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F.O.I.A.

JULIUS ROSENBERG ET AL.

FILE DESCRIPTION

HEADQUARTERS FILE

SUBJECT JULIUS & ETHEL ROSENBERG

FILE NO. 65-58236

VOLUME NO. 44

SERIALS

247/ thru

2514

Inventory Worksheet
FD-503 (2-18-77)

File No: 65-5036
section 44

Re: ROSENBERG, ETHEL + JULIUS
MICKROPOL v MIEESE

Date: 11/86
(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	
2471	4-10-74	HEIM memo FRANK	3	3	b7c
2472	4-4-74	3 rd PARTY let HQ	1	1	
2472	4-11-74	HQ let 3 rd PARTY	1	1	
2473	4-23-74	3 rd PARTY let SH	1	1	b7c
2474	4-22-74	3 rd PARTY let RH	1	1	b7c
NR	4-23-74	Routing slip / and	1/1	1/1	b7c
NR	4-25-74	Routing slip	1	1	
NR	5-8-74	Routing slip	1	1	
2475	5-8-74	3 rd PARTY let HQ	1	1	
2475	5-16-74	HQ let 3 rd PARTY	1	1	
NR	3-8-74	3 rd PARTY let AG	1	1	
NR	4-5-74	HQ let 3 rd PARTY	2	2	b2 b7D b7c

16
Rev'd

16
Rel'd

0
Ref

0
denied

0
preserved

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p. + prov.

Inventory Worksheet
FD-503 (2-18-77)

File No: 65-58236

Re: ROSENBERG, ETHEL & JILLIS

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	
2476	5-1-74	3 rd PARTY let HQ	1	1	
- 2476	5-10-74	HQ let 3 rd PARTY	1	1	b7c
2477	5-2-74	3 rd PARTY let HQ	1	1	
2477	5-14-74	HQ let 3 rd PARTY	1	1	
IVR	5-14-74	FRANK memo JENKINS	4	4	
2478	5-22-74	AG let HQ land	2/9	8/9	
2478	5-28-74	HQ let NY	1	1	
2479	5-30-74	NY TI HQ	3	3	
2479	6-5-74	HQ let AG	2	2	
IVR	6-14-74	LEGAL COUNSEL memo MILLER	1	1	
2480	6-24-74	AG let 3 rd Party	2	2	
2481	6-19-74	HQ memo AG	3	3	

31
rev'd

31
rel'd

0
ref deny

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presumed

0
signature

File No: 65-58236

Re: ROSEBELLE, ETHEL + JULIUS

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	
2482	6-26-74	AAG let HQ	2	2	
2483	6-21-74	3 rd PARTY let HQ	1	1	
-	6-26-74	search slip	1	1	b7c b2
2482	7-11-74	HQ let 3 rd PARTY	2	2	
2483x	8-21-74	AAG let HQ and	1/2	1/2	
2483y	8-28-74	HQ let 3 rd PARTY	1	1	
2484	8-28-74	DAG let HQ	1	1	incl memo
2484	9-12-74	HQ let 3 rd PARTY	2	2	
NR	9-26-74	HQ let AAG	2	2	
2484x	10-8-74	3 rd PARTY let HQ	1	1	
-	10-15-74	search slip	1	1	b7c b2
2484x	10-25-74	HQ let 3 rd PARTY	2	2	

19
19
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revid revid revid long missed missed

Inventory Worksheet
FD-503 (2-18-77)

File No: 65-58236

Re: ROSENBERG, ETHEL + JULIUS

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	
2485	10-15-74	3 rd PARTY let HQ	1	1	
-	11-5-74	search copy	1	1	b7c b2
2485	11-7-74	HQ let 3 rd PARTY	1	1	
2486	10-30-74	NY AIT HQ / a.c.	3/2	3/2	
2486	11-6-74	HQ TI NY	1	1	
2487	11-13-74	NY AIT HQ	2	2	
2488	10-24-74	3 rd PARTY let HQ	2	2	
2488	11-12-74	HQ let 3 rd PARTY	2	2	
2489	10-16-74	HAC let 3 rd PARTY / a.c.	1/7	1/7	
2490	10-23-74	Legal Counsel memo Adams	3	3	
NR	11-14-74	HQ let 3 rd PARTY	2	2	
NR	11-26-74	Legal Counsel memo Adams	1	1	

29
rev'd 8
rev'd 0
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copy 0
presumed 0
proprio 0

File No: 65-58236

Re: ROSENBERG, ETHEL & JULIUS

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	
2491	12-3-74	3 rd PARTY let HQ	1	1	
2491	12-11-74	HQ let 3 rd PARTY	1	1	
2492	1-10-75	3 rd PARTY let HQ	1	1	
-	1-15-75	correspondence	3	3	b7c b7D b2
2492	1-21-75	HQ let 3 rd PARTY	2	2	
NR	2-4-75	NY let HQ	1	1	
NR	2-14-75	HQ let NY	1	1	
2493	2-28-75	NY A/T HQ	1	1	and missing
2493X	2-28-75	NY TT HQ	4	4	b1
2493X1	2-28-75	D-16 let HQ/and	1/4	1/4	
NR	2-28-75	Legal Council memo ADAMS	1	1	
2494	3-13-75	3 rd PARTY let HQ	1	1	

revised re-revised refiled deny presumed prefiled

File No: 65-58236

Re: ROSENBERG, ETHEL + JULIUS

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	
2494	3-17-75	HQ let 3 rd PARTY	1	1	
2495	3-14-75	NY TT HQ	2	2	
2496	2-24-75	DAG let HQ	1/2	1/3	
2496	3-12-75	HQ let 3 rd PARTY	2	2	
2497	2-20-75	3 rd PARTY let HQ / and	1/3	1/3	
2497	3-13-75	HQ let 3 rd PARTY	4	4	
2497X	3-13-75	Army let HQ / and	1/9	1/9	
2498	3-20-75	HQ TT NY	1	0	b1 Refer CIA 1 pgs b7D
2498X	4-8-75	Army let HQ / and	1/8	0/0	Refer 19 pgs Army
2498X1	4-11-75	State let HQ / and	1/9	0/2	Refer 8 pgs State
2498X1	4-17-75	Emergency Plans Development Adm. let HQ / and	1/2	0/0	Refer 3 pgs DOE
2499	4-14-75	HQ A/T NY	2	0	Refer CIA 2 pgs b1 b7D

b2
revid 29
revid 33
deny 0
presumed 0
propose 0

File No: 65-58236

Re: ROSCOFF, ETHEL JENNIFER

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	
2499X	4-18-75	Army let HQ/and	2/2	0/0	Refer 4 pag Army
- 2499X1	5-20-75	LEWISTER - memo WANNALL	1	1	
2499X1	5-15-75	Army let HQ/and	4/5	0/0	Refer 4 pag Army
2499X1	3-13-75	Legal Council memo Adams Member	3	3	
2500	3-21-75	House of Representative let HQ/and Member	1/1	1/1	
2500	4-10-75	HQ let House of Representative	3	3	
NR	4-10-75	HQ let 3 rd PARTY	2	2	
NR	4-10-75	HQ let 3 rd PARTY Member	2	2	
NR	4-10-75	HQ let House of Representative	2	2	b7c
2501	4-15-75	WFO let HQ	1	0	Refer 1 pg CIA
2502	4-11-75	Regat Tel Adviv II HQ	4	1	b7c
2503	5-7-75	WFO let HQ	1	1	b1

34
revid

20
revid

14
ref

0
Army

0
personnel

0
private

File No: 65-58236

Re: ROSEBERT, GERALD - JILLIES

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	
2504		missing	-	-	
- 2505	5-4-75	NY A/T HQ	2	2	
2506	3-13-75	LA let 3 rd PARTY	3	3	
2506X	5-1-75	DOJ Appeal Hout let 3 rd PARTY Jones	1/1	1/1	
2507		missing	-	-	
2508	5-15-75	AAG let 3 rd PARTY	2	2	
2509	5-2-75	AAG let 3 rd PARTY	3	3	
2510	4-3-75	NY A/T HQ	2	2	
2511	3-22-75	DOJ Appeal Hout let 3 rd PARTY Jones	1/2	1/2	
NR	3-25-75	HQ let NY Supreme Court	1	1	
NR	3-13-75	3 rd PARTY let HQ	2	2	
NR	4-8-75	HQ let 3 rd PARTY	2	2	

22
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22
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Ref'd

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proposed

UNITED STATES GOVERNMENT

Memorandum

- Assoc. Dir. _____
- Dep. AD Adm. _____
- Dep. AD Inv. _____
- Asst. Dir.:
- Admin. _____
- Comp. _____
- 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: 4/10/74

FROM : Mr. Heim

LJH

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/23/86 BY 3042 PWS/AB

W. Branigan
Branigan

SUBJECT: JULIUS AND ETHEL ROSENBERG
ESPIONAGE - RUSSIA

To recommend measures to be taken to counter recent publicity which portrays the renowned Rosenberg trial in light unfavorable to the United States Government.

BACKGROUND:

In 1951, Julius and Ethel Rosenberg were convicted of espionage against the United States following an intensive FBI investigation. After a lengthy series of appeals, they were executed in 1953. Over the past several months, the Rosenberg case has been given considerable attention. Certain television stations across the country have presented so-called public affairs documentaries which have suggested that the Rosenbergs were unjustly convicted.

OBSERVATIONS:

The Rosenberg trial was one of the most famous criminal cases in American judicial history. The conviction withstood review all the way to the U.S. Supreme Court. Even the American Civil Liberties Union stated after the trial that civil liberties were not an issue in the Rosenberg case. The trial judge in the case was Irving R. Kaufman who is currently Chief Judge of the U.S. Court of Appeals, Second Circuit. All judges and attorneys who handled this case were considered to be of the highest caliber. Current slanted efforts to resurrect doubt in this matter appear to be pure sensationalism with no factual basis.

Because of the widespread publicity given to the recent television shows on the Rosenberg case, consideration should be given to steps which might be taken to protect the position of the FBI and the U.S. Government in this matter.

Enclosures (2) - sent 4-12-74 km

12 MAY 7 1974

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

54 MAY 14 1974

RSY:jam (9)

8-ny

CONTINUED - OVER

Heim to Franck Memorandum
RE: JULIUS AND ETHEL ROSENBERG
ESPIONAGE - RUSSIA

In its 3/16/74 edition, "TV Guide" has published a succinct factual presentation of the Rosenberg case by Simon H. Rifkind. Judge Rifkind is a former Federal Judge from the Southern District of New York and was not personally involved with the case. The article is especially well written and counters the doubts raised in the recent television shows.

By memorandum W. A. Branigan to Mr. W. R. Wannall dated 3/12/74 and captioned as above, Assistant Director Wannall suggests that, where appropriate, External Affairs Division enclose a copy of Judge Rifkind's article to critical letters we received in response to the television program. Deputy Associate Director Miller agrees with Assistant Director Wannall, suggesting that more exposure to the Rifkind article should be considered including publication in the Congressional Record.

By letter dated 4/4/74, Triangle Publications, Inc., publisher of "TV Guide," gave us permission at no cost to reproduce article for information of our field offices and for use in response to outside inquiries regarding the Rosenberg case. Conditions established by "TV Guide" require only that we credit the author and that the reprint be accompanied by a credit and copyright notice reading as follows:

"Reprinted with permission from TV GUIDE[®] Magazine.
Copyright © 1974 by Triangle Publications, Inc.
Radnor, Pennsylvania."

RECOMMENDATIONS:

(1) That attached letter of appreciation be sent to "TV Guide" for their cooperation in this matter.

(2) That, where appropriate, External Affairs Division utilize the Rifkind article, with appropriate credit and copyright notices, in response to letters we receive relative to the television programs.

*Note
NY*

*Noted in
Correspondence
Jew*

Heim to Franck Memorandum
RE: JULIUS AND ETHEL ROSENBERG
ESPIONAGE - RUSSIA

RECOMMENDATIONS: (CONTINUED)

(3) That Congressional Services Office make efforts to have the Rifkind article reproduced in the Congressional Record.

*Forwarded to CSO
4/15/74
RF*

*Handled by Dir.
with Staff HISC
for Chairman Ichard,
4-18-74. b7c*

(4) That a copy of the Rifkind article, with appropriate credit and copyright notice, be sent by routing slip to each field office for information and for use in responding to inquiries received in the field in this matter.

*Sent by RS
to all SACs
4-15-74 RF*

(5) That External Affairs Division bring Rifkind article to attention of friendly media contacts where appropriate.

noted per

RF

TJ
RF
9/10

Other

JM

TRIANGLE PUBLICATIONS, INC.

Legal Department

April 4, 1974

P.O. BOX 756
RADNOR, PENN. 19088

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	_____

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/23/86 BY 3042 PWS/AS

Re: TV GUIDE Copyright Permission
News Watch: TV Turns Soviet Spies
Article: into U. S. Folk Heroes
Issue Date: 3/16/74
Author: Judge Simon F. Rifkind
Your letter dated: 3/28/74

Dear Clarence Kelley (Director, F. B. I.):

Referring to your request for the right to reprint the above article from TV GUIDE Magazine, this will confirm our permission for such reprint in the publication indicated below. Our permission is subject to the condition that you credit the author and to additional conditions, as indicated:

- (1) That the reprint be accompanied by a credit and copyright notice reading as follows:

"Reprinted with permission from TV GUIDE Magazine.
Copyright © 1974 by Triangle Publications, Inc.
Radnor, Pennsylvania."

- (2) We will require a fee in the amount of \$XXXX. Your check in payment of the fee, payable to Triangle Publications, Inc., should be forwarded to Mr. Alexander H. Joseph, Executive Editor, TV GUIDE Magazine, Radnor, Pennsylvania 19088.
- (3) You must also obtain permission of the Author/Photographer, whose address is not applicable. and make such arrangements for his compensation as he may require.
- (4) If you plan to condense or edit our material in any way, edited copy should be submitted to the Executive Editor of TV GUIDE for approval prior to publication.
- (5) Remarks: The Fed. Bureau of Investigation wishes to distribute the above article to its field offices as an information item and to utilize it in response to outside inquiries regarding the Rosenberg case.

REC-112 65-58236-2472

Very truly yours,

MAY 7 1974

Harry G. Coles, Jr.

HARRY G. COLES, JR.
MANAGER, SALES

Publication: _____
(Title)

_____ (Author)

_____ (Publisher)

4/11/74
4/11/74
4/11/74

54 (Estimated date of publication)

April 11, 1974

REC-112

65-58236-2472

Mr. Alexander H. Joseph
Executive Editor
TV Guide
Radnor, Pennsylvania 19088

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/29/86 BY 3042 PWS/KAS

RECEIVED
APR 11 1974
FBI

Dear Mr. Joseph:

We have received the letter of April 4th from Harry C. Coles, Jr., Legal Department, Triangle Publications, Inc.

PA

We will, of course, be happy to comply fully with the conditions set forth by you concerning the reprint of Judge Rifkind's article.

Thank you very much for your courtesy and assistance in this matter.

Sincerely yours,

C. M. Kelley

Clarence M. Kelley
Director

MAILED 22
APR 12 1974
FBI

INLET...
BE...

[Handwritten signatures and initials: "A", "RKF", "9th", "LH"]

- Spec. Div. _____
 - 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. Coun. _____
 - Telephone Rm. _____
 - Director Sec'y _____
- 1 - Mr. Wannall (Mr. Branigan) (detached)
1 - Mr. Franck (detached)
1 - Mr. Mintz (detached)
1 - Mr. Bowers (detached)
1 - Mr. Malmfeldt (detached)

NOTE: See Heim to Franck memo dated 4/10/74 re: "Julius and Ethel Rosenberg, Espionage - Russia."

RSY:jam (10)

LH

MAIL ROOM TELETYPE UNIT

APR 11 1974

[REDACTED]

[REDACTED]

Richmond, Virginia 23261

b7c

April 23, 1974

Julius Rosenberg

Dear Dick:

Your letter of the 18th together with copy of the article which appeared in the TV Guide regarding the Rosenberg case is of real interest. Younger people of course were not around at the time of the case, and the TV episode obviously has not conveyed the facts to them. Judge Rifkind's comments are being given good circulation around here.

With very kindest regards.

Sincerely,

Jim

JMR

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/23/86 BY 3042 PWS/AS

Mr. Richard D. Rogge
Special Agent in Charge
Federal Bureau of Investigation
P. O. Box 12325
Richmond, Virginia 23241

REC-1100

65-58236-2413

3 MAY 3 1974

50 MAY 17 1974

RESEARCH SECTION

LA
AW E

TELEPHONE
AREA CODE

April 22, 1974

b7c

Richard D. Rogge
Special Agent in Charge
Federal Bureau of Investigation
P.O. Box 12325
Richmond, Virginia 23241

Julius Rosenberg

Dear Dick:

I want to thank you for your very thoughtful letter of April 18, 1974 concerning the Rosenberg case.

I missed the writeup in "T.V. Guide", but I have been reading about it in the press. Like you, I found Judge Rifkind's article not only informative, but very enlightening and I think it makes a good case for American Justice and certainly answers the Critics of the Rosenberg matter. This information will be very helpful to me whenever conversations touch on this case.

Jm

Please be certain to drop by and see me the next time you are in this territory.

With kind regards, I am

Sincerely,

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/23/86 BY 3042 PWS/AB

REC-110

65-58236-2474

3 MAY 3 1974

[Redacted signature area]

RESEARCH SECTION FILE
b7c

SEARCHED	INDEXED
SERIALIZED	FILED
APR 28 1974	
FBI - RICHMOND	

56 MAY 17 1974

Date 4/23/74

To: Director

Att.: EXTERNAL AFFAIRS FILE
DIVISION

SAC _____
 ASAC _____
 Supv. _____
 Agent _____
 SE _____
 IC _____

Title JULIUS AND ETHEL ROSENBERG
ESP - R

CC _____ RE: Bureau routing slip 4/15/74
and enclosed reprint from TV Guide
 Steno _____ 3/16/74 by Judge SIMON H. RIFKIND,
 Clerk _____ entitled "TV Turns Soviet Spies
into U.S. Folk
Heroes"

ENCLOSURE DETACHED
 FILED
 INDEXED

- 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 _____
- Submit report by _____
- Type

~~RECEIVED~~
FINE

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.

1 - Bureau (Enc 1) SAC RICHARD D. ROSENBERG
2 - Richmond (1 - 65-1672)
See reverse side Office _____

RDR:GTC (3) (1 - 80-404)
65-58236
GPO: 1971 431-418

56 MAY 17 1974

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/23/96 BY 3042PLW/MS

65-58236-
NOT RECORDED
3 MAY 9 1974



May 6, 1974

b7c

Mr. Richard D. Rogge
Special Agent in Charge
Federal Bureau of Investigation
Post Office Box 12325
Richmond, Virginia 23241

Dear Dick:

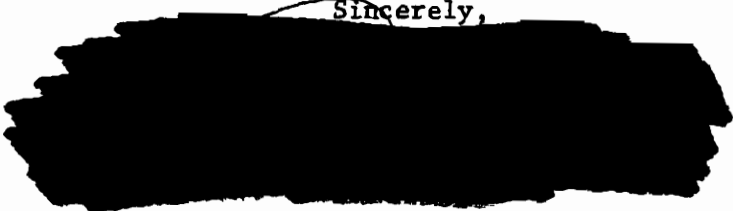
Thank you for your letter of April 18 concerning the Rosenberg T.V. presentation. I had seen it, and apparently had somewhat the reaction that was reflected by the Judge's article and also reflected within the F.B.I. The Judge is quite correct that the thrust was given to the program of heroes-villains.

I appreciate your letting me have the benefit of the article, which I had not seen.

Again, many thanks for your continued assistance in many ways to local law enforcement in Virginia and for your interest in our operations here.

With personal regards,

Sincerely,



b7c

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/23/86 BY 3042PWS/AS

65-58236-

ENCLOSURE

Date 4/25/74

To: Director

Att.: EXTERNAL AFFAIRS FILE
DIVISION

Title JULIUS AND ETHEL
ROSENBERG
ESP-R

- SAC _____
- ASAC _____
- Supv. _____
- Agent _____
- SE _____
- IC _____

CC _____ RE Bureau routing slip 4/15/74
 Steno _____ and enclosed reprint from TV Guide,
 Clerk _____ 3/16/74 by Judge SIMON H. RIFKIND,
entitled, "T.V. Turns Soviet Spies In-
Rotor #: _____ to U.S. Folk Heroes"

ACTION DESIRED

ENCLOSURE DETACHED
AND REFILED

- 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
- Send to _____
- Submit new charge out
- Submit report by _____
- Type

[Handwritten signature]
[Handwritten initials]
ENCLOSURE

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.

① - Bureau (Enc 1) SAC RICHARD D. ROGGE
2 - Richmond (1 - 80-473) RICHMOND
See reverse side Office _____

RDR:GTC (1 - 65-1622)
(3)

65-58736

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/23/86 BY 30429/BJ/AB

65-58736-

NOT RECORDED

3 MAY 1974

50 MAY 17 1974

Routing Slip
FD-4 (Rev. 12-22-69)

Date 5/8/74

To: Director
Att.: EXTERNAL AFFAIRS
DIVISION

FILE _____

Title JULIUS AND ETHEL
ROSENBERG
ESP-R

- SAC _____
- ASAC _____
- Supv. _____
- Agent _____
- SE _____
- IC _____

- CC _____ RE: Bureau routing slip
- Steno _____ 4/15/74 and enclosed reprint
- Clerk _____ from TV Guide, 3/16/74, by Judge
- _____ SIMON W. RIFKIND, entitled "TV

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 <u>65-58236-</u> |
| <input type="checkbox"/> Deadline _____ | <input type="checkbox"/> Search and return <u>NOT RECORDED</u> |
| <input type="checkbox"/> Deadline passed | <input type="checkbox"/> See me |
| <input type="checkbox"/> Delinquent | <input type="checkbox"/> Serial # <u>17 MAY 17 1974</u> |
| <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. | |

DISSEMINATION SECTION
[Handwritten initials]

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.

- ① - Bureau (Enc 1)
- ② - Richmond (1 - 66-489)
- RDR:GTC (1 - 65-1672)
- (4) See reverse side (1 - 80-687)

RICHARD S. [unclear]
RICHMOND

ENCLOSURE

55 MAY 22 1974

GPO: 1974 421-418

55 MAY 22 1974

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/23/96 BY 3042 PWS/003

[Handwritten mark]

[Handwritten number 9]

CLARENCE KELLEY, DIRECTOR
FEDERAL BUREAU OF INVESTIGATION
WASHINGTON D.C.

5-8-74
ROBERT CARROLL
1339 WELLINGTON
CHICAGO-60657

Dear Sir, Julius Rosenberg

Would you please release the files on the Rosenberg case to those who wish to study them. I believe that the bureau's refusal to do this is in violation of the Freedom of Information Act.

It may be that these files will be embarrassing to the bureau, but the bureau will be better served by their release than by continued refusals.

This would be a service to the future good health of our democracy, and obviously would not reflect any discredit on you. I personally have great hope in you, Mr. Kelley, and I would like to see the bureau do something about the Mafia rather than doing the dirty work for those in Washington who have no respect for our Constitution.

The bureau has often been called great. Here is an opportunity to earn those praises. Let's take a long hard look in our mirror, sir. If we see ugliness, we can take heart in the courage that allowed us to look.

REC-110

65-58236-7475

MAY 28 1974

Robert Bruce Carroll
LEGAL COUNSEL

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/23/86 BY 3042

ack
5-16-74
JFK

put in faith & hope

May 16, 1974

REC-110

65-58236-7475

Mr. Robert Bruce Carroll
1339 Wellington
Chicago, Illinois 60657

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/23/76 BY 3042 PWS/AB

Dear Mr. Carroll:

This is to acknowledge your letter which was received on May 13th.

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.

Sincerely yours,

Cl. M. Kelley

Clarence M. Kelley
Director

NOTE: Based on available information, correspondent is not identifiable in Bufiles.

jkb:mks (3)

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

MAILED 3
MAY 16 1974
FBI

cc made for Policy

GEM
JW

20 MAY 22 1974 JBT

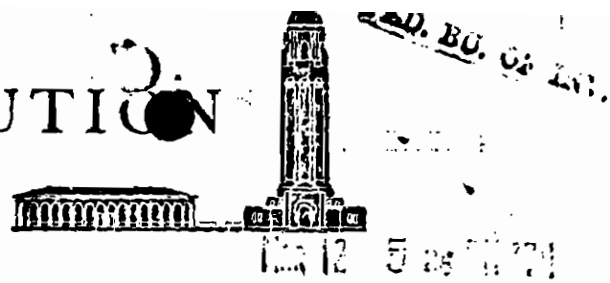
MAIL ROOM TELETYPE UNIT

Return to [unclear] 4774

HOOVER INSTITUTION

ON WAR, REVOLUTION AND PEACE

Stanford, California 94305 • (415) 321-2900



March 8, 1974

The Honorable William B. Saxby
Attorney General of the United States
Department of Justice
Washington, D. C. 20530

Dear Mr. Attorney General:

May I take the liberty of inquiring whether copies of certain files of the Federal Bureau of Investigation relating to the Alger Hiss and the Julius and Ethel Rosenberg cases, which according to a recent press clipping are now being released to Mr. Allen Weinstein, a professor at Smith College, could be obtained for the Hoover Institution on War, Revolution and Peace for research purposes.

As you may know, the Hoover Institution, founded by Herbert Hoover in 1919, is one of the most important research centers in the world. It is the eleventh largest book library and the third largest archive in the United States. Its field of interest in general is 20th century political, social, and economic history. Collecting areas include the United States, East Asia, the Middle East, Latin America, Africa, and Europe.

Our extensive holdings related to communism and the internal security of the United States would be greatly enhanced by the addition of the Hiss and Rosenberg files, and any information which you could give me as to the possibility of obtaining them would be very much appreciated.

Best wishes and

Respectfully,

RF Staar

Richard F. Staar
Associate Director

~~APR 12 1974~~

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/23/96 BY 3042 PWS/KAS

65-58236-

NOT RECORDED

185 APR 16 1974

LEGAL

ORIGINAL FILED IN
101-2668-545

Handwritten signature/initials

April 5, 1974

1 - Mr. Mintz

65-58236

Mr. Richard F. Staar
Associate Director
Hoover Institution on War,
Revolution and Peace
Stanford, California 94305

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 11/13/86 BY 3042 Jut-PJC

Dear Mr. Staar:

Your letter addressed to Attorney General Saxbe has been referred to me and was received on March 13th.

We have disseminated a limited portion of the Alger Hiss files in connection with a civil suit which has been filed against the Department of Justice. However, we have encountered unexpected difficulties in the legal interpretation of the regulations pertaining to segments of these files which are authorized to be deleted. Due to these problems, we do not know when we will complete our processing.

With respect to the Rosenberg case, we are attempting to resolve a myriad of legal questions which have arisen as a result of requests for this file. As a result, we have not disclosed any information therefrom as of the present, and we will not be in a position to disclose this file until the legal questions have been resolved.

If you desire copies of the material from either of the aforementioned files on a piecemeal basis prior to completion of processing the entire files, under current policy, it will be necessary for you to share the processing costs involved. As an alternative, upon termination of our examination of these files, we can provide you with copies of the processed documents at a charge of 10¢ per page.

MAILED 22
APR 05 1974
FBI

ORIGINAL FILED IN
101-2668-545

- Assoc. Dir. _____
- Dep. AD Adm. _____
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- Comp. Syst. _____
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- Files & Com. _____
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- Ident. _____
- Inspection _____
- Intell. _____
- Laboratory _____
- Plan. & Eval. _____
- Spec. Inv. _____
- Training _____
- Legal Coun. _____
- Telephone Rm. _____

- 1 - The Deputy Attorney General - Enclosure
- 1 - San Francisco - Enclosure

Attention SAC: Enclosed herewith is a copy of a letter dated 3-8-74 to Attorney General Saxbe from Richard F. Staar, Associate Director, Hoover Institution on War, Revolution and Peace.

the enclosed is furnished for information.

- 1 - Bufile 62-115530 (FOI-REPLIES)
- AHM:law (7)

APR 9 1974
TELETYPE UNIT

Mr. Richard F. Staar

For your assistance, I am enclosing a copy of a reprint containing regulations pertaining to the Freedom of Information Act.


Sincerely yours,

C. M. Kelley

Clarence M. Kelley
Director

Enclosure

NOTE:

 We have disseminated 22 reports concerning Alger Hiss to Professor Weinstein in accordance with Departmental instructions. These reports are therefore available to Mr. Staar. As of the present time, we have not disclosed any information from the Rosenberg case.

b2
b7D
b7c

Leidner
63 Franklin St
Massapequa N.Y.

63 Franklin St
Massapequa N.Y.
May 1, 1974

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/23/86 BY SP-10

11752
Lij

JULIUS ROSENBERG

Dear Sir,

With the somewhat reserved interest in

the Rosenberg spy trial, I would like to write a paper
on the topic. It would be most helpful if I were
able to obtain some primary sources. If you could
send me all available material relating to
this case, I would appreciate this greatly.

Let me know if there is any

Charge for the above material.

REC-106

65-58236-2476

6 MAY 14 1974

Information Service
Federal Bureau of Investigation
Washington, D.C.

Yours truly,

Leon Leidner

Legal Council
CORRESPONDENCE

REC-106

65-58236-2476

May 10, 1974

1 - Mr. Mintz

Mr. Leon Seidner
63 Franklin Street
Massapequa, New York 11758

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10/29/16 BY 3042 put-BJC

Dear Mr. Seidner:

In reply to your letter of May 1st, enclosed is a reprint which sets forth Department of Justice regulations implementing the Freedom of Information Act.

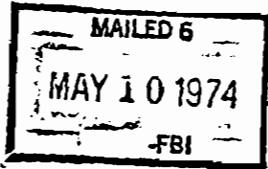
In response to your request, we are currently attempting to resolve a myriad of legal questions which have arisen as a result of requests for disclosure of the Rosenberg file. Many of these concern the right of personal privacy of principals and other individuals involved and/or mentioned in this case. 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 the release of this file.

Sincerely yours,

C. M. Kelley

Clarence M. Kelley
Director



Enclosure

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

JCF Jambor

NOTE:



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- Training _____
- Legal Coun. _____
- Telephone Rm. _____
- Director Sec'y _____

30 MAY 10 1974
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Ed [unclear] 1706

b7c

*cc Dept. of Justice 5/8/74
62-115530*

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

Office of the Director
Federal Bureau of Investigation
U. S. Dept. of Justice
Washington, D. C. 20535

Dear Director Kelley:

Thank you for your letter of April 3rd and the enclosed copy of the provisions of Executive Order 11652.

I direct your attention to Section 12 of Executive Order 11652, "Historical Research and Access by Former Government Officials." I reiterate that my sole interest in the entire Rosenberg case is to conduct historical research. I fully understand the legal problems regarding the accessibility of data from the Rosenberg file. However, would you please answer a couple of questions that resulted from my reading Executive Order 11652?

1. Couldn't I have access to the ^{Julius} Rosenberg file under the provisions of Sec. 12 of Executive Order 11652?

2. Couldn't I have access to the dossiers of Harry Gold and Anatoli Yakolev under the provisions of Sec. 12 of Executive Order 11652?

I would be willing to follow any government guidelines in order to conduct my research. Thank you very much for your time and expected cooperation.

