenbergs' lawyer, one of several at the actual trial, is honest, humane, skillful, beleaguered, and hard-working—the model of a first-rate defense attorney.† Prosecutor Irving H. Saypol, on the other hand, strides forth as a sinister and witting accomplice to the FBI frameup along with Judge Irving R. Kaufman and Saypol's young assistant, Roy Cohn (who is played as Roy Cohn). Needless to say, the FBI agents responsible for the perjured testimony are type-cast as "fascists." Finally, Freed renders Tessie Greenglass, David and Ethel's mother, as a singularly boorish Jewish mama, contemptuous of her talented daughter and overly protective of her son, the spy.

Since Freed has attempted not merely to recreate the events of the Rosenberg case itself but also to evoke the social atmosphere within which it transpired, "the world"

of cold-war America frequently intrudes on the play's courtroom scenes through pictures projected on the glass panels or in quotations spoken by off-stage mimics. These range from anti-Communist harangues by J. Edgar Hoover and Joe McCarthy to clemency pleas by the Pope; from photos of the principals at the Rosenberg trial to shots of mass rallies held on behalf of the defendants. Through this gimmickry Freed obviously hopes to conjure forth the atmosphere of "political terror" which he holds responsible for the Rosenbergs' conviction and execution, but the actual effect often reminds the spectator of those exuberantly inept attempts at "realism" in grade-school Christmas pageants ("I am Joe McCarthy. Kill the Commies"; "I am the Pope. Don't kill the Commies!").

In a further effort to validate the courtroom identities which he has assigned them, the author portrays his major characters in a series of incidents from their pre-trial and post-trial lives: Ethel and Julius at home—singing folk songs, loving one another, worrying about their children; David Greenglass and Harry Gold, scheming with the FBI. Also featured is Ethel and Julius's death-house dialogue in the form of the letters they exchanged during their years of imprisonment prior to execution. But the worst is saved for last: the re-enactment of the "ritual murders." An "electric chair" is placed on stage and the Rosenbergs, first Julius and then Ethel, go to their deaths in a dignified and unre-

• One spectator was reminded of the popular law-enforcement television program that opened with an equally intimidating assertion of authority: "The program which you are about to see was taken from the actual files of the Federal Bureau of Investigation."

† Even most "revisionist" writers on the case concede that Bloch and his fellow defense attorneys, despite their hard work and good intentions, proved singularly inept lawyers, both during the trial and in subsequent appeals.

péant manner. The audience, having witnessed the tragedy, depart as full communicants in the ghastly rites at hand. What emerges from all this is an evening of oversimplified history and oversentimentalized drama, an exploitation of the Rosenbergs' tragic encounter with history for the purposes of illustrating an official moral, namely, that "the state—when it is frightened enough—has been, is now, and will be in the future capable of ritual murder, suppression, death camps, and genocide. That's the lesson of the 20th century." Far from paying any respect to the complex and partly-disguised personalities of his two protagonists, Freed has reduced them to the single aspect of innocent victims: "decent, simple, and lovable people"—and nothing else.

EVEN MORE remarkable than the play itself, however, was its enthusiastic reception by most leading critics. How did such an obviously stilted, agit-prop melodrama manage to persuade a critic like Clive Barnes of the Rosenbergs' innocence? To take an even more improbable case, why should John Simon, known ordinarily for his unsparingly abrasive dismissals of theatrical sham, have succumbed to the drama's fraudulent piety? The deference shown *Inquest* by writers like Barnes and Simon apparently reflects their willingness, along with that of an increasing number of troubled "progressives," to subscribe to a devil theory of recent American life. The couple's actual guilt or innocence is clearly as irrelevant to these critics as it is to the author himself. "Even if they were [guilty]," Simon acknowledges in an argument similar to that which Barnes employed in his review, "their trial [i.e., Freed's trial] was a monstrous farce," for "this is what it is like to live in a frenzied country under a hysterical government and an intellectually and morally inadequate President; this is how faulty trial by jury really is." That jury trials are meant to be decided on points of evidence and not on moral testaments, remains unimportant to these critics, as one can see from Julius Nov-

ick's review of the play in the *Village Voice*:

I conceded at the beginning of this review that for all I knew, even after seeing the play (I have done no reading on the subject), the Rosenbergs might just conceivably be guilty, but I have been writing ever since of my love for them, or at least for their stage-images, or for myself-in-them. I have called the Rosenbergs (I was referring specifically to the stage-Rosenbergs, but I meant the real ones too) [sic]—I have called the Rosenbergs "decent, simple, and lovable people"; would I still say this even if they turned out to be guilty? Yes, I think so, although in that case, inside their simplicity would be suspended a deep and sad and dishonorable complexity.

Perhaps the best way to appreciate the extraordinary meaning of Mr. Novick's moral argument would be to substitute the word "Eichmann" for "the Rosenbergs," change the tenses, and read the quotation back for sound. Of course the Rosenbergs were in many ways "decent, simple, and lovable people," concerned for their children and intensely in love. But do these fairly common personality traits acquit them of the charge of espionage? Freed seems to think so—and he has evidently convinced the drama critics—but his "reconstructions," presumably drawn from personal interviews as well as from the couple's voluminous death-house correspondence, offer no help in answering the question of guilt or innocence. In fact, the author conveniently overlooks those very aspects of Ethel's and Julius's personalities which might have some bearing both on the government's interest in the Rosenbergs and on the possibility of their innocence.

To cite but one glaring example: in a play devoted supposedly to the "facts" of the case, why is no mention made of the fact that the Rosenbergs were dedicated Communists? Not only does this go unmentioned, but the suggestion is made that the pair had been casually "progressive" people, perhaps a bit to the Left of FDR. In 1970, some twenty years after the trial, and at a time when no possible reason could exist for hiding such

a piece of information, one can only assume that the deceit here is intentional, and it suggests that Freed's drama is either too naive to warrant credibility or too cynical to compel trust. Either way, the author does the Rosenbergs—and their possible "innocence"—a vast disservice.

AT THIS point a rather brief summary of the Rosenberg case itself might be in order. In February 1950 Klaus Fuchs, a leading, German-born British physicist, was arrested in England. Fuchs had confessed to having been a Soviet espionage agent during the Second World War while he was working at Los Alamos on the atomic bomb project. Several months later, the FBI took into custody a Philadelphia chemist named Harry Gold, who promptly admitted to having served as Fuchs's courier in a Russian-organized spy ring which stole secret information on American atomic research. A series of arrests by the FBI followed Gold's confession and, in the fall of 1950, a quartet of New York Jewish radicals—the Rosenbergs, Morton Sobell, and David Greenglass—stood trial, charged with having conspired to commit espionage. This "crime of the century," as FBI Director Hoover termed it, aroused enormous public indignation in the United States, since the exposure of the spy ring practically coincided with the American government's announcement that the Soviet Union had exploded its own atomic bomb, thereby ending America's nuclear monopoly.

At the trial, Greenglass, a machinist by trade, testified for the government that the Rosenbergs, his sister and brother-in-law, had recruited him into the spy ring. Greenglass had been an Army machinist at Los Alamos in 1944 and 1945, and, according to his own testimony, had given Harry Gold (once) and the Rosenbergs (several times) diagrams and other material which could convey to Soviet scientists the firing mechanism and internal structure of the atomic bomb. Harry Gold and Ruth Greenglass corroborated David's testimony concerning the Rosenbergs' involvement in the plot, but the government's case

against Morton Sobell rested largely upon testimony by a former friend and fellow-Communist that Sobell had attempted to recruit him into the espionage ring.

During the trial, defense lawyers objected repeatedly to the government's insinuations that the Rosenbergs' background in the Communist movement constituted presumptive proof of their complicity as spies. In the end, the jury accepted the credibility of the government's witnesses and found all four defendants guilty. Judge Kaufman awarded Greenglass, despite his cooperation, a stiff fifteen-year sentence; Sobell received the maximum thirty years in jail allowed by law; and the Rosenbergs, who had allegedly run the spy network, were sentenced to death. Ruth Greenglass, although a confessed accomplice to the espionage, was never brought to trial.

For two years after their sentencing, until their execution in June 1953, public support for the Rosenbergs mounted steadily both in this country and abroad. Although Communists and ultra-radicals dominated the formal nationwide "committee" organized on their behalf, thousands of non-Communists signed the committee's petitions, some of which called merely for commutation of the death sentences. Attorneys for the couple challenged the fairness of the trial and at numerous hearings, both before Judge Kaufman and in the appellate courts, introduced "new evidence" to support legal appeals for a new trial. But all of these legal efforts failed, and the couple went to their deaths in 1953. Even many leading anti-Communist Americans protested their execution as an act of cruel and unusual punishment, either on moral grounds or because of questions concerning the credibility of prosecution witnesses.

"Revisionist" accounts of the case began appearing soon after the execution, although as early as 1951 William Reuben, a journalist for the fellow-traveling *National Guardian*, had written a series of articles charging an FBI frameup. Reuben published an extended version of his argument in *The Atom Spy Hoax* (1954), and most of his conclusions were echoed in

John Wexley's *The Judgment of Julius and Ethel Rosenberg* (1955). The revisionist analysis of the case received its most thorough and influential statement in Walter and Miriam Schneir's *Invitation to an Inquest* (1965), which summarized every conceivable bit of evidence and speculation that suggested the Rosenbergs' innocence.

DURING THE trial itself, defense attorneys generally accepted the government's claim that a spy conspiracy had existed which connected the Greenglasses and Harry Gold. Counsel for the Rosenbergs insisted only that their clients had neither initiated nor joined this conspiracy. Rather, they argued that the Greenglasses had implicated them in a desperate move to curry government favor and save their own skins. Only after Reuben's articles appeared in the *National Guardian* did partisans of the Rosenbergs begin arguing a more sinister view of the case. Reuben, Wexley, and the Schneirs based their belief in the Rosenbergs' innocence squarely upon the notion of a skillfully-laid FBI frameup, which trapped all the defendants, including the Greenglasses and Harry Gold, in an "atom spy conspiracy" that never existed. They find "evidence" for such a monstrous government counter-conspiracy in a number of places, although only some of their major contentions can be described here.

Even while the case was being appealed in the courts, the Rosenbergs' attorneys gained access to some memoranda stolen from the office of O. John Rogge, lawyer for David and Ruth Greenglass. In these notes, David and Ruth discussed their involvement in the alleged spy plot in terms which differed significantly from their later testimony at the trial. For one thing, they never mentioned Ethel's complicity and, although they referred to Julius's involvement, he does not emerge in the notes as a "master spy." The memos likewise revealed that the FBI had apparently coached the Greenglasses extensively on their testimony. For their study the Schneirs also gained access to recordings of pre-trial conversa-

tions between Harry Gold and his attorney, which showed that the Bureau had tutored Gold even more relentlessly before his appearance at the Rosenberg trial. In these conversations, Gold offered a far more innocuous account of his one meeting with the Greenglasses in Albuquerque, New Mexico, than the version he later volunteered at the trial. For one thing, Gold never mentioned having known anything about the Rosenbergs' involvement in the conspiracy, although in trial testimony he professed a much greater awareness of their role.

By comparing these pre-trial statements with the trial testimony of the three government witnesses—two already under indictment for capital crimes and the third (Ruth Greenglass) threatened with indictment—even those persuaded of the Rosenbergs' guilt might question the complete credibility of the witnesses through whose evidence the government secured a conviction that led to the death penalty. Almost no documentary material substantiated the confession made by Gold and the Greenglasses at the time of the Rosenberg trial; the prosecution submitted not a single purloined document or other actual proof that espionage had been committed, apart from the sworn statements of its three confessed conspirators. The Schneirs assert, in fact, that FBI agents not only planted the appropriate testimony in the minds of these witnesses but that they manufactured the single piece of "hard" evidence that linked Gold tenuously to the Greenglasses (and thereby to the other alleged conspirators): a photostat of a 1945 Albuquerque Hilton check-in card which Gold supposedly signed after visiting the Greenglasses. The Schneirs subject this document to elaborate analysis and persuade themselves that it was faked. Furthermore, they offer the Atomic Energy Commission's word, along with that of numerous key scientists at Los Alamos, that the sketches made by Greenglass for the FBI in 1950 to substantiate his claim to have stolen meaningful data on the atomic bomb, were practically worthless to Russian scientists, whether or not the machinist had passed the originals along

six years earlier. Really, however, the revisionist argument stands or falls on the question of whether Gold and the Greenglasses were truthful witnesses or capricious perjurers.

DONALD FREED stuffs many of the "facts" exposed by the Schneirs into the body of his play, although he generally distorts or exaggerates their actual meaning, thereby turning the Schneirs' elaborate revisionist tapestry into little more than a crude wall poster. Still, Walter and Miriam Schneir themselves, like other revisionist writers on the case, often seem more ingenious than candid in their own selection of "facts." Throughout their book, for example, they either overlook or explain away rather unconvincingly the Rosenbergs' lifelong commitment to the Communist movement, a commitment which (according to the testimony of their own friends) had made them passionate union organizers and party recruiters. ("Julie and Ethel could save their own skins by talking," Mrs. Morton Sobell exclaimed at a 1952 pro-Rosenberg rally, "but Julie and Ethel will never betray their friends.") The revisionists also neglect to provide a reasonable explanation for the precise manner in which Greenglass acquired the \$3,900 he possessed at the time of his arrest—if it had not been received, as David claimed, from Julius as money to finance his escape. Similarly, who if not Harry Gold actually gave the Greenglasses the \$400 which Ruth deposited in an Albuquerque bank in June 1945 one day after Gold allegedly gave them the money in exchange for atomic information? Why also, were the Schneirs, although unsparingly detailed on even the most minor points, so reticent when alluding to Ethel Rosenberg's history of psychiatric treatment, both prior to her arrest and in prison?

In a review of the Schneirs' book in these pages,* Alexander Bickel pointed out the essential flaw in the revisionist argument:

The remarkable feature of this early record [Bickel observed] is that the rudiments of Gold's story

were there. . . . If, then, FBI prodded Gold into elaborating these rudiments into a full story by putting to him material from the Greenglass confession [which, even in its earliest version, insisted on Julius's involvement in the conspiracy—A. W.], and prodded Greenglass to confess by asking him to affirm or deny as much as was known of Gold's story—if this was the method of interrogation, as no doubt it was, it was normal and proper, and does not in itself destroy or even substantially weaken the credibility of either Gold or Greenglass.

Finally, the revisionists must contend with the fact that the memoirs of another major Soviet agent, Kim Philby, twice mention the Rosenbergs as Russian agents, a curious admission under the circumstances.

"The Rosenberg Case is nevertheless a ghastly and shameful episode," Bickel wrote. "There is first of all the death sentence, and secondly the death sentence, and thirdly the death sentence, and then again the death sentence." That the Rosenbergs were executed remains an awful and unwarranted act, and were this the sole concern of Freed's play, one might question less vehemently its other inadequacies. Unfortunately, no dramatist can acquit the Rosenbergs of espionage on the basis of *who* (he thinks) they were any more than he could convict them on such specious grounds.

WHAT IF someone were to write a play, the author was asked recently, "taking the position that the Rosenbergs were guilty?"

"But that play has already been written," said Freed. "It was written by Irving Saypol and Roy Cohn at the behest of J. Edgar Hoover. It was a laugh riot."

Such a glib retort exposes one essential weakness of dramas like *Inquest*. In the hands of enthusiastic partisans, the "theater of fact" can easily become fraudulent history. Freed's eye is obviously less on the "facts" of the Rosenberg case than on its apparent "lessons"; nor do the Rosenbergs themselves attract him as subjects of dramatic concern in their own right. Rather, they interest the

author primarily as convenient symbols of those "lessons" which he finds that the 20th century teaches all right-thinking men. The doomed couple are somewhat impersonal objects, and piteous anguish for their fate must persuade a gullible audience that a "murderous pattern" of such ritual slaughters exists in American life stretching in an unbroken line from Sing Sing to Vietnam.

Consider, finally, Freed's political message, that "lesson" of radical innocence which the critics found so persuasive. Once more the author has provided what he considers an appropriate comparison between past and present. "Huey Newton, Bobby Seale, and Eldridge Cleaver," Freed has observed, "are the Julius and Ethel Rosenbergs of today":

Now we can read letters of the Rosenbergs, hear their words and see them as sympathetic people but in the 50's they were considered slimy Jewish Communists like the bad niggers of today. What we have to prevent is a play being written 20 years from now that will cause audiences to say, "Do you mean they really fed breakfasts to poor children and that they were sensitive, extraordinary human beings? We thought they were something out of the American nightmare, coming to the suburbs to rape our daughters."

Bobby Seale must not go to the electric chair in Connecticut. This country cannot take again what we went through in the 50's.

One might surmise from Freed's analysis that Bobby Seale is on trial not for murder but for dispensing high-quality porridge to grateful infants. This view of the situation accords with the logic of many who sympathize either with the Panthers or with white radicals like the Chicago Seven, all of whom are seen as merely the latest in an endless string of modern victims of "Amerikan" fascism. Of course, despite the occasional throwback to the past, like Communist historian Herbert Aptheker who addressed the last Black Panther national convention, most of the current crop of parlor revisionists were too young to join earlier cold-war crusades for America's

* January 1966.

venient
s" which
century
g men.
omewhat
piteous
ust per-
that a
h ritual
can life
en line

politi-
of radi-
critics
more
hat he
mpari-
resent.
e, and
d has
Ethel

f the
s and
ople
nsid-
nists
day.
play
ow
d
and
ex-
We
out
m-
our

to
it.
in
ie

d's
on
is-
to
ie
of
h
s
f

"moral redemption." The students who now demand that Bobby Seale be freed, with or without a trial, have no personal recollection of that period after the Rosenberg trial when American Communists organized "spontaneous" local committees to save the pair, working with their usual Progressive party allies to turn the trial into a "cause." It might even come as a surprise to many of these same young people (surely, though, not to their older supporters?) to learn that the Black Panthers' "breakfast program" bears as much relation to the specific act for which Bobby Seale is on trial as Julius Rosenberg's folk-singing did to the charge of espionage against him. But, then, "tales of political terror" generally supply their own logic, and should John Mitchell's avid prosecutors continue their pursuit of "conspirators," the New Left's aging mandarins will possess a more than adequate number of overnight martyrs for public consumption.

Alas, there may be such "lessons" galore in years to come, thereby blurring still further the line between those who practice the "theater of fact" and those who practice "revolution as theater." One such merging of the two came in a recently-announced forthcoming drama of the Chicago conspiracy trial, starring, naturally, the Chicago Seven. How Messrs. Barnes, Simon, and Novick should sink their gums into that one! For their tolerant critical reception of *Inquest*, indeed the very appearance of such a play, is symptomatic of a growing crisis in confidence among many leading cultural spokesmen in the United States, a crisis that becomes daily more evident.* The willingness to accept radical myths as unvarnished fact, as in Freed's equation of the Rosenbergs and the Black Panthers, reflects a deep and often irrational hostility among an increasing number of intellectuals to the entire fabric of American life. Those who can make no substantive distinctions between the

* The roots of this crisis among a certain segment of literary men are explored in Irving Howe's "The New York Intellectuals: A Chronicle & A Critique," *COMMENTARY*, October 1968.

Rosenberg trial and the Slansky trial, for example, or between the aims of Bobby Seale and those of Martin Luther King, or even between the dilemmas of Richard Nixon's "Amerika" and those of Adolf Hitler's Germany, will not trouble themselves over petty details of historical accuracy or dramatic honesty. They require instead the consoling simplicities of a purely political theater, one in which "facts" are merely "lessons" to be taught and "truth" a code word for correct doctrine. In this connection, Richard Hofstadter's classic description of the "paranoid style" merits consideration:

The central image [of the paranoid style] is that of a vast and sinister conspiracy, a gigantic yet subtle machinery of influence set in motion to undermine and destroy a way of life. . . . The paranoid spokesman sees the fate of this conspiracy in apocalyptic terms. . . . He constantly lives at a turning point: it is now or never in organizing resistance to

conspiracy. Time is forever just running out. . . . The typical procedure of the higher paranoid scholarship is to start with . . . defensible assumptions and with a careful accumulation of facts, or what appear to be facts, and to marshal these facts toward an overwhelming "proof" of the particular conspiracy that is to be established. It is nothing if not coherent—in fact, the paranoid mentality is far more coherent than the real world, since it leaves no room for mistakes, failures, or ambiguities. . . .

The tensions and unrest of recent American life, for reasons that would require another essay to elaborate, have made fashionable the simple coherence of revisionist history and theater, both of which appeal to the overheated imaginations that Hofstadter described. It still remains to be seen whether serious historians, dramatists, and critics will fall into line, or whether they will have the stamina to resist the coercions of the current radical moralism.

A TREASURY OF CHASSIDIC SONG

LIMITED EDITION — 3 RECORD SET



Here, for the first time in one collection, is the extraordinary range of authentic Chassidic music — 32 superb performances by a group of specially-assembled instrumentalists, solo performers and choristers . . . recorded on three unbreakable 12-inch long-playing records (33 1/3 RPM playable on either mono or stereo sets), in a handsome boxed edition.

RECORD NO. 1 offers twelve songs and nigunim dating from the first generation of Chassidim and their immediate descendants, handed down intact from father to son for nearly 250 years. Included are three compositions by the Baal Shem — the charismatic 18th century mystic who founded Chassidism.

RECORD NO. 2 presents eight songs and nigunim composed by the great dynasty of rebbes of Moditz, including the present Rabbi Samuel (who leads his worldwide flock from his court in Tel Aviv).

RECORD NO. 3 presents twelve songs and nigunim of the populous Lubavitcher Chassidim, whose rebbe and court are today located in Brooklyn.

A Few of the Many Well-Known Selections

A Din Toyre Mit Got • Shir Hashirim • A Dudle • Korev Yom • Nigun Besht • Ovinu Malkenu • Uforatzo • Tsomoh L'cho Nafshi • Nigun Simchah • Vald Nigun • Chassidic March

A Treasury of Chassidic Songs

Three 12" long-playing records (33 1/3 RPM; playable on mono or stereo) with complete bi-lingual texts and explanatory notes

Price for the limited edition of *A Treasury of Chassidic Song* (complete with bi-lingual texts and notes) is \$13.25.

Commentary Records, 165 East 56th Street, New York, New York 10022

Please send _____ sets of Chassidic Records at \$13.25 each. My check NAME _____ for _____ is attached.

Commentary Records pays ship- STREET _____ ping costs. (Refund Guaranteed)

CITY _____

STATE _____

ZIP _____

Mr. Weinstein continues: "Perhaps the best way to appreciate the extraordinary meaning of Mr. Novick's moral argument would be to substitute the word 'Eichmann' for 'the Rosenbergs,' change the tenses, and read the quotation back for sound." This is a peculiar sort of appreciation. Where in God's name does Mr. Weinstein get Eichmann from? I was writing quite specifically about the Rosenbergs; the Eichmann case is not remotely a parallel instance. Mr. Weinstein's little substitution puts me in mind of the rabbi in my old synagogue, who used to invoke "Dachau!" every year on Yom Kippur in the course of raising money for the UJA, because he was confident that any mention of the Nazis would cause his congregation to salivate automatically.

Needing, for the purposes of his argument, some critics willing "to accept radical myths as unvarnished fact," Mr. Weinstein seeks to misrepresent me as one such. But in my review I was trying to get beyond the questions of whether or not the Rosenbergs "did it," and what the jury in the case ought to have done. "To me at least," I wrote, "this is not just a play about two people named Rosenberg, but about that whole vaguely defined but vividly remembered phenomenon that is now called the Old Left." The Old Left was deeply compromised, as I took pains to point out, by its dishonorable complicity with Stalinism, but it was punished by base-minded men with a severity that far exceeded its guilt, and I find it pathetically lovable for its well-intentioned, doomed naiveté. For all of this, the Rosenbergs—in Mr. Freed's play as in life—stand, for me, as affectingly human symbols. This set of opinions and feelings scarcely constitutes a "radical myth."

I agree with Mr. Weinstein that the radical analysis of recent and current history is often dangerously simplistic; but Mr. Weinstein himself, in his eagerness to ferret out and pillory "revisionists," is guilty of the same sort of simple-mindedness and failure to make distinctions for which he attacks the radicals. Mr. Weinstein admits that the execution of the Rosenbergs was "an awful and unvarnished act"; he'd better watch out, or some super-Weinstein will be calling him a Communist.

JULIE NOVICK
New York City

TO THE EDITOR OF COMMENTARY:

I was appalled at the inaccuracy and misrepresentation in Allen Weinstein's article. Mr. Weinstein repeatedly refers to the case as a lesson of the 20th century and chastises Freed for "not paying any respect to the complex and partly disguised personalities of his two protagonists." So what? I agree that the characterization of Julius and Ethel lacked depth. Nevertheless, the horror of the Rosenberg affair *should* be reenacted. Freed's play was not a character study of two passionate Communists, nor of the motives which drive people to Communism. Freed's play was about a fear-ridden society and the tragic results to individuals when this fear becomes too great. . . .

BILLIE LEDERMAN
New York City

TO THE EDITOR OF COMMENTARY:

. . . Mr. Weinstein admits that "the prosecution submitted not a single purloined document or other actual proof that espionage had been committed apart from the sworn statements of its three confessed conspirators." These witnesses, in early accounts to their own attorneys, told stories which differed significantly from their later testimony at the trial. Mr. Weinstein admits that "by comparing the pretrial statements with the trial testimony of the three government witnesses, two already under indictment for capital crimes and the third threatened with indictment, even those persuaded of the Rosenbergs' guilt might question the complete credibility of the witnesses." May I ask Mr. Weinstein: without documentary evidence and without completely credible witnesses, what basis is left for conviction on such a charge? . . .

Seventeen years after their execution the Rosenbergs emerge from the play *Inquest*, from the various books, and, above all, from the historical record, as innocent.

MURIEL GOLDRING
Brooklyn, New York

TO THE EDITOR OF COMMENTARY:

. . . How can one excuse Allen Weinstein's remarks in 1970, when the lies of Harry Gold and the Greenglasses have been established beyond dispute? Mr. Weinstein must know that the convictions rested on the Greenglasses' testimony . . . and he even refers to the new evidence, which thoroughly discredits their testimony: Greenglass's

handwritten statement to his lawyer; his wife's characterization of Greenglass to the lawyers; the discovered console table; the affidavit of his brother, Bernard Greenglass, concerning David's theft of uranium from Los Alamos; the affidavits of top atomic scientists.

Those who did not believe Greenglass—and this group also included Albert Einstein and Harold C. Urey, even before the discovery of the new evidence—authors William Reuben, John Wexley, Walter and Miriam Schneir, and Donald Freed, are described by Mr. Weinstein as "revisionists." They are then faulted for not providing reasonable explanations of how Greenglass obtained \$3,900 in his possession, if not, as alleged, from the Rosenbergs. Mr. Weinstein adds: "Similarly, who if not Harry Gold actually gave the Greenglasses the \$400 which Ruth deposited in an Albuquerque bank in June 1945 one day after Gold allegedly gave them the money in exchange for atomic information?" . . . Many "revisionists" believe that Greenglass obtained this money from his thefts and black marketing in Los Alamos. But even without this highly plausible explanation, what bearing does the money have on the guilt or innocence of the Rosenbergs? If Greenglass had accused Allen Weinstein instead of the Rosenbergs, would lack of knowledge concerning Greenglass's finances establish Weinstein's guilt?

Mr. Weinstein "proves" that the playwright lacks sincerity because he failed to portray the Rosenbergs as "dedicated Communists." He says: "Not only does this go unmentioned, but the suggestion is made that the pair had been casually 'progressive' people, perhaps a bit to the Left of FDR." This is totally untrue. The play showed the Rosenbergs exactly as the trial transcript did, "pleading the Fifth" where questions of Communist affiliations were involved, but clearly expressing themselves as friends of the Soviet Union, far more than just casually "progressive". . . .

AARON KATZ
Brooklyn, New York

TO THE EDITOR OF COMMENTARY:

. . . Allen Weinstein makes much of Donald Freed's omission of the Communist affiliations of the Rosenbergs, but he does not refer to the more basic omission of what happened to Morton Sobell; the

New Books from Schocken

Living the Good Life

How to Live Sanely and Simply
in a Troubled World

HELEN and SCOTT NEARING

With an Introduction by Paul Goodman

"They are, quite simply, of a heroic size—at which point the 'experiment in self-sufficient homesteading' appears for what it is: a remarkable human adventure, one of the rarest of our time."

—George Dennison in WIN/MAGAZINE
225 pp./illus./bibliog./index
hardcover \$4.95

Prison Memoirs of an Anarchist

ALEXANDER BERKMAN

Introductory by Hutchins Hapgood

New Introduction by Paul Goodman

(Studies in the Libertarian
and Utopian Tradition)

534 pp./illus.

paper \$2.95/hardcover \$9.50

A Journey in the Back Country

In the Winter of 1853-1854

FREDERICK LAW OLMS TED

New Introduction by Clement Eaton

515 pp./Index

paper \$2.95/hardcover \$9.50

The Formative Years

How Children Become Members
of Their Society

Edited by David Edge

With a Foreword by James L. Hymes, Jr.
68 pp./chart/notes

paper \$1.75/hardcover \$4.50

Commitment In Modern French Literature

Politics and Society in Péguy,
Aragon, and Sartre

M. ADERETH

240 pp./bibliog./Index

paper \$2.95/hardcover \$6.00



from your bookseller or

SCHOCKEN BOOKS

Park Avenue, New York, N.Y. 10016

10/COMMENTARY NOVEMBER 1970

story of Sobell glaringly exposes the shocking injustices and violations which permeated the case from the beginning. To Mr. Weinstein, Freed was too harsh in attacking the prosecution and trial judge; to history, he will appear too lenient.

Morton Sobell was convicted . . . on the uncorroborated testimony of one man, Max Elitcher, a confessed perjurer, whose testimony was purchased by special assistant prosecutor Roy Cohn; Cohn promised Elitcher immunity from prosecution for his own crimes if he testified. The law journals have pointed out that even if every word of Elitcher's testimony were true, it still would not provide sufficient evidence to prove Sobell guilty of the crime he was charged with in the indictment. . . .

Sobell was injected into the trial, like Elitcher, to provide another witness against the Rosenbergs. When he refused to follow Elitcher's example and purchase his own freedom by falsely implicating the Rosenbergs, Judge Kaufman imposed the maximum prison sentence permitted by law—thirty years. The judge was rebuked for this sentence by every law journal which studied the case. . . .

If Allen Weinstein is genuinely opposed to the distortion of truth, instead of attacking playwrights like Freed, let him encourage them by saying, "Right on! . . . on to the case of Morton Sobell." It may be too late for the Rosenbergs, but it is not too late for a full pardon for Sobell.

LEAH FELLER

Brooklyn, New York

TO THE EDITOR OF COMMENTARY:

. . . In jurisprudence there are five degrees of proof:

1) proof beyond reasonable doubt;

2) a preponderance of the evidence in favor, that is, more evidence for the fact than for the contrary;

3) a standoff;

4) a preponderance of evidence against;

5) disproof beyond reasonable doubt. . . .

A study of all the evidence in the Rosenberg case, examined dispassionately and sufficiently after the fact for emotions to fade as a factor in judgment, shows that it fits into the fourth category: while the evidence is insufficient to prove the defendants innocent beyond reasonable doubt, the preponder-

ance of the evidence is against their guilt. At this late date, twenty years after the event, why should COMMENTARY wish to revive the question in the form of a presentation of the facts slanted so as to support the finding of guilt against the probably-innocent Rosenbergs? . . .

HERBERT HARVEY

Morrisville, Pennsylvania

ALLEN WEINSTEIN writes:

My critics fall into several overlapping categories: those who defend *Inquest*, those who defend the Rosenbergs, and one who defends their co-defendant, Morton Sobell.

Muriel Goldring chides me for not proclaiming the Rosenbergs innocent, after having accepted some aspects of the revisionist argument. On what basis might their conviction be justified, she asks, if the Greenglasses and Harry Gold were not "completely credible witnesses"? I would refer her to Herbert Harvey's letter, in which he outlines five degrees of legal proof. On the basis of available evidence, I consider the second degree (no pun intended) appropriate to the manner in which most historians today view the Rosenberg case: "a preponderance of the evidence in favor [of guilt], that is, more evidence for the fact than for the contrary." Walter and Miriam Schneir, the leading revisionist writers on the case, have found it easier to throw into question portions of the Greenglass and Gold testimony than to discard its essential credibility.

As for my general views on the problem of an alleged government "frameup," they were discussed in my article and follow those expressed in Alexander Bickel's review of the Schneirs' book (COMMENTARY, January 1966). Although the revisionists have undermined portions of the government's case, they have yet to shake its central premise: that the Rosenbergs conspired to commit some form of espionage connected with the Los Alamos duties of their relative, David Greenglass.

Leah Feller is correct. I should have discussed Morton Sobell's involvement in the case, if only to express my own belief that Sobell was probably innocent. This "basic omission," however, was also Donald Freed's, since Sobell does not appear as a major character in *Inquest*. On the basis of evidence offered at the trial, primarily un-

substantiated testimony by one government witness, Sobell should have been freed. It is shameful that the government refused him parole during his long imprisonment and that it continues to deny him a full pardon. On the other hand, I question whether Sobell was "injected into the trial like Elitcher [the figure who testified against Sobell], to provide another witness against the Rosenbergs," especially since Sobell's "vacation" trip to Mexico at the time he was being sought for FBI questioning had alerted the government to his uncooperative attitude.

Readers must judge for themselves the exact meaning of those passages from my article quoted by Julius Novick. I am puzzled that my use of the Eichmann analogy should have been misconstrued, especially by a man of such rare critical insight: who else could have captured in print the extraordinary spectacle of an entire synagogue on Yom Kippur "salivating automatically" at the mention of Dachau? But let me try once more to explain my meaning: Most human beings seem "decent, simple, and lovable" in the eyes of those closest to them. Eichmann, by common account, was a good family man. He also happened to be a mass murderer. One does not preclude the other, any more than character ever determines public behavior. Would Mr. Novick, then, call a stage-Eichmann a "decent, simple, and lovable" human being if he had witnessed a play that portrayed him as both a Nazi war criminal and a devoted family man? Would he say then of Eichmann what he observed of the Rosenbergs: "Would I still say this even if they turned out to be guilty? Yes, I think so, although in that case, inside their simplicity would be suspended a deep and sad and dishonorable complexity." I will acknowledge Mr. Novick's need for a double moral standard on the matter, if he in turn will attempt candidly to answer the real question raised in my review: "Do these fairly common personality traits acquit [the Rosenbergs] of the charge of espionage?"

Mr. Novick goes on to say that his review actually made a more complex moral argument concerning the "Old Left," for which the Rosenbergs stood as "human symbols." Once more, the reader must untangle for himself the contradictory hyperbole of Mr. Novick's analysis. He calls the Old Left

"deeply compromised" by its "dishonorable complicity with Stalinism," but, at the same time, "pathetically lovable for its well-intentioned, doomed naivete," and, in the end, "punished by base-min J men." I doubt that those who suffered during the McCarthy period for their earlier radicalism deserve such a Manichean requiem. On another of his complaints, the *Village Voice* critic might wish to reread his entire review, if only to refresh himself on those opinions he claims not to have expressed or held. Consider, for example, the following ones:

I came away with feelings of deep affection and respect for the Rosenbergs and for the kind of Americans they were . . . now I am tempted to think, "How could anyone not be sympathetic to the Rosenbergs?" Nothing that I have seen for many months has moved me so much. . . . Most of the acting is straightforward and fine; there are no stereotypes and no caricatures. . . . For me, *Inquest* was a requiem for the days when I was a boy licking envelopes for Vito Marcantonio.

John Simon does not share Julius Novick's fluttery enthusiasm for *Inquest*. Mr. Simon catches me out on two facts: first, that his review did point out the play's aesthetic shortcomings; and second, that I am not a drama critic while he is. Mr. Simon's other observations fail to impress me. For one thing, he seriously misquotes Alexander Bickel, who stated explicitly that the Rosenbergs' execution, not their trial, "was a monstrous farce." Mr. Simon also seems slightly befuddled about the precise issue posed in revisionist accounts of the Rosenberg case, which is not the "fairness" of the trial itself but the purportedly doctored evidence and perjured witnesses used to secure the conviction. Even the Rosenbergs' chief counsel acknowledged at its close the trial's fairness. What was at issue was the veracity of particular government witnesses and the sentence imposed by a particular judge, not the integrity of American law "in a time of panic." Obviously the public hysteria which accompanied the Korean War and the disclosure that Russia possessed the atomic bomb influenced—probably even more than Senator Joe McCarthy's distant malevolence—Judge Kaufman's

decision to impose the death sentence. That jurist's remarks upon sentencing the Rosenbergs stand out even today as perverse testimony to the degree to which ordinary political beliefs can harden, under the proper circumstances, into paranoid suspicions. The Rosenbergs were neither Kaufman's moral monsters nor Freed's spotless saints.

But if I am not a drama critic, neither is Simon a historian. The "mood and atmosphere" of his letter make it difficult to determine whether he is equating, in some manner, today's America and its President with the "hysterical government" and the "intellectually and morally inadequate President" we had at the time of the Rosenberg case. If so, I would remind him that Harry Truman occupied the White House for most of those proceedings, and whatever his failings, few historians, if any, would apply to him any such label. As for "Nixon & Co.," despite their many anti-Communist excesses during those years, they (or at least Mr. Nixon) had nothing to do with the Rosenberg case itself.

Such maladroitness and imprecise judgments do not always characterize Mr. Simon's criticism, but having unfurled a "devil theory" of recent American life when reviewing *Inquest*, he apparently intends to continue saluting it. He asks whether I "mean to say that Nixon & Co. are not hysterical, not variously inadequate?" The "& Co." epitomizes Mr. Simon's own degree of hysteria as a critic. Does "& Co." include Agnew or Rogers, Mitchell or Moynihan, Laird or Hickel, perhaps even David Eisenhower? Or does he mean *all* of them? Mr. Simon "& Co." might wish to reflect at some point on the inadequacies of a frenetic intellectual community confronted with the necessity for making careful distinctions, even "in a time of panic": the aesthetic distinction, for example, between *Richard III* and a work like *Inquest*.

Both plays, he tells us, possess "a certain dramatic power," although the former was "a finer play by far." What "certain dramatic power" does Mr. Simon have in mind that links the brooding eloquence of Shakespeare's Gloucester with the "matinee-idolish mugging" (Simon's phrase) of Freed's villains? This may be mere quibbling, however, since dramatic taste is keenly personal and none more so than Mr.

Simon's. Therefore, I willingly concede his restrained enthusiasm for *Inquest*—"Perjury, perjury in the highest degree"—if, in return, he will sanction my own preference for the Elizabethan mode of agit-prop:

*Shine out, fair sun, till I
have bought a glass,
That I may see my shadow as
I pass.*

Aaron Katz's claim that "in 1970 . . . the lies of Harry Gold and the Greenglasses have been established beyond dispute" seems a bit premature. For one thing, the stolen memoranda from O. John Rogge's office do not "discredit" Greenglass's testimony that Julius Rosenberg recruited him for espionage; quite the contrary. For another, the scientists' statements to which Mr. Katz refers do not deal with Greenglass's confessed activities as a spy, only with his faulty sense of the atomic-bomb mechanism. Bernard Greenglass's affidavit that his brother David had stolen "a sample" of uranium from Los Alamos is a rather curious document. The Rosenbergs' lawyers produced this convenient testament on May 31, 1953, as they fought a last-minute legal battle to stay the couple's execution, which occurred on June 19. Greenglass's memo itself goes on to state that both his brother David and his sister-in-law, Ruth Greenglass, had said that David later threw the uranium sample into the East River. The Schneirs (and Mr. Katz) conclude from this belated affidavit—supported only by the doomed couple's own statements—that Greenglass actually accumulated the \$400 and \$3900 in question through "thefts and black marketing in [war-time] Los Alamos." That no evidence has yet been uncovered—"documentary" or otherwise—to substantiate this assertion appears a matter of no concern to the revisionists.

The term "revisionist" itself disturbs Mr. Katz. He should be assured that historians do not use it as a term of reproach, nor did I intend it in that sense. It refers generally to newer scholarship that challenges commonly held historical interpretations. I have written "revisionist" history myself, a recent example of which is my reassessment of the Alger Hiss case, forthcoming in the *American Scholar*.

At times Mr. Katz employs the same type of *ad hominem* argu-

ments as Julius Novick. If Greenglass had accused me, instead of the Rosenbergs, he says, lack of knowledge alone of Greenglass's finances would not have established my guilt. Neither, however, did it establish the Rosenbergs' guilt. Once again, the reader might refer to my article and to Alexander Bickel's review of the Schneirs' book for further discussion of this point.

Whether Donald Freed did or did not disguise the Rosenbergs' Communist affiliations is a question that only those familiar with the play can judge. At one point, "reconstructing" a conversation between the defendants and their lawyer, Emmanuel Bloch, on their reasons for "pleading the Fifth," the dramatist implied strongly that the couple had no such affiliations to hide. He does show them as "friends of the Soviet Union," but then, how could he not? Most New Dealers "a bit to the Left of FDR" held such sympathies openly during the 1933-45 period. Freed, on the other hand, used almost none of the significant trial testimony in which Julius Rosenberg refused to say whether he had ever been a member of the Communist party, a charge that cost him his Signal Corps job in 1945. Nor did he portray Rosenberg, again during the trial, refusing to answer the prosecutor's many questions concerning prior involvement in the Young Communist League or the Communist party. To clarify the matter, I was not trying to "red-bait" the Rosenbergs at this late date. I was simply wondering why Freed chose not to dramatize those very aspects of his protagonists' lives which made them appear, whether guilty or innocent, such convenient victims in an era of anti-Communist hysteria. The point is not legal, therefore, but dramatic. The playwright chose to obscure the radical associations that had shaped the activities of his main characters and which, if the Schneirs are correct, had been their only "crime."

Finally, I must thank Herbert Harvey for his comments on juridical "proof," although I disagree with his conclusion for reasons already rehearsed sufficiently. As for Billie Lederman's complaint, I would remind her that it was Freed, not I, who viewed the Rosenberg case "as a lesson of the 20th century." Who could quarrel with the importance of a skillful drama on the Rosenbergs? Mine

was only with the unskillful melodrama that I reviewed.

A recent statement by *Inquest's* producers would disappoint most of my critics. Messrs. Guber and Gross insisted somewhat disingenuously in a letter to the *Sunday Times Magazine* that they were merely "doing a play about injustice" and that "proving the innocence of the Rosenbergs was not our aim." Rather, the Rosenbergs "were chosen as symbolic people." For any future playwright concerned with doing more than exploiting the Rosenbergs "as symbolic people" to make a political point, their actual lives remain, as I said in my article, "a possible paradigm for understanding how the accidents of history reshape human purpose and personality in our time." Such a dramatist might wish to consult not only the Schneirs' book, which is essentially a legal brief for the defense, but also more balanced accounts of the case like Jonathan Root's *The Betrayed*. This neglected study, published in 1963, remains the best single treatment of the cultural "mood and atmosphere" within which the Rosenbergs pursued their lives. I might be tempted to suggest a possible scenario for such a play myself, but respect for the undoubtedly waning patience of COMMENTARY's readers reminds me that, for the moment, enough has been said about the Rosenberg case.

Who Is a Jew?

TO THE EDITOR OF COMMENTARY:

One wonders why Robert Alter tries to present the Orthodox side of the question "Who is a Jew?" in his article, "The Shalit Case" [July], when he is clearly prejudiced against it from the outset. While it is his prerogative to be critical of that position, it is sheer irresponsibility to misrepresent it.

For example, Mr. Alter cites the Israeli newspapers *Haaretz*, *Makhariv*, *Davar*, and *Lamerhav*, but he does not mention *Hatzofeh*, the newspaper of the National Religious party, in which is to be found the finest exposition of the Orthodox viewpoint. It is the National Religious party, which is second to none in its total participation in Israel's life, that carries the responsibility (or onus, according to Mr. Alter) for the Orthodox position, and Mr. Alter surely owes it to his readers, if not to himself, to study that position and

In sponsoring COMMENTARY, the American Jewish Committee aims to meet the need for a journal of significant thought and opinion on Jewish affairs and contemporary issues. Its pages will be hospitable to diverse points of view and belief, and it hopes to encourage original creative endeavor in the various fields of culture. The opinions and views expressed by COMMENTARY's contributors and editors are their own, and do not necessarily express the Committee's viewpoint or position. The sponsorship of COMMENTARY by the Committee is in line with its general program to enlighten and clarify public opinion on problems of Jewish concern, to fight bigotry and protect human rights, and to promote Jewish cultural interest and creative achievement in America.

AMERICAN JEWISH
COMMITTEE

Philip E. Hoffman, President

The Commentary
Publication Committee

Eli M. Black, *Chairman*
Charles D. Breitell
Maxwell Dane
Edward E. Elson
Richard C. Ernst
Maurice Glinert
Sydney M. Kaye
Lewis J. Lavenhol
Ned Pines
Frederick P. Rose
David Sher
John Slawson
Roger Sonnabend
Harry Steiner
Laurence A. Tisch
Ben Touster

The Rosenbergs

TO THE EDITOR OF COMMENTARY:

The two main points of Allen Weinstein's article ["Agit-Prop & the Rosenbergs," July] are that the Rosenbergs were guilty and that Freed's play is untruthful about this, and that all the characterizations in the play are oversimplified and tendentious. In my one-paragraph review (*New York*, May 18), I mentioned the play's "jerky structuring, boggling lacunae, palpable special pleading, less than smooth production." This means, clearly, that I was not impressed either by its truthfulness or by its subtlety. But I did feel that it had a certain dramatic power—as does *Richard III*, a finer play by far but likewise historically dishonest and politically partisan—and such power counts for something in the theater. But Mr. Weinstein insists on judging the play as reportage or a historiographic document, which it clearly isn't, and which even the better plays by Hochhuth and Weiss he seems to admire are not.

How can he object to my point that even if the Rosenbergs were guilty, "the trial was a monstrous farce," when he himself applauds Alexander Bickel's description of it as "a ghastly and shameful episode," and adds that the death sentence was "an awful and unwarranted act"? He next objects to my saying that the play conveys what it feels like to live under "a hysterical government and an intellectually and morally inadequate President." He does not explain, though, just what he objects to. If he means that the play does not convey such a mood and atmosphere, let him say so; but since his entire discussion is limited to a literal-minded weighing of facts, mood and atmosphere are obviously not his concern. Or does he mean to say that Nixon & Co. are not hysterical, not variously inadequate? If so, I'd like to see him argue that one. It would have nothing to do with theater criticism, but then, neither has his article.

Finally, he seems to object to my remark that trial by jury is faulty. But his only feeble rejoinder is that "jury trials are meant to be decided on points of evidence and not on moral testaments." I agree

that that is what they are "meant to be"; but if Mr. Weinstein claims that in a time of panic induced by the Korean War and Joe McCarthy they actually are, I am afraid I must differ.

JOHN SIMON

New York City

TO THE EDITOR OF COMMENTARY:

Allen Weinstein maintains that there is "a growing crisis in confidence among many leading cultural spokesmen in the United States," and seeks evidence of this "crisis" in the critical reception accorded *Inquest*. Donald Freed's play about Julius and Ethel Rosenberg. Mr. Weinstein may conceivably have a legitimate point to make, but he has no right to attempt to strengthen his case by attributing to me opinions I have not expressed and do not hold.

Mr. Weinstein writes: "That jury trials are meant to be decided on points of evidence and not on moral testaments, remains unimportant to these critics, as one can see from Julius Novick's review of the play in the *Village Voice*." Then he quotes from my review as follows:

I conceded at the beginning of this review that for all I knew, even after seeing the play (I have done no reading on the subject), the Rosenbergs might just conceivably be guilty, but I have been writing ever since of my love for them, or at least for their stage-images, or for myself-in-them. I have called the Rosenbergs (I was referring specifically to the stage-Rosenbergs, but I meant the real ones too) [sic]—I have called the Rosenbergs "decent, simple, and lovable people"; would I still say this even if they turned out to be guilty? Yes, I think so, although in that case, inside their simplicity would be suspended a deep and sad and dishonorable complexity. [The sic is Mr. Weinstein's.]

If Mr. Weinstein can really "see" what he says "one can see" from this passage or from anything else in my review, then he can probably "see" flying saucers, and Reds under beds, as well.

U.S. AIR MAIL
100
100

FROM

Allen Weinstein
History Dept.
Smith College
Northampton,
Mass. 01060

TO

The Hon. Elliot L. Richardson
Attorney General of the
United States
Washington, D.C.

Personal

~~FORWARD TO~~
~~RETURN TO~~

VIA AIR MAIL

CERTIFIED
No. 811287
MAIL

AIRMAIL

REC-26

September 13, 1973

EX-112

65-58236-2440

Professor Allen Weinstein
Department of History
Smith College
Northampton, Massachusetts 01060

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 8/5/86 BY 3042 PWT/RWS

Dear Professor Weinstein:

Your letter of August 15, 1973, with enclosures, addressed to Attorney General Richardson, has been referred to me.

The Attorney General has instituted new policies regarding the Freedom of Information Act wherein certain information, with specific deletions, which in the past this Bureau has not made available under the Act, will be released to the public upon request. In response to this, the FBI presently is making organizational changes and formulating procedures to respond to these requests.

Pursuant to Title 28, Code of Federal Regulations, Section 16.9, we are authorized to charge a prescribed rate for, among other things, furnishing copies of information and for time spent searching for and producing information. Your particular request involves a case containing a voluminous number of case files and copious amounts of information covering well in excess of 25,000 pages. Based on the preliminary estimate that our clerical reviewer analysts can search and produce 50 pages an hour at \$1.25 per quarter hour in excess of the first quarter hour, plus a \$.10 per page charge for copies made, we conservatively project the cost to process your request to be \$5,000. A 25 percent deposit, or \$1,250, payable by check or money order to the Treasury of the United States, will be required to initiate processing. As an alternative you may confer with this Bureau in an attempt to reformulate your request in a manner which will reduce the fees and meet your needs.

MAILED 9
SEP 13 1973

Assoc. Dir. _____
Asst. Dir.: _____
Admin. _____
Comp. Syst. _____
Files & Com. _____
Gen. Inv. _____
Ident. _____
Inspection _____
Intell. _____
Laboratory _____
Plan. & Eval. _____
Spec. Inv. _____
Training _____
Legal Coun. _____
Cong. Serv. _____
Corr. & Crm. _____
Res. _____

The Deputy Attorney General
FOI Replies (62-115530)

AHM:dkg (8)

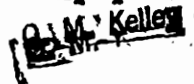
CONTINUED - OVER

5406 12493
MAIL ROOM TELETYPE UNIT

Professor Allen Weinstein

If you desire us to process your request, please indicate in writing your willingness to pay fees as high as are anticipated and enclose a deposit as indicated in this letter. Thereafter, we shall acknowledge receipt of your deposit and advise you when we can begin the necessary processing.

Sincerely yours,



Clarence M. Kelley
Director

NOTE: Bufiles contain no derogatory information re Professor Weinstein. He previously has made requests for information regarding the Alger Hiss case, and he presently has a suit pending with the Department in that regard. This letter is the first Bureau response to Weinstein's request for information from the Rosenberg espionage case. Cost criteria taken from Section 16.9(b)(1) and (2) of the ~~Federal Register~~ (C.F.R.) and reviewer analyst production based on Malmfeldt to Franck memo dated 9-12-73, captioned "Freedom of Information."

SMITH COLLEGE
NORTHAMPTON, MASSACHUSETTS 01060
DEPARTMENT OF HISTORY

September 18, 1973

The Honorable Clarence M. Kelley
Director
Federal Bureau of Investigation
Washington, D.C. 20535

Dear Director Kelley:

I received your September 13, 1973 letter, which responds to the August 15, 1973 letter that I wrote to Attorney General Richardson requesting access to various information from F.B.I. and Justice Department records connected with the Rosenberg case.

I appreciate the opportunity to examine these records pursuant to provisions of the Freedom of Information Act and also pursuant to General Richardson's clarification of Justice Department policy regarding such requests.

Hopefully my initial request for information that your analysts feel would cover material in excess of 25,000 pages can be reduced significantly, both to keep down the amount of clerical attention by your office needed to process the request and to keep down the related cost of processing for me. I will be mailing you a check for the requested 25 percent deposit, or \$1,250, based on an estimated 50,000 pages of material, sometime next week.

