

# F.B.I., for First Time, to Expunge Record of Legal Federal Arrest

By LINDA CHARLTON

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WASHINGTON, July 14—The shadow that had darkened the life of a respected school administrator for 24 years has been lifted by a recent agreement of the Federal Bureau of Investigation to expunge her arrest record—the first time this has been done in a legal, Federal arrest.

The F.B.I. "stipulation," or binding agreement, was signed June 24, after a suit was filed Sept. 23, 1974, in United States District Court here by the American Civil Liberties Union on behalf of the woman, identified only as "Jane Doe."

Previously, according to John H. Shattuck, the A.C.L.U. lawyer who handled the case, the F.B.I. has agreed to expunge legal arrest records if they are on state charges and such erasure is required by state statutes when charges are dismissed. Records of arrests later

ruled to be illegal—such as those of the 13,000 Mayday demonstrators in 1971—have also been expunged.

The stipulation in the case, Mr. Shattuck said, sets a precedent in the nontechnical sense that it will "make it difficult for the F.B.I. to take a different position with respect to other people" in similar circumstances.

### 1947 Arrest With Husband

In the complaint filed last September, the plaintiff, Jane Doe, is described as "a senior education official in the public school system of a major American city" who has "published widely in professional journals and has been awarded certificates of appreciation from governors of a state in which she has served periodically as an educational consultant."

But back in 1947, when she was 20 years old, she married the pseudonymous "James Pow," and four years later she and her former husband were

arrested on charges of transporting stolen property in interstate commerce. The charges against her were subsequently dismissed when it was shown that James Poe had concealed from her "the fact that he had stolen property and transported it in interstate commerce during the trip on which she had accompanied him."

James Poe was convicted and sentenced, in 1954, Jane Poe obtained a statutory annulment of her marriage on the grounds that he had concealed not only this crime but also his prior criminal record.

Since then, she has remarried, obtained her doctorate, and had, the complaint states, "an extraordinarily useful and productive career."

But the record of the arrest remained in the F.B.I.'s files, and the complaint alleges that "the life of the plaintiff has been continually overshadowed by her well-grounded apprehen-

sion that the record of her seizure will be exposed or disseminated by the defendants, causing her loss of employment, professional status and private life."

### Fear of Blackmail Cited

She has bypassed opportunities for promotion from fear that the record will be disclosed, the complaint says, and has been in "continual jeopardy" of dismissal, loss of pension rights, or even blackmail.

The stipulation to which both the F.B.I. and Jane Doe agreed states that the bureau will physically destroy her record, "together with any record information derived therefrom," and will remove her fingerprints and name card within 30 days.

The F.B.I. will also notify the appropriate offices in Los Angeles and Detroit of which have her fingerprints on file, to destroy them.

Within 30 additional days, the bureau will notify all agencies to which the record has been sent to destroy these as well. The stipulation notes that the agreement "does not represent a binding precedent or policy."

Jane Doe, described as being at "a crucial point in her career," can now proceed without fear of the past. "She really feels rejuvenated, is the way she put it to me," Mr. Shattuck said.