Sincerely yours,

James S. Patten
James S. Patten

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/23/96 BY 3042 PWS/AB

REC-85

65-58236-2477

15 MAY 15 1974

LEGAL COUNSEL

May 14, 1974

REC-85

65-58236-2477

1 - Mr. Mintz

Mr. James S. Patten
Apartment M-2
119 Sunny Lane
Torrington, Connecticut 06790

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/23/96 BY 3042ewj/ab

Dear Mr. Patten:

This is to acknowledge your letter which was received on May 2nd.

In answer to your questions, Executive Order 11652 has limited applicability to FBI files pertaining to the Rosenbergs, Harry Gold and Anatoli Yakovlev, since only portions of these files are classified. The classified portions of these files are still covered by the pertinent sections of the Freedom of Information Act.

The Freedom of Information Act (Title 5, United States Code, Section 552 (b)(7)) exempts from public disclosure "investigatory files compiled for law enforcement purposes...." This provision, which was enacted by Congress and became effective on July 4, 1967, applies to the vast majority of FBI files. On July 11, 1973, Attorney General Order 528-73 was signed. In effect, this Order provides that, at the administrative discretion of the Attorney General, investigatory files of historical significance more than 15 years old will be made available to "Persons...engaged in historical research projects...."

For your assistance, I am enclosing a copy of a reprint of existing Statutes and regulations pertaining to the Freedom of Information Act.

MAILED 6
MAY 14 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: We have had prior correspondence with Mr. Patten in connection with his request for access to the Rosenberg files. We previously furnished to him a copy of the provisions of Executive Order 11652.

AHM:law (6)

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TELETYPE UNIT

FARRINGTON 4706

cc dest. of mail 5/16/75
UNRECORDED COPY FILED IN 62-115530

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cc. Dir. _____
AD Adm. _____
AD Inv. _____
Dist. _____
in. _____
p. Syst. _____
Affairs _____
& Com. _____

54 MAY 28 1974

UNITED STATES GOVERNMENT

Memorandum

- Assoc. Dir. _____
- Dep. AD Adm. _____
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- Adm. _____
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- Spec. Inv. _____
- Training _____
- Legal Coun. _____
- Telephone Rm. _____
- Director Sec'y _____

TO : Mr. Jenkins DATE: May 14, 1974

FROM : R. R. Franck *RRF*

SUBJECT: DEPARTMENT OF LABOR AND HEALTH,
EDUCATION, AND WELFARE
HOUSE APPROPRIATIONS HEARINGS
FISCAL YEAR 1975

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/23/96 BY 3042 PUL/AS

Boyer

Part 1 of the above-captioned hearings (copy attached) has been reviewed.

Pages 620-621, Congressman Daniel J. Flood (D-Pennsylvania) asked if the Department of Labor had an internal security staff. Mr. Fred G. Clark, Assistant Secretary of Labor for Administration and Management, advised that Labor has a small staff of about 18 people. He indicated these employees coordinate with the Civil Service Commission on personnel security checks of new employees also conduct investigations where there may be some indication of malfeasance or fraud on the part of individuals within the Department of Labor. Mr. Flood pressed his questions on this matter. Mr. Clark concluded, "We are not trying to set up an FBI or another police force. I think we are fairly conservative in our needs in this area."

Julius Rosenberg

During the discussion on funds for the Corporation for Public Broadcasting (CPB) information is set forth (pages 797-800) regarding the TV program on the Rosenbergs. Congressman Garner E. Shriver (R-Kansas) made reference to an article that appeared in the February 8, 1974, Wall Street Journal entitled "TV's Newest Folk Heroes—The Rosenbergs," written by Benjamin Stein. He included the text of the article with his remarks. He asked if the article was accurate. Mr. Henry Loomis, President, CPB, replied, "In my judgment it is not. Mr. Stein only saw probably less than a third of the program. The part in that article which I found most damaging, because when I first read it, I went right through the ceiling, as you might imagine, was the allegations in there about the producer's motivations, and since then Mr. Goldstein, the producer, has written a very forceful letter to the editors of the Wall Street Journal. - - - In my judgment it is a balanced

ORIGINAL FILED IN 62-53402-371

- Enclosure - *dictated in copy...*
- 1 - Mr. Jenkins
 - 1 - Mr. Franck
 - 1 - Mr. Cleveland
 - 1 - Mr. Heim
- vcs/ech

65-58236-8 MAY 24 1974

NOT RECORDED

48 MAY 28 1974

C.S.O. 135

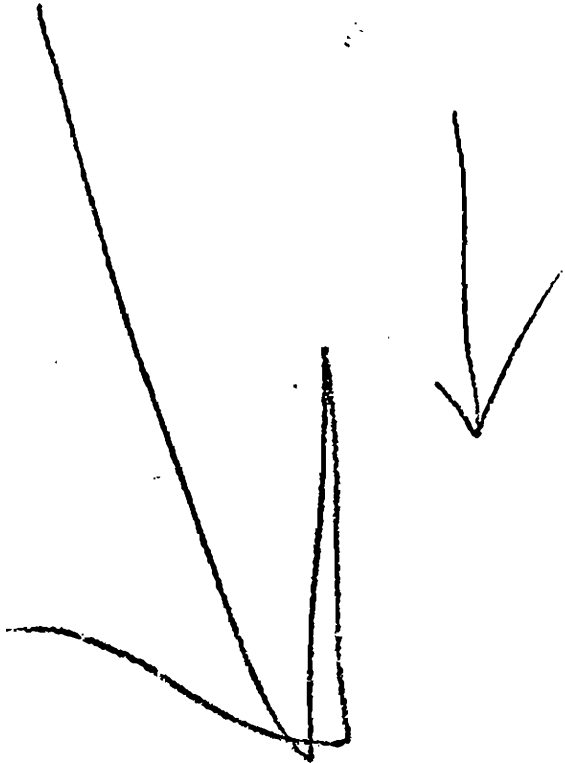
AND RECOMMENDATION PAGE FOUR

55 JUN 6 1974

CONTINUED - OVER

Memorandum to Mr. Jenkins
Re: Department of Labor and Health
Education, and Welfare
House Appropriations Hearings
Fiscal Year 1975

production. Certainly I would change a word here and there. - - - - The producer himself said he would change a word here and there when I was talking to him, but it gives the jurors, or five of the jurors a chance to state that they think they were right and why. It gives some of the FBI people a change to state their views and why. It also shows the children of the Rosenbergs who naturally thought their parents had been railroaded. I think it was as fair a coverage as you could have, that is, of a very controversial and difficult situation."



Memorandum to Jenkins
Re: Department of Labor and Health,
Education, and Welfare
House Appropriations Hearings
Fiscal Year 1975

ADDENDUM: INTELLIGENCE DIVISION

AES:wsk

5/16/74

INTD considers as completely unjustified, comments made by Mr. Henry Loomis, President, Corporation for Public Broadcasting (CPB), before the Department of Labor and Health, Education, and Welfare House Appropriations Hearings relative to the article written by Benjamin Stein appearing in the Wall Street Journal 2/8/74 concerning the television presentations of the Ethel and Julius Rosenberg espionage case. Mr. Stein in his article noted, concerning the ABC-TV presentation, "the result was that a person unfamiliar with the case would surely have concluded that the Rosenbergs were innocent victims of a legally sanctioned lynching." As to the Albert Goldstein TV production, Stein noted "the producers clearly intended to show the Rosenbergs not only innocent, but heroic." Mr. Loomis, in taking exception to the Stein article, stated it was "inaccurate" and that "he considered the TV presentations as having been 'balanced.'" We do not know the extent of Mr. Loomis' factual knowledge concerning the Rosenberg case; however, it appears such was limited to the selected facts as portrayed in the TV presentation.

The trial judge in the Rosenberg case, Irving R. Kaufman, currently Chief Judge of the U. S. Court of Appeals, Second Circuit, is only one of a number of prominent and knowledgeable individuals who strongly expressed the view that the TV presentations were slanted in a manner to portray the Rosenbergs as having been railroaded by the U. S. Government. It is noted that following the Rosenbergs conviction they filed sixteen petitions in the U. S. District Court, seven appeals in the Court of Appeals, seven applications to the Supreme Court, and two applications to then President Eisenhower for executive clemency. Of the 112 judges who in one form or another dealt with this case, none saw fit to question the Rosenbergs guilt or their conviction. These facts were not brought up in the TV presentations.

INTD is of the opinion that the TV presentations were in fact slanted, if only by omission of all of the facts, and completely agrees with the article written by Mr. Stein, particularly as it relates to the effect the TV presentations had on the American viewing public.

Memorandum to Mr. Jenkins
Re: Department of Labor and Health,
Education, and Welfare
House Appropriations Hearings
Fiscal Year 1975

RECOMMENDATION: INTELLIGENCE DIVISION, WAB:hke, 5/17/74

It is recommended that a representative of the Congressional Services Office when next in contact with Congressman Garner E. Shriver, Republican from Kansas, point out our interest in the testimony of Henry Loomis, President of the Corporation for Public Broadcasting. At the same time, it should be pointed out to Congressman Shriver that recently Congressman Richard H. Ichord introduced into the Congressional Record an article which appeared in the TV Guide Magazine which was authored by Judge Rifkind. In this article Rifkind referred to the recent television broadcast on the Rosenberg case and made specific reference to the historical number of judicial reviews which were made of the case and the ultimate upholding of the guilty verdict of the original trial jury.

WAB

AJD/FSP

[Handwritten initials]

EM

DK

*Handled on
5/23/74 with
Cong. Shriver's
Legis. Asst.,
Jim French
cc of Rifkind
article submitted
for the Com.
CSA/PF*

UNITED STATES GOVERNMENT

DEPARTMENT OF JUSTICE

Memorandum

TO : Director
Federal Bureau of Investigation
Attention: Office of Legal Counsel

DATE: MAY 22 1974

FROM : *HP* Henry E. Petersen
Assistant Attorney General
Criminal Division

SUBJECT: Morton Sobell v. William B. Saxbe, et al.
(S.D. N.Y.) Civil Action No. 74-Civ-1591

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/23/86 BY 3042PUS/ld

E-HP

The Summons and Complaint in the referenced civil action were filed in the United States District Court for the Southern District of New York on April 8, 1974 and served on the United States Attorney for that District on April 15, 1974. Copies of the Summons and Complaint are attached for your convenience.

The Complaint seeks an order in the nature of mandamus directing the Federal defendants to make the originals of Exhibits 1 through 10 introduced into evidence by the Government in United States v. Rosenberg, et al., Criminal No. 134-245 (S.D. N.Y.), available to the plaintiff for inspection.

REC-112 65-58236-2478

The United States Attorney's office in New York has located Exhibit #8 (which was separately maintained from the other exhibits), but not the remainder. A description of the exhibits, prepared by Assistant United States Attorney Gerald A. Rosenberg, (S.D. N.Y.) on the basis of the trial transcript of the witnesses' descriptions of these exhibits at the time they were introduced in evidence, is also attached. Mr. Rosenberg was not able to reconstruct the subject matter of Exhibit #9(b) from this source.

If the Bureau has any or all of these exhibits, we would appreciate being so advised. If the Bureau does not have the exhibits, it is requested that the Bureau review its files for any information which might possibly indicate their whereabouts and advise this Division of the results of that search.

EXP. PROC.
MAY 23 1974
#13

5-30
MAY 23 1974
REG. COUNSEL

*original
SAX, NY
5/28/74
HP*
ENCLOSURE

Alford

SA
File

We understand that there were approximately seventeen exhibits in the Rosenberg case. We do not know why plaintiff has limited his request to the first ten exhibits. Therefore, if the Bureau has any information with respect thereto, it is requested that such information also be furnished to this Division.

The Government must respond to the Complaint by June 14, 1974. Accordingly, we would appreciate receiving your reply to this memorandum by June 3, 1974.

Attachments

LIST OF EXHIBITS

- Exhibit #1 Photostate of Booklet - Security Regulations
Portion Read into the Record (pp. 561-565).
- Exhibit #2 Copy of Sketch of Lens Mold (pp. 615-620).
- Exhibit #3 Picture of Mike and Ann Sidorovich (p. 623).
- Exhibit #4 Jello Box (p. 625).
- 4(a) Side of Jello Box D. Greenglass kept
(pp. 623-629).
- 4(b) Side of Jello Box J. Rosenberg kept
(pp. 623-629).
- Exhibit #5 Picture of Harry Gold (p. 639).
- Exhibit #6 Sketch by Greenglass - Replica of face
view of Lens Mold (pp. 646-647).
- Exhibit #7 Schematic View of Lens Mold (pp. 649-651).

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/23/86 BY 3042 PWS/ab

65-58236-2478

ENCLOSURE

LIST OF EXHIBITS

Exhibit #8 Sketch of A Bomb (Replica) (p. 702).

Exhibit #9

9(a) Sixth Set of Passport Photos (4 photos)
(pp. 753-755).

9(b)

Exhibit #10 Brown Paper in which \$4,000 was wrapped
(p. 756).

United States District Court

FOR THE

Eastern District of Virginia

Morton Co. et al

CIVIL ACTION FILE NO: _____

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/23/86 BY 3042 PWS/AB

Plaintiff

William S. Jacobs v. Paul J. Carran et al.
Motto, Raymond Borghardt

Defendant

SUMMONS

To the above named Defendant(s):

You are hereby summoned and required to serve upon

William S. Jacobs at 115 Bell St

plaintiff's attorney, whose address

American Civil Liberties Union
22 E. 45 St
New York, NY 10017

an answer to the complaint which is herewith served upon you, within _____ days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.



RECEIVED

APR 25 1974

Civil Litigation Section

CERTIFIED 162274

APR 17 1974

REGISTERED

DOCKETED - M.C.

[Signature]
Clerk of Court.
[Signature]
Deputy Clerk.
[Seal of Court]
146-41-15 B.A.F.

UNITED STATES DISTRICT COURT
THE SOUTHERN DISTRICT OF NEW YORK

MORTON SOBELL,

Plaintiff-Petitioner,

v.

WILLIAM B. SAXBE, Attorney General of the
United States; PAUL J. CURRAN, United
States Attorney for the Southern District
of New York; SILVIO J. MOLLO, Chief
Assistant United States Attorney for the
Southern District of New York; and
RAYMOND BURGHARDT, Clerk of the United
States District Court for the Southern
District of New York.

Defendants-Respondents.

:
:
:
:
: COMPLAINT FOR AN
: ORDER IN THE
: NATURE OF MANDAMUS

74 Civ. 1591
Judge Powell

Jurisdiction

1. This is a civil action in the nature of an applica-
tion for a writ of mandamus, brought pursuant to 28 U.S.C. §1361;
28 U.S.C. §1331(a); and 5 U.S.C. §701 et seq. to compel defendants-
respondents to permit Morton Sobell to inspect Exhibits 1-10 intro-
duced in evidence against him by the United States Government in
United States v. Rosenberg, et al., C. 134-245. Jurisdiction is
conferred upon this Court by 28 U.S.C. §1361; 28 U.S.C. §1331(a),
there being rights in controversy valued at more than \$10,000,
exclusive of interest and costs; and 5 U.S.C. §701 et seq. (The
Administrative Procedure Act).

Parties

2. Plaintiff-Petitioner, MORTON SOBELL, a co-defendant in United States v. Rosenberg, supra, was sentenced, on April 5, 1951, to 30 years in prison for conspiring to transmit national defense information to the Soviet Union between 1944-1950. He was mandatorily released from prison on January 14, 1969, pursuant to 18 U.S.C. §4161, and, pursuant to 18 U.S.C. § 4161, he will remain subject to the jurisdiction of the United States Parole Board until September 26, 1980.

3a. Defendant-respondent, WILLIAM B. SAXBE, is the Attorney General of the United States and, upon information and belief, is generally responsible for the custody and control of the exhibits introduced into evidence by the United States Government against the defendants in United States v. Rosenberg, et al.

3b. Defendant-respondents, PAUL J. CURRAN and SILVIO J. MOLLO, are the United States Attorney and Chief Assistant United States Attorney, respectively, for the Southern District of New York and, upon information and belief, are generally responsible for the custody and control of the exhibits introduced into evidence by the United States Government against the defendants in United States v. Rosenberg, et al.

3c. Defendant-respondent, RAYMOND BURGHARDT, is the Clerk of the United States District Court for the Southern District of New York and, upon information and belief, is generally responsible for the custody and control of the exhibits introduced into evidence by the United States Government against the defendants in United States v. Rosenberg, et al.

THE INCIDENTS AT ISSUE

4. Plaintiff-petitioner has, within the past year, on numerous occasions, requested defendants-respondents to make available to him for inspection Exhibits 1-10 introduced into evidence against him by the United States Government in United States v. Rosenberg, et al.

5. When plaintiff-petitioner's initial attempts to gain access to the Exhibits in question failed, counsel agreed to correspond with defendants-respondents in the hope of resolving the problem without resort to litigation.

6. Accordingly, on or about January 17, 1974, counsel wrote to defendant-respondent MOLLO, requesting permission for plaintiff-petitioner to examine and reproduce portions of the exhibits in question. A copy of said letter is annexed hereto as Exhibit I. Unfortunately, defendant-respondent MOLLO did not respond to counsel's letter.

7. On or about March 1, 1974, counsel, once again, wrote to defendant-respondent MOLLO, requesting permission for plaintiff-petitioner to examine and reproduce portions of the exhibits in question. A copy of said letter is annexed hereto as Exhibit II. Unfortunately, defendant-respondent MOLLO, once again, failed to respond to counsel's letter.

8. On Friday, March 22, 1974, counsel telephoned defendant-respondent MOLLO's office and demanded that Mr. Mollo respond to counsel's inquiries. On Monday, March 25, 1974, counsel was informed, in a telephone conversation with Mr. Mollo, that the exhibits in the Rosenberg case could not be found. When counsel

expressed incredulity that the records of perhaps the most notorious criminal prosecution in recent years could become lost, Mr. Mollo reiterated that the records were not available.

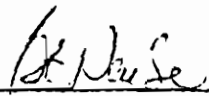
9. Counsel, thereupon, requested Mr. Mollo to inform him of the nature of the search which had been made and to inform him of the steps which would be taken to find the "lost" Rosenberg exhibits. Mr. Mollo declined to do so.

10. Accordingly, plaintiff-petitioner is compelled to seek judicial assistance in seeking the right to examine the Government exhibits which caused him to be sentenced to 30 years in prison.

CAUSES OF ACTION

11. Defendants-respondents' refusal to permit petitioner-plaintiff an opportunity to inspect the exhibits introduced against him at trial constitutes a failure to perform a duty owed to plaintiff-petitioner under the Fifth and Sixth Amendments to the Constitution of the United States.

WHEREFORE, plaintiff-petitioner respectfully prays that this Court issue an order in the nature of a mandamus directing defendants-respondents to make Exhibits 1-10 introduced into evidence by the Government in United States v. Rosenberg, et al., available for plaintiff-petitioners' inspection forthwith.


BURT NEUBORNE
American Civil Liberties Union
Foundation
22 East 40th Street
New York, New York 10016

Dated: April 7, 1974

Attorney for Plaintiff-Petitioner

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/23/86 BY 3849PWS/AB

January 17, 1974

Mr. Silvio Mollo
Chief Assistant U.S. Attorney
Southern District of New York
U.S. Courthouse, Foley Square
New York, New York

Re: United States v. Julius Rosenberg, et al.
C 134-245

Dear Mr. Mollo,

Morton Sobell has contacted me in connection with his attempts to review several of the exhibits introduced by the government at his trial. Will there be any problem in arranging for Mr. Sobell to examine and reproduce portions of People's Exhibits 1-10?

Very truly yours,

Bart Neuborne

BN:JW

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/23/86 BY 3042 PWS/AB

February 25, 1974

Mr. Silvio Mollo
Chief Assistant United States Attorney
for the Southern District of New York
United States Courthouse,
Foley Square
New York, New York 10003

Re: United States v.
Julius Rosenberg, et al.,
C 134-245

Dear Mr. Mollo:

On January 18, 1974, I wrote to you in connection with Morton Sobell's attempts to review several of the exhibits introduced by the Government at his trial. Unfortunately, you did not respond to my letter.

Please let me know whether Mr. Sobell will be permitted to examine portions of People's Exhibits 1-10.

I am prepared to seek judicial review of any further delay in granting Mr. Sobell's perfectly reasonable request. However, I earnestly hope that it will not be necessary to burden the judiciary with this matter.

I look forward to hearing from you soon.

Sincerely yours,

Burt Neuborne

bn:kg

AIRTEL

To: SAC, New York

5-28-74

From: Director, FBI

JULIUS ROSENBERG
ESPIONAGE - R
NY FILE 65-15348
(BUFILE 65-52236) - 2478

- 1 - Mr. Wannall
- Attn.: Mr. J. P. Lee
- 2 - Mr. Mintz
- 1 - Mr. Olmert

MORTON SOBELL
ESPIONAGE - R
NY FILE 100-27158
(BUFILE 101-2483)

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/23/96 BY 3042PWS/AB

As you are aware, Morton Sobell has instituted civil action against the Attorney General in an effort to inspect ten exhibits introduced by the Government in the trial of Julius and Ethel Rosenberg.

Enclosed are a copy of a summons, complaint, Departmental letter, and a list of exhibits introduced at the above trial. Promptly review your files to determine if you can locate any information which would be of assistance to the Department in determining the location of these exhibits.

Your response should reach the Bureau, Attention: Legal Counsel Division, by 5-31-74.

Enclosures (4)

MAILED 3
MAY 28 1974
FBI

NOTE: The deadline of 6-3-74 is imposed by the Department. Morton Sobell is seeking access to 10 exhibits introduced in the Rosenberg trial. Department is unable to locate these exhibits and has requested Bureau assistance in determining location of these exhibits. We are currently reviewing our files at headquarters and New York should review its files so that we can determine if possible any information to assist the Department. Preliminary discussions indicate none of these exhibits were in our possession after being introduced at the trial. This has been coordinated with SA J. P. Lee of the Intelligence Division and ASAC Ingraham, New York, has been telephonically advised.

- 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 _____

JUN 6 1974

TELETYPE UNIT

Unrecorded Copy Filed in 101-2483-1

RFB

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

MAY 30 1974

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Spec. Inv.	_____
Training	_____
Legal Coun.	_____
Telephone Rm.	_____
Director Sec'y	_____

NR003 NY CODE

1:20 PM URGENT 5/30/74 LHM

TO DIRECTOR

(ATT: LEGAL COUNSEL DIVISION)

FROM NEW YORK 3P

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/23/86 BY 3042 PUL/AS

JULIUS ROSENBERG, ESPIONAGE - R, NYFILE 65-15348, BUFILE
65-58236; MORTON SOBELL, ESPIONAGE - R, NYFILE 100-37158,
BUFILE 101-2438.

RE BUREAU AIRTEL MAY 28, 1974 IN CAPTIONED MATTER
A REVIEW OF THE NEW YORK OFFICE FILES PERTAINING TO
BOTH CAPTIONED CASES FAILS TO REFLECT ANY INFORMATION
WHICH WOULD BE OF ASSISTANCE TO THE DEPARTMENT IN DETERMINING
THE LOCATION OF GOVERNMENT EXHIBITS WHICH WERE UTILIZED IN
THE ROSENBERG TRIAL.

A REVIEW OF EXHIBITS MAINTAINED IN THE ROSENBERG
CASE REFLECTS THE NEW YORK OFFICE COLLECTED 633 EXHIBITS
IN THIS CASE. THE NEW YORK OFFICE PRESENTLY HAS 106
EXHIBITS REMAINING IN THE FILE, THE MAJORITY OF WHICH ARE
SIGNED STATEMENTS, COPIES OF INDICTMENTS, PHOTOGRAPHS AND
INFORMANT REPORTS.

END PAGE ONE

Memo sent BAC,
Criminal Div dtd 6/5/74.
RFD: mal

XEROX
JUN 12 1974
Alpert
5

JUN 10 1974

LEGAL COUNSEL

UNRECORDED COPY FILED IN 101-2438

PAGE TWO

THE NEW YORK OFFICE HAS NO COPIES OF ANY OF THE EXHIBITS WHICH WERE UTILIZED BY THE GOVERNMENT IN THE ROSENBERG TRIAL. NEW YORK EXHIBIT NUMBER 473 IS A DESCRIPTIVE LIST OF THE GOVERNMENT EXHIBITS UTILIZED IN THE TRIAL. THIS LIST REFLECTS THAT GOVERNMENT EXHIBIT 9B IS LISTED AS "2 PHOTOGRAPHS" NO FURTHER DESCRIPTIVE DATA.

IT IS NOTED THAT ON SEPTEMBER 12, 1966, MORTON SOBELL FILED A MOTION IN THE USDC, SDNY TO SET ASIDE HIS CONVICTION ON THE BASIS OF THE FACT THAT TESTIMONY OF HARRY GOLD, DAVID GREENGLASS AND JOHN DERRY WAS NOT TRUTHFUL AND THAT THE GOVERNMENT HAD MANUFACTURED THE HOTEL CARD OF HARRY GOLD INDICATING THAT GOLD WAS IN ALBUQUERQUE, NEW MEXICO ON JUNE 3, 1945. SOBELL'S MOTION IN THIS CONNECTION WAS DENIED IN A 79 PAGE DECISION BY USDJ EDWARD WEINFELD ON FEBURARY 14, 1967.

END PAGE TWO

PAGE THREE

THIS DECISION WAS CONFIRMED BY THE US COURT OF APPEALS FOR THE SECOND CIRCUIT ON JUNE 26, 1967.

AT THE TIME OF THE ABOVE ACTION BY SOBELL IN USDC THIS MATTER WAS HANDLED BY AUSA ROBERT L. KING, SDNY. KING LATER RESIGNED HIS POSITION AND THE CASE WAS HANDLED IN THE US COURT OF APPEALS BY AUSA STEPHEN F. WILLIAMS.

AT THE TIME OF THE ABOVE ACTION ALL OF THE ORIGINAL GOVERNMENT EXHIBITS WERE OBTAINED FROM THE CLERK OF THE COURT, SDNY AND WERE IN THE POSSESSION OF KING AND WILLIAMS.

IT IS NOTED THAT THE FBI LAB WAS IN POSSESSION OF A PHOTOGRAPHIC COPY OF THE HARRY GOLD HOTEL REGISTRATION CARD DATED JUNE 3, 1945. THIS WAS GOVERNMENT EXHIBIT NUMBER 16 AT THE TRIAL.

THE NEW YORK OFFICE HAS NO ADDITIONAL INFORMATION WHICH WOULD HAVE A BEARING ON THE LOCATION OF THE GOVERNMENT EXHIBITS.

END

HOLD FOR ONE

JTG FBBIHQ

cc Intell

Assistant Attorney General
Criminal Division

June 2, 1974

Director, FBI

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/23/76 BY 3042 PLS/ab

- 1 - Mr. Wannall (Attn: J. P. Lee)
- 2 - Mr. Mintz
- 1 - Mr. Olmert

MORTON SOBELL v.
WILLIAM B. SAXBE, et al.
(S.D.N.Y.)
CIVIL ACTION FILE NO. 74-Civ-1801

Reference is made to your memorandum of May 23, 1974.

We have reviewed our files in this matter and have determined that in May, 1952, at the request of Assistant United States Attorney James Kilsheimer, Southern District of New York, Government Exhibits 1 through 32 in the Rosenberg case were sent to FBI Headquarters for transmittal to Mr. Robert S. Erdahl, Chief, Appeals Section, to be used in preparation of the Government's brief to be submitted to the Supreme Court. Exhibits 8, 29, and 30 were not included. Exhibit 8, a cross-section of the atomic bomb, was impounded by the Court. Exhibit 29, a floor plan of the Rosenberg's apartment, was not sent because of its bulk. Exhibit 30, consisting of four watches, was not sent.

The exhibits, with the exception of Exhibits 8, 29, and 30, were delivered to Mr. Ray Whearty of the Department on June 4, 1952, at 10:15 AM. Among the exhibits delivered was Exhibit 4, the Jello box cover.

JUN 5 1974

Our files further disclose that as of November 13, 1952, the exhibits were in custody of the Clerk of the Supreme Court.

Our New York Office has advised their files disclose that on September 12, 1968, Morton Sobell filed a motion in the United States District Court, Southern District of New York, to set aside

- Assoc. Dir. _____
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- Gen. Inv. _____
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- Intell. _____
- Laboratory _____
- Plan. & Eval. _____
- Spec. Inv. _____
- Training _____
- Legal Coun. _____
- Telephone Rm. _____
- Director Sec'y _____

- 2 - New York (65-15348)
- 1 - 100-37159

- 1 - Bufile: 65-58236-2479
- 1 - Bufile: 101-2483

RFO:msl
(10)

JUN 18 1974
MAIL ROOM TELETYPE UNIT

(See Note on page 2.)

REC-42

EX-110

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JUN 18 1974

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101-2483-101-388

**Assistant Attorney General
Criminal Division**

his conviction. This motion was denied on February 14, 1967, which denial was affirmed by the Court of Appeals for the Second Circuit on June 26, 1967. The hearing in the United States District Court was handled by Assistant United States Attorney Robert L. King and the hearing on appeal was handled by Assistant United States Attorney Stephen F. Williams. At this time all of the original Government Exhibits in the Rosenberg case were obtained from the Clerk of the Court, Southern District of New York, and were in possession of Assistant United States Attorneys King and Williams.

It would appear the exhibits were returned from the Clerk of the Supreme Court to the Clerk of the Court for the United States District Court, Southern District of New York, and subsequently in possession of the above Assistant United States Attorneys. We have no additional information which would indicate the present location of the Government Exhibits in the Rosenberg case.

For your additional information, it is the recollection of Agents involved in the Rosenberg investigation that the original two pieces of the Jello box used by Rosenberg and Greenglass as a parole were never in Federal custody. The exhibit used in the trial was one cut out by Greenglass while testifying during the trial to demonstrate how the original appeared.

NOTE: Merton Sobell in seeking access to 10 exhibits introduced in the Rosenberg trial. Department is unable to locate these exhibits and has requested Bureau assistance in determining location of these exhibits. As noted above, file review at FBI Headquarters and by the New York Office indicates exhibits last known to be in custody of the Department. This has been coordinated with SA J. P. Lee of the Intelligence Division. Mr. Collins Flanagan, Departmental Attorney handling this matter, inquired if the Jello box displayed on our tour route could be the same one introduced at the trial. SA James Healy, External Affairs Division, advised it is the recollection of Mr. Brent Hughes, Exhibits Section, that he prepared this exhibit from a photograph of the original exhibit furnished by the Intelligence Division.

UNITED STATES GOVERNMENT

Memorandum

Assoc. Dir.	_____
Dep. AD Adm.	_____
Dep. AD Inv.	_____
Asst. Dir.:	
Admin.	_____
Comp. Syst.	_____
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Plan. & Eval.	_____
Spec. Inv.	_____
Training	_____
Public Affs.	_____
Telephone Rm.	_____
Director Sec'y	_____

TO : Mr. Miller

DATE: 6-14-74

FROM : Legal Counsel *JM*

SUBJECT: KARL HOFFENGER
NBC NEWS
NEW YORK, NEW YORK

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10/29/86 BY 3042 *put-DAC*

Captioned individual called the Bureau late yesterday, 6-13-74, concerning the release of data in the Alger Hiss case under the Freedom of Information Act, and was referred to Special Agent James C. Farrington.

