

Judge Blocks FBI From Destroying 30 Years of Documents in Archives

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A federal judge here yesterday blocked the FBI and National Archives officials from destroying as many as a billion FBI documents the agency has collected over the last 30 years, many of them records that historians, alleged victims of FBI abuses and others say should be preserved.

District Court Judge Harold H. Greene said that U.S. archivists over the last three decades, despite a congressionally approved mandate, have abdicated their authority to review FBI documents before the FBI destroys them.

The judge found that the FBI has destroyed millions of files without the required review to see if the documents are of historical interest or valuable to people trying to prove they were wronged by some FBI action.

The judge gave the FBI, Archives officials and other federal record-keepers 90 days to consult with historians and others, devise a plan to review the FBI documents, and get it approved by Greene before any further destruction of documents.

Greene ruled in a case brought by 11 civil-liberties, religious, peace and historian groups as well as 40 individuals, including Daniel Ellsberg, who leaked the Pentagon Papers, author Jessica Mitford, activist Angela Davis, and Michael and Robert Meeropol, sons of executed spies Julius and Ethel Rosenberg.

One of their lawyers, Marshall Perlin of New York, said the intent of the suit was "not to save every scrap of paper," but rather to systematically review documents before they are lost forever.

He said that among the 750 million

to one billion FBI documents are World War II Selective Service case files, political surveillance records, and papers dealing with the FBI's illegal wiretapping and "black bag" break-ins.

Greene said that from 1946 to 1976 not a single Archives employee saw any FBI documents before they were destroyed. "All decisions were made on the basis of representations of the FBI—representations which... were in some respects incorrect, and in all respects unverified," the judge said.

Some Archives officials testified at a hearing that they were capable of acting on FBI document-destruction plans without seeing the papers to be destroyed.

"The court finds those representations to be wholly incredible," Greene said.