To expedite matters, however, and hopefully to reduce my request for material to include only the most essential information, I would like to suggest that I confer with someone from the Bureau to prepare a reformulated request. You suggest this procedure in your letter, and I think it is an excellent one. I stand willing to fly to Washington sometime next week to discuss the matter with someone from your office. It would help me if, at that time, I could be informed of precisely how the 50,000 pages breaks down when distributed among the various types of information requested by my August 15, 1973 letter. In any event, I look forward to discussing the matter personally. Obviously I stand ready to pay the full amount of processing fees eventually involved.

It would be most convenient, given the fact that I teach on other days, if I could meet with someone on either a Wednesday or a Friday, next week if convenient but thereafter if not. I look forward to hearing from you about this.

Sincerely yours,

Allen Weinstein

Allen Weinstein
Associate Professor of History

Assoc. Dir. _____
Asst. Dir.: _____
Admin. _____
Comp. Syst. _____
Ext. Affairs _____
Files & Com. _____
Gen. Inv. _____
Ident. _____
Inspection _____
Intell. _____
Laboratory _____
Plan. & Eval. _____
Spec. Inv. _____
Training _____
Legal Coun. ☒ _____
Telephone Rm. _____
Director Sec'y _____

EXP. PROC.
40 SEP 24 1973

65-58236-2440X

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 8/5/86 BY 3042 P/MS

REC-93 65-58236-2440X SEP 24 1973

CORRESPONDENCE

JAN 13 1974
54 JUN 22 1975

General Elliot M. Richardson

SMITH COLLEGE
MEMORANDUM

Date October 3, 1973
10/5/73 interview
10/26/73 interview

To: Mr. Allen McCreight, Federal Bureau of Investigation
From: Prof. Allen Weinstein

65-58236-2-1

In re Rosenberg Case Files and Director Kelley's Sept. 13, 1973 letter to me concerning processing them for my scholarly use

In a phone conversation earlier this week, Mr. Richard Dennis of your office suggested that I might prepare a more precise list of the Rosenberg case and related papers that I would like processed initially. This would expedite your own clerical cost in time as well as cut down the financial cost to me of processing the material. Enclosed please find such a reduced list which, of course, does not in any sense retract my original request for eventual access to all those papers and materials mentioned in my August 15, 1973 letter to Attorney General Richardson.

Materials Requested for Immediate Processing from Bureau Files:

- All
1. correspondence exchanged between Julius and Ethel Rosenberg while in government custody from the time of their arrest (July 17, 1950-July; August 11, 1950-Ethel) to their execution (June 19, 1953)
 2. All correspondence exchanged between David and Ruth Greenglass from the time of David Greenglass's arrest (June 15, 1950) to December 30, 1953.
 3. All reports by F.B.I. investigators dealing with the Rosenberg case and its principals from February 3, 1950 (date of Klaus Fuchs's arrest) to April 6, 1951 (sentencing of David Greenglass which concluded the Rosenberg trial).
 4. All memoranda on interviews with, signed statements by, and documents associated with the principal figures involved in the case: Julius Rosenberg, Ethel Rosenberg, David Greenglass, Ruth Greenglass, Harry Gold, Klaus Fuchs, and Morton Sobell & Max Elitcher, February 1950 to April 1951 inclusive.
 5. All ~~copies~~ of internal correspondence between and among F.B.I. agents working on the case and other F.B.I. or Justice Department officials for the period February 1950 to April 1951 inclusive.
 6. All correspondence and other written exchanges between officials of either the F.B.I. or the Justice Department and attorneys for any of the principal figures in the case mentioned above, for the period February 1950 to April 1951 inclusive.
 7. A copy of the ninety-five page report prepared by Prof. Benjamin F. Pollack for then-Attorney General Herbert Brownell, Jr. in 1956-57 dealing with the full range of atomic espionage cases including the Rosenberg case. The origins of this report are discussed in my letter to Attorney General Richardson.
 8. All directives and memoranda on the case written by Director Hoover to agents assigned to the case; also a listing of all agents assigned to the case from 1950-1953 and their specific responsibilities.

(cont.)

LEGAL COUNSEL

JAN 13 1978
JAN 13 1978
JAN 13 1978

SMITH COLLEGE
MEMORANDUM

Date Oct. 3, 1972

To Mr. Allen McCreight

From Prof. Allen Weinstein

In re Rosenberg Case Files...(p.2)

9. All correspondence exchanged between principals in the case--- the Rosenbergs, the Greenglasses, Gold, Sobell, Fuchs, and Elitcher---and their attorneys when such correspondence is part of the current F.B.I. file on the case.
10. Additional specific reports, interviews, memoranda and documents to be added as research into the material progresses.

I recognize that this is hardly a specific request for specific reports, but I think that you recognize that without access to a register or listing of the Rosenberg Case files being made available to me, I cannot break down the request in more explicit terms at this time. I would be happy to cooperate in examining such a register in order to further reduce the burden of collection and processing, both for the Bureau and myself. Thankyou, in advance, for your time and attention to this request.

Sincerely yours,

Allen Weinstein

Allen Weinstein
Associate Professor of History and
Director, American Studies Program

RECEIVED

September 21, 1973

Mr. Alvin H. Goldstein
Producer
National Public Affairs Center
for Television
955 L'Enfant Plaza North, S. W.
Washington, D. C. 20024

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 8/5/86 BY 3042 ACJ/RWS

Dear Mr. Goldstein:

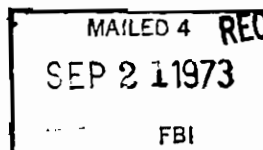
Julius Rosenberg

Reference is made to our letter to you dated
August 13, 1973.

Attorney General Order 528-73, as mentioned in
referenced letter, was signed July 11, 1973, and instituted
new policies regarding the Freedom of Information Act.
Under this Order, certain information, with specific dele-
tions, which in the past this Bureau has not made available
to the public, would be released as a matter of administra-
tive discretion. In response to this policy change, the FBI
has been making organizational changes and formulating pro-
cedures to respond to requests such as yours.

Pursuant to Title 28, Code of Federal Regulations,
Section 16.9, we are authorized to charge a prescribed rate
for furnishing copies of information and for time spent
searching and screening our records. Our files concerning
the Rosenberg case and the individuals involved consist in
excess of 25,000 pages. Based on a preliminary estimate,
we conservatively project the cost to process your request
to be \$3,575. A deposit of \$750, payable by check or money
order to the Treasury of the United States, will be required
to initiate the processing. We extend to you the opportunity
to confer with us in an attempt to reformulate your request
in a manner which will reduce the fees and still meet your
needs.

Assoc. Dir. _____
Asst. Dir.: _____
Admin. _____
Comp. Syst. _____
Ext. Affairs _____
Files & Com. _____
Gen. Inv. _____
Ident. _____
Inspection _____
Intell. _____
Laboratory _____
Plan. & Eval. _____
Spec. Inv. _____
Training _____
Legal Coun. _____
Telephone Rm. _____
Director Sec'y _____



ST-102

SEP 25 1973

1 - The Deputy Attorney General
1 - FOI Replies (62-115530)

REC:jkm (5)

54 OCT 2 1973

MAIL ROOM ☐ TELETYPE UNIT ☐

c.c. dest. c/mw 5/16/75
UNRECORDED COPY FILED IN

Mr. Alvin E. Goldstein

If you wish us to process your request, please indicate in writing your willingness to pay the fees as high as are anticipated and enclose a deposit as mentioned above. Thereafter, we will acknowledge receipt of your deposit and advise you when we can begin the necessary processing.

Sincerely yours,

G. M. Kelley

Clarence M. Kelley
Director

NOTE: Goldstein requested the opportunity for himself and his staff to examine our files concerning the Rosenberg case in a letter dated July 20, 1973. Goldstein is associated with the Public Broadcasting Service which is planning a documentary program on the Rosenbergs. He was informed by Bulet August 13, 1973, his request was being considered in accordance with Attorney General Order 528-73. Bufiles concerning the Rosenberg case include the following main files:

65-58236 (43 sections consisting of 2,435 serials; Rosenbergs);
65-59192 (13 sections consisting of 485 serials; Greenglass);
65-57449 (33 sections consisting of 895 serials; Gold);
65-58805 (43 sections consisting of 1,593 serials; Fuchs);
101-2483 (45 sections consisting of 1,767 serials; Sobell);
101-2115 (7 sections consisting of 272 serials; Max and Helene Elitcher); and
121-4673 (1 section consisting of 5 serials; Max Elitcher).

In addition there are the following "See" references to the above-cited subjects: Rosenbergs - 1,850 see references; Greenglass - 170; Gold - 300; Fuchs - 485; Sobell - 1,000; Max Elitcher - 700; and Helene Elitcher - 600. Cost criteria was taken from Section 16.9 (b) (1) and (2) of Title 28, C.F.R. and reviewer analyst production based on Malmfeldt to Franck memoranda dated 9-12-73, and 9-18-73, captioned "Freedom of Information Act (FOI)."

Handwritten signature

IMMEDIATE

DAVID GREENGLASS AKA, ESP-R.

ON 10/11/73, DAVID AND RUTH GREENGLASS TELEPHONICALLY

AS THE BUREAU IS AWARE THE GREENGLASSES CHANGED THEIR
LAST NAME AND FOR THE LAST FIFTEEN YEARS HAVE ESTABLISHED
A NEW LIFE PRIMARILY IN THE INTEREST OF SECURITY AND PRIVACY
OF THEIR CHILDREN.

1-Bureau (65-58236 (ROSENBERG) (RM)
1-New York (65-15348 (ROSENBERG) (RM)

2 OCT 16 1973

58 OCT 31 1973

65-58236-

13 OCT 26 1973

RESEARCH SOCIETY

ORIGINAL FILED IN 65-59028-486

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 8/3/86 BY 3042 PTF/pet

NY 65-15336

PAGE TWO

BOTH THE GREENGLASSES STATED EMPHATICALLY THEY WOULD NOT APPEAR ON THE PROGRAM OR COOPERATE IN ANY WAY WITH CHANNEL 13. MRS. GREENGLASS POINTED OUT HER DAUGHTER IS TO BE MARRIED IN NOVEMBER AND THE EXPOSURE RESULTANT FROM THE PROGRAM WOULD BE DISASTEROUS TO ALL THEIR PLANS.

THE GREENGLASSES WERE MUCH CONCERNED THAT MR. ROGGE WOULD REVEAL THEIR CURRENT NAMES AND ADDRESS. TO PREVENT THIS THEY TELEPHONICALLY CONTACTED ROGGE WHO TOOK THE POSITION THEY SHOULD COOPERATE. ROGGE TOLD THEM THAT ALVIN GOLDSTEIN, THE PRODUCER, KNEW OF THEIR CURRENT SURNAME AND CHANNEL 13 HAD BEEN SECRETLY PHOTOGRAPHING THEM AT THEIR HOME. THE GREENGLASSES WERE SKEPTICAL OF THIS, FEELING THE INVESTIGATORS OF CHANNEL 13 WOULD HAVE CONTACTED THEM IF THEIR WHEREABOUTS WERE KNOWN.

GREENGLASSES REQUESTED ADVICE ON THE PROCEDURE TO PROTECT THEIR ANONYMITY. THEY STATED THEY HAVE NOT BEEN IN RECENT CONTACT WITH JUDGE IRVING KAUFMANN AND JUSTICE IRVING SAYPOL IN RECENT YEARS. NEITHER KNOW THEIR CURRENT NAME AND

NY 65-15336

PAGE THREE

CONSEQUENTLY THEY WERE TURNING TO THE BUREAU FOR ASSISTANCE. THEIR RESOLUTION TO NOT COOPERATE WITH CHANNEL 13 IS ABSOLUTE EVEN IF THEIR CURRENT IDENTITY BECOMES KNOWN. THE GREENGLASSES MENTIONED THEY HAVE A RELATIVE WHO IS AN ATTORNEY AND IT WAS SUGGESTED HE MIGHT BE ABLE TO ADVISE THEM AS TO THE BEST ACTION TO PURSUE. THEY WERE ALSO ADVISED THE BUREAU WOULD NOT REVEAL THEIR CURRENT NAME AND WHEREABOUTS AND THE DEPARTMENT OF JUSTICE WOULD BE NOTIFIED ABOUT THEIR UNWILLINGNESS TO PARTICIPATE IN THE BROADCAST OR HAVE THEIR IDENTITIES REVEALED. JUDGE KAUFMANN WAS APPRISED OF THIS INFORMATION AND HE INDICATED HE DID NOT WANT TO BE CONTACTED BY ANY OF THE FORMER WITNESSES IN THIS CASE. HE WAS AMENABLE TO THE BRIEFING, BUT REQUESTED THIS CONTACT NOT BE REVEALED OUTSIDE THE FBI NOR ANY RECORD BE MAINTAINED OF THIS CONTACT. NO OTHER RECORD OF THIS CONTACT OTHER THAN THIS TELETYPE AND LETTER COPIES HAS BEEN MADE.

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. Franck *REF/976*

DATE: 10-25-73

FROM : G. E. Malmfeldt

SUBJECT: FREEDOM OF INFORMATION ACT REQUEST - ALVIN H. GOLDSTEIN

Assoc. Dir. _____
Asst. Dir.: _____
Admin. _____
Comp. Syst. _____
Ext. Affairs _____
Files & Com. _____
Gen. Inv. _____
Ident. _____
Inspection _____
Intell. _____
Laboratory _____
Plan. & Eval. _____
Spec. Inv. _____
Training _____
Telephone Rm. _____
Director Sec'y _____

Julius Rosenberg
By letter dated July 20th, Alvin H. Goldstein, National Public Affairs Center for Television, (NPACT), requested access to Bureau files concerning the Rosenberg case for a documentary television program he is preparing. He was informed by letter dated September 21st he would be granted access to these files, subject to certain deletions in accordance with Attorney General Order 528-73. We estimated the cost of processing his request to be \$3,575 and extended to him the opportunity to reformulate his request.

Mr. Goldstein contacted the Freedom of Information Act Unit of this Bureau in response to our offer and limited his request to three interviews of David and Ruth Greenglass. An interview of David Greenglass at 265 Rivington Street, New York, New York, was conducted in January, 1950, and concerned a theft of Government property investigation. This interview has nothing to do with the Rosenberg case. The other two interviews are the initial statements given by David and Ruth Greenglass in connection with our investigation concerning the Rosenberg case. David Greenglass testified at the Rosenberg trial and was convicted on espionage charges. Ruth Greenglass also testified at the trial, was named co-conspirator, but was not indicted. It should be noted David and Ruth Greenglass have changed their surname.

Our New York Office advised in a teletype dated October 12, 1973, that David and Ruth Greenglass had been in contact with that Office indicating they were aware a television documentary concerning the Rosenberg case was being produced and that they were concerned that their attorney, O. John Rogge, would reveal their current names and address. Rogge represented the Greenglasses during the Rosenberg trial.

Enclosure - Sent 10-25-73

- 1 - Mr. E. S. Miller - Enclosures (7)
- 1 - Bufile 62-113530 (FOI-REPLIES) - Enclosure

RD:law (5)

CONTINUED-OVER

XEROX

57 NOV 14 1973

NOV 9 1973

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 8/5/86 BY 3042 POC/lews

UNCLASSIFIED COPY FILED IN 65-58236-2442

G. B. Malmfeldt to Mr. Franck memo

Re: Freedom of Information Act Request - Alvin H. Goldstein

They told our New York Office that Rogge had advised them to cooperate with the television people and that Goldstein knew their current surname. Rogge also told them they had been secretly photographed at their home by the Public Broadcasting Service affiliate in New York. The Greenglasses stated emphatically in their conversation with our New York Office that they would not appear on any television program and would not cooperate in any way. They pointed out that their daughter is to be married soon and any exposure from the program would be disastrous to their plans.

Mr. Goldstein's initial request was for all our files concerning the Rosenberg case. He was informed that access to these files would be subject to deletions made in accordance with Attorney General Order 528-73. Under that Order matters involving an unwarranted invasion of privacy or which may be used to adversely affect private persons are subject to deletions. Mr. Goldstein later narrowed his request to the three aforementioned interviews, although he has indicated orally he plans on seeking further information from these files.

Because the possibility exists the Greenglass' new identity may be revealed by the television people and in view of the Greenglass' position with regard to any publicity, we feel the FBI should not release these interviews. It is our position after a careful review of these interviews and consultation with Mr. Mintz, Office of Legal Counsel, that a release of these statements at this point in time would constitute an unwarranted invasion of the Greenglass' privacy and therefore they are exempt from disclosure under the Attorney General Order.

RECOMMENDATION:

That the attached letter be sent to Mr. Goldstein denying him access to the three interviews of David and Ruth Greenglass.

Declining to disclose these specific documents is not inconsistent with prior indication we would grant access because initial offer of access was subject to deletions. The instant documents are among the items that would have been deleted.

CREATIVE LENS STUDIOS

RALPH WUNDER

RURAL DELIVERY ONE
RAYLORESSBURG, PENNA. 18353

November 13, 1973

Good Morning, Director Kelly!

Julius
Understanding that the FBI is going to declassify their files on the Rosenberg Case and the Alger Hiss Case, can you tell me when these will be made public, and how I might obtain copies?

Exp.
I'm a professional newspaper correspondent and feel that these would be worthwhile having.

Your assistance in this matter is appreciated.

Most sincerely,

Ralph C. Wunder
Ralph C. Wunder

P.S. I may be coming to Washington in the near future, and would like, if possible, to discuss with you and interview you about the activities of the militant Venceramos Brigade and the activities of Arthur Bremer, Wallace's would-be assassin.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 8/5/86 BY 3046 PGT/RW

EX-104

REC-15

Mr. Clarence Kelly
Federal Bureau of Investigation
Old Post Office Building
Washington, D.C.

65-58236-2443

16 NOV 15 1973

11-27
CORRESPONDENCE

*ack 11/29/73
ed: (aw)*

L
NOV 29 1973

Unrecorded Copy Filed In

Federal Bureau of Investigation
Records Section

, 19__

<input type="checkbox"/>	Name Searching Unit - Room 6527
<input type="checkbox"/>	Service Unit - Room 6524
<input type="checkbox"/>	Forward to File Review
<input checked="" type="checkbox"/>	Attention <u>Harding</u>
<input checked="" type="checkbox"/>	Return to <u>Danella</u> <u>4764</u>
	Supervisor Room Ext.

Type of References Requested:

<input type="checkbox"/>	Regular Request (Analytical Search)
<input checked="" type="checkbox"/>	All References (Subversive & Nonsubversive)
<input type="checkbox"/>	Subversive References Only
<input type="checkbox"/>	Nonsubversive References Only
<input type="checkbox"/>	Main _____ References Only

Type of Search Requested:

<input type="checkbox"/>	Restricted to Locality of _____
<input type="checkbox"/>	Exact Name Only (On the Nose)
<input type="checkbox"/>	Buildup <input type="checkbox"/> Variations

Subject Creative Lens Studios
 Birthdate & Place _____
 Address _____

Localities _____

R# _____ Date 11/15 Searcher Initials JK
 Prod. _____

FILE NUMBER

SERIAL

NK

ALL INFORMATION CONTAINED
 HEREIN IS UNCLASSIFIED
 DATE 8/5/86 BY 3042 Pate/pws

Federal Bureau of Investigation
Records Sec

, 19__

☐ Name Searching Unit - Room 6527
☐ Service Unit - Room 6524
☐ Forward to File Review
☒ Attention Working
☒ Return to Daniel 4704
 Supervisor Room Ext.

Type of References Requested:

☐ Regular Request (Analytical Search)
☒ All References (Subversive & Nonsubversive)
☐ Subversive References Only
☐ Nonsubversive References Only
☐ Main _____ References Only

Type of Search Requested:

☐ Restricted to Locality of _____
☐ Exact Name Only (On the Nose)
☐ Buildup ☐ Variations

Subject Ralph C. Wunder
 Birthdate & Place _____
 Address _____

Localities Pa.

R# _____ Date 11/15 Searcher Initials JK
 Prod. _____

FILE NUMBER

SERIAL

b7c b2Bu's.NRBD's.NR

ALL INFORMATION CONTAINED
 HEREIN IS UNCLASSIFIED
 DATE 8/5/86 BY 3042 pat/lws

November 20, 1973

REC-15

65-58236-2443

Mr. Ralph C. Wunder
Creative Lens Studios
Rural Delivery One
Saylorsburg, Pennsylvania 18353

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 8/5/86 BY 3042 PBT/RWS

Dear Mr. Wunder:

Your letter of November 13th has been received.

I regret to inform you that the information you requested is contained in investigatory files compiled for law enforcement purposes and as such is exempt from disclosure pursuant to Title 5, United States Code, Section 552 (b)(7). Although Attorney General Order 528-73, dated July 11, 1973, grants discretionary access to certain investigatory files, your request would not appear to be consistent with the tenor and intent of the Attorney General policy, which was designed to accord access to "Persons outside the Executive Branch engaged in historical research projects..." As indicated in your letter, your request appears to be personal in nature and not within the purview of existing policy.

You may appeal my decision within 30 days of the receipt of this letter by writing to the Acting Attorney General, Attention: Office of Legal Counsel, Washington, D. C. 20530. Additionally, judicial review is thereafter available either in the district in which you reside or have a place of business or in the District of Columbia, the location of the records to which you seek access.

With regard to your request to discuss with me the activities of the Venceremos Brigade and Arthur Bremer, my schedule is such that I will not be able to see you in the foreseeable future.

Sincerely yours,
G. M. Kelley

Clarence M. Kelley
Director

NOV 29 1973

Assoc. Dir. _____
Asst. Dir.: _____
Admin. _____
Comp. Syst. _____
Ext. Affairs _____
Files & Com. _____
Gen. Inv. _____
Ident. _____
Inspection _____
Intell. _____
Laboratory _____
Plan. & Eval. _____
Spec. Inv. _____
Training _____
Legal C. _____
Telephone _____
Director Sec. _____

- 1 - Office of The Deputy Attorney General - Enclosure
- 1 - Mr. Miller - Enclosure
- 1 - Mr. Gebhardt - Enclosure
- 1 - Bufiles 62-115530 (FOI-REPLIES)

ed:law (8)

MAIL ROOM

TELETYPE UNIT

NOTE PAGE TWO

NOV 30 1973

Unrecorded Copy Filed In

101-2668-62-115530-00 d.1 c/m-w 11/6/73

Mr. Ralph C. Wunder

NOTE

The above reply was discussed with
Representatives of the Intelligence and General Investigative
Divisions.

b7C

6612 N. 24 Street
Omaha, Nebraska
68112

Federal Bureau of Investigation
Washington, D. C.

Julius Rosenberg

Dear Sir:

I read in the Omaha World
Herald that the F. B. I. was opening
its files on Ethel and Julius Rosenberg.
My dissertation is to be on that
subject. Could I receive any helpful
and additional information on
F. B. I. plans on that case? I-2444
may be in Washington this summer.
Where might I see such information?
REC 21 65-58236-2444
22 NOV 4 1973

EX-117

Sincerely,
Ivy Whitehead
CORRESPONDENCE

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 8/5/86 BY 3042 RUT/RUS

10/1/73
D. W.

EX-117

REC 21

65-58236-2444

November 29, 1973

Miss Inez Whitehead
6612 North 24th Street
Omaha, Nebraska 68112

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 8/5/86 BY 3042 PWT/RWS

Dear Miss Whitehead:

In response to your letter received on November 20th, we are enclosing a reprint which sets forth the current Department of Justice regulations and policy concerning implementation of the Freedom of Information Act.

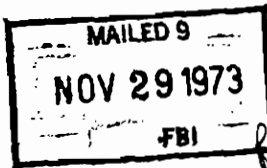
Pursuant to Title 28, Code of Federal Regulations, Section 16.9, we are authorized to charge a prescribed rate for furnishing copies of information and for time spent searching and screening our records. Our files concerning the Rosenberg case and the individuals involved consist in excess of 25,000 pages. Based on a preliminary estimate, we conservatively project the cost to review these files to be \$5,000.

We are currently processing the entire Rosenberg files for another requester and, should you desire similar access at this time, it will be necessary for you to share this cost. Consequently, we extend to you the opportunity to confer with us in an attempt to reformulate your request in a manner which will reduce the fees and still meet your needs.

Sincerely yours,

G. M. Kelley

Clarence M. Kelley
Director



Enclosure

Assoc. Dir. _____
Asst. Dir.: _____
Admin. _____
Comp. Syst. _____
Ext. Affairs _____
Files & Com. _____
Gen. Inv. _____
Ident. _____
Inspection _____
Intell. _____
Laboratory _____
Plan. & Eval. _____
Spec. Inv. _____
Training _____
Legal Coun. _____
Telephone Rm. _____
Director Sec'y _____

- 1 - Office of The Deputy Attorney General Enclosure
1 - Bufile 62-115530 (FOI-REPLIES)

RD:law (6)

NOTE PAGE TWO

54 DEC 5

MAIL ROOM ☐ TELETYPE UNIT ☐

cc det. a/b-mis/6/15
62-115530

Miss Inez Whitehead

NOTE: Bufiles contain no information identifiable with Inez Whitehead. Per memorandum from G. E. Malmfeldt to Mr. Franck dated 11-13-73 captioned "Policy Re Fee Guidelines for Freedom of Information Act Requests," individuals subsequently requesting access to files which are undergoing review for disclosure are to share the cost with the initial requester.

Federal Bureau of Investigation
Report Section

, 19__

☐ Name Searching Unit - Room 5527
☐ Service Unit - Room 6524
☐ Forward to File Review
☐ Attention *Harding*
☒ Return to *Farrington* Supervisor Room *474* Ext.

Type of References Requested:

☐ Regular Request (Analytical Search)
☒ All References (Subversive & Nonsubversive)
☐ Subversive References Only
☐ Nonsubversive References Only
☐ Main _____ References Only

Type of Search Requested:

☐ Restricted to Locality of _____
☐ Exact Name Only (On the Nose)
☐ Buildup ☐ Variations

Subject *Liney, Whitehead*

Birthdate & Place _____

Address _____

Localities *Milwaukee*

R# _____

Date *11-21*Searcher *Stam*
Initials

Prod. _____

FILE NUMBER

SERIAL

b7c b2

ALL INFORMATION CONTAINED
 HEREIN IS UNCLASSIFIED
 DATE *8/5/86* BY *3042 RAB/RAK*

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. Franck

DATE: 11-20-73

FROM : G. E. Malmfeldt

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 8/5/86 BY 3042 POF/RUS

SUBJECT: FREEDOM OF INFORMATION ACT REQUEST - ALVIN H. GOLDSTEIN

Assoc. Dir. _____
Asst. Dir.: _____
Admin. _____
Comp. Syst. _____
Ext. Affairs _____
Files & Com. _____
Gen. Inv. _____
Ident. _____
Inspection _____
Intell. _____
Laboratory _____
Plan. & Eval. _____
Spec. Inv. _____
Training _____
Legal Coun. _____
Telephone Rm. _____
Director's Sec'y _____

Re memorandum from G. E. Malmfeldt to Mr. Franck dated 10-25-73 captioned as above. On 11-8-73, a representative of the Freedom of Information Act (FOIA) Unit contacted Departmental attorney Savery Gradoville, Office of Legal Counsel, at her request to discuss captioned matter. Mr. Goldstein was denied access to three interviews of David and Ruth Greenglass by Bureau letter dated 10-25-73 and he has now appealed our decision to the Department.

Ms. Gradoville, who is handling this appeal, has been informed of the extenuating circumstances which surround the release of the Greenglass interviews, and is sympathetic with our reluctance to release these documents. However, it is her position that these interviews should be released pursuant to the directive of Attorney General Order 528-73.

She requested that we set forth our position in writing for attachment to the memorandum of recommendation she will be writing for the Acting Attorney General.

At this time we are also requesting from the Department a determination as to whether interviews of the principals and witnesses in the Rosenberg case should be released to Alvin Goldstein and Professor Allen Weinstein. Ms. Gradoville requested that these questions be put forth in separate memoranda.

RECOMMENDATION:

REC-865-58236-2445

That the attached memoranda be forwarded to the Office of Legal Counsel, Department of Justice.

Enclosures (2) Sent 11-23-73 *unc*
1 - Mr. Franck - Enclosures (2)
1 - Mr. Miller - Enclosures (2)
1 - Mr. Mintz - Enclosures (2)
1 - Mr. Malmfeldt

RD:law (6)

XEROX

DEC 4 1973

CORRESPONDENCE

65-59028
UNRECORDED COPY FILED IN

REC-865-58236-2445

Assistant Attorney General
Office of Legal Counsel

November 23, 1973

Director, FBI EX 104

FREEDOM OF INFORMATION ACT REQUEST - ALVIN H. GOLDSTEIN

Reference is made to a discussion on November 8, 1973, between Departmental attorney Savery Gradoville, Office of Legal Counsel, and a representative of the Freedom of Information Act (FOIA) Unit of the FBI concerning captioned matter. Mr. Goldstein was denied access to three interviews of David and Ruth Greenglass by letter dated October 25, 1973, and has additional requests pending which we are currently processing.

For your information, David Greenglass testified for the Government at the Rosenberg trial, pleaded guilty to espionage charges, and received a 15-year sentence. His wife, Ruth Greenglass, was named a co-conspirator, testified at the trial, but was not indicted. Subsequent to David Greenglass' release from prison, the Greenglasses changed their name and have lived in anonymity since that time. The first interview Mr. Goldstein is seeking is of David Greenglass at 265 Rivington Street, New York City, and was conducted in January, 1950. It concerned a theft of Government property investigation, and has nothing to do with the Rosenberg case. It is our view at that point in time, David Greenglass was not a figure of historical interest and, therefore, this interview does not come within the purview of Attorney General Order 528-73. The other two interviews are the initial statements given us by David and Ruth Greenglass in connection with our investigation concerning the Rosenberg case.

David and Ruth Greenglass have been in contact with our New York Office indicating they are aware a television documentary about the Rosenberg case is being produced and that they are concerned their attorney, O. John Rogge, would reveal their current names and address. Rogge represented the Greenglasses at the Rosenberg trial.

Assoc. Dir. _____
Asst. Dir.:
Admin. _____
Comp. Syst. _____
Ext. Affairs _____
Files & Com. _____
Gen. Inv. _____
Ident. _____
Inspection _____
Intell. _____
Laboratory _____
Plan. & Eval. _____
Spec. Inv. _____
Training _____
Off. Coun. _____
Off. Rm. _____
Tele. Rm. _____

- 1 - Mr. Franck (detached)
- 1 - Mr. Miller (detached)
- 1 - Mr. Mintz (detached)

NOTE: See G. E. Malmfeldt to Mr. Franck memorandum dated 11-20-73 captioned "Freedom of Information Act Request - Alvin H. Goldstein."
RD:law (8)

MAILED 3
NOV 30 1973
A-FBI

DEC 1 1973
MAIL ROOM TELETYPE UNIT ☐

XEROX
DEC 4 1973

UNRECORDED COPY, FILED IN 65-59028

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 8/5/86 BY 3042 HRP/PLS

Assistant Attorney General
Office of Legal Counsel

They told our New York Office that Rogge had advised them to cooperate with the television people and that Goldstein knew their current surname. Rogge also told them they had been secretly photographed at their home by the Public Broadcasting Service affiliate in New York. The Greenglasses stated emphatically in their conversation with our New York Office that they would not appear on any television program and would not cooperate in any way. They pointed out that their daughter is to be married soon and any exposure from the program would be disastrous to their plans.

Ruth Greenglass advised our New York Office by letter dated November 3, 1973, that they had received a communication from Alvin Goldstein at their current address, revealing he was indeed cognizant of their new identity. She reiterated they had no interest in cooperating with him.

We realize that the release of these documents to Mr. Goldstein in itself would not jeopardize the new identity of the Greenglasses. The FBI obviously has no control over whether or not National Public Affairs Center for Television, (NPACT), will reveal the Greenglasses' new identity in their documentary, but in view of the publicity received by this matter during the past week and the many parties interested in this case, NPACT might feel forced to reveal the identity of the Greenglasses in order to avoid being "scooped." Our cooperating and furnishing these and other interviews to Mr. Goldstein will likely have the result of our becoming associated with the production of the documentary. Should NPACT reveal the Greenglasses' identity, our association with the documentary would have an extremely injurious effect on our intelligence gathering ability. It must be emphasized that this is not an irrational fear on our part. Individuals who provide us information of a sensitive nature often do so at the risk of great personal harm. They rely on our assurance that their identity will be protected and the information they furnish will be kept in the strictest confidence. They may not be able to see the distinction between the FBI furnishing information to NPACT and NPACT revealing the Greenglasses' identity. Further, they may assume it was the FBI who informed NPACT of the Greenglasses' new identity. The net effect will be to severely inhibit our sources from providing us with information.

Assistant Attorney General
Office of Legal Counsel

Because the Greenglasses have attempted to lead their lives in anonymity, it is our view a release of these interviews to Mr. Goldstein would constitute an unwarranted invasion of their privacy should their identities become known. With regard to the Greenglasses' desire for anonymity, it should be noted Ethel Rosenberg was David Greenglass' sister and her conviction was the direct result of his testimony.

In view of the recent decision, Weisberg v. United States Department of Justice, there is no statutory mandate or case law which directs us to release these documents. The only directive lies in Attorney General Order 528-73 which places the release of FBI documents at the sole discretion of the Attorney General. In light of the very strong possibility we may become associated with the disclosure of the Greenglasses' identity by DEFACT, and based on the above information, we respectfully request that the Attorney General not release these documents.

Assistant Attorney General
Office of Legal Counsel

November 23, 1973

Director, FBI

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 8/7/86 BY 3042 PRT/PLS

FREEDOM OF INFORMATION ACT REQUESTS OF
PROFESSOR ALLEN WEINSTEIN AND MR. ALVIN GOLDSTEIN

There currently is pending before the Department the appeal of Alvin Goldstein from a denial by this Bureau of access to three specific interviews of David and Ruth Greenglass.

Parallel to Mr. Goldstein's request but on a broader scope, Professor Weinstein requested access to the entire Rosenberg case file, including all interviews and/or signed statements which may be contained therein of the principal figures in the case, specifically, Julius and Ethel Rosenberg, David and Ruth Greenglass, Harry Gold, Klaus Fuchs, Morton Sobell, and Marc Elitcher. Mr. Goldstein has since indicated an interest in these principal figures.

As you are aware, David and Ruth Greenglass have legally changed their surname and are adamantly opposed to any publicity and/or disclosure of any information pertaining to their involvement in this case. There has been no indication from the other aforementioned principals or their immediate relatives as to their feelings with regard to the disclosure of the interviews in this case.

REC-8 65-58236-2446

In light of the consideration being given to the invasion of privacy aspects of the Greenglass interviews, and in the interest of saving a considerable amount of time in processing Professor Weinstein's request, it is respectfully requested that the Department concurrently consider whether or not disclosure to requesters of the interviews and/or signed statements of all of the principals in the Rosenberg case, including witnesses who subsequently testified at trial, would constitute an unwarranted invasion of privacy of the principals, witnesses, and their immediate relatives.

NOV 29 1973

Asst. Dir. _____
Ext. _____
Files & Com. _____
Gen. Inv. _____
Ident. _____
Inspection _____
Intell. _____
Laboratory _____
Plan. & Eval. _____
Spec. Inv. _____
Training _____
Legal Coun. _____
Telephone Rm. _____
Director Sec'y _____

1 - Mr. Franck (detached)
1 - Mr. Miller (detached)
1 - Mr. Mintz (detached)

NOTE: See G. E. Malmfeldt to Mr. Franck memorandum dated 11-20-73 captioned "Freedom of Information Act Request - Alvin H. Goldstein."

AHM:law (8)

MAILED 3

NOV 23 1973

A-FBI

XEROX

DEC 4 1973

MAIL ROOM ☐ TELETYPE UNIT ☐

82065-59
-8992-101

Assistant Attorney General
Office of Legal Counsel

For your guidance, British subject Klaus Fuchs was arrested by British authorities in February, 1950. He was interviewed by FBI Agents in England and admitted his involvement in espionage activities in the United States. Subsequently, Harry Gold was arrested by the FBI, admitted his involvement, pleaded guilty in Federal court, SDNY, and was sentenced to 30 years in prison. He was released from prison on May 18, 1966. Julius and Ethel Rosenberg were convicted in Federal court, SDNY, on March 29, 1951, and were executed on June 19, 1953. Morton Sobell was convicted on March 29, 1951, and received a 30-year sentence. Max Elitcher was a witness in this case who furnished information at the trial pertaining to his relationship with Sobell and the Rosenbergs.

Our position with regard to disclosure of the principal interviews in this case is that to furnish these interviews would constitute an unwarranted invasion of privacy. We intend to respond to the request for information in the Rosenberg case, subject to and consistent with the deletions as set forth in Attorney General Order 528-73. In this regard, we feel the interviews and/or signed statements of the principals in this case come under the provisions of (b) (3) of Attorney General Order 528-73, which relates to "unwarranted invasion of privacy or other matter which may be used adversely to affect private persons." The basis for our position is further discussed in the memorandum from the Director of the FBI to the Assistant Attorney General, Office of Legal Counsel, captioned "Freedom of Information Act Request - Alvin E. Goldstein," dated November 23, 1973.

We would appreciate your consideration of the matters set forth herein at your earliest convenience.

SMITH COLLEGE
NORTHAMPTON, MASSACHUSETTS 01060
DEPARTMENT OF HISTORY

December 14, 1973

Senator Edward W. Brooke
United States Senate
Washington, D.C. 20510

Dear Senator Brooke:

Earlier this fall, I wrote to thank you and your staff for your efforts in helping to secure me access to the Alger Hiss and Julius & Ethel Rosenberg case files from the F.B.I. Your October 1 letter and its enclosures indicated that Director Kelley and others in the F.B.I. and Justice Department had begun to respond finally to legitimate requests from scholars such as myself for access to these documents under then-Attorney General Richardson's July 1973 order guaranteeing such access.

Because of your interest, I thought that you might wish to be brought up-to-date on the matter. Although I began making arrangements with F.B.I. agents charged with administering the policy to facilitate access to these records in the light of Director Kelley's letter sometime early in October, I have yet to receive a single document. The process has bogged down, apparently, somewhere in the Department of Justice. The precise matter that has yet to be decided by the department concerns the extent of access, with the F.B.I. arguing that interviews with principals in the case--i.e., the Rosenbergs, the Greenglasses, Hiss, and Chambers---fall under 'right to privacy' limitations and, therefore, can not be released. My argument distinguishes, however, between the 'right to privacy' of anonymous informants (for example), which I do not challenge, and the 'right to privacy' of public figures such as the principals in these cases. All of them testified in open court, and many of them later published personal books and other accounts of their cases. Whatever the merits of my arguments versus those of the F.B.I., however, the fact remains that Director Kelley's policy has not been speedily implemented in my case. Three months have now passed since his original letter granting me access, three wasted months as far as my research schedule is concerned. I had put aside these months to receive and organize the papers, had arranged for financing to pay for the process, and had cancelled or postponed other projects to devote myself to this one. From a personal point of view, not to speak of the good faith and credibility of both the F.B.I. and Justice Department, I consider the length of this delay very unfortunate. I think that my own good faith has been indicated by the fact that I have not taken the obvious opportunity of the recent press and television publicity to air publicly the above-mentioned roadblocks, despite many opportunities (and requests) to do so. I hope that this temporizing ends quickly, since the patience of even a patient person concerning decisions that are allegedly "imminent" (a word used in connection with these papers by both F.B.I. and Justice Department officials since October) eventually draws to an end.

Assoc. Dir.	
Asst. Dir.:	
Admin.	
Comp. Syst.	
Ext. Affairs	✓
Files & Com.	
Gen. Inv.	
Ident.	
Insp.	
Intell.	✓
Lab.	
Plan. & Eval.	
Spec. Inv.	
Training	
Legal Coun.	✓
Telephone Rm.	
Director's Sec'y	

Br...

W...

8992-101
2447
7747

ENCLOSURE

CC made in FOIA Unit
12/17/73

CONFIDENTIAL

File

SMITH COLLEGE
NORTHAMPTON, MASSACHUSETTS 01060
DEPARTMENT OF HISTORY

page 2 of 2

I have delayed writing to you, Senator, not only because I recognize your own busy schedule but because I had hoped to have a final decision from the Department of Justice---and the papers---long before this time. Since that has not been the case, I would be grateful if you could look into this matter on my behalf, both as a constituent and as a recently-appointed member of the Joint American Historical Association-Organization of American Historians-Society of American Archivists' Committee on Historians and Archives.

Many thanks in advance for your time, your concern, and your help--both past and present.

Sincerely yours,

Allen Weinstein
Associate Professor of History and
Director, American Studies Program

cc. Attorney-General (Acting) Robert Bork
✓Director Clarence Kelley, F.B.I.

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. Callahan

DATE: 12-4-73

FROM : R. R. Franck

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 8/7/86 BY 3042 PWT/86

SUBJECT: CONGRESSIONAL REQUEST FOR FILES
UNDER FREEDOM OF INFORMATION ACT (FOIA)

Assoc. Dir. _____
Asst. Dir.:
Admin. _____
Comp. Syst. _____
Ext. Affairs _____
Files & Com. _____
Gen. Inv. _____
Ident. _____
Inspection _____
Intell. _____
Laboratory _____
Plan. & Eval. _____
Spec. Inv. _____
Training _____
Legal Coun. _____
Telephone Rm. _____
Director Sec'y _____

Under FOIA and Department of Justice policies relating to it, FBI Headquarters is presently considering a request from a Smith College professor for data from FBI files on the Rosenberg and the Hiss cases. A recent news story appeared in papers throughout the country relating to this matter.

In this regard, the Congressional Services Office (CSO) anticipates requests from Congressional committees for copies of material furnished to persons under FOIA or original requests from the committees under FOIA. An informal inquiry already has been received from Jack Norpel, Research Director, and Jay Sourwine, Chief Counsel, Senate Subcommittee on Internal Security, Committee on the Judiciary, who saw the news item relating to the Rosenberg and Hiss cases, asking if the FBI will give the same information to Congressional committees.

It would be advisable at this time to establish a policy covering such requests so there will be no misunderstanding and all requests can be handled uniformly. Consequently, the following policy is recommended:

Requests from Congressional committees be required in writing over the signature of the committee chairman with the stipulation that the information is needed for official committee purposes. Such requests will be handled in exactly the same manner as requests from private citizens under FOIA--the committee receiving no more nor less information. If the committee request concerns a matter already handled or in the process of being handled on the basis of a prior request from a citizen, the committee will be furnished a duplicate of the data supplied to the citizen. It is felt Congressional committees should not be charged for data supplied under the FOIA program, but we should attempt through liaison contacts with the committees to insure they are not being used by a citizen to obtain information without paying the necessary service charge. When responding to a request from a Congressional committee under this program the Office of Legislative Affairs, Department of Justice, should be notified in addition to the Office of Legal Counsel in the Department.

65-58236-

- 1 - Mr. Callahan
- 1 - Mr. Walsh
- 1 - Mr. Marshall
- 1 - Mr. Cobbardt
- 1 - Mr. Miller

- 1 - Mr. Baker
- 1 - Mr. Cleveland
- 1 - Mr. Franck
- 1 - Mr. Mintz
- 1 - Mr. Mulmfeldt
- 1 - Mr. Bowers

15 JAN 7 1974

DEC 18 1973

R. R. Franck to Mr. Callahan Memo
RE: CONGRESSIONAL REQUEST FOR FILES
UNDER FREEDOM OF INFORMATION ACT (FOIA)

RECOMMENDATION:

That the above proposed policy be approved.

CC made for FOIA
Unit 12/12/73
JF

9TA

Ho Gen

Ans B
Jan/74

~~File~~

Send me a copy of the
FOI Act/ glo.

Report sent to
DO 12/17/73
alm

4

OK

12-19-73

Mr. Franck:

Professor Weinstein is writing to U. S. Senator Edward W. Brooke, (R-Mass.), complaining about the delay involved in his receiving files concerning the Rosenberg case and the Hiss case. Actually the delay to which Professor Weinstein addresses his observations is the result of several factors, one being negotiations Weinstein has had with both the Department and us; a legal proceeding brought by the American Civil Liberties Union on Weinstein's behalf, and to which we have strenuously objected in writing to the consent decree his attorney has submitted; and most recently, awaiting response from the Department to our memorandum dated 11-20-73. Copy attached.

G. E. Malmfeldt

Enclosure

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 8/7/86 BY 3042 PWT/KWS REC-50

65-58236-2448
101-2668-8992

JCF:law (2)

~~58~~ JAN 18 1974

JAN 14 1972

FEB 21 1974

Assistant Attorney General
Office of Legal Counsel

Director, FBI

November 20, 1973

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 8/7/86 BY 3042 ADJ/ALS

FREEDOM OF INFORMATION ACT REQUESTS OF
PROFESSOR ALLEN WEINSTEIN AND MR. ALVIN GOLDSTEIN

There currently is pending before the Department the appeal of Alvin Goldstein from a denial by this Bureau of access to three specific interviews of David and Ruth Greenglass.

Parallel to Mr. Goldstein's request but on a broader scope, Professor Weinstein requested access to the entire Rosenberg case file, including all interviews and/or signed statements which may be contained therein of the principal figures in the case, specifically, Julius and Ethel Rosenberg, David and Ruth Greenglass, Harry Gold, Klaus Fuchs, Morton Sobell, and Max Elitcher. Mr. Goldstein has since indicated an interest in these principal figures.

As you are aware, David and Ruth Greenglass have legally changed their surname and are adamantly opposed to any publicity and/or disclosure of any information pertaining to their involvement in this case. There has been no indication from the other aforementioned principals or their immediate relatives as to their feelings with regard to the disclosure of the interviews in this case.

In light of the considerations being given to the invasion of privacy aspects of the Greenglass interviews, and in the interest of saving a considerable amount of time in processing Professor Weinstein's request, it is respectfully requested that the Department concurrently consider whether or not disclosure to requesters of the interviews and/or signed statements of all of the principals in the Rosenberg case, including witnesses who subsequently testified at the trial, would constitute an unwarranted invasion of privacy of the principals, witnesses, and their immediate relatives.

- 1 - Mr. Franck (detached)
- 1 - Mr. Miller (detached)
- 1 - Mr. Mintz (detached)

NOTE: See G. E. Malfeldt to Mr. Franck memorandum dated 11-20-73 captioned "Freedom of Information Act Request - Alvin H. Goldstein."
AMH:law (8)

File 4/REU 65-58236-2448-0X
JAN 14 1974
ENCLOSURE

**Assistant Attorney General
Office of Legal Counsel**

For your guidance, British subject Klaus Fuchs was arrested by British authorities in February, 1950. He was interviewed by FBI Agents in England and admitted his involvement in espionage activities in the United States. Subsequently, Harry Gold was arrested by the FBI, admitted his involvement, pleaded guilty in Federal court, SDNY, and was sentenced to 30 years in prison. He was released from prison on May 18, 1966. Julius and Ethel Rosenberg were convicted in Federal court, SDNY, on March 29, 1951, and were executed on June 19, 1953. Morton Sobell was convicted on March 29, 1951, and received a 30 year sentence. Max Elitcher was a witness in this case who furnished information at the trial pertaining to his relationship with Sobell and the Rosenbergs.

Our position with regard to disclosure of the principal interviews in this case is that to furnish these interviews would constitute an unwarranted invasion of privacy. We intend to respond to the request for information in the Rosenberg case, subject to and consistent with the deletions as set forth in Attorney General Order 528-73. In this regard, we feel the interviews and/or signed statements of the principals in this case come under the provisions of (b) (3) of Attorney General Order 528-73, which relates to "unwarranted invasion of privacy or other matter which may be used adversely to affect private persons." The basis for our position is further discussed in the memorandum from the Director of the FBI to the Assistant Attorney General, Office of Legal Counsel, captioned "Freedom of Information Act Request - Alvin H. Goldstein," dated November 20, 1973.

We would appreciate your consideration of the matters set forth herein at your earliest convenience.

UNITED STATES GOVERNMENT

DEPARTMENT OF JUSTICE

Memorandum

TO : Clarence M. Kelley
Director, FBI

DATE: DEC 21 1973

FROM : Robert G. Dixon, Jr.
Assistant Attorney General
Office of Legal Counsel

SUBJECT: FREEDOM OF INFORMATION ACT REQUESTS OF PROFESSOR
ALLAN WEINSTEIN AND MR. ALVIN GOLDSTEIN--NPACT
TELEVISION

This memorandum is in response to your November 23, 1973 request for guidance in determining whether disclosure of the interviews and/or signed statements of all of the principals in the Rosenberg case, including witnesses who subsequently testified at the trial, to requesters under the Freedom of Information Act would constitute an unwarranted invasion of the privacy of these named principals, witnesses, and their immediate relatives.

It is our view that requests for interviews and/or signed statements of named individuals in the Rosenberg case do not automatically fall within that category of requests for information which may be withheld under section (c)(3) of 28 C.F.R. § 50.8. This section excepts from the operation of the Department's discretionary policy, which releases investigatory material of historical interest more than fifteen years old, matters the disclosure of which would constitute an unwarranted invasion of personal privacy.

If a statement or interview directly relates, or to the extent that it relates, to publicly known facts of the trial or the case, such statements are available under the policy unless the disclosure of the contents both would place the witness or declarant in substantially worse light than his public appearance in the case and would injure him or his family. For this rationale to apply, the information withheld, to the best knowledge of the Department, should not be otherwise publicly available. It may be necessary to contact the individual involved, where possible, to determine whether the information revealed by the proposed disclosure is public.

cc routed in lieu of original
1/5/74

JUL 26 1974

If a statement or interview neither relates directly to nor bears indirectly on the publicly known facts of the trial or the case, then customary sixth exemption standards should apply to the contents of the statement. For example, information relating to the subject's family, home, health, personal history, his social life, religious, political, or sports opinions or activities, so long as not of public record, bank accounts, and job fitness reports, etc. would constitute areas of personal privacy protectible under the sixth exemption. It should be noted that this list is neither settled nor definitive, since no one knows the true scope or kinds of information protected by the privacy exemption.

From this discussion, it may be concluded that the right to "privacy" of historical or notorious individuals, as well as of those individuals who may inadvertently become involved in a situation of historical interest, varies inversely with the degree of involvement or participation of that individual in the historical event. The closer an individual is or the more involved he is in the events constituting the matter of historical interest, the less unwarranted would be the invasion of his privacy. The fact that an individual's identity is known by the requester is irrelevant in determining whether the information sought is protectible under the sixth exemption. The determinative factor is the relationship either of the information sought, or of the named individual to the public facts and circumstances of the trial or incident. If there is a definite relationship between the information and the historical event, then it becomes increasingly difficult to withhold the information on privacy grounds. If there is no or little relationship between the information and the historical event, then normal privacy considerations apply.

SMITH COLLEGE
NORTHAMPTON, MASSACHUSETTS 01060
DEPARTMENT OF HISTORY

January 2, 1974

The Honorable William B. Saxbe
Attorney General of the United States
Washington, D.C.

Dear General Saxbe:

I am an historian presently writing a book about the Cold War and American society. Last September, I was granted access by Director Clarence M. Kelley to F.B.I. files on the Hiss and Rosenberg cases. I have yet to receive a single page of this material, and senior officials of both the Justice Department and the Bureau inform me that the F.B.I. papers in question cannot be released without a policy decision on the precise extent of access, a decision that has been pending in the Attorney General's office since early December. I am writing to you, partly at the suggestion of Senator Brooke's office, to present the facts in this matter and to request that the requisite decision be taken that will allow release of the F.B.I. papers already processed, those concerned with the Rosenberg case.

I enclose several documents that should provide a more complete account of this matter, but please allow me to summarize briefly the situation as it stands. I was granted access to the Hiss and Rosenberg case files by Director Kelley in September 1973 after having requested this material from then-Attorney General Richardson in August under the provisions of both the Freedom of Information Act and General Richardson's own July 11, 1973 policy statement regarding criteria for discretionary access to investigatory records of historical interest. Director Kelley, in responding on September 27 to my request for Hiss case files, stated: "We agree with the statements in your letter that your prior request concerning our investigation of Alger Hiss appears to come within the purview of Attorney General Order 528-73." Earlier that month, on September 13, Director Kelley sent me a similar letter acceding to my request for access to the Rosenberg papers.