Julius
 Hoffenger advised that the Committee to Reopen the Rosenberg Case was holding a concert at Carnegie Hall tonight, 6-14-74, to raise funds to assist them in their efforts to have the courts reopen the Rosenberg case. Hoffenger noted that NBC News plans to cover this function and, in that regard, had learned that a request has already been made to the FBI for data in our files concerning the Hiss and Rosenberg cases. He stated he would like to be able to say at the end of their newscast that there was a good or poor chance of this Committee ever obtaining the evidence introduced by the Government in these cases. He was advised that we could make no statement in that regard since that would be a determination that would have to be made by the courts. However, in connection with pending requests for data in our files pertaining to the Hiss and Rosenberg cases, he was told that the Department was currently considering the complex legal questions involved over disclosure of data in both of these files. He concluded the conversation by stating that it appears now to be in the hands of the Department of Justice and he may contact them if he has any further inquiries.

RECOMMENDATION:

For information in the event Mr. Hoffenger should recontact FBI Headquarters.

- 1 - Mr. McDermott
- 1 - Mr. Wannall
- 1 - Mr. Mintz

JCF:law (5)

54 JUL 10 1974

NOT RECORDED
28 JUN 27 1974

ORIGINAL FILED IN 94-4-2439-1536

JCF *Wannall* *McDermott* *Steele* *JM*

65-58236-

5-16-74
E. J. [unclear]

7-10-74

WBS:RCD:RDC:edj

JUN 24 1974

Assoc. Dir.	
Dep. Dir.	
Dep. Asst. Dir.:	
Adm. Serv.	
Comp. Syst.	
Ext. Affairs	
Files & Com.	
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Legal Coun.	
Plan. & Insp.	
Rec. Mgmt.	
Tech. Serv.	
Training	
Off. Liaison & Int. Affs.	

Files
 Salsocchia
 Kanner
 Pardon Atty.
 Criminal Div.
 FBI

Mr. Paul Brennan
 1400 Pennsylvania Ave. N.W.
 Washington, D.C. 20540

Dear Mr. Brennan:

This letter is in response to your May 1, 1974, appeal from FBI Director Kalley's denial of your request for access to Justice Department records concerning Ethel and Julius Rosenberg. Reference is also made to a similar denial dated May 21, 1974, from Assistant Attorney General Peterson of the Criminal Division. Although you have not appealed from Mr. Peterson's denial, which in effect reiterates Mr. Kalley's decision, I am incorporating it into your appeal.

After reviewing your request, I have decided except as noted below to affirm the denials by Messrs. Kalley and Peterson. The files in the possession of the FBI and the Criminal Division regarding the Rosenbergs were compiled in an investigation for law enforcement purposes. They are therefore exempt from disclosure under the seventh exemption to the Freedom of Information Act, 5 U.S.C. 552(b)(7).

While it is true that there is a policy exception to the seventh exemption, it is not applicable in this instance. The regulations of the Department of Justice provide that investigatory files more than 15 years old may be released as a matter of administrative discretion and with specified types of deletions to historical researchers who request them (44 CFR 1.101-71, 28 C.F.R. 1.101-71). However, my review of this matter has led me to the conclusion that you are not a historical researcher within the purview of the Attorney General's directive and, therefore, the regulations of 44 CFR 1.101-71 and the decision of Mr. Peterson are therefore affirmed.

In addition to the general request disposed of above, you have specifically asked for copies of two petitions for

EXP. PROC. JUN 24 1974

OK to B4
 105
 [Handwritten signatures and initials]

14 JUN 24 1974

REC-134015

Executive clemency filed on behalf of the Rosenbergs and the papers opposing these petitions prepared by the Government. Because the petitions and opposing documents are in the possession of the United States Parole Attorney, Walter Director Kelley and Mr. Peterson was able to respond to this part of your request. To expedite this aspect of your appeal, however, I will dispose of it at this time.

The papers prepared by the Government were advisory memoranda and letters from the Attorney General to the President. As such, they are exempt from disclosure under the fifth exemption to the Freedom of Information Act, 5 U.S.C. § 552(b)(5), pertaining to inter-agency and intra-agency correspondence, and will not be released.

As to the petitions themselves, such petitions are ordinarily not available for reasons that include the fourth and sixth exemptions to the Act, 5 U.S.C. § 552(b)(4) and (6). However, I have decided as a matter of administrative discretion to release them to you by copy of this letter. The Parole Attorney is instructed to make the petitions available to you within 30 days. For further information about arrangements for you to obtain these documents, you may contact the United States Parole Attorney, Room 634-B, WDC Building, 101 Indiana Ave., N.W. Washington, D.C. 20530. Your attention is invited to the fee schedule set forth in 28 C.F.R. 16.9, a copy of which is enclosed.

Sincerely,

W. J. Rife

William J. Rife

We agree that the Rosenberg files are exempt from disclosure because they are investigatory files compiled for law enforcement purposes. We also believe that the historical policy (18 C.F.R. § 30.6) is not applicable here. Green's assertion that he has been researching the Rosenberg case for some time is not sufficient to establish his credentials as an historical researcher.

In denying access to the classified reports we referenced reliance on the sixth exemption, 5 U.S.C. § 552(b)(6). In advisory memoranda and letters from the Attorney General to the President, they are exempt from disclosure as part of the deliberative process which the sixth exemption recognizes.

However, we recommend release of the classified petitions themselves. While the sixth (privacy) or seventh (business confidentiality) exemptions in the Act or the doctrine of Executive privilege may in most circumstances be invoked to withhold a classified petition, it is doubtful that a court would uphold denial of the petitions here involved, and no useful purpose would be served by withholding them. In this regard, the Fordon Attorney related that neither he nor the White House has any objection provided that the release of the petitions does not establish an administrative precedent. The attached letter avoids creating such a precedent.

To sum up, we would withhold all of the documents which Green has requested with the exception of the classified petitions. In addition, we would notify Professor Allen

1/ See, e.g., *Entress Chemical Corp. v. Irgin*, 547 F.2d 13-1443 (D.C. Cir., Dec/Jan, 21, 1974).

Weinstein that he too may obtain copies of the Rosenberg
clemency petitions.

Approved:

Respectfully,

Robert S. Weiss, Jr.
Assistant Attorney General
Office of Legal Counsel

Attachment:

Mr. Glavin
Rm. 3711

Assoc. Dir.	_____
Dep. AD-Adm.	_____
Dep. AD-Inv.	_____
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Training	_____
Off. Comm.	_____
Telephone Rm.	_____
Director Sec'y	_____

Mr. James E. Fulton
 119 Sunny Lane
 Apartment 2-2

June 15, 1974

Dear Mr. Fulton:

This is in response to your letter of May 21, 1974 requesting permission to review the Department of Justice files regarding Julius and Ethel Rosenberg, Harry Gold and Isidore Yakovlev.

The Department's position is that most of the material you seek is legally exempt from compulsory disclosure under the Freedom of Information Act, Title 5, United States Code, Section 552. However, the Department is prepared to grant you access now to those of this material (that which is located at the Department's Headquarters in Washington, D. C.) on a matter of administrative discretion, in accordance with the Department's policy on the disclosure of records of historical interest, as contained in the order of former Attorney General Elliot L. Richardson, dated July 11, 1973. Pursuant to that order, deletions have been made, where appropriate, to protect law enforcement efficiency and the privacy, confidences, or other legitimate interests of persons named or identified in such files.

Although we are prepared to furnish the Department's files for your review in Washington, in order to enable us to have the records available, you should advise us by letter of the anticipated date of your arrival. You may obtain copies of the material at a cost of ten cents per page.

BT-114 REC-34 5-8-74 2482

For your information, there are additional files on this case maintained by United States Attorney's Office in the Southern District of New York. However, these files are presently unavailable for review in light of the fact that they are needed for on-going litigation. If you desire the

Records RECEIVED
 Mr. J. [unclear]
 Mr. [unclear] 1974
 Mr. [unclear]

Stat/Publia
 Hold
 Atty. Hold

FBI Unit - FBI
 Mr. [unclear]
 FOI File

of file

cc made for [unclear] 9/1/84

material from the New York office, we suggest you communicate with Mr. Silvio Mello, Assistant United States Attorney to determine when they can be made available.

Sincerely,

WALTER E. FRIEDMAN
Assistant Attorney General

Lead, So. Dak.
June 21, 1974

Mr. Calrence M. Kelley, Director,
United States Department of Justice,
Federal Bureau of Investigation,
Washington, D.C.

Dear Mr. Kelley:

Julius ROSENBERG

While listening to the CBS -TV news recently the statement was made concerning the Rosenberg's exoneration and that the files of the F.B.I. would be open for examination to the public; or something to that effect.

This is of great concern to me as an American citizen as I see no great gain or purpose in doing this except to expose and divulge our inner secrets and knowledge to the Communists and their allies. I sincerely hope that this did not mean that all the files of the F.B.I. will be open to public scrutiny; this would be treason.

Se

I know you are terribly busy and have many problems, but if you would enlighten me on the above I would certainly appreciate it very much. I want America to be strong and safe from all outside spys and intruders.

If the above should be true I will certainly write my congressmen and senators that something should be done fast about divulging our knowledge to the world.

Sincerely,

LeRoy Seyhers

LeRoy Seyhers,
414 So. Main.
Lead, So. Dak.
57754

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10/29-86 BY 3042 *pat/ok*

REC-73
EX-110

65-58236-2483

JUL 17 1974

[Handwritten signature]

*ack 7/1/74
[Handwritten initials]*

11- *[Handwritten initials]* LEGAL COUNSEL

626 74
19

Name Searching Unit - Room 6527
 Service Unit - Room 6524
 Forward to File Review
 Attention
 Return to 4704 Supervisor Joelle 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

LeRoy Seyhers

Subject _____
 Birthdate & Place _____
 Address _____

Localities LeRoy S. Dakota
 R# _____ Date _____ Searcher Initials cy

Prod. _____ FILE NUMBER SERIAL

1	✓	[REDACTED]
2	✓	[REDACTED]
3	✓	[REDACTED]

b7c

b2

Bugs and Bldar

N/R

No derogatory info in Bufiles prior limited correspondence

REC-73

July 11, 1974

1 - Mr. Mintz

JAM

65-59236-2483

EX-110

Mr. LeRoy Seyhars
414 South Main
Lead, South Dakota 57754

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10/29-86 BY 3042 *fwf-DTE*

Dear Mr. Seyhars:

Your letter was received on June 25th and I can appreciate the concern which prompted you to write to me.

Enclosed is a copy of a reprint of existing statutes and Departmental regulations pertaining to the Freedom of Information Act.

For your information, investigatory files of the FBI historically have not been made available to the public. In 1966, Congress enacted Title 5, United States Code, Section 552, commonly known as the Freedom of Information Act. Under this legislation, investigatory files compiled for law enforcement purposes were specifically exempted from public disclosure.

On July 11, 1973, then Attorney General Elliot Richardson issued Attorney General Order 528-73, which grants access to FBI files of historical interest more than 15 years old to "Persons...engaged in historical research...."

Since issuance of Attorney General Order 528-73, we have received several requests for access to the Rosenberg file. However, in attempting to process this file for public disclosure, a myriad of legal questions has arisen. 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 make any disclosures therefrom until the legal questions have been resolved.

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

- 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 _____
- Telephone Rm. _____
- Director Sec'y _____

MAILED
JUL 11 1974
FBI

SHM:law (6)
Shm

MAIL ROOM

TELETYPE UNIT

JAM
JAM
JAM
476

cc dest: c/mjy 5/6/75
115530

Mr. LeRoy Seyhers

If, after reading the enclosed reprint, you still have concerns about disclosures of FBI files, you might desire to make your views known to the Attorney General and/or your Congressman.

Sincerely yours,

C. M. Kelley

Clarence M. Kelley
Director

Enclosure

NOTE: We have had prior limited correspondence with Mr. Seyhers. Bufiles contain no derogatory information regarding him.

UNITED STATES GOVERNMENT

DEPARTMENT OF JUSTICE

Memorandum

TO : Director
Federal Bureau of Investigation

DATE: August 21, 1974

FROM : *HSP*
Henry E. Petersen
Assistant Attorney General
Criminal Division

Julius Rosenberg

SUBJECT: James S. Patten, Torrington, Connecticut
Freedom of Information Request

EXP

Enclosed is a copy of a letter from Mr. James S. Patten of Torrington, Connecticut, together with our response, in which Mr. Patten expresses his desire to review FBI investigative reports pertaining to the case of United States v. Rosenberg. This matter is being brought to your attention for whatever disposition you deem appropriate. In accordance with policy under the Freedom of Information Act and the Attorney General's Order of July 11, 1973, Mr. Patten was given access to certain Department of Justice documents but was given no access to materials originating with the FBI.

Md

EXP. PROC.
AUG 22 1974

1-2
Md
ENCLOSURE
2

EX-111 65-58236-2483X
REC-50 62-0-82354

12 AUG 22 1974

AUG 21 1974
RECEIVED

11-M
LEGAL COUNSEL

*at to Patten
8/27/74
[Signature]*

Federal Bureau of Investigation

Department of Justice

Washington 20530

August 21, 1974

Mr. James S. Patten
119 Sunny Lane M-2
Torrington, Connecticut 06790

Dear Mr. Patten:

I have received your letter of July 30, 1974 and appreciate your kind remarks about the assistance rendered by the Department, especially by Ms. Mary Katherine Hembree of this Division.

With reference to your suggestion that we take a more active role in dispelling charges of wrongful Government conduct in the Rosenberg case, the Department has already allowed several scholars access to the Rosenberg files pursuant to the Freedom of Information Act, 5 U.S.C. §552, and the Attorney General's Order of July 11, 1973. It is hoped that through this type of scholarly inquiry historians will objectively and fairly analyze the facts and put to rest any suspicions concerning their Government's handling of this case.

Regarding your desire to see Federal Bureau of Investigation investigative reports, I have forwarded a copy of your letter to the Director of the Federal Bureau of Investigation for whatever action he may consider appropriate.

Your interest in communicating your views to me is appreciated and if we can be of any further assistance, please feel free to contact us again.

Sincerely,

HENRY E. PETERSEN
Assistant Attorney General

~~62-0-82354~~

ENCLOSURE

65-58236-2483X

W. Martin

AUG 5 4 40 PM '74

DEPT. OF JUSTICE
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DEPT. OF JUSTICE
MAIL ROOM

119 Sunny Lane M-1
Torrington, Connecticut 06790
July 30, 1974

Mr. Henry E. Petersen
Assistant Attorney General
Department of Justice
Washington, D. C. 20530

Dear Mr. Petersen:

I want to express my thanks to the Department of Justice for the help it provided me during my stay in Washington while I reviewed the Department's Rosenberg files. I wish to especially thank Ms. Mary Katherine Hembree for the time she provided me and for her excellent guidance that made my research labors much easier.

Needless to say I learned a great deal about this complex Rosenberg case. But my research is far from complete and I would not consider it done until I was able to review the FBI investigative reports on the Rosenbergs and others. Considering the present-day interest in the case I can only wish that our Government take a more active role in dispelling the unfair charges aimed at the Government's case against the Rosenbergs. Would not some type of documented study based on all the evidence help convince those who doubt the Government's case against the Rosenbergs? Perhaps even the publication of the Pollack memorandum would be beneficial.

I thank you for your time and the past cooperation given me by the Department.

Sincerely yours,

James S. Patten
James S. Patten

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DEPARTMENT OF JUSTICE

AUG 7 3 12 PM '74

INTERNAL SECURITY
SECTION
CRIMINAL DIVISION

RECEIVED

AUG 6 1974

CRIMINAL DIVISION

~~62-82354~~

ENCLOSURE

65-58236-2483X

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24	AUG 5 1974
R.A.G.	
CRIMINAL DIV.	

August 29, 1974

EX-111 65-58236-2483X

1 - Mr. Mintz

REC-52 ~~62-0-82354~~

Mr. James S. Patten
Apartment M-2
119 Sunny Lane
Torrington, Connecticut 06790

D.C.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10/28/86 BY 3042 *put-D/c*

Dear Mr. Patten:

A copy of your letter to Assistant Attorney General Henry E. Petersen has been referred to me and was received on August 22nd.

You were advised in previous correspondence with us that we are attempting to resolve the many legal questions which have arisen with regard to disclosure of the Rosenberg file. To date, we have not disclosed any data from this file, and we are continuing our attempts to satisfactorily resolve the legal questions.

You may wish to correspond with us at some time in the future for further information with regard to release of this file.

Sincerely yours,

C. M. Kelley

Clarence M. Kelley
Director

MAILED 20
AUG 28 1974
FBI

- 1 - The Deputy Attorney General - Enclosures (3)
- 1 - Assistant Attorney General
Criminal Division
- 1 - Bufile 62-115530 (FOI-REPLIES)

Jan 1974

NOTE: We have had prior correspondence with Mr. Patten with regard to release of the Rosenberg file. He has been advised that we are encountering legal problems in this case, and it has been suggested that he contact us at some future time. In view of this fact that he has gained access to the Departmental files re the Rosenberg case, this letter submitted as acknowledgment of the Department's referral and to advise Patten that releases have been made to date.

- 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. _____

Handwritten signatures and initials

Handwritten signatures and initials

*cc det. Arnold 9/7/74
b.d. 115530
UNRECORDED COPY FILED IN 115530*

EX-23-1975
D 1 SEP 05 1974

MAIL ROOM TELETYPE UNIT

UNITED STATES GOVERNMENT

Memorandum

TO : Clarence M. Kelley
Director,
Federal Bureau of Investigation

DATE: August

FROM : Susan M. Hausen
Staff Assistant to the
Deputy Attorney General

SUBJECT: FREEDOM OF INFORMATION ACT REQUEST - Alvin H. Goldstein

Assoc. Dir.	_____
Dep. AD Adm.	_____
Dep. AD Inv.	_____
Asst. Dir.:	
Admin.	_____
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Spec. Inv.	_____
Training	_____
Legal Coun.	_____
Telephone Rm.	_____
Director Sec'y	_____

Jubius
Enclosed herewith is a request for access to additional documents in the Rosenberg-Sobel files and also to the entire pertaining to this case. The Office of Legal Counsel has been contacted with reference to the specific request for reconsideration of the determination on the appeal by Acting Attorney General Bork.

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.

Ad
62-116103-
65-59028-
611-44974-
101-2483-

EXP. PROC.

AUG 29 1974

65-103 # 3713

Ad
ENCLOSURE

ENCLOSURE ATTACHED

EX-103

REC-59

65-58236-2484

SEP 16 1974

XEROX
SEP 20 1974



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

UNRECORDED COPY FILED IN

Mr. Alvin H. Goldstein

NOTE CONTINUED: in October of 1973 which was affirmed by Acting Attorney General Bork in December of 1973. He subsequently produced for public television a documentary concerning the Rosenberg trial during which a photograph of the Greenglasses' current residence was shown. The Greenglasses' are living under anonymous surname and the showing of their current residence on national television would seem to have identified them, at least in their neighborhood.

Assistant Attorney General
Office of Legal Counsel

September 26, 1974

- 1 - Mr. J. B. Adams
- 1 - Mr. Wannall
- Atten: Mr. J. P. Lee
- 1 - Mr. Mintz

Director, FBI

FREEDOM OF INFORMATION ACT REQUESTS OF PROFESSOR ALLEN WEINSTEIN

Pursuant to the request of Mr. Richard D. Glovsky, Office of Legal Counsel, Department of Justice, in his conversation with Special Agent James C. Farrington, Freedom of Information Act Unit, FBI, the following sets forth the FBI's position with regard to processing of captioned individual's Freedom of Information Act requests.

As you are aware, Professor Allen Weinstein, Smith College, Northampton, Massachusetts, currently has a suit pending in U. S. District Court, District of Columbia, for access to FBI files concerning the Alger Hiss investigation. In addition, Mr. Weinstein has a request pending for access to the Rosenberg espionage investigation, pursuant to the provisions of Departmental Order 528-73.

Despite the fact that over twenty years have passed since the Rosenberg trial, there remain serious questions regarding invasions of privacy of the individuals mentioned in this file and their immediate families. When Mr. Alvin Goldstein, National Public Affairs Center for Television, sought access to FBI interviews of David and Ruth Greenglass, coconspirators and Government witnesses in this case, the Greenglasses voiced strong objections to release of this information. In accordance with the instructions of then Acting Attorney General Fork, the Greenglass interviews were not disclosed to Mr. Goldstein. As a result of unresolved questions regarding other individuals mentioned in this file, we have been unable to make any disclosures from the Rosenberg case.

With regard to the Alger Hiss investigation, we have disclosed to Mr. Weinstein approximately 160 pages of investigatory and Laboratory reports from this file. The remaining Laboratory reports in this file will be made available to him in the near future. Pursuant to the provisions of Departmental Order 528-73, deletions were made from the documents which have been and are being publicly disclosed. Mr. Weinstein has strongly objected to the deletions, and he has formally appealed to the Department. Based on our contact with

NOTE: On 9-18-74, Mr. Glovsky, OLC, requested that Unit formally advise OLC of the status of Professor Weinstein's FOIA requests.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 12/21/86 BY 3042 JAC/STC

62-116193-7

MAILED 20
SEP 27 1974

SEP 27 1974

- Assoc. Dir. _____
- Dep. AD Adm. _____
- Dep. AD Inv. _____
- Asst. Dir.:
- Adm. _____
- Comp. Syst. _____
- Ext. Affairs _____
- Files & Com. _____
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- Spec. Inv. _____
- Training _____
- Legal Coun. _____
- Telephone Rm. _____
- Director Sec'y _____

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65-58236-

NOT RECORDED
191
1974

JFK

Assistant Attorney General
Office of Legal Counsel

Professor Weinstein, it is our firm opinion that deletions of names and other identifying data from the Hiss and Rosenberg cases would be futile. Professor Weinstein is a historian and researcher whose credentials we do not challenge. Utilizing his in-depth knowledge of these two cases, he could easily identify the individuals who furnished us information and thereby thwart our attempts to protect these individuals by deleting their names.

The Hiss and Rosenberg cases would appear to meet the age and historical significance criteria of Departmental Order 528-73. There is a very definite conflict in the Order, however, between historical benefits derivable from public disclosure of these files and invasions of privacy of individuals mentioned therein as a result of such disclosures. We have been aware of this conflict since shortly after implementation of the Order, and we have solicited specific guidelines from the Department to assist us in responding to the spirit of the Order while, at the same time, protecting the privacy rights of individuals mentioned in our files. In the absence of more definitive guidelines in the area of invasion of privacy, we feel that the privacy considerations far outweigh any historical benefits inherent in these files. It should be noted that Professor Weinstein was denied access to the Hiss files prior to the issuance of Departmental Order 528-73 and brought suit against the Department of Justice in 1972 under the Freedom of Information Act. However, subsequent to the implementation of the historical policy, the FBI has never told Professor Weinstein that he cannot have access to the Alger Hiss files under the policy granting discretionary access to FBI files. He has been informed that we cannot process them without additional privacy guidelines.

There currently is pending in joint conference in Congress, legislation which would amend the Freedom of Information Act and quite possibly meet Departmental Order 528-73. Until such time as this legislation is either signed into law or vetoed, we feel that any decision substantially affecting the current status of Professor Weinstein's requests would be premature and inappropriate.

2619 N. Oakland #101
Milwaukee, Wisc. 53211
October 8, 1974

Mr. Clarence Kelly, Director of the F.B.I.
Federal Bureau of Investigation
Washington D.C.

Julius Rosenberg

Dear Mr. Kelly:

The purpose of my letter is to inquire as to why the information on the Rosenberg Case has not yet been released to those who have legitimately sought it. Under the Freedom of Information Act your department is required to turn information of this vubtage' over to those responsible people who are seeking it. The F.B.I. has been hedging on releasing this information for quite some time.

Aside from relying on the dubious integrity and honesty of the people in your orgainzation, what safeguards are there to prevent such things as the destroying of vital pieces of information, the impounding of certain bits of information under the guise of the information never having been filed? Are there any congressional committees which have a complete file on all of the information in your files? What agency oversees your agency to see that nothing illegal transpires, or that what you claim to be the truth is in fact the truth?

As a result of the F.B.I.'s "stonewalling" on the procurement of information which is legally accessible under the Freedom of Information Act, I am writing my congressman and others in order that the loopholes in the Act be sewn up.

The integrity of the F.B.I. and its agents is well-documented in the records of the Watergate investigations and some of the peripheral trials stemming from it. It seems as though the lesson of Watergate have not penetrated the walls of the F.B.I.

I am going to try to do everything I can as a citizen to get the F.B.I. personnel to start adhering to the law of this land. Archibald Cox once asked whether our nation was a nation of laws or of men. I think you have already stated your belief and the policy of the F.B.I.

As a taxpaying citizen of this country who helps pay the salary of all government employees, I request that my letter be answered point by point. Our government is alleged to be one of the people, by the people, and for the people. If this is so, then I strongly request a reply to my queries and statements.

REC-38

Sincerely yours,

Anthony Saw

Anthony 5667129 1974

ack by let
10-28-74
AHM:ms

LEGAL COUNSEL

See

REC-38 EX-117
65-58236-2484 X
~~62-0-82461~~

October 25, 1974

1 - Mr. Mintz

Mr. Anthony ~~X~~ Socci
2619 North Oakland #101
Milwaukee, Wisconsin 53211

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10/28/86 BY 3042 *put-etc*

Dear Mr. Socci:

This is in response to your letter which was received on October 15th.

After reviewing your letter it occurred to me that there is a misunderstanding on your part as to what the Freedom of Information Act states, what our responsibilities are pursuant to the Act, and generally, how our organization functions. Perhaps this letter will serve to clarify any misconceptions which you may have.

MAILED 6
OCT 25 1974
FBI

Title 5, United States Code, Section 552, sets forth the provisions of the Freedom of Information Act. The Rosenberg case falls within the provisions of paragraph (b) (7) which specifically exempts from public disclosure "investigatory files compiled for law enforcement purposes..." However, on July 11, 1973, then Attorney General Elliot L. Richardson issued Departmental Order 528-73, which grants discretionary access to "investigatory files compiled for law enforcement purposes that are more than fifteen years old...." Departmental Order 528-73 also provides for deletions of, among other things, "... matter involving an unwarranted invasion of privacy, or other matter which may be used adversely to affect private persons."

Our problem with regard to release of the Rosenberg case lies in the area of conflict between the right of the public to have access to our files and the right of individuals mentioned in our files to enjoy their personal privacy. We are aware of this conflict, and we have attempted to seek a satisfactory solution in the best interests of all. Although we have not resolved this conflict to date, we want you to know that this matter is receiving our continued attention.

- Assoc. Div. _____
- Dep. AD Adm. _____
- Dep. AD Inv. _____
- Asst. Dir.:
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- Laboratory _____
- Plan. & Eval. _____
- Spec. Inv. _____
- Training _____
- Legal Coun. _____
- Telephone Rm. _____
- Director _____

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

AHM:BB

cc desk
RECEIVED
OCT 30 1974

MAY 27 1975

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cc desk completed 10/26/74
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Je

Je

Mr. Anthony Socci

With respect to the safeguards to prevent destruction or impounding of our files, we are guided by the provisions of Title 44, United States Code, Chapter 33, in the collection and maintenance of our records. This chapter gives the General Services Administration control over all government records, including those of the FBI.

With regard to checks and balances of the FBI's activities, we receive instructions and guidance from the Department of Justice. Our actions are subject to review by the Subcommittee on FBI Oversight, which is an arm of the Senate Judiciary Committee. In addition, all FBI investigations in which litigation ensues are subject to full review by the Judiciary of the United States.

I trust the foregoing answers the questions in your letter.

Sincerely yours.

C. M. Kelley
Clarence M. Kelley
Director

NOTE: Bufiles contain no information re correspondent. Also, Milwaukee indices negative re correspondent.

1812 Etowah Circle
Tarrant, AL 35217
October 15, 1974

Federal Bureau of Investigation
Department of Justice
Ninth Street and Pennsylvania Ave.
Washington, D.C. 20535

Gentlemen:

Julius Rosenberg

I'm doing research on the involvement of the F.B.I.
in the Rosenberg Case. Please send me adequate
information concerning this case.

Please send the information to the address listed
above. Thank You.

Sincerely,

Vernon Lucas

Vernon Lucas

EX-116

R. Vernon Lucas III
1812 Etowah Circle
Tarrant, AL 35217

REC 165-58236-2485

15 NOV 11 1974

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

10/29/86 *3042 Jut-DJC*

ack
11-9-74
AMM.002

[Handwritten signature]

Federal Bureau of Investigation
Records Section

11-5-74, 19

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 VERNON lucas
 Birthdate & Place _____
 Address _____

Localities AC

R# _____ Date _____ Searcher Initials BR
 Prod. _____ 300

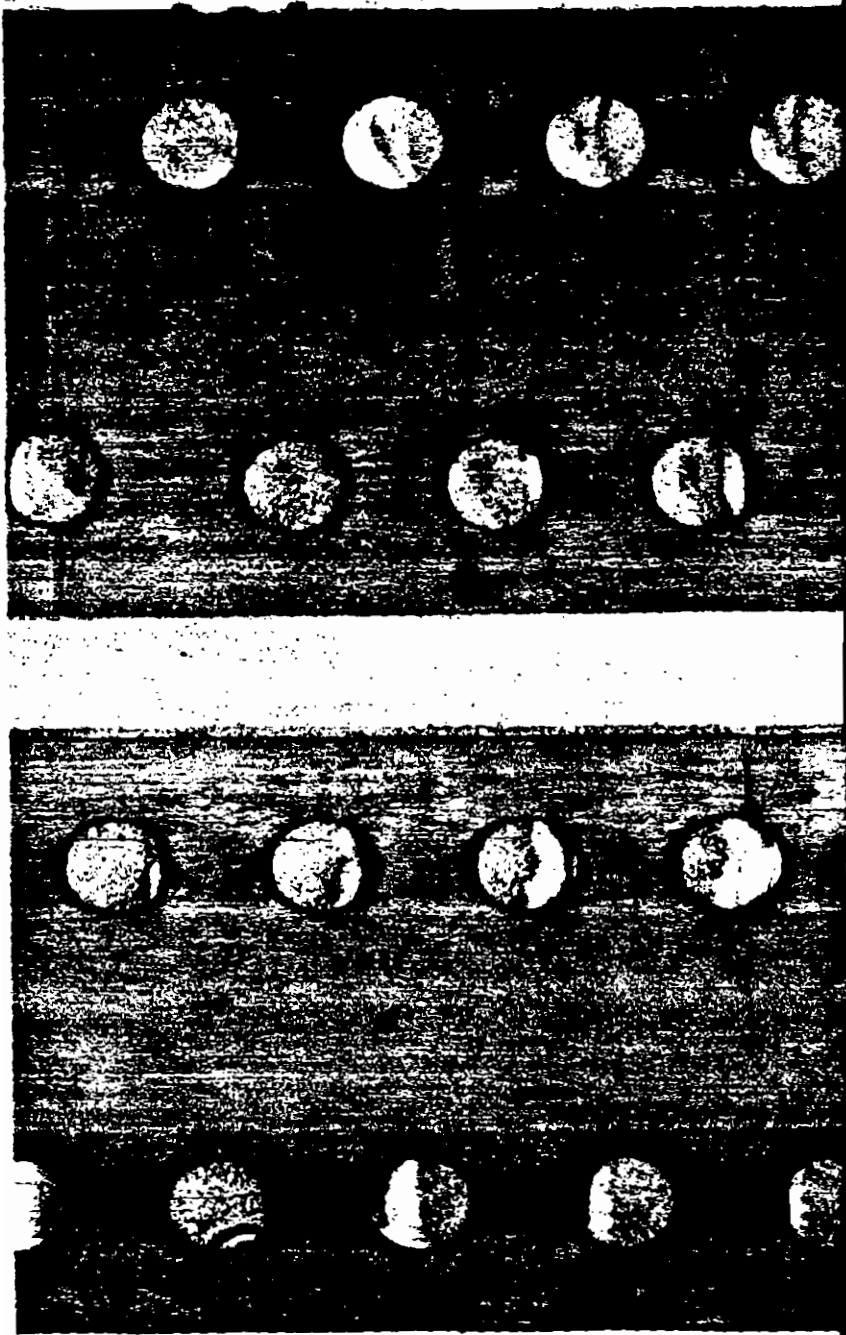
FILE NUMBER SERIAL

NR. ON LTC

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 [REDACTED] p.55

VERNON EARL
 [REDACTED] b7c
 [REDACTED] b2

ALL INFORMATION CONTAINED
 HEREIN IS UNCLASSIFIED
 DATE 11/14/86 BY 3042 [signature]



November 7, 1974

EX-110

REC-17

65-58236-2485

1 - Mr. Mintz

Mr. R. Vernon Lucas III
1812 Etowah Circle
Tarrant, Alabama 35217

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10/28/86 BY 3042 put-AJC

Dear Mr. ~~Lucas~~ Vernon

This is to acknowledge your letter dated October 15th.

