

FOLLOW-UP

The F.B.I.'s Field Files

As a result of articles in *The Nation* and several newspapers complaining about the destruction of F.B.I. field office files,* the National Archives and Records Service recently undertook a review of the rules and procedures governing the disposition of those records. That review—"Disposition of Federal Bureau of Investigation Field Office Investigative Files"—has just been completed, and its conclusions will be of interest to readers of *The Nation*.

The review examines three issues: whether the F.B.I. is following the schedule approved by the National Archives for the destruction of field office files; whether F.B.I. procedures call for field offices to submit a full account of their actions to F.B.I. headquarters; and whether field office files contain significant documentation that is not duplicated in headquarters files. In each of these areas, the study concluded, the current standards and criteria for record destruction are sound, the F.B.I. is applying them fairly and conscientiously, and thus the field office files "do not have sufficient historical or other research value to warrant permanent retention." Continued destruction, in short, is given a green light.

The National Archives study team determined the adequacy of the F.B.I.'s reporting requirements by examining F.B.I. manuals and headquarters inspection reports of field office reporting practices. F.B.I. headquarters "requires strict adherence" to the rules, they concluded, rules that "can only be described as the most comprehensive coverage of FBI field office requirements imaginable—nothing appears to have been left to chance." An examination of F.B.I. manuals, the study asserts, "clearly shows that administrative procedures and investigative practices applicable to field offices creates [sic] information that more than adequately documents cases forwarded to FBIHQ. . . ." Further, it is claimed, headquarters inspections of the field offices insure that the latter report information "in strict conformance with regulations. . . ." These field office reports, the study continues, "serve not only to document in detail the results of the investigation, but also demonstrate that it was conducted logically and thoroughly in accordance with investigative procedures."

These conclusions could be accepted more readily were it not for the historical record of past abuses

that the F.B.I. is now so eager to destroy. Although paranoia is now becoming passé and in poor taste, it may be well to recall some of the dirty linen aired by the Church committee on intelligence activities before joining the National Archives in accepting the F.B.I.'s manuals, reports and inspections at face value. According to that committee's final report, F.B.I. inspections were part of the problem. Indeed, it states, "The Inspection Division became an active participant in some of the most questionable F.B.I. programs. For example, it was responsible for reviewing on an annual basis all memorandums relating to illegal break-ins prior to their destruction under the 'DO NOT FILE' procedure." Under this procedure, as Athan Theoharis writes in his new book, *Spying on Americans*, ". . . documents pertaining to 'sensitive,' 'illegal,' or 'embarrassing' activities were filed separately from other agency documents, and were not serialized; hence these documents could be [and were to be] destroyed without a retrievable record having ever been created of their existence."

As for F.B.I. manuals, at one time they explicitly stated that "Any investigation . . . regarding any allegation against Bureau employees must be instituted promptly, and every logical lead which will establish the true facts should be completely run out unless such actions would embarrass the Bureau. . . ." (Emphasis added.) When asked about this provision by the Church committee, Attorney General Edward Levi replied that he was informed the F.B.I. did not really mean it, that the provision dates back to 1955, and that the Bureau was taking immediate steps "to remove that phraseology" from the manuals.

Now it may be that the F.B.I. has experienced a spiritual rebirth, and its past sins have been cleansed by the purges of publicity, but until the proof of its conversion becomes more conclusive it would seem premature, if not downright gullible, to place undue weight on its own manuals, reports and inspections. To their credit, the National Archives study team did not rely on these items exclusively. They also examined seventy-six investigative files at field offices in Washington, New York and Chicago, of which seventy-two had headquarters counterparts. After comparing selected portions of field office and headquarters files, the study team concluded that enough "substantive" material was duplicated to justify the continued destruction of field office files. "Information . . . that proves of value to the outcome of the case," the report states, "appears to be consistently incorporated in summary form into an investigative report or other communication to headquarters."

As a historian who has had F.B.I. documents that I requested destroyed before they could be delivered and who has found significant material in field office files that was not duplicated in headquarters files released to me, I am troubled by this conclusion. The main problem, as I argued in these pages last June, concerns the overly narrow definition of what is "substantive." It may well be that the needs of a police agency can be met by saving only those documents

* See Athan Theoharis: "Double-Entry Intelligence Files," Oct. 22, 1977; Rosenberg: "Catch in the Information Act," Feb. 4, 1978; Rosenberg: "The FBI Would Shred the Past," June 3, 1978.

or rather, summaries of them—that are “of value to the outcome of the case,” but that standard does not meet the needs of researchers. There are and will continue to be a number of scholars studying not only the subjects of investigations but the investigative practices and procedures themselves. For these scholars, what the National Archives study terms “the non-productive aspects” of investigations—“the interviews of witnesses and sources, surveillance, searches of records, examinations of evidence, and other leads that ultimately prove of no value in bringing a case to a logical conclusion”—might well be of central importance, and this material is not forwarded to headquarters.

Moreover, many times there was literally no “case” at all, and the F.B.I.’s current procedures call for all material “pertaining to cases in which there was no prosecutive action taken” to remain in the field offices, where, as it happens, they qualify for destruction under approved guidelines. How many investigations of subversives, radicals, or “Rabble Rouser/Agitator(s)” (to pick one F.B.I. index heading) ever led to “prosecutive action”? Of course in the old days such records were regularly sent to headquarters, but, to slip for a moment back into a paranoid mood, is it fanciful to suppose that headquarters might now return to the field offices, to be destroyed, all records of cases where no “prosecutive action” was taken?

Finally, as I argued here last June (and it remains true), the amount of duplication between field office and headquarters files may become a moot question because of the F.B.I.’s pending request—now being considered by the Senate Judiciary Committee—to destroy most of the headquarters files themselves.

The National Archives might plausibly argue that it cannot save enough material to satisfy a potential biographer of every subject of an F.B.I. investigation, but that claim—even if granted—misses the point. Many researchers will remain interested in the pattern and practices of the investigations themselves. And it must be remembered, after all, that we are concerned here with material that documents one of the most important issues of 20th-century American history, an issue that the continued flow of freedom of information requests reveals to be of enduring interest. The criteria for retaining F.B.I. documents ought to be considerably more inclusive than those applied, say, to a boll weevil study group in the Agriculture Department. If the National Archives means to “serve as the nation’s memory,” as it claims in a brochure, then the Senate Judiciary Committee should see to it that we not forget as much as the F.B.I. and this supportive National Archives study recommend.

JOHN S. ROSENBERG

John Rosenberg is at work on a biography of Clifford Durr, who, as president of the National Lawyers Guild in 1949, called for an investigation of F.B.I. abuses.