A consent decree in the suit filed on my behalf in 1972 to secure access to the Hiss papers is presently being negotiated between my lawyers and the Justice Department, since Assistant U.S. Attorney Michael J. Ryan announced on November 12, 1973 that the Department considered "the case is mooted" because of Director Kelley's actions in granting me access. Acting Attorney General Bork referred to these actions when he told an Interagency Symposium on Improved Administration of the Freedom of Information Act on November 29, 1973 that "a wealth of material will become available to historians and the public in such differing but notable investigations as those of Alger Hiss, the Rosenbergs, and

COPY
Admin. ☒
Comp. Syst. ☒
Ext. Affairs ☒
Files & Com. ☒
Gen. Inv. ☒
Ident. ☒
Inspection ☒
Laboratory ☒

EXP. PROC.

31 JAN 7 1974

65-58236-2448X
JAN 1 1974

36 FEB 6 1974

JUL 26 1974

CORRESPONDENCE

SMITH COLLEGE
NORTHAMPTON, MASSACHUSETTS 01060
DEPARTMENT OF HISTORY

page 2 of 3

In the past month, Justice Department lawyers have been expediting for release the Department's own records on the Rosenberg case, records the access to which I requested separately in a November 9, 1973 letter to Acting Attorney General Bork. I have already received the first portion of these records and have been informed that the bulk of the Justice Department's files on the case, once screened for possible deletions, will be made available to me for my research by mid-January, as quickly as they can be processed. Allow me to express my appreciation for the Department's cooperative attitude and work in this regard.

Unfortunately, similar action on the F.B.I. files on the Rosenberg case has bogged down somewhere in the Justice Department in the past few months. I have been informed that only a decision directly from the Attorney General's office can settle the matter and allow the F.B.I. agents charged with processing the Rosenberg papers to begin sending me the requested material.

After receiving Director Kelley's original letters in September, I flew to Washington twice to discuss arrangements for releasing the files with F.B.I. agents in Mr. Farrington's office charged with providing access in the case of scholarly requests such as mine. Late in October, I learned for the first time that there would be a delay in processing until the Department of Justice had ruled on the question of the precise extent of access. The F.B.I. has argued that interviews with principal figures in the case---i.e., the Rosenbergs, the Greenglasses, Harry Gold, Klaus Fuchs, Morton Sobell and similar individuals---fell under 'right to privacy' limitations. Therefore, such interviews could not be released and the entire job of processing the papers could not begin until the Justice Department ruled on this argument. My own contention distinguishes, on the other hand, between the 'right to privacy' of anonymous informants (which I do not challenge) and the alleged 'right to privacy' of public figures such as the principals in cases such as the Rosenberg and Hiss cases. All of the latter figures testified in open court, often relating material developed at these earlier F.B.I. interviews, and many of the principals later published books and other accounts of their experiences. Such material as is contained within the interviews, therefore, should be released to scholars or, at least, so I contend.

Whatever the merits of my arguments on the "named interviews" versus those of the Bureau, however, the fact remains that almost four months have now elapsed since Director Kelley's original letters granting me access to the Rosenberg and Hiss papers and F.B.I. processing and release has yet to begin. Once the Department of Justice rules on this problem of the extent of access, a decision either way would presumably allow the F.B.I. to begin processing the files and sending me those authorized for access. I have been informed that such a decision has rested directly with the Attorney General's office for almost a month. Without it, Director Kelley's policy has clearly not been speedily

SMITH COLLEGE
NORTHAMPTON, MASSACHUSETTS 01060
DEPARTMENT OF HISTORY

page 3 of 3

implemented in my case.

These past months have been wasted as far as my research schedule is concerned. After having put aside the time to receive and organize the papers in question, arranging for their receipt after processing and cancelling other research projects to focus on this one, I have yet to receive a single document from the F.B.I. I have tried to indicate my own good faith and responsibility as a scholar to both Justice Department and F.B.I. officials, both in person and on the phone, stating that I would abide by whatever regulations concerning access were established. Moreover, as I wrote to Senator Brooke several weeks ago after months of frustration in determining precisely what was delaying processing of the F.B.I. materials, "I think that my own good faith has been indicated by the fact that I have not taken the obvious opportunity to air publicly the above-mentioned roadblocks, despite many opportunities (and requests) to do so."

I appeal to you, General Saxbe, to end this unfortunate delay and to expedite what the scholarly community, the public, and the press have almost universally praised as this new and admirable policy of releasing legitimate materials from F.B.I. files of another generation to qualified historical researchers such as myself. I must apologize for imposing on your time and attention at this early moment in your tenure as Attorney General, but I could see no other way to break through the apparent bureaucratic confusion that has kept me from receiving any of the F.B.I. papers to which I had presumably been granted access last September.

Thank you for your consideration, and I look forward to hearing from you.

Sincerely yours,

Allen Weinstein

Allen Weinstein
Associate Professor of History and
Director, American Studies Program

encl. various supporting documents

cc. ✓ Director Clarence M. Kelley, Federal Bureau of Investigation
Senator Edward W. Brooke
Representative Sylvio Conte

CREATIVE LENS STUDIOS

RALPH C. WUNDER

RURAL DELIVERY ONE
SAYLORSBURG, PENNA. 18353

PHONE: 215-381-3191

25 Jan 74

Good Morning, Director Kelly!

Julius Rosenberg

Last year I wrote to you requesting copies of the now-declassified Rosenberg Atomic Secrets Case. In that letter, I failed to define clearly my intentions for requesting the information.

As a professional news correspondent, it is my plan to research and write a lengthy article about the Rosenberg Case for the Easton Express newspaper, of Easton, Pennsylvania.

Therefore, if I could secure copies of the declassified information that the Federal Bureau of Investigation has on this event in American history, I would deeply appreciate your help.

My best wishes to you for success in your new post.

Most sincerely,

Ralph C. Wunder

Ralph C. Wunder

News Correspondent for the
Easton Express

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 8/7/86 BY 3042 RCT/JS

REC-62

65-58236-2449

15 FEB 8 1974

copy to 6-11-74

REC-62

65-58236-2449

February 6, 1974

Mr. Ralph C. Wunder
Creative Lens Studios
Route One
Saylorsburg, Pennsylvania 18353

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 8/7/86 BY 3042 PWT/pws

Dear Mr. Wunder:

This is to acknowledge receipt of your letter dated January 25th.

In response to a prior request for copies of the Rosenberg case and pursuant to the fees we are authorized to charge, we have conservatively estimated the cost to process this file to be well in excess of \$5,000. Under current policy, this fee will be evenly distributed among those qualified individuals who request access to the Rosenberg files prior to the initial dissemination.

In accordance with existing Department of Justice regulations, a 25 percent deposit, or \$1,250, payable by check or money order to the Treasury of the United States, will be required to initiate processing. The submission of a deposit will not necessarily guarantee that you will be afforded access to the Rosenberg case.

For your information, we currently are attempting to resolve a myriad of legal questions which have arisen as a result of requests for release of the Rosenberg files. As a result, we have not disclosed any information from this file as of the present, and we will not be in a position to disclose this file until the legal questions have been resolved. In addition, the publicity afforded to release of certain FBI files under the provisions of Attorney General Order 528-73 has created a backlog of requests which would receive priority over your request. You are being advised of this in order to avoid any misunderstanding which could arise with respect to when this file might be available.

Assoc. Dir. _____
Dep. AD Adm. _____
Dep. AD Inv. _____
Asst. Dir.: _____
Admin. _____
Comp. Syst. _____
Ext. Affairs _____
Files & Com. _____
Gen. Inv. _____
Ident. _____
Inspection _____
Intell. _____
Laboratory _____
Plan. & Eval. _____
Rec. Mgmt. _____
Tech. Serv. _____
Training _____
Off. Cong. & Public Affs. _____
Telephone Rm. _____
Director's Sec'y _____

1 - Office of The Deputy Attorney General - Enclosure
1 - Bufile 62-115530 (FOI-REPLIES)

FEB 13 1974


TELETYPE UNIT ☐

cc dest. 2/7/74 5/1/75
UNRECORDED COPY FILED IN 62-115530

Mr. Ralph C. Wunder

If you desire us to process your request, please indicate in writing your willingness to pay fees as high as are anticipated and enclose a deposit as indicated in this letter. As an alternative, you may confer with this Bureau in an attempt to reformulate your request in a manner which will reduce the fees and meet your needs.

Sincerely yours,

 C. M. Kelley

Clarence M. Kelley
Director

NOTE: Wunder previously corresponded with us on 11-13-73 for copies of the Hiss and Rosenberg cases. He was denied access based on the fact that his request appeared to be personal in nature and not within the purview of AGO 528-73.

RGD:RLS:em

FEB 1 1974

cc:Files

Saloschin

Gauf

Farrington-FBI

MEMORANDUM FOR THE ATTORNEY GENERAL

Re: Letters from Professor Weinstein of Smith College about delays in processing his requests for records of the Rosenberg spy case and the Hiss case.

ACTION MEMORANDUM

Attached hereto is a proposed response to the above letters from Professor Weinstein, who visited you at your Senate Office at the beginning of this month. Professor Weinstein had previously made repeated contacts with other persons in our office, the FBI, Mr. Bork's office, and elsewhere in the Department, all in an effort to expedite processing of the Rosenberg and Hiss records, to which Chief Kelley had granted him discretionary access in September.

Professor Weinstein is not appealing from the FBI's decision at this point, he is thus far only complaining about the delay in carrying it out. We would not normally trouble you with considering a response to that type of a complaint. However, we do not believe that Professor Weinstein's complaint is a routine one, because (1) he has sued for the Hiss material under the Freedom of Information Act and may sue again,^{1/} and (2) there was considerable press coverage when he was granted discretionary

^{1/} In view of Chief Kelley's September decision to grant discretionary access to the Hiss material subject to the Department's published historical policy, efforts are not underway to terminate this lawsuit either by consent or by dismissal for mootness.

REC-64

65-58236-2450

OK to file in
Weinstein file

access to the Hiss and Rosenberg files, and the Department may be put in an unfavorable light if he becomes impatient enough to complain publicly to the press or to cognizant groups on the Hill that after four months he has yet to see the records in question. For these reasons we think it would be desirable to send him a reply like that attached hereto, which is designed to be persuasive, somewhat reassuring, and authoritative.

The proposed reply makes no reference to the pending litigation over the Hiss records, nor does it make any reference to the recent decision of former Acting Attorney General Bork denying another requester (Mr. Campbell and his client NPACT) access to the Greenglass records, which are a small part of the Rosenberg files sought by Professor Weinstein. We have not mentioned these matters in the proposed response because we believe it would serve no useful purpose. However, it is our understanding that the FBI will not delay processing of the Hiss records request until the litigation is terminated, and that in processing the Rosenberg records the FBI will not make available to Professor Weinstein the Greenglass records which were withheld by Mr. Bork.

The proposed reply has been informally coordinated with the FBI and the Civil Division.

Robert G. Dixon, Jr.
Assistant Attorney General
Office of Legal Counsel

WBS:RGD:RLS:em

cc:Files

Saloschin

Farrington-FBI ✓

Gauf

FEB 4 1974

Mr. Allen Weinstein
Associate Professor of History
and Director, American Studies Program
Smith College
Northampton, Massachusetts 01060

Dear Professor Weinstein:

Thank you for your good wishes in my new position and for your letters of January 2nd and 4th, 1974, concerning the processing of your requests for Justice Department records on the Rosenberg atomic spy case and other matters.

As FBI Director Kelley wrote you in September, the files you seek will be processed under the Department's published policy for discretionary release in these matters. Every reasonable effort, consistent with our resources and our other responsibilities, will be made to expedite this.

The processing of cases like yours, i.e., where the request is for many records covered by our discretionary policy on investigatory files of historical interest, is often more difficult because of three factors: (1) the great bulk and unpredictable variety of the factual matter in such files; (2) the need to carefully delineate in each instance the scope and force of interests specified in the policy, like personal privacy, which may call for withholding or deleting; and (3) unavoidable conflicts among the several values or interests recognized in the discretionary policy.

REC'D-GENERAL INVESTIGATIVE DIVISION

ST-106

REC-39

65-58236 - 2451

FEB 13 1974

RECEIVED

To attain optimum speed and quality in processing requests like yours, I am by copy of this letter asking the FBI to try, where practicable, to arrange the difficulties encountered in processing such a request in the order of magnitude and importance, and to resolve first the smaller or less serious difficulties. In this way some records can be screened and released while problems on others await resolution.

Despite the complexities I want to emphasize that we fully realize the interest of scholars and other ~~interested parties~~, and that we are doing our best in trying to meet that interest.

Sincerely,

W. B. Saxton

Attorney General

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. Franck

DATE: 1-29-74

FROM : G. E. Malmfeldt *gem*

SUBJECT: FREEDOM OF INFORMATION ACT (FOIA) REQUEST OF
PROFESSOR ALLEN WEINSTEIN

Julius Rosenberg

Inspection _____
Mail _____
Laboratory _____
Plan. & Eval. _____
Spec. Inv. _____
Training _____
Legal Coun. _____
Telephone Rm. _____
Director Sec'y _____

It has come to the attention of the FOIA Unit that the Department has disclosed a memorandum dated 11-7-57 from Departmental attorney Benjamin F. Pollack to the First Assistant to the Assistant Attorney General, Internal Security Division, captioned, "Rosenberg Case." This 112 page document, commonly referred to as the "Pollack Memorandum," was furnished to Professor Allen Weinstein with the understanding that he "will not disclose, publish, reproduce or disseminate any information contained in this report without prior approval of the Department of Justice." Professor Weinstein has submitted a request to the FOIA Unit for many of the FBI reports and memoranda referred to in the Pollack Memorandum.

BACKGROUND:

At the request of a Deputy Assistant Attorney General, the Internal Security Section of the Criminal Division wrote a memorandum strongly recommending that the Pollack Memorandum be withheld from public disclosure. In this memorandum, it was pointed out that the FOIA does not require the Department to disclose this Memorandum, and that disclosable and nondisclosable material contained therein were so "inextricably interwoven throughout the entire Memorandum" as to preclude making deletions "without destroying the inherent value of the Memorandum to anyone."

Upon receipt of a request for the Pollack Memorandum from the staff of the National Public Affairs Center for Television, (NPACTV), the Department's Public Information Office inquired of the Office of Legal Counsel as to whether there was a proper rationale for its release. The Office of Legal Counsel responded in part that, legally, between 75 and 100 percent of the Memorandum could be withheld in a law suit; however, as a matter of policy, somewhere between 50 and 95

- 1 - Mr. Franck
- 1 - Mr. Cleveland
- 1 - Mr. Gebhardt
- 1 - Mr. Wannall
- 1 - Mr. Mintz
- 1 - Mr. Malmfeldt

AMT:law (8)

*See letter to AG 2/1/74
AHM: LAW*

SEE ADDENDUM PAGE 3

NOT RECORDED
170 FEB 25 1974

CONTINUED - OVER RESPONSE

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 8/2/82 BY 3042

62-81830-226

ORIGINAL FILED IN

G. E. Malmfeldt to Mr. Franck memo
Re: Freedom of Information Act Request of
Professor Allen Weinstein

percent of the Memorandum should be released "after careful screening by an appropriately qualified person, i.e., one who is familiar with both the recent policy guidelines and with the practical needs of law enforcement." Thereafter, the Pollack Memorandum was furnished without deletions by the Public Information Office to Alvin Goldstein of NPACT. This disclosure was made with the understanding that portions of the Memorandum which the requester wishes to use will not be used without prior Departmental approval. This served as the basis for subsequent release to Professor Weinstein with the same caveat.

CURRENT DEVELOPMENT:

In attempting to process Professor Weinstein's request for FBI materials mentioned in the Pollack Memorandum, it was determined that, regardless of the extent to which names and other identifying data are deleted, Professor Weinstein would be able to identify witnesses, principals and other interviewees in this case. The Department's disclosure of the Pollack Memorandum with restrictions, but without deletions, has rendered as an exercise in futility, any efforts by the FOIA Unit to protect the identity and privacy of individuals mentioned in FBI reports.

In view of the above, the FOIA Unit has taken the position that any and all of the FBI reports and memoranda referred to in the Pollack Memorandum and requested by Professor Weinstein will be withheld from disclosure until such time as the Department furnishes more definitive instructions and guidelines with regard thereto.

RECOMMENDATION:

For information.

JCF RRE

JMM

KY






OVER

Memo to Mr. Franck

Re: FREEDOM OF INFORMATION ACT (FOIA) REQUEST
OF PROFESSOR ALLEN WEINSTEIN

ADDENDUM BY LEGAL COUNSEL, 1/30/74, JAM:mfd. 

We have tried to persuade the Department that the program of voluntary disclosure of FBI files is unwise. Further, we have recommended to Attorney General Saxbe that the Attorney General order requiring disclosure of files 15 years old should be rescinded. The problem described in this memorandum is an example of the difficulties we have experienced and anticipated would occur as a result of the voluntary disclosure policy. I suggest that this problem should be brought to the attention of the Attorney General for his assistance in considering whether the Attorney General order should be rescinded.



SMITH COLLEGE
NO. HAMPTON, MASSACHUSETTS 01060
DEPARTMENT OF HISTORY

RECEIVED 2

February 4, 1974

FEB 0 2 54 PM '74

Mr. Richard Dennis
c/o Mr. James Farrington's Office
Federal Bureau of Investigation
United States Department of Justice
Washington, D.C. 20535

DEPT. OF JUSTICE
MAIL ROOM
ORON

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 8/7/86 BY 3042 POF/RWS

Dear Mr. Dennis:

Although there is little point in restating past history familiar to us both, it has now been more than four months since I received Director Kelley's September 27, 1973 letter stating that my "prior request concerning our F.B.I. investigation of Alger Hiss appears to come within the purview of Attorney General Order 528-73." Since that time, as we both know, I have received only one, seventeen-page file out of the estimated 53,000 pages of material connected with the Hiss investigation and nothing at all of the 25,000 estimated pages of Rosenberg case material in the Bureau's files. I am writing Mr. McCreight separately on this latter problem.

As you may also know, the appropriate officials in the Department of Justice as well as Judge Jones, who is the jurist hearing my previous suit against the Bureau and Justice Department for access to the Hiss records, are all interested in settling this case expeditiously through delivery of the files (with appropriate deletions) to me as indicated in Director Kelley's September 27, 1973 letter.

I received my single F.B.I. Hiss file on Friday, January 25th, after several difficult days during which (initially) you told me that it would be impossible for me to receive any material at all that week. You indicated, however, that a large initial batch of material, which I had specified during a previous visit, had been processed both by your office and by the F.B.I.'s Criminal Investigation Division, which I gather is the next step in the review process after your office. I plan to be in Washington on another matter on Thursday, February 14th. Hopefully, a substantial portion of this material will be available for me to pick up after this two-week interim period since my last visit to your office. In any event, I shall call for a brief appointment that day to pick up whatever additional material from the Hiss files have been cleared for release by that date. I cannot refrain from adding that perhaps some such St. Valentine's Day delivery might go a long way toward clearing the air in this matter and pointing toward a much more cooperative relationship in future among all parties concerned.

Sincerely yours, Allen Weinstein

NOT RECORDED

185 FEB 20 1974

Allen Weinstein

cc. Attorney General William B. French

Attorney Michael J. Ryan, Department of Justice

Senator Edward W. Brooke

ORIGINAL FILED IN
101-2668-536

2856-11

65-58236-

ENCLOSURE

FEB 8 1974

STERED

The Attorney General

February 19, 1974

16 Director, FBI 65-58236-

FREEDOM OF INFORMATION ACT (FOIA) REQUEST
OF PROFESSOR ALLEN WEINSTEIN

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 8/7/86 BY 3042 PJA/S

Reference is made to my memorandum to you dated January 30th and captioned, "Attorney General Order 528-73," wherein you were requested to consider rescinding this Order. The following is brought to your attention as a further example of the problems we have encountered in the implementation of the Order.

By way of background, this Bureau learned that the Department had recently disclosed a memorandum dated November 7, 1957, from Departmental attorney Benjamin F. Pollack to the First Assistant to the Attorney General, Internal Security Division, captioned, "Rosenberg Case." This 112-page document, commonly referred to as the "Pollack Memorandum," was furnished to Professor Allen Weinstein with the understanding that he will not disclose, publish, reproduce, or disseminate any information contained in this report without prior approval of the Department of Justice." Professor Weinstein has submitted a request to the FBI for many of the FBI reports and memoranda referred to in the Pollack Memorandum.

As you are aware, the Rosenberg case is exempt from disclosure under Title 5, United States Code, Section 552(b) (7) as an investigatory file compiled for law enforcement purposes; however, Attorney General Order 528-73 qualifies it for disclosure at the discretion of the Attorney General as an investigatory file "...more than fifteen years old...." A serious question exists as to whether deletions can be made in this case "...to the minimum extent deemed necessary to protect law enforcement efficiency and the privacy, confidences, or other legitimate interests of any person named or identified in such files."

In attempting to process Professor Weinstein's request for FBI materials mentioned in the Pollack Memorandum, it has been determined that, regardless of the extent to which names and other identifying data are deleted, Professor Weinstein

Assoc. Dir. _____
Dep. AD Adm. _____
Dep. AD Inv. _____
Asst. Dir.:
Admin. _____
Comp. Syst. _____
Ext. Affairs _____
Files & Com. _____
Gen. Inv. _____
Ident. _____
Inspection _____
Intell. _____
Laboratory _____
Plan. & Eval. _____
Spec. Inv. _____
Training _____
Legal Coun. _____
Telephone Rm. _____
Director Sec'y _____

1 - Mr. Franck
1 - Mr. Wannall
1 - Mr. Mintz

AHM:law
FEB 27 1974
MAIL ROOM

TELETYPE UNIT

62-81830-226
ORIGINAL FILED IN

The Attorney General

would be able to identify witnesses, principals and other interviewees in this case. The disclosure of the Pollack Memorandum with restrictions, but without deletions, has rendered as an exercise in futility, any efforts by the FBI to protect the identity and privacy of individuals mentioned in these FBI reports. Consequently, we are unable to disclose the FBI reports and memoranda referred to in the Pollack Memorandum under the current "right to privacy" guidelines as we understand them.

1 - Office of the Deputy Attorney General

NOTE: G. E. Malmfeldt to Mr. Franck memorandum dated 1-29-74 and captioned as above contained basically the same information as set forth above. In an addendum to this memorandum, the Office of Legal Counsel suggested that this information be brought to the attention of the Attorney General. This memorandum prepared pursuant to OLC's suggestion.



MARQUETTE UNIVERSITY

1309 WEST WISCONSIN AVENUE / MILWAUKEE, WISCONSIN 53233 / 224-7217, 7385

DEPARTMENT OF HISTORY

January 21, 1974

Mr. James C. Farrington
External Affairs Division
Federal Bureau of Investigation
Washington, D.C.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 8/7/86 BY 3042 RUP/MS

Dear Mr. Farrington:

Julius Rosenberg

In November, I had read a New York Times story reporting that the Attorney General had agreed to permit interested scholars to secure access to the FBI's investigative files. Being an historian specializing in post-World War II politics and internal security matters, I greeted that news with keen interest. My major research interest centers on the important internal security cases and congressional investigations of the Truman years. Noting, however, that researchers must pay for the cost of FBI personnel reviewing the files and that the cost for the Rosenbergs file was estimated as being \$5,000 and the Hiss file as being \$12,895, I thought it appropriate first to ascertain the approximate cost of files I would be interested in researching and, if possible, the foot length of these files.

The files that I would be interested in beyond the Hiss and Rosenbergs files include: the Amerasia case, Elizabeth Bentley, Louis Budenz, Whittaker Chambers, the Communist Eleven who went to trial in the Dennis case, Judith Coplon; and any files you have dealing with your correspondence, interviews, and responses to requests from the House Committee on Un-American Activities, the Internal Security Subcommittee of the Senate Judiciary Committee, and Senator Joseph R. McCarthy.

If you could, give me a cost breakdown for each of these requests. If it is not feasible to give me an exact cost breakdown, I would appreciate a rough estimate (as, for example, the total request would run in the range of xthousand to ythousand dollars).

Thank you for your assistance, I remain

Sincerely yours,

17 FEB 14 1974

Athan Theoharis
Associate Professor
American History

101-2668-532X

IN DEPT. DIVISION

ackd
2/1/74

I have published two books on the subject. These are...

14

February 11, 1974

65-58236-

Mr. Athan Theoharis
Associate Professor
Department of History
Marquette University
1309 West Wisconsin Avenue
Milwaukee, Wisconsin 53233

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 8/7/96 BY 3042 BDT/ALS

Dear Mr. Theoharis:

Your letter of January 21st to Mr. James C. Farrington, requesting a breakdown of estimated costs for information in our files regarding various subjects, has been brought to my attention.

For your assistance, I am enclosing a copy of Attorney General Order 528-73, which sets forth instituted policies regarding the Freedom of Information Act. Pursuant to Title 28, Code of Federal Regulations, Section 16.9, we are authorized to charge a prescribed rate for furnishing copies of material and for time spent searching and screening our records. Listed below is the estimated cost and deposit for reviewing our files for pertinent information which can be furnished to you concerning the following individuals or groups:

MAILED 22

FEB 12 1974

	Cost	Deposit
Aperasia FBI	\$ 3,400	\$ 850
Elizabeth Bentley	8,280	2,120
Louis Budenz	8,320	2,080
Whittaker Chambers	16,415	4,103
Communist Eleven	56,758	14,177
Eugene Dennis	2,050	512
Judith Coplon	12,380	395
House Committee on Un-American Activities	8,320	2,080
Internal Security Subcommittee of the Senate Judiciary Committee	12,540	2,632
Joseph R. McCarthy	3,595	894

Assoc. Dir. _____
Dep. AD Adm. _____
Dep. AD Inv. _____
Asst. Dir. _____
Admin. _____
Comp. Syst. _____
Ext. Affairs _____
Files & Com. _____
Gen. Inv. _____
Ident. _____
Inspection _____
Intell. _____
Laboratory _____
Plan. & Eval. _____
Training _____
Legal Coun. _____
Telephone Rm. _____
Director's Sec'y _____

58 MAR 4 1974

Office of the Deputy Attorney General - Enclosure

1 - Hannell - Enclosure

1 - Buttle 62-115532 (FOI-DEPLIES)

MAIL ROOM ☐ TELETYPE UNIT ☐

ORIGINAL FILED IN

65-58236-14

Mr. Athan Theoharis

In order to initiate processing of any of the above subjects, a deposit is required in advance. A check or money order should be made payable to the Treasury of the United States; however, payment of deposit should not be interpreted as a guarantee that you will be furnished all of the material you requested.

If you desire any of these requests processed, please indicate in writing your willingness to pay fees as high as are anticipated and enclose a deposit as indicated in this letter. Thereafter, we shall acknowledge receipt of your deposit and begin the necessary processing, as soon as possible.

Sincerely yours,

C. M. Kelley

Clarence M. Kelley
Director

Enclosure

NOTE:



The above reply was discussed with
a representative of the Intelligence Division.

b7C b2

UNITED STATES GOVERNMENT

Memorandum

Assoc. Dir. _____
Dep. AD Adm. _____
Dep. AD Inv. _____
Asst. Dir.: _____
Admin. _____
Comp. Syst. _____
Ext. Affairs _____
Files & Com. _____
Gen. Inv. _____
Ident. _____
Inspection _____
Intell. _____
Laboratory _____
Plan. & Eval. _____
Spec. Inv. _____
Training _____
Legal Coun. _____
Telephone Rm. _____
Director Sec'y _____

TO : Mr. Franck

DATE: 2-21-74

FROM : G. E. Malmfeldt *Gene*

SUBJECT: BARBARA PALMER
CORRESPONDENT
WASHINGTON STAR-NEWS

Captioned individual called your office today, 2-21-74, concerning the request by Professor Allen Weinstein for information regarding the Rosenberg and Alger Hiss cases, and was referred to SA James C. Farrington.

Miss Palmer advised that she was considering preparing an article for the Star and was interested in knowing why there has been such a delay in furnishing the information requested by Professor Weinstein, particularly since Mr. Kelley indicated in a letter to him in September, 1973, that this data would be furnished. It was explained Mr. Kelley had indicated in that letter the processing of this material would begin, and not that the data would actually be furnished to Weinstein, at that time.

She was also advised that Professor Weinstein has been furnished information on the Hiss case, but due to complex legal questions involving the unwarranted invasion of an individual's privacy, that are inherent in the Rosenberg case, we have referred these questions to the Department of Justice for their determination and are awaiting results of their findings. It was suggested that she may wish to contact the Department's Office of Legal Counsel for further information, at which time she terminated her interview.

RECOMMENDATION:

For information.

- 1 - Mr. Franck
- 1 - Mr. Heim
- 1 - Mr. Malmfeldt

JCF:law (7)

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 8/7/86 BY 3042 POF/RWS

57 MAR 4 1974

65-58236-

NOT RECORDED
191 FEB 28 1974

15 FEB 27 1974

FILED IN 94-2-4-8-16

LAW LIBRARY
STANFORD UNIVERSITY SCHOOL OF LAW
STANFORD, CALIFORNIA 94305

January 24, 1974

Mr. Allen McCreight
Special Agent
Freedom of Information Act Unit
Federal Bureau of Investigation
9th Street and Pa. Avenue N.W.
Washington, D.C. 20535

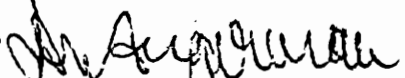
Dear Mr. McCreight:

We understand that the Federal Bureau of Investigation has now made up condensations of its files on Ezra Pound, Algernon Hiss and Julius and Ethel Rosenberg.

Our Library would like to acquire the transcripts of these files as part of a research program being undertaken by members of our faculty. It would be appreciated if you would mail us a catalog of the publications so that we may place an order. If, on the other hand, they are being distributed free of charge to libraries, we would like to be on your mailing list.

Thank you very much for your attention to this matter.

Very truly yours,



Howard W. Sugarman
Acquisitions Librarian

HWS :mm

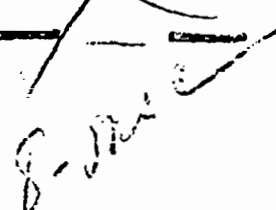
65-58236

NOT RECORDED

185 FEB 27 1974

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 8/7/86 BY 3042 PWT/RWS

37 FEB 14 1974



100-34099-528

44

February 11, 1974

Handwritten initials

65-58236-

Mr. Howard W. Sugarman
Law Library
Stanford University School
of Law
Stanford, California 94305

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 8/7/86 BY 3042 PWT/PLS

Dear Mr. Sugarman:

Reference is made to your letter of January 24th requesting condensations of this Bureau's files on Ezra Pound, Alger Hiss, and Julius and Ethel Rosenberg.

There are no condensations, as such, of the files on these individuals, and the information which has been disclosed pursuant to requests under the Freedom of Information Act has not been catalogued and we do not contemplate cataloguing any data.

Enclosed for your information is a copy of the Freedom of Information Act, Reprint of Statute, Existing Regulations and Statements of Policy from Title 5, United States Code, Section 552, in which are set out the regulations of the Department of Justice prescribing the procedures for making and acting upon requests for access to records under the Freedom of Information Act. This document includes an explanation of the fees to be charged for the provision of records. You will note upon review of the regulations that logically there will be no distribution of substantial data without cost and, consequently, no mailing lists will be maintained.

Handwritten initials

MAILED
FEB 12 1974
FBI

Regarding the Ezra Pound case, which consists of 14 volumes, the following portions, with deletions, have been made available to a prior requester pursuant to the provisions of the Freedom of Information Act and Department of Justice regulations: a 37-page report, which represents a summary of the first nine volumes, and 194 pages from volumes 10 through 14. This data is also available to you for the authorized fee of \$23.10 to cover reproduction cost at ten cents per page.

- Assoc. Dir. _____
- Dep. AD Adm. _____
- Dep. AD Inv. _____
- Asst. Dir.:
- Admin. _____
- Comp. Syst. _____
- Ext. Affairs _____
- Files & Com. _____
- Gen. Inv. _____
- Ident. _____
- Inspection _____
- Intell. _____
- Laboratory _____
- Plan. & Eval. _____
- Spec. Inv. _____
- Training _____
- Legal Coun. _____
- Telephone Rm. _____
- Director's Sec'y _____

- 1 - Office of the Deputy Attorney General - Enclosure
- 1 - Bufile 62-115530 (FOI-REPLIES)

ASB:pr

CONTINUED PAGE TWO

MAIL ROOM ☐ TELETYPE UNIT ☐

100-34099-528

Mr. Howard W. Sugarman

Based on a preliminary estimate for a prior requester, the files on Alger Hiss consist of approximately 53,000 pages. Because of the volume of this case, it is impossible to estimate how long the screening and processing will take.

A conservative estimate of the cost for screening and processing the Rosenberg case has also been made for a prior requester, which is in excess of \$5,000. At this time, it is impossible, as in the Hiss case, to estimate how long the processing will take or to determine the exact cost of furnishing copies of any available data.

Currently an attempt is being made to resolve a myriad of legal questions which have arisen as a result of requests for the release of the Rosenberg files. Consequently, we have not yet disclosed any information from this file, and we will not be in a position to make any disclosures until the questions have been resolved.

After final dissemination to the original requester in both the Hiss and Rosenberg cases, copies, if you wish, will then be made available to you at the prescribed rate for processing.

If you wish to have a copy of the Ezra Pound documents, please forward \$23.10 by check or money order payable to the Treasury of the United States. Also, if you are interested in obtaining a copy of the Hiss and Rosenberg data when and if it becomes available, please so indicate and you will be advised of the costs as soon as they can be determined.

Sincerely yours,

D. M. Kelley

Clarence M. Kelley
Director

Enclosure

NOTE: Correspondent is not identifiable in Bufiles. Copies of portions of the Ezra Pound file (100-34099) have previously

NOTE CONTINUED PAGE THREE

Mr. Howard W. Sugarman

NOTE CONTINUED: been furnished to C. David Heymann. The Hiss and Rosenberg files (74-1333; 65-58236) are currently being processed for Allen Weinstein, and a tickler system will be set up for individuals interested in receiving these documents after they have been processed. Although the correspondent refers to Hiss as Algernon, no source was found for any name other than Alger.

Aut
4



b7c

2-25-74

I just have to sit down & let
you know how I feel about the
terrible injustice done to Julius
& Ethel Rosenberg. It make me
shudder to think that the United
States Government could sentence
innocent people to death.

REC-28

65158236-2452

I can imagine that this very
thing could happen to me, just
because I was living in Germany
when Hitler was in Power & someone
could accuse me of not telling what
& I would have no leg to stand on.

MAR 5 1974

CORRESPONDENCE

ack
3-4-74
aut/

aut T 3/4/74

mml

FBI Headquarters
Washington, D.C.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 8/7/86 BY 3042 PWT/KUS

2.

common decency would demand it,
that their case would be reopened
& that the FBI give all the facts
& documents to the people, who
are interested & who want to clear
their names & also their children's
As I understand it, the FBI refuses
to turn over the records. I tell you
that the people should rise & demand
justice. After do you think you're
any way? the Gestapo or something?
I tell you the American people are
fed up about a lot of things this
Government stands for & that goes for
the FBI in general.

Sincerely,

[REDACTED]

176

FBI Headquarters
Washington, D.C.

nm

EX-111

EX-111

REC-28

65-58236-2452

March 4, 1974

b7c

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 8/7/86 BY 3042 PRT/KWS

Dear Mrs. [REDACTED]

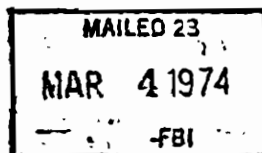
In reply to your letter of February 25th, the FBI's investigation of Julius and Ethel Rosenberg was proper and allegations to the contrary are completely false. The Rosenbergs were tried in a proper court of law and, it is interesting to note, that on appeal to the Supreme Court their convictions were upheld.

For many years the files of the FBI were considered confidential and available to duly authorized individuals only. In 1967, Congress passed the Freedom of Information Act, which generally made available for disclosure to the general public numerous files of the Government; however, investigative files of the FBI compiled for law enforcement purposes were exempted by this statute. In July, 1973, the then Attorney General issued Attorney General Order Number 502-73 which, in essence, said that, within the discretion of the Department of Justice, certain investigative files of the FBI which were compiled for law enforcement purposes and which were over 15 years old could be made available to legitimate historians for research purposes.

Since the FBI is deeply concerned over the possible disclosure of the identity of individuals who may have furnished us information in confidence or where the revelation of a person's identity could constitute an unwarranted invasion of his privacy, we have been most reluctant to release certain files before some of these complex legal questions could be resolved by the Department of Justice.

For your information, I am enclosing a copy of the Freedom of Information Act.

Assoc. Dir. _____
Dep. Dir. _____
Dep. AD Inv. _____
Asst. Dir.: _____
Admin. _____
Comp. Syst. _____
Ext. Affairs _____
Files & Com. _____
Gen. Inv. _____
Ident. _____
Inspection _____
Intell. _____
Laboratory _____
Plan. & Eval. _____
Spec. Inv. _____
Training _____
Legal Coun. _____
Telephone Rm. _____



Sincerely yours,

CLM Kelley

Clarence M. Kelley
Director

Enclosure

NOTE: Bufiles contain no identifiable information regarding [REDACTED]

b7c

John
Kest

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. Franck

DATE: 2-12-74

FROM : G. E. Malmfeldt

SUBJECT: FREEDOM OF INFORMATION ACT (FOIA) REQUEST OF
PROFESSOR ALLEN WEINSTEIN FOR FBI FILES ON THE ALGER HISS
AND ROSENBERG CASES

Assoc. Dir. _____
Dep. AD Adm. _____
Dep. AD Inv. _____
Asst. Dir.:
Admin. _____
Comp. Syst. _____
Ext. Affairs _____
Files & Com. _____
Gen. Inv. _____
Ident. _____
Inspection _____
Intell. _____
Laboratory _____
Plan. & Eval. _____
Spec. Inv. _____
Training _____
Legal Coun. _____
Telephone Rm. _____
Director Sec'y _____

This memorandum is submitted to keep the Director informed of the FOIA Unit's dealings with Professor Weinstein's request for the above files.

ALGER HISS CASE:

By way of background, after being denied access to FBI files concerning Alger Hiss, Professor Weinstein brought suit against the Department of Justice in 1972. He wrote this Bureau during the summer of 1973 after the issuance of Attorney General Order 528-73 asking whether this Order would affect his suit. We were of the opinion that, for all intents and purposes, his suit was mooted in view of the fact this Order directed us to release files of this type.

Representatives of the FOIA Unit met with Professor Weinstein on 1-14-74 to discuss his request. We advised him that those areas of the files where privacy considerations were involved could not be processed until we received additional guidelines from the Department. However, we told Professor Weinstein that we would begin processing the files in those portions where privacy considerations were minimal. This action resulted from a request by Departmental attorney Jeffrey Axelrad who indicated a motion to dismiss would be enhanced if Professor Weinstein should begin to receive some materials from the Hiss files.

It should be pointed out that prior to 1-14-74, Professor Weinstein had been invited to come to FBI Headquarters to discuss his request. In a meeting last fall with representatives of the FOIA Unit concerning the Rosenberg case, he specifically asked that the Hiss matter not be discussed because of the negotiations which were going on between his attorney and the Department of Justice. At this point in time, a proposed consent decree has been rejected by the Department.

Enclosures (3)
1 - Mr. Franck - Enclosures (3)
1 - Mr. Wannall - Enclosures (3)
1 - Mr. Mintz - Enclosures (3)
1 - Mr. Malmfeldt

RD:AHM:law (6)

NOT RECORDED

168 MAR 5 1974

CONTINUED - OVER

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 8/17/86 BY 3042 DM/MS

101-2668-539
ORIGINAL FILED IN

G. E. Malmfeldt to Mr. Franck memo
Re: Freedom of Information Act (FOIA) Request of
Professor Allen Weinstein for FBI Files on the Alger
Hiss and Rosenberg Cases

It is felt by the FOIA Unit that to have begun processing the Hiss files before talking with Professor Weinstein would likely cause wasted effort on our part and at the same time, unnecessary expense to Professor Weinstein. This procedure of inviting a requester to discuss his inquiry for FBI files has been followed in all cases and we have found it to be beneficial to both the requester and the Bureau.

It is the view of the FOIA Unit that Professor Weinstein, despite his intense pressure to hasten our efforts in processing these files, should not be afforded preference over other requesters who have been more understanding in the difficulties we are encountering.

ROSENBERG CASE:

In August, 1973, Professor Weinstein wrote a letter to the Bureau requesting access to the Rosenberg case. In September, he was advised that it would cost approximately \$5,000 to process this file.

Subsequently, Professor Weinstein visited the FOIA Unit to discuss this request, and since his initial visit he has revisited, written and telephonically contacted both the FOIA Unit and Departmental officials on many occasions regarding this request. It was through Professor Weinstein's efforts that considerable publicity was generated regarding the release of the Rosenberg case pursuant to Attorney General Order 528-73.

During the course of our initial contacts with Professor Weinstein, we determined that several serious questions needed to be resolved with respect to invasions of privacy of principals, witnesses and other individuals in the Rosenberg case. We initially learned this during processing of the request of Alan Goldstein of National Public Affairs Center for Television, (NPACT), for the Rosenberg case, when David and Ruth Greenglass voiced strong objection to our disclosure of any information relating to them in the Rosenberg file.

As a result of this concern, a memorandum was directed to the Department's Office of Legal Counsel on 11-20-73, wherein we requested the Department to advise us as to whether or not release of interviews and/or signed statements of the principals in this case came under the provisions of Attorney General Order 528-73 relating to "...unwarranted invasion of privacy, or other

G. E. Malmfeldt to Mr. Franck memo
Re: Freedom of Information Act (FOIA) Request of
Professor Allen Weinstein for FBI Files on the Alger
Hiss and Rosenberg Cases

matter which may be used adversely to affect private persons." The Department subsequently took the position that interviews and signed statements pertaining to David and Ruth Greenglass would be withheld from disclosure; however, the Department failed to offer a clear-cut decision as to whether or not this same rationale would apply to the other principals in this case. A Department official later admitted that guidelines in the area of invasion of personal privacy are vague, and the Department currently is studying this problem in an effort to clarify our responsibilities in this area.

In January, 1974, Professor Weinstein requested immediate processing of a number of FBI reports and memoranda which were referred to in a Departmental document referred to as the "Pollack Memorandum." We determined that the Public Information Office of the Department was responsible for disclosure of the Pollack Memorandum to Weinstein with restrictions, but without deletions. As a result of the Department's undeleted disclosure of the Pollack Memorandum, we took the position that we would not release any FBI documents referred to therein in the absence of more definitive guidelines in this area of "right to privacy." This particular matter currently is being brought to the attention of the Attorney General.

Based on a preliminary review of the information contained in the Rosenberg file, it is our opinion that information of a disclosable nature is intertwined with exempt and nondisclosable information in such a way as to make extraction of the disclosable material an impractical task. Therefore, we feel that disclosure of any and all of the Rosenberg file should be withheld until such time as we receive more meaningful and definitive guidelines from the Department.

CURRENT DEVELOPMENT:

On 2-8-74 and 2-11-74, the attached letters, two of which were registered, return receipt requested, were received from Professor Weinstein. He indicated that he would be in Washington, D. C., on 2-14-74, at which time he hopefully anticipated that he could pick up some of the documents from

G. E. Malmfeldt to Mr. Franck memo
Re: Freedom of Information Act (FOIA) Request of
Professor Allen Weinstein for FBI Files on the Alger
Hiss and Rosenberg Cases

each of the files described above. In one of these letters, he cited a portion of a letter he received from the Attorney General wherein the Attorney General had instructed the FBI "...to arrange the difficulties encountered in processing such a request in the order of magnitude and importance, and to resolve first the smaller or less serious difficulties...." What Professor Weinstein failed to cite was the Attorney General also noted that, in processing requests "...for large amounts of records covered by our discretionary policy... there are frequently special problems." One of the special problems specifically enumerated was the "scope and force of specified interests, like personal privacy...."

We plan to give Professor Weinstein additional materials from the Hiss files on 2-14-74; however, we do not anticipate giving him any information from the Rosenberg file unless and until the Department provides us with the guidelines as discussed herein.

RECOMMENDATION:

None. For information only.

JCF

ED/JCF

TJ/RCF
gma

JCF

WRL

February 19, 1974

Intell.	<input checked="" type="checkbox"/>
Laboratory	<input type="checkbox"/>
Plan. & Eval.	<input type="checkbox"/>
Spec. Inv.	<input type="checkbox"/>
Training	<input type="checkbox"/>
Legal Coun.	<input type="checkbox"/>
Telephone Rm.	<input type="checkbox"/>
Director Sec'y	<input type="checkbox"/>

Mr. Horton P. Beirne, Editor
 Covington Virginian
 343 North Monroe Avenue
 Covington, Virginia 22426

ALL INFORMATION CONTAINED
 HEREIN IS UNCLASSIFIED
 DATE 8/7/86 BY 3042 PWT/pws

Dear Mr. Beirne:

Director Clarence M. Kelley recently sent me a copy both of your November 5th editorial, "FBI Niggardly With Data," and of his own response to your editorial. I appreciate your support in my efforts to secure access to FBI papers in the Hiss and Rosenberg cases. Director Kelley's letter omitted various relevant factors involved in these efforts that, in the interest of accuracy and fairness, you might wish to know.

First, he neglected to mention that I have been in negotiations with FBI agents authorized to process the Rosenberg papers for the past five months, since Director Kelley's September 13, 1973 letter granted me access to these records. I have yet to receive a single page of the FBI's Rosenberg files, despite the fact that the Justice Department has already given me access to several thousand pages of its own files on the case. The contrast between Justice Department cooperativeness and the FBI's apparent strategy of delay becomes even starker when one learns that I requested the Justice Department's files on the case several months after Director Kelley's letter authorizing access to the Bureau's files. At present, the Justice Department is processing its records in the Hiss case, the bulk of which I have been promised by the month's end. The FBI, after considerable pressure from officials of the Justice Department, released a grand total of seventeen heavily censored pages to me last month (the Justice Department censored none of the material it released) and an additional ninety-five pages only last week.

Director Kelley asserts that I "specifically asked that the Hiss case not be discussed" with Bureau officials until recently because of on-going negotiations between Justice Department officials and my own attorneys over a consent decree in my suit for the FBI files. He neglected to mention that I agreed to this delay last October only after receiving assurances from FBI officials that the Rosenberg files would be speedily processed for me. This has not happened. Indeed, the FBI office charged with releasing such files has failed to meet a number of specific commitments on dates when I would begin receiving material. Also, they have reneged on their initial offer to allow me to look at the files being released and decide for myself which ones I wished to xerox. The Justice Department allowed me to do this with their files in the case, thereby saving me a good deal of unnecessary expense, but I have to take whatever the FBI gives me.

copy made for FOIA
2/26/74
March 17, 1974

65-58236
 NOT RECORDED
 16 MAR 5 1974

12 FEB 22 1974

CORRESPONDENCE

31 FEB 22 1974

ORIGINAL FILED IN 62-115913-4

February 19, 1974

When the FBI handed over their initial seventeen-page file, it asked for a \$50 deposit to cover the cost of processing time. In Director Kelley's initial letters, he stated that the estimated cost of processing the 53,000-page Alger Hiss file would be \$12,895. He estimated the charges for processing the 25,000-page FBI file on the Rosenberg case at \$5,000. However, at the going rate of \$50 per 17 pages, I calculate the eventual cost--should the complete files be released--at \$155,550 for the Hiss material and \$74,100 for the Rosenberg file. Clearly the costs of scholarly research into government records run far higher at the FBI than at the Justice Department, which took a \$500 deposit to cover my xeroxing of almost 900 pages of a several thousand-page file that I inspected.

I should make clear that I have no interest in conducting a running argument with Director Kelley. I appreciate the degree to which the office involved in processing my request is overworked, given the many other requests by historians. It should be added, however, that the solution to this problem is adding more manpower, which is only now being done, and not delaying legitimate requests such as mine. Letters and calls to me from other historians who have encountered the dilemma of high charges and similar delays testify to the fact that this is a general problem.

I hope that it proves possible for Director Kelley's staff to facilitate all such inquiries in the future. A first step, in the words of your own editorial, would be for the FBI to "quit stalling and comply promptly with the Attorney General's order issued six months ago" in regard to my own request.

I intend to raise this problem at the next meeting of the American Historical Association-Organization of American Historians-Society of American Archivists' Joint Committee on Historians and Archives, of which I am a member. I shall also call your editorial to the committee's attention and, personally, want to reiterate my appreciation for your support.

Sincerely,

Allen Weinstein

Allen Weinstein
Associate Professor of History and
Director, American Studies Program

AW:hmca

cc. Director Clarence M. Kelley, FBI
Attorney General William B. Saxbe

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. Franck

DATE: 2-22-74

FROM : G. E. Malmfeldt

SUBJECT: LESLEY OELSNER
WASHINGTON REPRESENTATIVE
NEW YORK TIMES

DC

New York Times

Assoc. Dir. _____
Dep. AD Adm. _____
Dep. AD Inv. _____
Asst. Dir.: _____
Admin. _____
Comp. Syst. _____
Ext. Affairs _____
Files & Com. _____
Gen. Inv. _____
Ident. _____
Inspection _____
Intell. _____
Laboratory _____
Plan. & Eval. _____
Spec. Inv. _____
Training _____
Legal Coun. _____
Telephone Rm. _____
Director _____

Captioned individual called your office today, 2-22-74 and was referred to SA James C. Farrington of the Freedom of Information Act (FOIA) Unit. Miss Oelsner stated that she has been in contact with Mr. Alvin H. Goldstein, National Public Affairs Center for Television, (NPACT), and he advised her that his story on the Rosenbergs would appear on television February 25th. She said that he indicated to her that he had requested FBI material concerning the Rosenberg case, but had never received it. Miss Oelsner was inquiring as to why he had not received this information.

She was informed that the same reasons applying to our refusal to furnish these same documents to Professor Allen Weinstein apply to Mr. Goldstein, namely that they involve complex questions of law relating to the possible unwarranted invasion of an individual's privacy. It was further pointed out to her that these questions are currently pending with the Department of Justice from whom we have requested guidance in determining what, if anything, we can furnish from the Rosenberg files. She expressed appreciation for receiving this information and indicated she would possibly contact the Office of Legal Counsel in the Department if she desired further data.

RECOMMENDATION:

For information.

- 1 - Mr. Franck
- 1 - Mr. Heim
- 1 - Mr. Malmfeldt

JCF:law (6)

50 MAR 6 1974

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 9/2/86 BY 3042 PWT/KAS

NOT RECORDED

140 MAR 1 1974

15 FEB 27 1974

ORIGINAL FILED IN

Asst. Dir.	
Adm. Serv.	
Ident.	
Insp.	
Intell.	
Lab.	
Legal Coun.	
Off. Cong. & Public Affs.	
Rec. Mgmt.	
Tech. Serv.	
Training	
Off. of Liaison & Int. Affs.	
Director's Sec'y	

Box 146 W PO #1

Shamokin, Pa. 17872

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 8/7/86 BY 3042 PWT/pus

25th February 1974

Dear Sir,

I have just seen a documentary film on television called "The Unquiet Deaths of Julius & Ethel Rosenberg". It certainly raises doubts in my mind that the Rosenbergs were guilty of anything except passing leftish loathing.

I would most respectfully ask you to release all information and documents relating to this case so that they

REC-50 65-58236-2453

974

CONFIDENTIAL

2. maybe reexamined, and if
there should be found, cause
for a reopening of the case
I would hope that an official
inquiry could be launched as
soon as possible

Yours sincerely

Andrew West

March 7, 1974

REC-50

65-58236-2453

Miss Audrey Wiest
Box 146 W, Route 1
Shamokin, Pennsylvania 17872

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 8/7/86 BY 3042 RWT/RLS

Dear Miss Wiest:

In reply to your letter of February 25th, the FBI's investigation of Julius and Ethel Rosenberg was proper and allegations to the contrary are completely false. The Rosenbergs were tried in a proper court of law and, it is interesting to note, that on appeal to the Supreme Court their convictions were upheld.