We have received several requests, pursuant to the provisions of the Freedom of Information Act and current Departmental Policy, for access to the Rosenberg case; however, because of a myriad of unresolved legal questions with respect to release of this file, we have not disclosed copies of any portions thereof to date.

I am sure that you will find a wealth of information on the Rosenberg case in your local library, inasmuch as several books have been written on this subject. One book that comes to mind which contains a section on the Rosenberg investigation is "The FBI Story" by Don Whitehead.

I hope the foregoing will be of assistance to you in your research.

Sincerely yours,

C. M. Kelley

Clarence M. Kelley
Director

1 - The Deputy Attorney General - Enclosure

1 - Bufile 62-115530 (FOI-REPLIES)

- Assoc. Dir. _____
- Dep. AD Adm. _____
- Dep. AD Inv. _____
- Asst. Dir.:
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- Laboratory _____
- Plan. & Eval. _____
- Spec. Inv. _____
- Training _____
- Legal Coun. _____
- Telephone Rm. _____
- Director Sec'y _____

NOTE: Bufiles contain no information identifiable with correspondent. From the general nature of the incoming letter and lack of information concerning correspondent, it is impossible to ascertain the nature and scope of his research project. Therefore, it is felt that a general acknowledgement and referral to public source data is the only appropriate response.

AHM:ms (7)

MAIL ROOM TELETYPE UNIT

FAR 4706

cc det. C. P. ... 62-115530

JFK

(R)

FBI

Date: 10/30/74

Transmit the following in _____
(Type in plaintext or code)

Via AIRTEL _____
(Priority)

TO: DIRECTOR, FBI (65-58236)
ATT: INTD
FROM: SAC, NEW YORK (65-15348)
SUBJECT: JULIUS ROSENBERG
ESP - R

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/23/86 BY 3042A/AS

[Handwritten signature]

On 10/24/74, SILVIO MOLLO, Chief Assistant, AUSA, SDNY, advised the NYO telephonically that PAUL J. CURRAN, USA, SDNY, had received a letter from an attorney representing the sons of JULIUS and ETHEL ROSENBERG, requesting the return of the personal effects of the ROSENBERGS which were taken by the FBI at the time of arrest.

Mr. MOLLO advised that prior to responding to the above letter, he desired that the NYO review the ROSENBERG file to determine if there are any such items remaining as exhibits in the file. He advised he would furnish a copy of the above letter by mail.

On 10/30/74, the NYO received a copy of the above letter, dated 10/21/74, from MARSHALL PERLIN, Attorney, to PAUL J. CURRAN, USA, SDNY. Two copies of this letter are enclosed herewith for the information of the Bureau.

A review of the ROSENBERG file and remaining exhibits reflects the following:

- 2 - Bureau (Encls. 2) (RM)
- 1 - New York

PFD:crh
(4)

REC-50 65-58236-248c

NOV 12 1974

[Handwritten signature]

*Del to NY
11-5-74
JPL:med!*

Approved: _____
Special Agent in Charge

Sent _____ M Per _____

NY 65-15348

The report of SA JOHN A. HARRINGTON, dated 8/7/50, at New York, on pages 177-227, contains an inventory of items taken in a search of the ROSENBERG apartment.

A review of all remaining exhibits in the NYO file reflects the following are the only items from the above inventory which have been retained (numbers utilized are those used in the above inventory):

#91. A group photograph of men and women and included in the group is JULIUS ROSENBERG. (This is a group of 43 men and women in civilian clothing, and one Army officer in uniform, standing beside the group. A notation on back of photo states "65-15348. Found in right hand top cabinet over refrigerator, 8:20 PM, 7/17/50 @ 10 Monroe St., NYC." This is followed by agents initials: PJB; MWD.)

#118. One Remington portable typewriter, serial number V290917, on the face of which is scratched EVELYNE MARCH.

The following items from the above inventory were turned over to the US Marshall, SDNY, on the dates indicated:

#117. One zipper briefcase, brown leather. (sent to USM, 1/28/55)

#119. One Croton Aquamatic man's wristwatch, serial number 48363, with notation on the back "AQ." (sent to USM, 8/10/53)

#120. One Clebar man's wristwatch, 17 jewels, with notation on the back "ID." (sent to USM, 8/10/53)

NY 65-15348

#121. One Waltham pocket watch and chain, with case, serial number 6454038, and initials B.W.C. Co. (sent to USM, 8/10/53)

All other items on the above mentioned inventory have been destroyed.

The exhibit section of the NYO file reflects the following personal items, not contained in the above inventory, which were obtained from ETHEL ROSENBERG, together with their disposition:

1B239 - A wristwatch Driva, with 2 diamond chips on side of watch, with gold band.
(turned over to USM, 8/10/53)

1B240 - A 14K gold signet ring with letters "E.G." in Chinese script.
(turned over to USM, 8/10/53)

The NYO has receipts for the items turned over to the USM, and MOLLO has advised that the USM still retains these items.

Regarding items #91 and #118, the NYO can see no future intelligence value to these items and suggests that they be turned over to the USA if he so desires.

REQUEST OF THE BUREAU

Since Mr. MOLLO is awaiting a reply from the NYO prior to answering the above mentioned letter, the Bureau is requested to advise the NYO what action should be taken in this matter.

MARSHALL PERLIN

ATTORNEY AT LAW

36 WEST 44TH STREET

NEW YORK, N. Y. 10036

MILTON H. FRIEDMAN

(212) 661-1826

October 21, 1974

Paul J. Curran, Esq.
United States Attorney for the
Southern District of New York
United States Court House
New York, New York 10007

Re: Julius and Ethel Rosenberg
C. 134-245

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/23/86 BY 3042 PWS/lor

Dear Mr. Curran:

I am writing this letter in behalf of my clients, Michael Rosenberg, a/k/a Michael Meeropol, and Robert Rosenberg, a/k/a Robert Meeropol, sons of Julius and Ethel Rosenberg.

My clients are next-of-kin and only children of their deceased parents and the named sole beneficiaries under their parents' Last Will and Testament. In any event, absent any testamentary instrument, they would be the intestate successors to all of their parents' properties.

The case number indicated above represents the number of the second superseding indictment on January 31, 1951. That was the indictment under which Mr. and Mrs. Rosenberg were tried. There were two prior indictments: one, August 17, 1950, and the other October 10, 1950.

At the time of the arrest of Mr. and Mrs. Rosenberg, various personal property belonging to them, whether located at their home, or Mr. Rosenberg's place of business, or elsewhere, were seized and retained by the prosecuting authorities and their agents. The materials seized ranged from

CT 23 1975 United States Attorney
U. S. Courthouse
City Square
New York, N. Y. 10007

ENCLOSURE 65-58236-2486

Page 2

October 21, 1974

Paul J. Curran, Esq.

personal effects, memorabilia, photographs, writings, papers and business records of Mr. and Mrs. Rosenberg, and of business entities with which Mr. Rosenberg was associated.

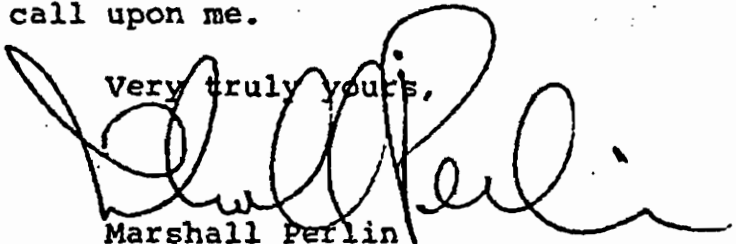
I am not here attempting to list all of the items seized but I note the above categories as to areas I know were encompassed and involved at the time of seizure. In effect, I am writing this letter in regard to all of the properties seized by the Government of whatsoever nature. I believe one of the items seized was introduced into evidence at the time of trial--a collection can under the sponsorship of the Joint Anti-Fascist Committee for Spanish Refugees.

Except for the one trial exhibit referred to above, this letter constitutes demand in behalf of my clients that you turn over to them all of their parents' property which was seized by the Government either through the Prosecutor's Office or other agents of the Government from their place of residence, Mr. Rosenberg's place of business and any other personal property however or wheresoever obtained which is now in the Government's possession. I am advised that all of this material is in the control of your office.

I should appreciate hearing from you in the very near future so that arrangements can be made for the transfer of this property to my clients.

If you should have any questions regarding any of the above, do not hesitate to call upon me.

Very truly yours,


Marshall Perlin

MP:amh

CERTIFIED-RRR

Mr. W. A. Branigan
Mr. J. P. Lee

CODE

TELETYPE

NITEL

TO SAC NEW YORK (65-15348)

NOVEMBER 5, 1974

FROM DIRECTOR FBI (65-58236) - 2486

JULIUS ROSENBERG; ESP - R.

REURAIRTEL OCTOBER 30, 1974.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/23/86 BY 3042 PWS/BA

YOU SHOULD ADVISE SILVIO MOLLO, CHIEF ASSISTANT U. S. ATTORNEY, SOUTHERN DISTRICT OF NEW YORK, WHICH EXHIBITS ARE STILL IN THE POSSESSION OF YOUR OFFICE AND WHICH ITEMS WERE PREVIOUSLY FURNISHED TO THE U. S. MARSHAL AND DATES THE ITEMS WERE FURNISHED TO HIM. IF MOLLO SO DESIRES, THE EXHIBITS CURRENTLY IN YOUR POSSESSION SHOULD BE TURNED OVER TO HIM AND APPROPRIATE RECEIPTS OBTAINED. ADVISE THE BUREAU WHEN AND ON WHOSE AUTHORITY THE BALANCE OF THE EXHIBITS WHICH WERE IN YOUR OFFICE WERE DESTROYED.

END.

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

NOV 06 1974

445 PM
TELETYPE

JPL:med
(4)

NOTE:

New York Office advised that the U. S. Attorney, Southern District of New York, received a letter from an attorney representing the two sons of Julius and Ethel Rosenberg, executed Soviet agents. The attorney is requesting the personal effects of the Rosenbergs taken from them at the time of their arrest. New York Office advised that of all the items obtained from a search of the Rosenberg apartment on the night of their arrest, only two items are left. New York noted that eight items had been turned over to the U. S. Marshal and the balance of the 121 items had been destroyed. This authorizes New York to furnish the remaining exhibits to the U. S. Attorney and also asks New York who authorized the destruction of the other exhibits.

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- Legal Coun. _____
- Telephone Rm. _____
- Director Sec'y _____

56 NOV 18 1974

MAIL ROOM TELETYPE UNIT

INTELLIGENCE DIV
COMMUNICATIONS SECTION
WRU/FSK

JPL
KAC

FBI

Date: 11/13/74

Transmit the following in _____
(Type in plaintext or code)

Via AIRTEL _____
(Priority)

TO: DIRECTOR, FBI (65-58236)
(ATTN: INTD)
FROM: SAC, NEW YORK (65-15348)
SUBJECT: JULIUS ROSENBERG
ESP - R

ALL INFORMATION CONTAINED
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DATE 7/23/86 BY 3042PWS/AS

ReNYairtel, 10/30/74, and Butel, 11/6/74.

SILVIO MOLLO, Chief Assistant AUSA, SDNY, has been advised that the NYO is in possession of a group photograph and a Remington portable typewriter (items #91 and #118 in reairtel). He advised that he desires that these items be turned over to him, and the NYO is complying with his wishes.

Mr. MOLLO advised that the items which had been previously turned over to the USM by the NYO, are still in possession of the USM, and he is in the process of obtaining these items.

A review of the NYO file reflects the following regarding former exhibits which have been destroyed in this case:

All of the exhibits which have been destroyed were destroyed by former SA WALTER C. ROETTING, principally on two dates: 2/11/60, and 8/11/64.

The file contains numerous pieces of correspondence indicating that SA ROETTING was in periodic contact over an extended period of time with the office of the USA, SDNY, seeking an opinion on disposition of the exhibits in this case.

- 2 - Bureau
- 1 - New York

PFJ:cpk
(4)

REC-73
NOV 15 1974
DIA

65-58236-2487

58 Approved: _____
Special Agent in Charge

Sent _____ M Per _____

NY 65-15348

A letter directed to the USA, SDNY, from the NYO, undated, but apparently prepared 8/22/61, states that AUSA EDWARD R. CUNNIFF advised SA ROETTING that the Remington Portable typewriter, shell clasped pin, keys, and miscellaneous photographic supplies obtained from the ROSENBERGS at the time of their arrest, should be retained for possible evidentiary value, and because they might be useful in future hearings in refreshing the memory of witnesses.

There is no mention in the above letter of any exhibits other than those noted above.

It is noted that on many of the bulky exhibit green sheets, where items have been marked for destruction, there is a notation referring to an office memorandum prepared by the Bulky Exhibit Section. These memoranda state that in connection with a project, supervisors are to have each bulky exhibit reviewed, and marked for disposal or retention.

It appears that many of the exhibits in this case were destroyed in connection with above mentioned office projects to reduce the number of bulky exhibits being retained by the office.

For the information of the Bureau, it is noted that former SA ROETTING is deceased.

3017 Dumbarton Street, N. W.
Washington, D. C. 20007
October 24, 1974

Honorable Clarence M. Kelley, Director
Federal Bureau of Investigation
U. S. Department of Justice
Washington, D. C. 20535

Julius Rosenberg

Dear Mr. Kelley

On August 8, 1974 I wrote to Attorney General Saxbe concerning my interest in gaining access to Federal Bureau of Investigation and Department of Justice files concerning the Rosenberg-Sobel case from the 1950's. In my capacity as a journalist, historian, writer and television program producer, I requested: 1) reconsideration of the December 26, 1973 ruling of Acting Attorney General Bork denying my request for access to the records of interviews of David Greenglass and a 1950 interview of Ruth Greenglass; 2) an initial ruling with regard to an attached list of specific requests; and 3) an initial ruling on my request for access to the entire 25,000 page Rosenberg-Sobel file so that I can determine which parts of the file I would like to photocopy.

I was informed by you, in a letter dated September 12, 1974, that the Bureau had decided that "it would be inappropriate to grant" me "total or partial access to any of the Rosenberg files." In light of the language of your September 12th letter, particularly the last paragraph informing me that I may appeal your decision by writing to the Attorney General, Office of Legal Counsel, I was under the impression that the Bureau had made its final decision regarding my second and third requests. (My first request was not before the Bureau, but was before the Department of Justice on appeal.)

Subsequent to the receipt of your letter I received a letter dated October 16, 1974 from Antonin Scalia, Assistant Attorney General, Office of Legal Counsel, stating that my second and third requests are now before the FBI and that the FBI has advised him that it will now consider these two requests because an appeal by Professor Allen Weinstein of his separate request has been acted upon by the Attorney General.

Because the two letters referred to have left me uncertain as to whether my second and third requests have been finally denied by your office, I would appreciate a prompt reply clarifying the question. Has your office made a

REC-43 65-58236-2488

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[Handwritten signature]
LEGAL COUNSEL

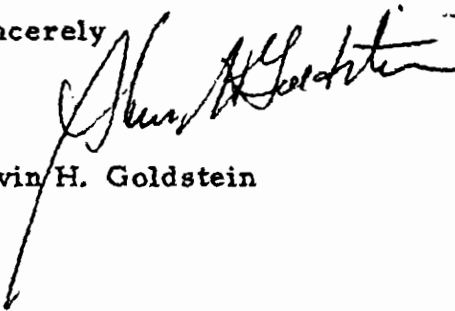
*ack 11/14/74
RD:iam*

Mr. Kelley

Page 2

determination as to my second and third requests which I may appeal to the Attorney General, or are my second and third requests pending still before the FBI?

Sincerely

A handwritten signature in cursive script, appearing to read "Alvin H. Goldstein". The signature is written in dark ink and is positioned above the printed name.

Alvin H. Goldstein

cc: Antonin Scalia

REC-43 65-58236-2488

November 12, 1974
1 - Mr. Wannall - Enc.
1 - Mr. Mintz

111 Mr. Alvin H. Goldstein
3017 Dumbarton Street, N. W.
Washington, D. C. 20007

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DATE 7/23/86 BY 3042 PWS/AS

Dear Mr. Goldstein:

We are in receipt of your letter of October 24th. It is noted you were advised by letter dated October 16th from Assistant Attorney General Antonin Scalia, Office of Legal Counsel, that the FBI would respond to the second and third requests as described in your letter of August 8, 1974, to the Attorney General.

Because of the notoriety surrounding the Rosenberg case, it has been our position that release of information from this case involved various privacy considerations not delineated by the Attorney General policy. Consequently, we requested additional guidelines from the Department. In response to that request and to the appeal of Professor Weinstein, the Department has now decided, in essence, to defer to our judgment in what material should be released from this case.

In view of this action on the part of the Department of Justice, we are currently reexamining the Rosenberg files with regard to your second request and for any additional materials which may be available. We will consider release to you of interviews of the individuals listed in your letter of August 8, 1974, upon receipt of a notarized authorization by the individual in question or, if he or she is dead, other appropriate individuals.

With regard to your third request for access to the entire Rosenberg-Sobel files, as noted above, we are currently examining these files to identify any material which can be released to you. Therefore, we feel it is improper to characterize our action concerning your third request as a denial at this time. We will notify you further when we have located any materials which can be released to you. Consequently, we feel an appeal by you would be premature at this time.

Sincerely yours,

C. M. Kelley

Clarence M. Kelley
Director

The Deputy Attorney General - Enclosure
Assistant Attorney General - Enclosure
Office of Legal Counsel

File 62-115330 (FOI-REPLIES)

RD:law

SEE NOTE PAGE TWO

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- Legal Coun. _____
- Telephone Rm. _____
- Director Sec'y _____

MAILED 7
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RECEIVED

ASSOCIATE DIRECTOR

NOV 15 15 28 PM '74

RECEIVED

Mr. Alvin H. Goldstein

NOTE: Based on incoming communication from Goldstein dated 10-24-74 and Legal Counsel to Mr. J. B. Adams memorandum dated 10-23-74, captioned, "Freedom of Information Act Requests of Professor Allen Weinstein and Alvin H. Goldstein."

AS:RDG:caj

OCT 16 1974

Files
Gauf
Saloschin
Hauser
FBI ✓
Glovsky

Mr. Alvin E. Goldstein
3017 Dunbarton Street, N.W.
Washington, D.C. 20007

out 10/16/74

Dear Mr. Goldstein:

Julius Rosenberg

This is with reference to your letter of August 8, 1974, to the Attorney General in which you made three specific requests. First, you asked for a reconsideration of former Acting Attorney General Bork's December 26, 1973, ruling denying your request for access to FBI reports of interviews with David and Ruth Greenglass. Second, you sought an initial ruling with regard to a list of specific requests, which you attached to your letter. And third, you asked for a specific ruling on your request for access to the entire Rosenberg-Sobel file. I understand that Director Kalley of the FBI wrote to you on September 12, indicating that it would not be appropriate to grant you access to any of the Rosenberg documents while the appeal of Professor Allen Weinstein was pending.

The Attorney General has recently acted on Professor Weinstein's appeal. Accordingly, the FBI has advised me that it will now consider your second and third requests.

My response is directed to your first request, for reconsideration of Mr. Bork's ruling. Our regulations provide for an administrative appeal, but they do not authorize a subsequent reconsideration procedure; hence the action which Mr. Bork has taken represents the final action of the Department on your earlier request. See 28 CFR 16.7. As to your second and third requests, we are not in a position to comment, since those requests are currently before the FBI, and may come before the Attorney General on appeal.

EXP. PROC.

REC-50 65-58236-2489

Sincerely,

11-14
OCT 16 1974

EX-110

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DATE 10/29/86 BY 3042 put-dtc

Antonia Scalia
Assistant Attorney General
Office of Legal Counsel

LEGAL COUNSEL
[Signature]

3
FRS
58 NOV 20 1974

- Assoc. Dir. _____
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- Director Sec'y _____

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

Attorney General William B. Saxbe was described yesterday as having "reversed the spirit, if not the letter" of a 13-month-old policy by his predecessor, Elliot L. Richardson, that had authorized scholarly access to investigatory files more than 15 years old, such as in the Alger Hiss case.

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

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

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

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

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

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

Last November, the Justice Department unsuccessfully

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

Professor Weinstein said the Justice Department since then had let him look through "several thousand pages" of department files, including prosecution records. But he said he had received only 173 pages of 53,000 in F.B.I. data that were to have been processed for him by the bureau on his readiness to pay a requested \$12,565.

Unusability Charged

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

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

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

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

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

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

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

William A. Reuben, a New

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

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

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

- The Washington Post _____
- Washington Star-News _____
- Daily News (New York) _____
- The New York Times _____ 22
- The Wall Street Journal _____
- The National Observer _____
- The Los Angeles Times _____

Date Oct 21 1974

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3017 Dunbar St., N. W.
Washington, D. C. 20007
August 8, 1974

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AUG 21 1974

CRIMINAL DIVISION

Honorable William B. Saxbe
Attorney General of the United States
Department of Justice
Washington, D. C. 20530

Dear Mr. Saxbe

The writer is a working journalist, historian and academician, and produces television programs for public broadcasting. In my capacity as a writer and producer for public television I have been developing a number of broadcasts which attempt to re-examine the Rosenberg-Sobel case from the 1950's. In the course of my research I have made repeated efforts to obtain access to Federal Bureau of Investigation and Department of Justice files concerning the case.

On August 13, 1973 I directed a letter to the Federal Bureau of Investigation, pursuant to Attorney General Order 528-73, and the Freedom of Information Act, requesting access to the Rosenberg-Sobel files. I was advised on September 21, 1973 by Mr. Clarence Kelly, Director of the FBI, that such files could be made available to me dependent upon my willingness to pay a fee required to initiate the process. On October 1, 1973 I wrote Mr. Kelly and requested specific materials from the Rosenberg-Sobel file. Subsequently, after telephone conversations with Special Agent Richard C. Dennis, Jr. of the Freedom of Information Act Unit, I narrowed my request to specific information from the Rosenberg-Sobel files concerning interviews of David Greenglass and a 1950 interview of Ruth Greenglass. On October 25, 1973 Mr. Kelly advised me that my request for the Greenglass information was denied. On November 7, 1973 an appeal from Mr. Kelly's October 25, 1973 decision was filed in my behalf with the Department of Justice. On December 26, 1973 Acting Attorney General Robert H. Bork wrote my attorney, Mr. Edmond D. Campbell, stating that my request for the Greenglass information was denied. Mr. Bork indicated that the reason for denial was that release of information about the Greenglasses raised the problem of invasion of privacy and might have a chilling effect on the willingness of potential informants to confide in the FBI.

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R.A.O.

In addition, Mr. Bork indicated that he had directed his Freedom of Information Committee to begin work on the development of the necessary criteria to balance the interests of privacy with the interests in disclosure.

The purpose of this letter is to make three specific requests. First, I ask that you reconsider the December 26, 1973 ruling of Acting Attorney General Bork denying my request for access to the Greenglass interview files. Second, I would like an initial ruling with regard to my other specific requests, attached hereto. Third, I am requesting a specific ruling on my request to gain access to the entire 25,000-page Rosenberg-Sobel file so that I may determine which parts of that file I would like to photocopy.

This request is made pursuant to the Freedom of Information Act and Attorney General Order 528-73 (28 CFR §50.8). I would appreciate your prompt action in this matter.

Respectfully yours,



Alvin H. Goldstein

65-58236-2459

1. Report on the interrogation of Klaus Fuchs during the latter part of May 1950 by FBI Agents at London's Wormwood Scrubs Prison.

2. Statements of Harry Gold and FBI reports and teletype messages regarding his interrogation from May 15, 1950 through June 16, 1950. (If this material is too voluminous, we might ask for statements and reports relating to Klaus Fuchs, a G. I. or Greenglass, and any New Mexico trips, but if practicable it probably would be best to see everything from this period.)

3. Statements of Harry Gold and FBI reports on his interrogation from June 17, 1950 to July 17, 1950 relating to Fuchs, the Greenglasses, Julius Rosenberg, and any aspect of the 1945 trips to New Mexico.

4. Employment records of Gold from Pennsylvania Sugar Co., including records of absences and company travels.

5. Any records or documents whatsoever relating to trips made by Gold in 1945, including records of his stay at the Palmer House, Chicago, in September 1945, and a telegram sent by him from Albuquerque or elsewhere to Philadelphia or elsewhere in September, 1945 requesting money.

6. All FBI reports and records relating to the obtaining by the FBI on May 23, 1950 of Harry Gold's registration card at the Hotel Hilton, Albuquerque, dated September 19, 1945. All FBI reports and records relating to Gold's registration card at the Hotel Hilton, Albuquerque, dated June 3, 1945. Also, all memos, reports, records, etc. relating to the return of the original

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DATE 10/29/83

3042 *part of file*
ENCLOSURE

65-58236-24-9

of the June 3, 1945 registration card to the Hotel Hilton on August 4, 1951 and its destruction in 1957. All memos, reports, records, etc. relating to the FBI's destruction of the September 19, 1945 card on February 11, 1960.

6. Report of FBI interrogation of David Greenglass at his home, 265 Rivington Street, New York City, in February 1950.

7. Reports relating to the FBI surveillance of David Greenglass in spring, 1950.

8. Reports on the FBI interrogation of David Greenglass at his home and at FBI offices on June 15-16, 1950, and on the search of his home with an inventory of material found. The statement of David Greenglass given to the FBI during the late evening of June 15 and the early morning of June 16, 1950.

9. Report on the FBI interrogation of Ruth Greenglass at hospital, June 16, 1950.

10. All other statements and FBI interrogation reports of David Greenglass from June 17, 1950 to March 5, 1951.

11. All other statements and FBI interrogation reports of Ruth Greenglass from June 17, 1950 to March 5, 1951 -- including Ruth's first statement given by her on July 16 or 17, 1950.

12. Investigative reports, documents, and records relating to any aspect of the Greenglasses' finances and sources of income, including their accounts and transactions at the Albuquerque Trust and Savings Bank (obtain

both signature card and ledger sheet), First National Bank of Albuquerque (two accounts; April 30 an active one), Public National Bank, Delancey and Orchard St., New York, Manufacturers Trust Co., 376 Grand St., New York, Corn Exchange Bank and Trust Co., 453 East 86th St., New York. Also records and documents relating to the Greenglasses of the Division of Loans and Currency, Chicago Branch, U. S. Treasury Department.

13. Reports relating to the obtaining of Greenglass negatives on January 19, 1951 from Irving Rose, Hollywood Photo Studio, 130 Clinton St., New York. Reports relating to obtaining of Greenglass photos on January 16, 1951. Access to all such negatives and photos.

14. Statements and interrogation reports of Abraham Brothman and Miriam Moscowitz in New York City, May, 1950.

15. Statements by and reports on the interrogation of Elizabeth Bentley in 1950-51 relating to phone conversations with or any other reference to a "Julius."

a) Any statements by and interrogation reports of Bentley in or about fall, 1945 in which she referred to a "Julius."

If none exists, then any such statements or reports referring to a "Julius" made after fall, 1945, but prior to 1950.

16. Statements by and reports on the interrogation of Max Elitcher in 1950-51, including July 20, 1950, July 21, 1950, October 23, 1950.

17. Statements by and reports on the interrogation of Morrell Dougherty, Tom Black, Helen Elitcher, Mr. and Mrs. W. B. Freeman, Wendell Marshman, Vivian Glassman, Ann Sidorovich, Robert Heineman, Kristel Heineman, Constantine Themistocles (sp. ?), Alfred Sarant, Joel Barr, Ben Yelsey, Ben Abrams. Also, information on the whereabouts of Joel Barr and Alfred Sarant when last known.

18. FBI report and inventory regarding the search of Harry Gold's home in Philadelphia in May or June 1947.

19. FBI report and inventory regarding the search of Harry Gold's home in Philadelphia on June 3 and June 6, 1950.

#####

UNITED STATES GOVERNMENT

Memorandum

21

TO : Mr. J. B. Adams

DATE: October 23, 1974

FROM : Legal Counsel *J.B.*

ALL INFORMATION CONTAINED
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DATE 10/28/86 BY 3042 *put to rest*

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Legal Coun.	
Telephone Rm.	
Director Sec'y	

SUBJECT: FREEDOM OF INFORMATION ACT REQUESTS OF
PROFESSOR ALLEN WEINSTEIN AND ALVIN H. GOLDSTEIN
USA USA

Reference is made to Bulet to Professor Weinstein dated 10-16-74.

By letter dated 10-10-74 addressed to Mr. John H. F. Shattuck, American Civil Liberties Union, the Attorney General affirmed our actions in withholding documents in the Rosenberg and Alger Hiss files from Professor Weinstein. In accordance with this action, by letter dated 10-16-74 to Mr. Alvin H. Goldstein, the Department similarly deferred to our judgment with regard to Goldstein's requests for Rosenberg materials.

Mr. Shattuck has released the Attorney General's letter to the public, and in an article on 10-21-74 in "The New York Times," Shattuck indicated he would "resuscitate" the suit for the Hiss files.

It should be emphasized, in the memorandum for the Attorney General prepared by the Office of Legal Counsel (Dept.) accompanying the letter to Mr. Shattuck, it was stated that the Department's Office of Legal Counsel believes certain documents from these files could be released which would not "...compromise the Bureau's law enforcement capabilities or represent an unwarranted invasion of personal privacy..."

We have provided Professor Weinstein some reports from the Alger Hiss case when we felt we were able to adequately protect individuals providing us information and merely mentioned in the files. In addition, we have furnished him with every Laboratory report in the Hiss files which could be identified through indices. No documents have been released from the

- 1 - Mr. Adams
- 1 - Mr. Wannall
- 1 - Mr. Mintz

RD:law (4)

CONTINUED - OVER

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NOV 27 1974

LEGAL COUNSEL

ORIGINAL FILED IN 101-2668-561

Legal Counsel to Mr. J. B. Adams memo
Re: FOIA Requests of Professor Allen Weinstein and
Alvin H. Goldstein

Rosenberg files because of various reasons set forth in previous memoranda. A serial-by-serial review of these cases has not been conducted at this time. Consequently, the possibility does exist that there are additional documents available in both cases which might be released because of the lack of any privacy considerations. We point out we could now utilize the Attorney General's communication to Mr. Shattuck along with the (b) (7) exemption and not release any documents from the Rosenberg file and any additional documents from the Hiss file. However, we are concerned that the FBI will be subject to criticism from the Department and the courts for failing to conduct a full examination of these files and we are recommending that we now do so for the following reasons.

