

## OME RESEARCHERS OPPOSE DESTRUCTION

# FBI Plans to Pound 'Obsolete' Files Into Pulp

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WASHINGTON—In the months ahead, when people here send out for pizza or reach for a box of laundry detergent, chances are the products will be packaged in what once were classified FBI documents.

The agency, often criticized by civil libertarians for keeping too many files on too many Americans for too long, is preparing to winnow out nearly half of the "obsolete" materials that fill 18,000 file drawers in more than 60,000 square feet of floor space at FBI headquarters here.

This material, like the FBI's classified refuse, will be fed to a pneumatic hammermill in the FBI basement and pounded into a damp, egg-carton-like substance. Then it will be given to a recycler who will use the pulpy residue to produce paperboard, including boxes for pizzas, soap powder and similar products.

Some historians, biographers and other researchers fear that destruction of the records will erase potential grist for scholars, although the bureau says it has taken steps to ensure that this does not happen.

"We're damned if we do and damned if we don't," one FBI official said, reflecting on the irony of being caught between pressures to purge FBI files and to throw virtually nothing away.

John Rosenberg, an author who found that some FBI records he was seeking had been destroyed in an earlier purge of FBI files, contends that FBI recordkeepers and scholars operate on different wave lengths.

"An investigative agency's criteria for what is substantive simply are not the same as a scholar's," Rosenberg said.

The FBI set out its plan for disposing of many headquarters files in a "request for records disposition authority," submitted to the National Archives and Records Service last May 4.

The plan spells out in seven pages of single-spaced detail which files will be sent to the National Archives for permanent retention and which will be destroyed after specified periods, but James W. Awe, author of the plan, acknowledged in an interview: "Basically, it boils down to (retaining) cases of national media attention."

Like other government agencies, the FBI needs permission from the National Archives to dispose of its records. Existing authority for disposals was suspended in January, 1975, when the Senate created the Select Committee on Intelligence to investigate allegations of improper and illegal actions by the nation's intelligence agencies, including the FBI.

James E. Rhoads, the nation's archivist, has authority to approve the FBI's plan. But he sought the advice and counsel of Senate and House committees under a law that allows for such consultation when it is in the public interest or when the records area of special interest to Congress.

Perhaps indicating the sensitivity surrounding the subject of FBI files, eight months have passed and Rhoads has not received the advice of either the Senate Rules and Administration Committee or the House Administration Committee.

Chester H. Smith, chief counsel of the Senate panel, said he had bucked the request to the

Senate Judiciary Committee, explaining: "We don't know a damn thing about those files."

The Judiciary Committee plans to consider the proposed file destruction next month at hearings on FBI investigative guidelines, with Sen. Edward M. Kennedy (D-Mass.) as chairman.

As a result, the FBI central files continue to grow.

The delay is pleasing to researchers like Rosenberg who hope that opposition to the destruction will head it off.

Rosenberg's unhappiness over file purging grew out of his request for FBI records on Clifford Durr, a New Dealer who became a leading critic of President Harry S. Truman's loyalty program and clashed with FBI Director J. Edgar Hoover.

Working with Durr's widow, Virginia, Rosenberg last year began requesting "all the material in FBI files" on the couple.

Last Oct. 19, Rosenberg wrote to the FBI's Mobile, Ala., field office and he began receiving material on Nov. 8. However, C. Edwin Enright, agent in charge of the Mobile office, notified Rosenberg that two files on the Durrs "no longer exist as they were previously destroyed in conformity with a government-wide record destruction program." (This program covered field office, and not headquarters, files.)

Rosenberg inquired further, noting in a letter to Enright that because a significant part of his biography would cover the Durrs' "troubled relationship with the FBI over the years, the question of when the files . . . were destroyed is a matter of some importance."

Enright responded that the files had been destroyed on Nov. 3, 1977—two weeks after Rosenberg's request—"along with a multitude of other similar investigative-type materials."

Enright said that the material had been destroyed under an "immediately mandatory" directive from FBI headquarters covering such field office files.

"... There is absolutely no relation to the destruction of the two files and your FOIA (Freedom of Information Act) request," Enright said.

A complaint to the Justice Department brought a response from Quinlan J. Shea Jr., director of the office of privacy and information appeals. Shea said the incident was "extremely unfortunate" but that he was personally satisfied "that only administrative error was involved."

In a Dec. 9, 1977, memorandum to then-FBI Director Clarence M. Kelley, Shea proposed implementing "simple safeguards against destruction of records that have been the subjects of access requests."

But at FBI headquarters, Allen McCreight, chief of the freedom of information-privacy acts branch, said that the bureau was taking no such steps because field office material duplicated undestroyed headquarters files.

Rosenberg noted that he had received substantial material from a field office that was not duplicated in the files that FBI headquarters had sent him.

If material is again destroyed after it is sought, "I'm going to the attorney general and really raise some hell," Shea said.