For many years the files of the FBI were considered confidential and available to duly authorized individuals only. In 1967, Congress passed the Freedom of Information Act, which generally made available for disclosure to the general public numerous files of the Government; however, investigative files of the FBI compiled for law enforcement purposes were exempted by this statute. In July, 1973, the then Attorney General issued Attorney General Order Number 502-73 which, in essence, said that, within the discretion of the Department of Justice, certain investigative files of the FBI which were compiled for law enforcement purposes and which were over 15 years old could be made available to legitimate historians for research purposes.

Since the FBI is deeply concerned over the possible disclosure of the identity of individuals who may have furnished us information in confidence or where the revelation of a person's identity could constitute an unwarranted invasion of his privacy, we have been most reluctant to release certain files before some of these complex legal questions could be resolved by the Department of Justice.

For your information, I am enclosing a copy of the Freedom of Information Act.

Sincerely yours,

G. M. Kelley

Clarence M. Kelley
Director

MAILED 23

MAR 7 1974

-FBI-

Enclosure

NOTE: Bufiles contain no identifiable information regarding Miss Audrey Wiest.

awt:nlm (3)

MAIL ROOM ☐

TELETYPE UNIT ☐

Assoc. Dir. _____
Dep. AD Adm. _____
Dep. AD Inv. _____
Asst. Dir.: _____
Admin. _____
Comp. Syst. _____
Ext. Affairs _____
Files & Com. _____
Gen. Inv. _____
Ident. _____
Inspection _____
Intell. _____
Laboratory _____
Plan. & Eval. _____
Rec. Mgmt. _____
Training _____
Legal Coun. _____
Telephone Rm. _____
Director Sec'y _____

Mar 4

February 25, 1974
P.O. Box 52
North Ferrisburg, N.H.

Director of the F.B.I.
Washington, D.C.

Dear Sir:

We wish to support those persons who are interested in re-opening the case of Julius + Ethel Rosenberg. We feel there are many unanswered questions about the validity of this verdict; we demand the immediate release of all pertinent records now being sought by lawyers and other representatives of the Rosenberg family to be used in a new examination of this historic + unprecedented case.

CORRESPONDENCE

In the interest of justice,

Deborah Byrum
William T. Keene

ack. of
amt. 3/6/74

05446

The Director of
The Federal Bureau of
Investigation
Washington, D.C.

REC-106

65-58236-2454

13 MAR 5 1974

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 8/7/86 BY 3042 PWT/aus

REC-106

March 4, 1974

65-58236-2454

Miss Deborah Bryon
Post Office Box 52
North Ferrisburg, Vermont 05473

Dear Miss Bryon:

WILLIAM R. NEVINS

9-76

In reply to the letter of February 25th from you and Mr. William R. Nevins, the FBI's investigation of Julius and Ethel Rosenberg was proper and allegations to the contrary are completely false. The Rosenbergs were tried in a proper court of law and, it is interesting to note, that on appeal to the Supreme Court their convictions were upheld.

For many years the files of the FBI were considered confidential and available to duly authorized individuals only. In 1967, Congress passed the Freedom of Information Act, which generally made available for disclosure to the general public numerous files of the Government; however, investigative files of the FBI compiled for law enforcement purposes were exempted by this statute. In July, 1973, the then Attorney General issued Attorney General Order Number 502-73 which, in essence, said that, within the discretion of the Department of Justice, certain investigative files of the FBI which were compiled for law enforcement purposes and which were over 15 years old could be made available to legitimate historians for research purposes.

Since the FBI is deeply concerned over the possible disclosure of the identity of individuals who may have furnished us information in confidence or where the revelation of a person's identity could constitute an unwarranted invasion of his privacy, we have been most reluctant to release certain files before some of these complex legal questions could be resolved by the Department of Justice.

For your information, I am enclosing a copy of the Freedom of Information Act.

Sincerely yours,

G. M. Kelley

Clarence M. Kelley
Director

- Assoc. Dir. _____
- Dep. AD Adm. _____
- Dep. AD Inv. _____
- Asst. Dir.:
- Admin. _____
- Comp. Syst. _____
- Ext. Affairs _____
- Files & Com. _____
- Gen. Inv. _____
- Ident. _____
- Inspection _____
- Intell. _____
- Laboratory _____
- Plan. & Eval. _____
- Spec. Inv. _____
- Training _____
- Legal Coun. _____
- Telephone Rm. _____
- Director Sec'y _____

Enclosure

NOTE: Bufiles contain no identifiable information regarding Deborah Bryon or William R. Nevins.

awt:bf (3)

MAIL ROOM

TELETYPE UNIT

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 8/7/86 BY 3042 PWT/RO

MAR 12 1974

MAR 14 1974

65-58236-2454

200 Berkeley Street
Boston, Massachusetts 02117

April 11
Robert J. Lamphere
Vice President

March 8, 1974

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 8/7/86 BY 3042 BOWERS

Asst. Dir.	_____
Dep. Asst. Dir.	_____
Ident.	_____
Asst. Dir.:	_____
Admin.	_____
Comp. Syst.	_____
Ext. Affairs	_____
Files & Com.	_____
Gen. Inv.	_____
Ident.	_____
Inspection	_____
Intell.	_____
Laboratory	_____
Plan. & Eval.	_____
Spec. Inv.	_____
Training	_____
Legal Coun.	_____
Tel. Rm.	_____
Director's Sec'y	_____

Mr. Clarence M. Kelley, Director
Federal Bureau of Investigation
Ninth Street and Pennsylvania Avenue N.W.
Washington, D.C. 20535

Dear Mr. Kelley:

The documentary made by Public Television entitled "The Unquiet Death of Julius and Ethel Rosenberg" was shown a few days ago here in Boston and had earlier been shown throughout the country on Public Television channels.

Prior to seeing it, I had already heard that it was slanted. I was, however, surprised at the degree to which this was so when I saw it.

You may be interested in the letter which I have written to the producer, Alvin H. Goldstein.

Sincerely,

Robert J. Lamphere
Vice President

RJL:ELM

Attachment

65-58236-
NOT RECORDED
46 MAR 20 1974

ENCLOSURE

15 MAR 19 1974

ORIGINAL FILED IN

65-58236-76

Apart 10-J
780 Baylston Street
Boston, Mass. 02199

March 8, 1974

Mr. Alvin H. Goldstein
National Public Affairs Center for Television
955 L'Enfant Plaza North, S.W.
Washington, D.C. 20024

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 8/7/86 BY 3042 PWT/RWS

Dear Mr. Goldstein:

Your documentary, "The Unquiet Death of Julius and Ethel Rosenberg," was described by Anthony LaCamera in the Boston Herald American as "what may well be the season's most powerful documentary" and "far stronger than the ABC presentation." With both of these comments I agree. Mr. LaCamera went on to say, "'The Unquiet Death' takes an unmistakable stand that the Rosenbergs were given a raw deal."

In agreeing to be interviewed and later to a filming, I had one specification -- that your documentary would not be slanted. To this both you and Barbara B. Thornton, your Associate Producer, agreed. You did not keep this agreement. I can understand that in order to create interest you wanted to build some controversy into the film. I can also understand that there would be many people who do not feel that the punishment of death was justified. However, in the last two-thirds of your film, neither your commentary nor your allotting of time was balanced. It was clearly slanted in the direction of suggesting that these people were not guilty of the crime with which they were charged.

At one point, the Schneirs said that in their view the entire case was a frameup and that only the FBI could have engineered it. I would agree that if it had been a frameup -- which it wasn't -- the FBI would have had to engineer it, and then I would have been a key person in such a frameup. This of course raises an interesting chain. Fuchs confesses to British Intelligence and gets a 14-year sentence in England and only after the sentencing does the FBI interview him. Gold confesses and gets 30 years. Greenglass confesses and gets 15 years. And out of all this the FBI picks out an innocent man and wife and allegedly concocts a way of convicting them through perjured testimony and, according to some of your witnesses, can't even forge a hotel registration card so its date on the front and back are consistent. That is some forgery.

You used Philip Morrison over and over again to suggest that there was no secret to the atomic bomb worth protecting. You ignored what I had told Barbara Thornton -- that it was Fuchs' estimate that he enabled the Russians to have the atomic bomb at least two years before they would otherwise have had it. Thousands of American boys died in Korea and, as Judge Kaufman suggested in his sentencing, would the Korean War have happened if Russia had not had the bomb before Korea?

Much of what I saw in the latter two-thirds of your film reminded me of the efforts to portray various conspiracies out of the assassination of President Kennedy.

ENCLOSURE

65-58236-

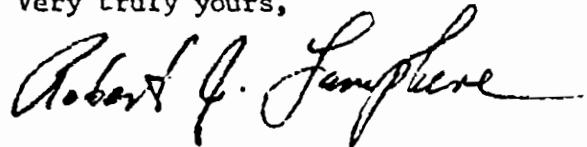
March 8, 1974

I hope the day will come when the FBI files are opened on this case. I puzzle, however, on how this can be done without implicating the numerous people who would have surely been convicted if the Rosenbergs had talked. In this connection, you ignored William Perl who worked near Cleveland for the predecessor to NASA. He was convicted of perjury in connection with the Rosenberg investigation.

You also slanted the documentary to indicate an anti-Semitic bias in excluding jurors who were Jewish. This is interesting. Judge Kaufman, U.S. Attorney Irving Saypol, Assistant U.S. Attorney Roy Cohn, and I guess even Defense Attorney Manny Bloch -- all Jewish -- must have collaborated to bring this about. This of course was not brought out. Is this unbiased reporting?

I am surprised that Public Television would slant a so-called documentary to the extent that you did. I am convinced that you could have had a fascinating documentary without resorting to this. I consider you personally responsible for the unmistakable bias and for breaking the agreement made with me and I am sure with others.

Very truly yours,



Robert J. Lamphere

February 18, 1974

Director Clarence M. Kelley
Federal Bureau of Investigation
Washington, D. C.

Dear Mr. Kelley:

I hereby formally request that the Bureau furnish me materials related to the case of Julius and Ethel Rosenberg. This would include papers relating to the Rosenbergs, to David and Ruth Greenglass, to Max Elitcher, Harry Gold, Klaus Fuchs, and Anatoli A. Yakovlev. In addition, I am requesting papers relating to Abraham Brothman and Oscar Vago; these would, I believe, provide background information and may relate directly to the Rosenberg Case.

I am presently engaged in a historical and sociological study of the Rosenberg Case, and of the social and legal climate within which it took place. I am an associate professor of Sociology at Douglass College, Rutgers University, presently on a one year leave for the purpose of pursuing this research effort. I expect my work to result in the publication of scientific papers for sociological journals and a book.

I have already requested and received cooperation from the Eisenhower Library, Department of Justice, and the State Department. I look forward to receiving the cooperation of your department.

Sincerely yours,

Emily Alman

Emily Alman, Ph.D.
Associate Professor
Rutgers University

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 8/8/86 BY 3042 PWT/RWS

EA:aa

65-58236-

NOT RECORDED
197

7 MAR 18 1974

CORRESPONDENCE

100-338696-36

March 11, 1974

65-58236-

Dr. Emily Alman
Associate Professor
Douglass College
Rutgers University
The State University of
New Jersey
New Brunswick, New Jersey 08903

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 8/8/86 BY 3042 PWT/PLS

Dear Dr. Alman:

This is to acknowledge receipt of your letter dated February 18th.

In response to a prior request for copies of the Rosenberg case and pursuant to the fees we are authorized to charge, we conservatively estimate the cost to process this file to be well in excess of \$5,000. Under current policy, this fee will be evenly distributed among those qualified individuals who request access to the Rosenberg files prior to the initial dissemination.

With regard to your request for the files relating to Abraham Brothman and Oscar Vago, based on a preliminary survey, we likewise conservatively estimate the cost to process these files to be in excess of \$5,000.

In accordance with existing Department of Justice regulations, a 25 percent deposit, or \$2,500, payable by check or money order to the Treasury of the United States, will be required to initiate processing. The submission of a deposit will not necessarily guarantee that you will be afforded access to the aforementioned files.

For your information, we currently are attempting to resolve a myriad of legal questions which have arisen as a result of requests for release of the Rosenberg files.

- 1 - Office of the Deputy Attorney General - Enclosure
- 1 - Bufile 62-115530 (FOI-REPLIES)

AHM:law (6)

51 MAR 19 1974

MAIL ROOM ☐

TELETYPE UNIT ☐

MAILED 23
MAR 12 1974
FBI

Assoc. Dir. _____
Dep. AD Adm. _____
Dep. AD Inv. _____
Asst. Dir.:
Admin. _____
Comp. Syst. _____
Ext. Affairs _____
Files & Com. _____
Gen. Inv. _____
Ident. _____
Inspection _____
Intell. _____
Laboratory _____
Plan. & Eval. _____
Spec. Inv. _____
Training _____
Off. Cong. & Public Affs. _____
Sec'y _____

ORIGINAL FILED IN 100-338696-36

Dr. Emily Alman

Undoubtedly, we shall be subjected to the same experience with respect to the Brothman and Vago files. As a result, we have not disclosed any information from these files as of the present and we will not be in a position to disclose the files until the legal questions have been resolved. In addition, the publicity afforded to release of FBI files under the provisions of Attorney General Order 528-73 has created a backlog of requests which would receive priority over your request. You are being advised of this in order to avoid any misunderstanding which could arise with respect to when these files might be available.

If you desire us to process your request, please indicate in writing your willingness to pay fees as high as are anticipated. Thereafter, when we have resolved the legal questions involved and are in a position to begin processing, we shall correspond with you to make the necessary arrangements for the submission of a deposit.

Sincerely yours,

C. M. Kelley

Clarence M. Kelley
Director

NOTE: See Director to Attorney General memorandum, dated 3-8-74, captioned, "Attorney General Order 528-73." Emily Alman, nee Aaron, the subject of Bufile 100-338696, currently is a Category IV ADEX subject. She has been an officer in the National Committee to Secure Justice in the Rosenberg Case and the National Committee to Secure Justice for Morton Sobell in the Rosenberg Case, both of which were cited by the HUAC as communist front organizations. Processing costs for the Rosenberg case based on estimate furnished to previous requesters. We have 3 main case files on Brothman; 65-56402 (160 sections); 93-645 (2 sections); and 100-365040 (8 sections). Oscar Vago is the subject of 101-19881 (1 section). Processing costs for Brothman and Vago files based on 171 sections of 150 pages each at \$5 per hour clerical review, plus 10¢ per page for reproduction.

James S. Patten
119 Sunny Lane, Apt. M-2
Torrington, Conn. 06790

United States Department of Justice
Attn: Internal Security Division, F.B.I.
Washington, D. C.

Dear Sirs:

O. F. Rosenberg

I have recently begun a study into the United States Government's case against Julius and Ethel Rosenberg. My interest in this particular topic has been aroused by recent television documentaries concerning the Rosenbergs. As a student and teacher of history, my only motive in researching this case is to resolve some unanswered questions surrounding it. I would greatly appreciate any assistance that your department could provide.

Some questions that I do have at present are as follows:

1. What guidelines has the Federal Bureau of Investigation followed in downgrading the classified sections of the Rosenberg files?
2. Does the Bureau have dossiers on Harry Gold and Anatoli Yakolev, and if so what downgrading procedures is the Bureau applying to these files?

I would certainly welcome answers to my questions at your earliest possible convenience and any other help that your Department could provide. I thank you in advance for your expected cooperation.

EX-111

REC-47 65-58236-2455
Sincerely yours,

James S. Patten
James S. Patten

2 MAR 14 1974

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 8/8/86 BY 3042 PWT/RWS

old letter

MAR 14 1974

0-8-74

65-57449

Federal Bureau of Investigation
Records Section

, 19__

☐ Name Searching Unit - Room 6527
☐ Service Unit - Room 6524
☐ Forward to File Review
☐ Attention *Adkins*
☐ Return to *Mr. Wright* *4704*
 Supervisor Room Ext.

Type of References Requested:

☐ Regular Request (Analytical Search)
☐ All References (Subversive & Nonsubversive)
☐ Subversive References Only
☐ Nonsubversive References Only
☐ Main _____ References Only

Type of Search Requested:

☐ Restricted to Locality of _____
☐ Exact Name Only (On the Nose)
☐ Buildup ☐ Variations

Subject *James S. Patten*
 Birthdate & Place _____
 Address _____

Localities _____

R# _____ Date *3-11* Searcher Initials *grk*
 Prod. _____

FILE NUMBER SERIAL

NR
Bugs
NR

Bredins (LTL Conn.)
NR

ALL INFORMATION CONTAINED
 HEREIN IS UNCLASSIFIED
 DATE *8/8/86* BY *3042 PBT/RWS*

March 13, 1974

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 8/8/86 BY 3042 PWT/rws

Dear Mr. Patten:

This is to acknowledge your letter which was received
on March 11th.

For your information, we currently are attempting to resolve a myriad of legal questions which have arisen as a result of requests for disclosure of the Rosenberg file. Many of these concern the right of personal privacy of principals and other individuals involved and/or mentioned in this case. As a result, we have not disclosed any data from this file as of the present, and we will not be in a position to do so until the legal questions have been satisfactorily resolved.

In answer to your other inquiries, the FBI is guided by the provisions of Executive Order 11652 in the downgrading and declassification of all documents which are considered for dissemination outside this Bureau. These guidelines, therefore, will be applied to the subjects of all our investigatory files, including those of Harry Gold and Anatoli A. Yakovlev.

I hope the foregoing information will be of assistance to you.

Sincerely yours,

C. M. Kelley,

Clarence M. Kelley
Director

MAILED 23

MAR 13 1974

-FBI

1. Dir. _____
 2. AD Adm. _____
 3. AD Inv. _____
 Dir.: _____
 in. _____
 p. Syst. _____
 Affairs _____
 & Com. _____
 Inv. _____
 Section _____
 11. _____
 watery _____
 l & Eval. _____
 S inv. _____
 Ting _____
 Coun. _____

1 - The Deputy Attorney General - Enclosure

1 - Bufile 62-115530 (FOI-REPLIES)

NOTE: Bufiles contain no record of correspondent. Harry Gold (65-57449) and Anatoli A. Yakovlev (100-346183) were principals in the Rosenberg case.

AIM:law (6)

7 MAR 21 1974

TELETYPE UNIT

MAI 13 1974

65-57449-
100-346183

Form DJ-960
(Rev. 6-22-66)

DEPARTMENT OF JUSTICE

ROUTING SLIP

TO:	NAME	DIVISION	BUILDING	ROOM
1.	Mr. J. Edgar Hoover	FBI		
2.				
3.				
4.				

<input type="checkbox"/> SIGNATURE	<input type="checkbox"/> COMMENT	<input type="checkbox"/> PER CONVERSATION
<input type="checkbox"/> APPROVAL	<input type="checkbox"/> NECESSARY ACTION	<input type="checkbox"/> AS REQUESTED
<input type="checkbox"/> SEE ME	<input type="checkbox"/> NOTE AND RETURN	<input type="checkbox"/> NOTE AND FILE
<input type="checkbox"/> RECOMMENDATION	<input type="checkbox"/> CALL ME	<input type="checkbox"/> YOUR INFORMATION
<input type="checkbox"/> ANSWER OR ACKNOWLEDGE ON OR BEFORE _____		
<input type="checkbox"/> PREPARE REPLY FOR THE SIGNATURE OF _____		

REMARKS

Bill Hoiles on the AG's staff has asked us for help in preparing an answer to this letter. Would much appreciate any assistance you can give us on this. Thanks O

Julius Rosenberg

FROM:	NAME	BUILDING & ROOM	EXT.	DATE
	J. Edgar Hoover			

2 ENCLOSURE

100 to Mr. Hoiles memo
3/12/74
from Julius
to Hoiles 3/21/74

65-58236-

NOT RECORDED

9

MAR 19 1974

46 MAR 21 1974

8-jer

ORIGINAL FILED IN 65-58236-100

SMITH COLLEGE
NORTHAMPTON, MASSACHUSETTS 01060
DEPARTMENT OF HISTORY

January 30, 1974

Mr. William M. Hoiles
Special Assistant to the Attorney General
Office of the Attorney General
Washington, D.C. 20530

Dear Mr. Hoiles:

Thank you for your January 21st letter and for your assistance in bringing my request to the attention of appropriate officials in the Justice Department. I appreciate your efforts and those of General Saxbe in helping to expedite delivery of the Hiss and Rosenberg files. As you undoubtedly know, the F.B.I. has released only one, seventeen page file to me on the Hiss case--nothing on the Rosenberg case---despite four months of processing the material. At the same time, by contrast, the Justice Department's analogous office charged with releasing such material to qualified scholars, headed by John L. Martin and including Attorney Joseph Tafe with whom I have dealt, has released close to 1,000 pages of material on the Rosenberg case from its files and is presently reviewing the Hiss files for similar release. I cannot praise Mr. Martin's office (and Mr. Tafe) highly enough for their obvious and sincere attempts to implement the Department's July 1973 order dealing with release of such files in my own case. Mr. Tafe and Mr. Martin have been cooperative throughout, despite the fact that my request for Rosenberg files from the Department came two months after the F.B.I. first began processing my similar request for their files in the case.

I pointed all these facts out to the New York Times reporter who learned (not through me) about release of the single F.B.I. file, but this contrast between Justice Department cooperation and F.B.I. foot-dragging was lost in the story she wrote. Happily, I made a point of insisting upon its inclusion in the story written by an A.P. reporter who called me after reading the Times article. As you can see from the enclosed clipping in my hometown paper, it is a point that I feel worth making at each opportunity possible. My only hope at this point is that the Justice Department can convey forcefully its own pattern of cooperation with scholars to the appropriate people at the Bureau. Mr. Farrington informed me on my last visit to his office there that the F.B.I. sets its own policies with regard to release of such information independent of the Justice Department, but my own impression of the Constitution and statute law on such matters is that this has been the case de facto in the past but not de jure. Hopefully it will not be the case much longer. Thank you again for your help in the past, and I appreciate your offer to help in future.

65-58236-
ENCLOSURE

Sincerely yours,

Allen Weinstein

Allen Weinstein

Cites delays

Hampshire Gazette (Northampton), Jan. 20, 1974

Smith professor may sue FBI for paper

By JONATHAN NEUMANN

A Smith College history professor said today that he may sue the FBI because it has not delivered him old files which it promised to release four months ago.

Allen Weinstein, 26, director of the college's American Studies program, was promised 73,000 pages of censored material from the FBI concerning the controversial Alger Hiss and Julius and Ethel Rosenberg cases. Last Friday, four months after the FBI agreed to the historian's request, Weinstein received 17 pages.

"If I don't receive anything substantive within a few weeks," Weinstein said today, "I'll probably take court action against the FBI for non-compliance with their own

order."

Weinstein sued the FBI and the Justice Department in November, 1972, after seeking unsuccessfully for three years to obtain the secret material for a research project. Before the case was settled, former Atty. General Elliot Richardson ruled last July that the government has to release files more than 15 years old which are no longer related to pending investigations.

In September, the FBI agreed to turn over the papers to Weinstein. It said, however, that it would carefully screen and censor the material to protect informants and surveillance methods.

Weinstein says that the Justice Department "has been extreme-

ly cooperative" and has granted him access to 1,000 pages on the Rosenberg case.

Saxbe Helpful

The professor said that he has talked with Atty. General William Saxbe about the matter and that "the entire department has been very helpful."

"The real problem," Weinstein remarks, "is whether they will exercise the power over the FBI which they have."

Weinstein said that if he sues the FBI he will ask for a specific deadline — "perhaps a few months" — for the material to be handed over.

"I'm not about to spend the rest of my life growing old, waiting for the FBI," Weinstein

added.

He says that the FBI do have been explained to him, "very complicated review process." The FBI told Weinstein that the material is being sorted by five or six offices.

"Just when you've passed the reviews," Weinstein said, "the FBI handling of the papers, you get another one you never heard of before."

Interviews Cited

Weinstein said that he hopes to interview people involved in the trials. Concerning files, he admits that they were carefully censored, but "from a historian's point of view, I have already gotten a lot of material from the Justice Department."

(Continued on page 2)

—FBI

(Continued from page 1)

ment which is worthwhile, and I'm sure the FBI files will offer much more."

Weinstein plans to write a book on the trials, as well as to offer lectures and articles on the subject.

Both Hiss and the Rosenbergs were the subject of intensive FBI investigations during the 1940s and early 1950s. They were accused of being Communists.

Hiss, a former state department official under President Franklin D. Roosevelt, was found guilty of perjury — he denied charges that he turned over classified documents to Russia — and was sentenced to prison.

The Rosenbergs were convicted in 1953 as spies who stole atomic secrets from America for Russia. They were executed.

Both cases are still the subject of debate today. Some argue that the Rosenbergs were "framed" by the FBI.

President Nixon, then a congressman, was a leading figure in the case against Hiss in the 1940s.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 8/8/86 BY 3042 RWT/RWS

65-58236

ENCLOSURE

ENCLOSURE

Mr. William M. Hoiles
Special Assistant to the Attorney General
Director, FBI

March 14, 1974

65-58236-

FREEDOM OF INFORMATION ACT REQUESTS OF PROFESSOR ALLEN
WEINSTEIN FOR ROSENBERG AND ALGER HISS CASES

Enclosed herewith is a copy of a letter, dated January 30, 1974, with enclosure, addressed to you from Professor Allen Weinstein. This communication was referred to the FBI for any assistance we could offer in preparing a response thereto.

With regard to Professor Weinstein's statements pertaining to the Rosenberg case, we are aware of the efforts of the Internal Security Section of the Department's Criminal Division in making available nearly 1,000 pages of material. It should be pointed out, however, that the contents of Departmental files are completely different from those of the FBI. Unlike most Department files, our files consist mainly of raw investigative data which must be thoroughly reviewed page-by-page and deleted on a line-by-line basis in order to bring these documents in conformance with current Statute and Departmental policy. We currently are experiencing a great deal of difficulty in the area of personal privacy considerations. We have discussed this problem with both Professor Weinstein and Department representatives on many occasions, and our current position is that the Rosenberg case cannot be disclosed until personal privacy guidelines are more definitive and meaningful. We have attempted to approach processing of the Rosenberg case from the standpoint of disclosing those portions of the file where personal privacy considerations are minimal to nonexistent; however, our efforts in this regard have been futile due to the structure of the case. Nearly all of the FBI investigation conducted in the Rosenberg case is intertwined with exempt and nondisclosable information in such a way as to make extraction of any possibly disclosable material an impractical task. The small amount of material which is not intertwined is so innocuous that it is valueless.

With respect to the Alger Hiss case, subsequent to Professor Weinstein's letter, we made available to him, on February 14th, a total of 70 reports concerning the Hiss case.

1 - Mr. Franck (detached)
1 - Mr. Wannall (detached)
Attention: Mr. Lee
1 - Mr. Mintz (detached)

AJM:law
MAR 27 1974
MAIL ROOM TELETYPE UNIT

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 1/1/82 BY 3042 JAB/hrs

Assoc. Dir. _____
Dep. AD Adm. _____
Dep. AD Inv. _____
Asst. Dir.: _____
Admin. _____
Comp. Syst. _____
Ext. Affairs _____
Files & Com. _____
Gen. Inv. _____
Ident. _____
Inspection _____
Intell. _____
Laboratory _____
Plan. & Eval. _____
Spec. Inv. _____
Training _____
Legal Coun. _____
Telephone Rm. _____
Director Sec'y _____

5-608214-001
ORIGINAL FILED IN

Mr. William M. Hoiles
Special Assistant to the Attorney General

investigation. By letter to Special Agent Richard C. Dennis, dated February 20th, Professor Weinstein not only attempted to direct the manner and chronology in which the Hiss case is being processed, but he also strongly criticized the deletions which we had made. He accused the FBI of "...turn(ing) historical scholarship into a Chinese puzzle..." and termed our deletions as "promiscuous." The deletions we made are in conformity with current Departmental policy, as we interpret it, regarding personal privacy.

Mr. Weinstein stated he was informed by Special Agent Farrington that "...the FBI sets its own policies with regard to release of such information independent of the Justice Department...." Apparently, he misinterpreted what Mr. Farrington told him. During one of Professor Weinstein's visits to FBI Headquarters, Mr. Farrington told him that the FBI sets its own internal policy with regard to the mechanics by which Freedom of Information Act requests are processed. We hope you will clarify any misinterpretation Professor Weinstein might have with respect to the FBI's operation in relation to Departmental policies.

In conclusion, since Professor Weinstein is aware of the difficulties we are experiencing in the area of personal privacy, we can only conclude that he places historical interest considerations above those of the rights of individuals to personal privacy. While we do not take issue with Professor Weinstein's serious and legitimate historical interest in the Hiss and Rosenberg cases, our overriding concern is for the protection of the right to privacy of the individuals involved and/or mentioned in these cases. In a speech delivered on nationwide radio on February 23, 1974, President Nixon stated that, "A system that fails to respect its citizens' right to privacy fails to respect the citizens themselves." Further, in quoting James Madison, he stated, "...in pursuing the overall public good, we must make sure that we also protect the individual's private rights."

Enclosures (2)

NOTE: See G. E. Malmfeldt to Mr. Franck memorandum, dated 3-12-74, captioned, "Freedom of Information Act Requests of Professor Allen Weinstein for Rosenberg and Alger Hiss Cases."

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. Franck

DATE: 3-12-74

FROM : G. E. Malmfeldt

SUBJECT: FREEDOM OF INFORMATION ACT REQUESTS OF PROFESSOR ALLEN WEINSTEIN FOR ROSENBERG AND ALGER HISS CASES

Julius Rosenberg

Attached hereto is a memorandum from the Director to Mr. William M. Hoiles, Special Assistant to the Attorney General, dated 3-14-74, captioned as above.

On 3-7-74, Departmental attorney Robert L. Saloschin, Office of Legal Counsel, forwarded to the FOIA Unit a copy of a letter, dated 1-30-74, with enclosure, addressed to Mr. Hoiles from Professor Allen Weinstein. Mr. Saloschin related that Mr. Hoiles had requested FBI assistance in preparing an answer to Mr. Weinstein's letter. The attachment was prepared to furnish information to Mr. Hoiles for his use in replying to Professor Weinstein.

RECOMMENDATION:

That, upon approval of the attached memorandum, it be returned to the FOIA Unit for delivery to Mr. Hoiles.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 8/8/86 BY 3042 PWT/RLS

Enclosure

- 1 - Mr. Franck - Enclosure
- 1 - Mr. Wannall - Enclosure
Attention: Mr. Lee
- 1 - Mr. Mintz - Enclosure
- 1 - Mr. Malmfeldt

AHM:law (5)

54 MAR 21 1974

Assoc. Dir. _____
Dep. AD Adm. _____
Dep. AD Inv. _____
Asst. Dir.:
Admin. _____
Comp. Syst. _____
Ext. Affairs _____
Files & Com. _____
Gen. Inv. _____
Ident. _____
Inspection _____
Laboratory _____
Plan. & Eval. _____
Spec. Inv. _____
Training _____
Legal Coun. _____
Telephone Rm. _____
Director Sec'y _____

REC 107

65-58236-2456

MAR 20 1974

CORRESPONDENCE

WILLIAM S. BROOMFIELD
19TH DISTRICT, MICHIGAN

DISTRICT OFFICES:
430 NORTH WOODWARD
BIRMINGHAM, MICHIGAN 48011
PHONE: 642-3600

508 NORTH MAIN STREET
MILFORD, MICHIGAN 48042
PHONE: 685-2640

185 SOUTH BROADWAY
LAKE ORION, MICHIGAN 48035
PHONE: 693-2400

FOREIGN AFFAIRS
COMMITTEE

WASHINGTON ADDRESS:
SUITE 2435
RAYBURN HOUSE OFFICE BUILDING
PHONE: 202-225-6135

Congress of the United States
House of Representatives
Washington, D.C. 20515

March 6, 1974

Honorable Clarence M. Kelley
Director
Federal Bureau of Investigation
Washington, D. C. 20535

Dear Mr. Kelley:

Since the recent airing on television of the Rosenberg Trials, I have had a number of inquiries from my constituents concerning the secret files.

They feel that these files should be released. I would appreciate having your views on this matter as well as any other information which I could use in replying to my constituent inquiries.

Best wishes, and my thanks for your assistance.

Sincerely,

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10/28/86 BY 3042PWT/1mm

William S. Broomfield
Member of Congress

WSB/nc

Assoc. Dir. _____
Dep. AD Adm. _____
Dep. AD Inv. _____
Asst. Dir.:
Admin. _____
Comp. Syst. _____
Ext. Affairs <input checked="" type="checkbox"/>
Files & Com. _____
Gen. Inv. _____
Ident. _____
Inspection _____
Intell. _____
Laboratory _____
Plan. & Eval. _____
Spec. Inv. _____
Training _____
Legal Coun. _____
Telephone Rm. _____
Director Sec'y _____

EXP. PROC.
37 MAR 7 1974

65-58236-2457

16 MAR 7 1974

CORRESPONDENCE

REC-24

4
-112 65-58236-2457

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 8/8/86 BY 3042 RWT/RWS

I appreciate your writing as you did on March 6th and am glad to have an opportunity to state the FBI's position with regard to the Rosenberg trials and the recent television program that has been aired about them.

1974

187-

For many years the files of the FBI were considered confidential and available to duly authorized individuals only. In 1967, Congress passed the Freedom of Information Act, which generally made available for disclosure to the general public numerous files of the Government; however, investigative files of the FBI compiled for law enforcement purposes were exempted by this statute. In July, 1973, the then Attorney General issued Attorney General Order Number 528-73 which, in essence, said that, within the discretion of the Department of Justice, certain investigative files of the FBI which were compiled for law enforcement purposes and which were over 15 years old could be made available to legitimate historians for research purposes.

- 1 - Detroit - Enclosure
1 - Congressional Liaison - Enclosure

SEE NOTE PAGE TWO

awt:nlm (6)
MAIL ROOM ☒ 1034

TELETYPE UNIT ☐

Honorable William S. Broomfield

The FBI is deeply concerned over the possible disclosure of the identity of individuals who may have furnished us information in confidence or where the revelation of a person's identity could constitute an unwarranted invasion of his privacy. We have been most reluctant to release certain files where disclosure is not required by law, but rather by discretion of the Attorney General, before some of these complex legal questions can be resolved by the Department of Justice.

Some of these questions, as they pertain to individuals in the Rosenberg case, are currently being studied by the Department of Justice in an effort to set up additional guidelines that would comply with the spirit and intent of disclosure under the Freedom of Information Act, but at the same time protect an individual's privacy.

For your information, I am enclosing a reprint which includes Attorney General Order Number 529-73.

Sincerely yours,

C. M. Kelley
Clarence M. Kelley
Director

Enclosure

NOTE: Bufiles indicate prior cordial correspondence with Congressman Broomfield. He frequently contacts the Bureau in regard to constituent matters.

AMERICAN CIVIL LIBERTIES UNION

22 East 40th St New York, N.Y. 10016 (212) 72 222

Assoc. Dir.	_____
Dep. A.D.-Adm.	_____
Dep. A.D.-Inv.	_____
Asst. Dir.:	
Admin.	_____
Comp. Syst.	_____
Ext. Affairs	_____
Files & Com.	_____
Gen. Inv.	_____
Ident.	_____
Inspection	_____
Intell.	_____
Laboratory	_____
Plan. & Eval.	_____
Spec. Inv.	_____
Training	_____
Legal Coun.	_____
Telephone Rm.	_____
Director Sec'y	_____

March 14, 1974

Attorney General of the
United States
Attention: Office of Legal Counsel
Department of Justice
Washington, D.C. 20530

Bozeman
Brant
EB

Dear Sirs:

I am the attorney for Professor Allen Weinstein, who for approximately two years has been requesting access (pursuant to the Freedom of Information Act and Attorney General Order 528-73) to documents in the possession of the Federal Bureau of Investigation pertaining to the Bureau's investigations of Alger Hiss and Whittaker Chambers and Julius and Ethel Rosenberg. I am writing this letter in support of Professor Weinstein's appeal of February 20, 1974 of certain actions taken by the FBI with respect to his requests. Director Clarence M. Kelley has informed my client that the appeal has been referred to your office for expedited consideration (Attachment A, infra).

J. LEE

There are three aspects to the appeal. First, Professor Weinstein is appealing the deletion of substantial portions of the few documents he has already received, including virtually every name or other form of identifying information. The documents he has received number only 112 pages and are an infinitesimal portion of the total number of files estimated by the FBI to relate to the Hiss and Chambers investigation (53,000) and the Rosenberg investigation (25,000). If the deletions made in the few documents already released are an indication of the amount of deleting claimed to be necessary by the FBI, it is evident to Professor Weinstein that the documents will be made nearly meaningless by the deletion process.

~~22 APR 3 1974~~

The second aspect of the appeal stems from the FBI's refusal to process the release of any interviews with the principal witnesses who testified at the Hiss and Rosenberg

65-58236-
NOT RECORDED

give

Edward J. [redacted] 1974, Chairman, Board of Directors • Ramsey Clark, Chairman, National Advisory Council • Aryeh Neier, Executive Director • Osmond K. Fraenkel, Norman Dorsen, Marvin M. Karpatkin, General Counsel

Legal Department: Melvin L. Wulf, Legal Director; [redacted] Assistant Legal Director • Staff Counsel: Joel M. Gora • Marilyn G. Hait • John H. F. Shattuck • Brenda Feigen Fasteau • Rena K. Uviller • [redacted] Friedman

ORIGINAL FILED IN 100-41280

1- ENCLOSURE

Attorney General the
United States

March 14, 1974

Page 2

trials. Although no written statement of the reason for this refusal has been furnished to Professor Weinstein, apparently the FBI is relying on a broad "privacy exception" to the policy set forth in Attorney General Order 528-73.

Professor Weinstein does not dispute that the terms of the Order exempt the names of anonymous informants (but not information provided by them). However, there is no general exemption in the Order (nor elsewhere in law) for the reports and interviews of persons who necessarily cannot claim anonymity because their testimony is a matter of public record. For the FBI to withhold its files about these persons is to sequester information and statements upon which substantial parts of the public judicial proceedings were based. Since by definition none of this information relates to any current activities of the principal figures in the two cases, there is no privacy interest to protect in withholding the reports.

Finally, Professor Weinstein has also appealed the extraordinarily slow rate at which documents are being made available to him by the FBI. He has received only two sets of documents from the Hiss-Chambers files (totalling 112 pages out of 53,000) and has not yet received a single document from the Rosenberg files. Six months have elapsed since Director Kelley informed us that Professor Weinstein's requests came within the terms of Attorney General Order 528-73 and would be granted. In the interim Professor Weinstein has made numerous trips to the FBI office charged with processing his requests, and has repeatedly been told that documents would be available "soon". He is under contract to write two books based upon his research and the interminable delays are severely hampering his work. It is our understanding that the delays are at least in part a result of the deletion policy which we are also challenging in this appeal, and we therefore urge your office to reverse the FBI's policy for this additional reason.

Attorney General of the
United States

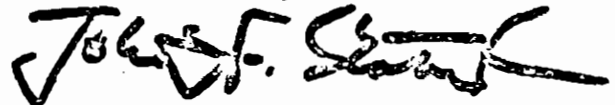
March 14, 1974

Page 3

The FBI's response to Professor Weinstein's requests are in stark contrast to those of the Department of Justice. More than 2,000 pages of documents, with minimal deletions, on both the Hiss and Rosenberg cases have been made available to Professor Weinstein since January of this year, and more documents have been promised to him. The lack of merit in the FBI's policy on deleting and processing its own files is underscored by the fact that the Department of Justice does not follow such a policy with respect to similar documents.

Since Professor Weinstein's appeal has been pending in your office for more than three weeks, I am requesting in conclusion that you act on the appeal within ten days of your receipt of this letter. I am confident that you will overrule the FBI and order immediate processing of the Hiss-Chambers and Rosenberg files, to be completed with minimal deletions no later than June 15, 1974. Otherwise, we intend to seek judicial review.

Yours sincerely,



John H. F. Shattuck

JS/je

cc: Hon. Clarence M. Kelley ✓
Michael Ryan, Esq.
Professor Allen Weinstein

ALAN CRANSTON
CALIFORNIA

United States Senate

WASHINGTON, D.C. 20510

March 18, 1974

Congressional Liaison
To: Federal Bureau of Investigation
Ninth ST & Pennsylvania Ave, NW
Washington DC 20535

Assoc. Dir.	_____
Dep.-A.D.-Adm.	_____
Dep.-A.D.-Inv.	_____
Asst. Dir.:	_____
Admin.	_____
Comp. Syst.	_____
Ext. Affairs	_____
Files & Com.	_____
Gen. Inv.	_____
Ident.	_____
Inspection	_____
Intell.	_____
Laboratory	_____
Plan. & Eval.	_____
Spec. Inv.	_____
Training	_____
Legal Coun.	_____
Telephone Rm.	_____
Director Sec'y	_____

Enclosure from:

Mr. Pete Rand
2130 Branstetter Lane
Redding, CA 96001 (letter of 2/25/74)

Re:
Please comment.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10/28/86 BY 3042PWT/lmw

EXP. PROC.
37 MAR 20 1974

I forward the attached for your consideration.

Your report, in duplicate, along with the return of the enclosure will be appreciated.

Sincerely,

Alan Cranston
Alan Cranston

REC-10

ST-112

65-58236-2458
7-MAR 20 1974

CORRESPONDENCE

Please address envelope to:
Senator Alan Cranston
Senate Office Building
Washington, D.C. 20510

Att:
M. Reynolds

125/74

Dear Senator Cranston-

I'm writing after just having viewed an NET special entitled "The Unquiet Death of Ethel & Julius Rosenberg."

This was a very disturbing program and has prompted me to ask you, and other Congressmen, to re-investigate the entire Rosenberg matter.

The problems that appeared during this documentary are as follows:

1). The FBI refused to release info. to NET relating to Harry Gold, a key prosecution witness.

2). Harry Gold, in taped interviews, directly contradicted the statements he made later during the Rosenberg trial.

3). One of the co-holders of a patent on the atom bomb stated that there was no real A-bomb secret to steal. He felt that Russia & others would have developed an A-bomb of their own without any of our "secrets."

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10/28/82 BY 3042 PWT/1MM

65-58236-2458

There were many other good points made and a book titled "INVITATION TO AN INQUEST" details the problems of the trial.

It's my hope that you & your colleagues will look into re-opening the discussion.

ENCLOSURE

ORIGINAL
RETURNED

on that trial; it has a lot a parallels
with Watergate and that corrupt vision -
the present administration sees nothing
wrong in burglary to do what they feel
is right and the Roy Cohn / Mc Carthy
peoples felt that "communism" had
to be dealt with in any manner necessary.
I'm looking forward to your reply
and hoping that some action is forth-
coming.

Sincerely,
Rita Kerd.
2130 Branstetter Lane
Redding, Calif. 96001.

March 26, 1974

Honorable Alan Cranston
United States Senate
Washington, D. C. 20510

REC-10

65-58236-2458

Dear Senator Cranston:

ST-112

I received your letter of March 18th, together with the letter you enclosed from your constituent, Mr. Pete Rand. I am glad I have an opportunity to state the FBI's position with regard to the Rosenberg trials and the recent television programs that have been aired about them.

Our investigation of Julius and Ethel Rosenberg was entirely proper, and any allegation to the contrary is completely false. The Rosenbergs were tried and convicted in a proper court of law. Thereafter, they exhausted every appellate review available to them. In denying one of the many motions filed in this case, Federal Judge Sylvester Ryan observed, "...that full and complete enjoyment of the Constitutional rights of petitioners has been extended them and has in no way been denied or infringed." This ruling was upheld by the Circuit Court of Appeals (22 F. 2nd 666), and the U. S. Supreme Court upheld Judge Ryan by refusing to consider his ruling on two occasions (345 U. S. 965 and 1003). In addition, this case was appealed to the President of the United States, who refused to intervene.

For many years the files of the FBI were considered confidential and available to duly authorized individuals only. In 1967, Congress passed the Freedom of Information Act, which generally made available for disclosure to the general public numerous files of the Government; however, investigative files of the FBI compiled for law enforcement purposes were exempted by this statute. In July, 1973, the then Attorney General issued Attorney General Order Number 528-73 which, in essence, said that, within the discretion of the Department of Justice, certain investigative files of the FBI which were compiled for law enforcement purposes and which were over 15 years old could be made available to legitimate historians for research purposes.

- 1 - Los Angeles - Enclosures (2)
- 1 - Congressional Services - Enclosures (2)
- 1 - Mr. Wannall - Enclosures (2)

Personal Attention: Bring to attention of SA J. P. Lee
awt:nlm (8)

SEE NOTE PAGE TWO

Assoc. Dir. _____
Dep. AD Adm. _____
Dep. AD Inv. _____
Asst. Dir.:
Admin. _____
Comp. Syst. _____
Ext. Affairs _____
Files & Com. _____
Gen. Inv. _____
Ident. _____
Inspection _____
Intell. _____
Laboratory _____
Plan. & Eval. _____
Spec. Inv. _____
Training _____
Legal Coun. _____
Telephone Rm. _____
Director Sec'y _____

MAIL ROOM ☒ TELETYPE UNIT ☐

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 8/8/86 BY 3042 Puffins

Honorable Alan Cranston

The FBI is deeply concerned over the possible disclosure of the identity of individuals who may have furnished us information in confidence or where the revelation of a person's identity could constitute an unwarranted invasion of his privacy. We have been most reluctant to release certain files where disclosure is not required by law, but rather by discretion of the Attorney General, before some of these complex legal questions can be resolved by the Department of Justice.

Some of these questions, as they pertain to individuals in the Rosenberg case, are currently being studied by the Department of Justice in an effort to set up additional guidelines that would comply with the spirit and intent of disclosure under the Freedom of Information Act, but at the same time protect an individual's privacy.

I am returning the letter you enclosed as you requested.

Sincerely yours,

C. M. Kelley

Clarence M. Kelley
Director

Enclosure

NOTE: Bufiles contain prior correspondence with Senator Cranston regarding constituent inquiries. Pete Rand could not be identified in Bufiles based on information available.

March 28, 1974

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 8/8/86 BY 3042 PWT/RWS

Mr. Alexander H. Joseph
Executive Editor
TV Guide
Radnor, Pennsylvania 19088

Julius Rosenberg

Dear Mr. Joseph:

I appreciate the assistance rendered by you
on March 27, 1974, to Special Agent Anthony D. Leone
of our New York Office.

This letter will confirm our request for
permission to reproduce the article by Simon H. Rifkind
entitled, "TV Turns Soviet Spies into U.S. Folk Heroes,"
which article appears in the March 16, 1974, edition of
"TV Guide." We would like to distribute the article to
each Special Agent in Charge of our field offices for
information. In addition, in the event inquiries con-
cerning the Rosenberg case are received at headquarters
or in the field, we would like authority from you to
utilize the article in response to such inquiries.

I am grateful for your consideration in this
matter.

Sincerely yours,

C. M. Kelley

Clarence M. Kelley
Director

MAILED 23

MAR 28 1974

-FBI

Assoc. Dir. _____
Dep. AD Adm. _____
Dep. AD Inv. _____
Asst. Dir.: _____
Admin. _____
Comp. Syst. _____
Ext. Affairs _____
Files & Com. _____
Gen. Inv. _____
Ident. _____
Inspection _____
Intell. _____
Laboratory _____
Plan. & Eval. _____
Spec. Inv. _____
Training _____
Legal Coun. _____
Telephone Rm. _____
Director Sec'y _____

- 1 - Mr. Franck (det)
1 - Mr. Mintz (det)
1 - Mr. Wannall (Attn: Mr. Branigan) (det)

APR 3 1974

NOTE: By memo W. A. Branigan to Mr. W. R. Wannall, dated
3/12/74 and captioned "Julius and Ethel Rosenberg, Espionage -
Russia," Mr. Kelley approved recommendations calling for wide
usage of the Rifkind article to counter adverse publicity
from certain TV programs concerning the Rosenbergs. Material

CONTINUED - OVER

MAIL ROOM ☒ TELETYPE UNIT ☐

UNRECORDED COPY FILED IN 94-48200-33

NOTE: (CONTINUED)

in "TV Guide" may be reproduced only with permission which this letter seeks. SA Leone has contacted the New York and Philadelphia Offices of "TV Guide" and has determined that although no problem is anticipated, "TV Guide" would like a record of our request. Mr. Joseph voluntarily contacted Judge Rifkind, the author, who expressed pleasure that the article might be used in the manner we have requested. Mr. Joseph further indicated that a response to our letter would be forthcoming without delay.

EDWARD I. KOCH
18TH DISTRICT, NEW YORK

COMMITTEES:
BANKING AND CURRENCY
HOUSE ADMINISTRATION

Congress of the United States
House of Representatives
Washington, D.C. 20515

NEW YORK OFFICE:
Room 3139
26 FEDERAL PLAZA
PHONE: 212-254-1066

WASHINGTON OFFICE:
1134 LONGWORTH OFFICE BUILDING
PHONE: 202-225-2436

March 19, 1974

Federal Bureau of Investigation
Congressional Liaison
Washington, D.C. 20535

Dear Sir: JULIUS ROSENBERG

I understand that a Smith college historian is attempting to obtain the Federal Bureau of Investigation files on the Rosenberg case. It is my understanding that last July, the Attorney General ordered their release, yet the FBI refuses to release them.

I would appreciate your comments on this matter.

Sincerely,

Edward I. Koch

EIK:cd

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10/28/82 BY 3042PWT/1MN

REC-106

65-58236-2460

14 MAR 20 1974

APR 4 1974

EXP. PROC.

Inrecorded Copy Filed In

March 27, 1974

REC-106

65-58236-2440

Honorable Edward I. Koch
House of Representatives
Washington, D. C. 20515

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 8/8/86 BY 3042 PWT/RWS

Dear Congressman Koch:

This is in response to your letter of March 19th.

It has been the policy of the FBI, for many years prior to the formal investigatory file exemption given to us by the Freedom of Information Act of 1966, to protect the confidential nature of our files by denying unofficial access thereto.

In July, 1973, the then Attorney General issued Attorney General Order 528-73 which, in essence, stated that, within the discretion of the Department of Justice, certain investigatory files of the FBI which were more than 15 years old could be made available to legitimate historians for research purposes.

Historically, the FBI has been deeply concerned over the possible disclosure of the identity of individuals who may have furnished us information in confidence. Likewise, we are concerned that our revelation of the identity of a person who has furnished us information or who was the subject of an investigation by us could constitute an unwarranted invasion of personal privacy of those individuals. In addition, there are other unanswered legal questions of a complex nature which we feel should be resolved prior to disclosure of some of our files. While it appears the Rosenberg case meets the criteria set forth in Attorney General Order 528-73, this case also falls into the category of cases which contain many legal questions. We continue to be most reluctant to disclose files exempt by law solely at the discretion of the Attorney General until the legal questions involved can be resolved by the Department of Justice.

MAILED 23
MAR 28 1974
FBI

Assoc. Dir. _____
Dep. AD Adm. _____
Dep. AD Inv. _____
Asst. Dir.: _____
Admin. _____
Comp. Syst. _____
Ext. Affairs _____
Files & Com. _____
Gen. Inv. _____
Ident. _____
Inspection _____
Intell. _____
Laboratory _____
Plan. & Eval. _____
Spec. Inv. _____
Training _____
Legal Coun. _____
Telephone Rm. _____
Director Sec'y _____

- 1 - The Deputy Attorney General - Enclosure
- 1 - Mr. Franck - Enclosure
- 1 - Mr. Mintz - Enclosure
- 1 - Mr. Bowers - Enclosure
- 1 - Bufile 62-115530 (FOI-REPLIES)

AHM:law (10)

APR 8 1974

MAIL ROOM ☐

TELETYPE UNIT ☐

94-65943
62-45530

Unrecorded Copy Filed in

APR 4 1974

Honorable Edward I. Koch

Currently, the Department of Justice is studying some of the questions as they pertain to individuals in the Rosenberg case in an effort to set up additional guidelines that would aid us in complying with the spirit and intent of disclosure under the Freedom of Information Act, while at the same time protecting an individual's rights to privacy.

For your information, I am enclosing a copy of a reprint which includes Attorney General Order 528-73.