First, as previously stated, the Department is of the opinion there are documents in these files which would be subject to dissemination under the Attorney General policy. Second, we have already been sued for the Alger Hiss files by Professor Weinstein and it is highly possible that the Department, including the FBI, will be sued for the Rosenberg files by Professor Weinstein and Mr. Goldstein. Although technically, as stated previously, the release of these documents appears to be now within our entire discretion, a judge, after in camera inspection, could hold that we have abused this discretion by not reviewing the entire file. Third, and more important, we have been battling with the Department's Office of Legal Counsel for over a year concerning the Attorney General policy and consider Mr. Saxbe's letter to Mr. Shattuck a major victory. We feel it is in our best interest to be able to demonstrate to the Department that we did not abuse the discretionary power they have given us in these two cases by being able to state that we made a complete review of these files prior to determining that we could not disclose certain documents. In this way we could show our compliance with the Attorney General's Order and preclude the Department from withdrawing the discretion granted to us. Fourth, we know Professor Weinstein has been in contact with various Members of Congress in the past concerning the FOIA and because of this, we recommended that the Department delay the letter sent to Mr. Shattuck until the outcome of the FOIA amendments was known. It is not unlikely that

Legal Counsel to Mr. J. B. Adams memo
Re: FOIA Requests of Professor Allen Weinstein and
Alvin H. Goldstein

Professor Weinstein may seize upon the Attorney General's action to urge various Members of Congress to vote to override the Presidential veto. An offer on our part to examine these files in-depth may help to diffuse any such attempts by Professor Weinstein. Finally, William Reuben, who has previously requested access to documents in the Hiss case, has just obtained Alger Hiss's consent for the release of certain of his statements to the FBI. This development likewise would appear to require a reexamination of the Hiss file.

RECOMMENDATION:

That the FOIA Unit conduct a thorough examination of these files to ascertain whether there are documents available for dissemination which would not constitute an invasion of an individual's privacy or impede any of our investigative efforts.

JCF

JH

O.K. by J.B. Adams / JCF

JCF

18

November 14, 1974

- 1 - Mr. Wannal
- 2 - Mr. Mintz

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/23/86 BY 3042 PWS/AB

X
ST

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

Dear Mr. Weinstein:

Reference is made to a letter dated October 10th from Attorney General William B. Saxbe to your attorney, John H. F. Shattuck, Esq., and a telephone conversation between yourself and Special Agent Richard C. Dennis, Jr., of the Freedom of Information Act Unit on October 23rd.

By referenced letter, the Attorney General advised your attorney he had decided to defer to our judgment as to the materials which should be withheld from the Rosenberg, Julius and Alger Hiss files. As has been indicated to you previously, we are greatly concerned for the privacy of the various individuals who are mentioned in these files and became well-known by reason of their involvement with these cases. It was our view prior to the Attorney General's decision that we were in need of additional privacy guidelines before disclosing any information whatsoever from the Rosenberg case and any additional data from the Hiss case.

However, in view of the action taken by the Attorney General, we are now reexamining these files to ascertain whether or not any other materials can be released to you, such as the Laboratory reports provided you from the Hiss case.

- 1 - John H. F. Shattuck, Esq.
American Civil Liberties Union
22 East 40th Street
New York, New York
- 1 - Honorable Earl J. Silbert
United States Attorney
Attention: Honorable Michael Ryan
Assistant United States Attorney
United States Courthouse
Washington, D. C.
- 1 - The Deputy Attorney General
- 1 - Assistant Attorney General
Civil Division (JAMELrad; 145-12-1351)
- 1 - Assistant Attorney General
Office of Legal Counsel
- 1 - Assistant Attorney General
Original Division, Attention: Mr. John Martin
Bufile 62-115530 (FOI-REPLIES)

19 NOV 15 1974

MAILED 7
NOV 14 1974
FBI

65-58236-
VERSION DISCLOSED NOT RECORDED
191 NOV 28 1974

- 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. _____
- Spot. Inv. _____
- Training _____
- Legal Coun. _____

58 NOV 20 1974

RD:law (14)

ORIGINAL FILED 101-268-560

Mr. Allen Weinstein

We will now also consider release of interviews of the principals and other individuals in these cases upon receipt of notarized authorization from the individual in question, or in the event of his or her death, from an appropriate family representative.

As you were previously notified, we were attempting to produce more legible copies of the Laboratory reports recently furnished you. We have completed this task and, they are now available for your inspection at FBI Headquarters. We will advise you further when we have identified any materials which we feel can be released to you from the Rosenberg and Hiss cases.

We are furnishing a copy of this communication to your attorney, John H. F. Shattuck, Esq.

Sincerely yours,
L. M. Kelley

Clarence M. Kelley
Director

NOTE: See Legal Counsel to Mr. J. B. Adams memorandum dated 10-23-74, captioned, "Freedom of Information Act Requests of Professor Allen Weinstein and Alvin H. Goldstein." Copy of this letter is being sent to Weinstein's attorney to keep him apprised of the developments. AUSA Michael Ryan, Washington, D. C., who is handling the Government's defense in Weinstein's suit in the Hiss case, has requested copies of any correspondence between the Bureau and Weinstein.

UNITED STATES GOVERNMENT

3

Memorandum

TO : Mr. J. B. Adams

DATE: 11-26-74

FROM : Legal Counsel

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/23/86 BY 3642 PWS/MS

- Ext. _____
- Files & Com. _____
- Gen. Inv. _____
- Ident. _____
- Inspection _____
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- Laboratory _____
- Plan. & Eval. _____
- Spec. Inv. _____
- Training _____
- Off. Coun. _____
- Telephone Rm. _____
- Director Sec'y _____

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

Julius Rosenberg

Captioned individual is suing the Department of Justice for access to the Alger Hiss files and has requested access to the Rosenberg files under the Attorney General policy. Over the past year the Department has been attempting to negotiate a settlement of Weinstein's suit. On this date, he met with SA Richard C. Dennis, Jr., of the FOIA Unit and was afforded more legible copies of Laboratory reports from the Hiss case which have previously been furnished to him.

During the course of the conversation, Professor Weinstein stated he was planning to resuscitate his suit and challenge in court the deletions made in the documents which have been furnished to him. In addition, he said through this suit he would attempt to resolve the legality of withholding interviews on the basis the release of the interviews would constitute an invasion of privacy of that individual. He noted it was likely he would wait 90 days before amending his complaint in order to allow the FOIA amendments to take effect.

It is pointed out that the deletions made in the documents which have been provided to Weinstein were made in accordance with the Attorney General policy. In fact, under the FOIA before it was amended, these documents were exempt from disclosure in their entirety. Therefore, since the Department deferred to our judgment as to what material should be released, it is felt we are in a strong position to defend the deletions we have made. However, these files are no longer exempt in their entirety and any future deletions we make under the amended Act will be subject to judicial scrutiny.

RECOMMENDATION:

For information.

- 1 - Mr. Adams
- 1 - Mr. Wannall
- 2 - Mr. Mintz

RD:law (7)

Rd. 58 DEC 130
1974

65-38236-
NOT RECORDED
165 DEC 5 1974

DEC 3 1974
6

ORIGINAL FILED IN 62-116103-9

[Handwritten signature]

[Handwritten signature]
11-27-74

JK
1

David G. Breiner
Group Advisor
1935 Woodmont Drive
Bethlehem, Pa. 18018
December 3, 1974

Federal Bureau of Investigation
Washington, D.C.

Gentlemen:

My National History Class is presently researching the post World War II era in the United States. The topic of research my group has chosen is the treason trial of Julius and Ethel Rosenberg. My group would appreciate any information (i.e. films, slides, booklets, pamphlets and papers) your agency could provide; and if possible, a transcript or partial transcript of the actual trial. Under the recently amended Freedom of Information Act, we are hoping for a swift response.

If your agency can not supply the information requested, please give us some guidance as to where we could get hold of this needed information.

We appreciate any assistance you can give us and thank you for your time and consideration.

REC-101j
65-58236 2491
7. DEC 17 1974

Sincerely

(Mr.) David G. Breiner
David G. Breiner

ack
for Julius
12-10-74
DGB:meb

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/23/86 BY 3042 PWS/AS

CORRESPONDENCE

UNIVERSAL CITY STUDIOS, INC.

January 10, 1975

The Honorable Clarence M. Kelley
Director
Federal Bureau of Investigation
Department of Justice
Washington, D. C. 20530

Handwritten initials and a large number '9'.

Dear Director Kelley:

Currently we have two writers, Steve and Eleanor Karp, engaged to write a screen play that has a background concerning the development of the atom bomb. The story will involve references to the role of Enrico Fermi, President Truman, Klaus Fuchs, and Ethel and Julius Rosenberg.

May we obtain such data as may be available from your files on Ethel and Julius Rosenberg. We ask this in accordance with the provisions of the Freedom of Information Law.

We understand that we are to reimburse the government for researcher time as may be needed. When the material is available it may be sent to my office in Washington, or I'll be happy to pick it up upon telephone notification.

Sincerely yours,

Handwritten signature of John E. Horton

JEH:dm

REC-59

Handwritten file number: 65-58236-2492

EX-103

JAN 22 1975

Handwritten signature and stamp: LEGAL COUNSEL

Vertical handwritten text on the right margin: 65-58236-2492



JOHN E. HORTON, WASHINGTON REPRESENTATIVE
1701 K STREET, N.W.

WASHINGTON, D. C. 20008

(202) 298-4620

JAN 24 1975

Handwritten notes at the bottom left.

Name Searching Unit - Room 6524
 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 Calif
 Exact Name Only (On the Nose)
 Buildup Variations

Subject Steve Karp
 Birthdate & Place _____
 Address _____

Localities _____

R# _____ Date 1/15 Searcher Initials SC

Prod. _____

	FILE NUMBER	SERIAL
NI	[REDACTED]	
NI	<u>Steve Thomas</u>	<u>on list</u>
NI	<u>Steve Thomas</u>	
		b7c
		b7D
		b2

ALL INFORMATION CONTAINED
 HEREIN IS UNCLASSIFIED
 DATE 11/14/86 BY 3042 JWC/STC

January 21, 1975

1 - Mr. Mintz

EX-103
REC-59 5-58236-2492

Mr. John E. Horton
Washington Representative
Universal City Studios, Inc.
1701 K Street, N. W.
Washington, D. C. 20006

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10/28/86 BY 3042 *put-DR*

Dear Mr. Horton:

This is to acknowledge your letter of January 10th requesting information from our files on Ethel and Julius Rosenberg under the provisions of the Freedom of Information Act.

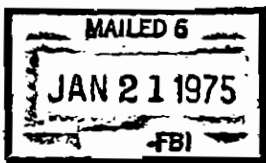
Please be advised that the Rosenberg records are contained in an investigatory file compiled for law enforcement purposes and under the Freedom of Information Act investigatory files are exempt from public disclosure (Title 5, United States Code, Section 552 (b) (7)). However, in a Department of Justice Order on July 11, 1973, the Attorney General set the policy of disclosing information from investigatory files over 15 years old to individuals conducting historical research subject to certain deletions, and your request would seem to meet the criteria set forth in this Order.

Information from the Rosenberg files has also been requested by other individuals, but as yet no material has been released. At this time the records are being reviewed to locate data the disclosure of which would not constitute an unwarranted invasion of the privacy of the individuals involved in the case. We will notify you when the review has been completed.

Sincerely yours,

G. M. Kelley

Clarence M. Kelley
Director



- Asst. Dir.:
- Adm. _____
- 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 reflect relationships between Horton and the Bureau have been cordial for over 20 years (94-55697, 94-61889). In connection with his work in the film industry, Horton has mi:law (7)

NOTE CONTINUED PAGE TWO

mi:law
JAN 21 1975

MAIL ROOM TELETYPE UNIT

Jan 24 1975
2

JAN 24 1975

94-55697-1
94-61889-688
cc sent to Mr. Sp... 1/25

Mr. John E. Horton

NOTE CONTINUED: cooperated with the Bureau by submitting scripts in which the FBI was depicted for our suggestions and approval and the Bureau, in turn, has extended him courtesies. With our permission, he shot a firearms film at Quantico and he was given unused footage from one of our firearms training films for use in another film he was producing. The writers, Steve and Eleanor Karp, referred to in Horton's letter, are not identifiable in Bufiles.

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI (65-58236)
(ATTN: MECHANICAL SECTION-PHOTO UNIT)

DATE: FEB 4 1975

FROM : *JAN/A* SAC, NEW YORK (65-15348)

SUBJECT: JULIUS ROSENBERG
ESPIONAGE-R

CMR
2-13-75

ReNYairtel to Bureau, 10/30/74.

On 1/28/75, Mr. MARTIN WISHNEW, Secretary to Chief Assistant AUSA CAHILL, SDNY, NYC, advised that prior to returning certain personal items to the ROSENBERG family, which had formerly been in possession of the FBI or the USA, it was desired that these items be photographed for record purposes.

The items involved have been photographed by the NYO and seven negatives are enclosed herewith for the Bureau.

Request of the Bureau

It is requested that the Mechanical Section prepare three 8" by 10" color prints of each negative.

One of each print will be maintained in the NYO file and two prints of each will be furnished to the USA, SDNY per his request.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE *7/23/86* BY *3042 PWS/DSB*

ENCLOSURE

*Det of NY
New York 14-75
65-58236-*

NOT RECORDED
14 FEB 6 1975

- 3-Bureau (Encls. 7)(RM)
- 1-Mechanical Section
- 1-New York

PFD: jm
(4)

THREE

FIVE



*Ask Mel Set
2-14-75
7 color negs*

4

SAC, New York (85-15348)

February 14, 1975

Director, FBI (85-58236)

**JULIUS ROSENBERG
ESPIONAGE-R**

Reference is made to your communication dated **2/4/75** transmitting
 negative(s) film photograph(s) document(s)
pertaining to the above-captioned matter.

In accordance with your request film has been developed
 enlargement(s) made
 positive copy made
 print(s) made
 slide(s) made
 negative(s) made
 Photostats made

The above is attached
 being sent under separate cover, via registered mail
 REA Express

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/23/76 BY 3042 PWS/AS

J.P. [Signature] 42208E1

MAILED A
FEB 14 1975
FBI

JPF:cmr Enc. 28
(4)

60 FEB 27 1975

MAIL ROOM TELETYPE UNIT

FBI

Date: 2/28/75

Transmit the following in _____
(Type in plaintext or code)

Via AIRTEL _____
(Priority)

TO: DIRECTOR, FBI (65-58236)
(ATT: INTD & FREEDOM OF INFORMATION ACT SECTION)

FROM: SAC, NEW YORK (65-15348)

SUBJECT: JULIUS ROSENBERG
ESP-R

~~SECRET~~ WAS BORN
1916-25

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10/28/86 BY 3042 [signature]

ReNYnitel, dated 2/27/75, in this matter.

Enclosed herewith are two copies of the letter furnished to the NYO by Chief Assistant USA THOMAS J. CAHILL, SDNY, on 2/26/75. As set forth in referenced communication, Mr. CAHILL stated that he is going to attempt to counteract the request in this particular matter as to the Freedom of Information Act as amended by pointing out that ANATOLI A. YAKOVLEV is still a fugitive from justice and the subject of an indictment and bench warrant in the SDNY.

FBIHQ will be kept promptly advised of all details concerning this matter.

ENCLOSURE
LE
ENCLOSURE ATTACHED

- ③ - Bureau (Encls. 2) (RM)
- (1 - 100-346193)
- 1 - New York

RFM:kjp
(5)

CC - FOIA
3/5/75
AMM/k

CLASSIFIED BY 3137
EXEMPT FROM GDS, CATEGORY 2&3
DATE OF DECLASSIFICATION
INDEFINITE

REC-4

65-58236-2493

EX-101

MAR 3 1975

LEGAL COUNSEL

Approved: _____
Special Agent in Charge

Sent _____ M Per _____

7 0 MAR 19 1975

100-346193

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

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

NR 002 NY CODE

10:59AM URGENT 2-28-75 SMS

FEB 28 1975

~~SECRET~~

TELETYPE

TO: DIRECTOR, FBI

FROM: SAC, NEW YORK (65-15348)

Classified by 2042 Jut/DJC
Declassify on: OADR
10/24/86

~~TOP SECRET~~

ATTN: INTD AND FREEDOM OF INFORMATION ACT SECTION

JULIUS ROSENBERG; IS - R.

ON FEBRUARY 26, 1975, CHIEF ASSISTANT, UNITED STATES ATTORNEY, SOUTHERN DISTRICT OF NEW YORK (USA, SDNY), THOMAS J. CAHILL, SUPPLIED A COPY OF A LETTER AND ATTACHMENT ADDRESSED TO THE USA, SDNY, FROM MARSHALL PERLIN, 36 WEST 44TH STREET, NEW YORK, NEW YORK (NY). THIS LETTER WAS SIGNED BY MARSHALL PERLIN AND WILLIAM J. BENDER. IT IS IN REFERENCE TO A REQUEST MADE BY MICHAEL AND ROBERT MEEROPOL ALSO KNOWN AS (AKA) ROSENBERG IN REQUEST FOR FILES AND RECORDS IN THE MATTER OF ETHEL AND JULIUS ROSENBERG, ET AL. THIS LETTER SETS FORTH THAT MR. BENDER AND MR. PERLIN, ATTORNEYS FOR THE SONS OF THE ROSENBERGS WERE HEREWITH REQUESTING FOR COPIES OF FILES AND RECORDS PERTAINING TO THE CASE. MR. CAHILL STATED THAT THE LETTER REQUESTS INFORMATION OF THE UNITED STATES (US) GOVERNMENT IN CONNECTION WITH THE FREEDOM OF INFORMATION ACT AS AMENDED. AS THE BUREAU IS AWARE THE AMENDMENTS OF THIS ACT REQUIRE THE GOVERNMENT TO FURNISH DETAILED INFORMATION CONCERNING

D

INTELLIGENCE DIVISION
RECORDED

REC-100

65-58236-2493X

65-57236-2493X

5-30

15 MAR 11 1975

56 JUL 03 1975

~~SECRET~~

SP-1
F. O. I. A.
LEGAL COUNSEL

~~SECRET~~

PAGE TWO NY 65-15348 ~~TOP SECRET~~

AN EXPANSIVE AMOUNT OF INFORMATION CONTAINED IN BUREAU FILES. THE REQUEST AND THE LETTER ARE BEING FURNISHED TO THE BUREAU AS AN ENCLOSURE TO AN AIRTEL FOR THE INFORMATION OF THE BUREAU.

ON FEBRUARY 27, 1975, MR. CAHILL ADVISED THAT HE WAS CONSIDERING COUNTERACTING THE REQUEST MADE BY THE ATTORNEYS AS REPRESENTATIVES FOR THE SONS OF THE ROSENBERGS TO INDICATE THAT THE CASE WAS STILL PENDING, THAT IS, THAT ANATOLI A. YAKOVLEV AKA ANATOLIY YAZKOV, BUFILE 100-34619³, NYFILE 100-81002. MR. CAHILL STATED THAT IF IT WOULD BE POSSIBLE FOR THE GOVERNMENT TO ESTABLISH IN ANY WAY THAT YAKOVLEV AKA YAZKOV, WAS STILL A MATTER OF INTEREST TO THE US GOVERNMENT AS WELL AS POSSIBLY UNSOLVED SITUATIONS CONCERNING HIS ESPIONAGE ACTIVITIES IN THE US, IT MIGHT BE POSSIBLE TO PREVENT THE REQUEST OF EXTENDED INFORMATION IN THIS CASE AT LEAST FOR A PERIOD OF TIME.

THE BUREAU'S ATTENTION IS DRAWN TO THE FACT THAT

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

b1

S

~~SECRET~~

THE BUREAU'S ATTENTION IS ALSO DIRECTED TO THE INFORMATION AS FURNISHED TO THE BUREAU CONCERNING YAKOVLEV AKA YAZKOV, IN THE YAKOVLEV CASE, IN THAT [REDACTED]

[REDACTED]

b1

[REDACTED]

S

THE INFORMATION CONCERNING [REDACTED]

[REDACTED]

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[REDACTED]

PAGE FOUR NY 65-15348 ~~TOP SECRET~~

~~REDACTED~~
~~REDACTED~~ FROM FEDERAL BUREAU OF INVESTIGATION (FBI)
HEADQUARTERS. THE BUREAU WILL BE KEPT PROMPTLY ADVISED OF
ALL DETAILS CONCERNING THIS MATTER. b1

CLASSIFIED BY 3137, XGDS 2 AND 3, INDEFINITE.

END.

JRM FBIHQ

CLR

cc Freedom of information Act Section

UNITED STATES GOVERNMENT

Memorandum

DATE: 28 FEB 1975

TO : Freedom of Information Act Unit
Federal Bureau of Investigation

FROM : Susan M. Hauser
Staff Assistant to the
Deputy Attorney General

SUBJECT: FREEDOM OF INFORMATION ACT REQUEST - Michael & Robert Meeropol

Enclosed herewith is a request under the Freedom of Information Act, 5 U.S.C. 552, for access to itemized documents concerning Ethel & Julius Rosenberg. Copies of this request have been directed to all offices listed on page 2 of the request.

Pursuant to 28 CFR § 16.5 which took effect on February 19, 1975, the responsible division shall, within ten working days, either comply with or deny a request for records unless unusual circumstances warrant an extension of time.

In cases where additional time is required, extensions shall be granted by the head of the division in increments of five days or less. The requester should be notified of the reasons for the time extension and the date on which a determination is expected.

If the request is denied, the requester should be informed by the head of the responsible division of 1) the exemption(s) authorizing the withholding of the records, 2) how the exemption applies to the record withheld and, where relevant, a brief explanation of why discretionary release is not appropriate, 3) the name and title of the person(s) responsible for the denial, and 4) his right of administrative appeal within 30 days to the Attorney General and the availability of judicial review thereafter.

Copies of all acknowledgements, extension notices, and responses should be forwarded to my office, Room 4212.

2- ENCLOSURE

REC 100 65-58236-2493X1

18 MAY 30 1975



365
330

70 JUL 29 1975 Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

MARSHALL PERLIN
ATTORNEY AT LAW
36 WEST 44TH STREET
NEW YORK, N. Y. 10036

RECEIVED
OFFICE OF THE

FEB 23 2 43 PM '75

DEPUTY
ATTORNEY GENERAL

MILTON H. FRIEDMAN

(212) 661-1886

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 2/23/86 BY 3042 PWS/MS

February 20, 1975

Office of Deputy
Attorney General
Justice Department
Washington, D. C. 20530

re: Michael and Robert Meeropol
a/k/a Rosenberg request for
files and records in the
matter of Ethel Rosenberg
and Julius Rosenberg et al. *NY*

Gentlemen:

The undersigned are attorneys for Messrs. Meeropol, and enclose herewith their letter request for copies of files and records pertaining to the above matter, as more particularly set forth in that letter.

Their request is being made pursuant to the provisions of the Freedom of Information Act, as amended. Please respond thereto as expeditiously as possible and in accordance with the time provisions set by statute. Our clients are aware of charges for search and reproduction and are prepared to pay any reasonable costs in respect thereto.

We would appreciate your response be sent to the undersigned at the above address and a copy to Mr. Bender, c/o Constitutional Litigation Clinic, Rutgers University - Law School, 175 University Avenue, Newark, New Jersey 07102.

Very truly yours,

Marshall Perlin
Marshall Perlin

William J. Bender
William J. Bender

mp/fg
enclosure

cc - Samuel Gruber, Esq.
Max R. Millman, Esq.
Morton Stavis, Esq.

Certified Mail

ENCLOSURE 65-58236-2493 X1

MICHAEL MEEROPOL AND ROBERT MEEROPOL

216 Fort Pleasant Avenue
Springfield, Massachusetts 01108

February 20, 1975

Office of Deputy Attorney General
Justice Department
Washington, D. C. 20530

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/23/86 BY 3042PWL/AB

Gentlemen:

The undersigned are the sons of ETHEL ROSENBERG and JULIUS ROSENBERG. We wish to obtain all of the records relating directly or indirectly to investigation and prosecution of our parents. We wish full and complete disclosure to us of any and all records, data, memoranda, writings of every kind, in any form relating to this matter in your possession, care, or custody. This includes, but is not limited to:

All memoranda, all correspondence including but not limited to letterhead memoranda, minutes of meetings, conference letters, case reports, progress reports as well as work papers relating thereto, statements, interviews, and reports of interviews as well as notes and memoranda relating thereto, airtels, telex, burairtels, summaries, tapes, records, and transcripts of any data derived by any electronic or other surveillance devices, or any other writings of, to, from, and between, and among agents, employees, representatives, or individuals acting with or at the behest of

ENCLOSURE

65-57236-2493X1

the Justice Department, the FBI, the United States Attorney's Office for the Southern District of New York, the United States Attorney's Office for the District of New Mexico, Pardon Attorney's Office, the Bureau of Prisons, the United States Postal Department or Authority, the Immigration and Naturalization Service, the State Department, the Atomic Energy Commission, the CIA, Intelligence Agencies of the Department of Defense, as well as of the Armed Forces, any state or local enforcement intelligence or investigating agencies, and writings received from or delivered to members of the United States Congress or any agency or employee or representative of the United States concerning or relating to any of the following for the period 1944 to the present:

- (a) Ethel Rosenberg, Julius Rosenberg, Morton Sobell, Anatolai Yakovlev, Klaus Fuchs, Harry Gold, Ruth Greenglass, David Greenglass, Max Elitcher, Oscar Vago, Abraham Brothman;
- (b) The investigation and prosecution of the case of the United States of America against Julius and Ethel Rosenberg and Morton Sobell, both prior to and after the execution of the Rosenbergs;
- (c) Post trial investigations of the case by any of the above persons or agencies;
- (d) All records pertaining to any of the witnesses called for the case of the United States against Julius and Ethel

Rosenberg and Morton Sobell and those included in the list of witnesses by the Government at the trial of said case;

- (e) The same is to include but is not limited to 50 volumes of material and 25 file folders recently acknowledged to be part of the files and records of the Department of Justice, or copies of the same in your custody relating to the case of the United States of America against Ethel Rosenberg, Julius Rosenberg and Morton Sobell.

Very truly yours,

Michael Meeropol

Michael Meeropol
a/k/a Michael Rosenberg

Robert Meeropol

Robert Meeropol
a/k/a Robert Rosenberg

UNITED STATES GOVERNMENT

Memorandum

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

TO : Mr. J. B. Adams

DATE: 2/28/75

FROM : Legal Counsel *[Signature]*

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/23/86 BY 3042 PWS/MS

SUBJECT: INQUIRY CONCERNING FREEDOM OF INFORMATION ACT (FOIA)
REQUEST BY PROFESSOR ALLEN WEINSTEIN FOR ACCESS TO
THE HISS AND ROSENBERG FILE

On 2/28/75 at 11:00 a.m., an individual who identified himself as Seth Mydans, Associated Press, Boston, Massachusetts, telephonically contacted SA Allen H. McCreight, FOIA Unit, concerning captioned suit. Mr. Mydans solicited SA McCreight's comments regarding captioned matter, including any comments as to why there was a delay in furnishing information to Professor Weinstein.

Mr. Mydans was advised that, inasmuch as his inquiry related to a matter currently in litigation, it was felt that it would be inappropriate to make any comment at this time.

RECOMMENDATION:

For information.

- 1 - Mr. Adams
- 1 - Mr. Moore
- 2 - Mr. Mintz

AHM:ms (7)

Alm

JCF

M

Alm

JH

JM

JAA
ms

~~MAR 5 1975~~

~~REC'D ALLEN WEINSTEIN~~

65-58236-
NOT RECORDED
45 MAR 11 1975

50 MAR 13 1975

62-116103
ORIGINAL FILED IN

Mr. Clarence Kelly
Director
Federal Bureau of Investigation
Washington, D.C.

DPH
17

Julius Rosenberg

Dear Mr. Kelly,

I am a student in the Tenafly, New Jersey school system and for a term report I am covering the Rosenberg Conspiracy. Through books and television I have heard that the FBI is withholding information about the conspiracy, from the public. I would like to find out (1) if the information is being withheld and (2) if it is, why it is being withheld.

Since you are the director of the FBI I am turning to you for the answers to my two questions. Even though you were not the director when the conspiracy took place I feel that as the current director you should know what the situation might be.

I can only ask my questions, but I need you to answer them so please answer my questions.

THANK YOU VERY MUCH

Sincerely,
Joel Kosman
31 Woodmere Lane
Tenafly, New Jersey
07670

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/23/86 BY 3042PUL/AS

ti

Ack 3-17-75
WPH: dsh

REC-46

65-58236-2494

EX 104

7 MAR 18 1975

Slings
CORRESPONDENCE

REC-46
EX 104

65-58236-2494

March 17, 1975

Mr. Joel Kosman
31 Woodmere Lane
Tenafly, New Jersey 07670

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/23/86 BY 3042PUL/K

Dear Mr. Kosman:

In reply to your letter which was received in my office on March 13th, 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.

I regret that I cannot be of assistance in the preparation of your term report.

MAILED 6
MAR 17 1975
-FBI-

Sincerely yours,

C. M. Kelley

Clarence M. Kelley
Director

1 - Newark - Enclosure

NOTE: Based on available information, correspondent is not identifiable in Bufiles.

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

WPH:dsh (4)

56 MAR 25 1975

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John

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FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

NR 042 NY CODE

11:02 P.M. NITEL 3-14-75 PLQ

TO: DIRECTOR, FBI (65-58236)
FROM: SAC, NEW YORK (65-15348)

MAR 14 1975

TELETYPE

SECRET

Assoc. Dir.	_____
Dep.-A.D.-Adm.	_____
Dep.-A.D.-Inv.	_____
Asst. Dir.:	
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Plan. & Eval.	_____
Spec. Inv.	_____
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Legal Coun.	_____
Telephone Rm.	_____
Director Sec'y	_____

Classified by 3042 Jut-Ed
Declassify on OADR
10/28/86

~~TOP SECRET~~

~~TOP SECRET~~

ATTN: INTD AND FREEDOM OF INFORMATION ACT SECTION

JULIUS ROSENBERG, ESPIONAGE - R.

RENYTEL, FEBRUARY 28, 1975, AND NY CALL, MARCH 14, 1975.

ON THIS DATE, CHIEF ASSISTANT US ATTORNEY SDNY, THOMAS J. CAHILL REQUESTED IF THE NYO HAD ANY INSTRUCTIONS IN RELATION TO THE MATTER THAT HE HAD FURNISHED TO THE NYO CONCERNING THE REQUEST MADE BY THE ROSENBERGS' SONS, THROUGH THEIR ATTORNEY MARSHALL PERLIN. MR. CAHILL STATED THAT HE HAD BEEN DEALING WITH DEPUTY ASSISTANT ATTORNEY GENERAL KEVIN MAMRONEY AND LES ROE OF THE EXECUTIVE OFFICE OF US ATTORNEYS IN THE DEPARTMENT. MR. CAHILL WAS INFORMED THAT FBIHQ HAD BEEN FURNISHED THE MATERIAL HE HAD FURNISHED TO THE NYO AND THAT THE FBI FREEDOM OF INFORMATION ACT SECTION WERE DEALING WITH THE FREEDOM OF INFORMATION ACT GROUP AT THE DEPARTMENT OF JUSTICE, AND ANY ANSWERS OR REQUESTS STATEMENTS MADE WOULD HAVE TO COME FROM FBIHQ CONCERNING THIS MATTER. MR. CAHILL ALSO STATED THAT HE WISHED TO PURSUE THE MATTER OF KEEPING ANATOLI YAKOVLEV CASE OPEN AND COULD THE BUREAU FURNISH ANY INFORMATION INDICATING THAT YAKOVLEV HAD EVER BEEN OUTSIDE THE SOVIET UNION.

