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Dear Friend:

The lawsuit to prevent the FBI from further destruction of files will be strengthened by including a broad and representative list of plaintiffs. The enclosed material, pursuant to the request at the March 23, 1979 meeting at the Center for Constitutional Rights, describes the project.

We hope that the questionnaire will provide information which will help identify plaintiffs as well as providing supporting data for the complaint. Feel free to photocopy these materials to send to individuals or groups who may be interested, or have them write FOIA, Inc. directly.

Sincerely yours,

Dorothy R. Steffens
Executive Director



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"SAVE THE FILES" INFORMATION SHEET

This questionnaire will help identify possible plaintiffs. Please fill in as much of the requested information as possible to help ensure that the list of original plaintiffs represents the many movements, groups, individuals and professionals interested in saving FBI files from further destruction.

Name _____ Phone # _____

Address _____

Organization (if any) _____

Organization address _____

1. Have you requested files from the FBI under the FOIA?

_____ No. (If no, please go to question 6).

_____ Yes. (Please complete the following).

2. Date(s) of request(s) _____

Were files requested (check all the following which apply)?

_____ Your own _____ An organization (specify) _____ An event (specify)

_____ A publication or other written material (specify)

3. Where did you send the request?

_____ Headquarters _____ Field Office (specify) _____ Other (specify)

4. What was the response?

_____ Date _____ # of pages _____ Nature of material

_____ Date _____ # of pages _____ Nature of material

(Use additional page if necessary)

5. Were any pages withheld? _____
State quantity, if known

*Please attach photo copies of any letters or documents which indicate material sought is no longer available or has been destroyed.

6. If you did not request files, is your interest in preserving FBI files:

Personal _____ Organizational _____ Historical/professional
Scholarly _____

Please amplify: _____

7. What kinds of files and which years are you interested in?

Women's groups, year _____ Minority rights, year _____ Labor, year _____
Civil rights, year _____ Environmental, year _____ Nuclear, year _____
Civil liberties, yr. _____ Peace group, year _____ Other _____

8. What would you like to see the court do as a result of this suit?

I am _____ am not _____ interested in being a plaintiff.

Signature,

Date

FOIA, INC. "SAVE THE FILES" PROJECT

The Fund for Open Information and Accountability, Inc. (FOIA, Inc.) is sponsoring litigation to enjoin agencies of the U.S. government from destroying files. The lawsuit, on behalf of a number of historical, religious, scientific, women's, civil rights, labor and anti-war organizations and individuals, is urgently needed to prevent further burning and shredding of politically and historically significant materials.

The FOIA, Inc. Executive Committee voted unanimously to support this action after recently-concluded agreements between the National Archives and Records System (NARS), the FBI and the Department of Justice resulted in an accelerated program of destruction of primary source materials contained in FBI files. Early injunctive relief is essential to prevent important documents from being lost for all time.

These materials constitute a significant part of the U.S. people's history of the past four decades, much of which has not yet been written. It is the history of labor struggles, the Cold War and McCarthy periods, and the day to day battles of peace and minority rights groups, environmentalists, the rising women's movement, scientists, actors, writers and journalists who defied and resisted legislative witch-hunts and Executive Branch purges in defense of the U.S. Constitution.

In addition to enjoining destruction of files, the suit will also establish the need for proper procedures which must be followed by government agencies before destruction can take place, procedures which will safeguard and expand the public's right-to-know. Currently, a major consideration behind destruction policies is the protection of agencies and officials from the embarrassment of revealing illegal activities, as well as "housekeeping" and "administrative convenience", rather than the fundamental principles of public access to information and open and accountable government.

The organizational and individual plaintiffs' interests, as well as the interest of the general public, are being irreparably harmed by the accelerating rate at which files are disappearing. The urgency of the litigation is underlined by the following facts:

- The Department of Justice, the FBI and the National Archives and Records System (NARS) have agreed that the FBI can destroy files over five years old in FBI field offices where the primary investigative materials, including records of burglaries, illegal electronic surveillance and political disruptions, are housed.

The FBI has already instructed some field offices to destroy files that are only six months old. Permission is now being sought to destroy headquarters' files after ten years. This would leave absolutely no record of many popular dissent activities and the government's programs to disrupt and destroy them.

- FBI Director William H. Webster has made repeated public calls for a ten-year "moratorium" on release of all investigative files. Coupled with the destruction of records six months or older, this would in fact eliminate public release of any files. The Department of Justice recently admitted that Webster "may be acting as a kind of lightning rod, using the speeches to test public reaction...."

FBI destruction policies have already resulted in the loss of valuable material with grave implications for historical accuracy as well as for legal redress. For example, Dr. Harold Fruchtbaum of New York City, in pursuing historical research on David Greenglass, has been told that numerous documents he sought have already been destroyed. FOIA, Inc. has received information from other individuals who made requests for their personal FBI files and were told that their files were destroyed after receipt of their requests.