Sincerely yours,

C. M. Kelley

Clarence M. Kelley
Director

Enclosure

NOTE: We currently have litigation with Congressman Koch, (D-New York), concerning his FOIA request for our files pertaining to him.

James S. Patten
119 Sunny Lane Apt. M-2
Torrington, Conn. 06790
March 29, 1974

Office of the Director
Federal Bureau of Investigation
U. S. Department of Justice
Washington, D. C. 20535

Dear Director Kelley:

I thank you for your letter of March 13th and especially appreciate your taking the time from your busy schedule to personally respond to my inquiry.

I thank you for the information in your letter and I am aware and understand the legal problems concerning the disclosure of the Rosenberg file. It would be most appreciative if someone on your staff could inform me when any data from the Rosenberg file becomes available for research. I would also appreciate any information that your staff could now provide regarding the provisions of Executive Order 11652.

Once again, thank you for your past help and expected future cooperation.

Sincerely yours,

James S. Patten
James S. Patten

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 8/8/86 BY 3042 RDD/RWS

REC-14

65-58236 246

21 APR 5 1974

1E 711 1366

~~CONFIDENTIAL~~

REC-14 65-58236-2461

April 3, 1974

1 - Mr. Mintz

Mr. James S. Patten
Apartment M-2
119 Sunny Lane
Torrington, Connecticut 06790

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 8/8/86 BY 3042 PWT/RWS

Dear Mr. Patten:

This is to acknowledge receipt of your letter dated March 29th.

In accordance with your request, enclosed herewith is one copy of the provisions of Executive Order 11652 as set forth in Volume 37 of the Federal Register dated March 10, 1972.

I regret to inform you that, in view of the volume of Freedom of Information Act requests we have received for various FBI files, it will be impossible for us to advise you when any data from the Rosenberg file becomes available. It is suggested that you might consider corresponding with this Bureau at some time in the future in order to ascertain the status with regard to release of this file.

Sincerely yours,

C. M. Kelley

Clarence M. Kelley
Director

MAILED 22

APR 03 1974

FBI

Enclosure

- Dir. _____
AD Adm. _____
AD Inv. _____
1 - The Deputy Attorney General - Enclosure
1 - Bufile 62-115530 (FOI-REPLIES)

NOTE: We have had prior correspondence with Mr. Patten regarding the Rosenberg file. He previously has been advised of the status with regard to release of this file.

AHM:law (6)

MAIL ROOM ☐ TELETYPE UNIT ☐

JAM
REFO

April 2, 1974.

Dear Judge Kaufman:

My name is [redacted] I teach English here at Arkansas and am a rather ordinary fellow. I care very deeply about this country. It, my family, and art are my primary concerns in life. I've never been arrested, never been in any kind of legal trouble, never had a traffic ticket, etc., etc.. This is all just to restate that I'm just an ordinary citizen. And although I am just an ordinary citizen, there is something that I am extra-ordinarily concerned about. And that is Ethel and Julius Rosenberg. b7C

Let me say right off that I do not blame you for their deaths. I blame their deaths on the hysteria and paranoia that gripped this country in the Fifties, and very sadly, I must say, I blame this country's officials who forged documents, made deals, and saw to it that the Court did not hear the truth. b7C

I'm sure that in reflection now you certainly see the kind of monstrous thing that was going on then. And I'm sure that a man of your stature over these years could not have kept from asking himself if the Rosenberg Case had not been a part of the hysteria, if it had not been a frame up by the government to add frenzy and paranoia to all the cold war hoopla. No one could possibly keep from asking himself if he had not been taken in. And the revelations in our country over the last few years about big time lying, fake testimony, fake documents, and the like have shaken many Americans, like me, into much doubt about the Rosenberg Case. I have studied the case in great depth, and I've read everything that's been written about it, and I know as well as I know that I am [redacted] that Julius and Ethel Rosenberg were completely innocent. b7C

As I said and as you probably know, there is terrific national interest in the case again--on T.V., in the press, in books, and back home with the ordinary citizen who has realized that or at least is pondering whether two other ordinary citizens, just like him and his wife, died at the hand of certain officials and organizations like the F.B.I., which Watergate told us a frightening lot about. Last week, for example, I lectured and read poetry at Arkansas State University, a most conservative school in one of the most conservative areas of a conservative state. I read a poem about Julius and Ethel Rosenberg and talked about the case, pointed out a few facts, etc., and it was obvious that every man and woman there was disturbed and in sympathy with them. I talked with one lady for about a hour who had never been in any kind of sympathy with them and had kept up with some of the more recent aspects of the case and still was in no sort of sympathy with them. After one hour of talk, and I'm no big talker or propagandist, after the pointing out of a few facts, she had changed a twenty year old opinion. And that some thing is happening everywhere in our country.

REC-84 65-58236-2462
Michael and Robert Meeropol are organizing a national committee that will have branches throughout the country to inform people about the case and to work for the reopening of it and finally to vindicate the names of Julius and Ethel Rosenberg. Such a thing is not only morally right but absolutely necessary if we are to protect ourselves from such a thing ever happening again. I'm sure you know Santayana's famous statement about history. The memory of the Rosenbergs will forever mark against the rise of the demagogue and hysteria in our country and will serve to make each

ENCLOSURE

4 APR 1974

65-58236

our lives a little safer.

Judge Kaufman, I know that you must have had doubts. And is there any quality we prize more than self-criticism, the admitting of error or doubt. Isn't that the quality we intellectually prize the most and morally regard as man's most redeeming? And so I am writing you as a man whom I know loves this country and a man concerned with what is right to ask you to consider a public statement about the case at least suggesting the possibility of doubt, the doubt that I am confident a man like you must have felt.

With kind regards,

[REDACTED] b7c

COMMITTEE TO REVIEW
ROSENBERG-SOBEL CASE
(IN FORMATION)
C/o MOSS MAILING SERVICE
920 Broadway
New York, New York 10010

February 23, 1974

Dear Friend,

In the wake of Watergate and the cover-up, new interest has been stimulated in reopening the ROSENBERG-SOBEL case to demonstrate the abuse of governmental power during the period of "cold war" hysteria.

The Public Broadcasting System has prepared for its more than 200 affiliates a 90 minute documentary entitled "The Unquiet Death of Julius and Ethel Rosenberg".

For those in the New York Metropolitan area this program will be telecast at 8:30 P.M., Saturday, March 2nd over Channel 13. The Public Broadcasting System will be making it available February 25th. The affiliates of PBS will then schedule the documentary at times of their own choosing.

Wherever you are located, we ask that you notify your friends and those whom you think would be interested in such a program. Call your local PBS affiliate to verify the time and date. You might also suggest that there be a panel of appropriate commentators following the telecast. When shown, you might request a re-run of the documentary.

Please send us any publicity, reviews of the telecast, newspaper editorials, letters to the editor, etc. with regard to the case and the telecast of the documentary.

In this connection you will be interested to know that "Invitation to an Inquest" by Miriam & Walter Schneir has been published by Penguin in paperback with a new introduction by the authors. We urge you, if you have not already done so, to purchase it and facilitate its wide distribution and dissemination.

A review of the ROSENBERG-SOBEL case has been long past due and for sometime we have been considering the appropriate steps to effectuate this. Meanwhile we look forward to also receiving your comments and thinking; and we hope to be in touch with you later.

Sincerely yours,

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 8/8/86 BY 3042 AWT/RWS

COMMITTEE TO REVIEW
ROSENBERG-SOBEL CASE
(IN FORMATION)

65-58236-2462

ENCLOSURE

TV Guide - Vol. 22, No. 1 - March 16, 1974

Issue #1094

News Watch

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 8/8/86 BY 3042 ANT/RWS

TV Turns Soviet Spies into U.S. Folk Heroes

By Simon H. Rifkind

What is the cause of the recurrent flurry of interest in the Rosenberg trial? A few weeks ago we saw the Rosenberg trial on Stanley Kramer's "Judgment" series, appearing on ABC. Currently, PBS is distributing a public-affairs documentary, "The Unquiet Death of Julius and Ethel Rosenberg."

This question would be out of order if, in fact, an author or playwright had used the ingredients of the trial for the creation of a truly great novel or play. That, of course, would be sufficient reason for publication or production. That, however, has not happened. The productions exposed to the public have not measured up, as entertainment, to the routine cops-and-robbers stories which fill the TV screen. As news commentary, their cargo of relevance is on a par with that of a rerun of the McKinley campaign.

To discover the answer to our question, I suggest we first list a few of the hard facts of the Rosenberg trial.

1. In January, 1951, a Federal grand jury indicted Julius and Ethel Rosenberg for conspiring, from 1944 to 1950, to communicate secret information to the Soviet Union. No one has yet questioned the composition of that

Judge Rifkind, who served on the Federal bench, is a distinguished trial lawyer who had no professional connection with the Rosenberg case.

grand jury or the quality of its behavior.

2. The Rosenbergs were tried by a Federal jury in New York. That jury was not sworn until counsel for the Rosenbergs pronounced it a satisfactory jury; and he did that long before he had exhausted all his challenges.

3. Counsel for the Rosenbergs was not court appointed. He was the Rosenbergs' personally retained lawyer, one Emanuel H. Bloch, a lawyer of wide experience and good reputation as an advocate.

4. The judge who presided at the trial was the Honorable Irving R. Kaufman, a judge whose capacity and character caused Judge Learned Hand, one of the towering personalities of our judicial system, to recommend him to President Kennedy for appointment to the Court of Appeals (of which he is now the Chief Judge). Judge Hand was not known to dispense his favors carelessly. He was adored by a long generation of judges and lawyers as the champion of fair trials and the protector of human liberty.

5. The jury's verdict met the test of guilt beyond a reasonable doubt and was affirmed by the Court of Appeals in an opinion written by Judge Jerome N. Frank. No judge had a higher reputation for the care with which he examined any possible ground to question a conviction.

6. After conviction, the Rosen-

TV GUIDE A-3

65-8-246-

News Watch/Continued

bergs filed sixteen petitions for reconsideration in the District Court, seven appeals in the Court of Appeals, seven applications to the Supreme Court and two applications to President Eisenhower for executive clemency. Altogether 112 judges dealt in one form or another with the Rosenberg case. Not one saw fit to question their guilt or their conviction.

The explanation of how a unanimous verdict of guilty which passed unscathed through every judicial review and appeal can be turned into a documentary or play which leaves the audience convinced the defendants were railroaded (as reported by Bob Williams, N.Y. Post, 2/26/74) may also answer the first question: What makes the Rosenberg case so recurrent a subject for dramatization?

Whoever presents the Rosenberg trial to a public audience or on television must so rearrange it that the story engages the reader's sympathy and so that he is emotionally stirred by the fate of one or another of the protagonists.

In the story of the Rosenberg trial, the only characters who qualify for such a role are the Rosenbergs themselves. After all, it was they who suffered the supreme penalty. It was they who died faithful to a cause they espoused (never mind that Stalinism, to which they were attached, was the most wretched and vicious idolatry of the century). They were little people encountering the almost limitless resources of a powerful government.

It takes only a few liberties with the true facts to evoke sympathy for such people, even from those who begin by despising and condemning what they have done. What can evoke more sympathy than the picture of a husband and wife going down together into the abyss, locked in a loving embrace with each other and holding fast to a quasi-religious faith they passionately espouse?

And so, the inevitable has happened.

Every new exposure of the Rosenberg story has presented the two spies for Russia as a pair of American folk heroes, folk heroes who should be understood, and therefore forgiven; folk heroes with whom the viewer deeply sympathizes and whose guilt is therefore questioned.

If guilt is questioned it must be because the processes of justice have failed.

The villain of the play, once the spies have become its heroes, must be the system of American justice. The argument is simple. If, after the enormous attention given to this case by so many judges, the innocent are nevertheless convicted, it must be that the system is rotten to the core. In short, the story lends itself readily to the accomplishment of two purposes. One, the generation of sympathy for two spies who have served their Russian masters; and two, the demonstration that the American system of justice is utterly beyond redemption. The conclusion is inescapable—that there are those who find the propagation of these two ideas an acceptable assignment.

Those of us who have studied the record, who know that the Rosenbergs were fairly tried and fairly convicted by a system of justice, which, though not perfect, is probably the best the world possesses, naturally question the wisdom or the purpose of this propaganda.

Even Bloch, the accused's lawyer, said during summation: "I would like to say to the court on behalf of all defense counsel that . . . you have tried us with utmost courtesy . . . and that the trial has been conducted . . . [as] an American trial."

On the day of sentence, Bloch also said: "In retrospect, we can all say that we attempted to have the case tried as we expect similar cases to be tried in this country; . . . and I know that the court conducted itself as an American judge." (2)

XXXXXX
XXXXXX
XXXXXXFEDERAL BUREAU OF INVESTIGATION
FOIPA DELETED PAGE INFORMATION SHEET

1 Page(s) withheld entirely at this location in the file. One or more of the following statements, where indicated, explain this deletion.

- ☒ Deleted under exemption(s) b2 b7c with no segregable material available for release to you.
- ☐ Information pertained only to a third party with no reference to you or the subject of your request.
- ☐ Information pertained only to a third party. Your name is listed in the title only.
- ☐ Documents originated with another Government agency(ies). These documents were referred to that agency(ies) for review and direct response to you.

Pages contain information furnished by another Government agency(ies). You will be advised by the FBI as to the releasability of this information following our consultation with the other agency(ies).

Page(s) withheld for the following reason(s):

☐ For your information:

- ☒ The following number is to be used for reference regarding these pages:

65-58236-2462

XXXXXX
XXXXXX
XXXXXX
XXXXXXXXXXXXXXXXXXXXX
X DELETED PAGE(S) X
X NO DUPLICATION FEE X
X FOR THIS PAGE X
XXXXXXXXXXXXXXXXXXXXX

Federal Bureau of Investigation
Office of Associate Director

, 1974

— Director	— Mrs. Metcalf, 5633
— Mr. Callahan, 5744	— Miss McCord, 5633
— Mr. Jenkins, 5744	— Telephone Room
— Mr. Adams, 5734	— Mr. Decker, 1030 9&D
— Mr. Campbell, 3114 1B	— Mr. T.J. Smith, 1032 9&D
— Mr. Cleveland, 1742	
— Mr. Franck, 5634	
— Mr. Gebhardt, 5706	
— Mr. Jacobson, 5256	
— Mr. Jamieson	— Corres. Review, 5533
— Mr. Marshall, 7746	— Mail Room, 5531
— Mr. Thompson, 4130 1B	— Teletype
— Mr. Walsh, 5525	— Personnel Records
— Mr. Wannall, 1026 9&D	— Mechanical Section
— Mr. White, 7621	
— Mr. Bassett	— For Appropriate Action
— Mr. Mintz	— For Your Approval
— Miss Tietgen	— Initial and Return
— Mrs. Mutter	— Please Call Me
— Miss Downing	— For Information
— Miss Southern	— Per Conversation
M. <i>[Signature]</i>	
Room. <i>9&D</i>	

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE *8/8/86* BY *3042 PCT/PLS*
[Signature]

E. S. Miller
Room 5744, Ext. 2666

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI

DATE: 4/19/74

FROM : *[Signature]* LEGAT, MANILA (65-0)

SUBJECT: JULIUS ROSENBERG; ET AL.
ESP - R

1948 Enclosed for the Bureau is an article from "The National Times," a weekly newspaper published at Sydney, Australia.

Robert Rosenberg
The article deals with reported efforts of the subject's sons, ROBERT ROSENBERG and MICHAEL ROSENBERG, to discredit the FBI investigation in captioned matter.

For information.

- 3 - Bureau (Enc. 1) *a* ENCLOSURE
- (1 - Foreign Liaison Unit)
- 1 - Manila
- RJG-nme
- (4)

ENCLOSURE ATTACHED

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE *8/8/86* BY *3042 RWT/RWS*

REC-14

EX-113

INTELLIGENCE DIV
RECEIVED

APR 24 1974

APR 24 1974

65-58236

55 APR 30 1974

5010-108-02

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

AMERICA TODAY

Julius and Ethel Rosenberg lie in an unquiet grave, though it is 21 years since they were executed in Sing Sing for espionage.

The couple were in their 30s, and the parents of two young sons, when they were convicted of passing defence secrets — including the key to the atomic bomb — to the Russian Government.

They are the only Americans in US history to be executed for spying as a result of a judgment by a civil court.

The judge, Irving Kaufman, added that the Rosenbergs' "betrayal . . . undoubtedly has altered the course of history to the disadvantage of our country."

But Ethel and Julius went to the electric chair, after two years of appeals and applications, passionately proclaiming their innocence.

An hour before their death, Ethel wrote a deeply moving letter to their sons, aged 10 and 6, in which she declared: "Always remember that we were innocent and could not wrong our conscience."

Their sons have remembered. After years of anonymity, Michael, 31, and Robert, 26, recently came to the public's attention for the first time since they were whisked away from their last death-cell visit and became lost in a tangle of custody battles.

They emerged in Springfield, Massachusetts, two highly articulate, intelligent, politically radical faculty members of Western New England College.

Bearing the surname of their adopted parents, Abel and Anne Meeropol, the brothers came forward to fan the growing doubts about the guilt of the Rosenbergs. Specifically, they accuse the Eisenhower Government of having murdered their parents.

They see in the post-Watergate political atmosphere an opportunity to reopen the Rosenberg case and to expose the FBI and the Government prosecutors for, they believe, using lies and duplicity to win a sensational case in a hysterical era.

Both men are married and are fathers. They are close. Michael remembers the post-execution days when he would "go ape when he (Robert) even got near the edge of a subway platform."

Today, their mutual care and affection are obvious

The Rosenbergs' children claim, 'th Government murdered our parents'

By ADELE HORIN

NEW YORK

and they bat conversation back and forth like Siamese twins.

Both have bushy moustaches, long hair and wear the casual, crumpled clothes of junior faculty members. Michael has a PhD in economic history and is fair with a warm and ready smile. Robby, as the younger is called, has a Master's degree in anthropology and is darker and more intense.

If there are psychological scars, they are not obvious to reporters who have spent agreeable hours in conversation with them.

Memories of his parents

Robby recalls few memories of his parents, only that their home on the poor lower east side of Manhattan "was an atmosphere of warmth and love." Michael remembers more — playing baseball with his father, the day the FBI agent came to take his father away, the time two weeks later when his mother said: "You remember what happened to daddy? Well, it happened to me, too."

He remembers visiting the Death House and asking his parents if they were innocent and their answer: "But of course we are."

He remembers kicking and screaming as he was torn away from them on his last visit.

The Meeropols, who adopted the boys, did not know the Rosenbergs but their book-filled home provided the same kind of warm, liberal, intellectual environment that Ethel and Julius held dear.

The Rosenbergs believed in the popular front communism that many intellectuals and workers espoused during the radical 1930s.

"It was a time when most self-respecting students professed a belief in socialism

and the class struggle," a contemporary recalls.

But the political climate changed with a swiftness that swept past the student radicals. They were left holding the revolutionary philosophy of the 1930s in the midst of the 1940s and 1950s when such views were found treasonable in the court of Joe McCarthy.

When the Rosenbergs supposedly engineered the theft of atomic bomb secrets, the USSR was an ally, lauded for its heroic stand against the Nazis.

But the atomic age had ushered in an age of fear and irrationality and by 1947 Americans had witnessed the jailing of the Hollywood Ten and the blacklisting of scores of other writers and actors for communist sympathies or affiliations.

Four years after the end of the war, the nation was gripped by anti-communist hysteria.

In 1945 Julius Rosenberg, an electrical engineer, had lost his Government job as an inspector for the Army Signals Corps following allegations of Communist Party membership. He had unsuccessfully fought the dismissal.

He was running a machine shop with his brothers-in-law when President Truman announced on September 23, 1949, that the Russians had exploded an atomic bomb.

The announcement unleashed panic in the US. Congressman Richard Nixon expressed a commonly held belief when he said that Russia's atomic bomb development was hastened by the failure of the Truman Administration to act against "red spies" in the US.

The official biography of the FBI describes its boss, J. Edgar Hoover, as reacting with shock and anger to the news. He immediately issued orders — "find the thieves."

Walter and Miriam Schneir, in the pro-Rosenberg book, "Invitation to an Inquest," claim that the frenzied political climate and Hoover's strong anti-communist feeling made it imperative for the FBI to turn up someone.

In February, 1950, Dr Klaus Fuchs was arrested in London on his own confession of having given atomic secrets to a Soviet agent in America.

Less than four months after the arrest of Fuchs, the FBI turned up Harry Gold — seemingly a miraculous find.

Gold had been involved in turning over "rather commonplace" information to the Russian Trade Agency in the early 1930s and 1940s, and had seemed to enjoy the adventure.

The Schneirs depict Gold as a disturbed introvert with a rich imagination who lived in a fantasy world that contrasted dramatically with his routine existence.

Meanwhile, the FBI had



The Rosenbergs' sons Robby and Michael . . . victims of FBI fanaticism?

conducted a dragnet of personnel who had worked at the Los Alamos A-bomb site in New Mexico where Fuchs had been employed.

One of those interviewed was David Greenglass, an ex-GI and a machinist, described as a former member of the Young Communist League. David Greenglass was the younger brother of Ethel Rosenberg.

The tale that unravels in the Schneirs' book would seem amazing in any age but our own.

The Watergate scandals have given some clue to the paranoia conservative governments may experience in stressful times. The scandals have lowered the threshold of government credibility and make the Schneirs' accusations of official lying and manipulation seem less outrageous now than they were in the 1950s and early 1960s.

They claim that the FBI fabricated confessions and strove mightily and with success to link Gold and Greenglass in espionage activities that, in fact, never took place.

Other writers who question the official version of events believe that Gold, Greenglass and his wife, Ruth, were involved in spying.

These writers and the Schneirs, however, agree that Greenglass accused his sister, Ethel and her husband Julius to save his own and his wife's skin.

Greenglass placed his brother-in-law at the head of a spy ring controlled by the Soviet Vice-Consul, Anatole Yakovlev, who had since returned to the USSR.

Greenglass said that his wife, at Julius's request, had visited him at the Los Alamos site and asked him to steal information about the A-bomb project.

Rosenberg heatedly denied

the accusations.

However, he was arrested — 25 days later the police came for Ethel.

Though on closer inspection, the case against the Rosenbergs was based mainly on the testimony of prosecution witnesses bent on saving their own necks, few believed the Rosenbergs' assertions of innocence.

Twenty years later, those reading the trial record cannot find a positive answer to questions about the guilt or innocence of the Rosenbergs.

Painstaking detection

Painstaking detective work by the Schneirs casts doubt on fundamental aspects of the FBI's case.

The Schneirs have not been alone in disputing important points in the prosecution case. Recently, there have been two television documentaries on the Rosenbergs.

The case has also been the subject of plays and books, the latest by the well-known conservative trial lawyer, Louis Nizer. He concluded that there was more than a reasonable doubt of the Rosenberg's guilt. He dealt with the Schneirs' contrary evidence and theories by ignoring them.

It was the Nizer book, "The Implosion Conspiracy," that drew the Rosenbergs' sons out of anonymity. They sued for copyright infringements.

Well-versed in every element of the case, Michael and Robert said they had not emerged sooner because "if we came out and said our parents were innocent without having made an investigation, they'd say: 'Well, their children say they're innocent. What do you expect?'"

Michael added: "But

Watergate changed 180 degrees. We'd been along the Government been living. The whole movement for the Cambodian bombing, army, Watergate, is that security justifies Government secrecy at the expense of people."

Robby: "If we suppose that this has been true, as we parents, we could see public."

Michael: "The Rosenberg Case could have happened 1692, the Salem Trials. Or 1920, the World War I red - Sacco-Vanzetti. If Government becomes serving, you will find citizens like this, still sent. It snowballs. If suppress communist radicals, then the people, then the Government who have and who knows where stop? Well if we do the first step, our case, was a lie, we can stop it."

The Rosenbergs' son learnt that Harry Gold 18 months ago. He never heard from the and uncle who have their name. They what burdens the glasses could be living When the choice the Rosenbergs was or die," they chose and were electrocuted June 19, 1953.

"It would have been death for them," confessed a wrong into our eyes," said Robby added.

The sons hope to national committee open the case. They will not rest until questions are put to them. "We want to show are innocent," Robby "not just that the questions."

Swissé Crédit

(AUST. LIMITED) Merchant Bankers Corporate Finance Analysts and Financiers



Head Office

\$40,000 TO \$3,000,000

OFFSHORE FUNDS (ASIAN, EURO OR U.S.) PRIME RATE 9 1/4% SUBJECT TO NEGOTIATIONS TO USE IN AUSTRALIA OR OVERSEAS FOR REAL ESTATE, CORPORATE FINANCE, L.C.'S, INVOICE DISCOUNTING, STOCK PURCHASES, COMPANY ACQUISITIONS, RESTRUCTURING OF COMPLETE FINANCES, OR ANY TYPE OF COMMERCIAL FINANCING. AUSTRALIAN FINANCES AVAILABLE AT CURRENT RULING MARKET RATES.

For further information please write to:
5th Floor, 22 Mount Street, Perth, Western Australia.
Phone 49 4532 (Perth)
Business transacted in:
Zurich, London, New York, Frankfurt, Hong Kong, Vito, Singapore, Brunei, Tokyo.

enclosure 65-582362442

LABOUR

Amid outraged cries that "loafers" and "bludgers" were drawing long-term unemployment benefits, the Department of Labor went looking for the Queenslander said to have registered himself with the Commonwealth Employment Service as "lion tamer."

They didn't find him, despite a conscientious search. Departmental officials cite this as evidence that all criticism is somewhat exaggerated.

Even the Victorian Premier, Mr Dick Hamer, who last week sent a telex message to Prime Minister Whitlam urging the Government to impose tougher conditions on applicants for unemployment benefits, fell for the fictional lion tamer.

Some applicants list their occupation as glass blower or lion tamer, he was reported to have said.

Top Labor Department people are understandably concerned that some people in the community may be abusing the provisions for unemployment benefits.

Minister for Labor Clyde Cameron has said he wants to get rid of "slackers who are on unemployment benefits and just won't work."

"I've got no sympathy for people who can be described as the professional unemployed person who just won't work and who treats unemployment benefits as being a suitable or satisfactory alternative to working," Mr Cameron said.

A joint working party of experts from the departments of Labor and Social Security has been looking at the so-called "work test" for unemployment benefit applicants to see whether it is adequate or whether it needs toughening or modifying in some other way.

The party has completed its investigation and is expected to report to Mr Cameron and Social Security Minister Bill Hayden within a week.

The Labor Government substantially eased the work test in April, 1973, not long after it came to power.

A claimant for the benefit now must "be capable and willing to undertake work of a class which he normally follows or of an equivalent kind," and "a person should not be denied benefits merely because an employer or employers disapprove of his appearance and on these grounds decline to engage him. Employers do not have the right to determine,

They can't find the lion tamer, but hard-core unemployed grow

By GEOFFREY GLEGHORN



Clyde Cameron . . . no sympathy for the professional unemployed.



Dick Hamer . . . a telex to the PM.

under penalty of denied employment benefits, acceptable dress and appearance in a free, tolerant social democracy."

Department of Labor people, while looking seriously at the possibilities of abuse, are inclined to think that only a minor percentage of benefit recipients come into the so-called "bludger" or "slacker" class.

However, there are some disturbing features of the statistical material where the figures are not behaving as they have in the past, and so far nobody has come up with any sound reasons for the aberration.

A thorough analysis of "Full Employment in Australia" in 1970 divided unemployment into three broad classes:

- Frictional — people changing employment,

entering the work force for the first time, or re-entering after a period of absence:

- Structural — when the unemployed are unable or unwilling to adjust to the existing pattern of demand for Labor.
- Hardcore — those whose unemployment is attributable mainly to personal characteristics rather than circumstances arising from their location or occupation.

The 1970 analysts indicated in rough terms that about one-quarter of the unemployment was frictional, one-half was basically structural and the remaining quarter principally hard core.

The hard core area is the obvious one where abuses may occur, and it embraces people with physical or mental disabilities,

those who because of age and other factors such as limited education may not readily fit into a new employment situation, and those who are not generally acceptable to employers because of their personal attitudes or behaviour, unsatisfactory work records, insobriety, etc.

Recent figures suggest that the hardcore area of unemployment may be becoming a more intransigent problem. For one thing a higher proportion of the registered unemployed are receiving unemployment benefits.

In February, 1970, only 24 per cent of the registered unemployed were receiving unemployment benefit. In December, 1973 the percentage was 34.5 and this rose to 40.6 per cent in January this year and 41.3 per cent in February.

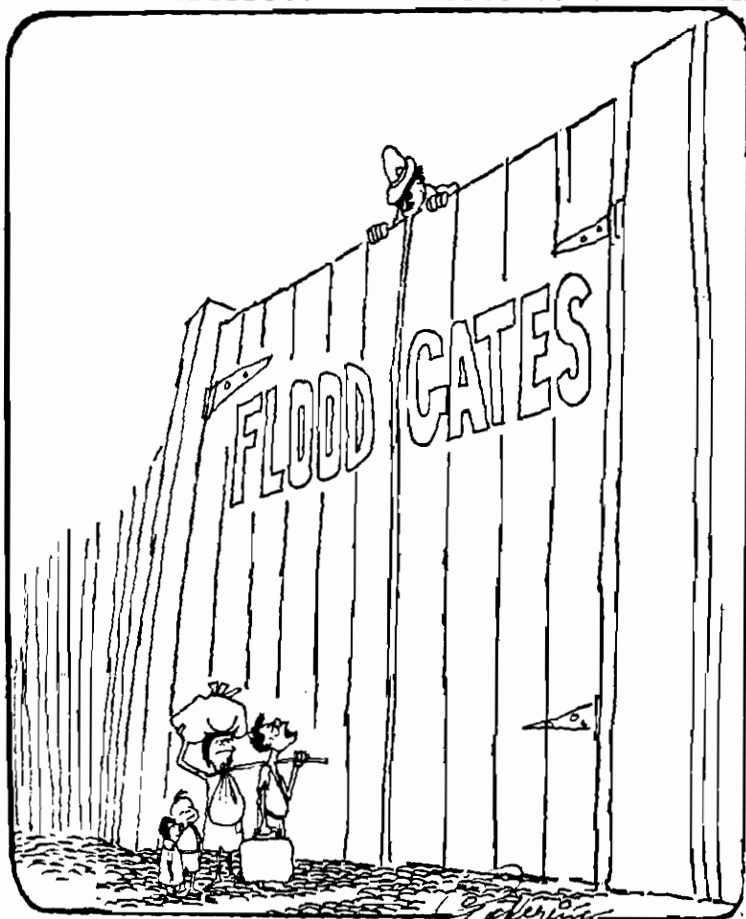
The other disturbing feature is that there is an apparent increase in the percentage of people on unemployment benefit long term.

In December last year, the latest figure available, 19 per cent of people on unemployment benefit had been getting the benefit for six months or more.

This compared with 12 per cent just before Labor came to power, 13.9 per cent in March last year and 17.9 per cent last September.

Relaxation of the work test may have had something to do with this, coupled with an increase in the size of the benefit. It may also have something to do with changed attitudes to work. It is now often more socially acceptable — and just as remunerative in a communal situation — to go on the dole rather than work in some repetitive, monotonous and relatively low-paid job.

No one really knows, and meanwhile the search for the elusive unemployed liontamer and the out-of-work glass blower goes on.



"... Well, any chance of a difficult visa?"

New Issue of Debenture stock

10 1/2% P.A.

1 year 9%	2 years 10%	3 years 10 1/2%	5 years 10%	10 years 9 1/2%	1st 5 years 10 1/2% 2nd 5 years 9%
-----------	-------------	-----------------	-------------	-----------------	------------------------------------

DEVELOPMENT UNDERWRITING LIMITED

The issue of \$1.5 million has been jointly underwritten by: A.C. Goode & Co., & Chase N.R.A. Group Limited.

Allotment of debentures will only be made on the basis of one of the Forms of Application available in the Prospectus which may be obtained from any one of the following:

Any branch of the Australia and New Zealand Banking Group Limited, or The Commercial Bank of Australia Ltd., in N.S.W., Vic., Qld., S.A., W.A., Tas. and A.C.T. ☐ Any branch of the Company, or ☐ A.C. Goode & Co., Sydney, Melbourne, Brisbane, Adelaide and Perth ☐ Any member of a recognised Stock Exchange. Interest paid quarterly.

Ask for a Prospectus Now

Phone: Sydney 290 1977
Melbourne 51 8701
Brisbane 21 0133
Perth 31 5666
or post this coupon now

NAME _____
ADDRESS _____
POSTCODE _____ PHONE _____

Development Underwriting Limited, 333 George Street, SYDNEY, N.S.W. 2000. G.P.O. Box 4954, SYDNEY, N.S.W. 2001.
Please send me a copy of the Prospectus without obligation.

BUL 42NT

UNITED STATES GOVERNMENT

DEPARTMENT OF JUSTICE

Memorandum

TO : Clarence Kelley
Director,
Federal Bureau of Investigation

DATE: April 1, 1974

FROM : Susan M. Hauser *SH*
Staff Assistant to the
Deputy Attorney General

SUBJECT: FREEDOM OF INFORMATION ACT REQUEST - Paul B. Owens

Assoc. Dir.	_____
Dep. A.D.-Adm.	_____
Dep. A.D.-Inv.	_____
Asst. Dir.:	
Admin.	_____
Comp. Syst.	_____
Ext. Affairs	_____
Files & Com.	_____
Gen. Inv.	_____
Ident.	_____
Inspection	_____
Intell.	_____
Laboratory	_____
Plan. & Eval.	_____
Spec. Inv.	_____
Training	_____
Off. of Cong. & Public Affairs	_____
Telephone Rm.	_____
Director Sec'y	_____

File
Enclosed herewith is a request for access to the specified items concerning the Julius and Ethel Rosenberg case.

Pursuant to 28 CFR § 16.5 which took effect on March 1, 1973, the head of the responsible division shall, within 10 working days, either comply with or deny a request for records unless additional time is required.

In cases where additional time is required the requester should be notified of the reasons for the time extension, which should not exceed 10 additional working days. An extension of time in excess of 10 additional working days requires the approval of the Deputy Attorney General.

If the request is denied, the requester should be informed that the denial may be appealed within 30 days to the Attorney General, and that judicial review will be thereafter available.

Copies of all acknowledgements and responses to the requester should be forwarded to the office of the Deputy Attorney General.

REC 107

65-58236-2464

APR 4 1974

LEGAL COUNSEL

gh
ENCLOSURE

Susan M. Hauser
4-17-74

March 28, 1974

The Honorable William B. Saxbe
Attorney General of the United States
United States Department of Justice
Washington, D. C. 20530

RE: Freedom of Information Act
Title 5, U. S. C. 552 (A)

Dear Attorney General Saxbe:

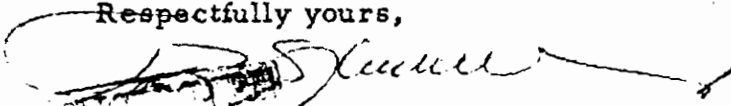
I am writing this letter pursuant to the provisions of Title 5, USC, Section 552 (A)...(Freedom of Information Act) to secure from the Department of Justice certain documents and records relating to the Petitions for Executive Clemency filed on behalf of Julius and Ethel Rosenberg on January 10, 1953 and Denied February 11, 1953.

Pursuant to the above statute, would you please send me the following identifiable records:

- (1) The written Petition for Executive Clemency filed in behalf of Julius and Ethel Rosenberg on January 10, 1953.
- (2) Any written papers, documents or memos filed by the government in opposition for Executive Clemency for Julius and Ethel Rosenberg.
- (3) The written order by President Dwight D. Eisenhower denying Executive Clemency said denial dated February 11, 1953.
- (4) Any and all documents, records or memos relating to the Julius and Ethel Rosenberg case which can be released under the Freedom of Information Act and that are in the files of the Justice Department.

It is respectfully requested that the Department of Justice will file a response to this letter pursuant to the Justice Department regulations, 28 C. F. R. § 16.5, 38 Fed. Reg. 3292 (Feb 14, 1973).

Respectfully yours,


Paul B. Owens (36564-133)
U. S. Penitentiary - Box 1000
Marion, Illinois 62959

The Honorable William B. Saxbe
Attorney General of the United States

March 28, 1974

The foregoing letter is dated and mailed this date - March 28, 1974.

CC: Office of the Deputy Attorney General
FILE

PBO:aj

The Deputy Attorney General
Attention: Susan M. Hauser
Staff Assistant

April 19, 1974
1 - Mr. Mintz

Director, FBI 65-58236-2464

REC 107

FREEDOM OF INFORMATION ACT REQUEST -
PAUL B. OWENS

*Re: [unclear]
[unclear]*

Reference is made to a memorandum from Susan M. Hauser, Staff Assistant to the Deputy Attorney General dated April 1, 1974, captioned "Freedom of Information Act Request - Paul B. Owens."

If the Criminal Division is unable to locate the material listed in Items 1 through 3 of Mr. Owens' letter of March 28th, please advise us, and we will search our files for these documents.

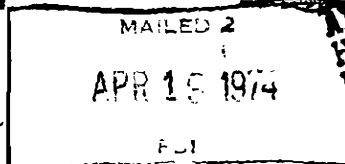
With respect to Mr. Owens' fourth request, any and all documents, records and memorandums relating to the Julius and Ethel Rosenberg case are exempt from public disclosure pursuant to the provisions of the Freedom of Information Act. At this time we have not released any records from the Rosenberg files to the public. Further, it is our view that Mr. Owens is not an historical researcher within the purview of Attorney General Order 528-73. For your information, he is currently serving a ten-year sentence at the United States Penitentiary in Marion, Illinois, for bank robbery.

1 - Bufile 62-115530 (FOI-REPLIES)

NOTE: This matter was informally coordinated with Sue Hauser of the DAG's Office. She was informed that it was more likely correspondent's requests 1 through 3 would be located in Department files, but if they could not find the documents he requested we would search our files. She requested a memorandum to her setting forth our policy with regard to his request number four.

RD: [unclear] (5)

Assoc. Dir. _____
Dep. AD Adm. _____
Dep. AD Inv. _____
Asst. Dir.:
Admin. Aff. _____
Comp. Syst. _____
Ext. Affairs _____
Files & Com. _____
Gen. Inv. _____
Ident. _____
Inspection _____
Intell. _____
Laboratory _____
Plan. & Eval. _____
Spec. Inv. _____
Training _____
Legal Coun. _____
Telephone Rm. _____
Director Sec'y _____



ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 8/8/86 BY 3042 [unclear]
[unclear]

MAIL ROOM ☐

TELETYPE UNIT ☐

62-115530-29
RECORDED COPY

Date April 22,
1974

To: ☒ Director

Att.: External Affairs FILE
Division

Title JULIUS AND ETHEL
ROSENBERG
ESP-R

- ☐ SAC
☐ ASAC
☐ Supv.
☐ Agent
☐ SE
☐ IC
☐ CC
☐ Steno
☐ Clerk

RE: Bureau routing slip,
4/15/74, and enclosed
reprint from TV Guide,
3/16/74, by Judge

☐ Rotor #: SIMON H.

- ☐ Acknowledge
☐ Assign Reassign
☐ Bring file
☐ Call me
☐ Correct
☐ Deadline
☐ Deadline passed
☐ Delinquent
☐ Discontinue
☐ Expedite
☐ File
☐ For information
☐ Handle
☐ Initial & return
☐ Leads need attention
☐ Return with explanation or notation as to action

☐ Open Case
☐ Prepare lead cards
☐ Prepare tickler
☐ Return assignment card
☐ Return file
☐ Search and return
☐ See me
☐ Serial #
☐ Post ☐ Recharge ☐ Return
☐ Send to
☐ Submit new charge out
☐ Submit report by
☐ Type

RIFKIND, entitled, "TV Turns Soviet Spies Into U. S. Folk Heroes"

No ACK
5-2
1-2
4-6
CORRESPONDENCE

SAC, Richmond, furnished article on selective basis to SAC contacts and friends in news media by cover letter dated 4/18/74.

Enclosed for Bureau is self-explanatory letter received in response to SAC's mailing, which may be of interest SAC RICHARD D. ROGGE

Enc. 1 See reverse side

Office Richmond

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 8/8/86 BY 3042 PRT/jus

65-58236-
NOT RECORDED

12 APR 29 1974

5 MAY 02 1974 143

b7c April 19, 1974

Mr. Richard D. Rogge
Special Agent in Charge
Federal Bureau of Investigation
P.O. Box 12325
Richmond, Virginia 23241

Dear Dick:

Thank you so much for sending me a copy of the TV Guide article authored by Judge Rifkind, with whom I worked on a few industry matters during my New York days and for whom I have great respect.

I think, for my money, he hit the nail right on the head. Particularly so since he was not saying that the subject should be swept under the rug and not covered, but only that the coverage should have been dramatized more in line with the facts.

I am grateful to you for making sure that I saw the article. I hope you will be in the area and drop in again before long.

Cordially yours,

b7c
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 8/2/86 BY 3042 PWT/RLS
per release

b7c
ENCLOSURE 65-58236

Routing Slip
FD-1 (Rev. 12-22-69)

Date 4/22/74

To: ☒ Director

Att. EXTERNAL AFFAIRS FILE
DIVISION

Title JULIUS AND ETHEL
ROSENBERG
ESP.-R

☐ SAC
☐ ASAC
☐ Supv.
☐ Agent
☐ SE
☐ IC
☐ CC
☐ Steno
☐ Clerk

Bureau routing slip 4/15/74
and enclosed reprint from
TV Guide 3/16/74 by Judge
SIMON H. RIFKIND, entitled,
"TV Turns Soviet Spies Into
Rotor #: U.S. Folk Heroes"

ACTION DESIRED

<input type="checkbox"/> Acknowledge	<input type="checkbox"/> Open Case
<input type="checkbox"/> Assign _____ Reassign _____	<input type="checkbox"/> Prepare lead cards
<input type="checkbox"/> Bring file	<input type="checkbox"/> Prepare tickler
<input type="checkbox"/> Call me	<input type="checkbox"/> Return assignment card
<input type="checkbox"/> Correct	<input type="checkbox"/> Return file
<input type="checkbox"/> Deadline _____	<input type="checkbox"/> Search and return
<input type="checkbox"/> Deadline passed	<input type="checkbox"/> See me
<input type="checkbox"/> Delinquent	<input type="checkbox"/> Serial # _____
<input type="checkbox"/> Discontinue	<input type="checkbox"/> Post <input type="checkbox"/> Recharge <input type="checkbox"/> Return
<input type="checkbox"/> Expedite	<input type="checkbox"/> Send to _____
<input type="checkbox"/> File	<input type="checkbox"/> Submit new charge out
<input type="checkbox"/> For information	<input type="checkbox"/> Submit report by _____
<input type="checkbox"/> Handle	<input type="checkbox"/> Type _____
<input type="checkbox"/> Initial & return	
<input type="checkbox"/> Leads need attention	
<input type="checkbox"/> Return with explanation or notation as to action taken.	

SAC, Richmond furnished article on selective basis to SAC Contacts and friends in news media by cover letter dated 4/18/74. Enclosed for Bureau is a self-explanatory letter received in response to SAC's mailing, which may be of interest to Bureau.

① - Bureau (Enc 1)
2 - Richmond (1 - 80-6589)
RDR:GTC (1 - 65-1672)
(3) - See reverse side

RICHARD D. ROGGE

Office _____

GPO: 1971 421-418

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 8/8/86 BY 3042 PWT/pws

NOT RECORDED
12 APR 29 1974

[REDACTED]

[REDACTED]

[REDACTED]

Mr. Richard D. Rogge
Special Agent in Charge
Richmond Office
Federal Bureau of Investigation
P. O. Box 12325
Richmond, Virginia 23241

b7c

April 22, 1974

Dear Dick:

Thanks so much for sending me Judge Rifkind's article from TV GUIDE, and it certainly was a beautiful piece. We have got to stop tearing our country apart, and it is good to see that at least one judge is on our side as we try to put it back together.

I too hope I will see you soon, and should you have the opportunity to attend the Rotary meeting on Wednesday at the Executive you might be interested in what I have to say and show with regard to our need for more attention to national defense and less to Watergate.

Kindest regards.

Cordially,

[REDACTED]

[REDACTED]

b7c

[REDACTED]

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 8/8/86 BY 3042 PWT/RWS
per release

FBI - RICHMOND

105 - 58236 -

ENCLOSURE

Ⓢ

Routing Slip
FD-1 (Rev. 12-22-69)

Date 4/22/74

To: ☒ Director

Att. EXTERNAL AFFAIRS FILE
DIVISION

☐ SAC Title JULIUS AND ETHEL
☐ ASAC ROSENBERG
☐ Supv. ESP.-R
☐ Agent
☐ SE
☐ IC
☐ CC
☐ Steno
☐ Clerk

ACTION DESIRED

☐ Acknowledge ☐ Open Case
☐ Assign Reassign ☐ Prepare lead cards
☐ Bring file ☐ Prepare tickler
☐ Call me ☐ Return assignment card
☐ Correct ☐ Return file
☐ Deadline ☐ Search and return
☐ Deadline passed ☐ See me
☐ Delinquent ☐ Serial #
☐ Discontinue ☐ Post ☐ Recharge ☐ Return
☐ Expedite ☐ Send to
☐ File ☐ Submit new charge out
☐ For information ☐ Submit report by
☐ Handle ☐ Type
☐ Initial & return
☐ Leads need attention
☐ Return with explanation or notation as to action taken.

SAC, Richmond furnished article on selective basis to SAC Contacts and friends in news media by cover letter dated 4/18/74. Enclosed for Bureau is a self-explanatory letter received in response to SAC's mailing, which may be of interest to Bureau.

① - Bureau (Enc 1)
2 - Richmond (1 - 80-6585)
RDR:GTC (1 - 65-1672)
(3) See reverse side



RICHARD D. ROGGE

GPO: 1971 421-410

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 8/8/86 BY 3042 RWS

NOT RECORDED
12 APR 29 1974

5 MAY 02 1974 143


b7c

Mr. Richard D. Rogge
Special Agent in Charge
Richmond Office
Federal Bureau of Investigation
P. O. Box 12325
Richmond, Virginia 23241



April 22, 1974

Dear Dick:

Thanks so much for sending me Judge Rifkind's article from TV GUIDE, and it certainly was a beautiful piece. We have got to stop tearing our country apart, and it is good to see that at least one judge is on our side as we try to put it back together.

I too hope I will see you soon, and should you have the opportunity to attend the Rotary meeting on Wednesday at the Executive you might be interested in what I have to say and show with regard to our need for more attention to national defense and less to Watergate.

Kindest regards.

Cordially,


b7c

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 8/8/86 BY 3042 PWT/RWS
per release

SEARCHED	INDEXED
SERIALIZED	FILED
FBI - RICHMOND	

(P)

Enclosure 65 - 58236

Routing Slip

FD-4 (Rev. 12-22-63)

Date April 22,
1974

To: ☒ Director

Att.: External Affairs FILE
Division

Title: JULIUS AND ETHEL
ROSENBERG
ESP-R

- ☐ SAC _____
☐ ASAC _____
☐ Supv. _____
☐ Agent _____
☐ SE _____
☐ IC _____
☐ CC _____
☐ Steno _____
☐ Clerk _____

RE: Bureau routing slip,
4/15/74, and enclosed
reprint from TV Guide,
3/16/74, by Judge

ACTION DESIRED

- ☐ Acknowledge
☐ Assign _____ Reassign _____
☐ Bring file
☐ Call me
☐ Correct
☐ Deadline _____
☐ Deadline passed
☐ Delinquent
☐ Discontinue
☐ Expedite
☐ File
☐ For information
☐ Handle
☐ Initial & return
☐ Leads need attention
☐ Return with explanation or notation as to action taken

- ☐ Open Case
☐ Prepare lead cards
☐ Prepare tickler
☐ Return assignment card
☐ Return file
☐ Search and return
☐ See me
☐ Serial # _____
☐ Post ☐ Recharge ☐ Return
☐ Send to _____
☐ Submit new charge out
☐ Submit report by _____
☐ Type _____

CORRESPONDENCE

SAC, Richmond, furnished article on selective basis to SAC contacts and friends in news media by cover letter dated 4/18/74.

Enclosed for Bureau is self-explanatory letter received in response to SAC's mailing, which may be of interest to Bureau.

Enc. 1 See reverse side

SAC
RICHARD D. ROGGE
Office Richmond

GPO : 1971 421-419

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 8/8/86 BY 3042 PWT/BS

NOT RECORDED
12 APR 29 1974

65-58236-

f43

[REDACTED]

April 19, 1974

Mr. Richard D. Rogge
Special Agent in Charge
Federal Bureau of Investigation
P.O. Box 12325
Richmond, Virginia 23241

b7C

Dear Dick:

Thank you so much for sending me a copy of the TV Guide article authored by Judge Rifkind, with whom I worked on a few industry matters during my New York days and for whom I have great respect.

I think, for my money, he hit the nail right on the head. Particularly so since he was not saying that the subject should be swept under the rug and not covered, but only that the coverage should have been dramatized more in line with the facts.

I am grateful to you for making sure that I saw the article. I hope you will be in the area and drop in again before long.

Cordially yours,

[REDACTED]

b7C

[REDACTED]

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 8/8/86 BY 3042 PWT/RLS
per release

ENCLOSURE

65-58286-

@

b7C

MH:RGD:RDG:caj

Dep. A.D. Adm. ☒
Dep. A.D. Inv. ☒
Asst. Dir.:
Admin. ☒
Comp. Syst. ☒
Ext. Affairs ☒
Files & Com. ☒
Gen. Inv. ☒
Ident. ☒
Inspection ☒
Intell. ☒
Laboratory ☒
Plan. & Eval. ☒
Training ☒
Legal Coun. ☒
Telephone Rm. ☒
Director Sec'y ☒

APR 15 1974

11- BASHETT

Files
Gauf
Saloschin
Shattuck
FBI (Farrington)
Criminal (Attention Mr.
Martin & Mr. Tafe)
Glovsky

Mr. Allen Weinstein
Associate Professor of History
and Director, American Studies Program
Smith College
Northampton, Massachusetts 01060

Dear Professor Weinstein: JULIUS ROSENBERG

Thank you for your letter of January 30, 1974. The Attorney General appreciates your compliments concerning Messrs. Martin and Tafe.

With regard to Mr. Farrington's alleged remark on your last visit to his office, you may feel assured that the FBI sets its own internal policy with regard only to the mechanics by which Freedom of Information Act requests are processed. The Attorney General, with the advice of the Office of Legal Counsel, is the ultimate administrative arbiter of all Freedom of Information Act requests to the FBI.

I understand that you have appealed three aspects of the handling of your original request: (1) material deleted from documents disclosed to you, (2) the FBI's refusal to process for release the interviews of principal witnesses at the Hiss and Rosenberg trials, and (3) the slowness with which FBI documents have been made available to you. The FBI tells me that it is processing the documents you requested as expeditiously as possible. Your letter of February 20th, however, appears to have been misrouted. Although Director Kelley indicated to the contrary in his letter of March 6, 1974, which also indicated your letter would be treated as an appeal, and there appears to be some confusion over telephone messages, your letter did not reach the Office of Legal Counsel until March 20th. The Office of Legal Counsel is presently considering your appeal and the reiteration thereof in a letter from your lawyer, Mr. John H.F. Shattuck, Esq. dated March 14, 1974. To expedite matters in the future, please address any correspondence regarding your appeal to the Attorney General, Attention: Office of Legal Counsel.

cc made for FOIA Unit 65-58236-2465

54 MAY 34/1974

ST-112

XEROX

12 APR 25 1974

APR 30 1974

LEGAL COUNSEL

OK to file

65-58236-2465

I hope that this letter will clarify the current circumstances surrounding your requests for documents under the Freedom of Information Act. If I can be of further assistance please do not hesitate to write.

Sincerely,

William M. Hoiles
Administrative Assistant
to the Attorney General

RGD:DRE:caj

1. Dir. _____
Dep.-A.D.-Adm. _____
Dep.-A.D.-Inv. _____
Asst. Dir.: _____
Admin. _____
Comp. Syst. _____
Ext. Affairs _____
Files & Com. _____
Gen. Inv. _____
Ident. _____
Inspection _____
Intell. _____
Laboratory _____
Plan. & Eval. _____
Spec. Inv. _____
Training _____
Legal Coun. _____
Telephone Rm. _____
Director Sec'y _____

Files
Gauf
Saloschin
Hauser (DAG)
Farrington (FBI) ✓
OLA
Efroymson

APR 23 1974

Honorable Edward I. Koch
United States House of Representatives
Washington, D.C. 20515

Dear Mr. Koch:

JULIUS ROSENBERG

I am replying to your letter of April 1, 1974, to the Attorney General. In that letter you expressed an interest in the disposition of a request for release of the Rosenberg file. That matter is presently under consideration by the Department.