11/14/86

Handwritten signature

Tb

REC-19

65-58236-2495

EX-10

MAR 25 1975

Tel to NYO

3/20/75

JHS 8 MAR 28 1975

ROUTE IN ENVELOPE

INLET/FORCE DIA
RECEIVED

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PAGE TWO NY 65-15348

~~TOP SECRET~~

~~SECRET~~

MR. CAHILL WAS INFORMED THAT HIS QUESTIONS WOULD BE FURNISHED TO FBIHQ AND IN COMMENT CONCERNING THIS MATTER WOULD HAVE TO COME FROM FBIHQ. MR. CAHILL ADVISED THAT HE WAS GOING TO REQUEST A FIVE DAY DELAY FROM THIS DATE FOR ANSWER TO THIS MATTER. FBIHQ WILL BE KEPT PROMPTLY ADVISED OF ALL DETAILS THIS MATTER

CLASSIFIED BY 3137, XGDS 2 AND 3, INDEF.

END.

HOLD

TIMU 3:11 PM
SEP 19 10 11

~~SECRET~~

icc - Legal Council Div.

~~TOP SECRET~~

UNITED STATES GOVERNMENT

Memorandum

TO : Freedom of Information Act Unit
Federal Bureau of Investigation

DATE: February 24, 1975

FROM : Susan M. Hause
Staff Assistant to the
Deputy Attorney General

SUBJECT: FREEDOM OF INFORMATION ACT REQUEST - Lawrence R. Meyer

Enclosed herewith is a request under the Freedom of Information Act, 5 U.S.C. 552, for access to records pertaining to the investigation, indictment, prosecution and execution of Julius & Ethel Rosenberg. The Criminal Division is also preparing a response to this request.

Pursuant to 28 CFR s 16.5 which took effect on February 19, 1975, the responsible division shall, within ten working days, either comply with or deny a request for records unless unusual circumstances warrant an extension of time.

In cases where additional time is required, extensions shall be granted by the head of the division in increments of five days or less. The requester should be notified of the reasons for the time extension and the date on which a determination is expected.

If the request is denied, the requester should be informed by the head of the responsible division of 1) the exemption(s) authorizing the withholding of the records, 2) how the exemption applies to the record withheld and, where relevant, a brief explanation of why discretionary release is not appropriate, 3) the name and title of the person(s) responsible for the denial, and 4) his right of administrative appeal within 30 days to the Attorney General and the availability of judicial review thereafter.

Copies of all acknowledgements, extension notices, and responses should be forwarded to my office, Room 4212.

65-58236-2496
65-581479
101-2413
ENCLOSURE COPY FILED

D

REC-6

65-58236-2496

EX-110

MAR 14 1975

ENCLOSURE



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

The Washington Post

1150 15TH STREET, N.W. 223-6000

WASHINGTON, D.C. 20005

DEPUTY
ATTORNEY GENERAL

February 21, 1975

Robert Havel
Director of Public Information
Department of Justice
Washington, D.C.

Dear Mr. Havel:

I am formally requesting the opportunity to examine any and all documents in the possession of the Justice Department and the Federal Bureau of Investigation pertaining to the investigation, indictment, prosecution and execution of Julius and Ethel Rosenberg.

My request extends to materials, including FBI and prosecution interviews, involving David Greenglass, Harry Gold, the Rosenbergs, Morton Sobell and any and all persons interviewed or questioned in connection with the investigation and prosecution.

If there is any question that I can answer to help the Department and the Bureau in meeting this request, I will be happy to assist.

Thank you for your prompt consideration of this request.

Sincerely,

Lawrence R. Meyer

Staff Writer

ENCLOSURE

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3/12/75
JRO:ms
3
MAY 1975

57-36-2496

Department of Justice

Washington 20530

March 5, 1975

Mr. Lawrence R. Meyer
Staff Writer
The Washington Post
1150 15th Street, N. W.
Washington, D. C. 20005

Dear Mr. Meyer:

This is in response to your letter of February 21, 1975, in which you requested the opportunity to examine all documents from the files in the case of United States v. Julius and Ethel Rosenberg. We are treating your request in accordance with the provisions of the Freedom of Information Act (Title 5, U.S.C., Section 552) and the Attorney General's Order of July 11, 1973. Because your request includes documents originated by the Federal Bureau of Investigation, we have referred a copy of your letter to that agency for direct reply to you.

For your information, the Rosenberg file has already been screened as a result of requests by other researchers, and copies of the documents which have been released are available for your review. From the material already screened, you may select for copying any documents you desire for research. In that connection, you will be charged only for the costs of reproducing the material you select at the rate of \$.10 per page.

If, after reviewing the previously screened records, you desire specific documents not contained therein, an additional review of the Rosenberg file will be necessary and we will be required to assign an attorney to search for the material. Pursuant to Title 28, Code of Federal Regulations, Section 16.9, we will charge a fee of \$2.00 per quarter hour for this review, and we cannot assure you that

cc: FBI FOI Unit

3
27 1975

65-58236-2496
ENCLOSURE

the requested material will be made available to you, since it may be exempt under the Act. The fee established by the regulations will be charged whether or not any additional material can be released to you.

There are additional files in the Rosenberg case maintained by the United States Attorney's office in the Southern District of New York and you may contact Mr. Thomas J. Cahill, Assistant United States Attorney (telephone 212/264-6121) for advice as to their procedures and fees.

Please feel free to contact attorney Mary Katherine Hembree (telephone 202/739-3813), if you wish to make an appointment at a mutually convenient time to review the presently available material.

Sincerely,

JOHN C. KEENEY
Acting Assistant Attorney General

REC-6

65-58110-2496

March 12, 1975

Mr. Lawrence R. Meyer
Staff Writer
The Washington Post
1150 15th Street, N. W.
Washington, D. C. 20005

1 - Mr. Mintz

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10/28/86 BY 3042 Jmt-DSC

65-59028-
65-57449-
101-2483-

Dear Mr. Meyer:

This will acknowledge your recent letter directed to the Department of Justice. A copy of your letter was forwarded to this Bureau and received on February 25th.

As you may know, the FBI has under consideration a request by Professor Allen Weinstein for our records relating to the Julius and Ethel Rosenberg investigation. A review of the voluminous records concerning this matter has been conducted in response to Professor Weinstein's request, which closely parallels your request. We have encountered many troublesome and complex problems in attempting to resolve the questions of invasion of the personal privacy of the individuals who were the focus of this investigation, as well as the numerous individuals who cooperated with this Bureau and the Department of Justice in the investigation and prosecution of the case. Additionally, substantial portions of our investigation involve information furnished by individuals with express assurances of confidentiality, or under circumstances where such assurances may reasonably be inferred.

MAILED 7
MAR 13 1975
FBI

Professor Weinstein has instituted a suit against this Bureau and the Department of Justice, in connection with his request, to compel production of certain of these records. This suit is currently pending in United States District Court for the District of Columbia.

In view of the above, I feel that any release of documents to you at this time could interfere with this pending litigation. Under the provisions of the Freedom of Information Act, Title 5, Section 552 (b) (7) (B), (b) (7) (C) and (b) (7) (D) respectively, we are not required to disclose records the release of which would interfere with an impartial adjudication, constitute an unwarranted invasion of personal privacy, or disclose the identity or information furnished by a confidential source.

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

Criminal Division
Bufile 62-115530 (FOI REPLIES)

JRD: (10)

58 APR 1975

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[Handwritten signatures]

MAR 27 1975

Mr. Lawrence R. Meyer

If you wish to resubmit your request at a later date, after the litigation in this matter is resolved, we would be glad to reconsider your inquiry at that time.

You may appeal my decision in this matter by writing to the Attorney General, Attention: Freedom of Information Appeals Unit, Washington, D. C. 20530. The envelope and the letter should be marked "Freedom of Information Appeal." Additionally, judicial review is thereafter available either in the district in which you reside or have your principal place of business or in the District of Columbia, the location of the records to which you seek access.

Sincerely yours,

G. M. Kelley

Clarence M. Kelley
Director

- 1 - Honorable Earl J. Silbert
United States Attorney
Attention: Honorable Michael Ryan
Assistant United States Attorney
United States Court House
Washington, D. C.
- 1 - The Deputy Attorney General - Enclosure
- 1 - Assistant Attorney General - Enclosure
Civil Division
- 1 - Assistant Attorney General - Enclosure
Criminal Division

NOTE: Correspondent is a staff writer for the Washington Post Newspaper. His request is similar in scope to that of Professor Allen Weinstein who has filed suit against the Bureau to compel disclosure of our files on the Rosenberg case. (Weinstein v. Saxbe, U.S.D.C., D.C., Civil Action #2278-74). Our position is, as stated above, that release of any documents to correspondent could be detrimental to our position in the pending suit, and is not required by the FOIA. Assistant U. S. Attorney Michael Ryan, WDC, who is handling the suit in USDC was advised of our response and interposed no objection.

MARSHALL PERLIN

ATTORNEY AT LAW
36 WEST 44TH STREET
NEW YORK, N. Y. 10036

Assoc. Dir. _____
Dep. AD Adm. _____
Dep. AD Inv. _____
Asst. Dir.: _____
Admin. _____
Comp. Syst. _____
Ext. Affairs _____
Files & Com. _____

MILTON H. FRIEDMAN

(212) 661-1886

February 20, 1975

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

re: Michael and Robert Meeropol
a/k/a Rosenberg request for
files and records in the
matter of Ethel Rosenberg
and Julius Rosenberg et al

Gentlemen:

The undersigned are attorneys for Messrs. Meeropol, and en-
close herewith their letter request for copies of files and
records pertaining to the above matter, as more particularly
set forth in that letter.

Their request is being made pursuant to the provisions of
the Freedom of Information Act, as amended. Please respond
thereto as expeditiously as possible and in accordance with
the time provisions set by statute. Our clients are aware
of charges for search and reproduction and are prepared to
pay any reasonable costs in respect thereto.

We would appreciate your response be sent to the undersigned
at the above address and a copy to Mr. Bender, c/o Consti-
tutional Litigation Clinic, Rutgers University - Law School,
175 University Avenue, Newark, New Jersey 07102.

Attorneys

*36 West 44th St.
New York, N.Y.*

mp/fg
enclosure

cc - Samuel Gruber, Esq.
Max R. Millman, Esq.
Morton Stavis, Esq.

Very truly yours,

Marshall Perlin
Marshall Perlin

William J. Bender
William J. Bender

LEB SA

101

65-58226-2497

Certified Mail

REC-10

FEB 27 1975

M
ENCLOSURE

APR 1 1975

*Perlin
3/13/75
TRD/dms*

LEGAL COUNSEL

EXP. PROC.

100-439805
105-57449
65-58226
101-1988
101-2115
100-346193
100-365040
101-2493
101-1988
105-58805

MICHAEL MEEROPOL AND ROBERT MEEROPOL

216 Fort Pleasant Avenue
Springfield, Massachusetts 01108

February 20, 1975

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

Gentlemen:

The undersigned are the sons of ETHEL ROSENBERG and JULIUS ROSENBERG. We wish to obtain all of the records relating directly or indirectly to investigation and prosecution of our parents. We wish full and complete disclosure to us of any and all records data, memoranda, writings of every kind, in any form relating to this matter in your possession, care, or custody. This includes, but is not limited to:

All memoranda, all correspondence including but not limited to letterhead memoranda, minutes of meetings, conference letters, case reports, progress reports as well as work papers relating thereto, statements, interviews, and reports of interviews as well as notes and memoranda relating thereto, airtels, telex, burairtels, summaries, tapes, records, and transcripts of any data derived by any electronic or other surveillance devices, or any other writings of, to, from, and between, and among agents, employees, representatives, or individuals acting with or at the behest of

REC-10

65-58236-2492

ENCLOSURE

12 FEB 27 1975

11 - LEGAL COUNSEL

EXP. PROC.

FEB 27 1975

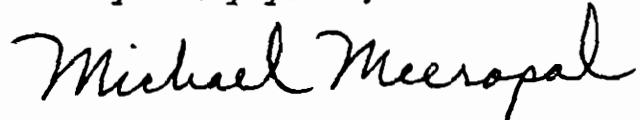
the Justice Department, the FBI, the United States Attorney's Office for the Southern District of New York, the United States Attorney's Office for the District of New Mexico, Pardon Attorney's Office, the Bureau of Prisons, the United States Postal Department or Authority, the Immigration and Naturalization Service, the State Department, the Atomic Energy Commission, the CIA, Intelligence Agencies of the Department of Defense, as well as of the Armed Forces, any state or local enforcement intelligence or investigating agencies, and writings received from or delivered to members of the United States Congress or any agency or employee or representative of the United States concerning or relating to any of the following for the period 1944 to the present:

- (a) Ethel Rosenberg, Julius Rosenberg, Morton Sobell, Anatolai Yakovlev, Klaus Fuchs, Harry Gold, Ruth Greenglass, David Greenglass, Max Elitcher, Oscar Vago, Abraham Brothman;
- (b) The investigation and prosecution of the case of the United States of America against Julius and Ethel Rosenberg and Morton Sobell, both prior to and after the execution of the Rosenbergs;
- (c) Post trial investigations of the case by any of the above persons or agencies;
- (d) All records pertaining to any of the witnesses called for the case of the United States against Julius and Ethel

Rosenberg and Morton Sobell and those included in the list of witnesses by the Government at the trial of said case;

- (e) The same is to include but is not limited to 50 volumes of material and 25 file folders recently acknowledged to be part of the files and records of the Department of Justice, or copies of the same in your custody relating to the case of the United States of America against Ethel Rosenberg, Julius Rosenberg and Morton Sobell.

Very truly yours,



Michael Meeropol
a/k/a Michael Rosenberg



Robert Meeropol
a/k/a Robert Rosenberg

Marshall Perlin, Requite

Professor Weinstein has instituted a suit against the FBI and Department of Justice, in connection with his request, to compel production of these records.

In view of the above, I feel that any release of documents to you at this time which relate to individuals other than the Rosenbergs could interfere with this pending litigation. The recently amended Freedom of Information Act (FOIA) Title 5, U. S. Code, Section 552, specifically exempts from the disclosure requirements information contained in investigatory files the release of which would: interfere with an impartial adjudication, constitute an unwarranted invasion of the personal privacy of an individual, or disclose the identity of, or information furnished by, a confidential source [Subsection 552 (b) (7) (B), (b) (7) (C), and (b) (7) (D)].

If you wish to resubmit your request for information relating to these individuals at a later date, after the pending litigation in this matter is resolved, we would be glad to reconsider your inquiry at that time.

You may appeal my decision in this matter by writing to the Attorney General, Attention: Freedom of Information Appeals Unit, Washington, D. C. 20530. The envelope and the letter should be marked "Freedom of Information Appeal." Additionally, judicial review is thereafter available either in the district in which you reside or have your principal place of business or in the District of Columbia, the location of the records to which you seek access.

In response to the portion of the request for FBI records concerning Julius and Ethel Rosenberg, different considerations are present. Being the sons of Ethel and Julius Rosenberg, the Neeropols stand in a unique position. No invasion of privacy concerns need be considered with respect to records which relate solely to Mr. and Mrs. Rosenberg. However, the other exemptions provided in the current FOIA would be applicable in determining the information which could be disclosed.

As you can imagine, our records in this case are voluminous. A page-by-page review of them is necessary before release of any documents in order to protect the legitimate

Marshal Perlin, Esquire

interests of other individuals mentioned therein. Because of the voluminous records involved, our present backlog of other requests, and the legal and factual difficulties in applying the exemptions of the FOIA, it is anticipated a considerable length of time will be required to accomplish this review. We will undertake this project in the near future and will keep you advised of our progress on a regular basis.

You may be assured that your request is being processed as expeditiously as possible. Your cooperation is solicited in this matter.

In accordance with your desire, a copy of this correspondence is being directed to Mr. Bender, c/o Constitutional Litigation Clinic, Rutgers University - Law School.

Sincerely yours,

C. M. Kelley
Clarence M. Kelley
Director

- 1 - Honorable Earl J. Silbert
United States Attorney
Attention: Honorable Michael Ryan
Assistant United States Attorney
United States Court House
Washington, D. C.
- 1 - Mr. Bender
c/o Constitutional Litigation Clinic
Rutgers University - Law School
175 University Avenue
Newark, New Jersey 07102
- 1 - The Deputy Attorney General

Marshall Perlin, Esquire.

NOTE: Correspondent, who represents Michael and Robert Meeropol, (sons of Ethel and Julius Rosenberg) is requesting in extremely broad terms all of the records relating to the Ethel and Julius Rosenberg case. It is noted that access to the Rosenberg files is currently at issue in a pending suit filed by Professor Weinstein under the FOIA (Weinstein v. Saxbe, U. S. D. C., D. C. Civil Action #2278-74). Although we wish to resist the release of any documents to the Meeropols which would be detrimental to our position in the pending suit, due to the unique position the Meeropols occupy as the natural sons of the Rosenbergs, it is felt a further review of the Rosenberg files should be undertaken in response to their request. This matter is being coordinated with Assistant U. S. Attorney Michael Ryan, Washington, D. C. who is handling the Weinstein case, and he has interposed no objection to this response. Ryan will be kept advised and any proposed release of documents will be cleared through him to insure no prejudice to the suit results.



DEPARTMENT OF THE ARMY
HEADQUARTERS
U. S. ARMY INTELLIGENCE AGENCY
FORT MEADE, MARYLAND 20755

MAR 13 1975

MIA-PS-D

SUBJECT: Freedom of Information Request

Director
Federal Bureau of Investigation
ATTN: FOIA UNIT, Rm 4706, Department of Justice Building
US Department of Justice
Washington, DC 20535

1. On 20 February 1975, Messrs Meeropol requested a copy of the US Army Intelligence Investigative Records maintained by this agency pertaining to Ethel Rosenberg, Julius Rosenberg, and others (Inclosure 1).
2. A review of dossiers on Ethel and Julius Rosenberg revealed that your agency maintained an investigation on them, all copies of which are being forwarded under separate cover. *being tracked in F.O.I.A.*
3. The attorney for Messrs Meeropol has been notified of this referral action and advised to direct further inquiries to your office (Inclosure 2).

FOR THE COMMANDER:

2 Incls
as

Thomas F. Conley

THOMAS F. CONLEY
Chief, Freedom of Information Center

REC-100 65-58236-2497X

7-25
5 MAR 17 1975

ENCLOSURE

COPIES DESTROYED

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Handwritten signatures and initials



DEPARTMENT OF THE ARMY
THE ADJUTANT GENERAL CENTER
WASHINGTON, D.C. 20314

3 MAR 1975

DAAG-AMR-5

SUBJECT: Freedom of Information Request (Meeropol)

Commander
US Army Intelligence Agency
Fort Meade, MD 20755

1. Attached is a request from the attorneys representing Michael and Robert Meeropol in their request for records relating to the investigation and prosecution of Ethel and Julius Rosenberg. Also attached is a letter more specifically defining the records requested.
2. This office is contacting OSD(PA) and other agencies concerning similar requests to them and the possibility of a coordinated reply. Accordingly, it is requested that you discuss your proposed response with this office.

FOR THE COMMANDER:

Cyrus H. Fraker

1 Incl
as

fr
R. W. HAMPTON
Colonel, AGC
Dir of Admin Mgt

*Incl
1*



ENCLOSURE

65-58236-24777

712
MARSHALL PERLIN

ATTORNEY AT LAW

36 WEST 44TH STREET

NEW YORK, N.Y. 10036

MILTON H. FRIEDMAN

(212) 691-1886

February 20, 1975

HQDA (DAAG)
Department of Army
Washington, D.C.
20310

re: Michael and Robert Meeropol
a/k/a Rosenberg request for
files and records in the
matter of Ethel Rosenberg
and Julius Rosenberg et al.

Gentlemen:

The undersigned are attorneys for Messrs. Meeropol, and en-
close herewith their letter request for copies of files and
records pertaining to the above matter, as more particularly
set forth in that letter.

Their request is being made pursuant to the provisions of
the Freedom of Information Act, as amended. Please respond
thereto as expeditiously as possible and in accordance with
the time provisions set by statute. Our clients are aware
of charges for search and reproduction and are prepared to
pay any reasonable costs in respect thereto.

We would appreciate your response be sent to the undersigned
at the above address and a copy to Mr. Bender, c/o Consti-
tutional Litigation Clinic, Rutgers University - Law School,
175 University Avenue, Newark, New Jersey 07102.

Very truly yours

Marshall Perlin
Marshall Perlin

William J. Bender
William J. Bender

mp/fg

enclosure

cc - Samuel Gruber, Esq.
Max R. Millman, Esq.
Morton Stavis, Esq.

Certified Mail

ENCLOSURE

65-58236-2471X

MICHAEL MEEROPOL AND ROBERT MEEROPOL

216 Fort Pleasant Avenue
Springfield, Massachusetts 01108

February 20, 1975

HQDA (DAAG)
Department of Army
Washington, D. C.
20301

Gentlemen:

The undersigned are the sons of ETHEL ROSENBERG and JULIUS ROSENBERG. We wish to obtain all of the records relating directly or indirectly to investigation and prosecution of our parents. We wish full and complete disclosure to us of any and all records, data, memoranda, writings of every kind, in any form relating to this matter in your possession, care, or custody. This includes, but is not limited to:

All memoranda, all correspondence including but not limited to letterhead memoranda, minutes of meetings, conference letters, case reports, progress reports as well as work papers relating thereto, statements, interviews, and reports of interviews as well as notes and memoranda relating thereto, airtels, telex, burairtels, summaries, tapes, records, and transcripts of any data derived by any electronic or other surveillance devices, or any other writings of, to, from, and between, and among agents, employees, representatives, or individuals acting with or at the behest of

ENCLOSURE

65-58236-2171X

the Justice Department, the FBI, the United States Attorney's Office for the Southern District of New York, the United States Attorney's Office for the District of New Mexico, Pardon Attorney's Office, the Bureau of Prisons, the United States Postal Department or Authority, the Immigration and Naturalization Service, the State Department, the Atomic Energy Commission, the CIA, Intelligence Agencies of the Department of Defense, as well as of the Armed Forces, any state or local enforcement intelligence or investigating agencies, and writings received from or delivered to members of the United States Congress or any agency or employee or representative of the United States concerning or relating to any of the following for the period 1944 to the present:

- (a) Ethel Rosenberg, Julius Rosenberg, Morton Sobell, Anatolai Yakovlev, Klaus Fuchs, Harry Gold, Ruth Greenglass, David Greenglass, Max Elitcher, Oscar Vago, Abraham Brothman;
- (b) The investigation and prosecution of the case of the United States of America against Julius and Ethel Rosenberg and Morton Sobell, both prior to and after the execution of the Rosenbergs;
- (c) Post trial investigations of the case by any of the above persons or agencies;
- (d) All records pertaining to any of the witnesses called for the case of the United States against Julius and Ethel

Rosenberg and Morton Sobell and those included in the list of witnesses by the Government at the trial of said case;

- (e) The same is to include but is not limited to 50 volumes of material and 25 file folders recently acknowledged to be part of the files and records of the Department of Justice, or copies of the same in your custody relating to the case of the United States of America against Ethel Rosenberg, Julius Rosenberg and Morton Sobell.

Very truly yours,

Michael Meeropol

Michael Meeropol
a/k/a Michael Rosenberg

Robert Meeropol

Robert Meeropol
a/k/a Robert Rosenberg

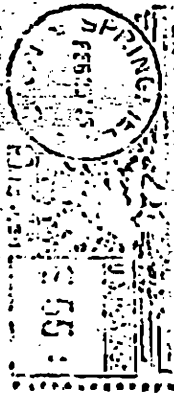
MARSHALL PERLIN
36 WEST 44TH STREET
NEW YORK, N.Y. 10036

CERTIFIED
No. 964925
MAIL

HQDA (DAAG)
Department of Army
Washington, D. C. 20310

FREEDOM OF INFORMATION
ACT REQUEST

Received
AMR-5
0865-3960-95



65-57236-2497A



DEPARTMENT OF THE ARMY
HEADQUARTERS
U. S. ARMY INTELLIGENCE AGENCY
FORT MEADE, MARYLAND 20755

MAR 12 1975

MIA-PS-D

SUBJECT: Request for Records Under the Freedom of Information Act

Mr. Marshall Perlin
Attorney at Law
36 West 44th Street
New York, New York 10036

1. Reference is made to your letter, dated 20 February 1975, forwarding the request of Messrs Meeropol for files and records pertaining to Ethel Rosenberg, Julius Rosenberg, and others. Your letter was received in this office on 4 March 1975.
2. A search has been made at the Investigative Records Repository (IRR), this headquarters, for Army intelligence files and records identifiable with Ethel and Julius Rosenberg. The IRR is the official custodian for US Army Intelligence investigative files. Copies of the Army intelligence records concerning these individuals are available for release, as requested. Some of the material has been sanitized to delete information regarding third parties. Information which would constitute an unwarranted invasion of the privacy of individuals other than the subject of an investigative file may be exempted from disclosure in accordance with 5 USC 552(b)(7)(C). The releasable records will be forwarded under separate cover upon receipt of payment in the amount of \$72.40 for search and duplication costs. These costs are based on the Fee Schedule contained in Army Regulation 340-17, as amended. Payment should be in the form of postal money order or certified check, payable to the Treasurer of the United States.
3. Cross references of the names Ethel Rosenberg and Julius Rosenberg to other investigative dossiers maintained in the IRR were also noted during the above search. Clerical and professional search time to locate these files and to collect the records within them relating to the Ethel and Julius Rosenberg of your inquiry would entail estimated search costs of \$155.00. If you wish this additional search to be made, advance payment of the \$155.00 will be required. In the event that actual costs differ from the estimate, a refund for overpayment or further billing will be made. It should be noted that this additional search may locate no records identifiable with the Ethel and Julius Rosenberg of your inquiry, or may result in records which are exempted from release under the exemptions set forth in 5 USC 552(b).

Incl
2

ENCLOSURE 65-58236-2491X

FBI

MAR 12 1975

MIIA-PS-D

SUBJECT: Request for Records Under the Freedom of Information Act

4. Copies of investigative records from other agencies concerning Ethel and Julius Rosenberg were noted during the IRR search. This office has no authority over the release of investigative records originating with other agencies. Accordingly, if you desire to contact the agencies concerning these records, you should address your request to the following:

a. Federal Bureau of Investigation

Director
Federal Bureau of Investigation
US Department of Justice
Washington, DC 20535

b. US Civil Service Commission

Bureau of Personnel Investigations
US Civil Service Commission
1900 E Street NW
Washington, DC 20415

5. The request of Messrs Meeropol for the release of any US Army intelligence investigative files or records which might exist concerning Morton Sobell, Anatolai Yakovlev, Klaus Fuchs, Harry Gold, Ruth Greenglass, David Greenglass, Max Elitcher, Oscar Vago, and Abraham Brothman is denied. The requested release would constitute an unwarranted invasion of the privacy of the individuals concerned. Exemption of investigative files and records from such release is provided for under 5 USC 552 (b)(7)(C).

6. The undersigned is the individual responsible for determining those portions of the records which are exempt from release. The above constitutes a partial denial of your request by the properly designated Initial Denial Authority, and you are hereby notified of your right to appeal this decision to the Secretary of the Army. If you desire to appeal, you should forward your appeal to:

Secretary of the Army
ATTN: General Counsel
Department of the Army
Washington, DC 20310

MAR 12 1975

MIA-PS-D

SUBJECT: Request for Records Under the Freedom of Information Act

Your appeal letter should be clearly marked on the outer envelope "Freedom of Information Appeal" to insure prompt handling.

FOR THE COMMANDER:



THOMAS F. CONLEY

Chief, Freedom of Information Center

CF:

Mr. W. J. Bender
Rutgers
Newark, New Jersey

General Counsel
OSA
WASH, DC

✓ FBI
WASH, DC

CSC
WASH, DC

CINFO
(DAIO-ZX)

CODE

TELETYPE

~~SECRET~~

URGENT

TO SAC NEW YORK (65-15348) ~~TOP SECRET~~

MARCH 20, 1975

FROM DIRECTOR FBI (65-58236)
~~65-58236-2498~~

Classified by 3042 fut-BJC
Declassify on: OADR
10/28/86

JULIUS ROSENBERG; ESP - R.

REURTEL MARCH 14, 1975.

YOU SHOULD ADVISE THOMAS J. CAHILL, CHIEF ASSISTANT
U. S. ATTORNEY, SOUTHERN DISTRICT OF NEW YORK, THAT THE BUREAU
CAN FURNISH NO INFORMATION INDICATING THAT ANATOLIY YAKOVLEV
HAS BEEN OUTSIDE THE SOVIET UNION SINCE HIS DEPARTURE FROM
THE UNITED STATES.

[REDACTED]

Refer to CIA

CLASSIFIED BY 3676, XGDS TWO AND THREE, INDEFINITE.

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

JPL:jdp
(4)

NOTE:

~~TOP SECRET~~

EX 10 MAR 20 1975
DBS H:05
TELEREC 23 65-58236-24

At the present time the two sons of Julius Rosenberg,
executed Soviet agent, have filed a request for all information
concerning the case involving their parents. USA, SDNY, is
attempting to deny their request based on the fact that this
is a pending matter since a bench warrant is still outstanding
for Anatoliy Yakovlev, former Vice Consul, Soviet Consulate,
New York City, who was named as a co-conspirator in this case.
Yakovlev returned to Russia before the trial.

- 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 _____

Classified by 3676 XGDS Two and Three, Indefinite

Classified by 3555 was [unclear]
Exempt from GDS, Category 2, 1, 3
Date of Declassification Indefinite

TOP SECRET
AGENCIES
AND FIELD OFFICES
ADVISED BY ROUTING
SLIP(S) OF THIS
DATE 3/27/75

ROUTE IN ENVELOPE

70 MAR 27 1975
MAIL ROOM

TELETYPE UNIT

~~TOP SECRET~~

~~SECRET~~

CF
Cst

861
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JPL
JPL

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FEDERAL BUREAU OF INVESTIGATION
FOIPA DELETED PAGE INFORMATION SHEET

_____ 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) _____ 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.

27 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 serial 2498x and 2498x1

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UNITED STATES GOVERNMENT

Memorandum

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

TO : Mr. Wannall

DATE: 10-20-75

FROM : Mr. McDermott

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10/29/86 BY 3042 Jut/DA

SUBJECT: FREEDOM OF INFORMATION ACT (FOIA) REQUEST

RE: Julius and Ethel Rosenberg et al.

Attached is a copy of the FOIA request and pertinent files and/or excised documents which appear subject to disclosure.

Addendum should include total Agent time expended in the review.

Please make every effort to insure that this memorandum, with its attached documents, is returned to the FOIA Section within () working days.

Questions on this matter should be discussed with M.S. Cole, Room 5431JEH, extension 5774.

RECOMMENDATION(S): (only items checked apply)

() 1. That the _____ Division(s) review the excised document(s) to insure sufficient deletions have been made. Please explain briefly the reason for any additional deletions requested. If the materials proposed for disclosure are from a classified serial, insure that all portions which justified the classification have been deleted.

