

F.B.I. TOLD TO HALT FILES' DESTRUCTION

NYT 12 JAN 80
 Court Cites the Historical Value of Bureau's Data on Surveillance.

WASHINGTON, Jan. 10 (AP)—A Federal district judge ordered Thursday that the Federal Bureau of Investigation halt the destruction of wiretapping records, surveillance logs and other field office files until experts could decide which documents must be retained for their historical value.

Judge Harold H. Greene said that the bureau's records-disposal program was designed only to preserve files "necessary or useful for its operation." Federal law says that Government files should also be retained "for legitimate historical and other research purposes."

The suit was brought by historians, journalists, subjects of F.B.I. investigations and groups seeking to disseminate information about the bureau. Among the individuals are Angela Davis, Jessica Mitford, Paul Robeson Jr. and several persons connected with the 1950's espionage case of Julius and Ethel Rosenberg.

The judge ordered the United States Archivist, with the assistance of the bureau, to design a file-retention plan and submit it to the court within 90 days. No files, he added, are to be destroyed in the future before qualified historians and archivists have reviewed them.

In an opinion, he said that F.B.I. files "constitute a significant repository of the recent history of this nation, and they represent the work product of an organization that has touched the lives of countless Americans." He added: "The public interest demands that great care be taken before such records are committed to destruction."

The bureau contended that the files around the country were duplicated in Washington, but Judge Greene said that testimony had shown that that was not so.

"Raw investigative data—such as surveillance logs, wiretap records, verbatim informant evidence and the like—are ordinarily maintained solely in the field offices, and only summaries of the information are forwarded to and kept at headquarters," he concluded.

His opinion criticized not only the bureau but the archivist, who is required under the law to review files before they are destroyed. Archives employees had testified that they were able to pass judgment on the files without seeing them, the judge said, commenting, "It strains credulity to accept the proposition that such decisions can be made wholly by remote control."

Judge Greene did not rule on the plaintiffs' contention that the bureau was trying to prevent disclosure of improprieties. He said, however, that it appeared likely that the agency's concerns with the information statute were limited to minimizing the administrative difficulties involved in processing requests from the public.

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vestigations of stolen automobiles and most bank robberies, for instance, produce nothing that is useful to anyone after the needs of law enforcement have been met. These are files that can be destroyed once the FBI itself determines they have no further value. Keeping records merely for the sake of having them is a luxury that neither a Washington agency nor the taxpayers can afford. Government is not the Collier brothers.

But then there are the other FBI files. Its security investigations since the 1940s have probed the lives of famous Americans as well as millions of relatively unknown folk. Some of its criminal investigations—the pursuit of Al Capone through the Watergate cover-up—document important incidents in the country's history.

It is in these areas that a professional historian's judgment about what should be saved is vital, in relation not only to the documents themselves but also to the way in which the information in them was collected. By halting the further destruction of FBI files until that judgment has been reached, Judge Greene has done history and orderly record-keeping a favor.

ABOUT 400,000 PIECES of paper go into the files of the Federal Bureau of Investigation every day and—clearly—sooner or later most should be destroyed. But the FBI should not decide which. Judge Harold H. Greene was right last week to order the National Archives and Records Service to work out with the FBI a new way to distinguish between dispensable documents and those that should be kept because of their historical or legal value.

The history of what has happened to those files over the last 40 years is not reassuring. The FBI told the archivist—who has legal control over the destruction of government records—what it wanted to destroy and routinely, almost automatically, received permission to do what it wanted. The temptation must have been great to keep the documents that made the FBI look good and eliminate those that made it look bad. It is remarkable, given the looseness of the arrangements, that so much actually does remain in writing about the darker chapters in the FBI's history.

Most of the pages that go into the bureau's files each day have no prospective value as history. Its in-

Pittsburgh Lives!

and boilermakers, the latter being an aperitif rather than an occupation.

But understand well: Pittsburgh is no city of

ONE OF THE truly terrific things about being an American is participating in the discovery and assignment places in our nation. In the