When the matter is resolved we will send you a letter explaining our disposition of the matter.

Sincerely,

Robert C. Dixon, Jr.
Assistant Attorney General
Office of Legal Counsel

REC-84

65-58234-2466

21 APR 25 1974

MAILED 15 APR 1974
FBI NEW YORK

17 C
MAY 6 1974

cc memo to
FOIA div
of [illegible]

FOUNDED 1801

New York Post

210 SOUTH STREET - NEW YORK, N.Y. 10002

April 16, 1974

Mr. Clarence M. Kelley
Director
The Federal Bureau of Investigation
Washington, D. C. 20530

Dear Sir:

Pursuant to the Freedom of Information Act as interpreted by Attorney General's order number 528-73, I request access to the F.B.I. files concerning the investigations relating to the prosecution of United States vs. Julius Rosenberg, Ethyl Rosenberg and Morton Sobell.

Please advise me as to how such access may be accomplished.

I thank you for your cooperation.

Yours sincerely,

Robert J. Bazell
ROBERT J. BAZELL
Staff Reporter

RJB:h

EX-116

REC-48

65-58236-2467

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 8/8/86 BY 3042 PAT/RWS

Handwritten signature
LEGAL COUNSEL

UNRECORDED COPY FILED 101-2483-

<input type="checkbox"/>	Name Searching Unit - Room 6527
<input type="checkbox"/>	Service Unit - Room 6524
<input type="checkbox"/>	Forward to File Review
<input checked="" type="checkbox"/>	Attention <u>JCE</u>
<input checked="" type="checkbox"/>	Return to <u>4704</u>
	Supervisor Room Ext.

Type of References Requested:

<input type="checkbox"/>	Regular Request (Analytical Search)
<input checked="" type="checkbox"/>	All References (Subversive & Nonsubversive)
<input type="checkbox"/>	Subversive References Only
<input type="checkbox"/>	Nonsubversive References Only
<input type="checkbox"/>	Main _____ References Only

Type of Search Requested:

<input type="checkbox"/>	Restricted to Locality of _____
<input type="checkbox"/>	Exact Name Only (On the Nose)
<input type="checkbox"/>	Buildup <input type="checkbox"/> Variations

Subject Robert J. Bazell

Birthdate & Place _____

Address _____

Localities _____

R# _____ Date 4/19 Searcher Initials _____

Prod. _____

FILE NUMBER

SERIAL

NR
Bldg
NP

Correspondent in
N/I in Bu files

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 8/2/86 BY 3022 PWT/RLS

April 25, 1974
1 - Mr. Mintz

EX-116
REC-105-58236-2467

Mr. Robert J. Bazell
Staff Reporter
New York Post
210 South Street
New York, New York 10002

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 8/8/86 BY 3042 PWT/RWS

Dear Mr. Bazell:

Your letter of April 16th has been received.

In response to your request, we are currently attempting to resolve a myriad of legal questions which have arisen as a result of requests for disclosure of the Rosenberg file. Many of these concern the right of personal privacy of principals and other individuals involved and/or mentioned in this case. As a result, we have not disclosed any data from this file as of the present, and we will not be in a position to do so until the legal questions have been satisfactorily resolved.

It is suggested that you might consider corresponding with this Bureau at some time in the future in order to ascertain the status with regard to release of this file.

Sincerely yours,

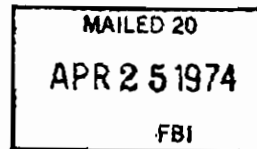
E. M. Kelley

Clarence M. Kelley
Director

Assoc. Dir. _____
Dep. AD Adm. _____
Dep. AD Inv. _____
Asst. Dir.: _____
Admin. _____
Comp. Syst. _____
Ext. Affairs _____
Files & Com. _____
Gen. Inv. _____
Ident. _____
Inspection _____
Intell. _____
Laboratory _____
Plan. & Eval. _____
Spec. Inv. _____
Training _____
Legal Coun. _____
Telephone Rm. _____
Director Sec'y _____

- 1 - The Deputy Attorney General - Enclosure
1 - Bufile 62-115530 (FOI-REPLIES)

NOTE: Bufiles contain no record of correspondent.
ed:cmc (5)



6 MAY 6 1974

MAIL ROOM ☐ TELETYPE UNIT ☐

UNRECORDED COPY FILED IN
62-115530-
101-2483

DIRECTOR, FBI (101-2483)

APR 30 1974

SAC, NEW YORK (100-37158) (P)

MORTON SOBELL
ESP-R
(OO: NY)

Re Bu 0-7 dated 4/15/74, with attached news clipping.

As noted by the Bureau, recent articles in the press have indicated that subject has been attempting to examine some of the Government trial exhibits which were utilized in the ROSENBERG-SOBELL trial in 1951.

The office of USA-SDNY have been unable to locate any of the trial exhibits from the ROSENBERG trial, and has so advised attorneys for subject.

As a result of the above, on 4/8/74, subject filed a Civil Action in USDC, SDNY, against the A.G., USA and Chief AUSA, SDNY, and Clerk of USDC, SDNY, to compel these individuals to make available Government exhibits 1 thru 10.

A copy of the above complaint together with a copy of a letter from subject's attorney, dated 2/25/74, is enclosed herewith for the information of the Bureau.

On 4/22/74, SILVIO MOLLO, Chief AUSA, SDNY, advised that to date his office had been unable to locate the ROSENBERG exhibits, but the search for them is continuing. He advised that this matter will be handled by the Civil Division, Office of USA, SDNY.

③ - Bureau (RM)
② - 65-58236 (J. ROSENBERG)
New York
① - 65-15348 (J. ROSENBERG)

FFD:bp
(5)

65-58236-
NOT RECORDED
182 MAY 2 1974

5 MAY 08 1974

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 8/8/86 BY 3042 RUT/RS

ORIGINAL FILED IN 101 - 2483-1711

May 1, 1974

1 - Mr. Wannall

1 - Mr. Mintz

Mr. Paul A. Owens, 36564-133
United States Penitentiary
Box 1000
Marion, Illinois 62959

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 8/8/86 BY 3042 DM/RWS

Dear Mr. Owens:

We have been asked to respond to items 3 and 4
in your letter of March 28th addressed to the Attorney
General.

Enclosed is a reprint which sets forth current
Department of Justice regulations and policy concerning
implementation of the Freedom of Information Act. We are
also forwarding copies of statements concerning the appeals
of Julius and Ethel Rosenberg made by President Eisenhower
on February 11, 1953, and June 19, 1953.

With regard to item 4, we regret to inform you any
and all documents, records and memoranda relating to the
Rosenberg case are exempt from public disclosure pursuant to
the provisions of the Freedom of Information Act. For your
information, former Attorney General Elliot Richardson in
July of 1973 ordered that Department of Justice files older
than 25 years be released to historical researchers as a
matter of administrative discretion. However, it is our view
you are not a historical researcher within the purview of the
Attorney General directive. At this time, we have not released
any records of the Rosenberg file to the public.

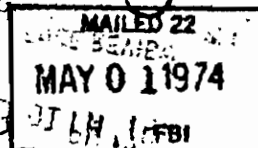
MAY 2 1974

You may appeal my decision in this matter by writ-
ing to the Attorney General, Attention: Office of Legal
Counsel, Washington, D. C. 20530. Additionally, judicial
review is thereafter available either in the district in which
you reside or in the District of Columbia, the location of
the records to which you seek access.

Sincerely yours,

C. M. Kelley

Clarence M. Kelley
Director



Enclosures (3)

- 1 - The Deputy Attorney General
- 1 - Bufile 62-115530 (FOI-REPLIES)

SEE NOTE PAGE TWO

44 MAY 9 1974 TELETYPE UNIT

Ext. Affairs
Files & Com.
Gen. Inv.
Ident.
Inspection
Intell.
Laboratory
Plan. & Eval.
Spec. Inv.
Training
Legal Coun.
Telephone Rm.
Director Sec'y

cc dist. of memo 5/6/74
UNRECORDED COPY FILED IN

Mr. Paul B. Owens, 36564-133

NOTE: By memorandum addressed to the Deputy Attorney General, Attention: Susan M. Hauser, Staff Assistant, dated 4-19-74, captioned "Freedom of Information Act Request - Paul B. Owens," the Department was advised of our position with regard to item 4, and that we would search our files for items 1-3 if the Criminal Division were unsuccessful in its search. On 4-29-74, Susan M. Hauser requested assistance as to item 3, which we located, and that we respond to Mr. Owens as to those two items.

The Deputy Attorney General
Attention: Susan M. Hauser
Staff Assistant

Director, FBI

April 19, 1974

1 - MR. Mintz

FREEDOM OF INFORMATION ACT REQUEST -
PAUL B. OWENS

Reference is made to a memorandum from Susan M. Hauser, Staff Assistant to the Deputy Attorney General dated April 1, 1974, captioned "Freedom of Information Act Request - Paul B. Owens."

If the Criminal Division is unable to locate the material listed in Items 1 through 3 of Mr. Owens' letter of March 28th, please advise us, and we will search our files for these documents.

With respect to Mr. Owens' fourth request, any and all documents, records and memorandums relating to the Julius and Ethel Rosenberg case are exempt from public disclosure pursuant to the provisions of the Freedom of Information Act. At this time we have not released any records from the Rosenberg files to the public. Further, it is our view that Mr. Owens is not an historical researcher within the purview of Attorney General Order 578-73.

[REDACTED]

b7C

1 - Bufile 62-115530 (FOI-REPLIES)

NOTE: This matter was informally coordinated with Sue Hauser of the DAG's Office. She was informed that it was more likely correspondent's requests 1 through 3 would be located in Department files, but if they could not find the documents he requested, we would search our files. She requested a memorandum to her setting forth our policy with regard to his request number four.
RCD:cmc (5)

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 9/2/86 BY 3042 PWT/PWS

ENCLOSURE

65-52236-2468

Memorandum

TO : Clarence Kelley
Director,
Federal Bureau of Investigation

DATE: April 1, 1974

FROM : Susan M. Hauser *SH*
Staff Assistant to the
Deputy Attorney General

SUBJECT: FREEDOM OF INFORMATION ACT REQUEST - Paul B. Owens

Assoc. Dir.
Dep. A.D.-A
Dep. A.D.-In
Asst. Dir.:
Admin.
Comp. Syst.
Ext. Aff.
Files & Con.
Gen. Inv.
Ident.
Inspection
Intell.
Laboratory
Plan. & Eval.
Spec. Inv.
Training
Legal Coun.
Telephone Rm.
Director Sec'y

Enclosed herewith is a request for access to the specified items concerning the Julius and Ethel Rosenberg case.

Pursuant to 28 CFR § 16.5 which took effect on March 1, 1973, the head of the responsible division shall, within 10 working days, either comply with or deny a request for records unless additional time is required.

In cases where additional time is required the requester should be notified of the reasons for the time extension, which should not exceed 10 additional working days. An extension of time in excess of 10 additional working days requires the approval of the Deputy Attorney General.

If the request is denied, the requester should be informed that the denial may be appealed within 30 days to the Attorney General, and that judicial review will be thereafter available.

Copies of all acknowledgements and responses to the requester should be forwarded to the office of the Deputy Attorney General.

APR 4 1974

LEGAL COUNSEL

Mem to Susan M. Hauser

4-17-74

Re: jmc

enclosure

65-58226-2468

211

March 28, 1974

The Honorable William B. Saxbe
Attorney General of the United States
United States Department of Justice
Washington, D.C. 20530

RE: Freedom of Information Act
Title 5, U.S.C. 552 (A)

Dear Attorney General Saxbe:

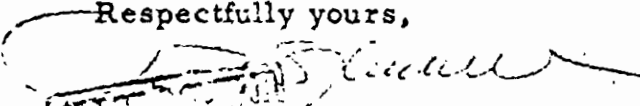
I am writing this letter pursuant to the provisions of Title 5, USC, Section 552 (A)...(Freedom of Information Act) to secure from the Department of Justice certain documents and records relating to the Petitions for Executive Clemency filed on behalf of Julius and Ethel Rosenberg on January 10, 1953 and Denied February 11, 1953.

Pursuant to the above statute, would you please send me the following identifiable records:

- (1) The written Petition for Executive Clemency filed in behalf of Julius and Ethel Rosenberg on January 10, 1953.
- (2) Any written papers, documents or memos filed by the government in opposition for Executive Clemency for Julius and Ethel Rosenberg.
- (3) The written order by President Dwight D. Eisenhower denying Executive Clemency said denial dated February 11, 1953.
- (4) Any and all documents, records or memos relating to the Julius and Ethel Rosenberg case which can be released under the Freedom of Information Act and that are in the files of the Justice Department.

It is respectfully requested that the Department of Justice will file a response to this letter pursuant to the Justice Department regulations, 28 C.F.R. §16.5, 38 Fed. Reg. 3292 (Feb 14, 1973).

Respectfully yours,


Paul B. Owens (36564-133)
U. S. Penitentiary - Box 1000
Marion, Illinois 62959

ENCLOSURE

The Honorable William B. Saxbe
Attorney General of the United States

March 28, 1974

The foregoing letter is dated and mailed this date - March 28, 1974.

CC: Office of the Deputy Attorney General
FILE

PBO:aj

10 ¶ Statement by the President After Reviewing
the Case of Julius and Ethel Rosenberg.

February 11, 1953

I HAVE GIVEN earnest consideration to the records in the case of Julius and Ethel Rosenberg and to the appeals for clemency made on their behalf. These two individuals have been tried and convicted of a most serious crime against the people of the United States. They have been found guilty of conspiring with intent and reason to believe that it would be to the advantage of a foreign power, to deliver to the agents of that foreign power certain highly secret atomic information relating to the national defense of the United States.

The nature of the crime for which they have been found guilty and sentenced far exceeds that of the taking of the life of another citizen; it involves the deliberate betrayal of the entire nation and could very well result in the death of many, many thousands of innocent citizens. By their act these two individuals have in fact betrayed the cause of freedom for which free men are fighting and dying at this very hour.

We are a nation under law and our affairs are governed by the just exercise of these laws. The courts have provided every opportunity for the submission of evidence bearing on this case. In the time-honored tradition of American justice, a freely selected jury of their fellow-citizens considered the evidence in this case and rendered its judgment. All rights of appeal were exercised and the conviction of the trial court was upheld after full judicial review, including that of the highest court in the land.¹

I have made a careful examination into this case and am satisfied that the two individuals have been accorded their full measure of justice.

There has been neither new evidence nor have there been mitigating circumstances which would justify altering this decision, and I have determined that it is my duty, in the interest of the people of the United States, not to set aside the verdict of their representatives.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 8/8/86 BY 3042 HPL/JS

100-361081-10

ENCLOSURE

114 ¶ Statement by the President Declining To Intervene on Behalf of Julius and Ethel Rosenberg.

June 19, 1953

SINCE ITS original review of the proceedings in the Rosenberg case by the Supreme Court of the United States, the Courts have considered numerous further proceedings challenging the Rosenbergs' conviction and the sentence imposed. Within the last two days, the Supreme Court, convened in a special session, has again reviewed a further point which one of the Justices felt the Rosenbergs should have an opportunity to present. This morning the Supreme Court ruled that there was no substance to this point.¹

I am convinced that the only conclusion to be drawn from the history of this case is that the Rosenbergs have received the benefit of every safeguard which American justice can provide. There is no question in my mind that their original trial and the long series of appeals constitute the fullest measure of justice and due

process of law. Throughout the innumerable complications and technicalities of this case, no judge has ever expressed any doubt that they committed most serious acts of espionage.

Accordingly, only most extraordinary circumstances would warrant executive intervention in the case.

I am not unmindful of the fact that this case has aroused grave concern both here and abroad in the minds of serious people, aside from the considerations of law. In this connection, I can only say that, by immeasurably increasing the chances of atomic war the Rosenbergs may have condemned to death tens of millions of innocent people all over the world. The execution of two human beings is a grave matter. But even graver is the thought of the millions of dead whose deaths may be directly attributable to what these spies have done.

When democracy's enemies have been judged guilty of a crime as horrible as that of which the Rosenbergs were convicted;—when the legal processes of democracy have been marshalled to their maximum strength to protect the lives of convicted spies;—when in their most solemn judgment the tribunals of the United States have adjudged them guilty and the sentence just, I will not intervene in this matter.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 1/18/86 BY 2012 P/L/JS

Princeton University

DEPARTMENT OF HISTORY

129 DICKINSON HALL

PRINCETON, NEW JERSEY 08540

Gregg F. Harken
2479 Cedar St.
Berkeley, Calif.
94708

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 8/8/86 BY 3042 PWT/RWS

17 April 1974

Federal Bureau of Investigation
Correspondence and Tours Division
Washington, D.C.

Gentlemen:

Julius Rosenberg
I just recently completed a doctoral dissertation in American history, and am now engaged in the task of expanding and revising that thesis for publication. One part of the projected book will deal extensively with the story of atomic espionage against this country in the period 1945-1950; my research in the Army's recently-declassified files of the Manhattan Engineering District has already uncovered, I believe, a part of that story. I am hoping that the Bureau will be able to help me out on the rest of it.

In particular, I would like to know if the Bureau now has any plans for releasing the information it holds on the celebrated "atom spies" cases, beginning with the espionage arrests in Canada in early 1946 and leading up to the arrest of Klaus Fuchs and ultimately the Rosenbergs in 1950. Frankly, I am hopeful that the Bureau's recent release of the file on the Alger Hiss case is indicative of a new policy, in keeping with the spirit of the "Freedom of Information" Act, for which the release of the files on the "atom spies" cases would be a welcome next step.

Finally, I have one other inquiry concerning the "atom spies" 1974
I remember, in a tour of the Bureau's headquarters I took in the

REC-111 65-58236-2468

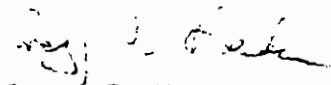
Legal attach

summer of 1971, that the exhibit depicting the theft of the atomic secret, and titled the "Crime of the Century" was the last or one of the last items on the tour before the gunnery range. For the purposes of an article I hope to write that will be integrated into the book, can you tell me if that exhibit is still part of the tour; what, briefly, the exhibit entails; and whether or not there are plans to include it in the tour when the Bureau moves into the J. Edgar Hoover Building?

I realize that this is both a broad and a detailed request, but. I would very much appreciate receiving an answer on the Bureau's plans for the future disposition of the espionage case records, and on the current and future status of the "Crime of the Century" exhibit.

Thank you very much.

Sincerely,


Gregg F. Herken

April 26, 1974

REC-111

65-58236-2469
Mr. Gregg F. Herken
2479 Cedar Street
Berkeley, California 94708

1 - Mr. Franck - Enc.
Atten: Mr. Malmfeldt
1 - Mr. Mintz

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 8/8/86 BY 3042 PWT/ews

Dear Mr. Herken:

This is to acknowledge your letter dated April 17th.

Enclosed herewith is a photograph of an exhibit pertaining to the Rosenberg case. This exhibit currently is part of the tour conducted at FBI Headquarters. At present, our plans are to include this exhibit in the tour when we move into the new J. Edgar Hoover Building.

We currently are attempting to resolve a myriad of legal questions which have arisen as a result of requests for access to the Rosenberg file. Many of these questions concern the right of personal privacy of the principals and other individuals involved and/or mentioned in this case. As a result, we have not disclosed any data from this file as of the present, and we will not be in a position to do so until the legal questions have been satisfactorily resolved.

It is suggested that you might consider corresponding with this Bureau at some time in the future in order to ascertain this status with regard to release of this file.

APR 26 1974

FBI

Sincerely yours,

C. M. Kelley
Clarence M. Kelley
Director

Enclosure

- 1 - The Deputy Attorney General - Enclosure
- 1 - Bufile 62-115530 (FOI-REPLIES)

NOTE: Bufiles contain no record of Gregg F. Herken. Tour photo obtained from, and tour exhibit response coordinated with, a representative of the Correspondence and Tours Section.

ATTN: law (7)

MAIL ROOM ☐ TELETYPE UNIT ☐

Assoc. Dir. _____
Dep. AD Adm. _____
Dep. AD Inv. _____
Asst. Dir.: _____
Admin. _____
Comp. Syst. _____
Ext. Affairs _____
Files & Com. _____
Gen. Inv. _____
Ident. _____
Insp. _____
Intell. _____
Laboratory _____
Off. & Eval. _____
Rec. Mgmt. _____
Training _____
Off. Coun. _____
Phone Rm. _____
Director Sec'y _____

cc dest: 2/7/74
5/6/74
62-115530-58805-
65-58805-
UNRECORDED COPY FILED IN

XEROX

MAY 7 1974

☐ Name Searching Unit - Room 6527
☐ Service Unit - Room 6524
☐ Forward to File Review
☐ Attention _____
☐ Return to _____
Supervisor Room Ext.

Type of References Requested:

☐ Regular Request (Analytical Search)
☒ All References (Subversive & Nonsubversive)
☐ Subversive References Only
☐ Nonsubversive References Only
☐ Main _____ References Only

Type of Search Requested:

☐ Restricted to Locality of _____
☐ Exact Name Only (On the Nose)
☐ Buildup ☐ Variations

Subject Dregg F. Herken
Birthdate & Place _____
Address _____

Localities _____

R# _____ Date 4/22 Searcher Initials THM
Prod. _____

FILE NUMBER	SERIAL
NR	
There is NR of Herken Bufiles.	
BU + BD	
NR	
ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE <u>8/8/86</u> BY <u>3042 PDI/RWS</u>	

UNITED STATES GOVERNMENT

Memorandum

Assoc. Dir. _____
Dep. AD Adm. _____
Dep. AD Inv. _____
Asst. Dir.: _____
Admin. _____
Comp. Syst. _____
Ext. Affairs _____
Files & Com. _____
Gen. Inv. _____
Ident. _____
Intell. _____
Lab. _____
Legal Coun. _____
Plan. & Eval. _____
Spec. Inv. _____
Training _____
Telephone Rm. _____
Director Sec'y _____

TO : Mr. W. R. Wannall

DATE: 2/27/74

FROM : W. A. Branigan

- 1 - Mr. W. R. Wannall
- 1 - Mr. R. R. Franck
- 1 - Mr. W. A. Branigan
- 1 - Mr. R. C. Dennis
- 1 - Mr. J. P. Lee

SUBJECT: JULIUS AND ETHEL ROSENBERG
ESPIONAGE - RUSSIA

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

This is an informative memorandum concerning a television program about the Rosenberg - Sobell case shown in this area on 2/25/74.

On 2/25/74 Channel 26, WETA, televised a program captioned "The Unquiet Death of Julius and Ethel Rosenberg" prepared by Alvin H. Goldstein, National Public Affairs Center for Television (NPACT). The show lasted 90 minutes and was slanted in an attempt to attack the evidence presented at the trial.

BACKGROUND OF CASE:

Classified by 3042 PWT/1MN
Declassify on: OADR 10/28/86

An investigation was started in August, 1949, as a result of information received from [REDACTED]

This resulted in the identification of Emil Julius Klaus Fuchs, German born, naturalized British subject who had been in the U. S. from 1943 to 1946 working on the atomic bomb. He was arrested by the British in February, 1950, and admitted giving atomic information to the Soviets. Although he did not know the name of his American contact he gave enough information to permit us to identify and locate Harry Gold. On 5/22/50 Gold admitted his courier activities. From information received from Gold we identified David Greenglass, a former Army Sergeant who worked on the bomb in 1944 and 1945, as another who furnished information to Gold. Greenglass and his wife admitted their espionage and stated they had been recruited by Julius Rosenberg and his wife Ethel, the sister of David Greenglass. Max Elitcher disclosed that Morton Sobell, former college classmate of Rosenberg, was involved in the network. Investigation showed that Sobell had taken his family and fled to Mexico shortly after the arrest

TOP SECRET

JPL:wsk (6)

2355 NAB/DIB

52 MAY 7 1974

CONTINUED - OVER

TOP SECRET

Memorandum to Mr. W. R. Wannall
Re: Julius and Ethel Rosenberg
65-58236

~~TOP SECRET~~

of Greenglass on 6/15/50. Mexican authorities located Sobell and deported him from Mexico at which time we arrested him and he was tried and convicted with the Rosenbergs for conspiracy to commit espionage.

~~TOP SECRET~~

The above-mentioned program showed film clips of the economic unrest of the late 1930's and offered this as an explanation for the fact that certain poor people, such as the Rosenbergs, became members of the Communist Party not to overthrow the U. S. Government but merely to obtain a better life since they felt the capitalist system had failed and possibly the socialist offered more hope. Excerpts from the trial occupied about 15 minutes of the program and the balance of the time was spent trying to show that the Rosenbergs were victims of the anti-communist hysteria of the 1950's symbolized by Senator Joseph R. McCarthy.

As an example, the program used Dr. Philip Morrison, atomic scientist, to state that there was no essential secret to making an atomic bomb and the fact that we exploded one illustrated that it could be done. Morrison was the only scientist appearing on this program and no mention was made of Dr. Walter S. Koski, atomic scientist who testified at the trial that the information passed by Greenglass was still classified information at the time of the trial in 1951. As background information about Morrison, he admitted before a Senate subcommittee in May, 1953, that he had joined the Young Communist League when he was 18, the Communist Party in 1939, and has associated with other pro-communist causes.

Another example was the statement that the jury was carefully selected and excluded all Jews in a city which is one-third Jewish. No mention was made of the fact that one juror with a Jewish sounding name was selected but was excluded

CONTINUED - OVER

Memorandum to Mr. W. R. Wannall
Re: Julius and Ethel Rosenberg
65-58236

~~TOP SECRET~~

~~TOP SECRET~~

through the use of a peremptory challenge by Emanuel H. Bloch, attorney for the defense. This information is readily available since it has been published in a book written by Dr. S. Andhil Fineberg.

A long portion of the program was spent trying to show that Harry Gold was a liar since he was the main link existing between Rosenberg and the Soviet espionage superior in the U. S., and without Gold's testimony the case would have been considerably weakened. To accomplish this Goldstein relied heavily on two books, one written by John Wexley entitled "The Judgment of Julius and Ethel Rosenberg" and another written by Walter and Miriam Schneir entitled "Invitation to an Inquest" both of which were highly critical of the Government's case and attempted to show that the Rosenbergs were the victims of a gigantic frame-up on the part of the U. S. Government.

The final portion of the program included a judgment interview with Michael and Robert Meeropol, sons of Julius and Ethel Rosenberg who were adopted by Mr. and Mrs. Abraham Meeropol. These sons, now in their late 20's, naturally claim that their parents were innocent and had been framed. They called for some type of a commission to be set up to reexamine the entire case.

ACTION:

For information purposes. A tape recording of the program was made and will be retained for future reference.

~~TOP SECRET~~

JAL *[initials]* RJ *[initials]*

~~TOP SECRET~~

UNITED STATES GOVERNMENT

Memorandum

Assoc. Dir. ☒
Asst. AD Adm. ☒
Asst. AD Inv. ☒
Asst. Dir.:
Admin. ☒
Comp. Syst. ☒
Ext. Affairs ☒
Files & Com. ☒
Gen. Inv. ☒
Ident. ☒
Inspection ☒
Intell. ☒
Laboratory ☒
Plan. & Eval. ☒
Spec. Inv. ☒
Training ☒
Legal Coun. ☒
Telephone Rm. ☒
Director Sec'y ☒

TO : Mr. W. R. Wannall

DATE: 3/12/74

FROM : W. A. Branigan

1 - Mr. W. R. Wannall
1 - Mr. R. R. Franck
1 - Mr. W. A. Branigan
1 - Mr. R. C. Dennis
1 - Mr. J. P. Lee

SUBJECT: JULIUS AND ETHEL ROSENBERG
ESPIONAGE - RUSSIA

This memorandum reports on an article appearing in "TV Guide" for 3/16/74 by Simon H. Rifkind which reports the true facts in the Rosenberg case. A copy of this article is attached.

While visiting at the Bureau last week Judge Irving R. Kaufman, trial judge in the Rosenberg case and now Chief Judge, Second Circuit, Circuit Court of Appeals, expressed his displeasure with all the publicity currently being given the Rosenberg case claiming they were framed by the U. S. Government. Judge Kaufman advised that Simon H. Rifkind, a former Federal Judge in the Southern District of New York, was preparing an article which would appear in "TV Guide" and stated "they" would attempt to get the article in "The New York Times."

Judge Kaufman was referring to two television programs within the past six weeks dealing with the Rosenberg case. The most recent one was on Channel 26, WETA, Public Broadcasting System, on 2/25/74. There is attached a memorandum dated 2/27/74 which reviews that program and points out that the entire show was slanted to show that the Rosenbergs' were framed.

REC-112

The article prepared by Mr. Rifkind appeared in "TV Guide" for 3/16/74 and is excellent. Rifkind lists the legal facts in the case beginning with their indictment, trial, and unanimous verdict of the jury. He points out that Rosenbergs' attorney was a lawyer of wide experience and good reputation and the trial judge, the Honorable Irving R. Kaufman, was recommended by Judge Learned Hand for appointment to the Circuit Court of Appeals. Rifkind notes that the Court of Appeals

2 ENCLOSURE
Enclosures

65-58236

JPL:wsk (6)

ALL INFORMATION CONTAINED

HEREIN IS UNCLASSIFIED

DATE 8/8/86 BY 3042 PWT/CONTINUED - OVER

12 MAY 7 1974

TRWS

54 MAY 14 1974

SEE ADDENDUM OF DEPUTY ASSO. DIR. E. S. MILLER, PAGE 2a (OVER)

Memorandum to Mr. W. R. Wannall
Re: Julius and Ethel Rosenberg
65-58236

approved the verdict of the District Court in an opinion written by Judge Jerome N. Frank, a judge who had the highest reputation for the care with which he examined any possible ground to question a conviction. He then shows that following the conviction the Rosenbergs filed sixteen petitions in the District Court, seven appeals in the Court of Appeals, seven applications to the Supreme Court, and two applications to President Eisenhower for executive clemency. He reports that of the 112 judges who dealt in one form or another with this case none saw fit to question their guilt or conviction.

Mr. Rifkind states that whoever presents the Rosenberg trial to a public audience or on television must rearrange the facts to engage the reader's sympathy. He continues that it only takes a few liberties with true facts to create sympathy for these people and with each new exposure these two spies are presented as a pair of American folk heroes who should be forgiven.

Mr. Rifkind notes that if the guilt is questioned it must be because the process of justice has failed and if after all the attention given to the case by so many judges results in a conviction of innocent folk heroes then the American system is "rotten to the core." In short, Mr. Rifkind continues, this generates sympathy for two spies and demonstrates that the American system of justice is beyond redemption.

Mr. Rifkind concludes that those of us who have studied the record know the Rosenbergs were fairly tried and convicted by a system which is probably the best which the world possesses and this conclusion must naturally question the wisdom or the purpose of propaganda to the contrary.

ACTION:

For information.

14 - 2 -

SEE ADDENDUM (OVER)

ADDENDUM OF DEPUTY ASSO. DIR. E. S. MILLER: 3-13-74 ESM:pmd:

Assistant Director Wannall has suggested that External Affairs enclose a copy of Judge Rifkin's article where appropriate to critical letters we receive in response to the TV programs.

I feel we should do this and more and that External Affairs advise how we can get more exposure on this, including having it printed in the Congressional Record.

EM

W

OK

News Watch

TV Turns Soviet Spies into U.S. Folk Heroes

By Simon H. Rifkind

What is the cause of the recurrent flurry of interest in the Rosenberg trial? A few weeks ago we saw the Rosenberg trial on Stanley Kramer's "Judgment" series, appearing on ABC. Currently, PBS is distributing a public-affairs documentary, "The Unquiet Death of Julius and Ethel Rosenberg."

This question would be out of order if, in fact, an author or playwright had used the ingredients of the trial for the creation of a truly great novel or play. That, of course, would be sufficient reason for publication or production. That, however, has not happened. The productions exposed to the public have not measured up, as entertainment, to the routine cops-and-robbers stories which fill the TV screen. As news commentary, their cargo of relevance is on a par with that of a rerun of the McKinley campaign.

To discover the answer to our question, I suggest we first list a few of the hard facts of the Rosenberg trial.

1. In January, 1951, a Federal grand jury indicted Julius and Ethel Rosenberg for conspiring, from 1944 to 1950, to communicate secret information to the Soviet Union. No one has yet questioned the composition of that

Judge Rifkind, who served on the Federal bench, is a distinguished trial lawyer who had no professional connection with the Rosenberg case.

grand jury or the quality of its behavior.

2. The Rosenbergs were tried by a Federal jury in New York. That jury was not sworn until counsel for the Rosenbergs pronounced it a satisfactory jury; and he did that long before he had exhausted all his challenges.

3. Counsel for the Rosenbergs was not court appointed. He was the Rosenbergs' personally retained lawyer, one Emanuel H. Bloch, a lawyer of wide experience and good reputation as an advocate.

4. The judge who presided at the trial was the Honorable Irving R. Kaufman, a judge whose capacity and character caused Judge Learned Hand, one of the towering personalities of our judicial system, to recommend him to President Kennedy for appointment to the Court of Appeals (of which he is now the Chief Judge). Judge Hand was not known to dispense his favors carelessly. He was adored by a long generation of judges and lawyers as the champion of fair trials and the protector of human liberty.

5. The jury's verdict met the test of guilt beyond a reasonable doubt and was affirmed by the Court of Appeals in an opinion written by Judge Jerome N. Frank. No judge had a higher reputation for the care with which he examined any possible ground to question a conviction.

6. After conviction, the Rosen- →

Mr. Baker _____
Mr. Callahan _____
Mr. Cleveland _____
Mr. Conrad _____
Mr. Gebhardt _____
Mr. Jenkins _____
Mr. Marshall _____
Mr. Miller, E.S. _____
Mr. Soyars _____
Mr. Thompson _____
Mr. Walters _____
Tele. Room _____
Mr. Baise _____
Mr. Barnes _____
Mr. Bowers _____
Mr. Herington _____
Mr. Conmy _____
Mr. Mintz _____
Mr. Eardley _____
Mrs. Hogan _____

The Washington Post
Times Herald _____

The Evening Star (Washington) _____

The Sunday Star (Washington) _____

Daily News (New York) _____

Sunday News (New York) _____

New York Post _____

The New York Times _____

The Daily World _____

The New Leader _____

The Wall Street Journal _____

The National Observer _____

People's World _____

TV _____

Date _____

TV GUIDE A-3

"Reprinted with permission from TV GUIDE® Magazine.
Copyright ©1974 by Triangle Publications, Inc.
Radnor, Pennsylvania."

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 8/8/86 BY 3042 PWT/RWS

ENCLOSURE

News Watch/Continued

bergs filed sixteen petitions for reconsideration in the District Court, seven appeals in the Court of Appeals, seven applications to the Supreme Court and two applications to President Eisenhower for executive clemency. Altogether 112 judges dealt in one form or another with the Rosenberg case. Not one saw fit to question their guilt or their conviction.

The explanation of how a unanimous verdict of guilty which passed unscathed through every judicial review and appeal can be turned into a documentary or play which leaves the audience convinced the defendants were railroaded (as reported by Bob Williams, N.Y. Post, 2/26/74) may also answer the first question: What makes the Rosenberg case so recurrent a subject for dramatization?

Whoever presents the Rosenberg trial to a public audience or on television must so rearrange it that the story engages the reader's sympathy and so that he is emotionally stirred by the fate of one or another of the protagonists.

In the story of the Rosenberg trial, the only characters who qualify for such a role are the Rosenbergs themselves. After all, it was they who suffered the supreme penalty. It was they who died faithful to a cause they espoused (never mind that Stalinism, to which they were attached, was the most wretched and vicious idolatry of the century). They were little people encountering the almost limitless resources of a powerful government.

It takes only a few liberties with the true facts to evoke sympathy for such people, even from those who begin by despising and condemning what they have done. What can evoke more sympathy than the picture of a husband and wife going down together into the abyss, locked in a loving embrace with each other and holding fast to a quasi-religious faith they passionately espouse?

And so, the inevitable has happened.


Every new exposure of the Rosenberg story has presented the two spies for Russia as a pair of American folk heroes, folk heroes who should be understood, and therefore forgiven; folk heroes with whom the viewer deeply sympathizes and whose guilt is therefore questioned.

If guilt is questioned it must be because the processes of justice have failed.

The villain of the play, once the spies have become its heroes, must be the system of American justice. The argument is simple. If, after the enormous attention given to this case by so many judges, the innocent are nevertheless convicted, it must be that the system is rotten to the core. In short, the story lends itself readily to the accomplishment of two purposes. One, the generation of sympathy for two spies who have served their Russian masters; and two, the demonstration that the American system of justice is utterly beyond redemption. The conclusion is inescapable—that there are those who find the propagation of these two ideas an acceptable assignment.

Those of us who have studied the record, who know that the Rosenbergs were fairly tried and fairly convicted by a system of justice, which, though not perfect, is probably the best the world possesses, naturally question the wisdom or the purpose of this propaganda.

Even Bloch, the accused's lawyer, said during summation: "I would like to say to the court on behalf of all defense counsel that . . . you have tried us with utmost courtesy . . . and that the trial has been conducted . . . [as] an American trial."

On the day of sentence, Bloch also said: "In retrospect, we can all say that we attempted to have the case tried as we expect similar cases to be tried in this country; . . . and I know that the court conducted itself as an American judge." 

LONGER...YET Milder



Latest
U.S. Government
figures show
PULLMAN MAIL 100's
actually lower in "tar"
than the
best-selling
filter king.

Music Box

PLAYBILL

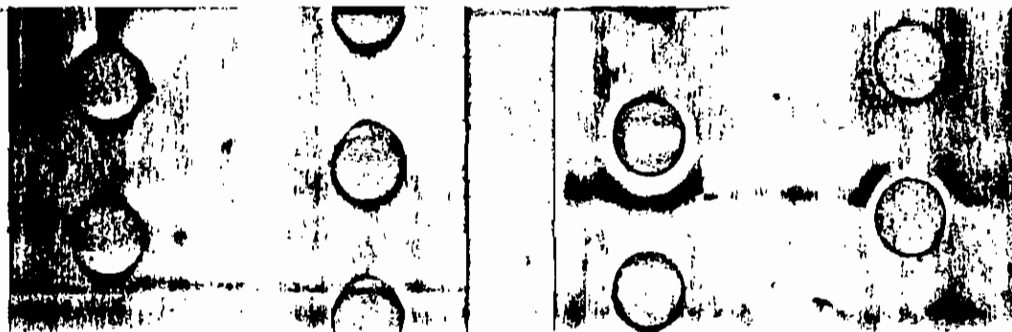
the national magazine for theatregoers



INQUEST

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 8/5/86 BY 3042 PWD/RS

enclosure
65-58236-1



GEMINESSE BEAUTY REPORT:

THERMOSTATICS

Undeniably, basking in the luxury of salon facials is a delightful bit of self-indulgence that often v—ts wonders. (In terms of the psyche as well as the skin.) And now Geminisse puts just that sort of peak pampering right at your fingertips. With Thermostatic Treatments, a new era of complexion cultivation is born... a new degree of skin care that works in minutes to make your skin look as though it's been sheltered all your life.

Thermal Facial Cleanser
Clouds of rich whipped cream, warmed to just the right degree to help soften and release imbedded grime and make-up. It seems to steam away all impurities while leaving your skin's moisture intact, your complexion soft, supple and never-as-clean.

Thermal Facial Cream
The gentle but persuasive combination of heat and cream for steamy skin.



MRS. RICHARD L. FEIGEN PHOTOGRAPHED IN HER NEW YORK TOWNHOUSE THAT ALSO HOUSES THE FEIGEN GALLERY.

Hot and cold facials... precisely the kind of remarkable innovation that is characteristic of Geminisse

Cooling Facial Freshener
The stimulating companion to Thermal Facial Cleanser. A cool blend of non-drying skin conditioners and the finest mineral waters. To awaken and protect your skin as it removes the final vestiges of make-up. Complete with dual controls — one to spray on a cool, gentle mist. The other to tone more vigorously with an exhilarating hydro-massage.



Cooling Facial Freshener
A gently chilled conditioning spray to invigorate and enhance your skin.

Thermal Beauty Oil
A centuries-old beauty secret remarkably updated. It is a rich beauty elixir of moisturizers, lanolin and precious oils activated by heat to penetrate deep into the skin and preserve the dewy look of youth.



Thermal Beauty Oil
A gently heated (and therefore more penetrating) potion of precious beauty oils to lavish on your skin at night.

The very first temperature controlled skin treatments to give you all the beauty benefits of hot and cold salon facials... instantly. All you do is press the button!

Thermal Moisturizing Facial
Sumptuous puffs of exquisitely warm moisturizers, oils and conditioners to calven your skin tone and texture in seconds, then vanish. Meticulous beauties reap its benefits on a concentrated basis every day. Perfect as a special twice-a-week treat, too.

Thermal Moisturizing Facial
It's like a miniature skin sauna to soothe away facial fatigue.



From the Geminisse Make-up Collection
A rare new brand of cosmetics. Remarkably inventive... infinitely subtle... totally moisturized. To help you create your own brand of magnificence and a look that is utterly personal, unmistakably your own.

Geminisse — because before you can put on a beautiful face for the world, you need a complexion that dares to be flaunted. That takes Geminisse care. Based on the beautiful concept of total moisture. Dedicated to encouraging a more magnificent you. And as close at hand as your favorite department store.

GEMINESSE
MAX FACTOR

If you missed the beginning of act one, read here.

It's possible you were late because you're relying on a balance-wheel watch, an inherently inferior time-keeping device (whether you paid \$10 or \$2000 for it).

What you need is the only non-balance-wheel watch



movement in the world: the Accutron® tuning fork movement. Accutron is virtually unaffected by the causes of error that make balance-wheel watches inaccurate. Now, what you missed was the part where *Boy meets Girl*.

Accutron Date and Day "M": 14K solid gold. Date resets instantly. Protected against common watch hazards. \$250. Others from \$110.

Accutron® by Bulova.
The most accurate watch in the world.

Wherever in the world
you're going...
you'll enjoy your stay
better at one of the



**3 Worlds of
Holiday Inns**



road-side
expressway metropolitan
centers exotic
resorts

JOHN V. B. GILLMAN
president
THOMAS A. STEDFIELD
v.p. & national sales director
AME LANDAU
vice president
WILLIAM W. BROWNE, JR.
vice president

JOAN ALLEMAN RUBIN
editor-in-chief
LEO LERMAN
senior editor
JUDITH ANDERSON
art director

ARTHUR T. BIRN
publisher
RUSSELL CANNIZZARO
comptroller
MEMI MOSOWITZ
publication coordinator

PLAYBILL.

Volume 7 April 1970 Issue 4

CONTENTS

- 6 LYONS AND TONYs
by Leonard Lyons
- 11 SHAKESPEARE AT BARD'S
by Art Buchwald
- 13 THE PLAY
- 29 ON A PERSONAL BEAS
by Bernice Peck
- 43 PLAYBILL OF FARE
by Emory Lewis
- 45 A VEHICLE OF VENERY
by James Lipton
- 46 THEATREGOERS' SCRAPBOOK
compiled by Joan Alleman Rubin

PLAYBILL is published monthly in New York, Chicago, Boston, Washington, D.C., Philadelphia, Cleveland, St. Louis, Atlanta, Dallas and Great Britain. The Performing Arts Magazine serves as the Los Angeles and San Francisco editions of Playbill. New York edition of Playbill is published by the Publishing Division of Macromedia, Inc., 277 Park Avenue, New York, N.Y. 10017. Pres. John W. Kline; Secy. George Eble; Treas. Clem Weber. Printed in U.S.A. Title Playbill. Copyright © Macromedia, Inc. 1970. All rights reserved. Subscription to National Edition: U.S. & Possessions \$4.00 a year; \$7.50 for two years; \$11.50 for three years. Single issue price 35¢. Write Dept. B, Playbill Magazine, 3 East 54th Street, New York, N.Y. 10022. 421-6488

If you're going out on the town,
don't forget your Passport.



95 PROOF - 100% BLENDED SCOTCH WHISKY - IMPORTED BY CALVERT DISTILLERS CO., N.Y.C.



Lyons and Tonys

by leonard lyons

EDITOR'S NOTE: Thanks to television, most of us know what a good show the Tony Award Presentations can be—big stars giving moving performances in a plot that features suspense and comedy, triumph and tragedy. . . . Why not, we wondered, give out awards for the Tonys themselves? And could there be a better one-man selection committee than Broadway columnist Leonard Lyons, who over the years has seen a lot of Anselme Perry medals reach a lot of eager little hands? The result of all this idle speculation: Lyons Awards to Tony Winners (and Losers). . . . P.S. If you want to play this game too, be sure to watch NBC on April 19 at 10 for this year's Tonys.



Best Actress to Judy Holliday

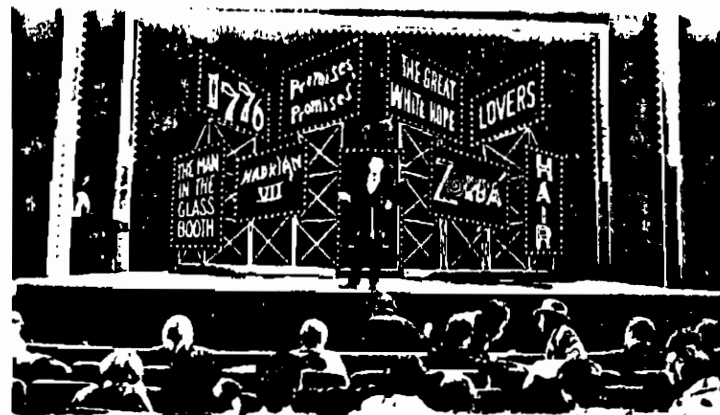
My award in this category has to go to the late Judy Holliday who, when she was starring in *Bells Are Ringing* asked if I would escort her to the Tony Awards. In those days (1957) Tony winners were selected by mysterious voters in a puzzling process reminiscent of Korean elections. And to make sure the recipients would attend the ceremonies, they were generally notified in advance. . . . "So, Judy," I warned, "unless you've been notified that you've won. . . ." Miss Holliday interrupted me: "Pick me up at 8 o'clock." . . . And yet when she mounted the stage

to make her acceptance speech, Judy Holliday gave the most convincing performance I've ever seen at the Tony Awards — "The longest moment in my life," said Miss Holliday, "was when I heard the gentleman say 'The winner is Ju-dy, and not Ju-lie.'" (The competition was Julie Andrews for *My Fair Lady*.)



Best Actor to Richard Burton

Although in 1961 Richard Burton won a Tony Award for *Camelot*, his finest performance at a Tony Award Ceremony was in 1964 when he was nominated for *Hamlet*, but lost out to Sir Alec Guinness in *Dylan*. "I do not find it amusing," said Burton, "that I, a Welshman, in a play by an Englishman, lost to an Englishman playing a Welshman." . . . Guinness later walked over to Burton's table and offered



Alexander Cohen at the 1969 Tony Awards

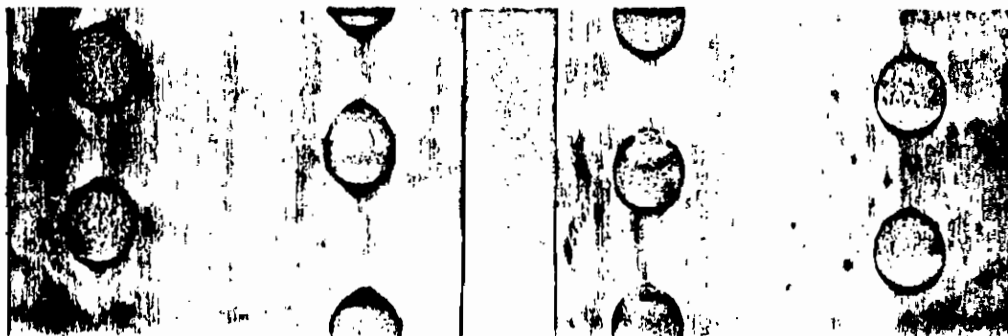
him the Tony, but Sidney Michaels, the author of *Dylan*, intervened. "Mr. Burton," Michaels told the star of Shakespeare's *Hamlet*, "Alec won it because, for one thing, Alec had the better play."

Special Award Producers Alexander Cohen and David Merrick

These two gentlemen, more than anyone else, deserve the credit for making the Tony Awards the honest, respected, well-publicized affair it is today. . . . Cohen arranged for the Tonys to be televised, switched the ceremony from a hotel banquet room to a Broadway theatre, insisted on making it a black-tie event (without exceptions — even the TV Camera Crew and Stagehands must wear dinner jackets). His showmanship as producer of the telecasts succeeded in giving competition, for the first time, to Hollywood's Academy Awards. . . . Merrick, for his part, was indirectly responsible for reforming the voting requirements for the Awards. At one time, only members of the American Theatre Wing were permitted a vote—that is, until David Merrick, calculating the cost of a membership and the number of votes needed, warned: "For \$3,000 you can buy a clean sweep of the Tonys."



**Best Costume Designer
to Mary Martin's Dreammaker**
Whoever designed Mary Martin's gown for the award presentations in 1960 deserves this award for showing a high degree of ESP. Miss Martin, who had been nominated for *The Sound of Music*, appeared in a dress so stunning that one observer was prompted to remark: "Mary must have known she'd won. No one wears a gown like that to be a loser. . . ." (Speaking of costumes, the most informal attire worn by a winner was the simple dark skirt and jacket worn by Sandy Dennis when she collected her Tony for *A Thousand Clowns*. She explained that she thought "Black Tie" meant that only the men had to dress.)



Best Actress (Featured and Supporting)—A tie—to Dale Wasserman's Nurse and Walter Matthau's Wife
Dale Wasserman was in a hospital room recuperating from surgery on the night of the 1966 awards. But he knew immediately that his *Man of La Mancha* had just won as Best Musical. His nurse, instead of awakening him with a hypodermic shot, brought him flowers and an improvised plaque. . . . Walter Matthau was sure that he'd win a Tony for *The Odd Couple* because his wife, Carol Marcus Saroyan, vowed in his support: "I'm a very bad sport. If Walter doesn't win the Tony, I'll simply kill myself."

Best Actor (Featured and Supporting) to Anne Bancroft's Father
Immediately after picking up her award for *The Miracle Worker*, Anne Bancroft drove to Yonkers to share the triumph

with her parents. They were asleep, so Miss Bancroft left the medal in their mailbox. (Although we didn't see her father's performance when he came upon it the next day, we have no doubt that it was worthy of this award.)

Best Choreographer—to The Unknown Production Assistant who in 1956 organized the awards in the order in which they were to be given
That was the year that Eileen Herlie of *The Matchmaker*, accepting for Sir Tyrone Guthrie (Best Director), was given Alvin Colt's Tony for Best Costumes. Colt got Peter Larkin's (Best Scenic Design) and when he returned it to the Tony Committee he received one that should have gone to Dick Adler and Jerry Ross for their *Damn Yankees* songs. . . . Ray Walston of *Damn Yankees* accepted two Tonys that night, one for himself and one for vacationing Russ Brown, but the

two Tonys he was awarded were marked for Ed Begley (*Inherit the Wind*) and Sir Tyrone Guthrie. (Walston later swapped Tonys with Begley, but he refused to surrender the Guthrie prize until he'd first collected the Tony that was to go to Russ Brown.)

Special Award to Tennessee Williams
Tennessee Williams, who has never won a Tony, has said that he'd accept one only if it were of solid gold and had a sapphire base. A Broadway star overhearing this remark, bit her tongue, crossed her fingers and told Williams that he was right: "I'd rather not win the Tony but deserve it, than win it and not deserve it."

Best Director to Harold Prince
This award goes to Hal Prince for the intelligent way in which he directed things so that Joel Grey was virtually assured of

a Tony for *Cabaret*. Although it was apparent soon after the show opened that Grey was giving a starring performance, Prince decided astutely to wait until after Grey had won a Tony Award for Best Supporting Actor before elevating him to star billing.