* 2. That the Intelligence Division:

() a. Review the classification of serial(s) attached State Dept. ~~to insure documents should remain classified, indicating on the file copies which paragraphs are classified; which paragraphs, if any, are unclassified; and those which have been declassified in their entirety. Addendum should note any newly declassified serials.~~

b. Review the balance of the file to determine if ^{they} currently unclassified serials warrant classification. ~~Newly classified serials should also have indicated on the file copies the classified and unclassified paragraphs. Addendum should note any newly classified serials.~~

- 1 - Mr. Wannall
Attention: Mr. Brannigan
- 1 - Mr. _____
Attention: Mr. _____
- 1 - Mr. Bassett
Attention: Mr. Griffith

* Review so State Department may be advised re current classification of FBI originated data.

SEE INTD ADDENDUM PAGE TWO

enclosure
65-58236-2498X1 5/1/79

ADDENDUM CI-1 SECTION/INTD

JPL:cm1 11/6/75

JULIUS AND ETHEL ROSENBERG
ESP - R

The attached documents were furnished to the Bureau by the Department of State to determine if FBI data therein should remain classified. A review of these documents revealed that all but one document, No. 99, are documents generated within and classified by Department of State. Some of the information contained in these documents deal with information furnished by the Bureau; however, we are not in a position to know the reason why State Department classified these documents. Item 99 is a memorandum dated August 2, 1950, but appears to have been prepared by FBIHQ although there is no markings on this particular document. Item 99 sets forth background information concerning the Rosenberg case and it is not classified. From an examination of the document no reason exists to classify it now.

Time expended in this review was one and a half hours.

JPL

WPLW
WAB
CB

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FEDERAL BUREAU OF INVESTIGATION
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3 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).

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For your information: _____

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

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ROUTE ENVELOPE

Airtel

- 1 - Legal Counsel Division
- 1 - Mr. J. P. Lee

~~SECRET~~

~~TOP SECRET~~

4/14/75

To: SAC, New York (65-15348)

From: Director, FBI (65-58236)

JULIUS ROSENBERG
ESP - R

Classified By 3042 *pat-dsc*
Declassify on: OADR
10/28/86

[Handwritten signature]

ReButal 3/20/75.

[REDACTED]

APPROPRIATE AGENCIES
AND OFFICES
ADVISED BY ROUTING
SLIP(S) OF 7/5/DC
DATE 3-11-77

1 - 100-346193 (Yakovlev)
JPL:wsk (6)

wsk

EX-110

REC-11

65-58236-2499

[Handwritten signature]

100-346193

NOTE:

The two sons of Julius and Ethel Rosenberg, executed Soviet agents, have filed a request for all information concerning the case involving their parents. The U. S. Attorney, Southern District of New York (SDNY), is basing his denial of information on the fact that this is still a pending case as a bench warrant is outstanding for Anatoliy Yakovlev, former Soviet Vice Consul, New York City, named as a co-conspirator in this case. Yakovlev left the U. S. in 1946 before the case was brought to trial. U. S. Attorney, SDNY, feels it would buttress his argument if any information was available to show that Yakovlev had been outside the Soviet Union since he left the U. S.

[REDACTED]

- Assoc. Dir. _____
- Dep. AD Adm. _____
- Dep. AD Inv. _____
- Asst. Dir.:
- Admin. _____
- Comp. Syst. _____
- Ext. Affairs _____
- Files & Com. _____
- Gen. Inv. _____
- Ident. _____
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- Rec. Inv. _____
- Training _____
- Off. Coun. _____
- Telephone Rm. _____
- Director Sec'y _____

MAILED 11
APR 14 1975
FBI

~~TOP SECRET~~

NOTE CONTINUED PAGE TWO
REC APR 18 1975

Classified by 3676 *[Handwritten]*
Exempt from GDS, Categories 2 and 3
Date of Declassification Indefinite

ROUTE IN ENVELOPE

~~SECRET~~

APR 21 1975 TELETYPE UNIT

~~SECRET~~
~~TOP SECRET~~
~~TOP SECRET~~

~~SECRET~~

Airtel to SAC, New York
Re: Julius Rosenberg
65-58236

NOTE CONTINUED:

[REDACTED]

b7D
b1

We S
previously advised New York that the U. S. Attorney should be
advised the Bureau can furnish no information that Yakovlev
has been outside the Soviet Union.

[REDACTED]

(S)

refer
to
CIA

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FEDERAL BUREAU OF INVESTIGATION FOIPA DELETED PAGE INFORMATION SHEET

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4 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).

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UNITED STATES GOVERNMENT

Memorandum

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- Dep. AD Adm. _____
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- Intell. _____
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- Spec. Inv. _____
- Training _____
- Off. of Cong. & Public Affairs _____
- Telephone Rm. _____
- Director Sec'y _____

TO : Mr. W.R. Wannall *WRW*

DATE: 5/20/75

FROM : H.C. Flemister, Jr. *HCF*

SUBJECT: DISCLOSURE OF FBI DOCUMENTS IN ROSENBERG CASE CONTAINED IN U. S. ARMY FILES

Flemister

Reference is made to memorandum Legal Counsel to Mr. Adams dated 3/13/75 (attached) which set forth information relative to the disclosure of FBI documents contained in U. S. Army files to Mr. James S. Patten who was cleared for access to Army records on Ethel and Julius Rosenberg.

Attached is memorandum from the Office of the Assistant Chief of Staff for Intelligence, U. S. Army, dated 5/15/75 expressing Army's regret for the incident and action taken to preclude the possible recurrence of unauthorized disclosure of FBI material.

ACTION: None. For information.

Enclosures (2) ENCLOSURE

- JRW:tdp (6)
- 1 - Mr. Adams
- 1 - Mr. Mintz
- 1 - Mr. Wannall
- 1 - Mr. Flemister
- 1 - Mr. Wagoner

REC-100 65-58236-2499X1

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/23/86 BY 3042 PWS/AS

JUL 25 1975

Blake

Wagoner
Bresson

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FEDERAL BUREAU OF INVESTIGATION
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9 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:

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UNITED STATES GOVERNMENT

Memorandum

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 Laboratory _____
 Plan. & Eval. _____
 Spec. Inv. _____
 Training _____
 Telephone Rm. _____
 Director Sec'y _____

TO : Mr. J. B. Adams

DATE: 3-13-75

FROM : Legal Counsel

ALL INFORMATION CONTAINED

HEREIN IS UNCLASSIFIED

DATE 10/30/86 BY 3042 fut-DTC

SUBJECT: DISCLOSURE OF FBI DOCUMENTS IN ROSENBERG CASE
CONTAINED IN U. S. ARMY FILES

On the afternoon of Friday, 3-7-75, Departmental attorney Mark Grunewald contacted SA Allen H. McCreight, Freedom of Information Act (FOIA) Unit, Legislative Matters Section, Legal Counsel Division. He indicated that he had learned through conversations with Mr. Paul Taborn of the U. S. Army, Adjutant General's Office, that a private individual was inadvertently allowed access to some FBI reports or documents in the possession of the U. S. Army. Taborn also indicated to Grunewald that the Army had also received an FOIA request from Michael and Robert Meeropol, sons of the Rosenbergs, for all documents in the possession of the U. S. Army concerning the case of Julius and Ethel Rosenberg. Taborn indicated that he wished to speak with someone in the FBI concerning these two matters.

SA Joseph R. Davis, FOIA Unit, telephonically contacted Mr. Taborn, Records Management Division, Adjutant General's Office, U. S. Army, Forrestal Building, Washington, D. C., telephone number 693-1847. Mr. Taborn explained that his office has the responsibility of administering and monitoring a U. S. Army program which allows private citizens access to Department of Army originated documents which are of historical interest. After his office approves or clears a researcher for access, then the actual file review is accomplished at the Investigative Records Repository at the U. S. Army Intelligence Agency facility at Fort Meade, Maryland. He advised that Lt. Colonel John L. Lee is Director of the Investigative Records Repository. He advised Lt. Colonel Lee is also in possession of the Meeropol FOIA request, and should be contacted regarding this.

Mr. Taborn stated that in December, 1974, a Mr. James S. Patten of Torrington, Connecticut, was cleared for access to Army records or "dossiers" on Ethel and Julius Rosenberg. Mr. Patten was provided a letter of authorization which gave him permission to

- 1 - Mr. Adams
- 1 - Mr. Wannall
- 2 - Mr. Mintz

JBD:law (7)

CONTINUED - OVER

REC JUL 25 1975

ENCLOSURE
 65-58236-2492X1
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 11 U U U
 FIVE

Legal Counsel to Mr. J. B. Adams memo
RE: Disclosure of Rosenberg Files

review only Department of Army originated documents and it was intended that he would only have access to those records. One of the conditions of his authorization was that only notes were to be taken, no documents were to be reproduced, and the notes were to be submitted to the U. S. Army for review before any information contained therein was to be used by Mr. Patten. On 3/6/75 Mr. Patten's notes were received for review by Mr. Taborn's office. It was observed in reviewing Patten's notes that seven entries indicated he has notes taken from FBI documents which apparently were inadvertently allowed to remain in the dossiers he was reviewing. Mr. Taborn advised that he has custody of all of Mr. Patten's notes and was uncertain as to what to do with the notes, particularly the ones which mention FBI documents.

He was advised that he should retain the notes and under no circumstances should the notes taken from FBI documents be returned to Mr. Patten until authorization to do so was given by the FBI. He assured SA Davis that he would hold the notes until advised further by the FBI.

SA Davis expressed concern that the Department of Army had evidently allowed access to documents furnished to them by this Bureau without our knowledge or approval, and pointed out that this was highly irregular and inconsistent with our understanding with the Army and the Department of Defense. Mr. Taborn stated he did not believe this was being done on a regular basis, but only resulted from inadvertence or negligent supervision of Mr. Patten's review on this one occasion.

OBSERVATIONS:

It appears that this is an isolated incident of neglect but should be further pursued to insure no FBI documents are contained in other files being made available to researchers under this program. Mr. Patten has previously requested access to FBI files on the Rosenberg case, indicating he wished to take notes from them, and was advised that this was not allowable under the FOIA or our procedures. It is noted that access to the Rosenberg files is presently being litigated in Weinstein v. Saxbe, et al., USDC, DC, Civil Action No. 2278-72, in which the FBI is a defendant. Therefore, release of any documents or information from the Rosenberg files could be damaging to our position in this suit.

Legal Counsel to Mr. J. B. Adams Memo
RE: Disclosure of Rosenberg Files

RECOMMENDATIONS:

(1) Mr. Taborn be recontacted by SA Davis, FOIA Unit, and be advised that Mr. Patten's notes should not be released to him until a review of the notes is made by a representative of the FBI. Arrangements will be made to have the notes furnished to the FOIA Unit. FOIA Unit will review Patten's notes making necessary deletions, and return any portions which can be released. *(of all FBI-source material)*

(2) SA Davis also pursue the matter of the Meeropol FOIA request for the Rosenberg files telephonically with Lieutenant Colonel Lee to coordinate the handling of FBI records in U. S. Army files.

(3) An appropriate liaison official, Intelligence Division, contact the Department of Army through proper channels to insure safeguards are present with regard to any FBI originated information contained in U. S. Army files which are being made available under this historical research program. (Contact with Intelligence Division has determined that this is preferable to directly contacting Lieutenant Colonel Lee, as contact through established channels on a higher level would be more effective in insuring such an incident does not reoccur.)

(4) Subsequent to the contact by Intelligence Division a letter be directed to the U. S. Army official contacted to confirm the understanding reached.

JK
JK

Jim
JK
JK

*See ACSF let to FBI
5/15/75 re
Graduate Acc
to FBI material
Retained in US Army
IRA. *JK*
*JK**

MATTHEW J. RINALDO
15TH DISTRICT, NEW JERSEY

COMMITTEE:
BANKING AND CURRENCY

SUBCOMMITTEES:
CONSUMER AFFAIRS
BANK SUPERVISION AND INSURANCE
DOMESTIC FINANCE

Congress of the United States
House of Representatives
Washington, D.C. 20515

WAS
1515 LONGWORT
WASHIN
(E)
DIA
1901
UNION, N
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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	_____
Telephone Rm.	_____
Director Sec'y	_____

Handwritten initials

21 March 1975

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/23/86 BY 3042 PWT/MS

Mr. Clarence M. Kelly
Director
Federal Bureau of Investigation
9th Street & Pennsylvania Avenue, N.W.
Washington, D.C. 20535

Julius Rosenberg

Dear Mr. Kelly:

I recently received the enclosed letter, which deals with a matter falling under FBI jurisdiction.

I would appreciate it if you could inform me of the status of the request. It is my understanding that release of this material may be affected by the "national security" provisions contained in the Freedom of Information Act.

Thank you for your time and attention to this matter.

Cordially,

Matt Rinaldo

MATTHEW J. RINALDO
Member of Congress

MJR:p
enclosure

ST-117
REF-R

65-58236-2500

EXP-PROC

MAR 24 1975

MAR 24 1975

ENCLOSURE I

*ack 4/10/75
TRD/dw*

LEGAL COUNSEL
Handwritten signature

MATTHEW J. RINALDO
15TH DISTRICT, NEW JERSEY

COMMITTEE
BANKING AND CURRENCY

SUBCOMMITTEES:
CONSUMER AFFAIRS
BANK SUPERVISION AND INSURANCE
DOMESTIC FINANCE

Congress of the United States
House of Representatives
Washington, D.C. 20515

1515 LONGWORTH HENRIE OFFICE BUILDING
WASHINGTON, D.C. 20515
(202) 225-3361

DISTRICT OFFICE
1961 MONROE AVENUE
UNION, NEW JERSEY 07083
(201) 687-4233

March 20, 1975

X
Mr. Robert J. Meth
333-3820 Locust Walk
Philadelphia, Pennsylvania 19174

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/23/96 BY 3042PWS/AB

Dear Mr. Meth:

Thank you for your recent letter supporting the efforts of the Rosenberg sons to acquire information from the Justice Department under the Freedom of Information Act. I appreciated learning of your feelings on this request for material dealing with the Rosenberg case.

In response to your letter, I have written to Mr. Clarence M. Kelly, Director of the FBI, asking him to furnish me the status of Messrs. Meeropol's request. I will be back in touch with you on this matter as soon as I receive word from Mr. Kelly.

Thank you again for your letter.

Sincerely yours,

MATTHEW J. RINALDO
Member of Congress

MJR/pn

65-58236-2500
ENCLOSURE

REC-5

ST-117

65-58236-2502

April 10, 1975

Honorable Matthew J. Rinaldo
House of Representatives
Washington, D. C. 20515

- 1 - Mr. Wannall
- 1 - Legal Analysis Unit

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/23/86 BY 3042AW/AB

Dear Congressman Rinaldo:

This will respond to your recent letter, received on March 24, 1975, in which you inquired as to the status of Messrs. Macropols' Freedom of Information Act request. I am returning the copy of your letter to Mr. Robert J. Meth, dated March 28, 1975, which was furnished as an enclosure to your letter. A copy of Mr. Meth's letter to you was not furnished to us.

As you may know, this Bureau presently has under consideration a prior request for the FBI files relating to the Ethel and Julius Rosenberg investigation. In reviewing the voluminous records concerning this case we have encountered many complex and troublesome problems in attempting to resolve the questions of the invasion of the personal privacy of the individuals who were the focus of the investigation, as well as the numerous individuals who cooperated with this Bureau and with the Department of Justice in the investigation and prosecution of this case. This prior request is now in litigation, Weinstein v. Saxbe, U. S. District Court, District of Columbia, Civil Action 2278-74.

It is anticipated that some judicial guidance will be received on the crucial issue of invasion of the personal privacy of the individuals mentioned in our records. The Deputy Attorney General - Enclosures (2)
(Attention: Susan M. Hauser)

MAILED 7
APR 11 1975
FBI

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

~~1 - Bufile 62-115630 - FBI - REDIRECTED~~

JRD:dw (8)

REC'D

APR 22 1975

APR 10 1975

RECEIVED

ASSOCIATE DIRECTOR

APR 10 1975

RECEIVED

MAIL ROOM TELETYPE UNIT

Honorable Matthew J. Rinaldo

Of course, being the sons of Ethel and Julius Rosenberg, the Meeropols do stand in a unique position. In recognition of this we have advised the Meeropols through their attorney that the FBI will undertake a complete review of the files involved to ascertain which, if any, documents can be released to them without adversely affecting the legitimate privacy interests of other individuals. As you noted in your letter, certain classified material is contained in these records which must be reviewed to ascertain if it should remain so classified. Under Title 5, United States Code, Section 552, exemption (b)(1) allows withholding of information properly classified under criteria established by an Executive Order in the interest of national defense.

As you can imagine, our records in this case are voluminous. A page-by-page review of them is necessary before release of any documents. Because of the number of records involved, our present backlog of other requests, and the legal and factual difficulties in applying the exemptions of the Freedom of Information Act, it is anticipated that a considerable length of time will be required to accomplish this review.

You may rest assured that we are processing the request as expeditiously as possible under the circumstances.

Sincerely yours,
C. M. Kelley

Clarence M. Kelley
Director

Enclosure

Honorable Matthew J. Rinaldo

NOTE: Congressman Rinaldo of New Jersey inquired concerning the status of the Meeropols' request under the FOIA for records concerning the Rosenberg investigation. This response is consistent with our response to the Meeropols' attorney, Marshall Perlin, on 3/12/75.

April 10, 1975

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/23/86 BY 3042 PWS/KOB

Ms. Deborah Margulies
1258 Old Jordan Road
Eolland, Pennsylvania 18966

Dear Ms. Margulies:

Your letter of March 15th, addressed to the Attorney General has been referred to the FBI inasmuch as it concerns FBI files in the Rosenberg case.

We have received many communications encouraging the release of information, as well as requests for copies of the actual documents constituting the Julius and Ethel Rosenberg files. As you can imagine, any case with historical significance or any major FBI investigation involving considerable notoriety or public interest generates especially troublesome problems regarding the release of documents contained in such investigative files.

Under the Freedom of Information Act, Title 5, United States Code, Section 552, several deliberations are required before release of any records; and one, requiring a page-by-page review of voluminous files where cases of considerable notoriety are involved, is the matter of possible "unwarranted invasion of personal privacy." The conflict between a private citizen's quest for information whether for public dissemination or not and the privacy interests of numerous parties, their descendants or relatives, whose identities or participation in the investigation would be revealed, must be resolved.

1 - The Deputy Attorney General - Enclosure
Attention: Susan M. Hauser

65-58236-43

1 - Bufile 62-115530 (FOI - REPLIES)

1 - Bufile 65-58236

1 - FOIA Unit - Enclosure (2)

awt:clh (8)

NOT RECORDED
170 APR 21 1975

(CONTINUED ON PAGE TWO)

56 APR 23 1975 DUPLICATE YELLOW

62-115530-516

Ms. Deborah Margulies

An early request for copies of the Rosenberg files and documents concerning other major investigations by a third party seeking historical publication is presently in litigation, Weinstein v. Saxbe, U. S. District Court, District of Columbia, Civil Action 2778-74. It is anticipated that judicial guidance with respect to the crucial issue of the public's needs versus privacy questions will be forthcoming. The processing of requests from all parties, particularly where major cases are involved, can then proceed in an orderly fashion, consistent with the law and the rights of all concerned.

Until the litigation relating to such requests is resolved, we solicit the cooperation and patience from interested parties regarding this matter.

Sincerely yours,

Clarence M. Kelley
Director

NOTE: Ms. Margulies could not be identified in Bufiles.

April 10, 1973

Mr. Lee Eisler
Route One
Coopersburg, Pennsylvania 18036

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/23/86 BY 3042PLW/AS

Dear Mr. Eisler:

Your communication of March 14th to the Department of Justice has been referred to the FBI inasmuch as it concerns FBI files in the Rosenberg case.

We have received many communications encouraging the release of information, as well as requests for copies of the actual documents constituting the Julius and Ethel Rosenberg files. As you can imagine, any case with historical significance or any major FBI investigation involving considerable notoriety or public interest generates especially troublesome problems regarding the release of documents contained in such investigative files.

Under the Freedom of Information Act, Title 5, United States Code, Section 552, several deliberations are required before release of any records; and one, requiring a page-by-page review of voluminous files where cases of considerable notoriety are involved, is the matter of possible "unwarranted invasion of personal privacy." The conflict between a private citizen's quest for information whether for public dissemination or not and the privacy interests of numerous parties, their descendants or relatives, whose identities or participation in the investigation would be revealed, must be resolved.

1 - The Deputy Attorney General - Enclosure
Attention: Susan M. Hauser

65-58236

170 APR 21 1973

- 1 - Bufile 62-115530 (FOI - REPLIES)
 - ① - Bufile 65-58236
 - 1 - FOIA Unit - Enclosure
- awt:clh (8)

(CONTINUED ON PAGE TWO)

56 APR 23 1973
DUPLICATE YELLOW

62-115530-515

Mr. Lee Kislar

An early request for copies of the Rosenberg files and documents concerning other major investigations by a third party seeking historical publication is presently in litigation, Weinstein v. Saybe, U. S. District Court, District of Columbia, Civil Action 2278-74. It is anticipated that judicial guidance with respect to the crucial issue of the public's needs versus privacy questions will be forthcoming. The processing of requests from all parties, particularly where major cases are involved, can then proceed in an orderly fashion, consistent with the law and the rights of all concerned.

Until the litigation relating to such requests is resolved, we solicit the cooperation and patience from interested parties regarding this matter.

Sincerely yours,

Clarence M. Kelley
Director

NOTE: Bufiles contain no record identifiable with correspondent.

April 10, 1975

Julius Rosenberg

Honorable Richard F. Schulze
House of Representatives
Washington, D. C. 20515

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/23/96 BY 3042PUD/AB

Dear Congressman Schulze:

Your letter of March 13th addressed to
Mr. A. Mitchell McConnell, Jr., Acting Assistant Attorney
General, enclosing a copy of a letter from one of your
constituents, Ms. Constance Eyslop, has been referred to the
FBI inasmuch as her inquiry concerns FBI files in the
Rosenberg case.

We have received many communications encouraging
the release of information, as well as requests for copies
of the actual documents constituting the Julius and Ethel
Rosenberg files. As you can imagine, any case with historical
significance or any major FBI investigation involving con-
siderable notoriety or public interest generates especially
troublesome problems regarding the release of documents con-
tained in such investigative files.

Under the Freedom of Information Act, Title 5,
United States Code, Section 552, several deliberations are
required before release of any records, and one, requiring
a page-by-page review of voluminous files where cases of
considerable notoriety are involved, is the matter of possible
"unwarranted invasion of personal privacy." The conflict
between a private citizen's quest for information whether for
public dissemination or not and the privacy interests of
numerous parties, their descendants or relatives, whose
identities or participation in the investigation would be
revealed, must be resolved.

- 1 - The Deputy Attorney General - Enclosures (2)
Attention: Susan H. Hauser
 - 1 - Philadelphia - Enclosures (2)
 - 1 - Office of Legislative Affairs - Enclosures (2)
Bufile 62-115530 (FOI - REPLIES)
 - 1 - Bufile 65-58236
 - 1 - FOIA Unit - Enclosures (2)
- awt:clh (8)

NOT RECORDED
165 APR 24 1975

DUPLICATE TELETYPE (CONTINUED ON PAGE TWO)

ORIGINAL FILED IN 62-115530-683

Honorable Richard T. Schuiss

An early request for copies of the Rosenberg files and documents concerning other major investigations by a third party seeking historical publication is presently in litigation, Weinstein v. Sarbe, U. S. District Court, District of Columbia, Civil Action 2278-74. It is anticipated that judicial guidance with respect to the crucial issue of the public's needs versus privacy questions will be forthcoming. The processing of requests from all parties, particularly where major cases are involved, can then proceed in an orderly fashion, consistent with the law and the rights of all concerned.

Until the litigation relating to such requests is resolved, we solicit the cooperation and patience from interested parties regarding this matter. I hope this information will be of assistance to you in replying to Ms. Eyslop.

Sincerely yours,

Clarence M. Kelley
Director

NOTE: Bufiles indicate [REDACTED]

Memorandum

~~SECRET~~
DATE: 4/15/75

TO: DIRECTOR, FBI (65-58236)
(ATTN: INTD & FREEDOM OF INFORMATION SECTION)

FROM: SAC, WFO (65-5521) (RP)

SUBJECT: JULIUS ROSENBERG
ESP - R
(OO:NY)

Classified by 3042 Jut-DJC
Declassify on: OADR
10/28/86

ReBu 0-7, 3/25/75, enclosing NYairtel, 3/17/75, *Refer*
and instructing WFO to interview [REDACTED] re ANATOLIY *b1*
ANTONOVICH YAKOVLEV. **S**

Classified "SECRET" since it contains info from

[REDACTED] *b1 Refer*
(S)

During interview on 4/2/75, [REDACTED]

[REDACTED] *b1 Refer CIA*
(S)

UACB. WFO will display photographs of YAKOVLEV
to the [REDACTED] *b1 EX-101*

~~SECRET~~
CLASSIFIED BY 163
EXEMPT FROM GDS, CATEGORIES 2,3
DATE OF DECLASSIFICATION - INDEFINITE

REC 1765-58236-2501

- 2 - Bureau
- 3 - New York (65-15348) !
(1-100-81002) (YAKOVLEV)
- 2 - WFO
[REDACTED] *b1*

JPW:jw
(7)

APR 16 1975

LEGAL COUNSEL
FIVE



58 APR 25 1975

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

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

APR 11 1975

TELETYPE

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	_____

2:15 PM NITEL 4/11/75 JSS
TO DIRECTOR NR 093-11
FROM LEGAT TEL AVIV (65-11) 4P

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 10/28/06 BY 3042 *ant-22*

9
je

R
X
JULIUS ROSENBERG; ETHEL ROSENBERG; ESPIONAGE - R

FOLLOWING CONTACT WITH CONSULAR OFFICIAL, U.S. EMBASSY, TEL
AVIV, MRS. [REDACTED] AND MRS. [REDACTED] CONTACTED LEGAT
APRIL 11, 1975, ADVISING THE FOLLOWING: *b7c*
mrs. Viktor Galperin

THE [REDACTED] WHILE IN THE SOVIET UNION RESIDED AT [REDACTED] *S.S.R.*
[REDACTED] UKRAINE. PRIOR TO MRS. [REDACTED] IMMIGRATION *D*
TO ISRAEL FROM THE SOVIET UNION IN MARCH, 1975, SHE WAS PERSONALLY
ACQUAINTED WITH AN UNIDENTIFIED INDIVIDUAL WHO WAS CLOSELY AFFILIATED
WITH FORMER CHAIRMAN NIKITA KRUSCHEV. HE ALLEGEDLY REMAINS A CLOSE
FRIEND OF THE KRUSCHEV FAMILY. THE UNIDENTIFIED FRIEND
ADVISED MRS. [REDACTED] AWARE OF HER PLANS TO MIGRATE TO ISRAEL,
THAT SHE SHOULD DISCLOSE TO U.S. AUTHORITIES THE FOLLOWING:

REC-89
65-58236-202

WHILE KRUSCHEV WAS STILL CHAIRMAN, HE WAS ASKED IF IT WAS
TRUE THAT THE SOVIET UNION FUNDED THE ROSENBERGS FOR THEIR
ESPIONAGE ACTIVITIES LEADING TO THE UNAUTHORIZED DISCLOSURE
OF ATOMIC SECRETS. KRUSCHEV ALLEGEDLY REACTED IN A VIOLENT
END PAGE ONE

teletype forwarded to NYO, for info.
APR 25 1975
JPL/pc

65-58236

MANNER, STATING THAT RUSSIA DID NOT PAY THE ROSENBERGS; THE ROSENBERGS CARRIED ON THIS ACTIVITY FOR "IDEOLOGICAL PURPOSES AND TO PREVENT WAR."

THE UNIDENTIFIED FRIEND ASKED MRS. [REDACTED] TO FURNISH THIS INFORMATION TO U.S. AUTHORITIES BECAUSE OF THE RECENT PUBLIC DISCLOSURES THAT THE ROSENBERG CHILDREN WERE MAKING AN EFFORT TO CLEAR THEIR PARENTS. b7c

SINCE MRS. [REDACTED] IS A RECENT ARRIVAL IN ISRAEL AND DOES NOT SPEAK HEBREW, SHE SECURED THE SERVICES OF MRS. [REDACTED] WHO IS AN ISRAELI ATTORNEY PRACTICING IN TEL AVIV. ALL DATA FURNISHED BY MRS. [REDACTED] WAS THROUGH MRS. [REDACTED] ACTING AS INTERPRETER. MRS. [REDACTED] STATED THAT SHE IS NOT AND HAS NOT BEEN A "SOVIET DISSENER," AND HER ONLY PURPOSE IN DIVULGING THE ABOVE WAS BECAUSE OF THE REQUEST OF THE UNIDENTIFIED FRIEND. HE REMAINS UNIDENTIFIED, SINCE HE IS A HIGH-PLACED INDIVIDUAL IN THE SOVIET UNION. MRS. [REDACTED] FURTHER STATED SHE WOULD BE WILLING TO ANSWER ANY QUESTIONS WITH REGARD TO THE KRUSCHEV FAMILY. b7c

MRS. [REDACTED] HUSBAND IS [REDACTED] A CONSTRUCTION ENGINEER, CURRENTLY EMPLOYED BY THE [REDACTED] RAILROAD. b7c

END PAGE TWO

ISRAEL; UKRAINE

PAGE THREE

MRS. [REDACTED] IS A TEACHER OF PSYCHOLOGY AND EXPECTS TO GAIN EMPLOY-
MENT IN THAT FIELD AFTER SHE IS SETTLED IN ISRAEL. THE [REDACTED] b7c
HAVE ONE CHILD, [REDACTED] AGE [REDACTED] APPROX [REDACTED] UKRAINE, U.S.S.R.
TEL AVIV INDICES CONTAIN NO REFERENCE IDENTIFIABLE WITH THE

[REDACTED] OR MRS. [REDACTED]

LEGAT THANKED MRS. [REDACTED] FOR HER INFORMATION, NOTING THAT
HER COMMENTS WOULD BE MADE A MATTER OF RECORD. IN ADDITION, IN b7c
ACCORDANCE WITH HER DESIRE, MRS. [REDACTED] IDENTITY WOULD BE
CONCEALED.

HOWEVER, MRS. [REDACTED] INDICATED SHE HAS PREVIOUSLY VISITED THE
U.S., STATING SHE INTENDS TO AGAIN TRAVEL TO THE U.S. IN THE
FUTURE. AT THAT TIME SHE CONTEMPLATED CONTACTING
"JOURNALISTS" WITH REGARD TO MRS. [REDACTED] STORY. LEGAT STATED
SHE WAS FREE TO DO AS SHE WISHED, HOWEVER HE WAS AT A LOSS TO b7c
UNDERSTAND HOW MRS. [REDACTED] REQUEST TO KEEP HER IDENTITY CONCEALED
WOULD BE SERVED IF MRS. [REDACTED] TAKES THIS STORY TO THE PRESS. MRS.
[REDACTED] EXPRESSED UNDERSTANDING OF THIS PROBLEM. LEGAT
EMPHASIZED THAT MRS. [REDACTED] COULD DO AS SHE WISHED IN THIS MATTER,
BUT ONLY POINTED OUT THIS QUESTION WITH REGARD TO CONTACTING THE
END PAGE THREE

PAGE FOUR

PRESS SINCE LEGAT WAS REQUESTED TO KEEP MRS. [REDACTED] IDENTITY CONCEALED. MRS. [REDACTED] EXPRESSED UNDERSTANDING.