The attorneys for Robert and Michael Meeropol, after forcing the release of more than 200,000 pages of files in the case of Ethel and Julius Rosenberg, have found that thousands of documents and dozens of entire files have been improperly and illegally destroyed, many of them after a court order in 1975 directing their preservation. When asked to explain how these thousands of pages could have been destroyed (some as recently as 1978) in the face of the Court's instructions to the contrary, neither the FBI nor their attorneys in the Department of Justice could offer an explanation. The still-far-from-complete Rosenberg record, that part of it which has been secured to date after more than five years of costly litigation, is now in FOIA, Inc. archives where it is being used by scholars and historians.

The injunction litigation is being prepared in behalf of a large group of organizational and individual plaintiffs who know, or have reason to believe, that the present destruction policies being pursued by the government will result in irreparable damage. The list of those who have expressed interest in being plaintiffs includes the American Friends Service Committee (AFSC), Women's International League for Peace and Freedom (WILPF), Interchurch Fund for Community Organization (IFCO), The Independent Eye, Jessica Mitford, Paul Robeson, Jr., Ann Braden, Cora Weiss, Dr. Harold Fruchtbaum and others.

Suggestions for additional plaintiffs or supporters of the Complaint are invited. Organizations and individuals who have an historical or professional concern for preserving political information, as well as those who have reason to believe files in which they are interested may be or have been destroyed, are particularly welcome. Journalists, scholars or others whose requests for information under the Freedom of Information Act were unsuccessful because the material is no longer available are urged to send copies of such correspondence to FOIA, Inc. legal counsel, Bonnie Brower.

FOIA, Inc. (a tax-exempt educational organization) works to enforce, defend and strengthen the Freedom of Information Act, to ferret out the truth about the government's programs and activities to disrupt, harass and destroy the civil rights, anti-war, women's, anti-nuclear and other people's movements. Research, analysis, and publications based on the Rosenbergs' and other files, and education about the Freedom of Information Act are its primary focuses.

FOIA, Inc. sponsors include such distinguished American writers, historians, scientists, performing artists, lawyers and social activists as Edward Asner, Noam Chomsky, Barry Commoner, Vern Countryman, Robert Heilbroner, Kate Millett, Harold Urey, Rev. Cecil Williams, Ruth Messinger, and Congressmen John Conyers, Ronald Dellums, Parren Mitchell and Ted Weiss.

We invite queries about the litigation and/or about other work of the Fund for Open Information and Accountability, Inc.

PRESS RELEASE

FOR IMMEDIATE RELEASE

For further information contact:

Kevin O'Donnell

(202) 797-9825

A coalition of civil liberties and church groups today asked Congressional leaders to block recent FBI efforts to destroy past criminal case files located in the Bureau's Washington Central Office.

Under current authorization the FBI can destroy field office files after five (5) years. However, the FBI is currently requesting permission from Congress to destroy Washington Central files after ten years.

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The letter, which was sent to members of both Senate and House Judiciary and Intelligence Committees urged Congressional leaders to reject the FBI proposal. Reverend Barry Lynn, Policy Advocate for the United Church of Christ stated that, "it would be scandalous for the government to condone the the destruction of vital FBI documents. If we destroy the evidence of past investigatory abuses, we are much more likely to have such tactics repeated in the future."

Kevin O'Donnell, Associate Director of the Church of Scientology's National Commission on Law Enforcement and Social Justice, described the recent FBI request as "an action which flies in the face of the Freedom of Information Act (FOIA) and continues to create a climate of suspicion with respect to the FBI and it's activities". He pointed out that Director Webster has also recently called for a ten year moratorium on public access to investigatory files. O'Donnell stated that "these two actions simultaneously implemented would result in complete inaccessibility to FBI criminal investigative files which would render the Freedom of Information Act utterly useless".

Jeff Goldberg, Co-Director of the Assassination Information Bureau, stated that "it is necessary that these files be preserved - without them we cannot understand what actually happened in the 1960's and 1970's in American politics".

Esther Herst, Director of the National Committee Against Repressive Legislation, stated that their main concern was "the threat of losing access to vital information about FBI abuses of citizen rights and the rights of many other organizations that have exercised their First Amendment Rights and as a result have been held under surveillance and harassed by the FBI. Without access to that information it will be impossible to exercise meaningful controls in the future".

In recent months Director Webster has called for a ten year moratorium prohibiting public access through the Freedom of Information Act to closed criminal investigative files. The Director has appeared before Congress to discuss this and other measures to reduce public access to FBI files.

The FBI's contention that the FOIA was detrimental to law enforcement was rejected in a recent Government Accounting Office study which revealed that law enforcement agencies had no evidence to support this claim.

Many civil liberties and church groups have become increasingly concerned with the FBI's recent attack on the Freedom of Information Act. As cited in today's joint letter, crucial information disclosing FBI activities directed against Dr. Martin Luther King found in FBI field office files was not available at the Central Headquarters of the Bureau.

The information, if it had been destroyed in the field offices would have prevented public knowledge of disruptive FBI tactics directed against Dr. King.

The letter also stated that according to legal and research staff involved in the Rosenberg case a total of 42 files running into thousands of pages of documents were discovered to have been destroyed by the FBI despite a Federal District Court order enjoining the FBI from destroying any of the files requested in the case.

Other groups signing the letter included the United Methodist Church, United Presbyterian Church, the Unitarian Universalist Association, Project for Open Government and the Committee for Grand Jury Reform.