Best Play to Anonymous
The plot concerns a famed Broadway gentleman who failed to win a Tony. This gentleman inspired my urging in print a Grand Jury investigation of the way Tony winners were selected. The following year, however, when our protagonist was awarded a Tony, he merely laughed at his earlier misgivings. "Nothing," he told me, "makes a prize so authentic, important and cherished as when it's awarded to you." . . . Now if only somebody would write an appropriate score for that, I'm absolutely sure it could win my award for Best Musical. □

A NEW PINNACLE OF PERFECTION
in stereo listening

KENWOOD KR-7070
300-Watt, FM/AM Stereo Receiver
with Automatic/Remote Tuning



KENWOOD, 18711 S. Broadway, Gardena, Calif. 90247 / 45-41 Calamus Avenue, Woodside, N.Y. 11377

If you've called one Hertz office, you've called them all.

Call any Hertz office and you can make a reservation for a Ford or other good car at any of the 2700 Hertz offices around the world.

If you're driving a Hertz car to the theater, you can park it free at 304 West 49th Street, just west of 8th Avenue, open till 2:00 a.m. And if you're driving your own car, you can park it there, not free but reasonably.



You don't just rent a car. You rent a company.

©HERTZ SYSTEM, INC., 1970



What makes us the Wings of Man?

Not size alone, although we are sizable. For example, we carried more than 20 million passengers last year alone.

And not innovation alone, although we are innovators. For example, our Air Shuttle* serving the most influential air corridor in the world is still the only no-reservation, guaranteed-seat air service in the world.

No, the Wings of Man is all this but more than this.

It is the people at Eastern. And their commitment to a very old ideal. That flight should be as natural and comfortable as man first dreamed it to be. That man should be as at home in the sky as he is on land.

And if you've flown with us lately, then you know that there is nothing that motivates people like an ideal. Because it is the people of Eastern Airlines, responding to this ideal, who are making us the Wings of Man.

*Air Shuttle is a service mark of Eastern Air Lines, Inc.

 **EASTERN** The Wings of Man.

Shakespeare at SARDI'S



I had a wild thought the other day. I wondered what would happen if William Shakespeare were writing for the theatre on Broadway today. The mind boggles when you think about it.

The curtain has just rung down at the Globe theatre on Bill Shakespeare's latest play *Romeo and Juliet* and Shakespeare, clutching a fistful of congratulatory telegrams, stumbles over to Sardi's.

As he walks in several people wave to him.

"It's a great play Bill. I think you've got a hit."

"Jeez, Bill, how did you ever think of that plot? It's better than *West Side Story*."

"Bill darling, Bill darling. What a sweet wonderful thing. If there was anything wrong with it, it was the director's fault."

"I watched Clive Barnes, Bill. He seemed to simply adore it. He was taking notes during the entire play."

"Bill, baby. Keep your fingers crossed. You could have a movie sale. I saw the gang from Paramount there tonight. We'll ask for \$250,000 against 10 per cent of the gross. Of course it all depends on Barnes. If *The New York Times* doesn't like it you can kiss the movie sale goodbye."

"Here Bill have a drink, the television reviews won't be out for another twenty minutes. Frankly I thought you could have cut some of the dialogue in the balcony scene as it dragged a bit there. But on the whole it held my attention."

"Billy Boy. It's one of your best. Of course I'm not too sure how the audience is going to like the ending. It's a little downbeat for Broadway. I can see either the boy or girl dying at the end, but why both of them?"

"Hey Bill, the Press Agent has been looking for you."

"Hi Bill. I heard someone say he heard Dick Watts of the *Post* say he liked it . . . No, no word from Barnes. Relax Bill, there's nothing you can do about it now."

"God knows you've written a lot more plays than I have Bill, but how the hell did you ever let them cast that little girl as Juliet. She couldn't look more than fourteen years old. I liked the boy, though I thought the father should have been a little younger. But don't get me wrong—I liked it, Bill."

"Bill, Channel Five is a rave. Stewart Klein said he hasn't seen anything like it in years. There's lots of good quotes. Now all we need is Ed Newman, Leonard Harris and John Tucker . . . What's that? WMCA hated it. Who gives a damn about WMCA?"

"Oppenheimer on *Newsday* just told a guy in Scarsdale who called a guy here, that as far as he's concerned *Romeo and Juliet* is the best play he's seen all year."

"No word from Barnes."

"Bill, I'd like you to meet Mrs. Lorraine Philpott of West Orange, New Jersey. Tell him what you told me, Lorraine."

"I was thrilled. Absolutely thrilled. It was an experience in the theatre . . ."

"Barry Gray gave you a plug, Bill."

"Newman liked it! He had reservations about it but on the whole he liked it."

Continued on page 38

by Art Buchwald

Eau de Lanvin



the toilet water that reflects the beauty of its perfume.

ARPEGE by Lanvin

PREMIERE PERFORMANCE, APRIL 23, 1970
THE MUSIC BOX

LEE GUBER

SHELLY GROSS

present
in Alphabetical order

GEORGE GRIZZARD
ANNE JACKSON
JAMES WHITMORE

INQUEST

A Tale of Political Terror

Written by
DONALD FREED

Based on INVITATION TO AN INQUEST by WALTER & MIRIAM SCHNEIR
with

**MASON
ADAMS**

**MIKE
BURSTEN**

**JACK
HOLLANDER**

**PHIL
LEEDS**

and
MICHAEL LIPTON

**HILDY
BROOKS**
**ED
BORDO**

**DAVID
CLARKE**

**SYLVIA
GASSELL**
**ALLEN
GARFIELD**

**CHARLES
KING**

**SYLVIE
STRAUS**
**ABE
VIGODA**

Settings by
KARL EIGST

Costumes by
SARA BROOK

Lighting &
Projection Consultant
JULES FISHER

Projections by
KEN ISAACS

Sound devised by
GARY HARRIS

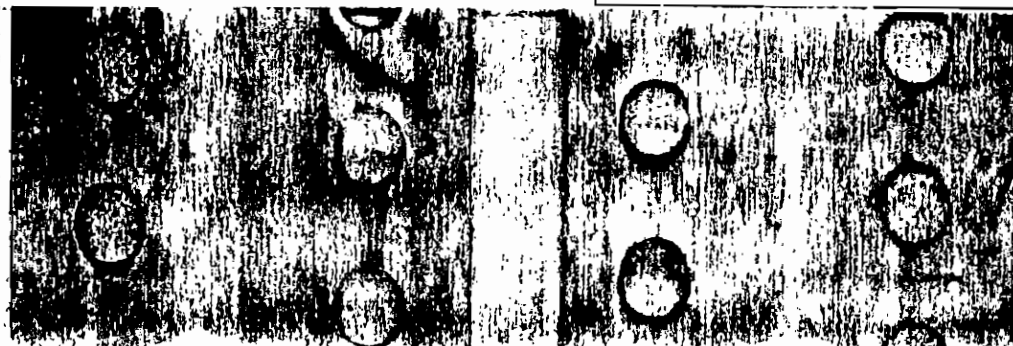
Associate Producer
BERNARD KING

Directed by
ALAN SCHNEIDER



Which Vat 69?
It's a matter of taste.

If your taste is for lightness, call for Vat 69 Gold Label... If you prefer the classic taste, call for Vat 69 Black Label. You can't miss—because both bear the time-honored Vat 69 name.



If you're into what's happening enough to be here tonight, don't stop now.

These three new albums are a great way to keep going.
Wider and deeper into the sounds of today.
And better still, they're all sounds that are more than new.
They're "in" because they're good.
Not because they just came out.



The unseen stars of "The Graduate" have a new album. The title song is destined to become an instant classic. "H

Johnny Cash, Simon and Garfunkel, Chicago.
Once you've listened, you won't stop there either.
On Columbia Records •

Also available on: 8-track stereo tape cartridge and cassette
14-track reel-to-reel stereo tape 34-track stereo tape cartridge

The solidly listenable big-band sound in a contemporary vein. You can't call Chicago's music rock, or jazz, or blues. But you can listen to it straight through the four sides of their new album. "H



Johnny Cash's music grows out of the roots of America. If you haven't already made his acquaintance, his new album is some greeting. "H

These are the
little old ladies who wear
Supp-hose® Stockings
and
Supp-hose® Panty Hose.

Another fine product of Kayser-Roth

CAST

(In Order of Appearance)

Ethel Rosenberg ANNE JACKSON
Julius Rosenberg GEORGE GRIZZARD
Emanuel Bloch JAMES WHITMORE
Clerk ALLEN GARFIELD
Balliff ABE VIGODA

FIRE NOTICE: The exit indicated by a red light and sign nearest to the seat you occupy is the shortest route to the street. In the event of fire or other emergency please do not run — WALK TO THAT EXIT.
Thoughtless persons annoy patrons and endanger the safety of others by lighting matches or smoking in prohibited areas during the performance and intermissions. This violates a City ordinance and is punishable by law.

Robert G. Lowery—FIRE COMMISSIONER




BEEFEATER.

First name
for the martini



FROM ENGLAND BY HOBAND, N.Y. 54 PROOF - 100% GRAIN NEUTRAL SPIRITS

? WOULDN'T
YOU RATHER BE IN VEGAS AT



CAESARS PALACE


For rates, reservations and brochures, see any Travel Agent or
write Caesars Palace, Las Vegas 89109. N.Y. Phone: 695-1310.

Irving Saypol	MASON ADAMS
Roy Cohn	MIKE BURSTEN
Judge Kaufman	MICHAEL LIPTON
Reporter	CHARLES KINDL
Reporter	DAVID CLARKE
David Greenglass	JACK HOLLANDER

(Continued)

J&B

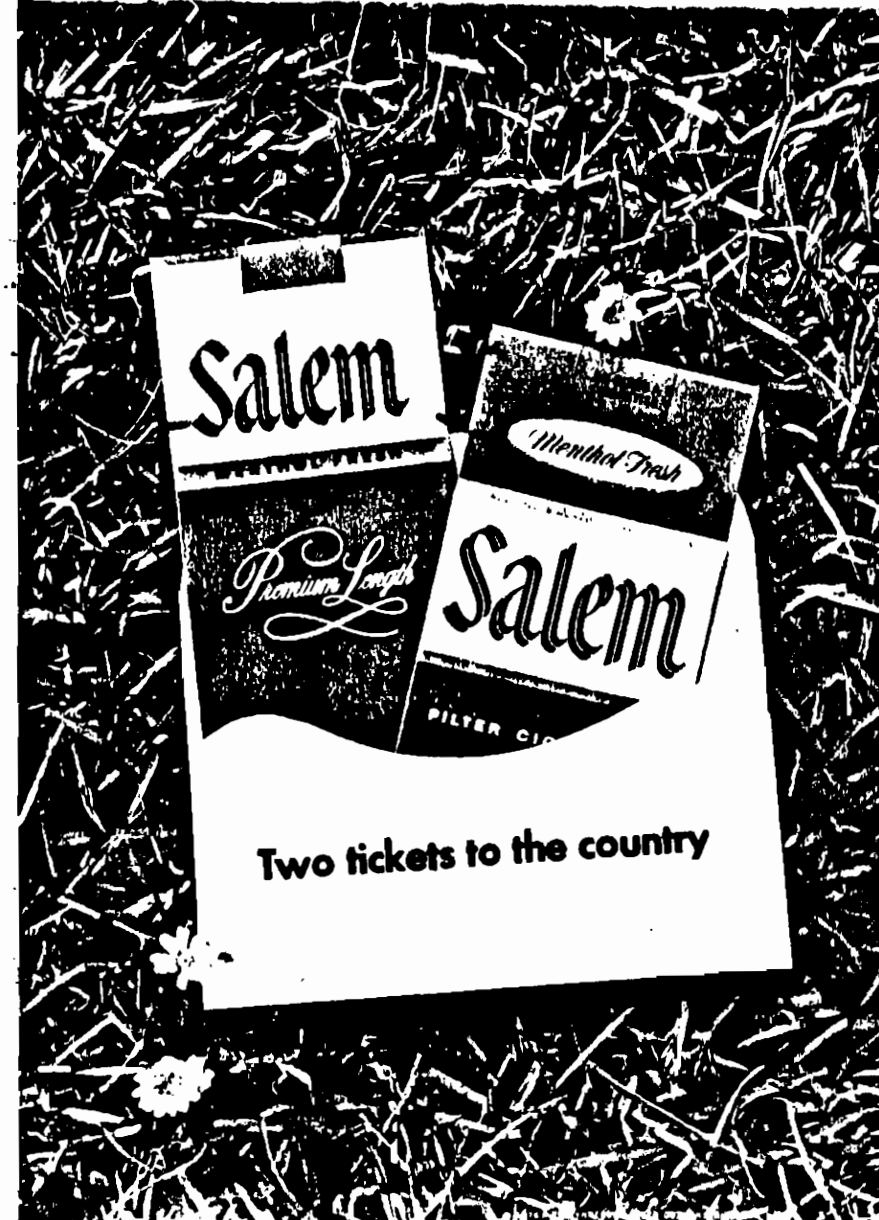
rare scotch



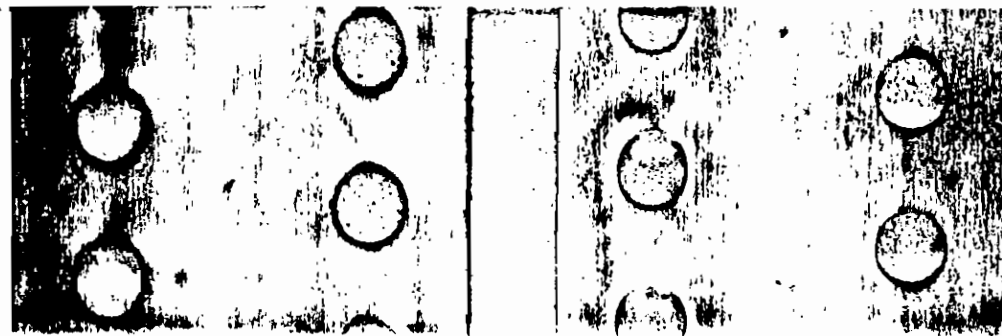
*Pours More Pleasure
at every opening*

PENNIES MORE IN COST • WORLDS APART IN QUALITY

65 Proof Blended Scotch Whisky • The Padgett Corp., N.Y. 20



Two tickets to the country



A lot of car is worth a little money.

Especially if it's Pontiac's all-new LeMans Sport. This one will get to your sense of value when you first lay eyes on it.

And the good looks are just for openers. Once behind the wheel, you know you're into something great. The bucket seats are standard. Heavily padded and upholstered in knit vinyl and expanded Morrokide Plush, nylon-blend carpeting stretches door to door. And there's a lot of quality you can't even see. Such as a protective steel beam in each door for your added security. And lots of other Pontiac standard benefits. Including a tuned suspension. Hidden radio antenna and windshield wipers. A front stabilizer bar. And, of course, the famous Wide-Track ride.

The getting's good under the hood, too. If you're big on economy, you'll find the standard 155-horsepower six in line with your thinking. For more of a road car, order the 350-cubic-inch V-8 or the 400-cubic-inch V-8. With 4-speed or Turbo Hydra-matic.

By now you have a fair idea of what a little money can do. Provided you put it into a LeMans Sport. It's at your Pontiac dealer's. Where it only takes a little to move up a lot.

Above all it's a Wide-Track Pontiac.

The Wide Track Family for '70: Grand Prix, Bonneville, Executive, Catalina, GTO, LeMans Sport, LeMans, Tempest and Firebird.



GM logo and text: Pontiac LeMans Sport

Win Have Notices



FBI Agents ED BORDO, ABE VIGODA, DAVID CLARKE

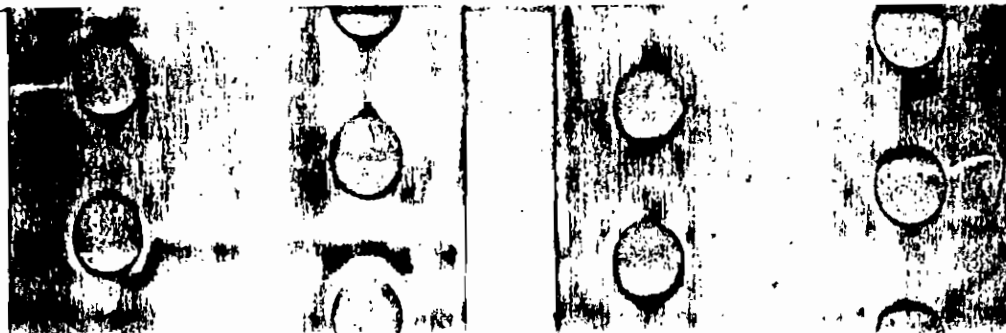
Tessie Greenglass SYLVIE STRAUS

Matron SYLVIA GASSELL

Harry Gold PHIL LEEDS

Rabbi ALLEN GARFIELD

Ruth Greenglass HILDY BROOKS



"Lovely . . . beautiful . . . for people who want an experience . . . it casts its spell . . . it got to my heart." —Clive Barnes, New York Times

Oscar Brown, Jr. "sings and dances with an expansive freedom that is exhilarating to watch."
—Emory Lewis

Jean Pace "is an enchanting performer . . . sings enticingly . . . moves excitingly."
—Women's Wear Daily

Sivuca "has extraordinary theatrical presence . . . a remarkable performer."
—Don Heckman, Village Voice



Tues., Wed., Thurs., 8:30;
Sun. 3 P.M. & 7:30 P.M.
\$5.50, \$6.50, \$7.50. Fri.
8:30, Sat. 7 P.M. & 10 P.M.
\$7.50, \$8.50.
The New Theatre
154 E. 54th St.
752-0440

Original cast recording on

RCA Records
and Tapes

THE CATTLEMAN
THE ADULT WESTERN RESTAURANTS
154 W 51ST • 212-265-1737 5 E 45 ST • MO1-1200
7 DAYS PRE-THEATRE DINNER "EXTRAVAGANZA" 7 NIGHTS
6 WONDROUS STEAKS
SUMPTUOUS ROOMS • IMMENSE DRINKS
Brief Stroll to Major Showplaces. After-Theatre Supper from \$1.95
Free Self-Parking after 6:00 P.M. (2-Hr. Limit at \$1.00.) Children under 12: half-price.

UNDERSTUDIES

Understudies never substitute for listed players unless a specific announcement for the appearance is made at the time of the performance.

For Emanuel Bloch—David Clarke; David Greenglass and Harry Gold—Allen Garfield; Irving Saypol—Abe Vigoda; Judge Kaufman and Julius Rosenberg—Ed Bordo; Ethel Rosenberg, Ruth Greenglass and Tessie Greenglass—Sylvia Gassell; Roy Cohn—Charles Kindl.

"I'll try a Kahlúa Stinger."
"O.K., but what is it?"
"It's Kahlúa and rum. I'll have one."
"Me too."
"A Black Russian please."

KAHUÁ
51 Proof
Cafon Liqueur from
Sanay Mexico
Jules Berman & Assoc., Inc.
Los Angeles, California

"ELECTRIC"

...Watch out for the swinging doors as you enter this gaslit, turn-of-the-century saloon. Sit in a garden Gazebo or beneath the circus tent and enjoy a Keystone Cops movie as you savor the "man-sized" charcoal steaks and plank roast beef bill of fare! A hundred years and a few steps from all theaters. Late supper too!

The grill

NEW YORK HILTON

Avenue of the Americas at 53rd St.
New York, N.Y. JU 6-7000

新樂酒家

authentic Chinese Dining is a tradition at the...

Sun Luck

RESTAURANTS, N.Y.C.

200 WEST 44th St. • Tel.: 524-4707

(In the Heart of it'way)

60 Paces from Shubert Alley

LUNCHEON • COCKTAILS

DINNER • AFTER THEATRE

FREE VALET PARKING

8 PM to 12 Midnight

The action of the play takes place in:

The Courtroom; The World; The Past.

THERE WILL BE NO INTERMISSION

All courtroom dialogue is quoted from the transcripts of the trial.

The "Reconstructions" draw on letters and verbal reports but they are inventions in the service of truth rather than facts.

The F.B.I. interrogations come from memos and tapes from the offices of the lawyers representing Greenglass and Gold. Part of this information appeared during the appeals when it was published abroad after having apparently been taken without permission from Greenglass' lawyer O. John Rogge. Later, in the 1960s, Walter and Miriam Schneir came into possession of new Harry Gold material from his attorney, John D. M. Hamilton.



The after-curtain calls are for

DEWAR'S
"White Label"

The Scotch that never varies!

BLENDED SCOTCH WHISKY • 50% ALC/VOL • © SCHENLEY IMPORTS CO., N.Y., U.S.A.



22

Welcome to the
friendly grounds of United.



If you've never flown before, you probably think air travel is all airplanes, schedules, and boarding gates.

Not so when you fly United.

Our way of life is people.

Not just ordinary people, but people totally dedicated to making your first flight the start of something great.

People like this United ground hostess. And thousands more just like her you'll find in airport terminals across the country. All ready to be your helping hand.

It's people like her that give meaning to this thing we call the friendly skies.

From the ground up, *by the friendly skies of* United.

"They really mean it."



'Today's fashions are designed for the body beneath the clothes—sleek, supple, limber and loved.'

Charles Revson

The Body Couture Collection'

5 dedicated 'specialists' to put you in top form—*from the toes.*

Breast Contour Concentrate. An extraordinary skin-firming, emollient massage-lotion for the décolletage (and environs). Non-oily, instantly absorbed. Satinizes this crucially *age-revealing* area.

Body Buffing Lotion. A gentle 'skin-planing' cream to skim off dryness (even at elbows, heels). Seems to 'resurface' the skin.

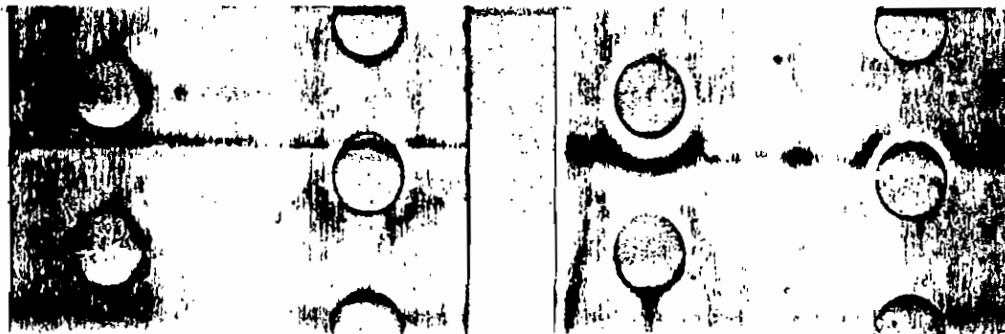
Soufflé Bodycream. Ultra-rich, skin-silkening foam (like a fluff of aerosol facecream for the length of you). Utterly greaseless. Sleeks its way into every pore, so your skin feels there's 'nothing on'.

Ultamist. The first feminine hygiene spray with a unique ingredient that acts instantly to neutralize and prevent odor—then 're-activates' to release fresheners throughout the day.

Ultra-Effective Anti-Perspirant and Deodorant. Like an invisible liquid *dress shield*. Special 'moisture-blotters' give maximum protection—even for those plagued with problem perspiration.

'Ultima' II

Created by Charles Revson



TRUE... best-selling, best-tasting cigarette of its kind.



Look at True's numbers:
12.5 mgs. tar and 0.7 mgs. nicotine. Compare them
to the brand you're smoking now.

Shouldn't your brand be True?



© Lorillard 1970

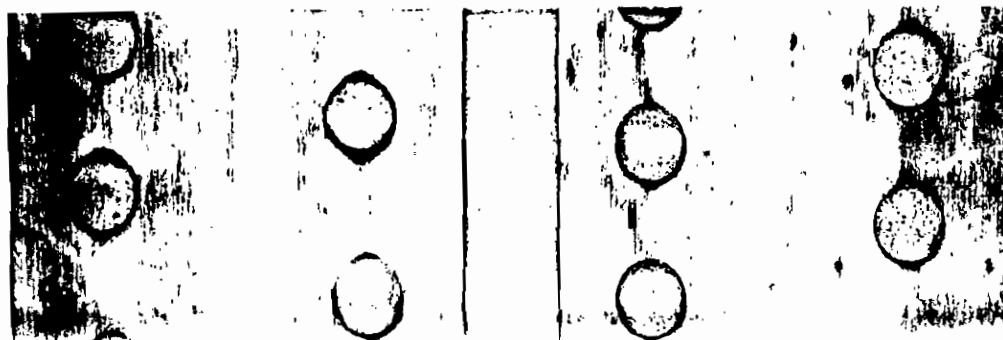
Who's Who in the Cast

GEORGE GRIZZARD (*Julius Rosenberg*) began his Broadway career with an award-winning performance in *Desperate Hours* and has received critical acclaim ever since. Following Variety's poll of drama critics as the season's most promising actor, Mr. Grizzard was twice nominated for a "Tony" award for his portrayals in *The Disenchanted* and *Big Fish, Little Fish*. Constantly proving his versatility, he has run the gamut of characterizations with performances in *Happiest Millionaire*, *Face of a Hero*, *Who's Afraid of Virginia Woolf?*, *The Gingham Dog*, *You Know I Can't Hear You When the Water's Running*, and a musical comedy role in Noel Coward's *Sweet Potato*. He was also a member of the all-star 20th Anniversary production of *The Glass Menagerie*. Mr. Grizzard's theatrical activity away from New York includes the first two seasons of Tyrone Guthrie's Minnesota Theatre Company in the title roles in *Hamlet* and *Henry V*, the Dauphin in *St. Joan*, *Moussu* in *Volpone* and *Solyony* in *The Three Sisters*. His film credits include *From the Terrace*, *Advice and Consent* and *Warning Shot*. His more recent recognition and acclaim are represented by his sensitive and moving role in TV's award-winning *Teacher, Teacher* and his performance as the maneuvering reporter, Hildy Johnson, in *Front Page*.

ANNE JACKSON (*Ethel Rosenberg*) possesses the creative talent that has been the subject of praise and adulation almost since the day she made her professional debut as a member of the American Repertory Company. She has won laudatory critical comment on Broadway in *Summer and Smoke*, *Magnolia Alley*, *Love Me Long*, *The Lust Dance* and *Oh, Men! Oh, Women*. As Edward G. Robinson's daughter in *Middle of the Night* some seasons ago and in

the all-star production of George Bernard Shaw's *Major Barbara*, she made her first important impressions. Miss Jackson started with her husband, Eli Wallach, in New York, California and London in *The Typist* and *The Tiger* and again with Mr. Wallach on Broadway in *Luv*. Her many television appearances include *Lullaby* and *Dear Friends*, for which she received an Emmy nomination. As a screen actress, Miss Jackson has appeared in such films as *The Journey* with Yul Brynner and Deborah Kerr, *Tall Story* with Anthony Perkins, *How to Save a Marriage* . . . and *Ruin Your Life* with Dean Martin and Stella Stevens. More recently she was seen in *False Witness*, *Lovers and Other Strangers*, *Secret Life of an American Wife*, in which she stars with Walter Matthau, and will soon co-star with Frank Sinatra in the recently completed *Dirty Dingus Magee*.

JAMES WHITMORE (*E. H. Bloch*) personifies the "actor's actor". A pre-law student at Yale, his involvement with musical and dramatic groups colored his future career and he entered the theatrical world by entertaining the troops with a USO troupe. His preparation for the theatre was at the American Theatre Wing and his first audition was for Kermil Bloomgarten's *Command Decision*. He won not only the role but the coveted Tony award for the best supporting performance of the year and the Donaldson Award for the best newcomer of the season. During the run of the play he studied further with Elia Kazan at the Actors Studio and signed a motion picture contract with MGM where his portrayal of the Sergeant in *Battleground* earned for him an Academy Award nomination. *The Asphalt Jungle*, *The Next Voice You Hear*, *Kiss Me Kate*, *Them*, *The Eddie Duchin Story*, *Who Was That Lady*, *Battle Cry* and *Black Like Me*





Critic's choice
A fine Seagram's V.O. Canadian Whisky.
The most preferred imported whisky in America.
Season after season, year after year.

are just a few of his major screen credits. His recent theatre appearances have been *An Evening With Walt Whitman*, *A Case of Libel*, *Anna Christie* and his one-man show *Will Rogers: USA*. Mr. Whitmore's television series *The Law* and *Mr. Jones* was critically acclaimed and gained him an even wider audience.

MASON ADAMS (*Irving Saypol*) for nearly two decades, starred in the title role of *Pepper Young* on one of radio's longest-lived serials, *Pepper Young's Family*. Throughout the same period, he was heard on thousands of radio programs, and became one of America's best-known voices. Broadway plays in which he appeared include *Saroyan's Get Away Old Man*, *Career Angel*, *Shadow of My Enemy* and *Tell Story*. He co-starred in the London production of *You Know I Can't Hear You When the Water's Running*. TV and radio spokesman, he continues as one of the most familiar voices on the air.

MIKE BURSTEN (*Roy Cohn*) began his acting career at the age of seven, touring the world with his parents in the Yiddish musical comedy theatre. He moved to Israel in 1962 and today is one of Israel's leading motion picture and stage stars. His film role in *The Flying Matchmaker* earned him the Kinor-David (Israeli Oscar) as Best Actor of the Year. Mr. Bursten has starred in *The Megilla*, voted the best play of the International Theatre Institute Congress held in Israel in 1965 and repeated his portrayal for American audiences in 1969.

JACK K. HOLLANDER (*David Greenglase*) was last seen on Broadway in Robert Shaw's *Men in the Glass Booth*. An actor of wide experience in all media, Mr. Hollander began his formal training at the Goodman Memorial Theatre in Chicago and later studied in New York with Lee Strasberg. His New York stage appearances include *Impossible Years*, *The Birthday Party*, *The Miracle Worker* and *Gideon*. He has toured in *Luther*, *Carnival* and *Lil Abner*. In films, Mr. Hollander was seen in *The Miracle Worker* and on television he has been on such shows as *The Defenders*, *DuPont's Show of the Week* and NBC's *Children's Theatre* specials.

PHIL LEEDS (*Harry Gold*) is an actor of unqualified versatility, having performed on every major television show, the Broadway stage, in films and commercials. As a comedy actor, Mr. Leeds was featured in the original productions of *Can Can*, *The Matchmaker*, *Romanoff* and *Juliet*, *Nobody Loves an Albatross* and *Little Murders*. Milton Berle, Jackie Gleason, Steve Allen, Garry Moore, Jack Paar and Johnny Carson have all been television hosts to Mr. Leeds. Last season he toured with Cyril Ritchard and Comedia Ode Skinner in *Halfway Up the Tree* and just prior to this, returned from Japan where he filmed *Maternalind* with Zero Mostel.

MICHAEL LIFTON (*Judge Kaufman*) is known to millions of television viewers as Neil Wade,

Every show should have a happy beginning.

Whether you are in the mood for a comedy, tragedy, musical or a revue, start off every performance with the mood, food and excitement you can find only in a Longchamps restaurant.

CATTLEBARON

221 West 46th St. 228 West 47th St.

Complete dinner of shrimp cocktail, boneless sirloin steak or roast prime ribs of beef, baked potato, salad, cheese cake or ice cream and coffee. Plus all the drinks you can drink with dinner. Only \$6.50.

THE CATTLEMEN

5 East 45th Street, MO 1-1200
154 West 51st Street, 265-1737

"The Adult Westerns" featuring prairie-sized steaks and over-sized drinks. Dinner entrees from \$4.50. After-theatre supper 11 pm-2 am a la carte from \$2.25. Sunday Brunch (Noon to 3 pm) with free champagne from \$3.95. Free self-parking after 6 pm.

CAVANAGHS

260 West 23rd Street, AL 5-1170

Great steaks and chops. Drinking on the Honor System and heaping portions make every day one of the good old days. Complete dinners from \$6.25. A la carte entrees from \$4.25. Free parking on 22nd Street.

CHARLES FRENCH RESTAURANT

452 86th Avenue, GR 7-3300

Five "Grand Presentation Dinners" with all the champagne you can drink. Elegant Parisian setting. Prix fixe \$9.95. A la carte entrees from \$4.25.

DOWNBEAT

380 Lexington Avenue at 42nd Street, 889-5100

A fantastic duo of steak and jazz. Complete 16-oz. boneless sirloin steak dinner plus all you can drink for only \$10.75. After 11 pm special supper menu with all you can drink for \$7.75. Continuous music featuring the greatest jazz attractions in the country.

LÜCHOWS

110 East 14th Street, GR 7-4868

One of New York's most celebrated restaurants since 1882. Con-est band and string ensemble enhance the Old World flavor. Attendant parks cars at dinner. A la carte entrees from \$3.25. Suppers served 11 pm to midnight.

ORANGERIE

Madison Avenue at 59th Street, PL 9-3993

The romance of the Riviera. Catering to every appetite every hour of the day, from Shopper's Brunch to After-Theatre Supper. La Gala Diner, \$8.75. Supper entrees from \$2.25.

RIVERBOAT

350 Fifth Ave. Empire State Building, PL 9-3444

New York's greatest dinner and entertainment package gives you all you can drink plus full course 16-oz. boneless sirloin steak dinners, all for only \$10.75. After 11 pm late supper including all you can drink \$7.75. Continuous dancing to exciting bands and with-it groups.

ROAST BEEF & BREW

Broadway at 64th Street

Across from Lincoln Center. Roast prime ribs of beef—full rib on the bone, \$5.50, or the traditional cut, \$4.50. Including all the beer you can drink, all the salad you can make. Opera Supper after 10 pm with a la carte entrees from \$2.25.

STEAK & BREW

Fifth Avenue at 12th Street

Broadway at 51st Street

400 East 57th Street

Broadway at 69th Street

98-14 Queens Blvd., Rego Park, N.Y.

Continental Ave. at Station Plaza

Forest Hills, N.Y.

313 East Kingsbridge Road, Bronx, N.Y.

Comfortable, casual pub atmosphere. 12-oz. boneless sirloin steak, all the salad you can make and all the beer you can drink. All for \$4.35. Other entrees from \$3.60.

DAN STAMPLER'S STEAK JOINT

88 Greenwich Avenue, CH 2-0009

New York's famed steak house features seven fantastic steaks. In the heart of Greenwich Village. A la carte entrees from \$3.95.

STEER PALACE

2 Penn Plaza, 889-6115

The elegance of old San Francisco in seven fabulous rooms. Enjoy superb beef, game or seafood. Dinner entrees from \$4.25. Enjoy your after-show supper in the Saloon.

STEAK & ROAST BEEF PARLOUR

1450 Broadway at 41st Street

Casual home of the Drink 'n Dine Deal. Enjoy all the drinks you can drink while feasting on a full-course boneless sirloin steak or roast prime ribs of beef dinner. The whole deal is only \$

STOCK YARDS

Madison Avenue near 49th Street

The last stronghold of man-sized meals and drinks. The Great Steak Deal of 70 features complete boneless sirloin steak or roast prime ribs of beef dinner with all the drinks you can handle. Only \$6.50.

longchamps

Longchamps...a growing world of mood, food and excitement. Larry Weiss, President; Alvin Kohn, Executive Vice-President.

Hawaii Kai
Broadway at 50th Street

World's Greatest Polynesian Restaurant
LILAU DINNER/EXOTIC DRINKS/
AFTER THEATRE FUN
Open Daily from 4:30
Sunday 1 P.M.
Res. Pl. 7-6900



Native Entertainment in the
Lounge of the 7 Pleasures
No Cover-No Minimum-Major Credit Cards

BRING AD AND RECEIVE A FREE HAWAIIAN GIFT

**Let us take you
out to sea...**



**SHOWBOAT
BAR/LOUNGE**
Hot Buffet
Served 4-6 p.m. daily
"complements of
Captain Kappy"
Entertainment nightly
from 8-11 p.m.
Features...
...singing, his
strutting guitar and
songs...
...Very
Shopper will play
your requests
and sing a long
no plans.
Simply outstanding...
the
perfect ending to a beautiful
gourmet cruise.

Open from Noon 7 days a week
LUNCHEON/COCKTAILS/DINNER/AFTER THEATRE
JOES PIER 52
144 West 52nd St. Phone 245-6452
We honor all major credit cards

a role he played for five years on *As the World Turns*. He is known to theatregoers for his many distinguished performances. He appeared on Broadway in *Separate Tables*, *The Moon is Blue*, *Caesar and Cleopatra* and *The Tenth Man*. The first two productions found him starred in national touring presentations. Off-Broadway, Mr. Lipton assumed major roles in *Hamp, The Wilder Plays*, Pinter's *The Lover*, Beckett's *Play* and his Obie Award-winning performance in *The Trigon*. Michael Lipton has also starred in major regional theatres, including Washington's Arena Stage, Buffalo's Studio Arena Theatre and Cincinnati's Playhouse in the Park. For the past year he played Harold, the birthday boy, in *Boys in the Band* in New York, Los Angeles, Las Vegas and Florida, and won the Los Angeles Drama Critics Circle Award for the Best Performance of the Season, in that play.

SYLVIE STRAUS (*Tessie Greenglass*) has been a "professional relative" more times than she can remember: among them, Aunt Gladys in the film *Goodbye, Columbus* and Moss Hart's mother in *Act One*. Further screen appearances have been in *Midnight Cowboy* and *A Fine Madness*. On stage, Miss Straus has appeared in *Orpheus Descending*, *Camino Real* and *Middle of the Night*. She toured with the national company of *Fiddler on the Roof* and has been seen in the Lincoln Center Repertory Theatre's production of *Walking to Waldheim*.

HILDA BROOKS (*Ruth Greenglass*) has a wide and varied amount of professional experience. On Broadway she has appeared in *The Good Soup*, *The Goodbye People* and *Happiness is a Little Thing Called a Rolls Royce*. Off-Broadway, Miss Brooks was featured in the three Pinter plays *The Lover*, *Tea Party* and *The Collection*. On television she has appeared in *Nurses*, *Route 66*, *Girl Talk*, *Naked City*, *Edge of Night*, *Ed Sullivan* and the *DuPont Show of the Week*.

SYLVIA GASSELL (*Matron*) made her Broadway debut in *The Time of the Cuckoo*. She has appeared on tour in *After the Fall*, *Pictures in the Hallway* and *A Streetcar Named Desire* as well as regional theatre, on film, television and radio.

ED BORDO (*FBI Agent*) made his Broadway debut in *The Last Analysis*. He has appeared off-Broadway and in repertory theatres throughout the United States. For three years he taught acting with Tamara Daykharanova and is a graduate of the London Academy of Music and Dramatic Arts.

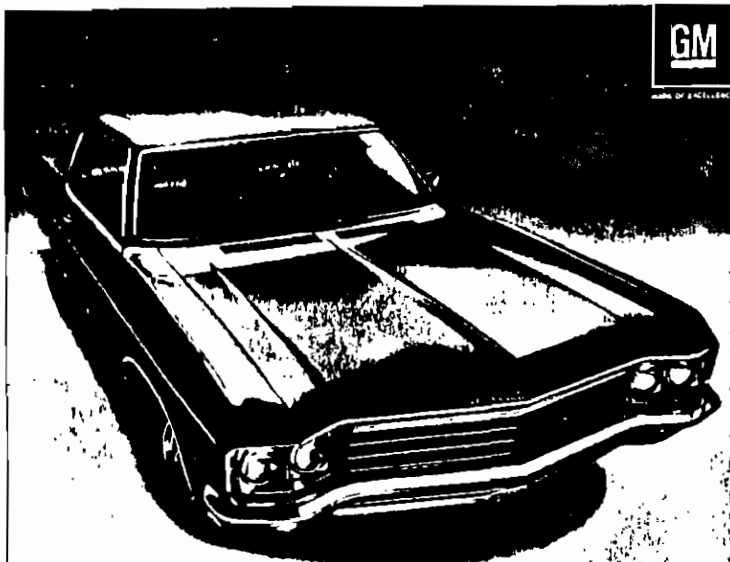
DAVID CLARKE (*FBI Agent, Reporter*) Since he joined Equity in 1929, has appeared on Broadway, in films and on TV. He is listed in *Who's Who in American Theatre*.

ALLEN GARFIELD (*Clerk and Rabbit*) is featured in the forthcoming film *The Owl and the Pussycat*.



Cordon Rouge Brut Vinlage, Mumm's Extra Dry.

Imported by General Wine and Spirits Company,
Browne-Vintners Division, N.Y.C.



GM

**If the competition
had Impala's high resale value,
maybe they'd be No.1.**

Maybe.

The people at Chevrolet generously offer these tips to competitors to help improve their resale value. They could try adding Impala's sideguard door beam structure, flush-and-dry rocker panels, protective inner fenders in every model, long life exhaust system, and cargo-guard luggage compartment.

If competition doesn't take these tips, you should. Buy an Impala.

It's such a rewarding car to get rid of.

Putting you first, keeps us first.

CHEVROLET

...and also may also be seen in *My Darling Clementine*, *Hi, Mom*, *Greetings* and *March of the Spring Hare*. He starred off-Broadway last year in Terence McNally's *Witness and Sweet Eros*. He is a member of the Actors Studio and in the fall will direct his own play, *Four in the Family—Five*, if you include the dog.

ABE VIGODA (Ball, FBI Agent) was last seen on Broadway in *The Man in the Glass Booth*. Prior to this he was seen on Broadway in *Marat/Sade*. He had major roles in the Broadway National Companies of *Seldman and Son* and *The Impossible Years*.

DONALD FREED (Author) realizes with the Broadway production of *Inquest* the fruition of a long and dedicated study into the Rosenberg trial. Using actual transcripts as "reference tools", the play was first successfully produced as *The U.S. vs. Julius and Ethel Rosenberg* at the Cleveland Play House. This is a new, revised version. A prolific writer, Mr. Freed has published books on Freud, Stannislavsky, *The Existentialism of Alberto Moravia* and *The Theatre of the Future*. He has received the John Larkin and Milton Lester Awards for his literary works. From 1956 to 1965 Mr. Freed was the Artistic Director of the Los Angeles Art Theatre. Prof. Freed teaches linguistics and world literature in California.

ALAN SCHNEIDER (Director) has been associated with over one hundred of the most stimulating productions in the American theatre. Working in every medium, Mr. Schneider's direction is looked upon as the epitome of professionalism. Among his many credits are *Who's Afraid of Virginia Woolf?*, *A Delicate Balance*, *Tiny Alice*, *Ballad of the Sad Cafe*, *Anastasia*, *Krapp's Last Tape*, and the American professional premieres of *Caucasian Chalk Circle*, *The Dumbwaiter* and *Twelve Angry Men*. Mr. Schneider has been awarded a Ford Foundation Grant and a Guggenheim Fellowship. He was an Artistic Director of the Washington Arena Stage and Associate Director of the Tyrone Guthrie Theatre.

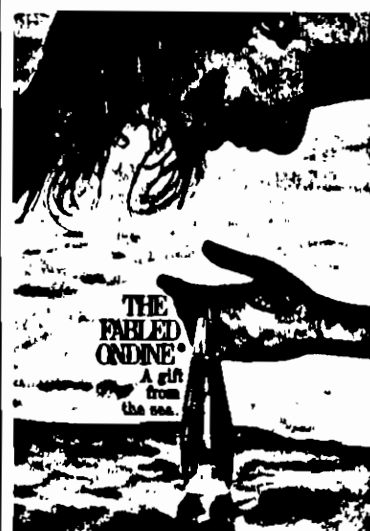
KARL J. EIGSTI (Designer) is principal designer at the American Shakespeare Festival at Stratford, Connecticut, where he redesigned the festival stage for productions of *Henry V* and *Hamlet*. He has been designer at the Tyrone Guthrie Theatre, where he designed *Merion of the Movies*; the New York Forum at Lincoln Center and Arena Stage in Washington, D.C. He has been awarded a Fulbright in Theatre. Mr. Eigsti is presently designing *Othello* at Stratford and preparing John Guare's *House of Blue Leaves*. *Inquest* marks his second Broadway representation this season.

SARA BROOK (Costumes) is one of the most active designers on and off Broadway. Most recently she designed the costumes for *Child's Play*, *The Chinese* and *Dr. Fish* and the acclaimed revival of *Front Page*. She also created



Mushrooms.
This week's perfect martini secret.
Marinate button mushrooms in vermouth
and use the perfect martini gin, of course.
Seagram's. The perfect martini gin.

SEAGRAM DISTILLERS COMPANY, NEW YORK CITY.
80 PROOF DISTILLED DRY GIN DISTILLED FROM AMERICAN GRAIN



Parfum and fragrance accessories: \$30.00 to \$3.50.
Created by Suzanne Thierry, Paris.
Available at Lord and Taylor.

VERY PORTABLE. VERY POWERFUL.

*The finest in
Italian food*
ITALIAN
JUL 6 5:30

SHELLY GROSS (Co-Producer) is President and administrative head of Music Fair Enterprises. Uniquely suited for this vast responsibility he is Phi Beta Kappa graduate of the University of Pennsylvania, holding a Bachelor of Arts Degree with major honors in English. Continuing his studies at Northwestern University he received a Master of Science Degree in radio journalism. Upon his graduation from Northwestern, he embarked on a career as a radio and television newscaster, finally blending his talents with those of his friend Les Gubner, in the formation of the Music Fair. He supervises all facets of their many record companies and all their Broadway productions.

THE ORIGINAL CAST RECORDING

FREDERICK MURSTON

KATHARINE HEPBURN



A New Motion

ALAN JAY LERNER **ANDRÉ PREVIN**

GEORGE ROSE

and Co-edited by
CRIL BEATON

Model Numbers & Fashion Sequences Designed by
MICHAEL BENNETT

Directed by
MICHAEL BENTHALL

NOTES ON CONTRIBUTORS



Paramount Records, a division of
Famous Music Corporation,
A-G-W Company



Things don't happen
the way they used to.
But they still happen.



Tabu
The forbidden fragrance.

Dana

Staff for "INQUEST"
GENERAL MANAGER IRVING CONE
PRODUCTION MANAGER MARK WRIGHT
PUBLICITY DIRECTOR MIKE MERRICK

Press Representative Nancy Lowe
Stage Manager Bill Callan
Assistant Stage Manager Charles Kindl
Production Electrician Bill West
Master Propertyman David Nash
Wardrobe Mistress Babe Springbett
Assistant Director Rhoda Grauer
Assistant to Jules Fisher Marc B. Weiss
Production Assistants Rod McGovern,
Dorothy Fields,
Susan Petersen
Slide Assistant Shelley Guber, Rick Miller
Slide Staff Susan Swerman
Sound Assistant John Bradley
Assistant Electrician Elizabeth Roberts
Casting Director Tract Agency
Advertising Representatives Pinto, Winokur & Pagano
Accountants Cotton, Fernbach & Weissberg
Attorneys Garber, Goldenberg & Raboy
Insurance On-the-Spot Productions
Merchandising Ray Iagnocco
Hair Stylist Sally Marvian
Production Secretary Marcia Bell

CREDITS

Scenery by Nolan Scenic Studios. Lighting Equipment by Century Lighting, Inc. Sound Equipment by Sound Associates, Inc. A portion of projection photographs by U.P.I. Male Clothes by Joseph M. Cohen Co. Mens Shirts courtesy of Gent Shirts-makers. Belts and suspenders courtesy of Harvess House. Mens ties courtesy of Tie City. Lady's Wallets by Princess Garoner. Umbrellas courtesy of Polan Katz & Co. Eye Glasses by E. B. Meyrowitz, Inc. Medical bag courtesy of G. Kruse & Co. Attache cases by M & M Luggage Co., Inc. Briefcases, Additional attache cases by Ampex Leather Mfg. Co. Guitar by Goya Music Corp. Stationery supplies courtesy of Olympic Office Supply Corp., Division Litton Industries. Anchor Mocking Glass Corp. products used. Pipes & Tobacco courtesy of Pipe & Tobacco Council of America. Marlboro cigarettes used. Pepsi-Cola products used. Wigs by Bob Kelly. Photography Orlando Guerra Studio and John Scherer Research Assistance, Japanese Consulate and Film & TV Daily Newspaper. Baby Blankets courtesy Gullites Co., Inc. Silverware and Accessories courtesy of Michael C. Fine Co. Stethoscope courtesy of Crown Surgical Mfg. Corp., division of Bergen Brunswick Corp. Hula Hoops courtesy of M & A Wares Co. Camera by Peerless Willoughby. Make-up by Faberge.

PROJECTION EQUIPMENT BY VISUAL ENVIRONMENTS, INC.

STAFF FOR MUSIC BOX THEATRE

Manager Horace M. Wright
Treasurer Raymond G. Metz
Assistant Treasurer Ernest G. Wheeler
Master Carpenter Robert E. Bender
Master Propertyman Herman Gohman
Master Electrician Thomas E. Carroll
Chief Engineer Steve Tracey
Chief of Staff James M. Conlan

House Physician Dr. Benjamin A. Gilbert

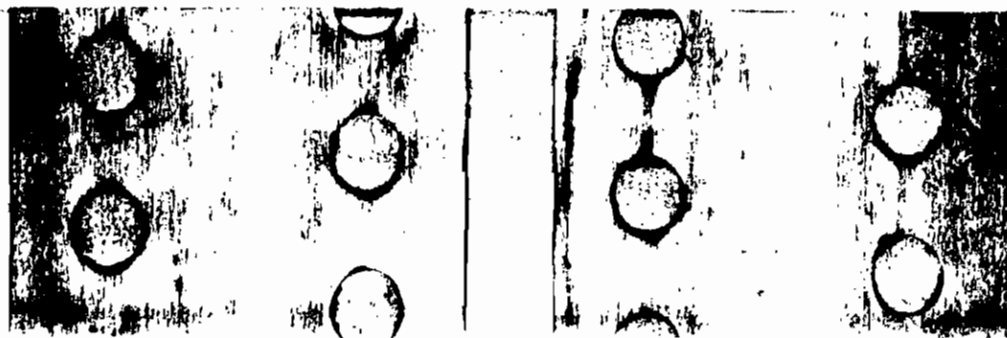
All products used in this theatre for the promotion of sanitation are manufactured by the Greco Co., Inc.

The taking of pictures or the operating of any recording device in this theatre is strictly forbidden.

*As usual...
the critics
are speechless.*



Cadillac 70
STANDARD OF THE WORLD



EAT & DRINK,
SWIM, RIDE, PARK,
PLAY, LAUGH, SING,
KISS, FIGHT, MAKEUP,
LOVE, FLIRT, HUG,
DANCE, CELEBRATE,
DO EVERYTHING...
TOGETHER!

BINACA
IS IN...
BAD
BREATH
IS OUT.



VERY PORTABLE. VERY POWERFUL.

GIVE
UNITED
HOSPITAL
FUND

for
78 voluntary
nonprofit
hospitals



3 East 54TH St., New York, NY 10022

Continued from page 11

You're in, Bill. Newman doesn't like many things."

"Here comes Leonard Lyons. Try to think of something funny that happened in Philadelphia."

"Hi Leonard. You know Bill Shakespeare, don't you?"

"Good play, Bill. I was sitting with Justice William Douglas. He liked it, too."

"Someone was on the train with Walter Kerr and just called in. Kerr seemed to be arguing over the merits of the play with his wife. I don't know if he was for it and she was against it, or if she was for it and he was against it."

"Kerr doesn't come out until Sunday. What did Barnes say?"

"Someone's on the phone to *The Times* now. Don't worry, Bill. With these TV reviews we'll take out an advertisement tomorrow to counteract anything Barnes says."

"But Barnes could like it."

"Of course he could like it. I'm just saying in case he didn't."

"Bill, I didn't see the play, because we had to go to *Oh! Calcutta!*, but everyone at our table who saw it said they cried. It's hard to get people to cry in the theatre any more."

"Look—here comes Seymour. He's smiling. Barnes must have liked it."

"Barnes flipped over it. Listen to this: 'I must admit the idea of two teenagers being in love with each other against the background of a family feud is something that ordinarily would set my teeth gnashing, but in the skillful hands of Bill Shakespeare *Romeo and Juliet* is a play that I advise everyone to go and see . . .'"

"We're in Bill! We're in!"

"Bless you Bill. Next to Neil Simon, you're now the hottest playwright on Broadway." □

Art Buchwald is the author of the new hit comedy Sheep on the Runway at the Helen Hayes Theatre.

