

P.S. 2 to Mr. Shea, 3/17.78

Also in today's mail is the enclosed copy of a New York Times 3/15/78 story headed "F.B.I. Is Destroying Criminal Files on Cases Closed for Five Years."

I am appealing the destruction of any files that can possibly include records I requested so long ago, records the existence of which I have called to the Department's attention over a long period of time.

In this connection I call to your attention the first three paragraphs in particular.

They describe a situation that fits the records that have been withheld from me.

Criminal suspicions were fabricated to provide a cloak of legitimacy.

I do hope you will take steps to assure that there are no destructions until all these matters are resolved.

F.B.I. Is Destroying Criminal Files On Cases Closed for Five Years

By ANTHONY MARRO

Special to The New York Times

WASHINGTON, March 14—The Federal Bureau of Investigation, over the objections of some of its agents but with the consent of the National Archives, has begun to destroy the inactive criminal files in its field offices of cases that have been closed for five years.

The policy, which was approved by the bureau's executive conference about four months ago, calls for the destruction of all criminal files in the 59 field offices, providing that the case has been closed for five years, the subject of the file is not considered a threat to "national security" and the subject does not have any civil litigation pending against the Government.

James Awe, the F.B.I. agent who supervises the management of its 7,000 file cabinets of records, said today that material of substance would still be on file at bureau headquarters here in Washington and that most of the material to be destroyed would be "unfounded allegations that never resulted in Federal violations" that were proved.

Overreaction Is Seen

A number of agents said privately, however, that agents working on organized crime cases were concerned that information they considered important to the bureau's monitoring of criminal organizations could be lost.

"We're retreating full blast," said one, who did not want to be quoted by name. He suggested that the bureau had acted properly in deciding to limit its so-called "internal security" investigations, which often focused on fringe political groups, but then had "overreacted" to criticism

of the bureau, and had decided to purge its criminal files as well.

"Five years from now, we'll have to start all over again," he predicted. "It will be like 1957. There'll be another Apalachin and nobody will know who they are." His reference was to a meeting of alleged organized crime figures at a private residence in upstate Apalachin, N.Y., in 1957.

Others in the bureau disagree, and one senior official suggested privately that the bureau might be better off if many of its files were "burned before they're read," rather than waiting five years.

Mr. Awe said that because only the field office files would be destroyed there would still be records at headquarters that would contain summaries of any "substantive" information that was in them.

Several bureau sources said that a reason for the decision was that a number of persons had begun civil suits against the Government after using requests under the Freedom of Information Act to obtain information that the bureau had on file on them.

Mr. Awe, however, said that it was more of a routine management decision. "We're trying to manage these files, and it becomes a matter of cost effectiveness," he said. "It becomes a matter of using resources to maintain files when you don't need access to them anymore."

It could not be learned immediately how many files are scheduled to be destroyed under the new policy, which bureau officials said was not challenged by the Department of Justice. A bureau official said the usual method for destruction was shredder, incinerator or chemical agent.