LEGAT HAS THE COMPLETE ADDRESSES AND TELEPHONE NUMBERS OF MRS. [REDACTED] AND MRS. [REDACTED] IN THE EVENT ANY NEED ARISES TO CONTACT THEM IN THE FUTURE. IN THE MEANTIME, NO FURTHER ACTION IS BEING TAKEN, AND THE ABOVE IS SUBMITTED TO THE BUREAU FOR INFORMATION

b7c

END

APR 11 11 48 AM '52

300 RM. 4634 VLB

-4-

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI (65-58236)
(ATTN: INTD & FREEDOM OF INFORMATION SECTION)

DATE: 5/7/75
~~SECRET~~

FROM : SAC, WFO (65-5521)(RUC)

SUBJECT: JULIUS ROSENBERG
ESP - R
(OO:NY)

Classified by 3042 fwt-Bfc
Declassify on: OADR
10/29/86

ReWFOlet, 4/15/75.

On 5/7/75, a photo and limited descriptive data of ANATOLIY ANTONOVICH YAKOVLEV was shown to the [REDACTED]

[REDACTED]

~~SECRET~~

b1

~~SECRET~~

CLASSIFIED BY 163
EXEMPT FROM GDS, CATEGORIES 2,3
DATE OF DECLASSIFICATION - INDEFINITE

mg

- ② - Bureau
- 3 - New York (65-15348)
(1-100-81002)(YAKOVLEV)
- 2 - WFO

[REDACTED] s b1

JPW:jw
(7)

EX-110

65-58236-2503

REC-37

MAY 9 1975

JAC
EVLEB

~~SECRET~~

[REDACTED]



5010-110

58 MAY 19 1975
Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

FBI

Date: 5/4/75

Transmit the following in _____
(Type in plaintext or code)

Via AIRTEL _____
(Priority)

TO: DIRECTOR, FBI (65-58236)

FROM: SAC, NEW YORK (65-15348)

JULIUS ROSENBERG
ESP - R
(OO:NY)

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/23/86 BY 3042 PWS/AB

The following information is furnished for
the information of the Bureau:

On 5/2/75, Federal Judge IRVING KAUFMAN
contacted ADIC J. WALLACE LA PRADE of the NYO, and
advised as follows:

Judge KAUFMAN expressed concern over an article
in the current issue of "Esquire" Magazine regarding the
Rosenberg case. He also expressed concern regarding recent
activities of the National Committee to Reopen the Rosenberg
Case, which organization has subscribed to full page
newspaper ads advocating a re-airing of this case. The
Judge expressed his opinion that some counter-action
should be taken to combat the attention derived from this
activity.

Judge KAUFMAN indicated that he is so alarmed
over the publicity received by the above committee, that
he has requested a Deputy US Marshal to escort him to
various affairs where he has been requested as a speaker.

2-Bureau (RM)
1-New York

PFD:ms
(3)

REC-9
EX-101

65-58236-2505

17 MAY 6 1975

Approved: 410
51 MAY Special Agent in Charge

Sent _____ M

[Handwritten signature]

NY 65-15348

Judge KAUFMAN inquired if the above was proper, and he was advised that it was entirely proper that he should request such service from the office of the US Marshal.

The NYO is not familiar with the magazine article mentioned by KAUFMAN.

The NYO did not offer to provide any escort service for Judge KAUFMAN, and agreed with KAUFMAN's decision that this was a proper request of the US Marshal's Office.

The above is provided for the information of the Bureau. No additional action will be taken by the NYO.

Agree
2-8-74
0-8-74

Marshall Perlin, Esquire
Attorney at Law
36 West 44th Street
New York, New York 10036

Dear Mr. Perlin:

This is in response to your letter of February 20, 1975, transmitting a letter from your clients, Michael and Robert Meeropol, requesting access to records relating to the case of United States v. Julius and Ethel Rosenberg. We are treating the request in accordance with the provisions of the Freedom of Information Act (5 U.S.C. §552) and the Attorney General's Order No. 528-73 (28 C.F.R. §50.8).

For your information, the investigative files relating to Julius and Ethel Rosenberg and others have been screened as a result of previous requests, and copies of the documents, which were exempt under the Freedom of Information Act and have been released as a matter of administrative discretion under the Attorney General's Order, are available for your review. From the material already screened, any documents may be selected for copying and the only charge will be \$.10 per page for reproducing the material selected.

If, after reviewing the previously screened records, you desire specific documents not contained therein, an additional review of the files will be necessary and additional documents may be available from the files as a further exercise of administrative discretion under the Attorney General's Order or because of recent amendments to the Freedom of Information Act.

In that connection, it will be necessary to assign an attorney to process the documents and pursuant to 28 C.F.R. §16.9, you will be charged a fee of \$2.00 per quarter hour.

EX-115
MAR 19 1975

cc: FOI Unit
Federal Bureau of Investigation

REC-100

65-58236-2506
5-30
MAR 19 1975

330
70 JUL 29 1975

765

Facsimile

Marty
LEGAL COUNSEL

Any time expended by clerical personnel who assist in the processing will be charged at the rate of \$1.00 per quarter hour. We cannot assure you that a further search will result in the release of additional material and the fee established by the regulations will be charged whether or not the records you seek are released.

As you may know, the regulations (28 C.F.R. §16.3) and the Act require that a request reasonably describe records to which access is sought. With reference to your request contained in paragraph (d), regarding records pertaining to unnamed witnesses, it will be necessary for you to more precisely identify them so as to enable Department personnel to identify the documents you seek with a reasonable amount of effort.

Since your request extends beyond the Department's file in the Rosenberg case and may require a review of other individual files, such as any files that may exist on witnesses, it is not possible at this time to provide you with an estimate as to the costs involved in any further processing. After you have had an opportunity to review the previously screened materials and reformulate your request, we will be able to estimate the costs.

This estimate will not encompass the costs of review of files in other agencies of the Department such as the FBI, Bureau of Prisons or United States Attorney's Office for the Southern District of New York. We have directed copies of your request to the appropriate agencies within the Department of Justice for direct response to you. In that connection, we understand you have contacted directly the office of the United States Attorney for the Southern District of New York, where the Rosenberg trial took place, for records that office has on the case. Since you make reference to documents originated by agencies outside of this Department, such as the Departments of State and Defense, and the Atomic Energy Commission, you should direct your inquiries to those agencies, if you have not already done so.

Please feel free to call Departmental Attorney Mary Katherine Hembree (Telephone 202/739-3813) if you wish to make an appointment to examine the records currently available. If you wish, she will also assist you in reformulating portions of your request.

Sincerely,

JOHN C. HENNEY
Acting Assistant Attorney General

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.	.....
Director Sec'y	.....

MAY 1 - 1975

Mr. Rosen

Mr. and Mrs. Morton Sobell
626 Riverside Drive
New York, New York 10011

Julius Rosenberg

Dear Mr. and Mrs. Sobell:

This letter is to advise you that your administrative appeal to the Attorney General from the failure of the Federal Bureau of Investigation to complete the processing of your request under the Freedom of Information Act for information from the files of the Department of Justice relating to yourselves was received by this unit on April 28, 1975.

As required by the provisions of Title 5, United States Code, Section 552(a) (6) (A) (ii), you will be advised of the action on your appeal by the Attorney General in a further communication to be dispatched not later than May 27, 1975, unless a delay authorized by Section 552(a) (6) (B) is required, in which event you will be notified of the fact of the delay and the new date by which the response will be forthcoming.

Sincerely,

GEORGE J. SHEA, Jr., Chief
Freedom of Information Appeals Unit

REC-10

65-58236-2506X

cc: Federal Bureau of Investigation

16 AUG 7 1975

[Handwritten initials]

cc'd [unclear]

File [unclear]

RECEIVED
OFFICE OF THE

APR 25 9 05 AM '75

DEPUTY
ATTORNEY GENERAL

FREEDOM OF INFORMATION APPEAL

April 20, 1975

Attorney General
U.S. Department of Justice
Washington, D. C. 20503

Dear Sir;

Pursuant to the Freedom of Information Act, as amended, I requested the complete files on my case (trial C.134-245 Southern District of New York) from the FBI Director.

In response I received a letter dated April 7, which, in effect is a complete denial of my request, citing a lot of law which has no real bearing on the request.

I also direct your attention to the last paragraph of Mr Kelley's letter, in which he denies that the FBI engaged in having me kidnapped from Mexico, etc. Obviously there is nothing in the statute which protects your files from my scrutiny in this area.

This is a formal appeal to be allowed to examine the files, as requested in my initial letter to the FBI.

Please respond promptly, in accordance with the law.

Very truly yours

Morton Sobell
Morton Sobell
626 Riverside Drive
New York, N.Y. 10031

P.S. Mr Kelley's response did not tell me where I was to direct my appeal, as required by law. I am directing it to your attention, trusting it is the correct procedure, under the circumstances.

W

65-58236-2506X

ENCLOSURE

#99

RECEIVED
Freedom of Information Act
Department of Justice
Date: APR 28 1975

May 15, 1975

Marshall Perlin, Esquire
36 West 44th Street
New York, New York 10036

Dear Mr. Perlin:

This is in response to your letter to us of April 16, 1975 concerning your pending request on behalf of your clients, Michael and Robert Meeropol, pursuant to the Freedom of Information Act, for access to the records of this Department in the case of United States v. Julius and Ethel Rosenberg.

You advised that you have appealed from our "determination and failure to comply with the request made," and the matter has been referred to the Freedom of Information Appeals Unit for appropriate action. As you know, in our letter of April 16, 1975, we informed you that we had to ascertain the existence of records on the 101 names you submitted, and, as we also informed you in our May 2, 1975 letter, we have made definite progress in that regard. We are still waiting to receive the further identifying data we requested from you regarding the 21 persons about whom files may exist, but whose identity is doubtful. It should be apparent to you, that, contrary to your assertion, most, if not all, of the material requested has not been collected, collated, organized and encased under specified volumes and files. Your request is the broadest and most voluminous this Division has received for material purportedly related to the Rosenberg litigation.

REC-100 65-58236-2508 30
MAY 15 1975

With regard to your additional request for the grand jury minutes from the Southern District of New York and the District of New Mexico, we understand that you will receive direct responses from the respective United States Attorneys.

You further request to be advised as to whether or not the Department has copies of documents from the District of New Mexico that were "filiped." Obviously, we cannot make such a determination without your specifically identifying those documents.

70 JUN 20 1975
cc: FBI-FOI Unit
370

SECTION
REC'D REC MAILER 2

FOIA

We refer again to our letters of April 16 and May 2, 1975, in which we informed you that we will commence the necessary review of the files upon receipt of your advance payment of \$540.00, and that, in accordance with the Department regulations, your request is not deemed to have been received until you have submitted the advance deposit and agreed to pay the anticipated cost.

Sincerely,

JOHN C. KERRY
Acting Assistant Attorney General

Michael Sidorovich
Louis Sobell
Abraham Jacob Surovall
Harold G. Grey
Andrew Walker
Ben Zuckerman

With regard to other individuals from your list, we have files that may pertain to them but we are unable to make a determination because of the existence of files on individuals with identical or similar names. In order to avoid a time-consuming and expensive search of all such files, you should send us all possible identifying data, such as middle name, known aliases, if any, first name of married women, last known residence, date and place of birth, concerning the following individuals:

Arthur Barr
Solomon Bauch
James E. Carey
Florence Cohen
Evelyn Cox
Sylvia Danziger
Glenn Davis
Mr. Harbert Feinberg
Mrs. Harbert Feinberg
John Fitzpatrick
Mr. W. B. Freeman
Mrs. W. B. Freeman
Edward J. Garrett
Walter S. Koski
Samuel Levine
John W. Lewis
Max Miller
Sarah Powell
Stanley Rich
James H. Roberts
Ralph Carlisle Smith

We have no records concerning the remaining 52 individuals on the witness list (Mr. John A. Barry's name appeared twice).

For your information, it has not been the policy of the Department to open investigative or other files on persons who appear as witnesses in Federal criminal cases. Therefore, it was to be expected that there would be no files in Washington on any of the individuals whose names you submitted.

The general Rosenberg file consists of 90 sections, and we have been informed by the Federal Records Center that the records of the 27 individuals concerning whom we have tentatively ascertained that files exist, consist of 91 sections. Therefore, the scope of your request as of this date encompasses 141 file sections.

On the basis of the information we have acquired to date, and in accordance with the fee schedule explained in our letter of March 13, 1973, we now make a preliminary estimate that the cost to you of the necessary review will be \$2,300.00. We emphasize that this estimate is based upon the number of file sections we know that we will be required to review. If, as a result of additional information you furnish us concerning those persons about whom we have insufficient identifying data, other files are located, the cost will, of course, be more than the above estimate.

We request therefore, that you send us your check, payable to the Treasury of the United States, in the amount of \$540.00, representing the required advance deposit of 23% of the estimated fee.

Sincerely,

JOHN C. KERRY
Acting Assistant Attorney General

FBI

Date: 4/3/75

Transmit the following in _____
(Type in plaintext or code)

Via AIRTEL

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

(Priority) DATE 10/31/80 BY 3942 put-DJC

TO : DIRECTOR, FBI (65-58236)
(ATTN: INTD AND FREEDOM OF INFORMATION SECTION)
FROM : SAC, NEW YORK (65-15348)
SUBJECT: JULIUS ROSENBERG
ESP-R

Chief Assistant USA, SDNY, THOMAS J. CAHILL contacted the NYO on 3/31/75 and advised as follows:

He is answering the request for information by the Rosenberg Attorneys with a denial. However, he has been advised by MARSHALL PERLIN, attorney for the ROSENBERGS, that in the event he doesn't get what he wants he is prepared to go to court to get it. CAHILL anticipates he will have to appear in court representing the Government, and at this point is not aware of what is possibly being done by the Department or the Bureau on the overall question of what material if any might be turned over from the files.

CAHILL indicated that he has not received any instructions from the Department in regard to the handling of this matter. In addition, he is faced with the fact that he has no AUSA on his staff who is at all familiar with this case. He stated that he is now appointing an AUSA to start familiarizing himself with the case, but that this will take a period of time.

CAHILL expressed concern over the fact that he may soon find himself standing in USDC to answer a complaint by the defense, and he would like to be in a position to tell the USDJ that the Department and the Bureau have men who are working on the problem of determining what material, if any, can be made available. He stated that at this point he assumed that the Department and FBIHQ are working on this matter, but he does not know this officially.

2 Bureau (RM)
1 - New York (100-81002) (YAKOVLEV)
1 - New York
PFD:vpf
(5)

REC-100 65-58236-5-302510
REC'D REC FILED APR 5 1975

#35
[Handwritten signatures and initials]

Approved: [Signature] Special Agent in Charge
57 JUL 29 1975

Sent _____ M Per _____

~~SECRET~~

CAHILL also mentioned that the fact that, outside of legal briefs, which are actually part of the court record, the only material contained in the file of the USA are Bureau reports, all of which indicate these were the property of the FBI.

CAHILL was advised that all of the information previously furnished by him had been furnished to FBIHQ. He was told that the NYO was aware of the situation, but could not take any action or furnish him with any advice unless instructed to do so by FBIHQ.

CAHILL advised that he was in the process of writing a letter to the Department requesting some help in the handling of this matter, and intended to suggest that the Department might want to confer with FBIHQ on this matter.

The above is being furnished for information of the Bureau. It is pointed out that CAHILL is not familiar with details regarding this case, and is new in the position of Chief Assistant USA.

MAR 27 1975

Mr. Marshall Perlin
Attorney at Law
36 West 44th Street
New York, New York 10036

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/23/86 BY 3042 PUL/KOB

Dear Mr. Perlin:

This letter is to advise you that your administrative appeal to the Attorney General on behalf of your clients, Michael and Robert Meeropol, from the denial by Clarence M. Kelley, Director, Federal Bureau of Investigation, of your clients' request under the Freedom of Information Act for information from the files of the Department of Justice relating to Julius and Ethel Rosenberg was received by this unit on March 27, 1975.

As required by the provisions of Title 5, United States Code, Section 552(a)(6)(A)(ii), you will be advised of the action on your clients' appeal by the Attorney General in a further communication to be dispatched not later than April 24, 1975, unless a delay authorized by Section 552(a)(6)(B) is required, in which event you will be notified of the fact of the delay and the new date by which the response will be forthcoming.

Sincerely,

D

QUINLAN J. SHEA, Jr., Chief
Freedom of Information Appeals Unit

ENCLOSURE

cc: Shea
Mauser
McCright
Appeal File

REC-100

65-58236-2511

18 MAY 30 1975

370
70 JUL 29 1975

FILE

MARSHALL PERLIN
ATTORNEY AT LAW
36 WEST 44TH STREET
NEW YORK, N.Y. 10036

MAR 27 10 47 AM '75
DEPUTY
ATTORNEY GENERAL

March 22, 1975

MILTON H. FRIEDMAN

(212) 681-1686

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/23/86 BY 3042PUL/ROS

The Attorney General
United States of America
Attn: Freedom of Information
Appeals Unit
Washington, D.C. 20530

FREEDOM OF INFORMATION APPEAL

re: Request of Messrs.
Michael and Robert
Meeropol by letter dated
February 20, 1975

Dear Sir:

Mr. William J. Bender and myself, as attorneys for Messrs. Meeropol, do hereby appeal from the determination of Mr. Clarence M. Kelley, Director, Federal Bureau of Investigation, by letter dated March 13, 1975, denying access to and copies of the files and records of the FBI as requested by our clients by letter of February 20, 1975 and from each and every part of the denials contained in Mr. Kelley's letter, whether absolute or conditional and the grounds tendered by him for such denial, or any grounds which may be hereafter offered by him. This includes, but is not limited to, his refusal to produce for examination and copying the files and records of Julius and Ethel Rosenberg except those which relate solely to them, and Mr. Kelley further reserving to himself the power to produce even those records in the event he determines that exemptions under the FOIA may be applied and imposed.

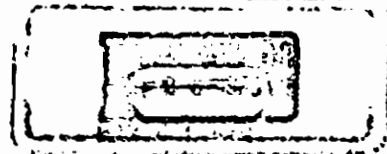
This appeal is taken, reserving to our clients any rights to further appeal any further denials in whole or in part of any files and records and papers requested by them in their letter of February 20, 1975.

It is further requested that this appeal be heard

65-58236-2511

#34

ENCLOSURE



The Attorney General
United States of America
March 22, 1975
Page 2


and determined expeditiously and forthwith, and that if any hearing regarding said appeal be afforded our clients we be so advised so that we may, at our option, appear and make written or oral statements regarding the same, all to be done within the time limits prescribed by statute, 5 USC §552 as amended.

Very truly yours,

William J. Bender

Marshall Perlin

By


Attorneys for Michael
and Robert Meeropol

MP:ra

cc: William J. Bender, Esq.

CERTIFIED MAIL

65-58236 -

March 25, 1975

Honorable Irving H. Saypol
Justice
Supreme Court of the State
of New York
County Court House
New York, New York 10007

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/23/96 BY 3042AWJ/AS

W.S.

Dear Judge Saypol:

This is to acknowledge receipt of your letter of March 13th enclosing a copy of an article by Associate Professor Allen Weinstein which appeared in the February, 1975, issue of the "Smith Alumnae Quarterly."

I greatly appreciate your taking the time to set the record straight regarding Professor Weinstein's reference to the death penalty in the Rosenberg case. My associates share my gratitude for your thoughtful letter.

Sincerely yours,
C. M. Kelley

Clarence M. Kelley
Director

MAILED 6
MAR 26 1975
FBI

1 - New York - Enclosures (2)

NOTE: Judge Saypol, who has been a good friend of the Bureau for many years, sets forth the facts surrounding the death sentence for Julius and Ethel Rosenberg. Professor Weinstein stated in his article "that prosecutors in the Rosenberg case originally opposed asking for the death penalty but were overruled by Truman Administration officials in Washington . . ." Professor Weinstein requested information from the FBI concerning the Alger Hiss case in the past and has been given some information. He is not satisfied with the information furnished and has brought suit under the Freedom of Information Act for additional information.

- 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 _____

JMS:clh

54 APR 16 1975

TELETYPE UNIT

94-401992-60572

ORIGINAL FILED IN

Supreme Court
of the
State of New York



IRVING H. SAYPOL
JUSTICE

JUSTICES CH.
NEW YORK COUNTY
NEW YORK, N. Y.

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

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/23/86 BY 3042 PWS/AB

March 13, 1974

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

Julius Rosenberg

Dear Mr. Kelley:

My daughter Barbara, now Mrs. Elliot Blinderman of Beverly Hills, California, an alumna of Smith College, Class of 1957, has sent me the enclosed photocopy of an article in the "Smith Alumnae Quarterly", February 1975 by Professor Alan Weinstein, entitled "Opening the FBI Files: An Interim Report". I direct your attention to the last page which she encircled with her comment "I thought you didn't ask for the death penalty. Is this error?"

I've enlightened her. Her question, as you can see, arises from Professor Weinstein's statement that FBI and Justice Department files have provided new insights * * * "that prosecutors in the Rosenberg case originally opposed asking for the death penalty but were overruled by Truman Administration officials in Washington." I don't know the basis for this statement nor do I know what records he speaks about. I do know the facts. The Professor is all wrong and he fabricates.

Preliminarily, when I had the honor of President Truman's appointment as United States Attorney, the prevailing sentencing practice in criminal cases in the United States District Court for the Southern District of New York began with the prosecutor's recommendation for punishment. This was contrary to the practice in the State Courts where the judge took no recommendations. As Chief Assistant to my predecessor, the late John F. X. McGohey, one of my assigned responsibilities was sentence recommendation. Upon succeeding him in 1949, I raised the subject with the late Chief Judge John C. Knox. He requested that I continue the practice of

65-58236-

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165 APR 14 1975

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 94-40792-60592

recommending sentence. In my six years in the office I recommended many such, hundreds, and I can count on my fingers the cases where judges modified my recommendation.

Now, to the point of the Professor's claim. I was never overruled by anybody. No one in Justice or out ever directed me, let alone overruled me on the matter of recommendation of sentence.

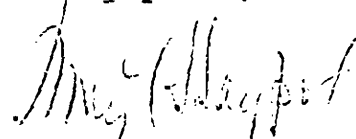
I was the only prosecutor in the Rosenberg case. While some of my assistants assisted in preparation for trial and I let four of them examine some of the witnesses, I took the lead. All policy decisions were mine and mine alone. Advice I sought and took, but I repeat, final decision was always mine.

On the matter of the Rosenberg sentences, I had decided to make the recommendations which later were imposed. I made no recommendation at sentence at the direction of the sentencing judge, in these circumstances. The day before sentence he asked for my views. I gave them and he inquired regarding the views of the Department of Justice. I had not solicited any. He asked me to seek these. I flew to Washington, met with the late Deputy Attorney General Peyton Ford and the late Assistant Attorney General in charge of the Criminal Division, James McInerney. They conveyed the views of your predecessor J. Edgar Hoover. There were differences all around among them, but capital punishment for one or both was in not out. I left to return to New York, asked to telephone to Peyton Ford that night for final word on possible reconciliation of their views. I did so but the Washington situation remained at variance. It was at a public function that night that I phoned Mr. Ford in the presence of the judge who was attending the same event. Upon narrating to him the Washington division I was then asked by the judge to refrain from making any recommendation for punishment the next day in the course of my closing statement at sentence.

There you have direct evidence of the facts in contradiction to Professor Weinstein's story.

You may use this in any way to keep the record straight.

Truly yours,



Irving H. Saypol

April 8, 1975

Mr. Leon Seidner
63 Franklin Street
Massapequa, New York 11758

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/23/86 BY 3042 PWS/HAB

Dear Mr. Seidner:

This is to acknowledge your recent request submitted to our New York Office and thereafter forwarded to, and received by the FBI Headquarters on March 17, 1975. Many communications encouraging the release of information, as well as requests for copies of the actual documents constituting the Julius and Ethel Rosenberg files, have been received.

Major FBI investigations involve considerable public interest. The notoriety stemming from recurring media coverage and the historical significance attributed to these cases generate especially troublesome problems regarding the release of documents contained in such investigative files.

Under the Freedom of Information Act, Title 5, United States Code, Section 552, several deliberations are required before release of any records, and one, requiring a page-by-page review of voluminous files, where cases of considerable notoriety are involved, is the matter of possible "unwarranted invasion of personal privacy." The conflict between a private citizen's quest for information whether for public dissemination or not and the privacy interests of numerous parties, their descendants or relatives, whose identities or participation in the investigation would be revealed, must be resolved.

1 - The Deputy Attorney General - Enclosures (2)
Attention: Susan M. Hauser

1 - Bufile 62-115530 (FOI-REPLIES)
① - Bufile 65-58236

SEE NOTE PAGE TWO

MLH:wjs (7)

65-58236-

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170 APR 18 1975

54 APR 21 1975

62-115530-408

ORIGINAL FILED IN

Mr. Leon Seidner

An early request for copies of the Rosenberg files, and documents concerning other major investigations, by a third party seeking historical publication, is presently in litigation, Weinstein v. Sarba, U. S. District Court, District of Columbia, Civil Action 2278-74. It is anticipated that judicial guidance with respect to the crucial issue of the public's needs versus privacy questions will be forthcoming. The processing of requests from all parties, particularly where major cases are involved, can then proceed in an orderly fashion, consistent with the law and the rights of all concerned.

Until the litigation relating to such requests is resolved, we solicit your cooperation and patience regarding this matter. If you would resubmit your request at a later date, after the litigation in this matter is resolved, we would be glad to commence processing your inquiry at that time.

You may appeal my decision in this matter by writing to the Attorney General: Attention: Freedom of Information Appeals Unit, Washington, D. C., 20530. The envelope and the letter should be marked "Freedom of Information Appeal." Additionally, judicial review is thereafter available either in the district in which you reside or have your principal place of business or in the District of Columbia, the location of the records to which you seek access.

Sincerely yours,

Clarence M. Kelley
Director

NOTE: The position adopted in this letter is consistent with our policy concerning all third party requests pertaining to the Rosenber files and other major investigations.

MARSHALL PERLIN

ATTORNEY AT LAW
38 WEST 44TH STREET
NEW YORK, N.Y. 10036

March 22, 1975

MILTON H. FRIEDMAN

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/23/86 BY 3042 PWS/AS (212) 861-1888

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

Julius Rosenberg

Re: Letter request of Michael
and Robert Meeropol of
February 20, 1975

Dear Mr. Kelley:

This is in response to your letter of May 13,
1975.

We must reject your suggestion that my clients
hold in abeyance their request for information under the
FOIA pending resolution of litigation initiated by
Professor Weinstein or indeed, anyone else. The request
of Messrs. Meeropol was a due and proper request which
should be honored now, and no litigation by others af-
fords any grounds for delay.

With reference to your denial of all FBI records
relating to anyone else other than Mr. and Mrs. Rosenberg,
as set forth in your second paragraph on page 1 of your
letter, please be advised that we will appeal from that
determination and denial. We note in your letter that
you have tendered grounds for refusing to produce files
based upon claims of personal privacy and confidentiality
of source and other exemption provisions of the FOIA.
Said appeal will be from the denial on the grounds articulated
in your letter of March 13, 1975 or any that you may hereafter
tender as grounds for refusal to produce. *D*

65-58286-2512
18 MAY 30 1975

You indicated that you will be producing portions

33
70 JUL 29 1975
ESD

Julius Rosenberg
FOIA
~~LEADERS~~

Mr. Clarence M. Kelley, Director
Federal Bureau of Investigation
March 22, 1975
Page 2

of your files "which relate solely to Mr. and Mrs. Rosenberg" providing that you determine that no other exemption provisions of the FOIA is applicable. We request that you produce those files and records of Julius and Ethel Rosenberg that you conclude can be made available to us now, my clients reserving to themselves the right to appeal from your determination not to produce any and all of such files and further, your limitation of such production to the files relating "solely to Mr. and Mrs. Rosenberg."

With reference to your statement to the effect that the production of even the latter documents will take "a considerable length of time," please be advised that the FOIA sets forth the time within which the records are to be produced by your agency, and we must request that you comply with that statutory provision and meet the time limits therein set forth. As we both know, your agency has been reviewing these records in light of several demands which have been made of you relative to this very matter for the past two years.

We would hope and expect that with your cooperation, the time limitations as provided by statute will be complied with.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Marshall Perlin". The signature is fluid and cursive, with the first name being particularly prominent.

Marshall Perlin

MP:ra
cc: William J. Bender, Esq.

CERTIFIED MAIL

FBI

~~SECRET~~

Date: MAR 17 1975

Transmit the following in _____
(Type in plaintext or code)

Via AIRTEL _____
(Priority)

~~TOP SECRET~~

TO: DIRECTOR, FBI (65-58236)
(ATTN: INTD AND FREEDOM OF INFORMATION SECTION)

FROM: SAC, NEW YORK (65-15348)

SUBJECT: JULIUS ROSENBERG
ESPIONAGE - R

Classified by 3042 *ant-DTC*
Declassify on: OADR
10/29/86

ReNYteletypes to Director, dated 2/28/75, and 3/14/75.

A thorough review of the NYO file regarding ANATOLI A. YAKOVLEV, aka YAZKOV, reflects that considerable information has been furnished regarding this subject by [redacted] (S) b1
The file fails to reflect, however, that any industry was ever made regarding YAKOVLEV [redacted] b1 refer

[redacted] S Bureau
It is felt the/may desire to have [redacted] (S) b1
contacted regarding their knowledge of YAKOVLEV. [redacted] u

It is realized the Bureau would not consider furnishing to the USA, SDNY, any information which could compromise [redacted] S but information from a source that could be substantiated to the USA. As the Bureau is aware Chief Assistant USA, SDNY, THOMAS J. CAHILL, would like to keep the matter against YAKOVLEV pending. [redacted] b1

The above is furnished for the information of the Bureau. [redacted] S
REC-105 65-58236-2513
MAR 19 1975

- 2 - Bureau (RM)
- 1 - New York (100-81002) (YAKOVLEV)
- 1 - New York

~~TOP SECRET~~
Classified by 3137
Exempt from GDS, Category 2&3
Date of Declassification Indefinite

PPD:lpn
(4)

~~SECRET~~

Approved: *[Signature]*
00 JUL 08 1975 Sent in Charge

Sent _____ M Per _____

*Copy on Yakovlev
S
3/14/75
3/15/75
104/pe 3/15/75
pls to WFO (with airtel) for action. Check with [redacted]*

*FILE
LAD JENSEL*

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI (65-58236)

DATE: 6/4/75

FROM : SAC, NEW YORK (65-15348)(P)

SUBJECT: JULIUS ROSENBERG
ESP - R

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 7/23/86 BY 3042 PWT/AB

On 6/3/75, DAVID GREENGLASS contacted the NYO, and advised as follows:

He stated he had just read a review of the book "We Are Your Sons", by ROBERT and MICHAEL PEROPOL. This review was written by LEO BRAUDY, and appeared in the New York Times Book Review of 5/25/75.

GREENGLASS advised that he was upset concerning the following sentence which appears toward the end of the article: "The question of the Rosenbergs' guilt will, one hopes, be settled by suits now pending against the prosecution for subornation of perjury (of David Greenglass) and against the F.B.I. under the Freedom Of Information Act."

GREENGLASS was advised that the NYO had no knowledge of any pending subornation of perjury matter.

On 6/4/75, Chief Assistant USA, SDNY, THOMAS J. CAHILL, advised the NYO that no such case is presently pending.

The above is being furnished to the Bureau for information purposes.

2 - Bureau (RM)
1 - New York

SI 104

REC-56

65-58236-2514

PFD:cd
(3)

JUN 9 1975

FIVE