Joy and the Jazzy John

You'd think nobody ever took a bath before, the way the decorators, the plumbing and cosmetic companies are carrying on about how to take it. As usual, the cosmetic faction is out front with ideas, some of them water therapy equivalents of up-and-down pills. But everybody else is into the act too, with ways to turn the stepchild into a pleasure place or even a palace.

The bathroom beautiful got an extra nudge into fashion when the papers reported on Mrs. Charles Revson's peachy new John in the done-over three-floor penthouse apartment that once belonged to Helena Rubinstein. It never was a slum, believe me, but now: There's a two-step climb before the plunge into a brown and white marble pool "so big I'm afraid I'll drown in it. I can't swim." The fixtures are gold and marble. There are heated towel racks. There is a push-button make-up mirror, triplex, that slides back and forth from the wall. (Lyn Revson, being a genuine natural beauty, scarcely needs a special mirror for the amount of make-up she uses. It is the amount of Revlon makeup used by kids like me that helps pay for all that marble and gold.) Of course, her bath water is seasoned and softened with all the perfumed oils of Arabia, many of which her husband owns. She is partial to Intimate Perfumed Bath Oil and to Norell's Milk Bath.

From Rome, the Princess Ira Furstenberg's new bathroom got a play in the papers. (Isn't everybody nosy about a Princess' can?) Hers is pure white marble, no veins . . . The bill for a hand-designed bathing "alcove" in one Beverly Hills house came to \$85,000. But then, it is a 1,500 sq. ft. alcove, the sunken tub nine

feet of black marble with gold fixtures, and surrounded by a high gold-plated railing, presumably to keep out poachers . . . In Memphis, one lady's tub is set at the end of a salon full of antique furniture, Empire chaise longue and all . . . Back in 1966, Neiman Marcus did well with their Christmas catalog item, Crane's His & Hers marble tubs, a sweet stocking gift at \$4,000 . . . Manhattan's chic bathroom specialist, Sherie Wagner, supplies his customers with faucets and tap handles in semi-precious stones, lapis lazuli, rose quartz, amethyst and the like. They do run up the bill by about \$495, but it's jewelry, isn't it?

Ah, yes, dull, inadequate bathrooms have never been a problem with the real rich. And now the movement is spreading to include the middle-income group, whatever that is in these days of tight money.

Last week I went to a show by that big national company, American Standard. Lots more exciting than the fashion show I cut in order to go, where the news would probably have been mini-maxi-midi, of which I've had plenty.

There were a half-dozen snappy "integrated bath-bedrooms" stitched up by the same number of interior designers. For luxury, pleasure and straight-out modern convenience it was enough to make a tenant of a 40-year old Manhattan apt. (that's me) feel wistfully underprivileged. In our house we are grateful that the plumbing works. But luxury? Forget it.

What fascinated me most were the plumbing innovations. For instance, one outside (30% wider) sunken tub called the Ultra-Bath. It is very Ultra, with an instant whirlpool (relax, baby) and a pre-

on a personal bias by Bernice Peck

set temperature and depth device. It has three shower heads: for shampoo, for avoiding hair drench and for hosing down. How's that for about \$1,300? I've seen people pay more for an evening dress.

Another tub, oh Romans, the Spectra 70, houses all jugs and jars on inset shelves in its fiberglass wall paneling. Cleverly engineered bath trays — or benches — can drop down for makeup, pedicure, sitting, reading — with twin overhead lights, too. Super. (About \$700.)

There are many decorated hand basins sunk into lovely counter space, in designs to appeal to all tastes and periods. What I dug the most was the equipment on so. Like a non-splash curving water-flow faucet for shampooing in the sink, about \$140. Another item called a Push-Pull faucet mixes up hot and cold water with one yank of one hand, \$33 . . . Of course there are new-model toilets and bidets, even one with gold fittings (\$304).

The floor plans for the six handsome

rooms I saw, plus booklets, will soon be available from American Standard, 40 W. 40th St., NYC 10018. Dept. H.M.

Even in my tired old 1930's tub, when it comes to the cosmetic angle a bath can do wonders. Like sliding ten years right off the state of the skin, something all cosmetic companies aim for these days. Scandia's Bath Magic does this. It's part of their new line of bathing beauties named Galore, mostly \$5 a crack. You cream on Bath Magic before the dunk to find that, honest, even the first time out, it has left a soft polish on the most indignantly rough dry skin. Smells glorious, too . . . For bubble lovers (and what a great way to cop out on scrubbing the tub) Frances Denney has a new golden gel, Bathing Spa. Aside from the flattering blanket of foam, it softens and takes the place of soap, \$7.50 . . . Vitabath products need no recommend from me, they are already that popular. A new one

is named Velour, probably because it velvets up the skin. The claim is that it contains the highest concentration of emollient oils ever poked into one bottle for after-bath slathers, \$5.

Impassioned declaration from one *Playbill* editor: "The only place I don't like Arpege is on ice cream." She can now extend her coverage. Lanvin is bringing out an Anna Held job, Arpege Foaming Milk Bath, a skin-enriching batch of bubbles, \$5; Arpege Bath Oil Crystals (the oil bit in the crystals is what does it), full of water-and-skin-softening emollients, \$5 for a huge 20 oz. jug; Arpege Swirl, a rich flowing perfume-loaded lotion to splash on après-bath, is another bargain, \$4 for 6 oz.

Fabergé is big on environment and the pleasure principle, even when it's just soap. Like their Xanadu French-milled Marble Ball, \$5 for 3 marbles, but \$10 for a Plexiglas throne to sit them on . . . Estée Lauder's Azurée collection includes

a skinny bath to follow up exercises. It is also an up-pill—you feel so good. Mix a cap of her European Mineral Bath salts (sulphur, seaweed extract, etc.) with a cap of Mint Pick-Up Bath and wow, away you go, \$7.50 and \$6.50 . . . Houbigant's Chantilly Body Powder Mist smells lacy but wakes up the skin anyway, with its cool blast, \$3.75 . . . And some people wouldn't live without British Vic, that old-timey grainy washrag that revs up the circulation like a loofa mitt, only it's easier to travel with, \$1.

Luxury in my 5 x 7 bathroom can't include marble and space. But way back in a closet is a vintage ermine coat. Too yellow, too dated, to ever wear again. But wouldn't it cut up into a jazzy bathmat? I'll do it. Johns all over are certainly changing. Even the public versions. One tremendously elegant 56th Street restaurant has a pink bidet in its Ladies. Style up, everybody. □

The Back Room at
Nathan's.

There's more going on
than meets the eye.



Nathan's Back Room. A before and after theatre experience. Marvelous food. Old-fashioned atmosphere. Great bar. Waiter service. Sensible prices. You'll love it! Res.: 594-9550

Lower Level, Nathan's—Broadway & 43rd.

CHANDLERS
240W52NDST
CHANDLERS
49E49STNYC

Now there are two prime steak houses. Choose between Chandler's East and the exciting, new Chandler's West in the heart of the theatre district . . . both serve the same superlative steaks, chops, roast beef, luscious live trout and lobsters . . . seven days a week at the conventional hours and after-theatre, too. Reservations: CHANDLER'S WEST 240 West 52nd Street 581-4772 CHANDLER'S EAST 49 East 49th Street 751-1060

40

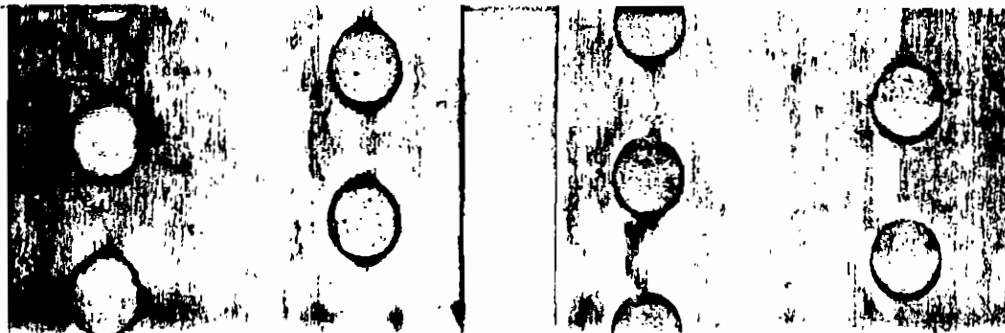
Scotch for people who know the difference

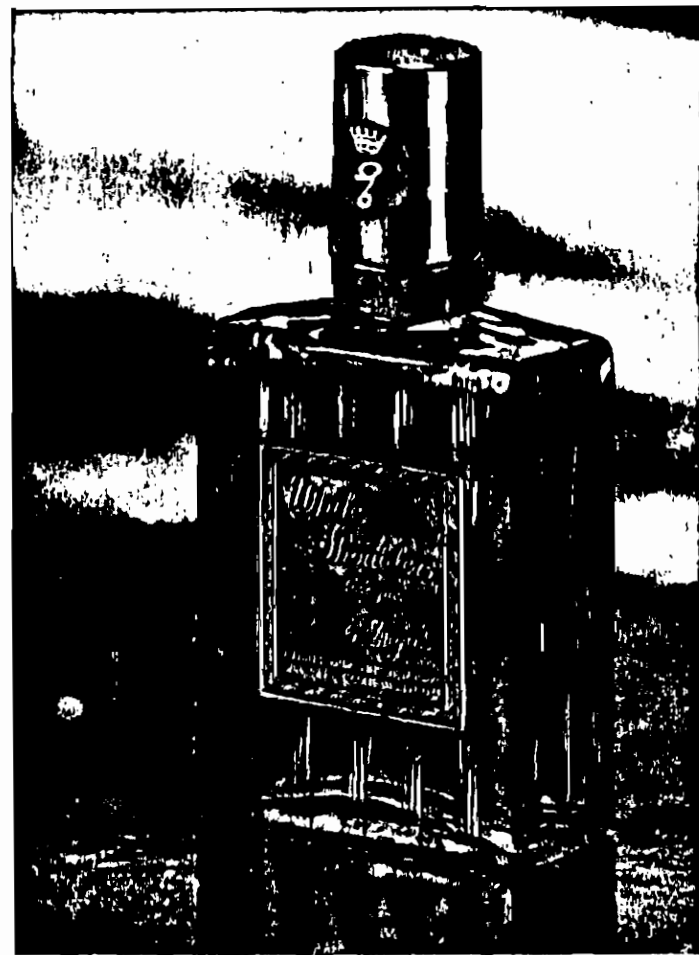


"Black & White"

BLACK & WHITE SCOTCH WHISKY • 66 & PROOF • THE FLEISCHMANN DISTILLING CORPORATION, N.Y.C. SOLE DISTRIBUTOR

41





WHITE SHOULDERS ATOMIZER *by Bryan*



PlayBILL OF FARE

by EMORY LEWIS

WHETHER it be the Duchess of Argyll or Katharine Hepburn, L'Aiglon has always been a hangout for royalty. Dressed in opulent red, white, and gold, L'Aiglon has wooed the planet's elect at the same address (13 East 55th Street) for fifty years, an astonishingly long run for a local inn.

The decor is Napoleonic. The rear dining room, with its murals depicting the brief, unhappy life of the emperor's eagle, is by far the more elegant, but royalty pervasively prefers the banquettes up front in the small bar.

Owners Guido Boechioli and Joseph Maestro profoundly understand the proper rites of dining. Guido, the wise host, learned his secrets at both the Semiramis Hotel in Egypt and the King David in Israel. L'Aiglon, open for lunch and dinner, is French with a slight Italian accent. Entrée masterworks include the veal chop à l'Aiglon (in a bed of green noodles and topped with a superb mornay sauce), braised sweetbreads en casserole clamart (a garnish of artichoke hearts and green peas), and the piccata à la Guido (veal scallopini sautéed and embellished with zucchini). Telephone: PL 3-7295.

MARLOWE's, which opened several weeks ago, is happy news. For Marvin Rubin, the former impresario of Manny Wolf's and Chandler's, cares passionately about the quality of food, and his new restaurant at 142 East 53rd Street is proof positive of his uncommon concern.

The menu at Marlowe's lists chiefly steaks, chops, and seafood, with an Italian specialty or two. I ordered an aged prime sirloin steak (\$8.75) that was incredibly

tender and flavorful, one of the half-dozen great steaks among my gustatory memories. On another occasion, I tried the Danish lobster tails caught in the waters off Iceland. Again I was impressed, for the meat was delicately sweet and not a bit rubbery.

Along with notable food, marble-floored Marlowe's is eye-pleasing. Designed by busy Ronnie Brahma, the restaurant somewhat resembles an English manor house, although I detected Mediterranean overtones in the convoluted woodwork.

Petite songbird Norma Shepherd jauntily presides at the piano in the Antler Lounge on Thursday, Friday, and Saturday nights. For other details, 838-0130.

THE pride of Galway, Jim Downey, started his larky pub out of his winnings at the racetrack. His blithe saloon soon became the place to go when such Actors Studio types as Anthony Franciosa and Ben Gazzara started to call it home.

Now under the ownership of suave Gil Weist, a stage-struck investor in musicals, Downey's remains a convenient and amiable haven for both mummery and theatre-goers. The decor has been vastly improved, with lots of polished brass, additional old-fashioned etched glass, and walls festooned with theatre photographs.

The food is much better, too, and I hasten to add, more expensive. For an overture, I recommend the slivers of Irish smoked salmon, served with capers and onions. The prime lightweight steak is a wise choice at \$4.95, and the fried Galway Bay shrimp a deserved favorite at \$4.50. I invariably order a side dish of delicious broiled mushroom caps. For reservations, dial PL 7-0186.

ACT 1—42nd & B'way (16th floor, Allied Chem. Tower). Dramatic dining in 19th Century English Elegance. Fine Food. After theatre Disco till 3 A.M. L.C.D. aft. theatre supper from 10:30 P.M. AE DC CB 695-1820.

AFRICAN ROOM—156 W. 44 (at B'way). Jungle decor. Dancing. L.D.S. Exciting Afro-Caribbean revue nightly. Never a cover charge. Catering (5-175). Sweet 16 Safari Parties. Show Ticket Stub for a free gift. JU 6-7575.

ALBERT FRENCH REST.—42 E. 11 St. Just E. of 5th Ave.) Compitry glass of champagne with compl. D-\$4.25. Sirloin, Jumbo Shrimp, Ham Steak. "Seconds". FREE guided Village Bus Tour. Maj. Credit Cards. Bar, L.D. OR 3-3890

THE ATHENIAN—709 8th Ave. (Bet. 44 & 45 St.) "A Bit of Greece in The Heart of The Theatre District." Dinner & Late Supper. Live Bouzouki Music & Entertainment. Open 4:30 PM to 3 A.M. Credit Cards. 581-1667.

CAFE FUNDADOR—148 W. 47th St. (OFF-BWAY) SELECT FOOD FROM SPAIN & MEXICO. LUNCH, DINNER, SUPPER. AFTER THEATRE DINING. PARTIES. MAJ. CREDIT CARDS. RECOMMENDED BY GOURMET & CUE. 265-3890.

CHARLES FRENCH RESTAURANT—Ave. Americas-10th St. Lush Golden Days of La Belle Epoque live on in Elegant Setting. Grand Presentation D. Including French Champagne — \$9.50. A la Carte fr. \$4. Valet parking. GR 7-3300.

CHINA BOWL—152 W. 44th St. (B'way & 6th Ave.) Authentic Cantonese Cuisine in the heart of Times Sq. Luncheon Dinner & After Theatre. Featuring combination plates & Family Dinners. Cocktails JU 2-3358.

THE CROWN ROOM—12th Avenue at 42nd St. Sweeping view of the Hudson and oceanliners. Famed international cuisine—complete dinner—\$9.50. Theatergoers enjoy our free indoor parking. SHERATON MOTOR INN 695-6500.

FRANKIE & JOHNNIE—269 W. 45. CUE MAG.—"This Upstairs Restaurant has great steaks, chops, seafood since 1926". Dinner only 4:30-1 A.M. Free pkg. From 5 P.M. Steps away from theatres. Dinners, Amer. Exp. 245-9717.

GALLAGHER'S—52nd St. Just west of Broadway. N.Y.'s official steak house for over 40 yrs. The restaurant of stage and sports celebrities. Only the finest naturally aged beef. L.D.S. EVERYDAY. Sun. & Holl., too. 245-5336.

THE GOOD TABLE—(LA BUENA MESA) 355 W. 46TH BET. 8TH & 9TH AVE. 5 COURSE FONDU DINNER WITH 4 WINES \$9.00. AFTER THEATRE SUPPER. LIVE LATIN AND SPANISH ENTERTAINMENT. TEL. 765-7848.

HO-HO—131 W. 30. CI 6-3256. Dine on fine Cantonese & Mandarin dishes in lovely modern setting. L. D & After Theatre. A la carte 11:30 am-4 am. Cocktail lounge. Free parking (exc. Sat.) after 6. AE, DC, CB & MC.

KASHMIR—108 W. 45th St. Exotic curries of India and Pakistan served daily noon till midnight. Weekday Luncheon \$1.40. Complete Pre-Theatre and After-Theatre Dinners priced fr. \$2.65. Cocktail Lounge. CI 7-8785

LA BROOKE—123 W. 44th St. CHEESE SUFFLES. A real French bistrot; cafe's to before and after theatre clientele. L. 12-4. \$2.95 to \$4.95. Mon. thru Sat. Dinner 4 P.M. to 1 A.M. \$3.95 up. Closed Sunday. JU 2-4230.

LA FONDUE—43 W. 55th St. New and exciting. After theatre wine & cheese snacks, genuine Swiss cheese fondue, prime flat mignon, lunch-dinner amid an unusually charming Swiss atmosphere. Closed Sunday. 581-0820.

LA GRILLADE—845 8th Ave. (51 St.) Where former White House Chef Rene Verdon goes when in New York. Exceptional French cuisine moderately priced. Open daily. Credit cards. Lisette & Albert, hosts. tel. 265-1610.

LE VERY GALANT—60 W. 48 St. French cuisine. L-\$3.75 up. Hors d'oeuvres served with cocktails. Complete D-\$4.50 up from 5 PM to 10:30 PM. Sat. till 12:30 AM. Maurice-Chef & Owner. CI. Sun. All credit cards JU 2-7988.

L'ETOILE—1 East 59th St. If you missed a dinner of this beautiful food, don't miss supper when Disco dance music makes all the beauty there bounce. Weekend buffets are sumptuous always. 751-7025

LES PYRENEES—251 W. 51st Street. Superb French Restaurant. Theatregoers' favorite. Lunch, Cocktails, Dinner. Dinner & a la carte after 9 PM. Open Sat. till 1 A.M. Sun. from 8. Recom. by Holiday.—CI 6-0044.

MYKONOS—349 W. 46 St. (W. of 8th). Authentic Greek cuisine & music. The five Greeks (minus 1) are back entertaining nightly. Lunch 11:30 AM-2:30 PM. Cocktails, Dinner, & Supper. Open till 4 AM. 265-1590.

ORANGERIE—Rue 59 at Av. Madison. As romantic as a Mediterranean villa. Canopied banquettes, beautiful people, beautiful food. Open 7 days from brunch thru a very late, sophisticated supper. Stringing music. PL 9-2983

PATRICIA MURPHY'S CANDLELIGHT RESTAURANT—49 10th St. E. of 5th Ave. 38th St. & Mad. Ave., and Westchester, N.Y. Open everyday.—L C D—Sun. Brunch 49th St. & 38th St. personally super. and owned by Patricia Murphy.

PORT SAID—257 W. 29th (cor. 8th Ave.) CH 4-9322. Wine & dine in Arabian atmosphere. Oriental & American Cuisine. Bouzouki music, oriental Arabian, Turkish, Israeli belly-dancers. Open 9-3 A.M. 7 Days.

THE RAINBOW GRILL—49 St. & Rockefeller Cntr. Top of the evening, dine, dance show 65 floors above New York. Miss Bobbi Martin Mar. 6-Mar. 25. Jonah Jones Mar. 27-Apr. 16.

SKEWER ON THE TABLE—150 W. 49TH ST. CHARCOAL BROILED SEASONED MEATS, SEAFOOD, FOWL ON A 30 INCH SKEWER. SELF SERVED AT YOUR TABLE. COCKTAILS.—L \$2.95 D-\$3.85 OPEN 7 DAYS TEL. 246-4877.

SPINDLETOP—254 W. 47th St. CI 5-7326. Steaks, prime ribs, seafood, crepes. D 4-1 am, a la carte entrees \$3.95 up. Late supper till 1 am, \$2.95 up. Ent. nightly. Dancing Sat. from 9 pm, in Winner's Circle Room. Amer. Exp., CB, DC.

THREE LIONS PUB & REST.—305 E. 41st. Authentic English cuisine. L \$2.10 up; D 5-10 pm \$4 up; after-theatre snacks. Open daily 8 am-3 am. FREE D & theatre parking (6 pm-1 am). Bus to theatre district in minutes. 667-3220

37TH ST. MIDWAY—32 W. 37 St. Warm-intimate. Din. & Danc. nightly with cont. cuisine. Feat. Trio Romantica. Dinner till midnight. Sat. to 1 or a la carte snacks after 9:30. Free pkg. aft. 6. WI 7-8940-1

A Vehicle of Venerly

by James Lipton

EDITOR'S NOTE:

A year ago a book by James Lipton called **AN EXALTATION OF LARKS** (Grossman Publishers, Inc.) became a somewhat surprising best seller—surprising by virtue of the subject matter, which was collective nouns or "terms of venerly" (for example, A PRIDE OF LIONS, A GAGGLE OF GEESE). The author, however, being a man of considerable imagination, was unwilling to content himself with existing collectives, even poetic and esoteric ones, like A MUSTERING OF STORKS or A SHREWDNESS OF APES. Consequently, he invented some of his own. . . . Since James Lipton has been at one time or other an actor, director, choreographer and playwright (e.g. the musical *Sherry*), it is not unexpected that a number of these original terms of venerly should refer to his special province. **PLAYBILL** asked Mr. Lipton if he would put together for us some of these collectives on theatre—the result, "A Vehicle of Venerly."

Onstage

A gathering of some of the grand ladies of theatre (say, Hepburn, Hayes and Harris) is properly referred to as **AN ENTRANCE OF ACTRESSES**. On the other hand, a collection of untied ingenues is **A WIGGLE OF STARLETS**. Both groups owe their livelihood to **A PINCH OF PRODUCERS**, who in turn owe theirs to **A HOST OF ANGELS**. . . . If the show is a musical, chances are the stars will be joined onstage by **A QUAVER OF SOPRANOS** and **A RUMBLE OF BASSES**, as well as **A FLOAT OF DANCERS** (female) and **A FLIT OF DANCERS** (male).

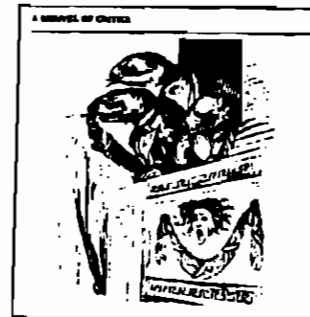
Out Front

In every audience there is a group who might be best identified as **A HACK OF SMOKERS**. Their noisy activities are

often rivaled by **A LOAD OF DRUNKS** and **A SLUMBER OF OLD GUARD**. . . . The majority of the audience, however, is composed of **A BELLYFUL OF BORES**, who the minute the curtain falls become **A DASH OF COMMUTERS**, scurrying into the street to face **A CHARGE OF TAXIS**.

Meanwhile

The stars exit through the stage door and make their way through **A CLICK OF PHOTOGRAPHERS** and **A SHRIEK OF CLAQUES**. They hurry to a famous restaurant where they are faced by **A BLARNEY OF BARTENDERS** and **AN INDIFFERENCE OF WAITERS**. Here, nibbling on **A CLUTCH OF EGGS**, they await the early editions of the newspapers, which will contain the verdicts of **A**



SHRIVEL OF CRITICS. If the reviewers turn thumbs down, then the play must expect **AN UNCTION OF UNDERTAKERS** (or in the case of a real flop—**AN EXTREME UNCTION OF UNDERTAKERS**). If, however, the play is a hit, then the stars can look forward to **A THRILL OF FANS**—and, alas, **A DESCENT OF RELATIVES**.

Theatregoers' Scrapbook

GUT-LEVEL THEATRE

During a recent brief visit to New York, the newly-knighted Sir Noel Coward told critic Emory Lewis that he had seen several plays (including his own *Private Lives*) but no operations. "I wish I had more time for a hospital tour. Watching operations is my favorite kind of theatre, you know. I've observed many operations in both London and New York, operations performed on both friends and strangers. . . . I suppose I like to see a great artist at work, and that's what a surgeon is."



OSCARS FROM BROADWAY

Among 82 major nominations for the Academy Awards this year, 24 (roughly 30 percent) went to filmed adaptations of Broadway plays or musicals. It was the late Maxwell Anderson's *Anne of the Thousand Days* that swept the field with ten nominations including Best Picture, Best Actor (Richard Burton), Best Actress (Genevieve Bujold) and Best Supporting Actor (Anthony Quayle). Broadway's durable *Hello, Dolly!* starring 1969 Oscar winner, *Funny Girl* Barbra Streisand, was nominated in six categories. (Barbra, incidentally, shared Best Actress last year with *Coco's* Kate Hepburn, who picked

up her Oscar for *The Lion in Winter*, another Broadway transplant.) Other of this year's Oscar contenders that are old-hat to theatregoers: *Paint Your Wagon*, *Sweet Charity*, *The Prime of Miss Jean Brodie* and *Cactus Flower*. . . . —Bruce Williamson

HISTORIC HAPPENINGS—APRIL

April 6, 1885—Lyceum Theatre, one of the first with electricity, opens

April 13, 1925—President Coolidge opens the first Theatre Guild season

April 29, 1929—Mae West arrested for appearing in her play *Sex*

—Andrew Herz

"WRITE FOR YOURSELF, NEIL SIMON"

At one of the George Spelvin luncheons PLAYBILL hosts for important members of the theatre community and prominent members of the business community, Neil Simon (*Last of the Red Hot Lovers*, etc., etc., etc.) told the assembled group: "When I start out to write a play, I think of myself and my friends. . . . It's only when the play is in rehearsal or on tour that I realize there are other influences and tastes that must be considered."

WORDS, WORDS, WORDS

A musical that recently opened on Broadway, features a song which includes in its title that four-letter word. It makes us realize how far we've come since 1907 when Synge's *Playboy of the Western World* opened in Dublin. In the third act of *Playboy* when one of the characters used the word "shifts" (referring, of course, to a lady's undergarments), it caused such an uproar that for the remaining week the police were required to control the audience. →

compiled by Joan Alleman Rubin

46

We have

72

new reasons

why the

Diners Club Card

is better than
ever before.

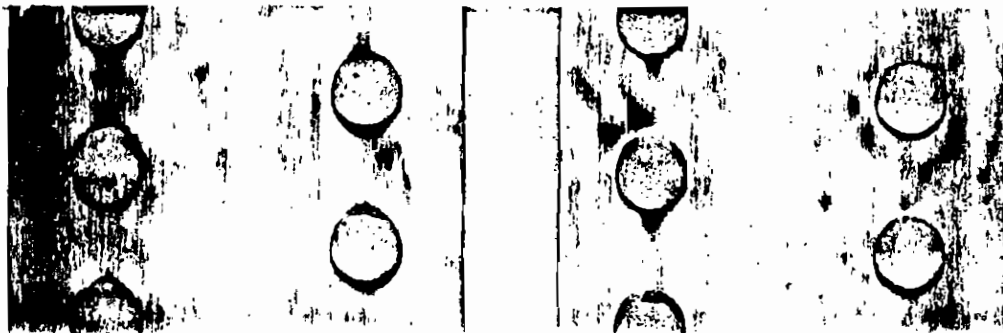
All of them

Hilton.

Now, Diners Club is honored at the 72 Hilton Hotels and Inns across the United States. (You can also use our card at all the international Hiltons.) A Hilton address and a Diners Club card is all you need to be at home anywhere in the world.



47



CRITIC'S CORNER

Excerpt from a memorable review panning a amateur performance of *Hamlet*: "There has long been a controversy over who wrote Shakespeare's plays — Shakespeare or Bacon. I propose to settle it today by opening their graves. Whoever turned over wrote Hamlet."

—Robert Hendrickson

PLAYWRIGHTS IN THE SKY

For several years Iberia Airlines has been naming its planes after great Spanish artists. The DC-8's were painters, the Caravelles were musicians and now with the new 747's, Iberia has begun a series of playwrights. The first three jumbo jets are named Cervantes, Lope de Vega and de Leon. . . . Wouldn't it be nice if, say, TWA picked up this idea, using, of course, American playwrights. Imagine sitting in a Superjet and hearing the loudspeaker announce, "Welcome aboard the Tennessee Williams, this is your pilot, Stanley Kowalski. . . ."

APRIL OPENINGS

Cry For Us All—A musical based on the Off-Broadway hit, *Hagen's Goat*. Starring Joan Diemer, Robert Woods, Steve Arlin.

Inquest—A play about the trial of Julius and Ethel Rosenberg with Anne Jackson, James Whitmore, Larry Ryden, George Grizzard.

Company—A modern musical about marriage produced and directed by Harold Prince. Elaine Strick, Barbara Barry and Dean Jones head the cast.

PRESIDENTIAL "HANGUPS"

After the February 22nd command performance of the musical *1776* at the White House, President Nixon told Virginia Vestoff, who plays the part of Abigail Adams, that she could hang her laundry in the East Room any time she cared to. . . . It seems that back in 1797 when John and Abigail Adams were first residents of

the White House, the East Room was where Mrs. Adams strung her washline.



PORTRAIT OF AN ARTIST

Does the biography listed below describe the life of Ibsen, Chekhov or Strindberg?

Born into a highly respected but bankrupt family in the mid-19th Century . . . attempted to pursue a medical career but was forced to give up his studies in order to earn a living . . . received a grant when one of his first published works caught the attention of some government officials . . . became recognized as a playwright largely through a theatre with which he was intimately connected . . . became disenchanted with his government and spent some time in self-imposed exile . . . returned to his country where he enjoyed success . . . died of an illness from which he suffered for a number of years.

answer: All three

WHO'S TONY?

Most people know that the Tony Awards are named for Antoinette Perry, but perhaps only some are aware that Miss Perry, in addition to being an actress and the World War II Chairman of the American Theatre Wing, was also the original director of *Harvey* back in 1944.

ATTENTION READERS:

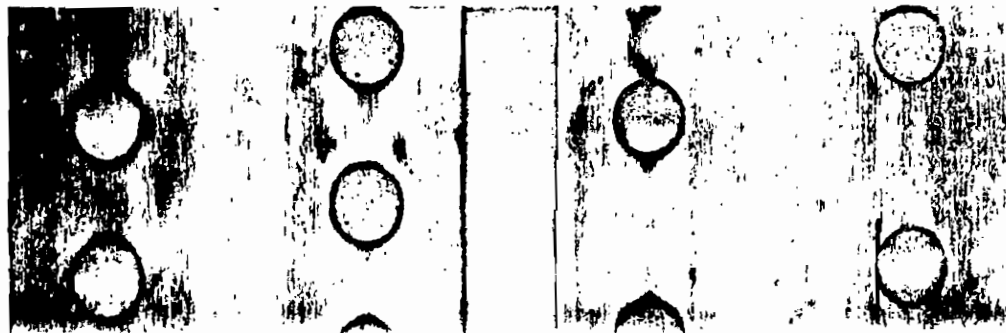
Do you have any special memories, anecdotes, quips or quotes about the theatre? Send them to Scrapbook, PLAYBILL, 3 E. 54th Street, NYC 10022.

Our legend claims
if you sip a perfect Scotch
you'll hear 100 pipers play.

That's a lot of Pipers.
But then 100 Pipers
is a lot of Scotch.

100 Pipers Scotch.
From Seagram, Scotland.

Every drop bottled in Scotland at 86 Proof.
Bottled Scotch Whisky, Seagram Distributors Co., N.Y.C.



UNITED STATES GOVERNMENT

Memorandum

TO : Mr. W. C. Sullivan *[Signature]*

FROM : W. A. Branigan *[Signature]*

SUBJECT: JULIUS ROSENBERG
ESPIONAGE - RUSSIA

1 - Mr. C.D. DeLoach
1 - Mr. T.E. Bishop
1 - Mr. W.C. Sullivan

DATE: May 25, 1970

1 - Mr. W.A. Branigan
1 - Mr. J.P. Lee

Tolson _____
DeLoach _____
Walters _____
Mohr _____
Bishop _____
Casper _____
Callahan _____
Conrad _____
Felt _____
Gale _____
Rosen _____
Sullivan _____
Tavel _____
Trotter _____
Tele. Room _____
Holmes _____
Gandy _____

This memorandum reviews an article in "The New York Times" magazine section for May 24, 1970, critical of the death sentences given to Julius and Ethel Rosenberg, executed Soviet agents.

"The New York Times" magazine section on May 24, 1970, contains an article by Walter Goodman entitled "The Rosenberg Case: An Inquest on an Inquest." Goodman has seen the play "Inquest," a pro-Rosenberg and anti-Government play currently showing on Broadway and states the play did not convince him that the Rosenbergs were innocent. He then sets out what he refers to as the FBI's account of the case which was accepted by the jury. He claims that the conviction of Alger Hiss, the detonation of the atomic bomb by the Soviets and the accusations made by the late Senator Joseph R. McCarthy were all items which made this a time "less conducive to the cool administration of justice." Goodman theorizes that if the Rosenbergs had been given a sentence similar to that given Klaus Fuchs in England (14 years), the case might have ended there, but the death penalty served to make the case an international "cause celebre."

Goodman mentions the book "Invitation to an Inquest" written by Miriam and Walter Schneir and notes that their theme is that no crime at all was ever committed and the FBI manufactured the whole case against the Rosenbergs. He refers to the play "Inquest" and this book as examples of "historical revisionism."

The author then develops the theme that although the Rosenbergs were guilty, they should not have been executed and refer to the executions as a gratuitous piece of vengeance, exercised by small men in a frightened time. He then attempts to equate the Rosenberg case to the actions of the New Left of today and calls for moderation in the prosecutions and in the sentences given in handling the individuals he refers to as the "bully boys" of the New Left.

65-58236

JPL:tdp
(6)

REC-10

65-58236-243

CONTINUED - OVER

1970 F352
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 8/5/86 BY 3042 RWS

18 JUN 2 1970

Memorandum to Mr. W. C. Sullivan
RE: JULIUS ROSENBERG
65-58236

[REDACTED]

ACTION:

For information.

b7C
WSS

✓

7/1
for
over
accys
since father give
Goodman nothing.
H

F B I

Date: 5/21/70

Transmit the following in _____
(Type in plaintext or code)

AIRTEL

Via _____
(Priority)

TO : DIRECTOR, FBI (65-58236)
 FROM : SAC, NEW YORK (65-15348)
 SUBJECT: JULIUS ROSENBERG
 ESP-R
 (OO:New York)

Enclosed herewith for the Bureau is an article
 entitled "The Rosenberg Case: An Inquest on an Inquest,"
 by WALTER GOLDMAN.

The above article was obtained by the NYO from an
 advance copy of "The New York Times Magazine," which will
 appear in the "New York Times" on 5/24/70.

The above article is an analysis of the ROSENBERG
 case in relation to the present Broadway play "Inquest,"
 which is presently being presented at the Music Box Theatre,
 NYC and is based upon the ROSENBERG case.

The above article is being furnished for the
 information of the Bureau.

2 Bureau (Enc. 1) (RM)
 1-New York (100-37158)
 1-New York

PFD:ms
 (5)

ALL INFORMATION CONTAINED
 HEREIN IS UNCLASSIFIED
 DATE 8/5/86 BY 3042 RDR/RUS

5 5 JUN 15 1970

Approved: _____
 Special Agent in Charge

Sent _____ M Per _____

(Mount Clipping in Space Below)

The Rosenberg Case:

An Inquest On an Inquest

By **WALTER GOODMAN**

ABOUT halfway through a performance of "Inquest," the play about the Rosenberg case that arrived on Broadway a few weeks ago, it occurred to me that I was at moments being moved, but never for a moment convinced. An uncomfortable feeling, with its suggestion that one is being worked on rather than communicated with, yet appropriate to the play's subject.

Nearly 20 years ago, when the Rosenberg case was running its grim course, thousands of liberal Americans found themselves in a similarly uncomfortable position; they were not persuaded that Julius and Ethel Rosenberg were innocent, still the

prospect of their deaths came as a horror. The new play, subtitled "A tale of political terror," need not detain us either as a piece of theater or as a political document — but the period it recalls, when the Rosenbergs suffered their ordeal and a part of the nation went through an ordeal of its own, does, I think have pertinence for our own troubled times.

The manner in which the Rosenbergs were implicated in espionage was sufficiently intricate to satisfy expectations aroused by Eric Ambler. In brief, to follow the F.B.I. account which was accepted by the jury, the story began with the sensational arrest in England, in February, 1950, of Klaus Fuchs, a German-born nuclear scientist then attached to the British atomic energy installation at Harwell. From December, 1943, to June, 1946, Fuchs had worked in this country, mainly at Los Alamos, N.M., where the atomic bomb was being devel-

WALTER GOODMAN is the author of a forthcoming book on the Marcus-Itkin-De Sapio case.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 8/5/86 BY 3042 PWT/BA

(Indicate page, name of newspaper, city and state.)

New York Times
Magazine

New York, NY

page 28

Advance copy
due for publication

Date: 5/24/70

Edition:

Author: Walter Goodman

Editor:

Title:

Character:

or

Classification:

Submitting Office: NY

☐ Being Investigated

65-58236-2432
ENCLOSURE

2

oped. He pleaded guilty to passing secret materials both in America and in England for delivery to the Russians.

From Klaus Fuchs the trail led to a 39-year-old Philadelphia chemist named Harry Gold, who had served as courier between Fuchs and Anatoli A. Yakovlev, Soviet vice counsel in New York City. Gold pleaded guilty of conspiring with Fuchs to relay atomic energy data to the Russians, and was sentenced to 30 years' imprisonment.

In June 1950, came the arrest of David Greenglass, a 28-year-old New York City machinist, who had been stationed in Los Alamos as a soldier during the war. He was charged with giving Harry Gold, in June, 1945, "a sketch of a high explosive lens mold" as well as other material relating to the top secret work at Los Alamos. For this he received \$500 from Gold.

Greenglass decided to cooperate

with the Government, and in July, his brother-in-law, Julius Rosenberg, a 32-year-old electrical engineer living in Knickerbocker Village, a housing development on the lower east side, was arrested. A few weeks later Julius' wife Ethel, older sister of David Greenglass, was taken into custody. The Rosenbergs, parents of two young children, were charged with conspiring with Gold, Greenglass and the latter's wife to obtain national defense secrets for the Soviet Union. Unlike the others, they pleaded not guilty. (At a grand jury hearing, before her arrest, Ethel pleaded the Fifth Amendment to questions related to the allegations of spying; thereafter, she professed innocence.)

David Greenglass testified that it was the Rosenbergs who persuaded him to pass secrets. The key event in his picturesque account occurred on a day in January 1945, when Julius

(Continued on Page 87)

(Continued from Page 29)

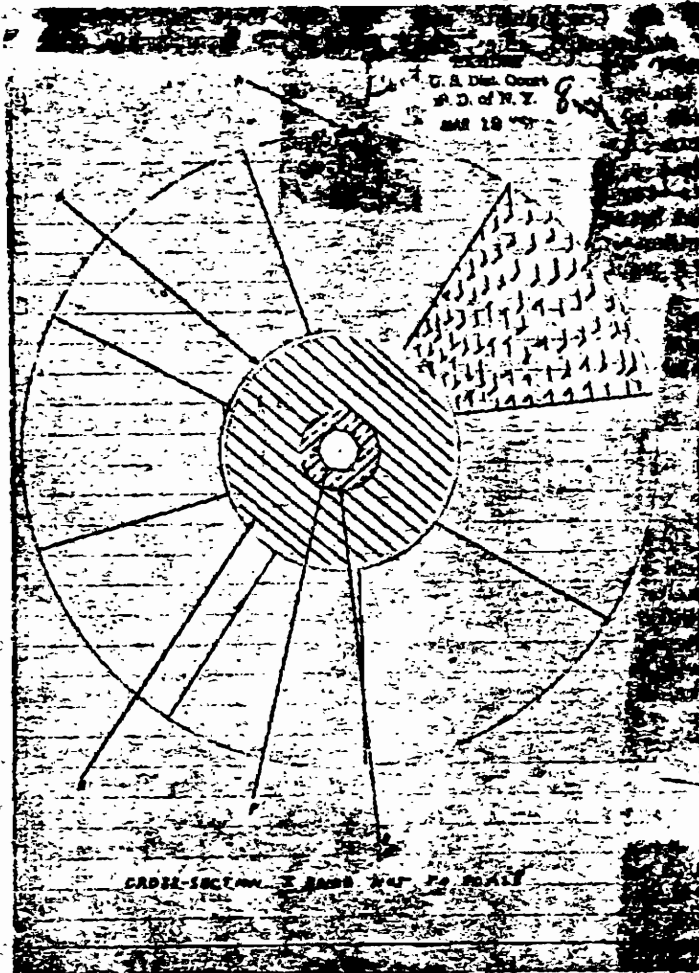
Rosenberg gave him one piece of a side from a Jello box and retained the matching piece—to serve, Rosenberg explained, as a means of identification for the courier who would be sent to pick up information at Los Alamos. Harry Gold testified that the matching piece of the Jello box was given to him by Soviet Vice Counsel Yakovlev—which permitted one to deduce that Yakovlev

had obtained it from Rosenberg.

On a Sunday morning in June, 1945, Gold, fresh from a visit to Klaus Fuchs in Santa Fe, N. M., called on David Greenglass in Albuquerque: "I said, 'Mr. Greenglass?' He answered in the affirmative. I said, 'I come from Julius,' and I showed him the piece of cardboard . . . that had been given me by Yakovlev. . . . He asked me to enter. I did. Greenglass went to a woman's handbag and brought from it a piece of cardboard. We matched the two of them." Later in the day Greenglass gave some

material to Gold, who turned it over to Yakovlev. Greenglass also testified that after the arrest of Klaus Fuchs, Julius Rosenberg gave him \$4,000 with which to leave the country—as the Rosenbergs themselves evidently intended. (David Greenglass was sentenced to 15 years.)

An accompanying theme to the Rosenberg case began on Aug. 18, 1950, with the arrest of Morton Sobell, a 33-year-



A copy of an alleged sketch of the Nagasaki atom bomb which David Greenglass testified he gave to the Rosenbergs in 1945 for transmission to the Soviet Union.

old electrical engineer who had been a classmate of Julius Rosenberg at City College. Max Elitcher, an electrical engineer with the Navy and an old friend of Sobell (according to Elitcher, they had been Communist party members together before the war), testified that Sobell and Rosenberg had sought to persuade him to supply them with data and with other recruits for their espionage enterprise. Elitcher was at first reluctant, then slightly receptive. One night in the summer of 1948, he accompanied Sobell on a trip to Knickerbocker Village, for the purpose of dropping

off a can of 35-mm. film. It did not strengthen Sobell's plea of innocence when the jury learned that he had been picked up in Mexico, where he was living with his wife and children under assumed names. Morton Sobell, who did not testify at his own trial, received a 30-year sentence.

The trial of Communists accused of giving atomic secrets to the Russians could scarcely have come at a time less conducive to the cool administration of justice. The recent exposure of Alger Hiss as a helpmate of the Soviets in the 1930's had confirmed for the political right everything they had always believed about the New Deal. On the left, the case had been traumatic. Many liberals, out of an instinct bred in the days of the prewar Popular Front and revived by our alliance with the Russians in World War II, had defended Hiss, identified with him, given him their trust, and had been repaid with perjury. It was a shattering experience. "American liberalism has been reluctant to leave the garden of its illusion," wrote Leslie Fiedler after Hiss' conviction in 1950, "but it can dally no longer: the age of innocence is dead. . . . We who would still like to think of ourselves as liberals must be willing to declare that mere liberal principle is not in itself a guarantee against evil; that the wrongdoer is not always the other—'they' as opposed to 'us'; that there is no magic in the words 'left' or 'progressive' or 'socialist' that can prevent deceit and the abuse of power." The liberal willingness to suspend disbelief had been sorely tried by Alger Hiss; it was not fit for heavy service to the Rosenbergs.

But more than the Hiss case was unnerving the nation. In the summer of 1949, the Russians had exploded an atomic device, thereby ending our exclusive franchise on the A-bomb. To a certain species of domestic politician, it was unthinkable that mere foreigners, and Communists at that, could have performed such a feat—unless, of course, they had stolen the know-how from us Americans. After all, had not a spy ring been uncovered in Canada, and was not the Un-American Activities Committee then devoting itself to the exposure of atomic scientists who had been identified as Communists? One member of that committee, young Richard

can liberals: "... it takes either a case-hardened and sometimes disingenuous naivete about Communists or a subtle strategic decision about where to draw the line to muster much enthusiasm for the defense of intellectuals who plead the Fifth Amendment."

The premises and purposes of the campaign by the National Committee to Secure Justice in the Rosenberg Case—sponsored by names familiar from the Progressive party and from the mastheads of innumerable fellow-traveling causes—were sufficiently blatant to put off political sympathizers, some of whom were reminded of the days when the Scottsboro Boys fell into C.P. hands. As Nathan Glazer remarked, "One could ask for mercy, and many people who believed the Rosenbergs guilty did, but certainly many others must have recoiled from becoming involved in a Communist campaign based on lies."

The official campaign was of a pattern with the Stockholm Peace Appeal and the protests against alleged U.S. germ-warfare in Korea—other large-scale efforts of the early

fifties to exploit the emotions of millions for the benefit of Soviet policy. The Rosenbergs themselves fell naturally into the rhythms of the thing. They wrote from their cells in Sing Sing: "No matter what the result, we will continue in our determination to expose the political frame-up perpetrated against us by those who would silence by death, through spurious espionage accusations, opposition to the conspiracy to impose war abroad and a police state at home."

EVERY cry for grace, wrote Leslie Fiedler, was made to seem "an assertion of innocence and made a condemnation of the United States, the Atlantic Pact, the European Army, and God knows what else." Dorothy Thompson, who spoke out against the death sentence, suggested that the high-pressure tactics were designed to make it impossible for U.S. officials to relent, and so to assure the Communist cause a couple of martyrs. In an editorial calling for commutation of the sentence, the editors of the Bulletin of Atomic Scientists took care to

emphasize that they were "aware that the worldwide, organized pressure—including the picketing of the White House—originates with political groups that have no respect for human life, do not believe in impartial justice, and applaud mass executions everywhere." In a similar spirit, the liberal Catholic Commonweal wrote in February 1953, after the Pope had issued an appeal for clemency, "Part of the great tragedy of the Rosenberg case has been its cynical exploitation by Communists groups. But some men of good will, men neither motivated nor duped by Communist polemic, and with no doubt of the Rosenbergs' guilt... would deny the Communists their martyr, and have urged mercy in the name of prudence."

The charge that the Rosenbergs were victims of anti-Semitism was a favorite among their supporters. (Nearly all the principals in their trial—defendants, witnesses, prosecutor Irving H. Saypol, abetted by Roy M. Cohn, Judge Irving R. Kaufman—

into the 1960's its unsuccessful campaign for a reprieve. (Sobell was finally released last year, having served out his long sentence, with time off for good behavior.)

In 1963, Walter and Miriam Schneir published a lengthy brief for the Rosenberg defense, *Invitation to an Inquest*. A diligently researched book, it contained suggestive accounts of the means used by the F.B.I. to refresh the memories of witnesses. The relentlessly partisan spirit of the authors, however, put one on one's guard. In order to accept the Schneirs' thesis—that not only were the Rosenbergs innocent of any crime, but no crime had been committed—one had to believe that every prosecution witness had lied, by direction of the F.B.I., which had also manufactured out of whole cloth evidence that linked the defendants to espionage. It was the frame-up cry all over again. Much as Prosecutor Saypol had drawn from his evidence a greater degree of guilt than in fact was present, so the Schneirs found more innocence than their facts could support. As partisans are wont to do, they spoiled the effects of their research by claiming too much for it.

Then came the play by Donald Freed, known in its first presentation at the Cleveland Play House last year as *The United States vs. Julius and*

Ethel Rosenberg. Using the Schneirs' book as a basic source, the playwright managed to mute its strongest portions, the fresh research, and spotlight its weakest, the portrayal as monsters of everybody involved in the case excepting only Julius and Ethel Rosenberg and their lawyer, who, as the old defense committee liked to put it, were "ordinary folks like the vast majority of us." Freed added some embarrassing "reconstructions" of his own.

Although the book is, with its faults, markedly superior to the play, both may be taken as examples of the "historical revisionism" that has been enjoying a vogue in this country during the past few years. At their best, the revisionists have offered refreshing interpretations of America's less attractive activities in the Cold War and elsewhere. At second-best, they tend, like the Schneirs, to impose on some facts rather more than the historian's craft permits, and to accord other facts less deference than the historian's responsibility requires. At its worst, anti-Americanism substitutes for scholarship and thought. Mr. Freed tells us that "as the war in Vietnam went on, I began to realize that the murder of the Rosenbergs was not an aberration but simply part of a murderous pattern." The mills that ground so furiously in 1952 and 1953 are grinding again, under different auspices.

As liberals of the time strove to make clear, it is not necessary to succumb to an America-the-murderous state of mind or mindlessness to believe that Julius and Ethel Rosenberg should not have been sentenced to death. That belief has nothing to do with their guilt; given the evidence, the jury's verdict was well within the bounds of reason. Defense counsel Bloch complimented the court on the conduct of the trial, and neither the American Civil Liberties Union nor the Court of Appeals found significant irregularities in it. Although one may regret the failure of the Supreme Court to undertake a review of the sentence, and deplore the haste with which the Justices were assembled to turn down a last-minute appeal, the Court's decision not to review is an unavoidable part of due process. And although one may be disgusted by the widely advertised offer of the Justice Department to exchange the couple's lives for a confession, and disheartened by the failure of Presidents Truman and Eisenhower to grant clemency, that does not bespeak a frame-up.

The Rosenbergs should not

have been executed (assuming that capital punishment had to be an option, and setting aside considerations of mere mercy) because the reasons that the prosecutor and the judge advanced for the ultimate sentence ranged from dubious to ludicrous. It required the credulity of an Irving Kaufman or a Julius Rosenberg to think that the sketches passed by David Greenglass enabled the Soviets to expedite their A-bomb by "years." As to the couple's responsibility for the Korean war, that is beneath comment. The executions were a gratuitous piece of vengeance, exercised by small men in a frightened time.

The Rosenberg case has echoes for today. Again political dissidents—more candid than the Rosenbergs and not in thrall to a foreign power—face angry authority. On one side there are howls for drastic repression. On the other we hear apologies to the effect that crimes may, indeed must, be excused if they are committed out of idealistic motives. A part of the left now informs us—as once we were informed that we could not "understand" the Old Left's deceptions except in the context of Capitalist Oppression—that we cannot today "understand" the New Left's bully boys except in the context of Institutional Repression. The yahoo right, which once cried for the blood of Communists, today wants Yippy heads busted. Political madness is abroad.

This is no time for liberal diffidence—an ailment to which liberals have periodically been prone—but it is, I think, a time for making distinctions of a sort that Judge Hoffman and Prosecutor Foran, like Judge Kaufman and Prosecutor Saypol have shown themselves incapable of making. Distinctions as to crimes and sentences which interest David Dellinger and Tom Hayden as little as they interested Julius and Ethel Rosenberg. Making distinctions is not heroic work—but surely there are now, as there were in the early 1950s, enough heroics being performed around this distracted land.

The principles that guided liberal opponents of the 1953 executions are still valid. Political idealism is not evidence of innocence in a court of law; neither is parenthood or youth or blackness or the war in Vietnam. Yet none of these can be ignored. In 1970, as in 1953, vindictive prosecutions and excessive punishments are more deeply subversive of our best values than spies or bombers. ■

*Julius and Ethel Rosenberg
in custody during their 1951
trial in New York. One thing that
emerged from the controversy around
the case: "Vindictive prosecutions
and excessive punishments are
more deeply subversive of our best
values than spies or bombers."*

